



# PLAN NATIONAL D'ACTION POUR LA MISE EN ŒUVRE DES PRINCIPES DIRECTEURS DES NATIONS UNIES RELATIFS AUX DROITS DE L'HOMME ET AUX ENTREPRISES

## National Action Plan

### for the United Nations Guiding Principles on Business and Human Rights

#### Proposal for Action No.1

Actions underway	Ministry responsible
France is participating in work carried out by the UN intergovernmental working group on transnational corporations and other business enterprises with respect to human rights, which has been mandated to elaborate an international legally binding instrument, subject to the integration of parameters defined with our European Union partners, in order to ensure that the process respects the unanimity and integrity of the UN Guiding Principles (applicability to all businesses, consultation with businesses and integration of UN Guiding Principles).	MAEDI
France promotes the <u>Group of Friends of Paragraph 47 of the Rio + 20 Declaration</u> . France supports the reinforcement of reporting requirements in the environmental, social and governance fields, especially with respect to the implementation of the <u>Sustainable Development Goals adopted on 25 September 2015</u> .	MAEDI/MEEM
France encourages States to ratify and apply ILO conventions, especially fundamental conventions, by making full use of the supervisory system.	MAEDI/TRAVAIL



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France seeks to ensure that the issues of decent work, occupational health and safety and supply chains are addressed by the G20, particularly by working with Germany, whose presidency runs from 2016 to 2017. It also seeks to build on the G7's commitments to the UN Guiding Principles in 2015, as well as commitments made during the International Labour Conference in June 2016, one of the three themes of which was "decent work in global supply chains".	MAEDI/TRAVAIL /MINEFI
France actively contributes to OECD activities in the field of responsible business conduct, particularly its work on due diligence (in the textile and finance sectors) and reinforcing the OECD Guidelines to mark their 40th anniversary (from June 2016 onwards).	MINEFI
France supports the implementation of the ICESCR, in particular in the economic and technical fields, through national efforts and international assistance and cooperation.	MAEDI
The French Government and French businesses are committed to addressing their actions' adverse impacts on populations in regions in which they operate, in France and abroad, in accordance with the country's obligation to provide protection under the ICESCR.	MAEDI/MINEFI
As outlined in the UN Guiding Principles, France encourages embassies to be vigilant with respect to the human rights and environmental performances of French economic actors. In particular, the French Ministry of Foreign Affairs and International Development has sent the CSR guide to all diplomatic posts since 2015.	MAEDI



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Actions to be implemented	Ministry responsible
Implement the UN Guiding Principles in the battle against climate change, following commitments made during COP 21.	MEEM
Work to enhance cooperation between the World Trade Organization (WTO) and ILO to better integrate international social standards on responsible production processes and methods (for example, targeting child labour and forced labour), in order to promote a level playing field that takes into account existing frameworks and regulations.	MINEFI/TRAVAIL

### Proposal for Action No.2

Actions underway	Ministry responsible
France has made human rights a requirement in non-financial reporting following the transposition of European Directive 2014/95/EU of the European Parliament and of the Council of 22 October 2014 amending Directive 2013/34/EU as regards disclosure of non-financial and diversity information by certain large undertakings and groups.	MINEFI
France is promoting the notion of due diligence at the European level to encourage the creation of a common framework based on the legislative framework adopted in France.	MAEDI/MINEFI



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France has transposed the European Directive on trade secrets into national law, allowing businesses to protect trade secrets while assuring the necessary transparency of business activities and conduct, and the protection of whistleblowers acting in the public interest.	MINEFI
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France's General Secretariat for European Affairs will support this work and distribute relevant documentation to lead ministries, in order to guarantee inter-ministerial coordination on European issues and their assessment by European institutions.

### Proposal for Action No.3

Actions underway	Ministry responsible
France has undertaken to promote the UN Guiding Principles in its trade relations with other States and confirms its commitment to the hierarchy of norms when signing trade and investment agreements.	MAEDI
France also checks that all trade and investment agreements comply with international human rights law.	MAE/MINEFI
France, working with other European partners who support this initiative, is building on proposals made to the previous European Commission (in March 2013) to reinforce social and environmental standards in free trade agreements and monitor their enforcement.	MINEFI



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France supports the inclusion of a new European model investment chapter in all EU trade negotiations and, in the long run, the adoption of this approach in bilateral French agreements, in order to reinforce States' right to regulate and overhaul investor-State dispute settlement procedures.	MINEFI
France contributes to the debate on setting up a permanent multilateral court to deal with investment disputes.	MAE/MINEFI
<b>Actions to be implemented</b>	<b>Ministry responsible</b>
Monitor compliance with the recommendations issued by the Committee on Economic, Social and Cultural Rights in its opinion of 24 June 2016.	MAE/MINEFI
Encourage impact assessments to be completed before and after agreements are concluded and make all free trade agreements conditional on the inclusion of human rights clauses and the prioritization of the UN Guiding Principles.	MINEFI
Ensure that sustainable development chapters in EU free trade agreements are binding and enforceable under these agreements' dispute settlement mechanisms.	MINEFI
Support responsible businesses by giving goods and services produced in compliance with human rights obligations better access to French and European markets.	MINEFI



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Initiate discussions on the consequences of failing to respect human rights and the inclusion of human rights in policies tackling unfair competition.	MINEFI
Contribute to debate on recognizing the concept of a group of companies in the EU.	MINEFI/JUSTICE

France's General Secretariat for European Affairs will support this work and distribute relevant documentation to lead ministries, in order to guarantee inter-ministerial coordination on European issues and their assessment by European institutions.

### Proposal for Action No.4

<b>Actions underway</b>	<b>Ministry responsible</b>
The State and local government are committed to promoting and respecting the UN Guiding Principles in all of their activities— as lawmakers, employers and producers.	MINEFI
The State is committed to ensuring that businesses in which it holds shares respect human rights and the environment.	MINEFI
France ensures that the UN Guiding Principles and other established international texts are respected in public procurement guides, public procurement policies and training for purchasers.	MEEM
France is implementing the act on the corporate duty of vigilance.	MINEFI



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Actions to be implemented	Ministry responsible
Give government services the financial and material resources required to monitor the enforcement of the UN Guiding Principles.	MINEFI
Encourage the centralization of documentary resources for economic actors so they are more easily accessible by creating, for example, a digital platform for business and human rights.	MINEFI

### Proposal for Action No.5

Actions underway	Ministry responsible
<b>COFACE</b>	
COFACE Government Guarantees and the Ministry of the Economy and Finance are currently examining whether to implement an IT module widening the scope of checks, to highlight at-risk industries or countries in the short, medium and long term. This would make it possible to check compliance with the UN Guiding Principles by reviewing all credit insurance operations and assessing human rights risks.	MINEFI
COFACE is continuing efforts to make information on reasonable due diligence in the social and environmental fields (which include human rights) visible and accessible on its website.	MINEFI
<b>AFD</b>	
When evaluating extractive industry projects, the AFD ensures that funding recipients comply with the Extractive Industries Transparency Initiative (EITI), without excluding those who respect EITI standards but are not based in EITI countries.	



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The AFD supports the implementation of universal social protection and the promotion of initiatives to develop decent work (the creation of decent jobs, skills upgrading, training and the transition towards sustainable employment) in accordance with the AFD's partnership with the International Labour Office and the priority areas in the ILO-France partnership agreement.	MINEFI
The AFD has implemented a grievance management mechanism to deal with environmental and social complaints.	
The AFD is reinforcing CSR and human rights criteria in 80% of pending public works contracts with high social and environmental impacts.	MINEFI
The AFD is working to reduce gender inequality in AFD-funded operations <sup>1</sup> .	
The AFD is reinforcing the human rights focus of social clauses.	
The AFD seeks to ensure that this policy regarding “non-cooperative jurisdictions” is respected.	
<b>Actions to be implemented</b>	<b>Ministry responsible</b>
Allocate the resources necessary to raise business awareness of the OECD Guidelines in AFD- and COFACE-funded operations.	
Make AFD funding for businesses conditional on implementing or undertaking to implement non-financial reporting and a CSR due diligence plan for projects, or on the enforcement of host country or international standards.	MINEFI/MAEDI

<sup>1</sup> In line with its framework for crosscutting action on gender, AFD has committed to ensuring that at least 50% of operations funded in foreign countries in 2017 are graded 1 or 2 by the OECD Development Assistance Committee gender equality policy marker (with the exception of AFD funding in the form of global or sectoral budget assistance or unallocated credit lines). In 2015, 39.4% of operations met this criterion.





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### Proposal for Action No.6

Actions to be implemented	Ministry responsible
Complete comparative country risk and industry risk analyses.	MINEFI
Hold collective discussions on risk analysis.	MINEFI
Look into creating a database combining embassy information and information from other sources (business circles, international organizations, trade unions, NGOs, etc.). ”.	MINEFI/MAEDI
Produce and distribute an educational document summarizing and comparing the main international texts by allocating sufficient resources, particularly to the main public websites concerned.	MINEFI/MAE
Continue to distribute the information brochure and raise awareness among embassies.	MAEDI
Provide training, particularly to staff of the central and local government, on human rights and environmental obligations for businesses (in business schools, engineering schools, the judiciary, etc.).	MAEDI/MEEM/ MINEFI/TRAVAIL



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### Proposal for Action No.7

All sectors	Ministry responsible
Reinforce due diligence, particularly in sectors and countries at risk of human rights abuses.	MINEFI/MAEDI
Encourage French businesses to develop and implement due diligence plans on the basis of their size.	MINEFI/MAEDI
Capitalize on the observations in the French NCP's report on the textile and garment sector and begin promoting and adapting these recommendations so they can be enforced in all sectors.	MINEFI
<b>The agricultural and food sector</b>	
<b>Actions underway</b>	<b>Ministry responsible</b>
Partner States are encouraged to apply the Voluntary Guidelines on the Responsible Governance of Tenure of Land (VGGT) and the Principles for Responsible Investment in Agriculture and Food Systems (RAI).	MINEFI/MINAG RI
Recommendations in the Guide to Ex-Ante Analysis of Agricultural Investment Projects that Affect Land and Property Rights are being integrated into the AFD's due diligence procedures in the land, social and environmental fields.	MINEFI/MINAG RI



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Actions to be implemented	Ministry responsible
Ensure the VGGT and RAI are respected by French economic actors abroad. Training on the implementation of these principles and directives will be offered to government employees (in embassies and economic services) and agencies.	MINEFI/MAEDI
<b>The textile and garment sector</b>	
Actions underway	Ministry responsible
France is continuing to raise awareness of the NCP report issued on 2 December 2013, and monitor the implementation of its recommendations in the French textile, garment and distribution sectors.	MINEFI
France is helping to finalize the OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector.	MINEFI
France is promoting the mutualization of audits by outsourcing companies through the working group created by the Ministry of Labour and relevant actors in cooperation with ILO, in connection with initiatives currently being examined by the OECD and European Commission.	TRAVAIL
France is determining whether to support the “Vision Zero Fund” following the G7’s Leaders’ Declaration at Elmau.	TRAVAIL



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<b>The extractive sector</b>	
<b>Actions underway</b>	<b>Ministry responsible</b>
France has launched an ambitious process to become an EITI country.	MINEFI
France raises awareness among French businesses of their due diligence obligations with respect to mineral supply chains as set out in relevant regulatory initiatives (the OECD Due Diligence Guidance, the EU Conflict Minerals Regulation and national law on due diligence).	MINEFI/MAEDI
<b>The financial sector</b>	
<b>Actions underway</b>	<b>Ministry responsible</b>
France promotes, at the national and European levels, investment policies that incorporate due diligence and highlight the principles and practices of institutional investors.	MINEFI
France promotes initiatives and commitments by the financial sector, particularly those based on the Equator Principles and the Thun Group.	MINEFI
France is examining whether to extend environmental, social and governance reporting requirements for institutional investors in Europe to cover human rights.	MINEFI



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### Proposal for Action No.8

Actions underway	Ministry responsible
France encourages and enhances the commitments made by businesses to comply with internationally recognized human rights standards.	MINEFI
France encourages businesses to adhere to the UN Global Compact or other voluntary initiatives such as ISO 26000 or the Voluntary Principles on Security and Human Rights, which help spread the UN Guiding Principles.	MAEDI
France is reinforcing training for employees on issues related to business and human rights.	MINEFI
The French Ministry of Foreign Affairs and International Development issues advice for businesses operating in conflict zones and/or high-risk areas.	MINEFI
Actions to be implemented	Ministry responsible
Monitor the implementation of legislation requiring some companies to disclose due diligence plans addressing subsidiary and subcontractor risks at each level of the supply chain, and, if necessary, take measures to enforce this legislation.	MINEFI
Help achieve the Sustainable Development Goals.	MEEM



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Reinforce human rights requirements in purchasing criteria.	MEEM
Promote social dialogue and employee expression as tools to reinforce respect for human rights at all levels of the supply chain.	TRAVAIL

### PROPOSAL FOR ACTION NO.9

<b>Actions underway</b>	<b>Ministry responsible</b>
Training efforts are being continued, especially in the fields of purchasing, employee representatives, etc.	MEEM/TRAVAIL
Measures may be examined with businesses to encourage adherence to rules on the products authorized for sale and consumption in countries that have ratified the UN Guiding Principles.	MINEFI



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### Proposal for Action No.10

Actions underway	Ministry responsible
The following points are key to the implementation of risk management measures:	MINEFI/MEEM
- Impact assessments must be completed for new operations, projects, commercial relationships, countries, etc.;	
- Human rights risks must be regularly evaluated for all of the business's operations, and action plans implemented for the risks identified.	
- Issues specific to the operation, country and commercial relationships must be addressed.	
Actions to be implemented	Ministry responsible
Promote the completion and publication of voluntary impact assessments, ensuring that all appropriate stakeholders are included (if necessary, through the free, prior and informed consultation of populations), particularly rights holders for companies that are not required to complete project-specific impact assessments, and ensure these assessments are monitored.	MINEFI/MEEM



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### Proposal for Action No.11

Actions underway	Ministry responsible
Encourage the generalization and reinforcement of international framework agreements that include human rights criteria, measures to regularly monitor their implementation and ex-post evaluation mechanisms.	TRAVAIL

### Proposal for Action No.12

Actions underway	Ministry responsible
France ensures staff representative bodies have sufficient operating resources to defend human rights.	TRAVAIL





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### Proposal for Action No.13

<b>Actions underway</b>	<b>Ministry responsible</b>
France is continuing to implement monitoring indicators and communicate with external stakeholders on business commitments and enforcement under the UN Guiding Principles on Business and Human Rights.	MINEFI
<b>Actions to be implemented</b>	<b>Ministry responsible</b>
Implement provisions to help transpose the European Directive on non-financial reporting into French law.	MINEFI

### Proposal for Action No.13

<b>Actions to be implemented</b>	<b>Ministry responsible</b>
Amend Article 113-8 of the Criminal Code so that a prosecutor's decision not to open an investigation into a complaint lodged by the victim of a crime committed by a French entity abroad can be appealed.	JUSTICE
Continue to examine national and international options to address the denials of justice faced by plaintiffs attempting to take legal action to obtain remedy for harm caused by the subsidiaries of groups operating in countries where courts do not have the necessary independence to deliver justice, or where plaintiffs are threatened.	JUSTICE

### Proposal for Action No.15



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Actions to be implemented	Ministry responsible
NCPs could play a key role in supporting access to remedial measures and promoting responsible business conduct and the OECD Guidelines around the world. France is therefore advocating that the OECD increase its support to NCPs so they can improve coordination, become functionally equivalent, develop procedures for sharing information and make the NCP network more dynamic.	MINEFI
In order for the French NCP to continue being one of the most efficient NCPs in terms of fulfilling its goals and responding to new requests, France recommends allocating sufficient operating resources to allow it to perform its duties.	MINEFI
The French NCP will continue to support other NCPs and take part in peer reviews, including a peer review of its own operations.	MINEFI
Actions to be implemented	Ministry responsible
Reinforce the NCP's tools supporting dialogue with civil society by optimizing provisions in its internal rules (annual information meetings, annual meetings to discuss issues with civil society, calling on experts as required).	MINEFI



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### Proposal for Action No.16

Actions to be implemented	Ministry responsible
Ensure that fundamental labour standards are applied in France and support their universal application by encouraging ILO to establish stricter enforcement mechanisms for States.	TRAVAIL
Encourage discussion on the social coherence of economic, financial and trade policies which would increase the ILO's importance and influence among the institutions involved in the multilateral system and lead to the introduction of social conditions.	TRAVAIL

### Proposal for Action No.17

Actions to be implemented	Ministry responsible
Encourage the establishment of grievance mechanisms by businesses that meet the following criteria for implementation:	MINEFI/TRAVAIL
- They support dialogue, consultation and complaints for people who consider themselves adversely impacted;	
- Information is provided on the existence of these mechanisms;	
- Any complaints are dealt with at the earliest possible opportunity;	
- Reports on the implementation and/or results of these mechanisms are provided to stakeholders.	



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## ABBREVIATIONS

JUSTICE	Ministry of Justice
MAEDI	Ministry of Foreign Affairs and International Development
MEEM	Ministry of the of the Environment, Energy and Marine Affairs
MINEFI	Ministry of the Economy and Finance
TRAVAIL	Ministry of Labour, Employment, Vocational Training and Social Dialogue