

BUSINESS AND HUMAN RIGHTS NATIONAL ACTION PLANS – A SNAPSHOT IN 2020

NOVEMBER 2020

This analysis is based on publicly available information and information gathered through direct inquiries with relevant national stakeholders. [We have published the data online](#) and appreciate being informed of any corrections or updates.

Since 2011 numerous actors including the UN Human Rights Council, the European Union, the Council of Europe, the Organization of American States, national human rights institutions and business associations have encouraged states to develop national action plans on business and human rights (NAPs).

NAPs articulate a state's priorities and actions to implement the [UN Guiding Principles on Business and Human Rights](#).

AS OF 13 NOVEMBER 2020:¹

25 states have published NAPs²

At least **17** states are currently developing an inaugural NAP

5 states have adopted an updated, edited, or a second NAP: the UK, Italy, Georgia, Luxembourg, and Switzerland

At least **5** states that have a NAP are in the process of drafting a second NAP, including Belgium, Chile, Colombia, Lithuania, and the Netherlands

Building from an [initial analysis of NAPs for the period 2013-2018](#), this updated analysis of NAPs for the period 2013-2020 identifies the following:

ADOPTION OF UPDATED, EDITED, OR SECOND NAPs

An increasing number of states have adopted an updated, edited or a second NAP. The different terminology here reflects varying methodology; i) **update** and build from the original NAP (the UK, with a supplementary document); ii) **edit** the original NAP (Italy and Georgia, during mid-term reviews); iii) develop a **second** NAP to succeed the original NAP (Luxembourg and Switzerland). At least 5 states (Belgium, Chile, Colombia, Lithuania, and the Netherlands) are in the process of adopting a second NAP in line with path iii).

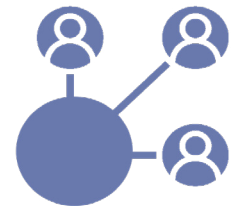
NATIONAL BASELINE ASSESSMENT (NBA)

The 2 states which adopted a second NAP undertook an NBA which informed the second NAP (Luxembourg and Switzerland). The 3 states which updated or edited their original NAPs did not conduct an NBA before doing so. 3 of the 5 states in the process of developing a second NAP plan to inform their second NAP with an NBA (Chile, Belgium and the Netherlands). Of the states which have published a NAP, 11 have completed an NBA (including NBAs conducted before and after the NAP publication). 6 states with ongoing NAP development processes have conducted and published NBAs (Kenya, the Netherlands (second NAP), Peru, Tanzania, Ukraine, and Zambia) and at least a further 6 states have ongoing NBA processes (including Belgium (second NAP), Chile (second NAP), Ghana, Mongolia, Pakistan, and Zambia).



STAKEHOLDER PARTICIPATION IN THE DEVELOPMENT PROCESS

All states held stakeholder and rights-holder events during their NAP development processes and all but one process involved both business and civil society. The extent of stakeholder and rights-holder involvement varied considerably as, for example, 10 states took active measures to involve special interest groups and vulnerable groups (including indigenous peoples, persons with disabilities) and 9 states publicly shared at least partial timelines on their NAP development process.



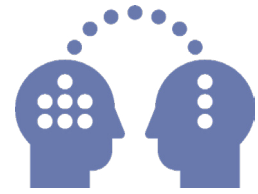
NAP CONTENT

Many NAPs address issues affecting vulnerable groups of rights-holders, but certain groups receive less attention than others, including migrant workers, persons with disabilities, and indigenous peoples. All NAPs contain content on judicial remedy and non-judicial grievance mechanisms, 20 NAPs contain content on extra-territorial jurisdiction, and 22 reference national human rights institutions. The degree these NAPs articulate actions on these topics varies widely, and accessing effective remedy remains a challenge for many victims of business-related human rights abuses, including in states with NAPs.



KNOWLEDGE-SHARING AND REVIEW

20 NAPs commit the state to engage with other states to share good practice and/ or help other states develop NAPs. Accordingly, an increasing number of states share knowledge related to the development and implementation of NAPs through review mechanisms such as the Universal Periodic Review (UPR), where at least 10 states have made or received a recommendation about the adoption of NAPs; and through regional bodies such as the EU or ASEAN. There are calls for the adoption a [peer review mechanism](#) for states on NAPs to improve accountability.



THE ROLE OF BUSINESS AS AN IMPLEMENTING PARTY

None of the NAPs mentioned businesses as implementing parties, but 3 did so indirectly: Chile through the Chile UN Global Compact; and Georgia and Luxembourg through employer organisations. 3 NAPs have action points that are to be implemented by specific state-owned enterprises: Chile, Thailand and the USA.



ACCOUNTABILITY

Action points in NAPs are not often fully specific, measurable, achievable, relevant, and time-bound (SMART). 12 NAPs assign responsibility for actions to named entities, 6 include dates for some or all actions, 7 NAPs include explicit indicators or dates by which the actions are to be completed. None of the NAPs contain a budget covering all actions, although 1 NAP refers to providing staff and budget necessary for monitoring. 19 NAPs commit states to provide follow-up reports on the implementation of NAP commitments. Research indicates that 8 states have published such reports to date (Belgium, Chile, Colombia, Finland, Luxembourg, the Netherlands, Sweden, and the UK).



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¹ The Japanese NAP was adopted in October 2020 and is currently only available in Japanese. The high-level figure of the number of states with NAPs includes Japan, but all other figures do not. The Kenya NAP has been published but it has not been formally adopted (it is expected to be adopted in 2021). It is therefore treated in this analysis as a state developing a NAP.

² The number of NAPs exceeds the number of states with NAPs (5 states have published updated, edited, or second NAPs). This analysis counts states as having a NAP even if the NAP has expired at the end of its life-span without being replaced. This analysis also includes Georgia and South Korea which both have a chapter on business and human rights within broader human rights national action plans.