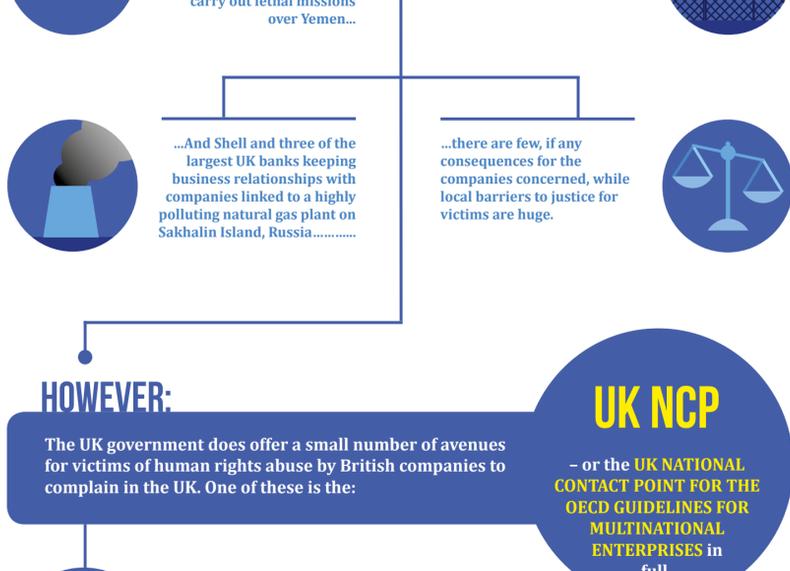


THE UK NCP AND ALLEGED HUMAN RIGHTS ABUSES BY BRITISH COMPANIES: A FACTSHEET

1 EVERY DAY BRITISH COMPANIES ARE IMPLICATED IN HUMAN RIGHTS ABUSES OVERSEAS.



HOWEVER: The UK government does offer a small number of avenues for victims of human rights abuse by British companies to complain in the UK. One of these is the:

UK NCP
- or the **UK NATIONAL CONTACT POINT FOR THE OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES** in full.

2 THE NCP EXPLAINED

The UK is one of 34 members of the OECD, an international economic organisation founded in 1961 to stimulate economic progress and world trade.

The OECD Guidelines for Multinational Enterprises are standards for responsible business conduct that the UK is obliged to encourage its companies to observe wherever they operate in the world.

These include clear principles relating to:

- Respect for human rights
- Co-operation with local communities and
- Contribution to sustainable economic, environmental and social progress

...when British companies operate in other countries.

Every country adhering to the Guidelines for Multinational Enterprises has to set up a **NATIONAL CONTACT POINT (NCP)**, responsible for promotion of the Guidelines at the national level.

When British companies breach the Guidelines, complaints can be filed with UK NCP, which is situated in the UK government's department of Business, Innovation and Skills.

In theory, at least, the NCP's role is to impartially mediate disputes between companies and those adversely affected by their activities, and in so doing provide a much-needed forum for individuals and communities to access remedy for corporate abuses.

But the reality deviates far from this expectation...

3 BRITISH COMPANIES LET OFF THE HOOK - THE FIGURES

Amnesty International have found that there are major flaws in the UK NCP's operation: ones that send a worrying signal to companies that contributing to human rights abuses is acceptable. Across its investigation of 25 cases filed since the revision of the OECD Guidelines in 2011, Amnesty International UK demonstrates that the NCP's treatment of complaints is unreliable, biased towards businesses and out of kilter with the standards it is supposed to uphold.

The full Amnesty International report is available at: <https://www.amnesty.org.uk/resources/report-uk-national-contact-point-how-human-rights-complaints-are-handled#.Vv1PjhlrjPN>

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Of the 25 human rights complaints made against UK companies in the last 5 years, only one has been fully accepted and concluded

Amnesty's investigation of complaints made since 2011 finds that:

- Often cases are rejected based on arbitrary judgements without proper examination of the evidence, leading to dismissal of complaints on dubious grounds.
- Those making complaints are often required to put forward a level of evidence higher than the companies are required to provide in their defence - one far higher than required by the OECD Guidelines the NCP is supposed to uphold.
- The NCP lacks procedures to fast-track complaints where there is a risk of imminent human rights abuse.
- The NCP does not encourage companies to implement and disclose their assessment of human rights impacts in the specific context when communities are at risk.

60% of human rights complaints made against UK companies in the last 5 years have been rejected without proper assessment

- Rejected (15 cases)
- Partially accepted (6)
- Dealt with by another NCP (3)
- Fully accepted and concluded (1)

DELAYS

When complaints are considered by the UK NCP, the lack of human rights expertise to scrutinise them is a major problem, leading to unfair decisions. Complaints are considered by a panel of civil servants not ideally qualified to interpret the OECD guidelines and make complex human rights judgements, and lacking the resources to adequately address the cases put before them. Investigations have frequently dragged on well beyond the official 12 month expectation, which can create additional risks for communities experiencing threats to their human rights.

30+ MONTHS
The amount of time that multiple complaints submitted to the NCP continue to run on without conclusion

12 MONTHS
The amount of time the NCP, according to its Procedural Guidance, should take in total to assess, mediate and conclude complaints

11 MONTHS
The longest time the NCP has taken to complete initial assessment of (multiple) human rights complaints since 2011

6 MONTHS
The average length of time that the NCP has taken to complete initial assessment of human rights complaints since 2011

3 MONTHS
The length of time that the NCP, according to its Procedural Guidance, should spend completing initial assessment of complaints brought before it

4 CASE STUDY

Complaint from International Accountability Project and World Development Movement against GCM Resources plc

THE COMPANY
GCM Resources is a British mining company founded to establish a huge 50 square kilometer open-pit coal mine in the Phulbari region of Bangladesh.

THE VICTIMS
Local people, including 23 indigenous tribes

THE ALLEGED ABUSES
There is abundant evidence that establishment of the planned coal mine will displace (potentially hundreds of) thousands of people and destroy swathes of Bangladesh's most fertile agricultural land. UK NGO Global Justice Now estimate that up to 220,000 could be displaced, that several indigenous villages would be destroyed, and that 50,000 indigenous people would be impoverished. In February 2012 seven UN human rights experts called for an immediate halt to the project, highlighting threats to fundamental human rights.

THE NCP COMPLAINT
On 19 December 2012, the NGOs World Development Movement and International Accountability Project filed a complaint with the NCP on behalf of affected communities in four sub-districts of Phulbari. The UK NCP agreed to consider the matter in June 2013.

The UK NCP issued its final assessment 18 months later, stating that GCM Resources "did not apply practices or systems that foster confidence and mutual trust with the local communities". However, the NCP rejected the majority of alleged breaches, as it decided to restrict the scope of examination to a narrow timeframe between September 2011, when the OECD Guidelines were updated to include a chapter on human rights, and December 2012 when the allegations were made.

The complainants challenged the findings and requested a review. The NCP Steering Board review found that the NCP's final statement did not adequately address the full scope of the complaints due to a "procedural error" and recommended that the NCP re-examine the case. To date no re-examination has taken place.

THE PROBLEM

This case exemplifies some of the worrying issues with the UK NCP's operation: inordinate delays, downplaying future impacts of company activity, partiality, flawed interpretation of the Guidelines, and an interpretation mechanism.

The NCP's interpretation of the Guidelines did not allow space to consider the quality of the company's due diligence and whether it would in fact have met its obligation to address the potential human rights impacts of its commercial activities.

5 CALL TO ACTION

Cases such as these, with unambiguous threats to fundamental human rights, deserve serious consideration. Yet time and time again the NCP's handling of complaints has been inadequate.

The UK has a responsibility to ensure its NCP's complaint handling mechanism is fit for purpose and reflects international human rights standards. This is why Amnesty International UK and CORE are calling on the UK government to make structural changes to the NCP to ensure that companies are held accountable for their actions overseas.

- We're asking the Secretary of State for Business, Innovation and Skills to take immediate action, and enable complaints about abuses by UK companies to be properly examined, by overhauling the NCP - and making it the effective system the government claims it to be.
- We're calling on him to make sure that UK companies who cause or contribute to human rights and environmental abuses are held accountable for their actions through a robust and independent complaints system.
- Finally, we're asking that companies face the consequences where they have caused or contributed to abuses - including criminal prosecution if appropriate.

Join us by adding your signature to the petition, and tell the government that more needs to be done to hold UK companies to account for human rights abuses, wherever they operate.