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Re: Proposal to create a new ISO Technical Committee on Social Responsibility and the Technical Management Board's upcoming decision on whether to revise or confirm ISO 26000

Dear Dr. Zhang and Mr. Mujica,

As the United Nations High Commissioner for Human Rights, I am writing to you to express my concerns about the potential impact of the recent proposal to create a new ISO Technical Committee on Social Responsibility and the Technical Management Board's upcoming decision on whether to revise or confirm ISO 26000.

The Office of the United Nations High Commissioner for Human Rights (OHCHR) has a unique mandate from the international community to promote and protect all human rights. In the field of business and human rights, my Office has a mandate to provide authoritative guidance on, and works for the implementation of, the United Nations Guiding Principles on Business and Human Rights (UNGPs)ⁱ, the internationally endorsed global standard on the respective duties and responsibilities of States and business enterprises for preventing and addressing human rights risks from business activity. The UNGPs are anchored in, and align with, the international human and labour rights and standards.ⁱⁱ

The UNGPs were unanimously endorsed by the Human Rights Council in June 2011.ⁱⁱⁱ However, the consensus around the UNGPs as the global reference point for how business should respect human rights is evidenced not only through their endorsement in the Human Rights Council, but also by their wide endorsement and uptake by international organizations, business networks, civil society, international trade unions and other stakeholders. They have been incorporated into other global frameworks such as the OECD Guidelines for Multinational Enterprises (OECD Guidelines). A range of States have or are developing

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National Action Plans on business and human rights that promote the implementation of the UNGPs, and many States have adopted regulations and policies aligned with the UNGPs to more effectively manage the human rights impact of business activity. For business this creates clear and consistent expectations, and business enterprises from all parts of the world are engaged in efforts to implement the responsibilities set out in the UNGPs into their operations and value chains. The broad consensus and alignment of duties and resolutions also helps other stakeholders in seeking to hold business accountable.

I acknowledge the important contribution ISO makes in the field of responsible business conduct through the promotion of the ISO 26000 guidance on social responsibility. The human rights chapter of ISO 26000 is aligned in important aspects with the "Protect, Respect and Remedy Framework" on which the UNGPs are based. However, with respect to the proposal to create a new ISO Technical Committee on Social Responsibility, I share the concerns expressed by the ILO in their statement on 5 September 2017 and those expressed by business organizations and civil society groups in a series of letters to the ISO, opposing the creation of a new Technical Committee (TC). An ISO Technical Committee with a mandate to potentially develop new "standards" in the area of business and human rights could result in divergence and fragmentation that would undermine the important consensus around the UNGPs and the international human rights and labour standards on which they are based. Such fragmentation and confusion would be detrimental for business efforts to operate with respect for human rights through effectively implementation of the UNGPs, the OECD Guidelines and other frameworks aligned with the UNGPs.

I am furthermore concerned that the Technical Committee would operate without appropriate representative multi-stakeholder participation, transparency and opportunities for legitimate human rights experts and organizations to follow the process. The current frameworks that guide business respect for human rights have been carefully developed through transparent and participatory processes and supported by inter-governmental bodies. The resulting frameworks are accessible and free for all stakeholders to use. Conversely, ISO guidance is developed through processes that are not accessible to all stakeholders and the resulting guidance is proprietary. This increases the risk that any outputs from the Technical Committee would result in fragmentation rather than alignment with the authoritative global norms and standards.

Moreover, the proposed mandate for the Technical Committee implies that standards in the area of social responsibility may be developed with a view to certification and audits. Such an approach was rejected by the UNGPs and other authoritative frameworks. The UNGPs encourage business to view human rights from a risk management perspective, rather than simply a compliance perspective. In the field of human rights, audits are generally viewed as an insufficient and piecemeal approach to effectively identify risks and ensuring respect for human rights.

Concerning the upcoming decision on 18-24 September 2017 on whether to confirm or initiate a limited revision of the ISO 26000 guidance, I would also urge the Technical Management Board to confirm the existing guidance. The human rights chapter of ISO 26000 is currently broadly aligned with the UNGPs. I see a risk that a revision process taking place without globally representative bodies and stakeholders and sufficient transparency could result in fragmentation and confusion and thereby undermine existing efforts to effectively implement the frameworks that exist today. From an institutional perspective, for OHCHR and other interested actors, the resource and time investments required to effectively engage

with such processes merely to ensure alignment with existing standards risks detracting scarce resources from efforts to support business, States and other stakeholders in more effective implementation of existing standards, including the UNGPs. My Office would be pleased to support the ISO in building capacity of its members and users to apply human rights and labour standards covered by ISO 26000.

I ask that you kindly share this letter with the Technical Management Board and the national standards bodies in your membership. Finally, I request for my Office to be kept informed on any developments regarding ISO's work on social responsibility with regard to human rights.

Yours sincerely,



Zeid Ra'ad Al Hussein
High Commissioner for Human Rights

ⁱ United Nations Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework (A/HRC/17/17/31).

ⁱⁱ The UNGPs refer to the corporate responsibility to respect human rights as encompassing, at a minimum, understood, at a minimum, the rights expressed in the International Bill of Human Rights and the principles concerning fundamental rights set out in the International Labour Organization's Declaration on Fundamental Principles and Rights at Work.

ⁱⁱⁱ A/HRC/RES/17/4

