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Menno T. Kamminga – Company Responses to Human Rights Reports as an Indicator of Compliance with Human Rights Responsibilities

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“Naming and shaming” continues to be the principal method by which companies are held accountable for human rights abuses. This occurs primarily through NGO reports and investigative journalism.

How companies respond (or do not respond) to such reports is therefore of great interest. The responses provide clues for campaigners and regulators on corporate attitudes towards human rights.

Unwillingness to respond to human rights reports does not in itself prove that a company has committed human rights abuses. But it does serve as a signal that a company does not take seriously its due diligence obligation to engage with civil society as required by the [United Nations Guiding Principles on Business and Human Rights](#) (in particular, UNGP 18).

A company that repeatedly fails to respond to human rights reports criticizing fundamental aspects of its operations at the very least raises the suspicion that it is not complying with its wider human rights due diligence obligations. Unresponsiveness therefore serves as a flag that closer scrutiny, including qualitative analysis, of a company’s conduct is warranted.

The company response database of the [Business & Human Rights Resource Centre](#) is a treasure trove of information. It contains responses to some 2000 requests made by the Resource Centre over the past 10 years. A [quantitative analysis of these data](#) generates the following information:

- The extractive sector remains the industrial sector that gives rise to the highest number of human rights reports. The number of reports on abuses in the information technology sector (covering both threats to internet freedom and working conditions in the electronics industry) is on the increase, however.
- While the average company response rate to human rights reports remains stable at 70% there are significant differences between companies, industrial sectors, and corporate home states. The least responsive are state-owned conglomerates and companies based in China, India, Israel and Russia. Companies based in Brazil and South Africa have a much higher response rate than companies headquartered in BRICS in the Northern hemisphere. Companies participating in the UN Global Compact have an above average response rate but being a participant in the Global Compact does not in itself guarantee a high response rate.
- Companies are generally more inclined to respond to reports about alleged abuses within their own countries than to abuses committed abroad.
- Company responses containing references to international instruments or multi-stakeholder initiatives are rare indeed. Less than 1% of responses acknowledge that companies have a responsibility to respect human rights.

It is tempting to draw inferences from these data but of course this should be done with great care. For example, the fact that large numbers of reports were produced alleging abuses in certain industrial sectors or in respect of certain companies does not necessarily mean that more abuses have occurred in those sectors and companies. The explanation may simply be that NGOs or investigative journalists were more interested in those sectors and companies.

Similarly, the explanation of the fact that so few international instruments were mentioned in company responses does not have to be that companies do not take those instruments seriously. It may also be that the instruments were not referred to in human rights reports in the first place.

Purely quantitative analysis of company responses can produce misleading results, if only because companies may learn that pro forma responses by their public relations departments can improve their response rates. Future research in this area should therefore concentrate on qualitative analysis of company responses. Such research might usefully employ Computer Assisted Qualitative Data Analysis Software (CAQDAS).

Menno T. Kamminga is Emeritus Professor of International Law at Maastricht University and former member of the Board of Trustees of the Business & Human Rights Resource Centre. This blog is a summary of [Menno T. Kamminga, Company Responses to Human Rights Reports: An Empirical](#)

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