

Paris, 25 January 2011,

Dear Pr. Ruggie,

In response to your kind invitation, Entreprises pour les droits de l'homme ¹EDH is pleased to send you some comments and suggestions on the draft "Guiding Principles for the Implementation of the UN "Protect, Respect, Remedy" Framework".

First of all, we would like to underline the high level of quality of the draft proposed in November. It constitutes a very clear guidance for understanding the respective roles and potential gaps of States and Enterprises for the implementation of the UN "Protect, Respect and Remedy" Framework.

In the contribution (see attached document) submitted by EDH to the International Business Consultation hosted by MEDEF in October 2010, we mentioned two interesting aspects of the UN Framework consisting in:

- the impact of the conflicts and dispute, and related costs for those involved
- the quality of due diligence required by companies.

We appreciate that these aspects, and many others, are usefully detailed in the Guiding Principles which provides pragmatic and comprehensive keys for understanding.

Please find below the following comments and suggestions on behalf of EDH:

§14.b: should read "is informed by appropriate consultation with relevant internal **OR** external expertise" instead of "internal *and* external expertise".

§14.c: complete the sentence with "stipulates the enterprise's expectations of personnel and business partners **that are compliant with internationally recognized human rights**."

¹ The business group *Entreprises pour les Droits de l'Homme* (hereinafter "EDH") aims to "bring together businesses in the French-speaking world to contribute through their activities to the respect of human rights and the application of the measures laid down in the Universal Declaration of Human Rights [and additional protocols]". As of September 2010 the members were: AREVA, BNP Paribas, Casino, EDF, GDF SUEZ, Lafarge, sanofi-aventis, STMicroelectronics.

§14 commentary: 2 interpretations seem possible. So we would like the document to specify whether:

- financial incentives are suggested as an example of good practices to enhance the respect of human rights
- or financial incentives need to be examined in order to verify their alignment with the human rights commitments.

§19: should read “in order to account for their human rights performance, business enterprises should be prepared to communicate publicly on their response to **EFFECTIVE** human rights impacts when faced...” Instead of “...their response to *actual and potential* human rights impacts”.

§19 commentary: should read “...The reporting should cover topics and indicators that reflect the business enterprise’s **EFFECTIVE** impacts on human rights, instead of *actual and potential* adverse impact...”

§29 f: should read “transparent: providing sufficient transparency of process and outcome to meet the public interest concerns at stake and presuming transparency wherever possible; non-State mechanisms in particular should be transparent **on rules about processing complaints and about ensuring non retaliation on the whistleblowers**” instead of “about the *receipt of complaints and the key elements of their outcomes*”.

We trust the above comments will be helpful in the context of your report, and we look forward to continuing our dialogue on this important theme.

Marie Menant,
Chairman of EDH, Entreprises pour les droits de l’homme