



UGANDA CONSORTIUM ON
CORPORATE ACCOUNTABILITY

U C C A

Training Manual for Media Practitioners on Business and Human Rights

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CONTENTS

Abbreviations:	1
GLOSSARY	2
About the Guide	3
1. Introduction	4
1.1 Business and Human Rights	4
2. Why Business and Human Rights?	5
3. Guiding Principles on Business and Human Rights	5
3.1 Pillar 1 - The State Duty to Protect Human Rights	6
3.2 Pillar 2 - The Corporate Responsibility to Respect Human Rights ..	8
3.3 Pillar 3 - Access to Remedy	9
4. Addressing Human Rights Violations by Corporations	12
4.1 Corporate Accountability	12
4.2 Free prior and informed consent	14
4.3 Mandatory Human Rights Due Diligence	15
4.4 Legal Compliance	15
5. Business and Human Rights Reporting	16
5.1 Requirements for a good story	16
5.2 Areas/issues for Business and Human Rights Reporting?	17
a) Property Rights	17
b) Labor	18
c) Environment	19

ABBREVIATIONS

B&HR	Business and Human Rights
ESG	Environment, Social and Governance
MGLSD	Ministry of Gender, Labor and Social Development
NAPBHR	National Action Plan on Business and Human Rights
UNGP	United Nations Guiding Principles on Business and Human Rights

GLOSSARY

Business:	An entity engaged in commercial, industrial, or professional activities with the aim of generating profit.
Corporate Accountability:	Obligation of corporations and other corporate actors to take responsibility for their actions and decisions, ensuring transparency, ethical behavior, and compliance with legal standards.
Corporate Actor:	An entity, typically a corporation, that plays a role in economic and social activities.
Corporation:	A legal entity that is separate from its owners (shareholders) and has rights and liabilities distinct from those of its members usually established for conducting business.
Due Diligence:	A process of thorough research, investigation, and analysis carried out by individuals or corporations to assess the integrity, legality, and potential risks associated with a particular action, decision, investment or business relationship.
Human Rights:	Fundamental rights and freedoms to which all individuals are entitled without discrimination.
Media Practitioners:	Individuals or professionals who work in the field of media, including journalists, reporters, editors, broadcasters and other media related roles.
Media:	The various channels and platforms through which information and content are communicated to a large audience.
Mitigate:	To reduce, alleviate, or minimize the impact, severity, or risk of a particular problem, issue, or negative outcome in business.
Pitch:	A targeted communication sent to journalists or media outlets to generate interest in covering a particular story or event.

- Reporting:** The act of collecting, analyzing, and communicating information or data in a structured and organized manner. In the context of Business and Human rights, for the purpose of transparency and accountability.
- Social Responsibility:** The ethical duty and accountability of individuals and organizations to act in a manner that benefits society at large.
- Stakeholder:** Any individual, group, or organization that is affected by or has interest in the activities or outcomes of a particular entity or project.

About the Guide

In an effort to mobilize local media in Uganda to create awareness of and report about business and human rights, the Uganda Consortium on Corporate Accountability (UCCA) launched a training guide for media practitioners to report about business and human rights. Creating awareness around the issue has become critical due to the increasing human rights abuses by corporate actors. The media has a central role to play towards accountability and transparency of business actors by showing not only the bad corporate practices but also exemplary practices from which other corporate actors can benchmark.

The purpose of this guide is to aid in collecting, analyzing, and disseminating information on business and human rights. This is intended to support media practitioners to identify and pitch business and human rights stories nationally and within the different regions in Uganda.

“You are entitled to your opinion. But you are not entitled to your own facts.”

1. Introduction

Media practitioners play a critical role in promoting transparency, accountability and respect for human rights within the business sector. This Manual is designed to provide a comprehensive outlay of the key concepts, principles and frameworks relating to business and human rights. By this design, it is intended to equip with capacity and empower media practitioners with knowledge and tools to report accurately, ethically and effectively on business – related human rights issues.

1.1 Business and Human Rights

In this session, participants will seek to understand the two concepts of Business and Human Rights.

- Mode of Presentation - Lecture and Discussion
- Time allocated - 1hr

What is Business and Human Rights?

Guiding Notes.

According to the NAPBHR,¹ Business means any economic activity including but not limited to commercial or productive activity by any person or entity. It is the regular production or purchase and sale of goods and services undertaken with an objective of earning profit and acquiring wealth through the satisfaction of human wants.² To achieve the primary aim of maximizing profit, most businesses work towards increasing their revenue and improving efficiency. Among the preferred actions are providing low wages and benefits

¹ MGLSD (2021) National Action Plan on Business and Human Rights

² Stephenson, J. (2008). Ultimate Home based Business Handbook, Entrepreneur Press

to the labor force, use of cheaper materials limiting the cost of capital, land grabbing among others. As much as these actions benefit the company, they raise human rights concerns which may be detrimental to the lives and livelihoods of the people involved. This provides the context for the nexus between Business and Human Rights.

Question: Why should business enterprises be bothered about human rights?

2. Why Business and Human Rights?

In this session, participants will interrogate the need to uphold human rights while conducting business.

Overtime, there has been a growing recognition of the interplay between business and human rights. To wit, States are obligated under international human rights law to protect against human rights abuses within their jurisdiction by third parties, including businesses enterprises. Even if States do not fill their obligations, all business enterprises are expected to respect human rights, meaning they should avoid infringing on the human rights of others, and should address adverse human rights impacts with which they are involved. If abuses occur, victims must have access to effective remedy through judicial and non-judicial grievances mechanism.

3. Guiding Principles on Business and Human Rights

In this session, participants will discuss the responsibility of the State and Corporate actors in Business and Human Rights.

- Mode of Presentation - Lecture method
- Time allocated - 1.5hrs

Question: What are the responsibilities of the different stakeholders in ensuring Corporate Accountability?

Guiding Notes.

The United Nations Guiding Principles on Business and Human Rights (UNGPs) commonly referred to as the 'Protect, Respect and Remedy Framework' are the foundation of business and human rights global standards. The UNGP's were approved by the Human Rights Council in 2011 as the United Nations position on business and human rights. They are grounded in the recognition of three key principles;

1. The State's existing obligation to protect human rights which extends the role of the State to respect, protect and fulfill human rights and fundamental freedoms.
2. The Corporate responsibility to respect human rights which speaks to the role of business enterprises to comply with all applicable laws and to respect human rights.
3. Access to remedy that speaks to the need for rights and obligations to be matched to appropriate and effective remedies when breached.

3.1 Pillar 1 - The State Duty to Protect Human Rights

Guiding Notes.

The state has the responsibility to protect against human rights abuse within their territory and/or jurisdiction by third parties, and in this case business enterprises. The state has the obligation to institute legal and legitimate means (policies, legislation, regulations and adjudication) to prevent, investigate, punish and redress violations committed by business enterprises. These obligations are enshrined in national, regional and international human rights laws/ legal frameworks that bestow upon the state the duty to promote and protect the rule of law.

To realize this, the state has a duty to enforce laws that require business enterprises to respect human rights; provide effective guidance to business

enterprises on how to respect human rights throughout their operations; and task business enterprises to communicate measures in place to address human rights impacts. As such, States should provide relevant information, training and support to government institutions that oversee business practices to effectively fulfill their mandate.

Question: Does the State fulfill the duty to protect as required? If not, how would you use the media to draw the State's attention to its duty?

Case 1

For the last two years of its operation, a tobacco company in Kilwanira village has been polluting the environment by discharging its waste in the community's water source. It has an open pit in the community where liquid waste is deposited causing a stench and infesting the community with flies. In fact, community members have to cover themselves with mosquito nets while eating to avoid flies contaminating their food. When the community raised its concerns, the company promised to drill a borehole for the community to access clean water but instead, added one classroom to the community school. When asked about the change of mind, the company head informed the community that it is in the company's power to determine the projects they deliver as part of their corporate social responsibility. In the last month, three people have raised concerns of an ailment characterized by a body rash and abdominal discomfort allegedly due to consuming the contaminated water. Company employees have also expressed their fears over the pollution inside the factory for which they have to take cold milk daily to mitigate the health risk.

3.2 Pillar 2 - The Corporate Responsibility to Respect Human Rights

Guiding Notes.

Business enterprises have a responsibility to respect human rights by not infringing on the human rights of others,³ and that if harm occurs in their operations, there are deliberate measures set out to address the adverse human rights impacts. To realize this, business enterprises are required to prevent or mitigate the adverse human rights impacts that are directly linked to their operations, products or services by their business relationships.

Business enterprises are required by law to put in place policies and processes for human rights due diligence to mitigate human rights impacts and provide remedies for violations occasioned by their activities or as a result of their business relationships with other parties. These include business partners, entities in its value chain, and any other State or non-state entity directly linked to its business operations, products or services. They should be able to communicate their human rights impacts internally and externally and prevent or mitigate severe impacts that, if delayed, would be irremediable.

Question: Do business enterprises respect human rights? If not, how would you use the media to draw the attention of the State and business enterprises to this duty?

Case 2

According to a recent study conducted in Ozoa County, there is a remarkable improvement in the purchasing power of the people owing to the increased trading activities in the area. This, they say, is a result of the increased employment opportunities occasioned by three companies that set up sugar factories in the area in the last five years. This opened up employment opportunities to the

³ The International Bill of Human Rights adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948.

people as out growers and as employees within the factories. Among the employees are children who have been recruited as sugar cane cutters and loaders. The companies have expressed their desire to employ children because they are swift and are willing to work for lower pay. Out of this pay, they are able to keep in school for they can pay their school fees. The leaders in the community are in support of children working because they don't have to pay school fees for children whose parents don't have the means to keep them in school. They also believe that if one pays their own fees, they attach more value to education. However, there is a registered increase in school absenteeism and deteriorating grades compromising the quality of education.

3.3 Pillar 3 - Access to Remedy

Guiding Notes.

States must take appropriate steps to facilitate access to an effective remedy for business-related human rights abuses within their jurisdiction through judicial, administrative, legislative, or other means. They should create public awareness of available remedy mechanisms, how they can be accessed, and any support required.

States should provide effective and appropriate non-judicial grievance mechanisms, alongside judicial mechanisms when addressing business-related human rights abuses. They should be legitimate, accessible, transparent, equitable, procedural, and rights-compatible and promote dialogue. States are encouraged to promote non-state-based grievance mechanisms to reduce resort to legal means that are long and tedious.

Question: *Do the State and business enterprises facilitate access to remedy for business-related human rights violations? If not, how would you use the media to draw the attention of the State and business enterprises to this duty?*

Case 3

In 2015, the leadership of Arora Sub-county with support from the Avance Financial Group initiated a fish farming project in Agwer Parish. The communities were asked to provide land to the Subcountry leadership to set up fish ponds and the necessary infrastructure for water provision in exchange for managing the project themselves. The land would be used for as long as the project was ongoing and that there would be no compensation because it would revert to its owners after the project. The communities consented to providing the land but later withdrew the offer upon realizing that their land was being registered as property of the Sub-county. In the ensuing standoff, ownership of the land was transferred to the Sub-county and police was deployed to forcefully enter the land. In the altercation with the community members, three people were shot at and sustained bullet wounds. The leader of community protests, a commercial officer working at the Sub-county, was interdicted from his job for ‘sabotaging’ a government project. The community sought the intervention of the project financier who tried to mediate but failed to stop the actions of the Sub-county leaders. The community sued the Sub-county leadership seeking to stop them from occupying their land. However, two years later, the Court hasn’t provided a ruling on the case yet the project is ongoing and the people that were pushed off their land have nowhere to grow food for their families.

- Mode of Presentation - Lecture and Role play
- Time allocated: 2hrs

Question: *What is your understanding of the social responsibility of a business enterprise? What does a Business Enterprise benefit from respecting human rights?*

Guiding Notes.

Businesses seek to meet two ends-make profits and satisfy human wants. This requires deliberate measures for the exercise of social responsibility by business enterprises. Social responsibility entails business enterprises acting in ways that positively affect society on one hand while pursuing profit generation on the other. The actions consist of economic, legal, ethical and

discretionary initiatives aimed at fulfilling stakeholder expectations.⁴

These stakeholders are groups and individuals that have an interest in the actions and outcomes of an organization and upon whom the organization relies to achieve its own objectives.⁵ There are two categories of stakeholders;

1. Internal stakeholders that have a direct relationship with the company (investors, owners, employees, shareholders etc.)
2. External investors don't directly work with the company but are affected by the actions and outcomes of the business (suppliers, creditors, trade associations, community and government).

Some business enterprises have made a deliberate effort to uphold human rights in their operations through ethical or socially conscious investing.⁶ It gives the individual the power to allocate capital to companies whose practices and values align with their personal beliefs. Globally, it's increasingly important for business enterprises to institute measures for corporate sustainability that facilitate economic, environmental, and social sustainability. This is informally known as **profits, planet, and people**.

Question: Do you ever consider the aspect of social responsibility by a business enterprise in your reporting? How do you determine that a business enterprise is fulfilling this responsibility? How do you report on it?

**Illustration of the interplay between Business and Human Rights*

⁴ Carroll, A.B. (1979) A three-dimensional conceptual model of corporate performance, Academy of Management Review, Vol. 4, pp. 497-505

⁵ Harrison, Jeffrey S. and Andrew C. Wicks (2019). Stakeholder Management: A Managerial Perspective. Handbook of Corporate Social Responsibility: Psychological and Organizational Perspectives Oxford University Press

⁶ Cowton, Christopher J (January 1999) 'Playing the rules. Ethical criteria at an ethical investment club; Business Ethics. A European Review 8(1)

Exercise 1:

“Just when we were trying to get to terms with a new lifestyle after the displacement by Rutagwa Geothermal plant, we were informed that Ruhiiigi Geothermal plant had been cleared to start operating in the same area that we were resettled. This is troubling because we foresee the same challenges that we faced manifest in the implementation of this project. We agreed to move from Rutagwa to Ruhiiigi village after the contamination of our water source, exposure to radiation, and limited land for pastoralism which is our major livelihood means. To our shock, the government permitted the Ruhiiigi Geothermal company to set up a power plant in the middle of our community. Government cited the company’s acquisition of improved technology that would contain the pollution and noise without moving us again. This doesn’t make sense to us and we feel that it’s a deliberate effort to force us out of the area.”

Jotham Ochieng, a resident of Ruhiiigi Village.

Role Play: *A participant will take on the role of Jotham and will be required to give details of the problem as stated. The other journalists will be required to listen, ask questions and write a story in line with the social responsibility of the State and Business enterprise.*

4. Addressing Human Rights Violations by Corporations

In this session, participants will examine mechanisms used to hold corporations to account for human rights violations.

- Mode of Presentation - Lecture
- Time allocated - 1hr

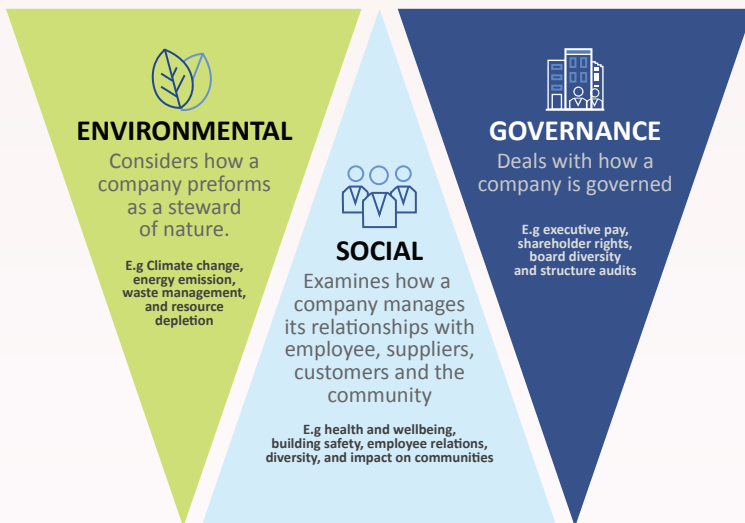
4.1 Corporate Accountability

Question: *What happens if a business enterprise is not fulfilling its social responsibility?*

Guiding Notes.

Companies are legal entities with a legal obligation to respect the rights of persons affected by their operations. As such, they are bound by these obligations at all levels of operation. One way through which corporations realize this is through the Environment, Social and Governance Investing (ESG) approach that seeks to incorporate environmental, social and governance factors into asset allocation and risk decisions, so as to generate sustainable, long-term financial returns.⁷

Illustration by Dedalus



However, in the event that the operations of a business enterprise do not respect the rights of the people, then measures towards Corporate Accountability are instituted. In its broad sense, Corporate Accountability is the ability of people affected by a corporation to regulate the activities of that

⁷ Boffo, R., and R. Patalano (2020), “ESG Investing: Practices, Progress and Challenges”, OECD Paris, www.oecd.org/finance/ESG-Investing-Practices-Progress-and-Challenges.pdf

corporation.⁸ It evaluates the performance of a business enterprise in the areas of social responsibility, sustainability and corporate governance. Stakeholders have to continually implore business enterprises to take responsibility for the consequences of their actions.

Question: How do you report on actions arising out of Corporate Accountability?

4.2 Free prior and informed consent

Free, Prior and Informed Consent (FPIC) is the right of indigenous peoples and affected communities to make free and informed choices about the development of their land and resources. Elements of FPIC include;

- a) Free - Consent given without force, intimidation or manipulation.
- b) Prior - Consent is sought sufficiently in advance of any authorization or commencement of activities at the early stages of a development or investment plan, and not only when the need arises to obtain approval from the community.
- c) Informed - Relevant information concerning the project, its design, impact and implementation is provided to the indigenous people or local community and the information is presented in a manner acceptable.
- d) Access to Information - Communities have all the information relating to any project by government or private entity and how it will affect their general well-being before the project is implemented.
- e) Consent - Collective acceptance or refusal of the proposed project reached through the customary decision-making process.

⁸ Bendell, J. (2004) Barricades and boardrooms: a contemporary history of the corporate accountability movement. Geneva: United Nations Research Institute for Social Development.

4.3 Mandatory Human Rights Due Diligence

Business enterprises conduct human rights due diligence as a core requirement in fulfilling their responsibility to respect human rights. Increasingly, businesses and investors, alongside civil society organizations are calling for effective mandatory human rights due diligence legislation.

The UNGP Working Group recommendations for legal developments in the area of Business and Human Rights include the need for mandatory measures to be based on meaningful and inclusive stakeholder consultations; apply across value chains, not just within supply chains; require businesses to take measures that facilitate access to effective justice and remedy and; cover all internationally recognized human rights and all types of adverse human rights impacts among others.

4.4 Legal Compliance

The social responsibility of business enterprises begins with legal compliance. The responsibility to respect human rights requires enterprises to comply with national laws and regulations protecting human rights even in circumstances where the capacity of the State to effectively enforce such laws is weak. Legal compliance extends to the application of internationally recognized human rights standards for the respect of all internationally recognized human rights. In sum, enterprises should not take advantage of operating environments that provide insufficient protection for human rights to lower their own standard of conduct.

Question: What is the role of the media in holding regulators to ensure Corporate Accountability?

5. Business and Human Rights Reporting

In this session, participants will explore requirements for documenting and reporting Business and Human Rights experiences.

- Mode of Presentation - Lecture and Discussion
- Time allocated - 1hr

Question: As a media practitioner, how do you report on Business and human rights?

5.1 Requirements for a good story

A good story is a well-told tale about something the reader feels is relevant or significant. It involves finding and verifying important or interesting information and presenting it in a way that engages the audience. When reporting on B&HR, one should emphasize the pillars of protect, respect, and remedy and the actors involved. Below are the elements of a good story.

Captivating - It should describe the story in a way that interests the audience to read or listen on. It should give the story a twist that makes it different from other stories reported under business and human rights.

Accuracy - Check for basic facts with regard to names, dates, titles and responsibilities among others. Opinions should be attributed to the source and not stated as facts.

Issue - Seek knowledge about the subject to effectively articulate the information available. Have an understanding of the background, the relevant laws and human rights issues involved.

Trustworthy - Seek evidence for any claim to back it up. Speak to all sides involved and provide counter arguments. Corroborate the claims with other sources that may include emails, images, testimonies and reports about the subject.

Independence - Report on human rights violations without bias and verify official statements for balanced coverage.

Tell the story - Use storytelling techniques to convey the message. Answer the W's and emphasize details in a language understandable by the target audience. Limit the use of jargons. Use respectful language and avoid stereotyping. Avoid sensationalism and beware of amplifying false narratives in an effort to refute inaccurate claims.

Duty of care - Seek the consent of your sources and make sure that they fully understand the consequences of the decision. Take deliberate steps to protect them by disguising their identity where needed. Seek legal advice to avoid any consequences.

Safety and security - Develop an awareness of risks associated with reporting to guard against harm to the reporter and the sources including legal action, blackmail and detention. Be conflict sensitive by engaging all sides and take extra precaution for safety's sake. Prioritize digital security to protect the reporter and the sources.

Exercise: Share experiences of reporting on Business and human rights (Impact of Business and Human Rights reporting)

5.2 Areas/issues for Business and Human Rights Reporting?

Exercise: As a media practitioner, identify business and human rights issues for reporting on.

a) Property Rights

- Land and Resettlement – The State has an obligation to offer protection from deprivation of property,⁹ by developing a framework that ensures timely, adequate and efficient action to

⁹ Article 26 of the Constitution of Uganda, 1995 (as amended).

address, minimize and mitigate adverse impacts resulting from involuntary resettlement and; to balance private rights and development needs.

- Right to Adequate Housing - It involves security of tenure, housing, land and property restitution, equal and nondiscriminatory access to adequate housing and participation in house-related decision making at the national and community levels.

b) Labor

- Right to Work - It entails the freedom of association and the effective recognition of the right to collective bargaining, the elimination of forced or compulsory labour, the abolition of child labour and the elimination of discrimination in respect of employment and occupation.¹⁰
- Right to Just and favorable conditions of work - Employers are under obligation to provide for remuneration of all workers with fair wages, ensuring safe and healthy working conditions including protective working gear in case of hazardous working areas; equal opportunities of promotion, rest, leisure, reasonable limitation of working hours and periodic holidays with pay.¹¹
- Discrimination at the Workplace - The state has a mandate to protect the right to work for the vulnerable like the low skilled, older and migrant workers, as well as new entrants into the job market.
- Discrimination on the Basis of Health and Disability - All parties including, business actors, have a responsibility to promote equality of opportunity with a view of eliminating discrimination

¹⁰ ILO Declaration on Fundamental Principles and Rights at work principles 2

¹¹ UN Committee on Economic Social and Cultural Rights “General Comment No. 23 on the Right to a Just and Favorable Conditions of Work

in employment on various grounds including health status,¹² and disability.¹³

- Minimum Wage - Employers and employees should be represented in the process leading to establishment of a minimum wage and conditions of employment to curb exploitation of workers and employees.¹⁴
- Social Security - States recognize the right of everyone to social security, including social insurance,¹⁵ by way of public and private interventions to address risks and vulnerabilities that expose individuals to income insecurity and social deprivation, leading to undignified lives.¹⁶

c) Environment

- Right to a Clean and Healthy Environment - The state has an obligation to take all possible measures to prevent or minimize damage and destruction to land, air and water resources resulting from pollution or other resources.¹⁷ Protection of the environment is based on the public trust doctrine which is the legal right of the public to use certain land and waters.¹⁸
- Right to Water - The State has a duty to facilitate access to sufficient, safe, acceptable and affordable water for personal and domestic uses.¹⁹

Question: How do you report on the application of the law to address human rights violations in the identified areas?

¹² Section 6 of the Employment Act, 2006

¹³ Article 21(2) of the Constitution of Uganda, 1995 (as amended)

¹⁴ Uganda Human Rights Commission, Position on The Minimum Wages Bill 2015

¹⁵ Article 9 of the International Convention on Economic, Social and Cultural Rights (ICESR)

¹⁶ Uganda, The national Social Security Policy (2015)

¹⁷ Objective XXVII Constitution of Uganda, 1995 (as amended)

¹⁸ Article 237 (2)(b) of the Constitution of Uganda, 1995 (as amended)

¹⁹ CESCR, General Comment No. 15: The Right to Water (Arts. 11 and 12 of the Covenant)



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