Human rights good practice for business operating in areas with violent crime

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The United Nations Global Compact is a call to companies everywhere to voluntarily align their operations and strategies with ten universally accepted principles in the areas of human rights, labour, environment and anti-corruption, and to take action in support of UN goals and issues. In June 2006, the Global Compact Board established a Human Rights Working Group. In light of the growing recognition that labour rights are human rights and in order to ensure a coherent approach, the Chairs and members of the Human Rights Working Group and Labour Working Group merged to create the Human Rights and Labour Working Group (HRLWG) in 2013. The goal of the Working Group is to provide strategic input to the Global Compact’s human rights and labour work. The following is one of an ongoing series of notes on good business practices on human rights endorsed by the Working Group. Rather than highlighting specific practices of individual companies, Good Practice Notes seek to identify general approaches that have been recognized by a number of companies and stakeholders as being good for business and good for human rights. The inclusion of company names does not constitute an endorsement of the individual companies by the UN Global Compact Office or the Human Rights and Labour Working Group.

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1. Introduction

Many businesses operate in areas affected by widespread violent crime which raises particular human rights risks. The UN Guiding Principles on Business and Human Rights (“the UN Guiding Principles”) recognise that the operational context of a company can impact the ability to meet its responsibility to respect human rights and that the company’s human rights due diligence process should be set up to respond effectively to the operational context. The aim of this Good Practice Note is to identify good practices that businesses can use to prevent and mitigate risks of being involved with adverse human rights impacts due to operating in a context of high levels of violent crime, and to support efforts to reduce the human rights impacts of violent crime rates in the areas where it operates.

2. Background

The UN Guiding Principles have three pillars which are all potentially relevant in the context of violent crime. The first pillar provides for the state’s duty to protect human rights, which includes “taking appropriate steps to prevent, investigate, punish and redress” human rights abuses by third parties. The second pillar describes the corporate responsibility to respect human rights, which includes the expectation that business enterprises should carry out human rights due diligence in order to identify, prevent, mitigate and account for how they address their human rights impacts. They should also have in place policies which set out how they meet their human rights commitments, and provide for or cooperate in the remediation of human rights abuses through legitimate processes. The right to remedy is a fundamental principle in international human rights law, and the third pillar of the UN Guiding Principles refers to the duty of both states and companies to ensure access to remedies for corporate human rights abuses.

Although states have international human rights law duties relating to the criminalisation and prosecution of violent crime set out in pillar one, this note is focused on the responsibility of business to respect human rights as set out in pillar two of the UN Guiding Principles.

A. Methodology

The methodology used for the note consisted of independent desktop research and interviews with representatives of companies and civil society from different areas globally where violent crime has been identified as a widespread issue. Comparative legal research was applied to various jurisdictions on the subject of violent crime as a human rights issue.

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1 Guiding Principle 1.
2 Guiding Principle 17.
3 Guiding Principle 16.
4 Guiding Principle 22.
5 The note is not, however, able to contain a comprehensive overview of the comparative and international legal position in all relevant jurisdictions. Cases and statutes highlighted were selected as illustrative examples based on an aspect of particular interest or relevance.
3. Scope and definitions

For the purposes of this Good Practice Note, violent crime is considered to include crimes committed by individuals such as murder, robbery,\(^6\) kidnappings and sexual offences. These crimes often have a particularly significant impact on women, children and those at risk of marginalisation or vulnerable groups. The note focuses on crimes that would ordinarily be recognised as crimes with an element of violence in the relevant jurisdiction, even if not actually enforced. It excludes conflict settings or incidents of social unrest.\(^7\) The scope of the note includes areas with high incidences of violent crime, with the definition of “areas” ranging from neighbourhoods, cities and regions to entire jurisdictions.\(^8\) The key focus group is business which operates in areas where rights-holders are more likely to be subjected to violent criminal actions than elsewhere.

The root causes of violent crime in society are complex and will not be analysed in this note. Specifically, the note does not ask whether such root causes include crimes committed by businesses themselves, for example organised crime or corruption. Although businesses can themselves commit or be complicit in gross and egregious international human rights abuses, including those amounting to international crimes,\(^9\) international crimes are not addressed herein.

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\(^6\) Robbery being defined as theft with an additional element of force or threat of force, for example see section 8 of the UK Theft Act 1968.

\(^7\) Conflict settings often require different approaches and have received slightly more attention than non-conflict settings with high levels of violent crime.

\(^8\) The United Nations Office on Drugs and Crime (UNODC) describes the situation as “neighbourhoods where levels of crime and insecurity have led businesses and families to cut themselves off from other citizens and public life behind gates and using private security”, in UNODC “Handbook on the crime prevention guidelines: Making them work” (2010). As one journalist describes, upon Delhi being announced as India’s most violent city: “A vendor can be shot at for not being able to provide someone’s favourite ice-cream flavour, a cop can be mowed down for doing his job and women are scared to step out after sundown.” See “Mumbai photojournalist gang-rape on assignment” BBC News India, 23 August 2013.

4. Violent crime and business within the human rights law framework

Violent crime as defined in this note is committed by third party private individuals. The UN Guiding Principles recognise the obligation of states to protect against human rights abuse within their territory and/or jurisdiction by third parties, already established in international human rights law. Courts in several regional or national jurisdictions have confirmed that acts of violent crime committed by a third party individual may constitute a human rights violation. Case law in this area often relates to the duty of the state to protect those within their jurisdiction from human rights violations by both public and private parties.

International human rights law, and by extension national human rights instruments, protect the fundamental rights usually affected by violent crime. These rights include the right to physical security from crime or interpersonal or social violence is not expressly protected under the international human rights instruments, protect the fundamental rights usually affected by violent crime.

10 Guiding Principle 1.
11 These cases are often based in tort or delict. This trend is consistent with the principle that “the law of tort protects the individual’s right to physical autonomy” (Lord Bingham of Cornhill “Tort and Human Rights” in Peter Cane and Jane Stapleton The Law of Obligations: Essays in Celebration of John Fleming (1998) Oxford: Oxford University Press at 4) and the corresponding acknowledgement that human rights violations may give rise to tort claims. See Cees van Dam “Tort Law and Human Rights: Brothers in Arms - On the Role of Tort Law in the Area of Business and Human Rights” JETL 3 (2011) 221 at 221. However, other types of claims also surface, such as the claim which Kenyan women are bringing against private companies for land ownership of the Mukuru informal settlement where they reside. They refer to their right to be free from the sexual violence they are exposed to due to the landlords’ neglect in maintain the premises, which includes the failure to provide safe sanitation facilities. The claim is brought in terms of Kenya’s land reform legislation. Mark Anderson “Kenyan women sue for ownership of Nairobi slum” The Guardian, 2 October 2013.


13 The Inter-American Commission on Human Rights states: “The right to security from crime or interpersonal or social violence is not expressly protected under the international system of human rights law. However, the right to such protection can be inferred from the obligation of the State to guarantee the security of the individual, as set forth in Article 3 of the Universal Declaration of Human Rights: ‘Everyone has the right to life, liberty and security of person’; Article 1 of the American Declaration of the Rights and Duties of Man: ‘Every human being has the right to life, liberty and the security of his person’; Article 7 of the American Convention on Human Rights: ‘Every person has the right to personal liberty and security’; and Article 9 of the International Covenant on Civil and Political Rights: ‘Everyone has the right to liberty and security of person’.” Inter-American Commission on Human Rights “Report on Citizen Security and Human Rights”, OEA/Ser.L/V/II. Doc 57, 31 December 2009 at para 18. See also the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse.
integrity (also referred to as the right to freedom from violence or the right to personal integrity),
the right to dignity, to life, to freedom from inhuman or degrading treatment, equality (for example where violent crime against women is prominent in the specific society) or children’s rights. The Inter-American Commission on Human Rights adds to this list of human rights potentially affected by violent crime: the right to due process, to peaceful use of property and possessions, to a fair trial and judicial protection, and to freedom of assembly.

The UN Guiding Principles expect business to conduct due diligence to assess actual and potential adverse human rights impacts of its business activities, with the aim to avoid infringing on human rights. Business enterprises should avoid causing or contributing to adverse human rights impacts through their own activities, and seek to prevent or mitigate adverse impacts that are directly linked to their business operations, products or services.

In exercising human rights due diligence, the context is a determinant factor of what would be required of the company to ensure it respects human rights. Business enterprises should take into account any groups that have a heightened risk of vulnerability and depending on the circumstances, business may need to consider additional human rights standards and instruments. In some operating contexts, such as conflict-affected areas or areas with high rates of violent crime, business enterprises may face increased risk of being complicit in human rights abuses committed by private individuals. Where the risk of severe human rights impacts exists, companies are expected to provide formal reporting on topics and indicators concerning how it identifies and addresses adverse impacts on human rights. The UN Guiding Principles expect business enterprises to treat this as a legal compliance issue in which it should seek ways to honour internationally recognised human rights regardless of whether the laws of the relevant jurisdiction provide for legal liability. In complex contexts, which may include some of those affected by violent crime,
companies have to make sure that they don’t contribute to exacerbating the situation and should consult with expertise representing various stakeholders to ensure a correct response to the situation.

A report of the International Centre for the Prevention of Crime (ICPC) points to the UN Guidelines for the Prevention of Crime adopted by United Nations Economic and Social Council (ECOSOC), which acknowledges the role of the corporate sector and emphasises the need for public-private partnerships towards effective crime prevention. The ICPC report states that:

“Although [in the UN Global Compact’s principles] no specific references or links are made to crime prevention, those companies who form part of the Global Compact have participated in several voluntary policy dialogues on conflict prevention, partnership and sustainable development which are relevant to public and private collaborations in community safety.”

Under some circumstances, domestic statutory provisions and legal precedents impose certain duties on companies to protect individuals’ right to freedom from violent crime under certain circumstances. These obligations are rarely phrased in human rights language. Examples of such legal obligations include:

i) Many jurisdictions impose statutory duties on employers to create a safe working environment. Statutory instruments around health and safety generally do not refer to violent crime in particular, but protection from violent crime could in certain circumstances be included in this category. In recent litigation, courts have recognised that the duty of care of parent companies could extend to the employees of subsidiaries where a sufficient degree of proximity exists, for example where centralised health, safety and risk management policies are used.

ii) Legal obligations are not limited to the protection of employees only. For example, the Kenyan India’s Protection of Children from Sexual Offences Act, requires a person in charge of any company, to report any material exploitation of a child, and any exploitative crime committed by a subordinate under their control. Failure to do so is an offence punishable by imprisonment.

26 Ibid at para II(2).
27 Ibid at III(9); Laura Capobianco “Sharpening the Lens: Private Sector Involvement in Crime Prevention” ICPC (2005) at 7.
28 Capobianco ibid.
29 This is a widespread requirement in labour law and will accordingly not be dealt with fully herein. Good practice in this regard is discussed below. For US examples on this duty see La Rose v State Mutual Life Assurance Co, No. 9322684 (215th District Ct., Harris County, Texas, Dec 5 1994); Miller v. Wal-Mart Stores, Inc. 219 Wis. 2d 250 (1998); Jonathan Levine and Stacey Andritsch of Michael Best & Friedrich LLP “Minimizing The Risk Of Workplace Violence” available at http://www.michaelbest.com/pubs/pubDetailMB.aspx?xpST=PubDetail&pub=377.
30 AAA and Others v Unilever PLC and Unilever Tea Kenya Ltd [2017] EWHC 371 (QB) at para 103. The Court however found that the claim failed as the specific risk was not foreseeable, para 111. The judgments is being appealed.
31 Act 32 of 2012. According to a reading of the Supreme Court of India’s decision in Shankar Kisanrao Khade v. State of Maharashtra (2013) 5 SCC 546, this Act was enacted as a result of India’s human rights duty to prevent sexual violence against children in terms of the Constitution of India (article 15(3) read with article 39) and the UN Declaration on the Rights of the Child (article 34).
32 Examples include media companies, hotels, clubs or photographic studios.
33 Section 20.
34 Section 21(2).
35 Ibid.
Companies can be held legally responsible to protect rights-holders from violent crimes taking place on their business’ premises. The Court of Appeal of Kenya has considered whether the occupier of a shopping mall was liable for damages after three people, including a child, were injured or killed during an armed robbery of a bank on the premises. After considering judgments from other jurisdictions the Court concluded that business enterprises have a duty to implement reasonable measures to protect their patrons from foreseeable criminal acts by third parties, and “what constitutes reasonable care will necessarily be very specific to each situation”. (This duty aligns with the description of human rights due diligence in the UN Guiding Principles, where the scope of what is required from a company when conducting a human rights due diligence process also depends on the specific circumstances.) In this case the Court found that the mall occupier had employed reasonable measures under the circumstances.

Two further examples of case law on a company’s duty to prevent and mitigate abuses resulting from violent crime originate from South Africa, where the Constitution provides for the right to be “free from all forms of violence from either public or private sources”. Both these cases were based on human rights claims. In the first case a transportation company was found to have a legal duty to put in place reasonable measures to prevent violent crime taking place inside its trains. The duty was based on the right to life and the right to physical integrity and freedom from violence. The duty extended further than the companies’ own employees to its customers (commuters) and the general public. In the second case, a private security company was ordered to pay damages as a result of a violent robbery which took place at a family home which it was contracted to protect. The employee on guard at the time was found to have been negligent in allowing access to the armed offenders, who were posing as police officers. The finding was based on the right to security of the person, privacy and property.

Abuses of human rights will in some cases give rise to a cause of action in tort, both in civil and common law countries. Claims may be available against corporations, depending on the jurisdiction and circumstances. Although the legal framework is important in that it establishes the link

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36 Soma Properties Limited v Haym [2015] KLR.
39 Rail Commuters Action Group above n 14 at para 86.
40 Loureiro and Others v Imvula Quality Protection (Pty) Ltd 2014 (3) SA 394 (CC). This case is to be distinguished from the Indian Supreme Court case of Dhananjay Chatterjee v State of WB 1994 (1) SCR 37, where a private security guard raped and murdered a schoolgirl whom he was required to protect. The former case was civil and brought against the security company, whereas the latter case was criminal, and concerned an appeal against the conviction and death sentence of the security guard. In the Indian case, the Supreme Court of India stated that the crime constituted a violation of the victim’s right to dignity. It also took into consideration the “rising crime rate particularly violent crime against women” (at para 14) and points to the onerous role played by private security companies in preventing violent crime by asking (at para 16): “If the security guards behave in this manner who will guard the guards?”
41 Van Dam reminds us that it is “immaterial from the victim’s perspective” whether their right was infringed by the state, a company or an individual. Van Dam above n 11 at 243. Although not based on human rights, the US case of Brock v Watts Realty Co Inc 582 So. 2d 438 found that a commercial landlord could be held liable in tort for negligently failing to maintain the
between violent crime and its adverse human rights impacts, this note does not consider the legal liability of business. It also does not consider whether business may be causing, contributing or being directly linked to the human rights impacts of violent crime. The note focuses instead the corporate responsibility to respect human rights through human rights due diligence, in accordance with the UN Guiding Principles.

A. Impacts of violent crime on business

In terms of the UN Guiding Principles, risk management systems should extend beyond the risks of the company to include risks to rights-holders. The interviews and research shows that in discourse on the impacts of violent crime on business in non-conflict settings, human rights terminology is rarely used. For example, interviewees stated that violent crime adversely impacts on profit margins by increasing asset, operational, and financial risk and undermining economic viability. Increased costs for security systems are a widespread concern, and output is affected by “reduced hours of operation (including avoiding night shifts) or loss of workdays arising from outbreaks of violence, and avoidance of some types of economic activity.” The perception of violent crime in itself has a negative impact, in that it deters investment through concerns about operational viability.

However, despite the absence of human rights language there seems to be consensus that businesses which operate in areas with high levels of violent crime are negatively affected in terms of interests which could be described as human rights, including the right to life and safety of the person. For example, one of the most important impacts of violent crime on business was identified locks on the doors as prescribed by city housing ordinances, resulting in the murder of a tenant. Similarly, in Samson v Saginaw Professional Building Inc 393 Mich. 393, 224 N.W. 2d 843 (1975), a commercial landlord, which rented offices to a state mental health clinic, was held responsible in tort for the criminal actions of a foreseeably dangerous mental patient who had been treated by the clinic. The liability was based on the landlord’s failure to issue warnings or put up security measures despite receiving inquiries of concern from other tenants in the building. Both judgments were treated negatively in subsequent cases but not overturned. From a human rights good practice perspective, the Samson case is particularly sensitive, as care should be taken not to discriminate against potential tenants based on their mental health status. Ledewitz points out that “if Samson liability is applied to employers and storeowners, ex-patients would be likely to have greater difficulty in obtaining employment and services as well”. Bruce S Ledewitz “Foreseeing is Believing: Community Imposition of Liability for the Acts of ‘Dangerous’ Former Mental Patients” 45 Law and Contemporary Problems 67 1982 at 75. For this reason an integrated right-based approach is essential. On landlords’ tort liability in the US, see further Roxanne Barton Conlin “Landlord Liability for Criminal Attack on Tenant” 35 American Jurisprudence Trials 1; Tracy A Bateman and Susan Thomas “Landlord’s liability for failure to protect tenant from criminal acts of third person” 43 A.L.R. S 207; Michael J Bazyler “The Duty to Provide Adequate Protection: Landowners’ Liability for Failure to Protect Patrons from Criminal Attack” 21 Ariz. L. Rev. 727 (1979).

42 Commentary to UN Guiding Principle 17.


44 World Bank report on Jamaica above n 43. The UNODC and World Bank report on the Caribbean (ibid at 48) states that the practice of closing before dark has “especially high costs in the manufacturing sector, where second shifts are not used and productive capacity consequently sits idle.”

45 Grant Thornton survey above n 43; UNODC and World Bank report on the Caribbean above n 43 at 49; World Bank report on Jamaica above n 43. The IPCC states that “violent crime and the perception of crime can affect a company’s ability to attract customers, recruit and retain employees, boost workplace morale and ensure the productivity of its employees, and in some cases, even to stay in business”, Capobianco above n 27 at 13, referring to Deborah Vidaver-Cohen “Public-private partnership as a strategy for crime control: Corporate citizenship makes the difference” Business and Society Review (1998) 100 (1) 21-32.
as employees themselves being injured or killed as victims of violent crime.\textsuperscript{46} Human rights are potentially affected whenever violent crime has a direct impact on employees, customers or other stakeholders, not just at work but in all areas of life.\textsuperscript{47} Another commonly highlighted impact of violent crime is a decrease in employee morale and the loss of employee capacity. This ranged from employees leaving the specific industry due to associated risks to employees relocating to less violent areas or countries.\textsuperscript{48} Employees may also themselves be the perpetrators of the crime.\textsuperscript{49} Marketability is affected if customers risk being exposed to violent crime through the use of a certain product or service.\textsuperscript{50}

\textsuperscript{46} For example, the car manufacturing company (above n 50) mentioned the risk to which vehicle sales staff are exposed. It was said that certain hijackers pose as serious buyers and carry out violent hijackings when accompanied by a relevant salesperson on test drive. The company indicated that two salespersons in its employ have been killed in this way. As a result, sales staff have come to regard their profession as high risk, which in turn affects recruitment, retention, and motivation as well as the level of salary they can reasonably expect. The loss of output due to employees being injured or killed is confirmed in the survey conducted in Jamaica by the World Bank (above n 43), which found that “42 percent of all managers felt that they were either highly likely (11 percent) or likely (31 percent) to be murdered at the workplace.”

\textsuperscript{47} i) One company interviewed stated that it had done a poll and “50% of its employees had been affected in a direct manner” by crime.

ii) In Jamaica, 33% of businesses which participated in the World Bank survey (above n 43) had been the victims of violent crime. In 2001, 12 percent of participating firms were robbed at least once, of which 3 percent repeatedly.

iii) In the US, the US Bureau of Justice Statistics has reported an average of 900 work-related homicides per year, and the National Crime Victimization Survey has estimated that approximately 1.7 million violent victimizations take place at the workplace each year. Between 1993 and 1999, as measured by the National Crime Victimization Survey. Detis T. Duhart for the US Bureau of Justice Statistics “Violence in the Workplace, 1993-1999” at 1 available at http://www.bjs.gov/content/pub/pdf/vw99.pdf. See also Levine and Andritsch above n 29.

iv) The Grant Thornton study above n 43 states that in the South African context, “61% of business executives, their staff or family of staff” were directly affected by “a contact crime incident” in the preceding 12 months. (The study defines contact crime as housebreaking, violent crime, road rage or hijacking, which definition accordingly overlaps largely with the definition of violent crime used for the purposes of this note.)

v) Achim Wennmann “The role of business in armed violence reduction and prevention” International Review of the Red Cross Vol 94 No 887 (Autumn 2012) 919 at 931 reports that “[e]scalating violence in Nigeria have made the engagement of armed groups a short-term priority for companies in order to protect investment assets.”

vi) See also UNODC and World Bank report on the Caribbean (above n 43 at 41) on the costs of crime for tourism and (at 47) business in general. Particularly, note (at 48) that 72 percent of firms in the Dominican Republic have taken at least one action to prevent crime.

\textsuperscript{48} One company interviewed indicated that it has lost several of its highly skilled employees due to crime being cited as the reason for relocating. These employees had been trained to their respective levels by the company, and it accordingly lost valuable investment. The Grant Thornton report (above n 43) indicates that 84 percent of South African private business owners who were considering emigration indicated their reason as being the high crime rate. The loss of output due to employees emigrating is confirmed in the survey conducted by the World Bank in Jamaica, above n 43.


\textsuperscript{50} One example given by a multinational car manufacturer interviewed was that due to the level of hijackings of a small entry-level car in one of its countries of operation, the monthly insurance premiums on the car are higher than the monthly instalments for purchasing the car. This affects the affordability of the car, in many cases making it prohibitively expensive for members of its target market.
5. **Good Practices**

The good practices analysed in this note include policies and practices towards:

1) Protecting employees and customers working at or visiting the relevant business premises from violent crime.
2) Protecting the wider community from violent crime which may occur or increase as a result of the business’ activity.
3) Avoiding the business’ product or service being linked to violent crime, such as by discouraging or preventing the user of the product or service from being targeted.
4) Ensuring that security contractors (whether public or private) hired to respond to violent crime do not themselves violate human rights.
5) Promoting the decrease of violent crime within the wider community through supporting efforts which address the sources of violent crime.

As human rights due diligence is always context-dependent, good practices will vary significantly depending on the circumstances. An appropriate practice in one area or sector may be inappropriate in another. Business enterprises should also take care to balance the measures they take towards the protection of rights-holders from violent crime, in order to avoid infringing other human rights, such as the right to privacy.

**A. Ensuring human rights due diligence includes violent crime considerations**

The UN Guiding Principles expect companies to respect all internationally recognised human rights.\(^1\) In order to comply with this responsibility, business operating in contexts with violent crime should take into account violent crime for the purpose of their human rights due diligence process, including human rights impact assessments and written human rights policies.

Appropriate human rights due diligence should be able to identify, prevent, mitigate and account for the human rights impacts of violent crime in a company’s operational context:

i) The most thorough way of identifying a company’s adverse human rights impacts is through a human rights impact assessment.\(^2\) It should identify and assess the actual or potential adverse human rights impacts, including those related to violent crime in its operational context.

ii) Where the due diligence finds that violent crime poses a risk of actual or potential adverse human rights impacts, the business should integrate and act upon these findings, by putting in place appropriate policies and processes.

iii) Conflict management policies should be expressed in writing and use human rights language.\(^3\) Corporate human rights policies should be drafted in such a way as to ensure that the human rights impacts of violent crime in non-conflict settings are covered.\(^4\)

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\(^1\) Guiding Principle 12.
iv) The business should track and monitor the effectiveness of the actions it takes to address adverse human rights risks related to violent crime. This should be done on an ongoing basis and policies and practices should be updated and improved as lessons are learnt and as the operational context and circumstances change over time.

v) Effective human rights due diligence processes often require cross-departmental collaboration, as well as use of human rights expertise.55

vi) Training of all employees, including management staff, on the detection of human rights impacts, including those occurring as a result of violent crime, is a key component of any human rights due diligence process.56 This includes training on human rights-compatible recruitment and management processes, particularly in areas where violent crime has been identified as a human rights risk.

vii) The UN Guiding Principles require companies which have caused or contributed to adverse human rights impacts to provide for or cooperate in remediation through legitimate processes, such as through operational-level grievance mechanisms.57 A detailed examination of good practice around grievance mechanisms would render the scope of this note too wide, but access to remedy can be provided through an appropriate grievance mechanism. Accordingly, some examples of grievance mechanisms will be highlighted where relevant, without further analysis.

B. Employee safety and risk management58

At the workplace

The concern with the safety of employees59 and customers is common and widespread. Whereas health and safety policies rarely use human rights terminology, many business’ practices are ultimately aimed at the protection of their employees’ right to physical integrity, freedom from violence and right to life. Handbooks and guidelines which recommend good practices on violence at the workplace are usually not framed in human rights language.60
Some good practices identified globally include the following:

i) Risk management through human rights impact assessments or due diligence procedures to assess the risk of violence at the workplace is of key importance. Corporations are expected to conduct comprehensive assessments of the risks faced by their global workforce and to ensure robust crisis management plans are in place. These procedures should identify risks as well as evaluate the adequacy of security measures, establish procedures for dealing with violence, provide input on employment screening procedures, and provide employees with training on conflict management and violence avoidance.  

ii) The teams conducting these assessments may include persons from management, human resources, unions, employees, conflict resolution and security experts, mental health professionals and legal advisers. It is also recommended that business leaders educate themselves about the violence their employees may face, for example by visiting relevant neighbourhoods where violence occurs and through discussions with employees who reside there. 

iii) Physical security measures appropriate to the nature of the business and the location should be implemented. Such measures may include identification cards, keys or sign-in procedures, panic buttons, silent alarms, safe rooms, limited access to non-employees, increased lighting and visual monitoring ( whilst taking care not to breach privacy rights). Another practice is to provide self-defence classes to employees, or putting in place buddy-systems where employees accompany each other in unsafe situations.

iv) Employees should be trained on how to prevent, spot, report, and diffuse potential violent incidents. Experts have pointed out that there are often signs preceding violence, and that prior training significantly helps employees who are confronted with violent crime.

v) Effective channels and mechanisms for communication should be put in place. These can be used to either prevent violent crime from occurring, or to support victims of violent crime. Such mechanisms could take the form of encouraging co-workers to report any threatening behaviour to a supervisor, human resources or the security department, an ombudsman or an employee assistance programme. Methods which companies have used included message drop boxes, 24 hour hotlines, and ethics hotlines. Where appropriate, staff should be

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61 Levine and Andritsch above n 29.
62 Ibid.
64 For example, see Barrick Remediation Framework above n 49 at p. 9.
65 Ibid.
66 FBI guidelines above n 60.
67 Ibid.
68 Ibid.
70 Romano, Levi-Minzi, Rugala, and Van Hasselt above n 69.
71 Ibid.
encouraged to report incidents to the police, and educated as to why this is important. However, there are often situations where neither the supervisor nor the local police can be trusted. In those circumstances it should be possible to take the message to higher levels of management within the corporation.

vi) Employees (and other relevant stakeholders) should be aware that such mechanisms are available to them, and are confidential and private. This is particularly important in cases where victims are reluctant to report the occurrence of violent crime for fear of being targeted, stigmatised or having their privacy invaded (for example in rape cases).

vii) Where appropriate, companies should provide employees with various forms of victim aid, which could include medical aid or insurance, psychological assistance or counselling, financial assistance, access to legal remedies, temporary accommodation and memorial services.

viii) Not only may employees be the subject to violence, but they may also be the perpetrators. In attempts to combat endemic violence against women in Papua New Guinea, a mining company terminated the employment of not only those employees found to have committed violence against women, but also those who failed to report fellow employees despite knowing about their crimes, and those who misled investigators.

ix) Any recruitment screening procedures should be human rights-appropriate, so as not to breach privacy or discrimination rights. A rights-based approach will not allow for a blanket exclusion of a candidate based on previous convictions. Such an exclusion would also defy the principle that employing ex-offenders is a valuable good practice towards crime reduction. Rehabilitation programmes that make use of counselling and skills training have proven to be effective, particularly among juvenile offenders.

**Travelling to and from the workplace**

In addition to ensuring safety at the workplace, many businesses globally have taken steps to ensure that employees and customers are safe when travelling to and from the business’ premises. This includes safety measures when employees undertake business trips to foreign cities or countries with high risks of violent crime. Examples of such practices include the following:

i) Where violence often takes place at certain hours, for example at night or during the early morning, flexible work hours and a change in shift times allow employees to avoid travelling during peak risk times.

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72 British Retail Consortium guidelines above n 60 at 8.
73 Ibid at 9.
74 Romano, Levi-Minzi, Rugala, and Van Hasselt above n 69.
75 See Barrick Remediation Framework above n 49.
76 Vogelman above n 63.
77 Barrick Remediation Framework above n 49 at 3.
78 Levine and Andritsch (above n 29) refer to reference checks, arrest and conviction records checks, credit checks, drug testing and psychological tests as some measures which are often used by employers.
80 Vogelman above n 63.
ii) Women are often assigned well-lit parking spots close to their office entrance, and parking lots are frequently provided with additional lighting and cameras. The Scottish Business Resilience Centre, discussed below, initiated a parking lot accreditation system, which sets safety standards for parking facilities.\(^{81}\)

iii) Security guards are often assigned to accompany employees to and from their method of public transport.\(^ {82}\) In other cases, shuttle services are provided for employees to be transported safely to and from the relevant train or bus station.\(^ {83}\) Companies should ensure that these security guards will not themselves subject employees to sexual harassment, threats or violence.\(^ {84}\)

iv) In some cases, transport companies could have positive obligations to take steps to prevent violent attacks on trains, buses and stations.\(^ {85}\)

One interviewee indicated that the business encouraged safety of its local area not only for the protection of its employees, but also to the business’ own direct financial advantage: it had recently purchased the building from which it operated, and if the neighbourhood could obtain a safer image the value of this real estate would increase.

**Example: Remediation Framework in Papua New Guinea**

An interesting example which was designed to encompass a few of the good practices discussed above is the Remediation Framework which a large multinational mining company implemented at one of its sites in Papua New Guinea. In response to its responsibilities in terms of the UN Guiding Principles, it aimed to address violence against women through two main components: an individual reparations programme and community-wide programmes.\(^ {86}\)

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\(^{81}\) The participating car parks are assessed by experienced police officers. The scheme benefits both customers and business, in that “more people are likely to use a facility with the Park Mark™ accreditation than one without.” Car crime on accredited parking areas is stated to have reduced with up to 80% since its introduction. See http://www.sbcc.org.uk/pages/1890/1/Safer_Parking.html.

\(^{82}\) One business interviewed partnered with the local community safety project (which is in itself a partnership between community property owners and the local government) to accompany its employees to their methods of transport after hours. In support of this service, the business donated a car to the community safety project.

\(^{83}\) In one example, a large financial services business operates a call centre employing mostly women, and has its premises in a business area which becomes isolated and unsafe after hours. The employees walk to and from the train station. Through regular engagement sessions they indicated their concerns about a recent violent attack against them. As a result, the business introduced a shuttle service to ensure that employees arrived safely at the train station. It is interesting to note that in this context the policy was orientated towards protecting the right to freedom from violence, particularly of women, but that the initiative was not expressly framed as a human rights policy.


\(^{85}\) See, for example, the South Africa case of Rail Commuters Action Group above n 14 at para 84. The South African Constitutional Court found that a local transportation company has positive legal obligations to protect train commuters’ rights to life, freedom from violence and human dignity. It took into account (at para 82) the fact that “those most in need of subsidised public transport services are...often the poorest members of our communities who have little choice in deciding whether to use rail services or not.” Importantly, it pointed out that “another relevant consideration is the fact that once a commuter enters a train, he or she cannot easily leave it while it is in motion. Boarding a train renders commuters intensely vulnerable to violent criminals who target them.” The court found that there is a public law duty on the train company, which performs a public function in the service it provides, to protect commuters’ human rights.

\(^{86}\) Barrick Remediation Framework above n 49 at 7.
The individual reparations programme was aimed at providing access to remediation for women who had been violently abused by employees of the mine. The framework was designed to operate independent of the company and stipulated that claims were to be processed by individual teams of experts, with outcomes of claims to be determined by an independent panel of expert Papua New Guinea citizens. Support could include trauma response services, counselling, return to the woman’s home village, access to legal advice, micro-credit facilities, education, and economic assistance, including the provision of livestock, household equipment and food.

The community-based component was aimed at improving the way women are treated and supported, increasing awareness of human rights and helping to prevent violence against women in the specific area. The framework also contained enhanced human rights training modules for employees specifically in the area of violence against women.

This framework was ambitious in its design, particularly in light of the scarcity of good practice models for Guiding Principles-compliant operational-level grievance mechanisms which existed at the time, as well as the operating context where violence against women and girls is an endemic problem with a lack of adequate criminal enforcement by state institutions. Reviewers have highlighted that the framework demonstrated “assiduous care for claimants’ rights” and should serve as a “touchstone” for future grievance mechanism models, but that its independent implementation failed to meet some of the aims its design set out to achieve. The framework’s experience has contributed several important lessons, including around human rights grievance mechanism design, implementation, monitoring, oversight, confidentiality and stakeholder engagement.

C. Public and private security services

Companies operating in areas of violent crime often require security services to protect their employees, customers, other stakeholders and property. Companies should seek to prevent its legitimate need for security from resulting in excessive use of force or other human rights abuses by private or public security providers. It is accordingly essential that human rights due diligence process include considerations of the human rights impacts of using security services.

Two multi-stakeholder initiatives focus on good practices for the relationship between companies and security providers:

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87 These employees have since been dismissed, along with employees who misled investigators or who knew about the crimes and failed to report them. Barrick Remediation Framework above n 49 at 3.
88 Ibid.
89 Ibid at p 12.
90 Barrick Remediation Framework above n 49 at 8.
91 Ibid.
93 Ibid at 3-6.
94 Ibid at 3.
95 Ibid at 4.
96 Ibid.
97 Ibid at 7-8 and 120.
i) Various extractive sector businesses, governments and NGOs have established the Voluntary Principles on Security and Human Rights, a set of principles which aim to assist the various relevant entities to respect human rights where private and public security services are utilised. The principles cover risk assessment as well as interactions between companies and public and private security providers respectively. Amongst other guidance, the initiative has produced model clauses for agreements between companies and government security providers. Although these model clauses could be used by companies from other sectors, only extractive sector companies may currently apply to join the initiative.

ii) The International Code of Conduct Association consists of private security companies, civil society organisations and governments. Its Code contains commitments to human rights and international humanitarian law, and aims to provide remedy for victims of human rights abuses by private security providers. The Code of Conduct applies to companies operating in ‘complex environments’, which is defined as ‘any areas experiencing or recovering from unrest or instability, whether due to natural disasters or armed conflicts, where the rule of law has been substantially undermined, and in which the capacity of the state authority to handle the situation is diminished, limited, or non-existent’. The Code would therefore only apply to non-conflict areas with high levels of violent crime if such areas are also ‘experiencing or recovering from unrest or instability.’

It is common for the Voluntary Principles to be used by companies outside the extractive sector (although they may not join it), and the Code may be used in many different environments than those defined as 'complex'. However, the limited inclusion by these multi-stakeholder initiatives of either extractive sector companies or those operating in “complex environments” demonstrate the need for the discourse on human rights impacts to be expanded to include the impacts of violent crime in non-conflict settings.

D. Multi-stakeholder initiatives

Multi-stakeholder initiatives, including public-private partnerships, are of crucial importance in the prevention of violent crime in wider society, which is a task that could not reasonably be expected of a single company. Multi-stakeholder initiatives can take the form of industry, peer-to-peer or public-private partnerships, and whether at local, state, regional or national level.

Particular examples of multi-stakeholder initiatives in this area include the following:

99 http://www.voluntaryprinciples.org/what-are-the-voluntary-principles/
103 https://icoca.ch/en/faq
104 Wennmann above n 47 at 924, and at 936 he writes that “[l]iterature on promising practices and anecdotal evidence suggests that the company – as much as government or civil society actors – is not able to reduce violence or prevent armed violence by relying exclusively on its own efforts.”
105 Paul Eavis “Working Against Violence: Promising Practices in Armed Violence Reduction and Prevention” Geneva Declaration Secretariat (2011) at 58 states that the “most promising [armed violence prevention] strategies are those that work at multiple levels (community, sub-national, national), create linkages among these levels, and rely on extensive partnerships between government agencies, local authorities, CSOs, and the private sector.” Capobianco (above n 27 at 7) provides examples of local public-private partnerships in Sweden and France, and refers to local implementation of national initiatives in Argentina, Belgium, Chile, France, the Netherlands, Peru and South Africa.
i) The Voluntary Principles on Security and Human Rights\textsuperscript{106} and the International Code of Conduct Association,\textsuperscript{107} discussed above, are two examples of multi-stakeholder initiatives aimed at promoting human rights in the private security sector.

ii) In South Africa stakeholders in the cash transit industry engaged in an attempt to address the violent robberies targeted at their cash transit vehicles, ATM’s, retail outlets and bank branches. These attacks led to a high risk of loss of lives and bodily injuries, as well as a perception of violent crime and fear. In negotiating a response, the rights of employees, customers and bystanders were a key focus. The project aimed at securing the cash distribution system while protecting employee rights through increased automation. Cash is moved to and from the relevant banks and retailers to a secure distribution centre through secure air tube systems inside the mall, and deposits are covered by video surveillance. Cash deliveries and collections take place through a loading bay which is securely encased and obscured from the public, so that cash-in-transit personnel never leave their vehicles in a public area.\textsuperscript{108}

iii) Companies are collectively partnering with their local police service by providing a) a fleet to replace malfunctioning police vehicles, b) training of law enforcement officials, and c) up-to-date software for the police database systems. Before this initiative came about, 30\% of the police vehicle fleet was standing idle at repair workshops, with low levels of coordination. The training focused on capacity building and skills transfer relating to systems, processes, outsourcing, productivity and action plans.\textsuperscript{109}

iv) A large retailer partnered with the police and the Scottish Business Resilience Centre for their “Watch Your Purse and Phone” awareness campaign. It was specifically aimed at customers, staff and other members of the community, and motivated by the “distress caused to any victim of crime, particularly the elderly or vulnerable”\textsuperscript{110} when they are mugged or attacked. The initiative indirectly refers to the violation of the right to privacy by advising members of the community to always use their phones’ security locks or a PIN.\textsuperscript{111}

v) Technological and systems innovations, such as CCTV camera surveillance in city centres, and automatic vehicle number plate recognition in certain neighbourhoods,\textsuperscript{112} are often formulated through partnerships. Whereas technology is a necessary tool in addressing violent crime,\textsuperscript{113} it must also be noted that surveillance technology requires rights-sensitive utilisation in order not to violate privacy rights. The ICPC also points out that attention should be paid to the unintended consequences which technological advances might have for human rights: privatization of public spaces (such as gated communities), excluding the poor or young from such spaces, and skewing the distribution of crime to poorer communities.\textsuperscript{114}

\textsuperscript{106} Above n 98.
\textsuperscript{107} Above n 102.
\textsuperscript{109} Source: interview with author..
\textsuperscript{110} See http://www.sbcc.org.uk/pages/2170/1/Watch_Your_Purse_And_Phone.html.
\textsuperscript{111} Ibid.
\textsuperscript{112} See http://www.bac.org.za/ProjectsPastSuccesses.html.
\textsuperscript{113} See Eavis (above n 105 at 14-16) on the important role which technology has to play in violence prevention through gathering information and monitoring drivers and risk factors.
\textsuperscript{114} Capobianco above n 27 at 10; referring to Anne Lucas “Huddled masses Immigrants in detention” Punishment and Society Vol 7 (3) (2005) 323–329; Roy Coleman “Surveillance in the city: Primary definition and urban spatial order” Crime Media and
Through public-private partnerships, businesses contribute according to their own expertise and available resources to the often struggling public justice system. Apart from the police, other entities which more generally form the focus of such partnerships are the judiciary and the courts, correctional services and mediation or restorative justice facilities.  

E. Lobbying of legislature

Companies often have large influence over governments through lobbying. The UN Guiding Principles expect companies to align their lobbying activities with their responsibility to protect human rights.  

In South Africa, a number of companies successfully lobbied the legislature to enact legislation which statutorily requires the use of Microdot technology on all new vehicles sold. Microdots are tiny dots which contain information about the owner and are placed on multiple parts of a vehicle as a theft deterrent. In this manner, the businesses aimed at reducing the amount of violent car hijackings. As driving the relevant vehicle is often the activity which exposes the victim to the violent crime, a mechanism which prevents or discourages hijackings is one way in which vehicle manufacturers can attempt to ensure that their products are not linked to adverse human rights impacts.

F. Business organisations

In several countries business has formed various types of organisations aimed at combatting crime, some of which also include governmental organs. These organisations typically are not specifically aimed at violent crime, but at crime in general. Examples of such business organisations include the Netherlands’ National Platform for Crime Control, Business Against Crime South Africa (BACSA), the Scottish Business Resilience Centre (formerly the Scottish Business Crime Centre), and the UK-based Association of Business Crime Partnerships.
Feedback from participants in this study has indicated that various other countries of operation would benefit from similar organisations. These sentiments were expressed by both multinational companies and companies operating only domestically. For example, BACSA indicated it had met with business leaders from a South Asian country regarding the establishing of a similar organisation in their country. Further interest has been expressed from Canadian, US and Chinese sources, as well as a multinational communications provider operating throughout Africa.

There are also various non-governmental organisations aimed at fighting crime which do not specifically have business members, but which might engage more actively with business on its projects. The ICPC mentioned above, for example, is an international non-governmental organisation based in Canada which focuses exclusively on crime prevention and community safety. It has released various comprehensive publications, including a report on private sector involvement in crime prevention.

G. “Designing out” crime

One of the ways in which business is especially well-placed to combat crime is through situational crime prevention and environmental design. The ICPC states that “[t]his contribution is of enormous potential since the products and services that companies provide can often generate significant opportunities for crime.”

Designing-out crime can take place through the design of both goods (such as a car immobiliser), or services (such as increasing the flow of vehicle registration information to police). Design is an interesting option for companies such as car manufacturers, who can consider ways in which cars could include safety mechanisms to prevent hijackings or buttons to alert the police. Phone and electronics companies too, are incorporating mechanisms whereby users can alert the authorities as to their whereabouts in an emergency, or delete their information remotely when a device has been stolen. Other examples include store layout design aimed at the prevention of crime through good sight lines, windows free from obstructions (so there is “a good view from the street”), cash tills located in wide, raised counters, and an escape route.


121 Capobianco above n 27 at 6.
122 The Association of Business Crime Partnerships is a UK-based organisation with the objective of providing “a national supporting organisation for business crime reduction partnerships, to support and develop local Business Crime Reduction Partnerships and ensure that there are firm links between business, community safety partnerships, police and other relevant local and regional agencies.” See http://www.businesscrime.org.uk/about_us.htm.
123 See www.crime-prevention-intl.org. See also a Colombian case study where environmental design had significant positive impacts in World Health Organisation report above n 79 at 46.
124 Capobianco above n 27.
125 Capobianco above n 105 at 53 and OECD “Preventing and Reducing Armed Violence in Urban Areas” (2010) at 36.
126 Capobianco above n 27 at 19.
127 Ibid.
128 This was one of the initiatives undertaken by the Australia’s National Motor Vehicle Theft Reduction Council (NMVTRC). Capobianco above n 27 at 19.
129 UK Association of Business Crime Partnerships’ Good Practice Guide to Retailers Association of Business Crime Partnerships guide above n 60 at 5. The British Retail Consortium also refers to design layout, and recommends signage to warn about CCTV and security policies being in place. British Retail Consortium guidelines above n 60 at 5.
Designing out violent crime is an exciting opportunity to consider as, according to the ICPC, “there are already numerous examples worldwide of good practice in this area”130, and business is uniquely suited to implement such strategies given its “creativity, knowledge and expertise”.131 If design could be utilised towards the protection of human rights, it would present a good example of an integrated and holistic approach where human rights are embedded in areas of a company’s core operations other than the usual labour, security or health and safety departments.

**Example: The Operations Centre in Rio de Janeiro**

One of the most important roles which the private sector can play in violent crime reduction and prevention is through information gathering and monitoring of risk factors.132 For example, a large international computer company designed the Operations Centre in Rio de Janeiro, described as “the most ambitious and private-sector-led initiative in this field”.133

The Operations Centre integrates data from various citywide sources under one roof,134 and classifies problems into four categories: an event (for example, a loud party), an incident (if someone is beaten at the party), an emergency (if the party turns into a riot), and a crisis (if someone dies in the riot).135 The company designed the hardware, software and manuals which lay out step-by-step procedures for public agencies to respond to the various categories.136

**H. Prevention through social and community support137**

Beyond taking measures to prevent and mitigate human rights risks posed by their own operations, and the activities of third party business partners in a context of high levels of violent crime, a business can take a range of measures to support efforts to bring down the crime levels in wider society. In order to address the sources of violent crime, businesses often focus on addressing those risk factors which may lead to crime in a specific community. The Organisation for Economic Co-operation and Development (OECD) distinguishes between direct programmes (aimed at the relevant actors or instruments involved), indirect programmes (aimed at structural risk factors) and broader development programmes (which do not have the prevention of armed violence as a key objective, but may contribute in a broader manner).138

It is noted that these efforts would often fall within the business’ corporate social responsibility (CSR) activities, rather than human rights due diligence, which is aimed at addressing the business’ own human rights impacts. Business can undertake commitments as part of their CSR programs that eventually contribute to support and promote human rights, but this does not offset a failure to

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130 Capobianco above n 27 at 19.
131 Ibid.
132 Eavis above n 105 at 14-16; Wennmann above n 47 at 938-939.
133 Wennmann ibid at 939.
134 Ibid.
136 Ibid. See also Wennmann above n 47 at 939.
137 Social prevention is defined as measures “targeted at the social risk factors that contribute to the violent behavior of an individual or his criminal activity”, where community development includes measures “aimed at strengthening local capacities to intervene to prevent or stop violent or criminal acts in a given neighbourhood or zone”. Inter-American Commission report above n 11 at fn 278.
respect human rights. Business still has a responsibility to act with due diligence to identify, prevent, mitigate and account for adverse impacts on human rights linked to their operations, even though it is providing additional social and community support.

Such support efforts often include education and projects aimed at youth. This ranges from providing employees leave to volunteer at schools, the development of “youth action packs” for information dissemination, providing recreational opportunities, events and school-based programmes which connect pupils, parents, teachers, communities, the police, conflict resolution experts and trauma counsellors. Another example is providing job opportunities to young people who did not finish high school.

Other examples of community strengthening efforts have included sharing of expertise as communities design public safety plans, providing office space for community meetings, sponsoring events aimed at community cohesion and implementing company policies with diversity and social integration objectives.

Businesses have also focused on social prevention through the employment of former offenders. Employment has been found to be the single most effective way to reduce re-offending.

Despite these initiatives, the ICPC states that “activities that address the social causes of crime have more difficulty in gaining private sector support than other crime prevention measures” and ascribe this to, amongst other things, corporate cultures being accustomed to firm targets and visible solutions. Instead, social and community prevention initiatives often have longer-term targets, outcomes dependent on various external factors, and the impact on the individual company is often unquantifiable. Nevertheless, these efforts should be sustained as it has been shown that the “most promising interventions are those that combine both direct and indirect approaches by targeting both the symptoms and the broader drivers of armed violence.”

139 Capobianco above n 27 at 15.
140 Capobianco ibid at 16. For example (at 17) in Canada, a large multinational home improvement and construction supplies company provided a neighbourhood playground.
141 Ibid at 17.
142 Wennmann above n 47 at 932.
143 Capobianco above n 27 at 23.
144 Ibid at 23. See also NARCO “Recruiting Ex-Offenders: The Employer’s Perspective” (2003).
145 Capobianco above n 27 at 17.
146 See Eavis above n 105 at 10, where he states that “[d]etermining causal attribution in processes related to violence prevention and reduction is a complex task” and “it is difficult to know whether specific interventions actually work or can be considered effective.”
147 Eavis ibid at 57.
6. Recommendations

Most of the good practices identified in this note were either intuitively or indirectly, and sometimes expressly, based on the protection of the human rights of relevant stakeholders (for example, with regard to physical integrity or prevention of violence, or labour rights in terms of health and safety laws).  

However, despite the existence of widespread and established practices aimed at protecting against violent crime, only a few were expressly developed as part of human rights due diligence or integrated into existing human rights policies in accordance with the UN Guiding Principles. The benefits of using an integrated human rights approach would include the following:

i) Many businesses currently have ad hoc practices focused on preventing, addressing and alleviating violent crime in piecemeal areas such as health and safety or consumer or customer protection. Recent research has shown that companies which use human rights language in their due diligence processes are significantly more likely to identify human rights impacts than if they were using existing non-human rights processes, such as those relating to health and safety.

ii) If integrated into new or existing written human rights policies, practices could be more readily implemented throughout the business’ operations as well as shared with other businesses facing the same challenges. This would facilitate collaboration through industry organisations, cross-sectoral bodies or in terms of multi-stakeholder initiatives, including public and private role-players.

iii) Many of the practices described are aimed at protecting certain rights such as the right to physical integrity, life, human dignity and equality. However, due to the nature of some of the practices, care should be taken so as to not breach other human rights such as privacy rights (through surveillance procedures) or discrimination rights (through employment screening procedures). An integrated human rights-lens approach would identify the risks and accordingly assist with balancing the rights involved. This, in turn, facilitates educating stakeholders on these rights and the interrelationship between them.

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148 For example, the British Retail Consortium’s Best Practice Guidelines recommends almost all of the above good practices to be contained in a company policy, and refers to health and safety legislation. British Retail Consortium guidelines above n 60.

149 Eavis (above n 105 at 11) states that while armed violence prevention and reduction is a “relatively new concept, initiatives that fall under its umbrella are not necessarily new”. Wennmann (above n 47 at 924) writes that “[f]rom the perspective of local businesses – large and small - direct engagement in efforts to combat armed violence is certainly nothing new.”

150 Such as Barrick Gold’s Remedial Framework for addressing violence against women in Papua New Guinea, above n 49.

151 Ana Elena Obando “How effective is a human rights framework in Addressing Gender-based violence?” WHRNnet (2008) highlights the strengths and limitations of using a human rights framework to address violent crime against women. She identifies as some strengths: the legitimisation and official recognition of experiences of violence, the application of the principle of indivisibility of human rights, and, extremely relevant to this note, “to challenge, particularly in light of violence against women, the false public/private dichotomy of international law.”

152 BIICL and NRF above n 52.

153 Wennmann (above n 47 at 932) states that “business practice is very diverse and there would certainly be room for a more systematic analysis of a broader sample of company strategies and their place in the armed violence lens.”
7. Conclusion

Business operating in contexts with high levels of violent crime should take into account the human rights impacts of violent crime as part of their human rights due diligence. Business enterprises should have policies and practices in place to address any actual or potential human rights impacts which it may cause, contribute to or be directly linked to as a result of high levels of violent crime in the operating context.

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