



# REGIONAL BRIEFING

# Middle East & North Africa

## **Business and Human Rights in the Middle East and North Africa – A regional briefing, December 10<sup>th</sup>, 2013**

The Middle East and North Africa are regions where human rights in business need to develop rapidly. From the role of construction companies and employment agencies bringing in migrant workers for massive construction projects, including for the Qatar World Cup; to the role of internet companies in facilitating or blocking freedom of expression and association for citizens; the need to end discrimination against women in the workplace; and the role of private military and security companies in conflict zones; these issues all highlight the opportunity that business has to support human rights, and the dire consequences for people when they do not. This briefing provides insights into many cases of alleged abuse, and company responses to them, alongside descriptions of positive steps that some firms are taking. It provides practical examples of the ways forward for companies and governments in the region.

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## Executive summary

***“Human rights have everything to do with business and in the Arab region...we need to step up as companies and not be afraid to openly discuss this issue...With the ever-expanding role of the private sector in today’s world, we have a profound responsibility to uphold and ensure basic human rights.”***

Youssef Mansour, Chairman and CEO, **Mansour Group**

(Quote from “[Business Roundtable Report](#) – An Emerging Approach to Corporate Social Responsibilities, Rights and Stakeholders in a Business Context”, 9 December 2010, Cairo, Egypt, organized by Global Business Initiative and others)

“Business and human rights” might be a new pairing for many in the Middle East and North Africa. But the issues at hand are not new. They include the situation of women in the workplace, the treatment of migrant workers in construction and other sectors, and environmental pollution, given its connection with the right to health. Responsible business has an important role to play in the realization of human rights in the region. Yet if powerful companies fail to uphold human rights, the consequences are often drastic for the people of the region.

This briefing provides an overview of business and human rights in the Middle East and North Africa, and practical recommendations for the ways forward. It highlights concerns about companies’ conduct, and, equally importantly, provides examples of positive steps that companies and governments are taking. It also indicates how companies are responding to specific human rights concerns. Since 2005, the Resource Centre has invited companies to respond to allegations of misconduct, including in the Middle East and North Africa. The Centre has approached companies headquartered in the region 45 times in total for responses to allegations of being involved in human rights abuses, and the response rate from them is 58%. And it has approached companies headquartered outside the Middle East and North Africa regarding human rights allegations within the region 102 times, with a response rate of 71%.

This indicates an encouraging level of engagement on specific human rights issues by companies both within and outside the region. At the same time, too many are silent on human rights concerns. The full record of company responses and non-responses is included as Annex A. The companies approached were from many industries, demonstrating that no business sector is immune from human rights responsibilities. Those contacted most often (nine times or more), from highest to lowest, were technology and internet firms (31 approaches for a response to a human rights concern); media & PR (16); clothing & textile (16); extractives (13); transport (11); construction (10); private security (9). A response by a company is not a reflection of its actual conduct of course, and the quality of responses varies from company to company. But a response *is* an important indicator of a firm’s openness to engaging with human rights concerns being raised by civil society.

The high numbers for technology and media/PR firms indicate the importance of these sectors in the political movements that swept many parts of the region over the last three years, and the central role businesses have in either facilitating dialogue around democracy and human rights, or shutting down these spaces. One company in this sector that declined to respond to the Resource Centre was **Orange**. Journalists and human rights activists in Jordan held a protest outside its headquarters in Amman in June 2013. As the main internet provider in the country, they alleged that it had helped stifle freedom of expression by complying with a temporary government shut-down of nearly 300 online news websites. Police dispersed the protestors using batons and tear gas. As the editor of one of the sites, Jo24, said:

"Orange company is helping the government violate the constitution, which grants freedom of expression. Journalists are determined to make their voices heard no matter what." The Resource Centre invited Orange to respond to this, and its reply was "Nous ne souhaitons pas faire de commentaire sur ce sujet," i.e., "We do not wish to respond on this matter".

Technology firms that did respond to the Resource Centre regarding freedom of expression issues include **LINKdotNet**, **Noor Group** and **Vodafone** following the internet blackout during the days building up to the overthrow of Mubarak in Egypt, and Qatari telecoms firm **Ooredoo**, to calls that it respect human rights through its newly-granted licence to provide telecoms services in Myanmar. As the briefing highlights, there is increasing guidance available for technology firms on how to maximise their contribution to human rights, and minimise infringements.

Another major theme of the briefing is the rights of workers. This includes the right to work itself, and the related opportunities for companies to generate employment, particularly for young people. As the World Economic Forum has said, "100 million youth between 15 and 29 years old representing 30% of the region's total population are in dire need of an economic future." It also includes the internationally-recognized rights to freedom of association, collective bargaining, and the right to organize, which as the ILO has highlighted are systematically violated in many parts of the Middle East and North Africa. There has been little change in the protection of labour rights despite the political movements since 2011. Among the companies that the Resource Centre approached regarding alleged abuses of freedom of association are **Saudi Aramco** (which declined to respond), **Suez Steel** in Egypt (responded), and **Mondelēz**, formerly Kraft, regarding labour rights concerns in both Egypt and Tunisia (responded).

The 2022 World Cup in Qatar has shone an international spotlight on widespread exploitation of migrant construction workers. Hundreds of thousands of workers will move to Qatar for construction projects for the World Cup, in addition to the approximately 1.2 million already in the country. The briefing highlights calls for reform, and also cites examples of companies where good employment practices have been recognized such as **Qatalum** and **OHM**. Challenges in the treatment of migrant workers extend beyond Qatar to other Gulf countries. Issues include the implementation of the "Kafala" sponsorship system which ties a migrant worker to his or her employer; deceptive recruitment practices; the confiscation of passports; inadequate housing facilities; dangerous working conditions; and low levels of pay, including sometimes the non-payment of wages. At the worst extreme are cases of human trafficking and forced labour. The ILO's 2012 Global Estimate of Forced Labour estimated that 600,000 workers throughout the Middle East region are subject to forced labour, "trapped in jobs into which they were coerced or deceived and which they cannot leave." **FSI Worldwide** is an example of a recruitment company, headquartered in Dubai, working to demonstrate that ethical recruitment and employment models make good business sense.

The briefing features inspiring initiatives to empower women in the workplace in the Middle East and North Africa region. **Glowork**, for example, is a portal dedicated to female recruitment in the Gulf countries that has placed around 10,000 women in jobs. But there are also major hurdles to be overcome. In September, the International Transport Workers' Federation (ITF) called out a standard hiring contract for thousands of **Qatar Airways'** female workers, which reportedly reads: "*The employee shall notify the employer in case of pregnancy from the date of her knowledge of its occurrence. The employer shall have the right to terminate the contract of employment from the date of notification of the pregnancy...*" The Resource Centre invited Qatar Airways to respond and it declined to do so. ITF also highlighted concerns about restrictions on freedom of association at **Etihad** and **Emirates**, neither of which responded.

Additional challenges featured in the briefing include business operating in areas of conflict and post-conflict, and environmental pollution which affects the right to health. But the briefing also emphasizes

that, while the Middle East and North Africa is a difficult region for human rights, there are important opportunities and openings. Some governments, for example, are taking serious action to reduce child labour. Companies and universities are increasingly engaged in “corporate responsibility”, which can provide an entry point for action on human rights. As Middle East-based companies expand their operations overseas their conduct can be exposed to greater scrutiny, which in turn can strengthen their motivation to operate responsibly. And social media in the region has a powerful role to play in building networks and raising awareness of concerns.

In 2011, the UN Human Rights Council unanimously endorsed the “UN Guiding Principles on Business and Human Rights”. Bahrain, Qatar and Saudi Arabia were on the Human Rights Council at the time, and Jordan and Turkey were two of the co-sponsors of the resolution endorsing the Guiding Principles. The Principles set out clear guidelines for governments and for companies. With increasing information available about companies’ human rights impacts both within the Middle East and operating overseas, it is becoming harder and harder for firms to say that they are unaware of their responsibilities. Companies with foresight will recognize that it makes business sense to avoid abuses of human rights and find ways to make a positive contribution.

## 1. Purpose of this briefing

Business & Human Rights Resource Centre is an international non-profit organization with offices in London and New York, and researchers based in other countries including Lebanon (see point 5 for more about our work). We hope that this briefing helps to inspire serious action on human rights by companies and governments throughout the region.

Readers wanting further information on business and human rights in any country in the Middle East and North Africa can [visit the relevant country section](#) of our website.

Any company or other organization that would like to submit a clarification or comment on any aspect of the content of the briefing is welcome to do so by getting in touch with the report authors. This will be posted on our web-site. (See page 20 for contact details).

## 2. Business & human rights concerns in the Middle East & North Africa

### i. Labour rights

The whole spectrum of labour rights remains a challenge in many countries in the Middle East and North Africa, including the right to work itself, freedom of association, and conditions within the workplace.

#### **The right to work**

***“Seeking a job is an arduous journey into the impossible.”***

participant, UN Post-2015 Youth and Employment Workshop, Amman, Jordan. Quoted in [“Growth and Employment in the post-2015 Agenda – Messages from a global consultation”](#), UNDP, September 2013

Unemployment in the Middle East and North Africa is the highest in the world, and largely a youth phenomenon. A [2012 World Economic Forum report](#) said that “100 million youth between 15 and 29 years old representing 30% of the region’s total population are in dire need of an economic future.” In Tunisia, unemployment is [currently](#) around 16% – an increase from the 12.4% when street vendor Tarek

al-Tayeb Mohamed Bouazizi set himself on fire in December 2010, triggering that country's revolution. In Jordan, unemployment among college graduates is around 21%.

Unemployment and precarious employment can lead to unrest and resentment. In [Libya's oil industry](#) there have been frequent protests calling for jobs for locals, as well as better jobs for those who have them. The protests often lead to production stoppages. In Algiers, police [beat young people with batons](#) in May 2013 while they protested for job security. Many of the protestors were on temporary "pre-employment" contracts that do not pay the minimum wage.

In this context the private sector has an essential role to play in generating jobs for young people. Initiatives to build skills and entrepreneurship are growing in the region. [Education for Employment](#) (EFE), which has many private sector affiliates such as **Accenture** and **Citi**, trains young people in skills they will need for the workplace. In January 2013, the chairman of **Aramex**, an international logistics and transportation company headquartered in Jordan, [founded](#) the "Corporate Social Entrepreneurship" initiative – **Zain Jordan** [joined](#) in October with a project to specifically help young people launch small businesses. In Lebanon, Bader Young Entrepreneurs Program and **Bank Audi** have run a "StartUp Cup" to coach Lebanese startups. **Microsoft** through its "[Youth Spark](#)" program and [Manpower](#) are two other companies with youth employment projects in the Middle East. These initiatives are important, but as a recent Guardian article [put it](#), "A massive ramping up of scale is needed."

#### Freedom of association

***"I got a termination letter [after the strike]. I don't know what will happen next. People in our camp were waiting to hear if news of protests would come from other labour camps, if they would also rise and raise their voices...If we formed a union and we had a leader, he would take our problems to management and they would just deport the leader. It would not work here..."***

Bangladeshi scaffolding installer working for Arabtec in United Arab Emirates, quoted in [Dubai's Striking Workers in their Own Words](#), Chris Arsenault, Al Jazeera, 24 May 2013

The ILO [has highlighted](#) "the systematic violation of fundamental principles and rights at work" in the Middle East and North Africa, "especially those related to freedom of association, collective bargaining and the right to organize." These rights are known as "enabling" rights. They give rise to many others and make it possible for workers to negotiate more fairly for decent terms and conditions in the workplace.

There has been little change in the protection of labour rights following the political movements started in 2010 (known as the Arab Spring). Following a consultation with 20 unions and labour organizations from six countries in the region, the European NGO [SOLIDAR reported](#): "The responses to the consultation clearly indicate that in Palestine, Egypt, Lebanon, Jordan, Algeria, Tunisia and Morocco worrying developments took place in 2012 and 2013 regarding the Freedom of Association and Peaceful Assembly; Freedom of Expression and Information; and democratic transition and civil dialogue."

The Resource Centre has highlighted the repressive environment for trade union activity in other countries in the region too, such as [Iraq](#), where the 1987 labour law still stands and effectively outlaws the formation of trade unions (proposed reforms are underway), [Iran](#) and [Bahrain](#). In a move in the opposite direction, in January 2013 Israel's National Labour Court ruled [in a case against telecoms firm Pelephone](#) (a **Bezeq** subsidiary), that employers cannot interfere with employees' attempts to organize. The ruling said: "The employer does not have freedom of expression, in other words, the right of

response to employees exercising their right to unionize. Its intervention in this process causes disproportionate harm to the internal democratic process of its employees, to which it is not a party.”

In Egypt, the [creation of many unions](#) following the fall of Mubarak was followed by restrictive anti-union laws under Morsi’s leadership, [as reported by](#) Egypt’s Centre for Trade Union & Workers Services. An April 2013 [set of demands](#) from Egyptian unions said, “Instead of seeing our demands met, we face imprisonment, dismissal from our jobs, and the failure to legalise the unions which we have built of our own free will.” Now that Morsi is no longer in power, trade unions [are concerned](#) that Egypt’s new constitution will not significantly strengthen fundamental workers’ rights.

The Resource Centre has sought responses from companies to allegations of abusing the right to freedom of association. In May 2012 a report by Amnesty International [described](#) the repression of political protests in Saudi Arabia’s Eastern province. It said that **Saudi Aramco** oil company dismissed at least six employees after they were detained on suspicion of being involved in the protests. All were released without any charge or conviction. But only one, Amnesty reported, was able to obtain the necessary proof from the government to be reinstated at work, despite their multiple attempts to do so. When the Resource Centre’s researcher attempted to contact the company, which is owned by the Saudi government but uses a combination of private and public sector workers, for a response, she was told that they would not be responding because this is a “government issue”.

The Resource Centre has obtained a response by the private Egyptian company [Suez Steel](#) regarding the arrest of striking workers in Egypt, during a strike by over 2000 workers calling for higher pay – the two workers [were released](#) following an intervention by Egypt’s labour minister. Spinneys grocery chain in Lebanon has faced allegations of dismissing workers who were involved in union activities: we received [a statement in September 2012](#) from Spinneys in which it strongly denied the allegations. Spinneys has said that it dismissed the workers for gross misconduct and for failing to attend for work for longer than the stipulated period according to labor law. Legal proceedings regarding this situation are currently underway.

The Centre also [obtained responses](#) from **Mondelēz** (formerly Kraft) to concerns by IUF that it did not respect the right of workers to form a union at one of its plants in Alexandria, Egypt, and at the Société Tunisienne de Biscuits (SOTUBI) factory in Tunisia. (Regarding its connection to the latter, Mondelēz said that its joint venture interest in SOTUBI is a minority one, so it does not have management control – but still sought SOTUBI’s perspective on the matter). In its [June 2013 rejoinder](#) to Mondelēz, IUF stated the following:

“There remains one final point to be made, and not for the first time. Mondelēz has it wrong when they write ‘...We strongly respect our employees’ freedom of association and right to collective bargaining, and recognize them as fundamental international labor rights. We do this by acting in good faith and in strict compliance with locals and regulations, in spirit and in letter.’

This is the ‘local laws and regulations’ escape clause, and is not what is set out in international standards. Principle 11 of the UN Guiding Principles on Business and Human Rights clearly states:

*The responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate. It exists independently of States’ abilities and/or willingness to fulfill their own human rights obligations, and does not diminish those obligations. And it exists over and above compliance with national laws and regulations protecting human rights.”*

This highlights a frequent tension for companies operating in the Middle East and North Africa as well as in other regions. Often national law falls short of international standards, in which case there is an expectation for businesses operating in a country to go beyond national laws. In rare instances, national

laws are in direct conflict with international standards. This is the case for example in countries that ban trade unions, or in countries where discrimination against women is legalized.

The UN Global Compact has issued a [briefing note](#) to assist companies in handling such situations. The IFC (International Finance Corporation)'s [Performance Standard on Labour and Working Conditions](#) states that: "Where national law substantially restricts workers' organizations, the client will not restrict workers from developing alternative mechanisms to express their grievances and protect their rights regarding working conditions and terms of employment. The client should not seek to influence or control these mechanisms." And as the [ISO 26000 Guidance](#) on social responsibility states: "In countries where the law or its implementation significantly conflicts with international norms of behaviour, an organization should strive to respect such norms to the greatest extent possible."

Conversely, companies through their influence on host governments should not seek to weaken existing labour laws or stand in the way of reforms.

### **Migrant workers**

*"After working for five months, I asked for my money but they didn't give me my money. [The site engineer] told me, 'Do your work; I'm not going to give you money. We're only going to give you money for food, BD15 [\$40] for 30 days.'*

*I told him, don't give me money for food, send me home—I paid 80,000 rupees [\$1705] on my house and I have to give it back. He said, 'There is no money, go to the Labor Ministry, go to the embassy, you won't get your money.'"*

Sabir Illhai, migrant construction worker, Manama, Bahrain, quoted in the Human Rights Watch report "[For a Better Life](#)"

Hundreds of thousands of workers will move to Qatar for construction projects for the 2022 Qatar World Cup, in addition to the approximately 1.2 million already in the country. The event provides an important opportunity to push for reforms in the ways that migrant workers are treated: both within the country, and also beyond, particularly in other Arab Gulf countries. The Resource Centre is [tracking developments](#) on its website. It is highlighting steps by the key actors involved such as the Qatari government – as Nick McGeehan of Human Rights Watch has said, change in Qatar must come "from the top", from Sheikh Tamim – international NGOs and unions, and business (such as architectural firms, construction firms, employment agencies). The Human Rights Watch report "Building a Better World Cup" includes [clear recommendations](#) for the Qatari government, labour-sending countries, FIFA and companies involved. The ITUC (International Trade Union Confederation) is running a global campaign calling on FIFA to [re-run the vote](#) for the 2022 World Cup unless Qatar reforms its track record in labour rights.

Examples of companies that are getting things right are as important as those that are mistreating migrant workers. For example, in [its report](#) on its mission to Qatar the Building and Woodworkers International Union mentioned that it "saw good working conditions in the Sidra hospital project of the Spanish firm **OHL** and at the Norwegian project **Qatalum** with both firms having concrete policies and practices on workers protection."

The abuses described above extend beyond Qatar to other Gulf countries and concerns have been raised about them for some time. Widespread issues include: the "Kafala" sponsorship system which ties a migrant worker to his or her employer and restricts their ability to organize, terminate their contracts or change employer; deceptive recruitment practices, by which workers have to sign new contracts on arrival in the receiving country very different to those they thought they would be signing; the confiscation of workers' passports; inadequate housing facilities; dangerous working conditions; and low levels of pay,

including sometimes the non-payment of wages. At the worst extreme are cases of human trafficking and forced labour. The ILO's [ILO 2012 Global Estimate of Forced Labour](#) estimated that 600,000 workers throughout the Middle East region are subject to forced labour, "trapped in jobs into which they were coerced or deceived and which they cannot leave."

The Human Rights Watch report "[For A Better Life](#)" documented abuses of migrant workers in Bahrain's construction sector. The Resource Centre invited three of the firms that had not replied to Human Rights Watch about this report to respond: **Al Hamad** (of United Arab Emirates) responded; the two Bahraini firms **Al Asfoor Company** and **Abdulla Nass** did not. (The two firms that had replied to Human Rights Watch were **Senior Group** and **GP Zachariades**).

In Jordan, the Resource Centre [sought a response](#) from **Century Miracle Apparel** to reports of mistreatment of its Burmese workforce. The Irrawaddy, a Burmese news outlet, had reported that the workers were striking for Burmese-friendly food, a wage increment and an end to discriminatory treatment based on racial background. One of the protesting workers mentioned that their situation was complicated by the language barrier and the lack of a formal labour organization. In its response, Century Apparel indicated that a wage increase had been put into effect and that workers were returning to the factory.

The article on Century Miracle also referred to the "invalidity" of the employment agencies who had recruited the workers. Unscrupulous recruitment agencies are an important cog in the system of migrant worker exploitation in the Middle East. Some "sending country" governments are attempting to address this issue, for example the Philippines government [maintains a database](#) of employment agencies indicating which ones have a valid license and which have been de-listed. Individual companies are also taking action. [FSI Worldwide](#), headquartered in Dubai, is a company that aims to "bring international best practice to the recruitment and management of migrant workers from the developing world", based on "the principle that investing in people enhances productivity." In January 2013 its CEO Tristan Forster [won the Business Leaders Award to Fight Human Trafficking](#).

## Child labour

***"I am so happy to be back in school. At the garage, I used to work 12 long hours in the hot sun without much to eat. Now I go to school for about five hours a day and I am free to spend the rest of my time as I would like to...When I grow up I want to work in fitting air-conditioning units. And I want people to know that I can now write and read and that I have an education."***

Nabil, former child worker, quoted in "[Leaving a life of child labour behind – How a Jordanian teenager quit working as a car mechanic and returned to full-time education](#)," ILO, 14 August 2013

There are an estimated [9.2 million child labourers](#) in the Middle East and North Africa. As well as the fact that working children are deprived of access to education, many are engaged in hazardous work that poses serious risks to their health and development. Industries that can be harmful to children include forms of agriculture, construction, quarrying and brick production. In countries that have significant tourism industries such as Morocco, boys and girls are exploited for sex tourism.

Countries in the Middle East are tackling child labour to various extents and using different approaches. For example, as the US Department of Labor's 2012 findings on the worst forms of child labour [reports](#), in the West Bank, the Palestinian Authority amended the Children's Law to include stiff penalties for child labor violations. Jordan approved its first national child labor strategy. In November 2013, Lebanon launched a National Action Plan and Strategy to Combat the Worst Forms of Child Labour. There remains a significant lack of data on the extent of the worst forms of child labour in the region – to begin

to address this, Egypt and Yemen have released results of national surveys on child labor. And Yemen [is establishing](#) a National Observatory for Child Rights.

## ii. Discrimination against women

***“First, some men get intimidated by a strong woman. Second, others – and I will try to sound as proper as possible – think a business relationship with a woman should be a personal one. Finally, some men underestimate women in general, and believe that women are not capable of delivering good results.”***

Fida Taher, Jordanian media executive and founder of cookery website Zaytouneh, quote from Chris Schroeder’s [“Startup Rising: The Entrepreneurial Revolution Remaking the Middle East”](#)

Discrimination against women is widespread in the Middle East and North Africa, and this extends to the workplace. As the [World Economic Forum highlighted](#) earlier this year: “In the MENA region, and elsewhere, there has been progress, but it has been slow, impeded by custom, conservative traditions and patriarchal attitudes. It is estimated that on average in the MENA region, only 20% of women are employed outside the home.” The majority of women working in the region are in the public rather than private sector. In some countries, women who do work are stigmatized. For example in Yemen, many men continue to be under the impression that working women have looser morals and therefore [bear some of the blame](#) themselves if they are sexually harassed.

In September 2013, the International Transport Workers’ Federation highlighted the situation of women working for airlines based in Qatar and United Arab Emirates. It mentioned the case of **Qatar Airways**, for which a standard hiring contract for thousands of the airline’s female workers reads: “*You are required to obtain prior permission from the company, in case you wish to change your marital status and get married. And: The employee shall notify the employer in case of pregnancy from the date of her knowledge of its occurrence. The employer shall have the right to terminate the contract of employment from the date of notification of the pregnancy...*” The Resource Centre has invited Qatar Airways to respond and it declined to do so. ITF also highlighted concerns about restrictions on freedom of association at **Etihad** and **Emirates**, neither of which responded.

Saudi Arabia has some of the strongest restrictions on women’s rights. Recent stories from the country indicate movement in the right direction, but also the distance still to go. For example, gradually the labour ministry has been promoting the inclusion of women in the workplace in some circumstances. [Directives in 2012](#) included that women no longer need their husband or custodian’s permission to work, that shops catering exclusively to women, such as lingerie, cosmetic and perfume shops, must only hire women, and that factories should employ more women. These were met with a backlash though, with some businesses [violating these rules](#) and religious organizations looking for ways to circumvent them. In October 2013, four Saudi Arabian women [became the first female lawyers](#) to receive legal licenses. Previously women with law degrees had been able to work as legal consultants but were banned from practicing law in courtrooms or operating law firms.

Multinational companies operating in Saudi Arabia attempt to find creative ways to enable women to work. As **PepsiCo** [puts it on its website](#): “*Tailored programs enable progress. For example, in Saudi Arabia, where women represent less than five percent of the workforce, the lowest proportion in the world, we have constructed workplaces that respect local customs while enabling women to work and advance. Our Saudi team includes 25 women hired in 2011 and 2012 in both management and front-line roles.*”

Local initiatives are seeking to tackle the issue too. **Glowork** is a portal dedicated to female recruitment in the Gulf Cooperation Council countries. Since its 2011 launch it had placed [around 10,000](#) women in jobs. [SAS Holding bought Glowork](#) for US\$16million in September 2013, supporting its plans that include expanding into Jordan and Oman and building services for disabled women. In Tunisia, the [Center of Arab Women for Training and Research \(CAWTAR\)](#) encourages policy dialogue about economic empowerment for Arab women, and implements various projects to enable and better equip women to participate in the economy. In Israel, the Strauss Group and Israel Women's Network publishes an annual [Israeli Catalyst Census](#) which reports on the percentage of women in senior executive positions in large listed companies.

To combat sexual harassment in the workplace and elsewhere, a group of human rights activists in Egypt developed "[Harassmap](#)" for women to anonymously report incidences of sexual harassment via SMS messaging, mapping the reports online. Since its launch it has been expanded to other countries in the region – the Resource Centre featured a video by Yara Chehayed of Nasawiya in Lebanon talking about Harassmap and the related "Salwa" cartoon campaign in its [series of videos of human rights activists](#) to mark its 10<sup>th</sup> anniversary year, in 2013.

Business should also act to stop the abuse of women's rights outside of the immediate workplace. An [academic study in Algeria](#), for example, found that violence against women – including rape – was particularly high in areas close to oil companies' operations in the South of the country.

### **Other forms of discrimination**

Discrimination in the region extends to other groups beyond women of course. In Libya, the country's relative wealth from oil draws many migrant workers from African countries. Once in Libya they often face abuse, imprisonment without charge, and racially-motivated and xenophobic attacks, as described in articles such as "[Racism and Revolution](#)" in *Equal Times*. In Tunisia, [activists called](#) for an advertising agency to finance a project combatting racism as a form of recompense after it created an advert for **Carrefour** on its Facebook page showing Tunisian footballers giving bananas to black children. In 2012, activists accused **MTV Lebanon** of promoting hatred and homophobia after it aired a show that featured undercover camera footage of men in porn cinemas in Beirut and Tripoli. In [its response](#), the company said that "Our fight was against illegal places and paedophilia which are universally condemned, and NOT against homosexuality in any way."

### **iii. Technology companies, freedom of expression and privacy**

***"Orange company is helping the government violate the constitution, which grants freedom of expression. Journalists are determined to make their voices heard no matter what."***

Basil Okoor, editor in chief, Jo24 (Jordan) in ANSA, [Jordan: Clashes at Protest Against Blocked Internet Sites](#), 17 June 2013

On 17 June 2013 police [reportedly](#) used batons and tear gas to disperse a group of journalists and human rights activists who were protesting outside Orange telecom company's headquarters in Amman. Earlier that month the government had blocked access to nearly 300 internet-based news websites saying that they were not properly licensed. Activists felt it was a move to crack-down on dissenting views, and were accusing Orange, the main internet provider in the country, of assisting by complying with the government shut-down. The Resource Centre invited Orange to respond. Its reply: "Nous ne

souhaitons pas faire de commentaire sur ce sujet” - we do not wish to respond on this matter. Jo24, one of the media outlets at the protest, [wrote a critique of the response](#).

Access to the internet played an important role in the recent political movements, and continues to be a crucial tool in pushing for human rights in all parts of the region. Largely *because* of this empowering role, it is also a target of repression by governments, which can cut off access at critical junctures, censor content, and monitor the activities of activists online. Business can be involved at all these levels. It can enable increased access to the internet. Or on the flip side, it can also comply with government requests for blackouts, censorship, and surveillance.

Back in 2011, an internet service blackout took place during the days prior to the overthrow of Mubarak in Egypt. Human Rights First wrote to telecommunications and internet providers operating in Egypt, asking them to be transparent about government requests to interrupt communications services, how they made decisions about responding to such requests, and what the company's official policies are on communicating those decisions to the public. The Resource Centre [approached the companies](#) for a response. **LINKdotNet**, **Noor Group** and **Vodafone** responded. **Etisalat** and **Telecom Egypt** did not.

Five Libyans who were tortured under Moamer Gaddafi have filed a lawsuit in France against the French technology company **Amesys**. They allege that it provided the Libyan government with communication surveillance equipment which was used to identify Gaddafi opponents, who were then detained and tortured. Amesys has confirmed that it entered into an agreement with Libyan authorities in 2007 but claims that the equipment provided did not enable the monitoring of telephone lines. It says that its activities comply with international, European and French law. The Resource Centre has a profile of this lawsuit on its [“Corporate Legal Accountability Portal”](#), which profiles lawsuits against companies for alleged human rights abuses in all parts of the world.

Human rights activists have raised concerns about the use of technology from US and European firms by the Syrian and Iranian governments, to spy on citizens' internet activities. The Resource Centre sought a response from the US firm **Blue Coat**, for example, [to allegations](#) its products had been found being used in this way. In [its response](#), Blue Coat referred to steps the US Department of Commerce took against companies that had diverted its products to Syria (these included **Computerlinks FZCO** of Dubai) and clarified that it has never permitted the sale of its products to countries embargoed by the US, among other points.

When used in the right way, of course, technology provides much-needed access to communication within repressive regimes. When the US issued a general license lifting sanctions on the export of personal communications tools and services to Iran on 30 May 2013, the International Campaign for Human Rights in Iran [said](#) that “Private sector technology companies should take immediate steps in facilitating and ensuring the availability of personal communications items to Iranians.”

There is increasing guidance available to technology companies on how to minimize their infringement of the rights to freedom of expression and privacy, and increase their positive contribution. The [Global Network Initiative](#) is a multi-stakeholder endeavour to “protect and advance freedom of expression and privacy in the ICT sector.” As of December 2013 its participating companies were **Evoca**, **Facebook**, **Google**, **Microsoft**, **Procera Networks**, **WebSense** and **Yahoo!** The [“Telecommunications Industry Dialogue”](#) is a group of companies aiming to do a similar thing for their sector – its current members include **Alcatel-Lucent**, **AT&T**, **Millicom**, **Orange**, **TeliaSonera** and **Vodafone** among others. And the NGO Access has developed the [“Telco Action Plan – 10 Steps and Implementation Objectives for Telecommunications Companies”](#) as well as the [“Telco Remedy Action Plan”](#) for remedial steps to take when abuses have occurred.

It is an area that is likely to receive increasing scrutiny. In 2013 a new [Ranking Digital Rights](#) project was launched, which is developing a methodology that ranks the world's major ICT companies on freedom of expression and privacy.

#### iv. Situations of conflict, post-conflict and political tension

***“It is disappointing to see sponsors of Formula One ignore the implications of this weekend’s race. Until the government shows a real commitment to reforms promised in the Bahrain Independent Commission of Inquiry report, international events such as the Bahrain Grand Prix should not proceed.”***

Kathleen Hughes, Index on Censorship, quoted in [“Bahrain Grand Prix – only 29% of Formula 1 companies respond to human rights concerns”](#), 18 April 2012

The Middle East and North Africa region is fraught with political tensions that sometimes escalate to conflict. As the UN Guiding Principles on Business and Human Rights state: “Some of the worst human rights abuses involving business occur amid conflict over the control of territory, resources or a Government itself – where the human rights regime cannot be expected to function as intended.” Below are situations that the Resource Centre has covered in the region where business has intersected with human rights concerns that arise from situations of conflict, post-conflict, and political tension.

##### The Syrian conflict

**Rosoboronexport** did not respond [to reports](#) that it is the primary arms supplier to the Syrian government, and therefore that it risks complicity with crimes against humanity against the Syrian people. On 30 November 2012, the US senate [voted to stop](#) the Pentagon from purchasing helicopters from Rosoboronexport, given its role supplying arms to Syria.

The Resource Centre has also highlighted reports on the past role of Western European companies in helping Syria to [build up its chemical weapons arsenal](#), and on the [vulnerability](#) of Syrian refugees in neighbouring countries falling into exploitative working conditions and child labour.

##### Former conflict situation in Iraq

In Iraq, private military and security companies have been implicated in abuses against civilians. Former Abu Ghraib prisoners are seeking redress in US courts against the private contractor **CACI** over its alleged involvement in acts of torture. [As Courthouse news states](#), a complaint filed in September 2013 details “how CACI agents put a weight on one detainee’s genitals, leaving him impotent, and beat him so badly he partially lost his vision and hearing...Another detainee says they cut his tongue with pliers, tightly tied a thick thread around his genitals and shot blanks at him to simulate execution. They also told him his wife and children were being tortured in the next room.” Regarding its lawsuit *Al Shimari v. CACI*, first filed in 2008, the Center for Constitutional Rights [has highlighted](#) the importance of the case following the “Kiobel” ruling by the US Supreme Court that limited the ability of plaintiffs to sue corporations in the US for abuses committed overseas. “The trial in *Al Shimari* will be a powerful demonstration that, post-Kiobel, US corporations can still be held accountable in US courts for egregious human rights violations they commit abroad.”

Family members of 12 men killed in Iraq and a surviving worker have filed a lawsuit in a US federal court against **Kellogg Brown & Root (KBR)**, a US military contractor in Iraq, and its Jordanian sub-contractor, **Daoud & Partners**. They claim the 13 men were initially recruited in Nepal to work in hotels and restaurants in Amman, Jordan. Instead, they alleged that a Daoud & Partners representative seized their

passports after they arrived in Jordan, and that they were later trafficked into Iraq to work at a US military facility. Twelve of the men were killed by insurgents en route to the worksite in Iraq. The 13th man, who travelled separately, was allegedly held in Iraq for fifteen months and forced to work in a warehouse under the supervision of KBR. While some claims have been dismissed in light of the Kiobel ruling, others under trafficking legislation [have been allowed to proceed](#) and the trial is scheduled for 2014.

#### Political clashes and government repression of opponents in Bahrain

The Bahraini government continues to clamp down on its opponents representing the country's Shia majority. Human rights groups spoke out prior to the 2012 Bahrain Grand Prix, saying that the event risked legitimising serious human rights abuses in the country. The Resource Centre invited teams, sponsors and partners involved in the race to respond to these concerns and [disappointingly only 29% of the 52 firms](#) approached responded. As the Resource Centre's Director at the time, Chris Avery, stated in its press release: "Seldom have we seen a response rate this low from a group of companies anywhere in the world. And of the responses that were received, seldom if ever have we seen such a high proportion that completely fail to comment on the human rights concerns that they were asked to address." (Note: As explained in the introduction to Annex 2, these 52 approaches to companies regarding Formula 1 in Bahrain for responses are not included in our overall figures for company responses / non-responses to allegations given that it would produce skewed findings given the proportionally large number of companies contacted regarding one issue in one country).

The Centre has also obtained [responses from public relations companies to Bahrain Watch](#)' concerns about their work to help raise the profile of the government of Bahrain in the western media, and [from BAE Systems](#) regarding the UK's plans to sell the company's Typhoon jets to Bahrain despite its human rights record.

#### Israel and Palestine – business involvement in the occupied territories

One of the lawsuits [profiled](#) on the Resource Centre's Corporate Legal Accountability Portal was filed by Association France Palestine Solidarité and the Palestinian Liberation Organization against **Alstom** and **Veolia** in a French court, in 2007. The lawsuit alleged that through their involvement in a consortium for the construction and operation of a light rail project in Jerusalem, the companies were violating international law by allegedly aiding and abetting Israel's occupation of the land in East Jerusalem conquered during the 1967 six-days war. Eventually the case was dismissed in March 2013, while meanwhile the tram has started to operate. However some NGOs continue to call for boycotts of Alstom and Veolia. In November 2013 the large US pension fund TIAA-CREF [dropped Veolia from its Social Choice fund](#).

That is one example of the many cases in which concerns are raised about companies' operating in Occupied Palestinian Territories. Companies the Resource Centre has sought responses from regarding this issue are included within Annex A. Among them is cosmetics firm **Ahava**, [to the Al-Haq report](#) "Pillage of the Dead Sea" that alleges Ahava and other firms are in breach of the Geneva Conventions by using minerals taken from the occupied Dead Sea area; Israel's national water authority on behalf of the state-owned company **Mekorot**, regarding alleged discriminatory access to water in the Occupied Palestinian Territories; and construction firm **Africa Israel** to [photos apparently showing](#) its subsidiary's involvement in the construction of "illegal" settlements in Occupied Territories according to NGOs, despite an earlier statement saying it was not involved – Africa Israel said "we were surprised to learn that one can consider Gilo Neighborhood, which is one of the well established neighborhoods located in the heart of Jerusalem, to be 'a settlement in the occupied West Bank' and find such broad definition be erroneous."

There have been numerous reports raising concerns about the activities of private security company **G4S** both inside Israel and in the Occupied Palestinian Territories, to which the Resource Centre [has received responses by the company](#). In 2013 G4S said it will [quit key contracts by 2015](#), amid protests against its operations in the West Bank.

In the UK and other European countries, development agencies, trade unions, faith groups and others have pressured supermarkets to stop sourcing food products made in Israeli settlements. As Ecumenical Council on Corporate Responsibility [reported in March 2013](#), on-the-ground work of its members “has shown how these settlements and their infrastructure infringe Palestinian human rights and make ‘normal’ economic and social life almost impossible.” One factor helping sustain the settlements is the presence of manufacturing, food processing and agricultural businesses – produce from which ends up on European shop shelves. As a result of this pressure many UK supermarkets, including [Marks & Spencer and the Co-operative](#) have committed not to knowingly source from the settlements, however others such as **Tesco** (as ECCR reports) have not. On 19 July 2013, the EU released [new guidelines](#) on the eligibility of Israeli entities working within Israeli settlements in Palestine for funding by the EU.

There are examples of peace-building initiatives by both Israeli and Palestinian firms. For example a [partnership](#) between Israeli and Palestinian technology entrepreneurs, a “[Business for Peace](#)” competition, and an initiative presented at the World Economic Forum in Jordan in May 2013 called “[Breaking the Impasse](#).”

#### Morocco and Western Sahara

Organizations such as Western Sahara Resource Watch have called for companies to stop doing business with Moroccan companies or authorities in Western Sahara until the territorial dispute between Morocco and the Sahrawi people is resolved. The Resource Centre has obtained responses from companies regarding their activities in Western Sahara, such as [Siemens](#) on its involvement in the Fom El Oued wind farm project, and [Kosmos Energy](#) on its offshore exploration of the Cap Boujdour block. It has also highlighted an agreement reached in July 2013 between a Saharawi support group in Norway and the Norwegian fishing company **Sjøvik** operating in Western Sahara, following negotiations convened by the National Contact Point of the OECD Guidelines in Norway. In its [final statement](#) on the case, the NCP underscores “that there is a heightened due diligence requirement for business in relation to human rights violations when operating in or from areas in conflict, in this case the disputed Non-Self-Governing Territory of Western Sahara.”

#### **v. Environmental pollution and clamp-down of related protests**

***“The Habi Center for Environmental Rights [in Egypt] views the use of the Thuggery Law by polluting companies to terrorize citizens who are defending their environmental rights as an important and dangerous development. This shows the need to reconsider or withdraw the Thuggery Law because it represents a danger to the right of citizens to protest and their right to peaceful assembly.”***

[“Environmental rights and the Thuggery Law”](#), Habi Center for Environmental Rights, 15 July 2013

As in many regions, some companies in the Middle East and North Africa take advantage of low production costs and low environmental standards – the resulting pollution can lead to a reduction in clean drinking water, a loss of arable land and harm to health.

In July 2013, The Habi Center for Environmental Rights in Egypt wrote [open letters](#) to **Helwan Fertilizers Company** alleging it was polluting its vicinity in Arab Abu Saa'id and using the "thuggery law" to silence people protesting the pollution. Habi Center, it said, "views the use of the Thuggery Law by polluting companies to terrorize citizens who are defending their environmental rights as an important and dangerous development." The Resource Centre obtained a [response](#) from Helwan Fertilizer, which was followed by a [rejoinder](#) by Habi Center questioning the company's claim to respect the community's right to health and peaceful assembly, and then a [further response](#) by the company. In its statements Helwan Fertilizer says that its emissions are lower than the legally permitted levels and a great improvement on those of the coke plant that preceded it on the same location, and that the protests were motivated by calls for employment. It said that it raised the legal claim against the protestors because they "tried to prevent our cars and staff to go inside our company and they burned some tires of cars at the entrance of the company."

Tunisia is reportedly the fifth largest exporter of phosphate in the world. As [Deutsche Welle reports](#), "Phosphate mining is therefore a pillar of the national economy, but it comes at the expense of the environment," and the article goes on to describe how one factory in the coastal city of Gabes channels a reported 13,000 tons of the pollutant into the sea every day. Tunisia is also planning to use hydraulic fracturing, known as "fracking" to develop natural gas deposits. The Resource Centre [obtained a response from Shell](#) regarding protests against its fracking project in the country. Within its response Shell said that it "supports the rights of Tunisians to engage in discussions about onshore gas development..." and that it hopes "to inform a rational, fact-based conversation with Tunisians about the benefits of safe and responsible energy development."

In Yemen, a tanker's oil spill in coastal waters sparked protests in the Mukalla area. Coastal residents alleged they had breathing difficulties caused by the inhaled fumes, and feared the incident would damage the local fishing industry.

In November 2013, Greenpeace and CEE Bankwatch Network published "[Black Clouds looming – How Turkey's coal spree is threatening local economies on the Black Sea](#)." The report cites World Resources Institute figures that Turkey is planning 50 coal-fired power plants, which means it will rank first among OECD countries investing in new installed coal capacity and fourth globally, behind China, India and Russia. The report says that environmental and social impacts of that investment in coal are not being properly assessed, that public concerns are not taken seriously and only limited information about the projects is made available. Similarly, in Egypt, ten organizations including Egyptian Initiative for Personal Rights and Egyptian Center for Economic and Social Rights [issued a statement](#) in November raising concern about the promotion of coal as an alternative to natural gas in cement and ceramic factories.

Some governments are taking important steps to crack down on pollution. In Zanjan, Iran, protestors [took to the streets twice](#) against the pollution of air and ground-water by a lead factory – the government responded by closing the factory down. And in Jordan, for example, the Environment Ministry [closed down](#) 50 factories and issued 3,820 tickets to others that did not comply with environmental regulations in the month of March 2013 alone.

Closely related to environmental management is public safety. In June 2013, a [Qatari court sentenced](#) five people to jail in connection with the **Villaggio** shopping mall fire in May 2012 in which 19 people died, including 13 children and two firefighters. Those convicted included two co-owners of the nursery and daycare centre that had caught fire, and members of the management of the mall. In Baghdad, five people died in March 2013 when an upscale "floating restaurant" owned by the **Lebanese Family Club** [sank](#) in the Tigris River – about 150 people were on board, while reportedly the restaurant had a maximum capacity of 100. The Resource Centre invited the company to respond but it did not.

## vi. Middle East companies operating overseas

***“We believe three-quarters of the people in the lower Omo valley will be displaced. Only a fraction of the local people will be employed in back-breaking daily labour. Giving such large plots of land to private investors exposes traditional communities to serious food insecurity, conflict, and restricts their free movement with large cattle as they are used to in the past.”***

Representative of lower Omo valley in the Gambela region of Ethiopia, where swathes of land have been bought by investors from the Arab Gulf and elsewhere, quoted in “[Ethiopia’s Land Grabs: Stories from the Displaced](#)”, Nyikaw Ochalla, IC Magazine, 17 Oct 2013

Some Gulf companies are investing heavily in large swathes of land overseas to meet their domestic food and water needs. These investments can sometimes lead to serious human rights abuses and risks among the local populations, including widespread displacement, loss of livelihoods, loss of access to food and drinking water supplies. The NGO “Grain” runs a website [www.farmlandgrab.org](http://www.farmlandgrab.org) where it tracks developments and the actors involved. In 2012, for example, Grain reported that a new plantation in Ethiopia’s Gambela region owned by a Saudi-based billionaire is irrigated with water diverted from the Alwero River. As [the report](#) describes: “Thousands of people depend on Alwero’s water for their survival and [these] industrial irrigation plans could undermine their access to it. In April 2012, tensions over the project spilled over, when an armed group ambushed **Saudi Star Development Company** operations, leaving five people dead.” Other countries that are securing land abroad include Bahrain, Egypt, Libya, Qatar and the United Arab Emirates.

In May 2012, the Food and Agriculture Organization of the UN [adopted global guidelines](#) for governments on the rights of people to own or access land, forests and fisheries, partly as a result of growing international concerns over “land grabs.”

In a different sector altogether, the Resource Centre approached Qatari telecoms company **Ooredoo** for a response to a call from Human Rights Watch for it to ensure that human rights measures are in place for its new telecoms license in Myanmar. The call and the response by Ooredoo [are here](#) (as well as a response by the Norwegian company Telenor that was also granted a license in Myanmar). Among the points in its response, Ooredoo says: “While there will always be challenges to implement such a stringent data protection regime we believe that by engaging productively with all stakeholders Ooredoo can deliver a network that will help to fulfill the potential of Myanmar while simultaneously supporting the rights of the individual.”

### 3. Opportunities for business & human rights in the Middle East and North Africa

Despite the above challenges, there are many opportunities for the link between human rights and business to become stronger in the region:

**Existing efforts and events on corporate responsibility** create a space for engagement on human rights issues. Some countries in the region such as Egypt, the Gulf States and Iraq, have local networks of the UN Global Compact, under which companies commit to 10 Principles including two on human rights. Corporate foundations are paying increasing attention to corporate responsibility. And organizations such as the Pearl Initiative work to raise awareness of corporate responsibility issues. The [Pearl Initiative](#), headquartered in United Arab Emirates, is “a private sector-led not-for-profit organization set up to improve transparency, accountability and business practices in the Gulf region” – its website features reports on best-practices by companies. In the context of the fourth conference on Corporate

Responsibility in Doha in May 2013, Rubina Singh [wrote in Gulf Times](#): “A marriage between business and human rights is not just important but indispensable. Human rights are based on the inherent dignity of every person; they are those basic rights and freedoms to which all humans are entitled. Corporate institutions are as much a part of society as any other and hence have a share of the responsibility.”

Specifically on human rights, the Global Business Initiative has [hosted roundtables](#) with companies from throughout the region in Egypt and in the United Arab Emirates.

**The academic community** has an important role to play. In June 2013 the Protection Project at the School of Advanced International Studies (SAIS) at John Hopkins University hosted a [conference on Corporate Social Responsibility in the Middle East](#), in Istanbul. Universities present ranged from Beirut Arab University, to Beheshty University in Tehran. The [2<sup>nd</sup> regional annual conference](#) on the subject will be hosted by the University of Jerash, Jordan, on 20-21 April 2014. In Lebanon, the ILO regional Office in collaboration with the Association of Lebanese Industrialists, and the American University of Beirut held the first [national workshop on Corporate Social Responsibility and Child Labour](#).

**Some national human rights commissions are taking action** on business and human rights. Morocco’s national human rights commission, for example, recently published [a report](#) on migrants in the country including migrant workers and [participated in an event in Casablanca](#) in July 2013 called “Droit de l’Homme dans l’entreprise – de quoi parle-t-on?” (“Human rights in business – what is it all about?”). And when the Jordanian national human rights commission hosted the 11<sup>th</sup> International Biennial Conference of NHRIs in November 2012, [one of the side events](#) focused on business’ impacts on women and children.

**International events shine a spotlight on the region:** As described above, events such as the Bahrain Grand Prix and the Qatar 2022 World Cup can and will bring international media attention to human rights issues, helping build pressure and incentives for change. These events put a special focus on the behaviour of companies involved, and the adequate regulation and protection afforded by states to the affected workers and communities.

**Growing protest movements:** Activism and protest still face strong repression in many countries in the region, but the political movements that began with the Tunisian revolution have strengthened many people’s resolve to call – and to keep calling – for justice and human rights.

**The expanding presence of Middle East-based firms overseas** exposes those companies to human rights scrutiny and expectations in the countries where they operate.

**Social media** provides a space for concerns to be aired and organizations to network, outside of mainstream media which often faces censorship and restrictions. It provides enormous opportunities for the business and human rights movement, as in other areas of human rights and social justice.

**There is increasing international guidance** for companies and governments on business & human rights issues, which is available in many languages including Arabic. This includes the [UN Guiding Principles on Business and Human Rights](#), which were adopted by consensus by the Human Rights Council in 2011. Bahrain, Qatar and Saudi Arabia were on the Human Rights Council when the UN Guiding Principles on Business and Human Rights were adopted, and Jordan and Turkey were two of the co-sponsors of the resolution endorsing the Principles. Some leading transnational companies have developed plans to implement the Guiding Principles, such as [Microsoft](#), [Anglo-American](#), and [Adidas](#), which are available in Arabic and French as well as English. Also, the [ISO 26000](#) guidance on corporate responsibility incorporates human rights as one of its seven core areas.

## 4. Recommendations for business and governments

### Three recommendations for business

#### 1. Adopt and implement a policy statement on human rights

Making a public commitment to human rights is a first, but important, step. Many companies have already done this. The Resource Centre keeps a [running list](#) of companies' human rights policies on its website (currently at 339) – it welcomes suggested additions to this list. [Principle 16](#) of the UN Guiding Principles on Business and Human Rights is expressly on the need for a human rights policy. Actions to adhere to and implement the policy include:

*i. Assess and manage human rights impacts throughout the entirety of the company's operations.* In building the case internally for this process, this briefing might be helpful: [“What Executives Need to Know \(and do\) About Human Rights.”](#)

*ii. Adhere to international labour rights standards.* The ILO's [fundamental principles](#) on rights at work cover freedom of association, the elimination of forced labour, effective abolition of child labour, and elimination of discrimination in the workplace. Companies should use international standards as a yardstick even when national laws fall short.

*iii. Ensure ethical recruitment and employment of migrant workers.* This applies to companies that directly employ migrant workers, recruitment agencies, and companies that benefit from their labour. Guidance on the ethical employment of migrant workers is [available here](#) – including the Dhaka Principles for Migration with Dignity, which are available in many languages including Arabic, English and French.

*iv. Empower women in the workplace.* Endeavour to ensure that women are not discriminated in the workplace, and where possible to help generate employment opportunities for women. Consider signing up to the [Women's Empowerment Principles](#). As of December 2013, over 600 CEOs have signed the CEO Statement of Support for the Principles. Participating companies from the Middle East and North Africa include BLC Bank in Lebanon, Chemical Industries Development, Orascom and SEKEM in Egypt, and Mazaya Investment Group in the Palestinian Occupied Territories.

*v. Avoid complicity in human rights abuses by governments.* Many human rights risks for companies in the Middle East and North Africa arise from being complicit in abuses by governments. Complicity has both legal and non-legal interpretations. As [the UN has described](#), “public opinion sets the bar lower” than legal definitions in determining that a company has been complicit in abuse by a government or other third party.

#### 2. Technology companies should seek to act in accordance with principles of: access and freedom of expression; respect for privacy; and non-repression.

This will help them maximize their positive impact on human rights, and avoid abuses. A growing amount of guidance is available for this, including [“The Global Network Initiative”](#) principles; the [“Telecommunications Industry Dialogue”](#); the [“Telco Action Plan”](#) developed by Access, and the [“International Principles on the Application of Human Rights to Communications Surveillance.”](#)

#### 3. Keep informed.

Companies are at an advantage if they keep abreast of international developments in the area of business and human rights, of potential risks in their own operations, and of what other companies in their sector are doing. The Resource Centre encourages companies to sign up for its free [Weekly Update emails](#) on business and human rights issues, and use its website to track particular issues. Also, to get in

touch with information for highlighting on the website. Transparency is an important component of respect for human rights.

### **Three recommendations for governments**

**1. Review existing national laws and regulations to ensure there is a comprehensive framework to protect from human rights abuses by business, and strengthen laws as necessary.** Steps include:

i. Ensure that companies operating with the government's territory do not abuse human rights, by implementing and enforcing relevant laws – and ensure that courts can provide justice and remedy for abuses. Also, take steps to prevent abuse abroad by business enterprises within the state's jurisdiction. The "State Duty to Protect" section of the [UN Guiding Principles on Business and Human Rights](#) sets out clear guidelines for governments.

ii. Additional steps should be taken to prevent human rights abuses by state-owned corporations, including ensuring that they conduct "human rights due diligence" to assess, manage, and report on their human rights impacts, and provide leadership to other companies.

iii. Ensure only companies with a sound human rights record, and who pay a living wage, are invited to tender for state contracts.

iv. Consider adopting a "national action plan" on business and human rights. The International Corporate Accountability Roundtable and the Danish Institute for Human Rights are currently [developing a toolkit](#) to guide governments in this endeavor. The UK Government [released its own national action plan](#) on business and human rights publicly in seven languages in September 2013.

**2. Enhance freedoms of expression and association.** These are foundational rights, from which others flow. Real progress on human rights cannot happen when victims are afraid to speak out about abuses and when workers cannot organize without fear of retaliation.

**3. Strengthen the protection of workers, including migrant workers.** This can be done by individual governments and also working in collaboration with the governments of "sending" countries. Steps include upholding international standards on workers' rights; enabling workers' freedom of movement and right to form trade unions; ensuring there are effective grievance procedures in place; and ensuring fair recruitment practices by employment agencies.

### **5. About the Business & Human Rights Resource Centre**

Business & Human Rights Resource Centre, an independent non-profit organization, provides the leading information hub on business & human rights: [www.business-humanrights.org](http://www.business-humanrights.org).

The website tracks reports about the human rights impacts (positive & negative) of over 5000 companies in over 180 countries, and provides guidance tools and resources for all those working in this field. Its researchers are based in Brazil, Colombia, Hong Kong, India, Kenya, Lebanon, Myanmar, Senegal, South Africa, UK, Ukraine and USA.

Mary Robinson, former UN High Commissioner for Human Rights and President of Ireland, is Chair of the Centre's International Advisory Network. The Resource Centre recently received the 2013 Dodd Prize in International Justice and Human Rights, a prize established "to honor outstanding individuals and organizations that have made a significant effort to advance the cause of international justice and global

human rights". The Centre does not accept funding from companies or company foundations, in order to maintain its independence and to prevent any possible perception of a conflict of interest.

Mission: To encourage companies to respect and promote human rights, and avoid harm to people. It does this by advancing:

- **Transparency** – pursuing, collecting and disseminating to a global audience information about company conduct, positive and negative;
- **Public accountability** – helping civil society get companies to address concerns; seeking responses and drawing attention to each company's response or failure to respond; and
- **Informed decision-making** – providing the leading business & human rights resource and guidance hub, to assist civil society, companies and others.

Further information about the Resource Centre's work is available here: [www.business-humanrights.org/Aboutus](http://www.business-humanrights.org/Aboutus).

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We look forward to continuing to work with all stakeholders to promote respect for human rights by companies in the Middle East and North Africa.

## Annex: Company responses and non-responses to human rights allegations

[Download as a PDF](#)