

**BUSINESS COMPLIANCE WITH HUMAN RIGHTS  
STANDARDS IN LITHUANIA: FROM NATIONAL  
ACTION PLANS TO PRACTICE**

By

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# Abstract

Considering the growing influence of businesses on the full and equal enjoyment of fundamental human rights, as well as the challenging regulatory landscape it creates to the national governments, this study analyzes the *Lithuania's Action Plan on the Implementation of the United Nations Guiding Principles on Business and Human Rights* (Lithuanian NAP). While seeking to answer the question, what role the NAP as a policy tool plays in practice to promote and ensure business compliance with human rights, it explores domestic and international policy contexts as well as the general developments in the field of business and human rights. Taking into consideration that globalization has brought the shift in the governance regimes, such international frameworks as the UNGPs provide useful guidance and help creating networks for both governments and private sector actors. However, the study argues that for NAPs to be effective, that is, practicable and actionable, national governments must undertake leadership to ensure that the NAPs are reflective of the national context and forward-oriented.

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# List of Abbreviations

**EC** – the European Commission

**EU** – the European Union

**NAPs** – National Action Plans, National Action Plans on Business and Human Rights

**UN** – the United Nations

**UNGPs** – The United Nations Guiding Principles on Business and Human Rights for implementing the UN “Protect, Respect and Remedy” Framework.

# Introduction

Currently, sixty-nine out of one hundred of richest entities in the world are corporations and not countries (World Economic Forum 2020). Over the last few decades, large international corporations have become more powerful and influential than ever before. The global integration of economies, including labor markets, has brought many opportunities for both workers and businesses. However, the integration and growth in the global economy have not been beneficial for all. While creating jobs and fostering economic advancements worldwide, businesses cause, contribute or can be linked to a certain human rights impact. This impact can be differentiated as either positive, for example, creating opportunities for social and economic development, or negative, such as hazardous labor conditions or negative environmental impacts.

Full and equal enjoyment of a wide spectrum of fundamental human rights is undoubtedly affected by the activity of the private sector. The European Union Agency for Fundamental Rights (FRA) reports that incidents when fundamental rights are breached by businesses mostly affect environmental rights and working conditions (FRA 2019). Nevertheless, cases of discrimination or situations when human life or health are put at risk are also common. It is not only the workers who fall victims of corporate human rights violations. Consumers, local and indigenous communities as well as the environment can suffer from the business-related negative human rights impacts.

The primary responsibility and duty to “protect, promote and implement all human rights and fundamental freedoms” lies with the state under the international human rights law (United Nations General Assembly 1998, 3). However, the self-regulatory nature of businesses together with multinational corporate models, globalized markets and complicated supply chains make it particularly difficult for governments to ensure effective business compliance with international human rights standards. Moreover, the global *regulation* of actors in the private sector has never

been more challenging. While businesses are subjects of law under domestic legislation, cross-boundary nature of their operation limits state's capacity to effectively address adverse human rights impacts that they may create. In light of these challenges, which are global in their nature, the international community needed additional measures to ensure the effective protection of human rights. Thus, the international framework for business and human rights was developed.

This study explores the business and human rights framework as a result of which *The United Nations Guiding Principles on Business and Human Rights for implementing the UN "Protect, Respect and Remedy" Framework* (UNGPs) were adopted. The main focus and the selected case study is *Lithuania's Action Plan on the Implementation of the United Nations Guiding Principles on Business and Human Rights* (Lithuanian NAP). Building on a premise that the NAP as a public policy tool should indicate state's commitment to bring domestic laws, policies, and practices into alignment with a specific norm (Methven O'Brien et al. 2016, 117) such as the UNGPs principles, a single case study analysis of the Lithuanian NAP as a policy tool meant to promote and protect human rights as per the UNGPs is analyzed. Study seeks to answer, what role the NAP plays in practice to promote and ensure business compliance with human rights.

The study is structured in six main parts. The first part overviews the background of the business and human rights framework. Then, the existing literature in the field of business and human rights is reviewed and the framework for the analysis is presented. Further, the empirical part analyzes the Lithuanian NAP and explores it in the light of domestic and global developments. The last part of the study is dedicated to discussing the concluding remarks, limitations and recommendations for future research.

# 1. Background

The following chapter provides an overview of the development of business and human rights framework which has resulted in the adoption of an authoritative international framework for addressing business-related human rights violations. It further discusses the main conceptual and normative aspects of the framework focusing on the National Action Plans.

## 1.1. Development of the business and human rights framework

The debate on business and human rights intensified in the 1990s as a result of geopolitical and technological advancements allowing corporations to expand their operations on a global scale. The early 2000s witnessed a further increase in attention to human rights violations committed in business operations.<sup>1</sup> Early stages of the business and human rights framework that exist now were initiated by the attempt to fill in the “governance gaps created by the globalization” (Ruggie 2008).

Although the international human rights regime has already provided for the general protection of rights, growing interconnectivity among countries and markets together with the extraterritorial operation of transnational corporations demanded adapting and improving the existing framework (Ruggie 2008). Governments across the globe faced practical and legal challenges which required new tools for addressing business human rights violations crossing national borders.

In 2005, a new mandate was created at the United Nations (UN) level, the role of the Special Representative of the UN Secretary-General on the issue of human rights and transnational corporations and other business enterprises (OHCHR 2005). Among other goals, the UN Human Rights Commission *Resolution 2005/69 on Human rights and transnational corporations and other business enterprises* mandated the Special Representative to:

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<sup>1</sup> The concepts of business/corporate responsibility and business/corporate human rights violations are used interchangeably in this study as it is done in the UNGPs.

[i]dentify and clarify standards of corporate responsibility and accountability for transnational corporations and other business enterprises with regard to human rights” as well as to “elaborate on the role of States in effectively regulating and adjudicating the role of transnational corporations and other business enterprises. (OHCHR 2005, 1).

As a result, in 2008, Special Representative John Ruggie introduced a comprehensive conceptual framework “protect, respect, and remedy” (Ruggie 2008) aiming to help the international community – both national governments and businesses – to address the afore-mentioned challenges. In the essence, “protect, respect and remedy” framework (Ruggie’s framework) entailed a clear division of responsibilities to relevant actors – states and businesses – and provided for remedies to people who may be affected by adverse human rights impacts.

States are the main duty bearers under the international human rights regime (O’Brien 2018). They hold a duty to *protect* “[a]gainst human rights abuses by non-State actors, including by business, affecting persons within their territory or jurisdiction” (Ruggie 2008, 192). Even though the responsibility to protect rights against corporate violations is a state’s prerogative, it is hardly achievable without considerable business participation. Thus, under the framework, businesses hold the responsibility to *respect* international human rights principles and, importantly, “do no harm” in their operations (Wettstein 2012). The third element of the framework covers access to *remedy* and to effective redress mechanisms for the rights holders. Importantly, the framework has a strong human rights basis as it was developed taking into consideration the International Bill of Human Rights which includes the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights with its two Optional Protocols and the International Covenant on Economic, Social and Cultural Rights. The International Labour Organization’s Declaration on Fundamental Principles and Rights at work has also contributed to aligning the relevant standards in the field (Ruggie 2014).

The framework aimed to address the practical complexities arising in different policy areas when it comes to the implementation of these principles. The next step in the process of John Ruggie's mandate was the development of a comprehensive policy framework – the UNGPs.

## **1.2. The United Nations Guiding Principles on Business and Human Rights for implementing the UN “Protect, Respect and Remedy” Framework**

As a result of extensive consultations with a wide range of stakeholders, including governments, businesses, and civil society across different continents, the UNGPs were developed and unanimously endorsed by the UN Human Rights Council in 2011. The UNGPs are a unique, universally accepted global policy framework on business and human rights built on the premise of “protect, respect and remedy” conceptual framework.

One of the general principles of the UNGPs is their universal application. All states and businesses, “regardless of their size, sector, location, ownership or structure” (OHCHR 2011), are subject to the UNGPs. However, as a policy framework, the UNGPs “do not create new international law obligations” (OHCHR 2011), nor limit those legal obligations that states may have already undertaken. Thus, the UNGPs are a soft-law instrument, guiding relevant actors towards coherent compliance with international human rights standards. Moreover, the “protect, respect, remedy” framework is further expanded in the UNGPs providing for an exhaustive three pillar foundational structure:

- **Pillar 1: The State Duty to Protect Human Rights.** This duty entails state's responsibility to take appropriate measures to “prevent, investigate, punish and redress” against corporate abuses via a set of effective policy measures, including “legislation, regulations and adjudication” (OHCHR 2011). Among other duties, there is a strong emphasis on providing necessary guidance, and encouraging or requiring businesses to

report on their human rights performance. Moreover, states ought to promote human rights across various institutional levels, perform an effective oversight, and to ensure that the state-owned enterprises also follow the principles (OHCHR, 2011).

- **Pillar 2: The Corporate Responsibility to Respect Human Rights.** Respecting human rights for businesses essentially means that businesses must avoid “infringing on the human rights of others” and the need to “address adverse human rights impacts with which they are involved” (OHCHR 2011, 14). To follow this principle, businesses should adopt a “human rights policy statement” and, importantly, conduct an extensive human rights due diligence procedure (OHCHR 2011, 17).
- **Pillar 3: Access to Remedy.** The third pillar entails state’s duty to ensure effective judicial and non-judicial means for those affected by business-related human rights abuse “when such abuses occur within their territory and/or jurisdiction” can seek and access an effective remedy (OHCHR 2011).

The UNGPs as a normative framework is aimed at clarifying existing legal obligations and international standards. It systemizes the business and human rights synergy into one “logically coherent and comprehensive template” (Ruggie 2011, 2) to provide more clarity for relevant actors and to determine where the current system requires improvement. However, without specific means to identify existing policy gaps, implementation of the UNGPs is hardly attainable.

### 1.3. National Action Plans

As presented above, the first pillar of the UNGPs foresaw the state’s duty to promote human rights through a set of various policy measures. Therefore, adopting National Action Plans (NAP) on business and human rights was actively endorsed by international actors. In 2011, The UN Working Group on Business and Human Rights was established by the UN Human Rights Council. As a body responsible for facilitating the global dissemination and implementation of the UNGPs, it played an active role in the promotion of NAPs as policy strategies to “accelerate and

scale up implementation” of the UNGPs (UN Secretary General 2014). In its 2014 report, the Working Group elaborated on the fundamental purpose of NAPs. According to the report, NAPs should aim to prevent and strengthen protection against corporate human rights abuses while simultaneously determining the remaining gaps to be addressed as well as introducing “practical and actionable” policy measures (UN Secretary General, 2014). Moreover, in 2014, the Working Group has published more detailed guidance on NAPs (UN Working Group on Business and Human Rights 2014), which was updated in 2016 (UN Working Group on Business and Human Rights 2016). Essentially, the guidance aimed to “serve as a reference guide for all stakeholders involved in NAP processes” offering a five-phase process, including the development, implementation, monitoring, and update phases (UN Working Group on Business and Human Rights 2016, 3). Nevertheless, a considerable amount of flexibility was left in the provided guidance for national governments which were to decide whether to integrate business and human rights policy measures into broader national strategies or to introduce separate tools (OHCHR n.d.).

Development of NAPs provided an opportunity to the national governments to audit the status quo. This evaluation allowed ensuring the policy coherence within the field of business and human rights and setting goals for further improvements. There was a strong push from the regional European institutions, such as the European Commission or the Council of Europe, encouraging national governments to adopt the NAPs. The European Union (EU) acknowledged that improving policy coherence within the EU relevant to business and human rights is a “critical challenge”, and the implementation of the UNGPs will significantly contribute to EU goals concerning particular rights related issues and essential labor standards (European Commission 2011, 14). Therefore, the EU member states were invited to develop NAPs for the implementation of the UNGPs by 2012, which resulted in several EU countries being the first ones globally to launch the NAPs. The UK championed the way with adopting and publishing its NAP in 2013, followed by the Netherlands and Northern Ireland; Denmark, Finland, and Italy in 2014, and

Lithuania, which launched its NAP in 2015 (UN Secretary-General 2014, 3). To date, 24 countries across the globe have published NAPs with 14 countries remaining in a development phase (Global Naps, n.d.).

There is no specific oversight procedure on the UN level in order to evaluate the NAPs as introduction of NAPs is not mandatory under the UNGPs. However, the UN Working Group on Business and Human Rights holds a mandate to consult with relevant stakeholders and issue recommendations regarding the UNGPs, including the NAPs (OHCHR 2014). Nevertheless, voluntary procedures exist states participate in to report on the implementation of the NAPs. For example, in 2016, the Working Group has issued a survey focusing on the NAPs aiming to evaluate their contribution to the prevention, mitigation, and protection against business-related human rights abuses (OHCHR n.d.).

## 2. Literature Review

Stemming from the general ethical theory and the notion of a moral imperative for businesses to conduct themselves in a certain ethical way (Wettstein 2012), currently there are several theoretical approaches that prevail when it comes to analyzing and understanding the intersection of business and human rights. The most widely applied both in theory and in practice are the conceptual frameworks of corporate social responsibility (CSR), responsible business conduct, and business and human rights (FRA 2019). However, with the development of the general business and human rights framework, elaborated in the UNGPs, it was established that the notion of CSR, which long dominated the debate on businesses' role in respecting human rights, was not comprehensive enough (Ramasastry 2015). Although fundamentally aiming for a similar goal – responsible business conduct – the roots of the CSR and business and human rights frameworks come from different scholarships. CSR mainly grew out of business academia which covered voluntary corporate initiatives and their role as “social partners” (Baumann-Pauly, Nolan, and Nolan 2016), while the concept of business and human rights emerged from the intersection of legal scholarship, analyzing existing international law obligations, and human rights advocacy (Ramasastry 2015). John Ruggie’s “protect, respect, and remedy” framework discussed in the previous section has paved the way for further development of business and human rights analysis.

Even though widely accepted and applied in practice, Ruggie’s framework has also received criticism from some legal scholars. Such criticism partially falls within the wider scholarly debate which concentrates on the general discussion of “voluntary norm-making approaches” (i.e. soft-law) and legal obligations and/or “treaty” (i.e. hard-law) approaches to business adherence to human rights (Mantilla 2009). To present the prevailing argument, Ruggie’s framework narrows down business responsibility claiming that businesses have no binding legal obligations under the international law. That is, the approach reduces business’ role to merely “respecting” human rights

and addressing negative impacts it may have caused rather than having specific positive obligations (Bilchitz 2009). Some scholars argue that in order to better understand business' role, there is a pressing need for more scholarship analyzing hard-law obligations and enforcement mechanisms in both national and international law rather than simply following the business responsibility to respect human rights approach (Deva et al. 2019).

## **2.1. Contribution from the field of Governance studies**

Important theoretical contributions on the topic of business and human rights come from the field of governance studies. John Ruggie (2014) argued that the “old governance” model had limited utility to deal with the challenges that globalization has brought in order to address business and human rights related issues. Thus, the “new governance” theory must be applied in the field (Ruggie 2014). The “new governance” as a framework emphasizes collaborative rather than hierarchical approach to addressing complex contemporary issues through “the widespread use of tools of action” that engage multi-stakeholder actors (Elliott and Salamon 2002, 2). It essentially acknowledges limited individual state's capacity to address some issues, such as extraterritorial business operation, and accepts the need to engage in a collaborative manner. This multi-stakeholder dynamic, including businesses, national governments, international organizations, and civil society can be further explored in terms of “polycentric governance”. Elinor Ostrom and colleagues conceptualized the notion of “polycentricity”, analyzing mostly complex economic systems and collective-action problems, such as climate change (Ostrom 2009). According to Ostrom, “Polycentric connotes many centers of decision making that are formally independent of each other” (Ostrom 2010, 552) but work as a network to address common issues. Thus, she argues that polycentric regulation is successfully applicable when dealing with transboundary issues.

Additionally, Prenkert and Shackelford define polycentric governance as a regulatory system or as a regime-complex “consisting of a collective of partially overlapping and nonhierarchical regimes”

(Prekert and Shackelford 2014, 456). Importantly, according to some authors, polycentricism entails the division of “rulemaking powers” (Prekert and Shackelford 2014) among various actors who may exist and operate under different regulatory regimes, such as the international human rights regime, international corporate law, or domestic labor law regulations. Moreover, in a polycentric governance regime, the state ceases to act as the main source of authority as interdependence and cooperation are more effective.

John Ruggie argued that “constructing an authoritative framework for business and human rights inevitably was an exercise in polycentric governance” (Ruggie 2014, 9). While Prekert and Shackelford agree that Ruggie’s framework has “polycentric nature”, however, they add that the ultimate success or failure of the framework is dependent upon the possibility to establish a successful “issue-specific polycentric governance regime” (Prekert and Shackelford 2014, 470).

To better understand the context in which polycentricism operates, governance scholarship has also explored the notion of “governance gaps” in business’ responsibility to respect human rights, business accountability in case of violations as well as the state’s role to ensure the protection of human rights (Methven O’Brien et al. 2016, Prekert and Shackelford 2014, Ruggie 2008). Governance gaps may manifest in certain normative or regulatory deficiencies preventing successful implementation of international human rights standards. As a result, corporate human rights violations are not adequately addressed as they usually take place beyond any national regulatory reach due to extraterritoriality (Prekert and Shackelford 2014). If international regulatory framework is also lacking or it is not aligned among different actors, governance gaps are further reinforced. As Prekert and Shackelford aptly conclude, states remain at the center of addressing these governance gaps. Nonetheless, completely closing governance gaps created by globalization is an impossible task for national governments to manage on their own (Prekert and Shackelford 2014).

Applying “governance” frame is one of most common mode of analysis for the business and human rights framework within academic literature, and thus is helpful to understand how polycentricism prevails in making international frameworks actionable in the current context of globalization. However, it will be used in the present study only partially because the study mainly focuses on the NAPs scholarship. Nevertheless, it is useful to understand the global context under which national governments have to adopt and implement NAPs, as well as by employing the main concepts it defines with the focus on polycentric approach to the development and implementation of NAPs on a national level.

## **2.2. Scholarly analysis of National Actions Plans as public policy tools**

As mentioned in the previous section, the UN Working Group on Business and Human Rights has strongly encouraged states to develop NAPs for business and human rights in order to operationalize the UNGPs (OHCHR 2014). Generally, NAPs are policy instruments drafted by the government to determine state’s priorities and future actions “to support the implementation of legal obligations or policy commitments” regarding specific policy area (Methven O’Brien et al. 2016, 118). They can be perceived as a soft law, “new governance” tools (Ibid, 118). Importantly, NAPs operationalize norms into practicable, attainable and measurable strategic goals. As such, they can serve as an exercise for states to evaluate existing regulatory and practical gaps to guarantee business and human rights policy coherence (Baumann-Pauly, Nolan, and Nolan 2016, 58) as well as to ensure the practical implementation of international standards. As defined by the UN Working Group on Business and Human Rights, in the field of business and human rights, NAP serves as an “evolving policy strategy developed by a State to protect against adverse human rights impacts by business enterprises in conformity with the UN Guiding Principles on Business and Human Rights” (UN Working Group on Business and Human Rights 2014, ii).

Global introduction of NAPs for business and human rights is a relatively new activity, therefore, a limited amount of scholarly research on the topic exists. Nevertheless, apart from the studies on practical implementation of the UNGPs (European Parliament 2017, IDHR 2018) NAPs have also been investigated as public policy tools to partially address existing governance gaps on a national level. For instance, Diane Hampton raised an important question asking whether NAPs on Business and Human Rights can close the governance gap to end slavery in modern supply chains (Hampton 2019). In order to answer this, the scholar analyzed the adoption and practical application of NAPs applying the conceptual framework of polycentric governance to critically assess NAPs in the UK and the US (Hampton 2019). Hampton argued that while both analyzed NAPs contained polycentric governance elements addressing the governance gaps regarding modern slavery, for instance, “enacting new laws, adapting existing regulations, strengthening multi-stakeholder mechanisms for business accountability, and promoting innovation”, NAPs have not been the only drivers that stimulated introduction of these measures (Hampton 2019, 239). She concluded that if NAPs are to be effective in addressing severe human rights issues, governments must be ambitious and eager to reform through introduction of new measures and responsible evaluation of their outcomes. On the other hand, Rivera critically engaged with the question of the “actual effectiveness” of NAPs in the current context (Rivera 2019). The scholar argued that given the nature of NAPs as domestic public policy tools, they only complement ensuring effective protection of human rights and by any means cannot substitute “state action for the implementation of their conventional human rights obligations” (Rivera 2019, 463).

Overall, scholarly analysis of NAPs for business and human rights tends to agree that NAPs as policy tools are undeniably important in fostering the effective implementation of the UNGPs. They do incentivize national governments to undertake an audit on the status quo which helps to identify specific shortcomings in both regulation and practice, as well as to develop specific goals for future improvement. However, they do have significant disadvantages, such as lack of policy

coherence, vagueness and ambiguity, or identifying hardly measurable goals (Baumann-Pauly, Nolan, and Nolan 2016). NAPs are also criticized for being declaratory in nature (Rivera 2019) rather than being practicable tools or for potentially serving as a “forum” for corporate lobbying (Methven O’Brien et al. 2016).

Furthermore, there is a common agreement on the lack of further empirical investigation of NAPs and their effectiveness in order to carry out comparative studies (Hampton, 2019). Also, broader analysis is expected to provide an opportunity to revise and improve future NAPs (Deva et al. 2019).

## 3. Methodology

### 3.1. Case study

Lithuania is taken as an object of analysis for this research. The case selection process is distribution-based – a typical case of Lithuania is chosen from the population of countries which were the first ones to introduce NAPs. By 2015, when Lithuania adopted its NAP, only 7 plans had been launched globally (DIHR 2018).

Generally, research on business and human rights framework in Lithuania is limited both in its scope and extent. Scholarship in Lithuania mostly focuses on the analysis of business CSR practices (Marcinkas and Seiliute 2008, Rybnikova and Toleikiene 2015, Pusinaite-Gelgote, Pucetaite, and Novelskaite 2017) and their significance to Lithuanian organizations, both private and state-owned enterprises (Simanskiene and Pauzuoliene 2010). Some studies have specifically focused on the question of transparency. Such problems as “social reporting and disclosure” in Lithuania were analyzed seeking to increase the transparency of business activities (Dagiliene, Leitonienė, and Grencikova 2014). The authors concluded that socially responsible business ideas remain declaratory while the practical aspect of corporate social responsibility reporting is still at the initial level (Dagiliene, Leitonienė, and Grencikova 2014). Other studies on CSR also emphasize that despite the practical progress achieved in the field, the lack of transparency remains one of the most significant problems for socially responsible businesses in Lithuania (Visionary Analytics 2015).

While there has been some strong research on CSR in Lithuania, to date, no comprehensive assessment about the situation of business and human rights has been carried out. There is no data compiled on business human rights violations, apart from the number of investigations on human

trafficking and exploitation at work, nor on workers who have experienced business human rights violations. An overview of the existing research reveals that the theoretical and practical focus mostly remains on CSR practices which essentially narrows down the scope of the broader discussion. No further examination of business and human rights framework or Lithuania's obligations under the UNGPs has been conducted so far.

Generally on NAPs, the Danish Institute for Human Rights (DIHR) has undertaken an initial analysis of NAPs adopted during the period 2013-2018. While this includes the Lithuanian NAP, it does not aim to “review the quality or relevance of the substantive content of NAPs” (DIHR 2018, 16). Likewise, the Scottish Human Rights Commission has released a comparative review on the best global NAPs practices (Scottish Human Rights Commission, 2019). However, the Lithuanian NAP is only mentioned in the report twice in the context of countries that do not include sufficient information on the monitoring and review mechanisms in their NAPs. It does not fall into the category of the “best practice” in the study. More detailed assessment of the Lithuanian NAP was implemented by the International Corporate Accountability Roundtable (ICAR) (ICAR 2015). The assessment applied the Danish Institute for Human Rights and the International Corporate Accountability Roundtable NAPs toolkit which “aimed to support the development, implementation, and review of NAPs” (DIHR and ICAR 2014, vii).

Despite the fact that the Lithuanian NAP is a critical document in bringing forward the aims of business and human rights framework in the country, its implementation in Lithuania has not yet been analyzed. Broader Lithuanian context is not taken into consideration in any of the previously mentioned studies. Based on research done for this study, no comprehensive academic or practical analysis on the implementation of the first Lithuanian NAP for business and human rights has been carried out, and the existing studies do not constitute a comprehensive review of the NAP. Therefore, by conducting a single case study analysis of the Lithuanian NAP, this thesis attempts to explore how Lithuania's NAP came about as well as to analyze it as a policy tool meant to

promote and protect human rights, especially regarding business compliance with human rights standards.

### **3.2. Framework for analyzing the Lithuanian NAP and the policy environment**

As the NAP on business and human rights is developed under a specific framework, the UNGPs, this study benchmarks criteria for the analysis against the 2014 “Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises” (UN Secretary General 2014), and the Guidance on NAPs developed by the UN Working Group on Business and Human Rights (UN Working Group on Business and Human Rights 2014). These documents set out the basis for developing, implementing and updating NAPs by elaborating on the UNGPs principles’ and providing specific recommendations. In this study, the recommendations are further systemized as criteria covering the process, content, implementation, and the continuity of the NAP. While there is no reporting on the implementation of the NAP published, other than the NAP itself, the Lithuania’s reply to the OHCHR survey on the implementation of the Guiding Principles on Business and Human Rights (Lithuanian Government 2016) is examined. Moreover, the analysis of Lithuanian legal and policy environment in conjunction with the overview of global trends within business and human rights field is undertaken. National and international policy documents, expert reports and media information are used for further analysis. Together, this provides a coherent framework to assess the NAP, identify the potential gaps, and to develop recommendations for improvement.

#### **3.2.1. Criteria for the NAP analysis**

The UN Working Group on Business and Human Rights identifies four key criteria necessary for NAPs to be effective (UN Working Group on Business and Human Rights 2014, ii):

1. **NAPs need to be founded on the UNGPs:** they need to reflect state's duties, including the duty to protect against adverse corporate human rights impacts and provide effective access to remedy, as established by the international human rights law. Another important aspect is the promotion of business respect for human rights including through due diligence processes. Further, key human rights principles of non-discrimination and equality must be foundational for NAPs.
2. **NAPs need to be context-specific and address the country's actual and potential adverse corporate human rights impacts:** while underpinned by the common foundational principles of the UNGPs, specific priorities identified in the NAP must be relevant to and reflective of the country context. Moreover, to address, that is, to prevent and remedy, possible adverse business impacts, states should define measures which are focused and realistic in the given context.
3. **NAPs need to be developed through an inclusive and transparent processes:** a multi-stakeholder approach should be undertaken in the initial and further development processes of a NAP. Inclusion of both governmental and non-governmental stakeholders, such as the "civil society organizations, national human rights institutions (NHRIs), trade unions, business enterprises and associations" together with the representatives from the wider public, especially, people who are at risk of business-related human rights abuse, is necessary (UN Working Group on Business and Human Rights 2014, 4). Information and results of the development must be shared in a transparent manner throughout the process.
4. **NAP processes need to be reviewed and updated regularly:** essentially, a NAP can be perceived as a living instrument, reflective of the current context. Thus, open-ended process, clear timelines and commitments to update the NAP as well as flexibility to respond to changing contexts and priority areas are key to ensure the relevance and effectiveness of a NAP.

These four broad criteria can be further systemized as covering the **process**, **content**, and the **implementation** of the NAP. The process criterion includes all the stages of the development of a NAP; the content criterion covers the scope, form, and the essential substance of a NAP including identification of clear objectives and responsibilities; while the implementation criterion entails ensuring that goals outlined in the NAP are successfully implemented through the cross-departmental collaboration as well as the provision of necessary financial resources. Review and follow-up on the NAP may be perceived as ensuring the implementation of the **continuity** criterion.

## 4. The Lithuanian Context

### 4.1. Relevant legal, institutional, and policy contexts

The policy environment reveals that apart from the NAP on business and human rights which is further analyzed in the following section, the general national narrative mostly focuses on CSR rather than the broader business and human rights framework.

In terms of institutional setting, there are several public authorities in Lithuania responsible for safeguarding human rights such as the system of the Ombudsperson Offices, the National Human Rights Institution (NHRI), and the judicial system. Individual complaints regarding abuses of human rights can be submitted to the Constitutional Court allowing natural persons to defend their constitutional rights through an individual appeal, after all other domestic judicial measures have been exhausted. The Seimas Ombudsmen Office handles the investigation of complaints about violations of human rights by a state institution or officials, as well as other violations of rights and freedoms in the sphere of public administration (Seimas Ombudsmen Office n.d.). The same institution also holds the mandate of the NHRI. It undertakes functions of the national institution to promote and protect human rights as formulated by the UN Commission on Human Rights (known as the “Paris Principles”) (UN General Assembly 1993). Among other duties, the NHRI is mainly responsible for the monitoring and reporting on the human rights situation, promotion of rights via educational activities, and, importantly the “harmonization of national legislation regulations and practices with the international human rights instruments” (NHRI n.d.). However, neither the Seimas Ombudsmen Office, nor the NHRI hold an explicit mandate to handle complaints concerning human rights abuses by businesses.

From the legislative perspective, there are a few national laws regulating corporate activities affecting human rights via specific provisions under the Labor Code, the Law on Equal Opportunities, the Criminal Code, or the Law on Environmental Protection.

Several policy documents exist at the governmental level that are relevant to the field of human rights and business, albeit without providing a specific reference to the business and human rights framework. The main national strategic document reflecting the national vision and priorities for development – Lithuania’s Progress Strategy “Lithuania 2030” – emphasizes the promotion of corporate social responsibility and sustainable use of resources (Lithuania 2030 2012). One of the goals identified in the Strategy aims to create an environment where CSR and social responsibility are “perceived as a standard modern business practice” (Lithuania 2030 2012, 16). In order to implement this and other CSR related goals, “the National Strategy for Sustainable development” (Government of Lithuania 2011), “the National Program for the Development of CSR” (E-seimas 2018), and other ministerial level policy documents were adopted in Lithuania.

Additionally, the Lithuanian National Contact Point is responsible for the implementation of the “OECD Guidelines for Multinational Enterprises” (OECD 2011), in which the UNGP principles were integrated in 2011. The National Contact Point holds the mandate for and has the capacity to handle complaints and settle disputes between multinational enterprises and other stakeholders, as indicated in the OECD Guidelines (Ministry of the Economy and Innovation of the Republic of Lithuania n.d.). However, the process is limited to settling disputes by means of conciliation and mediation. Overall, there is no institution in Lithuania specifically designated to monitor, prevent and investigate violations that may arise in the field of human rights and business.

## **4.2. The Lithuanian NAP**

The Government of Lithuania adopted Lithuania’s Action Plan on the Implementation of the United Nations Guiding Principles on Business and Human Rights (Lithuanian NAP 2015) on 9th of February in 2015 without indicating the duration of the plan in the document. The official drafting process of the NAP started in September 2013, and lasted until July 2014, when the draft document Actions of Lithuania on the Implementation of the UN Guiding Principles on Business and Human Rights was submitted for parliamentary approval. Several ministries participated in the

preparation of the plan, including the coordinating body – the Ministry of Foreign Affairs – as well as the Ministry of Economy, the Ministry of Justice, and the Ministry of Social Security and Labour (Global NAPs, n.d.)

The NAP outlined existing or planned measures and legislative provisions aimed at consolidating “Lithuania’s duty to protect, respect and promote human rights and encourage businesses to ensure respect and responsibility in the field of human rights, as well as to ensure effective remedies” (Ministry of Foreign Affairs, 2014). The Plan underlines that it is implemented as a part of the Governmental program and other strategic documents, such as CSR related strategic documents mentioned in the previous section.

Currently, Lithuania’s NAP is under review. According to the Ministry of Foreign Affairs, the second NAP will be adopted in 2020 (Ministry of Foreign Affairs of the Republic of Lithuania 2019). At the time of writing, the NAP has not yet been published.

## 5. Analysis of the Lithuanian NAP and its Implementation

The Lithuanian NAP is analyzed in the following chapter. The analysis applies the process, content, implementation and continuity criteria. The NAP is further analyzed in the context of practical developments that had happened after its adoption in order to establish how the NAP has been used since.

### 5.1. Organizational overview of the NAP

Generally, NAPs can be developed in different formats: as a separate policy document or as part of broader policy instrument. The Lithuanian NAP is a stand-alone document in a “letter” format (ICAR 2015). The Lithuanian NAP is organized in three chapters: *General provisions (I)*, *Objectives and measures (II)*, and *Implementing provisions (III)*. The first chapter sets out the basis for the plan based on the UNGPs principles. Three objectives are distinguished in the second chapter corresponding to the three foundational pillars as per the UNGPs: (1) *Ensuring state’s duty to protect, defend, and promote human rights*, (2) *Promoting corporate responsibility and respect in the field of human rights*, (3) *Ensuring effective access to remedy*. Finally, a number of specific measures under the three objectives are listed. Measures include the ones that were implemented previously, are currently being implemented or are planned to be implemented.

### 5.2. Process, content, implementation, and continuity

The NAP does not provide information on the process of its development. While it has been drafted by the Ministry of Foreign Affairs and approved by the *Seimas*, it is not clear whether the process of development was inclusive, that is, whether the multi-stakeholder approach was undertaken. There is no publicly available information on the process either, and thus, it does not constitute a transparent process, as indicated in the UNGPs.

Substantially, the content of the NAP covers the three pillars of the UNGPs. However, there are visible shortcomings when it comes to identifying priorities that would be context-relevant and reflective of the most pressing issues in the country. This is closely related to the fact that most of the measures distinguished in the NAP fall into broad categories. These categories touch upon a variety of topics related to human rights, mostly without clearly connecting them to business and human rights framework. For instance, while “improvement of legislative process” through ensuring “transparency and openness in the law-making” (Lithuanian NAP 2015, 1) certainly may have a positive impact regarding effective access to remedy, it is a general and a broad measure. Another example is the constant mention of the *Inter-institutional Action Plan on the Promotion of Non-discrimination for 2012-2014* (Action plan on non-discrimination). While principles of non-discrimination are certainly relevant to business and human rights field, such measures as conducting a general study on societal attitudes and causes of discrimination (Lithuanian NAP 2015, 3) without directly connecting it to, for example, flawed employment practices does not entirely contribute to the implementation of the UNGPs.

Under the second objective, there is a strong emphasis on CSR that reflects the general tendency to either solely focus on CSR or merge the two frameworks. While CSR is undoubtedly part of the business and human rights framework as well as it is covered under the UNGPs, conflating the two categories narrows down the scope of “corporate responsibility to protect”. ICAR notes that the definition of CSR as voluntary, which is used in the NAP, is outdated, and it should instead focus more on the *regulation* of companies (ICAR 2015, 12). Consequently, there is a lack of measures which would specifically engage businesses. Apart from the broad measure – “promotion of business self-regulation” which aims to encourage businesses to create codes of conduct, there is no further mention of any mandatory measures, including human rights due diligence processes.

As for the implementation, no single body is identified as responsible for the implementation and oversight of the NAP. However, individual governmental bodies are indicated as responsible for

the specific measures foreseen. Moreover, no monitoring and/or follow-up procedures are mentioned in the NAP, which limits the possible continuity of the plan.

### 5.3. Practical implementation of the NAP

Although there is no publicly available reporting on the implementation of the NAP as a whole, the reply of the Lithuanian government to the OHCHR survey partly covers the activities which had been implemented since the adoption of the plan (Lithuanian Government 2016). The measures, including both the activities undertaken before and after 2015, when the NAP was adopted, are listed in the survey response.

Interestingly, under the (1) Objective, the Action plan on non-discrimination, which was to run 2012–2014, is indicated as one of the main measures envisaged in the NAP. It is mentioned that “29 educational activities” were implemented, “a tender for the selection” of NGO projects was organized, as well as the survey on public attitudes and causes of discrimination was conducted in 2014 (Lithuanian Government 2016, 2). Given that the NAP was adopted in 2015, this makes the measure foreseen outdated. This is not the only instance when the measure reported has been implemented prior to the adoption of the plan. Although NAPs can be and are used as an *audit* of the status quo, specific policy goals identified should be forward-oriented.

Regarding the (2) Objective, it is stated that the Action Plan for Promotion of Corporate Social Responsibility for 2016–2020 was approved in 2016. Among other implemented activities, National Responsible Business Awards were organized in 2015, where 16 companies received awards for their achievements in CSR. However, there is no further mention on the promotion of business self-regulation via the encouragement of business codes of conduct, even though it was foreseen in the NAP.

As for the third objective which covers the effective access to remedy, improvement of procedures for providing state-guaranteed legal aid is mentioned. This entails expanding the scope of persons

eligible for secondary legal aid regardless of their property and income. Moreover, important reform was implemented in the field of alternative dispute resolution for consumer disputes. While the NAP itself did not explicitly touch upon businesses operating outside of Lithuania's geographical scope, reform on the alternative dispute resolution expands the locality and ensures the “full sectoral and geographical coverage of disputes concerning contractual obligations” (Lithuanian Government 2016, 8).

Overall, both the analysis of the NAP and the survey reveal that, even though the NAP was adopted as a separate policy document, the measures it identifies are rather integrated among different policy documents, including the Plan on non-discrimination, the National Programme on Equal Opportunities for Women and Men Action or the Plan for Promotion of Corporate Social Responsibility. This may complicate the coordination and oversight of the NAP, especially given that there is no specific monitoring mechanisms in place.

## **5.4. Business-related human rights violations in Lithuania**

In order to produce a context-specific NAP, a comprehensive baseline analysis is necessary. This entails the identification of policy gaps and the most pressing practical issues in terms of business-related human rights violations as well as the access to remedy. As it was revealed in the previous section, in the absence of the comprehensive baseline analysis, the NAP may lack focus and clear connection to business and human rights framework, as well as develop measures that are too vague and broad. In order to evaluate the status quo, this section overviews some of the business-related human rights impacts in Lithuania.

As previously noted, there is no detailed data compiled on business human rights violations, nor on workers who were exposed to violations of their rights, therefore, it is particularly difficult to measure the extent of these violations in Lithuania. Yet, phenomena of human trafficking or exploitation at work, including forced labor, are reported by the national institutions, media and

local NGOs. According to the data provided by the Ministry of Interior Affairs, in 2018, the number of initiated pre-trial investigations on human trafficking and exploitation at work, including forcing persons into labor, increased in Lithuania: 35 pre-trial investigations were registered in 2017, 29 in 2016, 24 in 2015, 24 in 2014, 23 in 2013, and 11 in 2012 (Mickutė 2019, 2). However, NGO representatives note that these numbers do not necessarily portray the real scale of the issue due to the latency of these crimes (Human Rights Monitoring Institute 2020). For instance, the number of cases of exploitation of foreigners in the labor market, especially, of third-country nationals is increasingly coming to light in Lithuania (Center Against Human Trafficking and Exploitation (KOPZI) 2020). Generally, labor migrants are more susceptible to exploitation in the Lithuanian labor market partly due to language barriers and the lack of knowledge of the Lithuanian legal framework, particularly on labor rights (Human Rights Monitoring Institute 2018). KOPZI recorded cases of exploitation at work in Lithuania of citizens of Ukraine, Turkey, Nepal, and China, in such occupations as construction workers and long-distance drivers (KOPZI n.d.). According to the Lithuanian Trade Union Alliance, situations where third country labor migrants have to work under poor working conditions or do not receive decent pay for their work are common, although most of the cases are rarely publicized (Savickas 2020).

Considering this context, experts in Lithuania emphasize the need “to expand the general mechanism for the protection of employees in Lithuania, improving the protection of labour rights and employment relations of migrants” (Human Rights Monitoring Institute 2018, 135). Although human trafficking and poor labor conditions are addressed by the national laws, such as the Labor and the Criminal codes, the assistance in seeking redress for people, who fall victims to these crimes or are affected by other business related human rights violations, is still lacking (NYLA 2018). It reveals problems regarding practical implementation of an effective “access to remedy”, as identified in the UNGPs, introduced in the previous chapters.

Privacy related matters are also relevant to the Lithuanian context. Experts note that courts excessively confirm law enforcement requests addressed to the telecommunication companies on sharing the data on the communication between people (Human Rights Monitoring Institute 2014). Moreover, data breaches when sensitive information of consumers is compromised by the private sector are also common (Human Rights Monitoring Institute 2014, 2018).

## **5.5. Corporate developments**

Apart from the business-related human rights violations, it is essential to overview corporate developments in the country after the adoption of the NAP.

NGOs report that in 2019, a breakthrough in business support for human rights took place in Lithuania (Kuktoraitė 2019, Diversity Development Group 2019). Importantly, the Lithuanian Diversity Charter was launched and signed by 25 companies in 2018 (Diversity Development Group n.d.). By signing the Diversity Charter, organizations have committed to ensure equal opportunities and an open environment in the workplace (European Commission.a n.d.). Moreover, actors in the private sector are increasingly engaging in multi-stakeholder partnerships through supporting local human rights NGOs and their initiatives, such as the annual National Forum on Human Rights or the Baltic pride events week (National Human Rights Forum n.d., 15min 2019).

Some companies in Lithuania have undertaken human rights due diligence on a voluntary basis, though it is still not a widespread practice. For instance, one of the biggest private telecommunications companies – Telia Lithuania – has published its Human Rights Impact Assessment in 2017 (HSR 2017). The assessment identified three areas where company's impact is the most severe: anti-discrimination, freedom of expression and privacy, and governance (HSR 2017, 5). In addition, some transnational companies operating in Lithuania have pledged their

commitment to respect human rights publicly via different human rights and transparency statements (IKEA n.d., Swedbank 2015).

This reveals that corporate environment is becoming more aware of the human rights impacts it may create, and more open to cooperation with various stakeholders.

## 6. 10 Years after the Adoption of the UNGPs

### 6.1. Current global trends and developments

To better understand the global policy context in which the current Lithuanian NAP exists, and the new one is being developed, it is important to discuss global trends and developments in the business and human rights discussion, ten years after the adoption of the UNGPs. Although the UNGPs set a strong normative basis and provide the general guidance for both governments and business enterprises, the discussion on the need for a legally binding instrument continues. The businesses meanwhile require more clarity on what measures, for example, due diligence obligations or other mandatory compliance regimes (FRA 2019) are expected from them to ensure adequate implementation of *respecting* for human rights.

In 2014, the UN Human Rights Council adopted Resolution 26/9 on *Elaboration of an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights* that established an open-ended intergovernmental working group. The working group was mandated to elaborate “an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises” (UN Human Rights Council 2014, 2). To date, the treaty is still in the process of drafting and negotiations. Although debated academically in terms of soft law versus hard law measures, generally, members of the international community tend to agree on the necessity of a legally binding instrument. It is believed, it would provide more legal clarity for the governments, businesses, and the civil society. Legally binding treaty would also improve protection of people who are at risk of business human rights violations (UN Human Rights Council 2020).

In light of the processes that are ongoing at the time of writing, the law firm Clifford Chance has overviewed the key current legislative developments worldwide regarding business and human rights. The overview concluded that “the legal landscape for business continues to change” and

there is a growing momentum for a stronger governmental action resulting in the introduction of mandatory measures to address business-related human rights impacts on both national and international levels (Clifford Chance 2020, 8). These measures usually entail mandatory reporting and due diligence activities that businesses are urged and/or mandated to undertake emphasizing their extraterritorial operation.

Apart from regulatory advancements, there is an evident shift revealing an increased voluntary engagement from the corporate sector. For instance, there are more voluntary initiatives fostering cooperation with the national and international human rights organizations than ever before. These initiatives aim to increase transnational corporations' transparency about their supply chains where mandatory reporting does not yet exist on a national level. For example, these initiatives are common in the garment, footwear, and food industries (Human Rights Watch 2019, Gwilliam-Beeharee, Busian, and Rutten 2016). Moreover, corporations are under scrutiny due to consumer and investor pressure to be more open about the negative human rights impacts they create, and to be held accountable in case violations happen (Chartered Institute of Procurement and Supply 2019). As a result, this creates incentives for introducing changes in their corporate behavior.

## **6.2. The role of voluntary and mandatory measures: sanctions v. incentives**

The above-mentioned incentives raise an important question regarding the effectiveness of mandatory and voluntary measures to promote human rights-compliant behavior by businesses. The European Commission (EC) conducted a study on the due diligence requirements as per EU's legislation and the UNGPs, surveying 334 global businesses. The concept of human rights due diligence process applied in the study corresponds to the one defined in the UNGPs: "to identify, prevent, mitigate and account for" how businesses address their human rights impacts (EC 2020, 36, UN 2014, 16). The results of the study showed that just over one third (30.9%) of all respondents indicated that their companies "undertake due diligence which takes into account all

human rights and environmental impacts” (EC 2020, 16). Notably, “regulation or legal requirements” appeared to be the least selected incentive for companies to undertake due diligence, while reputational risks or consumer pressure “requiring a high standard” from the companies were described as the most relevant incentives (Ibid, 16). This may not come as a surprise, considering the profit-maximizing nature of business enterprises and the high reputational costs they bear. On the other hand, businesses have become more active in voicing their support for the ongoing treaty process and/or demanding more clarity from the governments and the international bodies on mandatory compliance measures they must undertake. For instance, in 2019, in a joint statement some of the major chocolate companies called for an EU-wide human rights and environmental due diligence regulation aligned with the UNGPs (Barry Callebaut AG, Mars Wrigley and Mondelēz International et al. 2019).

Overall, many actors in the private sector have been open to endorsing the UNGPs in their human rights policy statements (Business & Human Rights Resource Centre n.d.). Many in the sector have also engaged in multi-stakeholder consultations at the UN level, providing their insights into the treaty process via the UN Forum on business and human rights. At the national level, businesses are engaging with the governments when NAPs are being developed or reviewed, which is perceived as an example of a good practice that helps to ensure a coherent and context-relevant identification of NAP goals (The Scottish Human Rights Commission 2019).

While both voluntary and mandatory incentives are important to ensure business compliance with human rights standards, it appears that the regulatory clarity on mandatory compliance measures and active engagement with the national governments are necessary to ensuring that human rights-compliant behavior becomes the norm.

## Conclusions

The UNGPs as an authoritative normative framework has undoubtedly fostered improvements in addressing both the existing governance gaps and business-related human rights violations. This study has explored one of the principal measures foreseen in the UNGPs – NAP for business and human rights. The study aimed to answer, what role the NAP plays in practice to promote and ensure business compliance with human rights.

While states are the main duty bearers responsible for ensuring the protection of human rights and addressing existing governance gaps in the field, entirely closing them is hardly possible for national governments to handle on their own (Prenekert and Shackelford 2014). Given the structural changes globalization has brought, resulting in the alteration of the governance regimes and the prevalence of “polycentric governance” (Ostrom 2010) as a source of authority, multi-stakeholder approach and building networks are unavoidable phenomena. Thus, the importance of effectively navigating through the current global context and dealing with transboundary issues will only grow.

Given the Lithuanian and global context analyzed, the NAP is an important policy tool to ensure the effective protection of human rights. However, it has a great potential to play a more prominent role, if certain aspects mentioned further are taken into consideration. Although acting as a soft law tool, reviewed literature confirms that NAPs can significantly contribute to evaluating existing policy and practical gaps and developing further actions with regard to addressing business-related human rights violations. However, and as the analysis of the Lithuanian NAP revealed, this is hardly attainable when the NAP lacks policy coherence and identifies overly vague and broad policy measures (Baumann-Pauly, Nolan, and Nolan 2016). Further, the analysis of the NAP showed that while the plan essentially meets the foundational principles set out in the UNGPs, it does not meet the process, content, implementation, and continuity criteria in their full scope. Importantly, most of the specific measures indicated in the NAP were broadly

connected to other human rights issues without indicating their clear connection to business-related human rights impacts. This may be due to not implementing a comprehensive baseline assessment prior to developing specific policy goals. Furthermore, an overview of the Lithuanian policy and practical contexts revealed the absence of research and data collection on business-related human rights violations, both of which could significantly contribute to the development of context-reflective policy goals for the future NAP.

Analysis has also revealed that at the time of the NAP's adoption in 2015, scholarly and practical discussion in Lithuania has mostly focused on CSR, which traditionally covered voluntary corporate initiatives (Baumann-Pauly, Nolan, and Nolan 2016), rather than further exploring introduction of due diligence obligations or other mandatory compliance regimes (FRA 2019). The last section of the study showed that while businesses today are mostly incentivized by consumer pressure or high reputational costs, many in the private sector demand more clarity on their obligations to ensure adequate implementation of *respecting* human rights. Therefore, if the NAP is to be an effective policy tool, it should be more context-specific, identify forward-looking goals, and take into consideration closer engagement with various actors, including businesses and civil society.

With regard to limitations of the study, although it has analyzed a great number of secondary sources, including national and international documents (legal, policy, and strategic), public statements, expert reports, as well as the information published by the civil society and media, it could have benefitted greatly from conducting interviews with the government officials, responsible for the development of the NAP. Nevertheless, due to the wider contextual framework for analysis which has not been undertaken previously to analyze the Lithuanian NAP, the study has contributed to broadening the scope of business and human rights discussion in Lithuania.

As a final remark, given that the Lithuanian NAP is currently under review, further comparative analysis of the current and the upcoming NAP could reveal whether the global discourse on

business and human rights, including the on-going “treaty” procedure, has influenced the NAPs substance.

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