



OFFICE OF THE ATTORNEY GENERAL
STATE DEPARTMENT FOR JUSTICE,
HUMAN RIGHTS & CONSTITUTIONAL AFFAIRS



HUMAN RIGHTS DUE DILIGENCE FRAMEWORK

FOR BUSINESSES IN KENYA

Human Rights Due Diligence Guide for State-Owned and Private Businesses

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FOREWORD

The Government of Kenya remains steadfast in its commitment to promoting responsible business conduct and safeguarding human rights across all sectors of our economy. As global and regional momentum builds toward embedding human rights into corporate governance, Kenya is proud to take a proactive step through the development of this Human Rights Due Diligence (HRDD) Framework.

This framework is one of the key policy actions outlined in Kenya’s National Action Plan on Business and Human Rights (NAP), offering structured guidance to help businesses navigate evolving expectations of corporate responsibility. It aligns with internationally recognized standards, including the United Nations Guiding Principles on Business and Human Rights (UNGPs), the OECD Guidelines for Multinational Enterprises, and the International Labour Organization (ILO) Conventions on labor standards.

By embedding these principles into business operations, Kenyan enterprises can strengthen governance, uphold ethical labor practices, and foster a culture of inclusivity and respect for fundamental rights. A structured approach to HRDD enables businesses to proactively identify and mitigate risks, integrate ethical decision-making, and establish transparent monitoring mechanisms.

We recognize that the journey toward responsible business conduct is not without challenges—particularly for Small and Medium Enterprises (SMEs). This framework therefore offers simplified tools and guidance to support businesses of all sizes and anticipates future collaboration with stakeholders to ensure that no enterprise is left behind.

This framework is more than a guide—it is a call to action. It defines the future of business in Kenya through a commitment to responsible leadership, ethical integrity, and human-centered decision-making.



Hon. Judith Nyirai Ramaita-Pareno

Principal Secretary

State Department of Justice, Human Rights & Constitutional Affairs

PREFACE

The Kenya National Commission on Human Rights (KNCHR) is proud to join hands with the State Department for Justice, Human Rights & Constitutional Affairs and our partners in advancing Kenya's commitment to responsible business conduct through the development of the Human Rights Due Diligence (HRDD) Framework.

As a national human rights institution, KNCHR has consistently championed the integration of human rights into governance, policy, and practice. This framework represents a significant milestone in our collective journey to ensure that businesses in Kenya not only thrive economically but also uphold the dignity and rights of all people.

The HRDD Framework is anchored in Kenya's National Action Plan on Business and Human Rights (NAP) and aligns with internationally recognized standards, including the United Nations Guiding Principles on Business and Human Rights (UNGPs). It provides practical guidance for enterprises to identify, prevent, and address human rights risks in their operations and supply chains.

We recognize that businesses—large and small—face challenges in embedding human rights into their daily practices. This framework therefore offers simplified tools and approaches that are accessible to all enterprises, while encouraging innovation and collaboration. By adopting HRDD, businesses can strengthen accountability, build trust with communities, and contribute to sustainable development.

This publication is not only a technical guide but also a call to action. It reflects Kenya's leadership in advancing the global business and human rights agenda and underscores our shared responsibility to ensure that economic growth is pursued with respect for human dignity.

On behalf of KNCHR, I commend all partners and contributors who have made this framework possible. We look forward to working with government, civil society, and the private sector to ensure its effective implementation and to build a future where human rights are truly our everyday essentials.



Claris Ogangah

Chairperson,

Kenya National Commission on Human Rights



ACKNOWLEDGEMENT

This publication has been made possible thanks to our development partners – the United Nations Office of the High Commissioner for Human Rights (OHCHR) and the Danish Institute for Human Rights (DIHR), in support of the implementation of the National Action Plan on Business and Human Rights, Sessional Paper No. 3 of 2021.

This framework was developed by Claries Kariuki, Thomas Kibunja, Anne Mwathi, and Safo Ahmed from the State Department for Justice, Human Rights & Constitutional Affairs, together with Christina Arrumm and James Mwenda from Kenya National Commission on Human Rights (KNCHR) and Veronica Nyapete (Federation of Kenyan Employers), Joe Kibugu (Business and Human Rights Center), Patrick Karanja (A4ID), Lorraine Kithinji (Global Compact Network Kenya) and Joyce Kipsang (Kenya National Chamber Of Commerce & Industry).

We extend our appreciation to all colleagues and partners whose insights and collaboration enriched this work. Their contributions have been invaluable in developing the Human Rights Due Diligence (HRDD) Framework, which represents an important step in fulfilling Kenya's commitments under the National Action Plan and strengthening business respect for human rights.

LIST OF ABBREVIATIONS & ACRONYMS

Acronym/ Abbreviation	Full Meaning
AfCFTA	African Continental Free Trade Area
AU	African Union
CSDDD	Corporate Sustainability Due Diligence Directive
EIA	Environmental Impact Assessment
ESG	Environmental, Social & Governance
GRI	Global Reporting Initiative
HRDD	Human Rights Due Diligence
HRIA	Human Rights Impact Assessment
ILO	International Labour Organization
KPIs	Key Performance Indicators
M&E	Monitoring & Evaluation
NAP	National Action Plan on Business and Human Rights
NHRIs	National Human Rights Institutions
OECD	Organization for Economic Cooperation and Development
SME	Small and Medium Enterprises
SOE	State Owned Enterprises
UNGPs	United Nations Guiding Principles on Business and Human Rights

1. UNDERSTANDING HUMAN RIGHTS DUE DILIGENCE

1.1 Introduction

Across the globe, businesses are under increasing scrutiny for their impact on human rights. Governments, civil society, and consumers alike are demanding greater accountability and ethical business practices, pushing businesses to move beyond profit-driven models and integrate sustainable, rights-based approaches into their operations.

This shift has led to transformative legal and policy developments, including the United Nations Guiding Principles on Business and Human Rights (UNGPs)¹, which set the global standard for corporate responsibility. These principles emphasize three pillars: the state's duty to protect human rights, corporate responsibility to respect human rights, and the need for effective remedies for those affected.

But the conversation isn't just happening at the global level—it's gaining momentum in regional and national policy spaces as well. The European Union's Corporate Sustainability Due Diligence Directive (CSDDD) in 2024 signals the growing movement toward legally binding human rights and environmental due diligence in corporate governance². Africa, too, is making strides, with the African Continental Free Trade Area (AfCFTA) and ongoing efforts to establish a binding regional framework on business and human rights³.

These developments are reinforced by foundational global instruments such as the OECD Guidelines for Multinational Enterprises⁴, which provide comprehensive recommendations on responsible business conduct, and the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, which emphasizes fair labor practices and respect for human rights. Together, these frameworks offer a robust foundation for aligning corporate behavior with internationally recognized standards, while supporting regional efforts to embed human rights into trade and investment policies.

Kenya is at the forefront of these efforts with a strong civil society, proactive legal reforms, and a deepening commitment to ethical business governance. The National Action Plan on Business and Human Rights (NAP) outlines clear expectations for corporate actors, urging businesses to integrate Human Rights Due Diligence (HRDD) into their operations. Additionally, it urges the government to develop practical guidance tools to support businesses in effectively implementing HRDD practices⁵.

1 United Nations Office of the High Commissioner for Human Rights, *Guiding Principles on Business and Human Rights* (https://www.ohchr.org/sites/default/files/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf) accessed 5 May 2025.

2 Directive (EU) 2024/1760 of the European Parliament and of the Council of 13 June 2024 on corporate sustainability due diligence (<https://eur-lex.europa.eu/eli/dir/2024/1760/oj/eng>) accessed 5 May 2025

3 African Commission on Human and Peoples' Rights, *Resolution on Business and Human Rights in Africa - ACHPR/Res.550 (LXXIV) 2023* (<https://achpr.au.int/en/adopted-resolutions/550-resolution-business-and-human-rights-africa-achpres550-lxxiv-2023/>) accessed 6 May 2025.

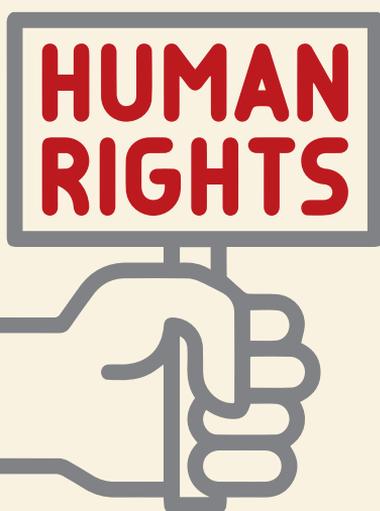
4 Organisation for Economic Co-operation and Development, *OECD Guidelines for Multinational Enterprises on Responsible Business Conduct* (OECD Publishing 2023) https://www.oecd.org/en/publications/oecd-guidelines-for-multinational-enterprises-on-responsible-business-conduct_81f92357-en.html accessed 10 July 2025.

5 Government of Kenya, *Sessional Paper No. 3 of 2021 on National Action Plan on Business and Human Rights* (<http://www.parliament.go.ke/node/14387>) accessed 5 June 2025

The Constitution further reinforces corporate human rights obligations, with Article 20 affirming that the Bill of Rights applies to all persons, including businesses. This underscores the legal mandate for both state entities and corporations to promote human dignity, ethical labor practices, and transparent governance.

This framework isn't just about policy—it's about action. Businesses that embrace human rights due diligence don't just meet legal requirements; they enhance their competitiveness, build consumer trust, and contribute to a sustainable economy where growth aligns with human rights and social responsibility.

1.2 What is Human Rights Due Diligence?



**...do no
harm to
people**

Human Rights Due Diligence is a critical process in responsible business conduct. The United Nations Guiding Principles on Business and Human Rights (UNGPs) define it as;

"An ongoing risk management process that a reasonable and prudent company needs to follow in order to identify, prevent, mitigate, and account for how it addresses its adverse human rights impacts. It includes four key steps: assessing actual and potential human rights impacts; integrating and acting on the findings; tracking responses; and communicating about how impacts are addressed."

Simply put human rights due diligence (HRDD) is a way for businesses to ensure they do no harm to people. It means identifying risks, acting to prevent harm, checking that those efforts are working, and being open about their impact. For businesses this is less about navigating legal jargon and more about building a responsible, trustworthy business that treats employees, customers, and communities fairly. It's about asking: *"Are we treating people the right way, and are we making sure our business practices respect their rights?"*

1.3 Why Should Businesses Care about Human Rights?

Businesses should prioritize human rights as a fundamental part of their operations to avoid legal, financial and reputational risks. Human Rights considerations can be integrated into existing processes like Environmental Impact Assessments (EIA) and Environmental, Social and Governance Reporting (ESG).

Businesses should care about human rights because it;

- Builds Trust & Reputation – Ethical businesses earn customer loyalty, attract investors, and strengthen brand value.
- Reduces Legal & Financial Risks – Non-compliance with human rights regulations can lead to lawsuits, fines, and reputational damage.
- Enhances Employee Well-being & Productivity – Respecting workers' rights improves morale, retention, and overall business performance.
- Meets Growing Consumer & Investor Expectations – Markets are shifting toward ethical practices—businesses that prioritize human rights stay competitive.
- Ensures Sustainable Growth – A responsible approach fosters long-term success by aligning business operations with global sustainability goals.



1.4 Scope of the Human Rights Due Diligence Framework

The Human Rights Due Diligence (HRDD) Framework serves as a practical tool for businesses to integrate human rights considerations into their operations. It builds upon the principles outlined in the UN Guiding Principles on Business and Human Rights (UNGPs), requiring businesses to identify, address, and mitigate potential risks to human rights across their supply chains and business activities.

It is further reinforced by the National Action Plan on Business and Human Rights (NAP), which sets out clear expectations for businesses to uphold ethical governance and corporate accountability. The NAP provides a policy foundation, ensuring that businesses align their practices with national legal frameworks while adhering to international human rights standards.

The framework applies to all businesses, regardless of their legal structure, ownership, size, or industry. These include;

- Privately owned enterprises, whether incorporated or not
- State-owned enterprises (SOEs) and public sector businesses
- Small, medium, and large enterprises operating within Kenya
- Multinational companies with business operations linked to Kenya
- Businesses across diverse industries, including manufacturing, technology, agriculture, horticulture, textiles, financial services, and extractives

1.5 Objectives of the HRDD Framework

This framework is designed to help businesses in Kenya:

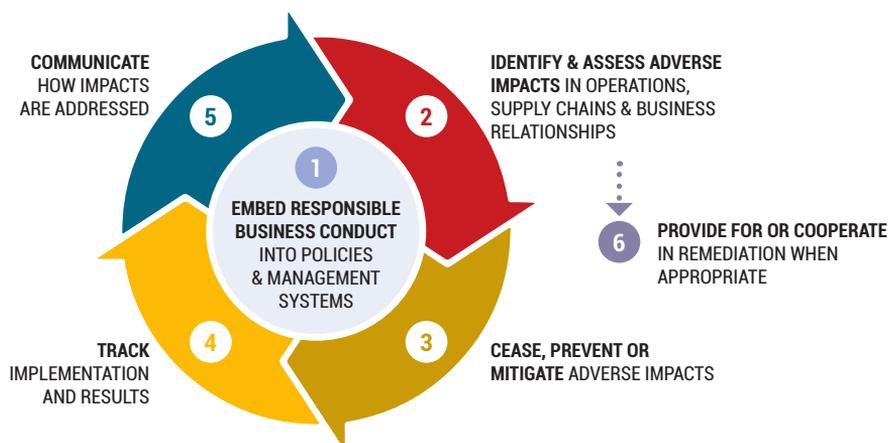
1. Assess human rights risks by conducting thorough evaluations of business activities and supply chains, enabling proactive identification of potential violations.
2. Integrate human rights principles into corporate policies and decision-making, ensuring alignment with Kenya's legal frameworks and international obligations.
3. Establish monitoring and reporting mechanisms to enhance accountability and transparency in human rights compliance.
4. Engage with stakeholders through meaningful consultation with employees, affected communities, and regulatory bodies, fostering inclusivity in decision-making.
5. Implement effective remediation processes by creating accessible grievance mechanisms to address human rights violations and reinforce corporate responsibility.

2. THE HUMAN RIGHTS DUE DILIGENCE PROCESS

2.1 Overview of the Human Rights Due Diligence Framework

Businesses must proactively assess and address human rights risks within their operations and value chains. The HRDD process, as outlined in the United Nations Guiding Principles on Business and Human Rights (UNGPs), involves the following steps:

- 1 **Policy commitment statement** – Businesses should establish a clear commitment to respecting human rights, integrating this principle into their corporate policies, values, and governance structures.
- 2 **Assessment of human rights impacts** – Businesses must identify potential and actual human rights risks within their operations and value chain. This should be a continuous process that adapts to emerging risks and changing circumstances.
- 3 **Integration & action** – Findings from the assessment should inform business policies, decision-making, and operational strategies. Businesses must implement measures to mitigate risks and prevent human rights violations.
- 4 **Tracking performance** – Businesses need to monitor the effectiveness of their human rights initiatives using key performance indicators, audits, and stakeholder feedback. This ensures accountability and continuous improvement.
- 5 **Communication & transparency** – Regularly sharing human rights policies, performance data, and remediation efforts fosters trust with employees, customers, and communities. Information should be clear, accessible, and culturally appropriate.
- 6 **Remediation** – When human rights violations occur, businesses must provide access to remedy, collaborate with affected individuals, and implement corrective actions to prevent future harm.



2.2 Key Components of a Human Rights Policy

An effective human rights policy provides a clear framework for how a business meets its responsibility to respect human rights across its operations and value chain. It guides leadership, employees, and partners in preventing, addressing, and mitigating human rights risks while promoting transparency and accountability. The following components outline the essential elements that should be reflected in a comprehensive human rights policy:

Components and Descriptions

	1. Commitment to Human Rights	<ul style="list-style-type: none">• Clearly state the business's dedication to respecting globally recognized human rights standards, including the UNGPs.• Acknowledge responsibility to prevent, mitigate, and address human rights risks.
	2. Scope and Applicability	<ul style="list-style-type: none">• Define who the policy covers: direct employees, contract workers, suppliers, contractors, business partners, and communities.
	3. Integration into Business Operations	<ul style="list-style-type: none">• Embed human rights into governance, decision-making, and operational strategies.• Conduct human rights risk assessments and use findings to guide business decisions.
	4. Stakeholder Engagement	<ul style="list-style-type: none">• Commit to meaningful engagement with employees, worker representatives, trade unions, affected communities, civil society, and government agencies.
	5. Grievance Mechanisms and Remediation	<ul style="list-style-type: none">• Provide accessible channels for reporting concerns.• Establish clear procedures for investigations and offering remedies when violations occur.
	6. Monitoring and Reporting	<ul style="list-style-type: none">• Use audits, indicators, and stakeholder feedback to track human rights performance.• Ensure transparency through regular reporting and policy updates.
	7. Leadership and Accountability	<ul style="list-style-type: none">• Assign responsibility for policy implementation to appropriate leadership roles.• Ensure senior management and board members actively support the policy.• Communicate the policy internally and externally.

2.3 Human Rights Risk Assessment and Integration

A comprehensive approach to human rights risk assessment requires businesses to integrate risk analysis into all levels of decision-making. This involves conducting impact assessments, engaging with affected stakeholders, and using industry-specific tools to evaluate risks. Businesses should also consider external factors such as political instability, regulatory changes, and social dynamics that may exacerbate human rights risks. Conducting a periodic reassessment of risks ensures that emerging concerns are addressed in a timely manner. Furthermore, businesses should adopt a risk-based approach, concentrating efforts on the most severe risks rather than attempting to resolve all issues simultaneously.

Risk assessment should not be a standalone activity—it must be embedded within the broader HRDD strategy. Businesses should establish clear risk management protocols, assign accountability within leadership structures, and ensure continuous stakeholder engagement throughout the assessment process.

Stakeholder engagement must include structured dialogue with trade unions and elected worker representatives, particularly in sectors with high labour rights risks. Businesses shall ensure that mitigation strategies explicitly incorporate respect for freedom of association and collective bargaining, as these are foundational to preventing workplace-related human rights violations. Risk assessments must be periodically reviewed and updated to reflect evolving risks and stakeholder feedback.

Businesses can follow a structured approach to Human Rights Risk Assessment by breaking it down into the following key steps:



STEP 4

Develop Mitigation Strategies

Based on the assessment, businesses should design and implement strategies to prevent or minimize human rights risks. This may include revising policies, improving working conditions, strengthening supplier oversight, and integrating human rights considerations into business decisions.

STEP 5

Monitor and Review

Human rights risk assessment is an ongoing process. Businesses must establish monitoring mechanisms to track the effectiveness of mitigation measures, conduct periodic reassessments, and adapt strategies to emerging risks.

STEP 6

Report and Communicate

Transparency is key to accountability. Businesses should document their risk assessment findings, share progress with stakeholders, and report on actions taken to address human rights concerns. Public disclosures and sustainability reports can enhance trust and credibility.



Human Rights Risk Assessment

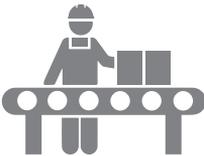


Human Rights Risk Assessment Decision Flow

2.4 Sector Specific Risks

In all sectors identified, businesses must recognize the risk of violations of fundamental labour rights, including freedom of association, collective bargaining, and protection from discrimination and harassment. The framework shall explicitly include the right to be free from violence and harassment in the world of work, as well as protection from cruel, inhuman, and degrading treatment. These risks are especially pronounced for women and marginalized groups, and must be addressed through targeted safeguards and monitoring.

Below are some examples of Sector Specific Risks that businesses should consider:

Sector	Types of Risks	Rights at Risk
<p>1. Agriculture & Horticulture</p> 	<ul style="list-style-type: none"> • Child labor • Wage exploitation • Exposure to hazardous chemicals • Land disputes 	<ul style="list-style-type: none"> • Right to fair wages • Right to safe working conditions • Right to education (children) • Property and land rights
<p>2. Manufacturing</p> 	<ul style="list-style-type: none"> • Poor working conditions • Forced labor • Excessive working hours • Lack of occupational safety measures 	<ul style="list-style-type: none"> • Right to fair wages • Right to health and safety • Right to rest and leisure • Freedom from forced labor
<p>3. Extractive Industries (Mining & Oil)</p> 	<ul style="list-style-type: none"> • Environmental degradation • Community displacement • Unsafe working conditions • Conflicts over resource ownership 	<ul style="list-style-type: none"> • Right to a clean and healthy environment • Land and property rights • Right to health • Right to security
<p>4. Infrastructure & Construction</p> 	<ul style="list-style-type: none"> • Forced displacement • Insufficient community consultation • Unsafe working conditions • Exploitation of migrant workers 	<ul style="list-style-type: none"> • Right to housing • Right to fair wages • Right to safe working conditions • Right to participate in decision-making

Sector	Types of Risks	Rights at Risk
<p>5. Technology & Telecommunications</p> 	<ul style="list-style-type: none"> • Data privacy breaches • Digital surveillance • Misinformation • Unethical AI deployment • Online abuse in gig and tech platforms 	<ul style="list-style-type: none"> • Right to privacy • Freedom of expression • Right to access information • Protection from discrimination
<p>6. Tourism & Hospitality</p> 	<ul style="list-style-type: none"> • Labor exploitation • Sexual harassment • Discrimination and gender-based violence • Environmental harm 	<ul style="list-style-type: none"> • Right to fair wages • Protection from harassment • Right to non-discrimination • Right to a clean environment
<p>7. Textile Industry</p> 	<ul style="list-style-type: none"> • Unsafe working conditions • Child labor • Forced labor • Wage exploitation • Environmental pollution • Supply chain opacity 	<ul style="list-style-type: none"> • Right to safe working conditions • Right to fair wages • Freedom from forced labor • Right to a clean environment

2.5 Communication Strategies



Effective communication is a cornerstone of the Human Rights Due Diligence (HRDD) process. It ensures that businesses transparently convey how human rights impacts are identified, addressed, and mitigated. Clear and consistent communication fosters trust among stakeholders, enhances corporate accountability, and strengthens the credibility of HRDD efforts.

Businesses can adopt communication strategies that ensure transparency, stakeholder engagement, and public reporting in their HRDD framework.

2.5.1 Public reporting

Public reporting is essential for demonstrating a business's commitment to human rights and providing stakeholders with visibility into HRDD efforts. Businesses should:

- Publish detailed sections within annual or sustainability reports outlining human rights risks identified, mitigation efforts, and outcomes.
- Regularly update the business website with human rights policies, activities, and impact assessments.
- Utilize press releases, newsletters, and social media to share key developments in human rights due diligence.
- Ensure reports are accessible and written in clear, non-technical language to reach a broad audience.

2.5.2 Stakeholder engagement

Engaging stakeholders is critical for ensuring that human rights concerns are adequately addressed. Businesses should:

- Organize community meetings in affected areas to share findings from HRDD processes and listen to concerns.
- Communicate the business's expectations to suppliers, partners, and contractors regarding compliance with human rights standards.
- Establish feedback mechanisms, such as surveys or grievance platforms, to allow stakeholders to voice concerns and provide input.
- Collaborate with civil society organizations, trade unions, and human rights experts to enhance dialogue and credibility.

2.5.3 Ensuring transparency

Transparency is the foundation of an effective Human Rights Due Diligence (HRDD) process. Businesses must openly acknowledge challenges, limitations, and lessons learned in their human rights management efforts, as this fosters trust and accountability. Rather than presenting an overly polished narrative, businesses should be willing to share the complexities of their journey, including areas where improvement is needed.

One of the most credible ways to reinforce transparency is through independent assessments—seeking external assurance from human rights experts, auditors, or civil society organizations enhances legitimacy and demonstrates a commitment to continuous improvement. Additionally, businesses should ensure that their response to human rights violations is publicly disclosed, providing detailed information on actions taken to mitigate harm and implement preventative measures. By maintaining transparency, companies not only strengthen their own credibility but also empower stakeholders to assess the adequacy of their responses to human rights risks.

2.5.4 Communication channels

To ensure effective engagement with stakeholders, businesses must leverage diverse communication channels tailored to different audiences:

- Digital platforms, such as corporate websites and social media, provide an accessible means of sharing human rights policies, due diligence efforts, and updates.
- Traditional media, including newspapers, radio, and press releases, remains an important avenue for reaching broader audiences, especially in regions where digital access is limited.
- Internally, companies should prioritize employee communication through newsletters, training sessions, and town hall meetings, ensuring that human rights commitments are integrated into corporate culture.
- Direct engagement through stakeholder forums, roundtable discussions, and community meetings also allows businesses to facilitate meaningful dialogue.

2.6 Monitoring and Evaluation in Human Rights Due Diligence

Monitoring and Evaluation (M&E) are essential for ensuring that Human Rights Due Diligence (HRDD) processes deliver real impact. A practical M&E framework enables businesses to track how their operations affect human rights, measure progress against set objectives, and identify gaps that require corrective action. It moves beyond compliance by embedding accountability and continuous learning into everyday business practice.

To be effective, businesses should establish clear objectives and measurable indicators that reflect their human rights commitments. For example, indicators may track the number of grievances resolved, improvements in workplace safety, or engagement with vulnerable groups. Regular monitoring using tools such as audits, surveys, and stakeholder consultations helps businesses stay informed about risks and performance, while ensuring that early warning signs are addressed before they escalate.

Evaluation should focus on whether HRDD strategies are working in practice. This involves reviewing outcomes, comparing them against objectives, and adjusting policies or processes where needed. Transparent reporting—through sustainability reports, stakeholder briefings, or public disclosures—builds trust and demonstrates accountability. By engaging employees, communities, and supply chain partners in the M&E process, businesses can strengthen credibility, improve decision making, and show genuine commitment to respecting human rights across all operations.



3. PRACTICAL TOOLS AND TEMPLATES FOR BUSINESSES

3.1 Human Rights Due Diligence Assessment Checklist

1. Policy Commitment



- Does the business have a formal Human Rights Policy?
- Is the policy publicly available and communicated to employees, suppliers, and stakeholders?
- Is senior leadership actively supporting human rights commitments?

2. Risk Assessment



- Have potential and actual human rights risks been identified in operations and supply chains?
- Are vulnerable groups (employees, communities, suppliers) considered in the assessment?
- Is there a system for ongoing risk monitoring to adapt to new challenges?
- Are mechanisms in place for workers to freely form or join trade unions and bargain collectively without fear of reprisal?

3. Integration & Action



- Are human rights considerations embedded into business decisions, contracts, and governance structures?
- Have mitigation and prevention strategies been developed for identified risks?
- Are employees and business partners trained on human rights responsibilities?

4. Tracking & Monitoring



- Is there a system to track human rights performance (audits, stakeholder feedback, key performance indicators (KPIs),)?
- Are reports generated and reviewed regularly to assess progress?
- Is corrective action taken when issues arise?

5. Communication & Transparency



- Does the business share its human rights initiatives and performance with stakeholders?
- Are disclosure reports published to demonstrate compliance and commitments?
- Is communication accessible and culturally appropriate?

6. Grievance & Remediation



- Are there clear, accessible channels for reporting human rights concerns?
- Are complaints investigated promptly, and remedies provided?
- Is there a process to ensure continuous improvement based on past incidents?

3.2 Human Rights Due Diligence Policy Templates

Template 1: Standard

Policy Statement

[Company/Business Name] is committed to respecting, protecting, and promoting human rights in all aspects of its operations. We recognize our responsibility under the Constitution of Kenya (2010), the Employment Act, and international frameworks such as the UN Guiding Principles on Business and Human Rights (UNGPs).

Purpose

This policy establishes our commitment to uphold human rights, prevent adverse impacts, and provide remedies where harm occurs. It guides our employees, suppliers, contractors, and partners in embedding human rights into daily business practices.

Scope

This policy applies to:

- (a) Employees: All permanent, temporary, and casual staff.
- (b) Contracted and outsourced workers: Including agency staff, security, cleaning, logistics, and IT support.
- (c) Suppliers and subcontractors: Entities providing goods or services across our value chain.
- (d) Customers and clients: Individuals and communities engaging with our products or services.
- (e) Local communities: Populations affected by our operations, projects, or investments.

Key Commitments

1. Workers' Rights

- Fair wages, safe working conditions, freedom of association, collective bargaining, and non discrimination.
- Zero tolerance for child labor, forced labor, or harassment.

2. Equality and Inclusion

- Promote equal opportunity for women, youth, persons with disabilities, and marginalized groups.
- Ensure accessibility in services, workplaces, and communications.

3. Community Rights

- Respect land tenure, cultural heritage, and Free, Prior, and Informed Consent (FPIC) where applicable.
- Engage transparently with communities and address grievances promptly.

4. Environmental Responsibility

- Minimize pollution, waste, and carbon footprint.
- Promote sustainable practices aligned with Kenya's environmental laws and SDGs.

5. Digital and Data Rights (for ICT/finance/telecom sectors)

- Protect privacy and personal data in line with Kenya's Data Protection Act.
- Ensure responsible use of technology, including AI and digital platforms.

Implementation & Monitoring

- Conduct regular human rights due diligence (HRDD) assessments.
- Train employees and suppliers on human rights standards.
- Integrate human rights clauses into contracts and procurement processes.
- Monitor compliance through audits, reporting, and stakeholder feedback.

Grievance & Remedy

- Provide accessible, confidential, and effective grievance mechanisms for employees, suppliers, customers, and communities.
- Ensure timely resolution, transparency, and remedies for violations.
- Report publicly on grievances and corrective actions taken.

Review

This policy will be reviewed (insert time period such as annually or every four years) and updated to reflect evolving laws, standards, and stakeholder expectations.

Template 2: Extractives Sector

Policy Statement

[Company/ Business Name] commits to conducting extractive operations responsibly, respecting the rights of workers, communities, and the environment.

Scope

Applies to:

- a) Employees (permanent, temporary, and casual staff in mines, rigs, and offices).
- b) Contractors and outsourced workers (security, logistics, cleaning, drilling).
- c) Suppliers and subcontractors.
- d) Local communities affected by extractive operations.

Key Commitments

- Workers' rights: fair wages, safe working conditions, freedom of association, non discrimination.
- Respect land rights and obtain Free, Prior, and Informed Consent (FPIC).
- Prevent environmental harm and protect community health.
- Accessible grievance mechanisms for workers and communities.

Template 3: Agriculture & Horticulture Sector

Policy Statement

[Company/ Business Name] commits to ethical agricultural practices that respect workers, farmers, and communities.

Scope

Applies to:

- a) Farm employees (permanent, seasonal, and casual laborers).
- b) Smallholder farmers and suppliers.
- c) Contractors (transport, packaging, logistics).
- d) Local communities impacted by agricultural activities.

Key Commitments

- Workers' rights: eliminate child labor, ensure fair wages, safe conditions, gender equality.
- Respect land tenure and community rights.
- Promote sustainable farming and food security.
- Grievance mechanisms for farmers, workers, and communities.

Template 4: Manufacturing Sector

Policy Statement

[Company/business Name] commits to responsible manufacturing that respects human rights and labor rights.

Scope

Applies to:

- a) Employees (factory, plant, and office staff).
- b) Contracted and outsourced workers (agency staff, cleaners, logistics).
- c) Suppliers and subcontractors.
- d) Communities affected by manufacturing operations.

Key Commitments

- Workers' rights: safe workplaces, fair wages, collective bargaining, non discrimination.
- Occupational health and safety standards for all employees.
- Equal opportunity for women, youth, and persons with disabilities.
- Transparent grievance mechanisms for employees, suppliers, and communities.

Template 5: Textiles & Apparel Sector

Policy Statement

[Company/ Business Name] commits to ethical textile production that protects workers and promotes sustainability.

Scope

Applies to:

- a) Garment workers (permanent, temporary, and casual).
- b) Suppliers and subcontractors in the textile chain.
- c) Contractors (transport, packaging, logistics).
- d) Communities near production sites.

Key Commitments

- Workers' rights: eliminate child/forced labor, ensure fair wages, safe conditions, gender equality.
- Transparency in sourcing and supply chains.
- Empowerment of women workers in garment factories.
- Accessible grievance mechanisms for workers and suppliers.

Template 6: Telecommunications Sector

Policy Statement

[Company Name] commits to providing telecom services that respect privacy, workers' rights, and digital inclusion.

Scope

Applies to:

- a) Employees (technical, customer service, field staff).
- b) Contractors (network installation, maintenance, call centers).
- c) Customers and subscribers.
- d) Communities impacted by infrastructure projects.

Key Commitments

- Workers' rights: fair treatment, safe working conditions, freedom of association.
- Protect customer data and privacy under Kenya's Data Protection Act.
- Ensure non discriminatory access to services.
- Grievance mechanisms for employees, customers, and communities.

Template 7: Technology Sector (ICT, Digital Platforms, AI)

Policy Statement

[Company Name] commits to developing technology responsibly, respecting workers, users, and society.

Scope

Applies to:

- a) Employees (developers, engineers, support staff).
- b) Contractors (outsourced IT, content moderation, logistics).
- c) Platform users and customers.
- d) Communities affected by technology deployment.

Key Commitments

- Workers' rights: fair contracts, safe workplaces, non discrimination, freedom of association.
- Conduct human rights impact assessments for new technologies.
- Safeguard against bias, misuse, and digital harms.
- Ensure accessibility for persons with disabilities and marginalized groups.

Template 8: Financial Sector (Banking, Insurance, Microfinance)

Policy Statement

[Company Name] commits to financial practices that uphold human rights, workers' rights, and inclusion.

Scope

Applies to:

- a) Employees (bank staff, insurance agents, microfinance officers).
- b) Contractors (security, IT, cleaning, logistics).
- c) Clients and customers.
- d) Communities affected by financial operations.

Key Commitments

- Workers' rights: fair treatment, equal opportunity, safe workplaces, collective bargaining.
- Promote financial inclusion for women, youth, and marginalized groups.
- Prevent complicity in corruption or financing abuses.
- Accessible grievance mechanisms for employees and clients.

Additional Resources

For businesses seeking to develop or refine their Human Rights Policy, the following resources provide valuable templates, frameworks, and guidance:

1. *United Nations Guide* – Developing a Human Rights Policy – [Read the guide](#)⁶
2. *Worldfavor Free Template* – Comprehensive Human Rights Policy Template – [Access the template](#)⁷
3. *AESSEAL Corporate Policy* – Example of a Manufacturing Business Human Rights Policy – [View policy](#)⁸
4. *Sample Policy Statements* – Collection of Policy Templates – [Browse templates](#)⁹

6 United Nations, Developing a Human Rights Policy (UNOHCHR, 2025) https://www.ohchr.org/Documents/Publications/DevelopHumanRightsPolicy_en.pdf accessed 11 June 2025.

7 Worldfavor, Human Rights Policy Template (Worldfavor, 2025) <https://content.worldfavor.com/human-rights-policy-template> accessed 11 June 2025

8 AESSEAL, Human Rights Policy (AESSEAL, 2025) <https://www.aesseal.com/en/resources/policy/human-rights-policy/> accessed 11 June 2025.

9 Sample Templates, Policy Statement Collection (Sample Templates, 2025) <https://www.sampletemplates.com/business-templates/statement/policy-statement.html> accessed 11 June 2025.

3.3 Sample Reporting Template to Document HRDD Processes

1. Company/Business Information

- Company/ Business Name: [Insert Name]
- Industry: [Insert Industry]
- Reporting Period: [Insert Date Range]
- Prepared By: [Insert Name & Position]

2. HRDD Process Overview

- Objective of HRDD: [Briefly describe the purpose]
- Key Policies & Guidelines Referenced: [List relevant policies]
- Stakeholders Involved: [Internal teams, external partners, affected communities]

3. Risk Identification & Assessment

- Method Used for Risk Assessment: [Surveys, audits, stakeholder consultations]
- Identified Human Rights Risks:

Risk Area	Description	Impact Level (Low/Med/High)
-----	-----	-----
[Insert]	[Insert]	[Insert]

4. Mitigation & Action Plan

- Actions Taken to Address Risks:

Action	Responsible Team	Status (Pending/Ongoing/Completed)
-----	-----	-----
[Insert]	[Insert]	[Insert]

5. Monitoring & Evaluation

- Indicators Used to Measure Progress: [KPIs, compliance audits]
- Challenges Encountered: [List any obstacles]
- Lessons Learned & Recommendations: [Insights for improvement]
- Does the business report on engagement with worker representatives and trade unions, including outcomes of such engagements?

6. Stakeholder Engagement & Feedback

- Consultations Held: [List meetings, surveys, discussions]
- Feedback Received: [Summarize key concerns and suggestions]
- Adjustments Made Based on Feedback: [Describe any changes]

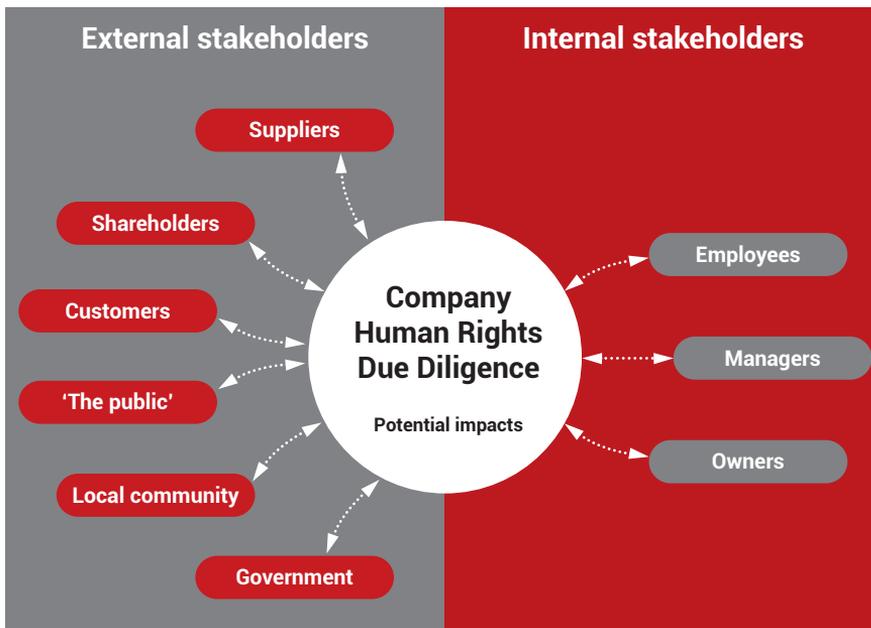
7. Next Steps & Future Plans

- Upcoming HRDD Activities: [Planned audits, training, policy updates]
- Support Needed: [Resources, partnerships, government engagement]

8. Attachments & Supporting Documents

- Relevant Reports, Policies, or Evidence: [List attached documents]

3.4 Examples of Stakeholders in the HRDD Process



Conducting Human Rights Due Diligence requires identifying the various stakeholders either internal or external to the business who are adversely impacted by the operations of the business or those who have a role in ensuring that human rights are respected and remedied if violations occur. Some of the stakeholders likely to be identified in the process of conducting due diligence include the following:

I. Institutions mandated to adopt, regulate and implement legal and policy frameworks

- International Bodies (UN, OECD) offer guidelines and frameworks, such as the UN Guiding Principles on Business and Human Rights, to guide businesses in conducting human rights due diligence.
- Governments are key stakeholders as they establish and enforce the legal and regulatory frameworks within which businesses operate.

- National Human Rights Institutions (NHRIs) provide oversight and guidance on business' human rights obligations.
- Access to remedy institutions including the judiciary and other internal organs and processes of a business.

II. The Internal Structures of the Business Entities/companies

- Management and Executives are responsible for integrating human rights considerations into business strategy, decision-making, and risk management.
- Human Resources are involved in ensuring fair labour practices, workplace safety, and non-discrimination policies.
- Procurement and Supply Chain Managers ensure suppliers and subcontractors adhere to human rights standards.
- Corporate Social Responsibility (CSR) Teams lead initiatives related to sustainability, ethics, and human rights.

III. Employees, Workers and Workers Unions

Workers within the business and its supply chain are directly affected by the business' policies on labour rights, wages, health, and safety. Unions and Workers' Representatives engage in dialogue with the business to advocate for workers' rights and better working conditions.

IV. Investors and Shareholders

- Investors increasingly recognize that human rights risks can have financial consequences for businesses.
- Shareholders may engage with businesses on issues related to environmental, social, governance and human rights performance of the business.

IV. Local Communities including indigenous communities

These are communities affected by a business's operations, especially in cases where business activities lead to displacement, environmental degradation, or other impacts on livelihoods and rights.

V. Consumers and consumer advocacy groups

Consumers increasingly demand that the products and services they purchase and consume are produced ethically and without violating human rights. Consumer Advocacy Groups monitor and engage businesses regarding their human rights impacts.

VI. Civil society organizations

They monitor and litigate adverse business practices and push for adherence to international human rights standards. They also play a watchdog role, exposing violations and holding companies accountable.

To enhance stakeholder engagement, businesses should integrate feedback loops into their HRDD framework. This means regularly updating stakeholders on actions taken in response to their concerns and demonstrating accountability.

4. REFERENCES

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African Commission on Human and Peoples' Rights, *Resolution on Business and Human Rights in Africa - ACHPR/Res.550 (LXXIV) 2023* (<https://achpr.au.int/en/adopted-resolutions/550-resolution-business-and-human-rights-africa-achprres550-lxxiv-2023/>) accessed 6 May 2025.

Directive (EU) 2024/1760 of the European Parliament and of the Council of 13 June 2024 on corporate sustainability due diligence (<https://eur-lex.europa.eu/eli/dir/2024/1760/oj/eng>) accessed 5 May 2025.

Government of Kenya, *Sessional Paper No. 3 of 2021 on National Action Plan on Business and Human Rights* (<http://www.parliament.go.ke/node/14387>) accessed 5 May 2025

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