

IBA Guidance on Business and Human Rights for Bar Associations (Second Edition)

High-level summary



In September 2024, the IBA Council voted unanimously to adopt the Second Edition of the **IBA Business and Human Rights Guidance for Bar Associations (Updated Bar Guidance)**. The Updated Bar Guidance complements the **Updated IBA Guidance Note on Business and Human Rights (Updated Lawyers Guidance)**, issued in November 2023.

The Updated Bar Guidance builds on initial guidance issued for bar associations by the IBA in 2015. It reflects the increasing integration of the 2011 **UN Guiding Principles on Business and Human Rights (UNGPs)** into hard and soft law around the world, including in the form of human rights and environmental due diligence regulations and the integration of business human rights (**BHR**) considerations in judicial and non-judicial decisions: bar associations can play a critical role in assisting lawyers and law firms to address the challenges and opportunities posed by these developments.

What can your bar association do to help its members understand and apply the UNGPs in legal practice?

The Updated Bar Guidance provides a roadmap of steps that bars can take to help their members understand and apply the UNGPs in legal practice, including:

- 1 Developing a strategy:** Bar associations may wish to develop a strategy for engaging with members on BHR issues. To help develop this strategy, your organisation could establish an independent committee or working group on BHR, with members from many different practice areas and legal communities.
- 2 Setting objectives:** Your organisation's strategy for engaging with members on BHR could set specific objectives about what your organisation wants to achieve through engagement with its members on BHR, and initiatives that help achieve these objectives. The strategy should include realistic timelines for completion of objectives; indicators of success; and responsibilities for implementation.
- 3 Awareness raising:** Take advantage of any opportunities to raise awareness of the existence and relevance of BHR instruments and principles among all members, and consider extending this to the public. Awareness raising can be done through, for example, holding special BHR sessions at conferences, and featuring BHR issues on your organisation's website and in publications.
- 4 Comprehensive education:** Your organisation can promote, participate in and/or establish educational programmes – including mentoring programmes – for law students and practitioners on the relevance of BHR to legal practice. The Updated Bar Guidance lists a range of ideas for subjects that these programs could deal with.

5	<p>Increasing lawyers’ awareness of ethical considerations associated with BHRs: Advising clients on compliance with applicable law – including laws that incorporate or reflect the UNGPs or other human rights standards – is a fundamental legal competence, and advising clients on relevant soft law implications of the UNGPs is wise counselling. Your organisation is strongly encouraged to draw to your members’ attention the ethical considerations which lawyers should consider related to business and human rights when advising clients. If your organisation publishes a professional code of conduct for lawyers, consider amending this code so that it encourages or requires lawyers to take account of any risks of human rights impacts – and how to address potential dilemmas – when advising business clients.</p>
6	<p>Providing technical assistance and guidance: Your association can provide a range of assistance to help strengthen lawyers’ institutional and human capacity to adopt effective BHR practices. This includes ensuring that lawyers have access to international and domestic BHR instruments, preferably in their own language.</p>
7	<p>Sharing examples of best practice and experiences among members and other bar associations: Your organisation can help bring the legal profession together, and enable member lawyers and law firms who have had success in embedding BHR principles in their advice to clients to share their experiences. Bar associations may also wish to share, with other bar associations, their own experiences, ideas, best practices and challenges faced, to help strengthen their own approaches to human rights. As part of this, your organisation may wish to consider publishing the steps that you are taking to address business and human rights.</p>
8	<p>Acknowledging good human rights practice: Your organisation may wish to publicly acknowledge successful business and human rights measures or programmes adopted by legal practitioners in your jurisdiction (eg, through issuing awards and promoting successful BHR programs in your organisation’s publications).</p>
9	<p>Involving the legal profession in work to integrate business and human rights principles in domestic policy and legislation: BHR principles are being increasingly integrated into domestic policy and legislation, and into industry standards. Your organisation may wish to ensure that the views of the legal profession are represented in consultation processes relating to the development of these instruments.</p>

Interested in learning more?

Scan the QR Code (or visit www.ibanet.org/LPRU/Guidance-on-Business-and-Human-Rights-for-Bar-Associations) to access the official Second Edition of the IBA Business and Human Rights Guidance for Bar Associations.

For more information, contact the IBA Legal Policy & Research Unit at lpru@int-bar.org.¹



¹ This document is an unofficial summary of the Updated Bar Guidance, developed by the IBA Legal Policy & Research Unit.