



Polish Institute  
for Human Rights  
and Business

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## **BUSINESS CONDUCT IN TIMES OF WAR**

Report from the webinar

*held on March 10<sup>th</sup>, 2022*

Video record of the Webinar: <https://youtu.be/Tsw3Uc93tCQ>

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### Introduction

1. This is a report from the Virtual Webinar on “Business Conduct in Times of the War” (“**Webinar**”), which was held on March 10<sup>th</sup>, 2022, 11.00-13.30 CEST.
2. The Webinar was co-organized by [Yaroslav Mudryi National Law University](#) and [Polish Institute for Human Rights and Business](#) and supported by the [International Visegrad Fund](#). The event sought input from a range of stakeholders on how to coordinate efforts of companies, civil society organizations (CSOs), state and municipal authorities, international partners to ensure corporate responsibility to respect human rights in times

of the war as well as aimed to provide stage for presenting an array of responses by companies to the situation. Agenda is attached in [Annex 1](#). Also, the purpose was to identify a need for guidance on business conduct in times of war by companies which operate in Ukraine and beyond in line with the UN Guiding Principles on Business and Human Rights (“**UNGPs**”). The goal was also to map the key human rights risks that could be / should be addressed by business, identify challenges to build collaboration between business, CSOs, INGOs and other actors to ensure human rights in times of war and to provide an opportunity for different stakeholders to discuss options to coordinate their efforts to ensure respect for human rights in a high risk environment. 144 participants from all over the world registered.

3. The webinar started with opening remarks by Dr Olena Uvarova, Chair of the International Lab on Business and Human Rights, Yaroslav Mudryi National Law University (Kharkiv, Ukraine), and Beata Faracik, President of the Board of the Polish Institute for Human Rights and Business (Poland).
4. In the opening presentation (see Annex 4), Dr. Uvarova provided an overview of the situation in Ukraine. In particular, she pointed to three types of high-risk environments for companies in Ukraine: i. territories occupied by Russian military forces; ii. territories under heavy attacks (active military actions, including missile strikes); iii. other territories of Ukraine (single missile strikes, location of internally displaced persons). For all these territories critical infrastructure is essential, including:
  - heating;
  - food production and distribution;
  - water supply;
  - hospitals, ambulances;
  - pharmacy distribution;
  - railway;
  - public transport;
  - post services;
  - electricity generation, transmission and distribution;
  - telecommunication and internet;
  - banking (mix).

These services and goods are provided by different types of companies - private, municipally owned and state owned enterprises which are governed in different ways. The key question for companies which are involved in supply chains for critical infrastructure is how to balance safety of their employees (especially in occupied territories and territories under active military actions) and the need of local residents to have access to the critical infrastructure.

The common challenges for all companies in Ukraine are issues of evacuation of employees and ensuring their safety; compensation or other support for relocation; and salary payment.

5. Ms. Beata Faracik in her opening remarks pointed that perspectives of companies in Ukraine and EU are different. Companies outside Ukraine are much more focused on supporting refugees, making financial and in-kind donations for Ukrainian refugees and humanitarian aid, providing accommodation for refugees and supporting them financially and pressuring the state to provide relevant regulations and coordinate efforts (countries still don't have appropriate legislation / necessary legislative framework for such a situation). For example, major part of the support provided by companies in Poland is aimed at assistance to Ukrainian workers/employees (company's own or those of their partners) in Poland or Ukraine-based employees of those companies (usually efforts focus in the latter situation on providing assistance with relocation to safer areas/abroad). With some workers/employees needing to take time to support their families, some companies provided e.g. additional days of paid leave, with others providing e.g. financial assistance to workers to support their families in case of relocation or lost income.

In case of Ukrainian workers in Poland but also those in Ukraine, there are a number of reports about companies enabling payment of salary for several months in advance to provide support at the critical moment. In this perspective, it's important to find all possible ways how companies could be engaged and provide support in a responsible way.

She noted that question arise also, whether humanitarian aid - considered in normal situations to be philanthropy (and thus falling closer to the corporate social responsibility concept), in such an high-risk context (in the time of war), should be treated as the component of human rights due diligence. Additionally, given the high impact and indispensability of companies engagement in the situation of insufficient actions undertake by the state administration, the question arises if those philanthropic actions can be ceased whenever companies wish, or are they obliged to undertake due diligence to assess the impact of such decision and adjust their decision based on outcome of such diligence.

Another, even more, important issue for international companies is whether to continue doing business with / in Russia and investments to Russia.

6. The webinar was divided into two parts: (i) Situation in Ukraine and examples of responsible business conduct by Ukrainian companies, and (ii) Role of EU companies with a special focus on the situation with Ukrainian refugees. The discussion was moderated by Olena Uvarova and Beata Faracik.

## **Part I – Mapping good practices and key challenges for Ukrainian companies**

7. The first part was opened with a brief introduction by **Ms. Olena Stepanenko**, Representative of the Ukrainian Parliamentary Commissioner for Human Rights on Socio-Economic Rights, with a focus on human rights under attacks in Ukraine and key risks to be addressed by businesses.
8. The Parliamentary Commissioner's office works, some representatives work in the office and some - work remotely, in Kiev and in the regions. The 24-hour hotline is operational, and it is possible to report human rights violations via this hotline. The Parliamentary Commissioner's office is coordinating efforts of different stakeholders, collecting facts of human rights violations and making efforts to respond to violations and help victims.
9. Among the complaints of citizens there are appeals regarding the receipt of a pension by those pensioners who receive a pension through the branches of Ukrposhta (post office, a state-owned enterprise). In war zones, in particular in Kharkiv, post offices are closed, which means that for some time people could not receive pensions. Another example of irresponsible behaviour complaints about which reached the Commissioner's office is that of the construction companies, which stopped operations without salary payment for performed works.
10. There are companies that do not cease operations in / with Russia. While it is the choice of consumers whether to buy goods from such companies, the Ukrainian Foreign Ministry has posted [a list of companies that refused to leave Russian market to assist those who want to make sure that their boycott is well targeted](#).
11. There are examples of good practices in Ukraine as well. In Kyiv, a drinking water treatment business (a small company) provides free water for local residents. A number of companies provide transports to evacuate people from cities and villages where military actions are active.
12. **Ms. Ganna Khrystova**, Senior Project Officer (the Council of Europe Project 'Internal Displacement in Ukraine: Building Solution'), acting in her personal capacity (as was stressed by her), voiced the key requests and recommendations to business:

- Business should stop working in the Russian Federation as a sign for people in Russia that changes are needed.
  - EU companies should not stop cooperating with Ukrainian partners. Supply chains must be secured and not be broken. Delivery of goods must continue. Supermarkets (food stores) are still functioning, and people should have access to food and all other necessary items.
  - Humanitarian aid. National and local authorities in Ukraine are fully operational. Businesses which are ready to provide humanitarian assistance can do it with confidence - all logistics in Ukraine worked properly at that time. Unlike what some media reports suggest it is wrong to think that there is a total chaos in Ukraine. Ukrainians are well organised now. Civil society organisations are operating effectively to support people. Direct grants for such CSOs could be good options as well. The most difficult situation is for people in the zone of military actions. They need direct help. It is most effective to act directly through organizations that operate in such zones.
13. **Ms. Svitlana Mykhailovska**, Deputy Director, European Business Association, Ukraine, confirmed that the role of business association is important in critical situations. The EBA is working and providing coordination between business and other stakeholders. The EBA and the member companies continue to actively support the country during the war – through donations, procurement of protective equipment, medicines, food for doctors, the army, territorial defence for civilians, as well as communication with national and regional authorities, territorial defences, medical institutions, etc. The EBA conducted an express [survey](#) among its members about current business activities and operations in times of war. According to this survey, 41% of companies help financially, 35% support employees who defend the country, 31% provide products, 29%- services, 16% - medicines, 9% - means of protection/defence. Moreover, 63% of businesses continue to pay full salaries to employees and 45% make some additional payments. Only 3% were forced to cut salaries, and 1% have to provide unpaid leaves or were forced to lay off staff. To support the employees, 68% paid salaries a month or more ahead, 29% reimbursed relocation expenses, 23% rented accommodation in western Ukraine and 23% did it abroad, 1% ordered insurance for those who continue to go to work.
  14. **Ms. Anastasiia Tokunova**, Institute of Economic and Legal Research of the National Academy of Sciences of Ukraine, BHR expert, emphasized the necessity of drafting and disseminating recommendations concerning business conduct, which is now awaited from the authorities. It will give businesses guidance on how to respect human rights in times of war and post-conflict settings, to let entrepreneurs know what they have to do.
  15. It was indicated that at this stage it is necessary to formulate several short and clear recommendations on what businesses need to do now. These proposals should be disseminated not only at the national level but also at the local one, to let local authorities communicate with businesses more promptly.
  16. Ms. Tokunova proposed the creation of the public register of business conduct. It was shown that many businesses support the position of Ukraine during the war. One of the options that can motivate more businesses (both foreign and national) to be involved in this work is to create a resource where cases of responsible business conduct will be collected. The same resource can be used not only for promoting responsible conduct but also for “shaming” the irresponsible one. Some entrepreneurs use the current situation to maximize profits without regard to the interests of the people (for example, raising the price of essential goods, using informal employment, breaking labour standards, etc.). Also, based on this register, it is possible to conduct information campaigns regarding the development of this area in Ukraine, showing that, despite

certain abuses, there is a practice in the country when business becomes more responsible, and how this is achieved. This campaign may be directed to other countries.

17. **Ms. Maryna Saprykina**, Centre for CSR Development Ukraine (CSR Ukraine), initiated the collection of data and figures on actions of companies to support Ukraine and Ukrainian people in times of the war. The information has already been collected on 195 companies in Ukraine which do activities in the following directions: 1) financial support to Army and related foundations; 2) humanitarian assistance (provision of food and essential goods), 3) communication support (e.g. telecommunication companies), 4) boycott of goods from Russia. She mentioned the example of Nova Poshta (a large logistic company) and national mobile roaming provided by three mobile operators-competitors. Many companies, especially in the IT sector, relocated their employees. Agricultural companies increased salaries for their employees in the time of conflict.
18. CSR Ukraine is monitoring the conduct of companies-members of the Association. Some of them continue to cooperate with Russia and do business in Russia. There is a need to call companies to stop business in Russia and boycott Russian products. Another important issue is a necessity to discuss the role of business in light of ESG as many banks continue to invest in Russian companies. ESG rankings agencies should stop working with Russia and its companies.

## Conclusions

i. Critical infrastructure is essential, and in times of war, business which provides such essential services and goods should balance safety of employees and needs of people to have access to critical infrastructure with special care. There is a difference in ways of governance of state owned, municipality owned and private owned enterprises - it should be taken into consideration for developing guidance on responsible business conduct for companies which are involved in critical infrastructure.

ii. There are different risk environments where business operates in Ukraine: temporarily occupied territories, territories with active military actions, all other territories of Ukraine. The kind of risk environment should be taken in human rights risks assessment.

iii. Employers should undertake human rights risks assessment taking into consideration the current situation and try to react as soon as possible to the findings. Among key actions that were most popular among companies and should be considered by others are : a) evacuation of employees; b) financial support for relocation of employees and their families; c) paying salary for several months in advance; d) additional days of paid vacation, etc.

iv. Humanitarian aid which is considered as philanthropy (corporate social responsibility) in normal situations could become the component of responsible business conduct in war time. Examples of good practices can be found in the conduct of companies of all sizes - small, medium and large. The examples of large companies are more visible and more common, as large companies tend to be more financially stable, and these companies are more dependent on reputational losses.

## Part II – Role of EU companies

19. The second part of the webinar focused on discussing the role of the EU based companies during the situation of Russia's war aggression in Ukraine and on identifying possible ways to be engaged positive practices.
20. **Mr. Jarek Rot**, Executive Director responsible for the Sustainability Area, BNP Paribas Bank Polska S.A., emphasized that BNP Paribas is very active. In particular, [the special bank services](#), including free of charge, for Ukrainians in Poland are offered (free

withdrawals from all ATMs in the country, free deposits and withdrawals in bank branches nationwide, no fee for transfers to Ukraine – reimbursement within max. 2 working days). Bank prepared simpler process of opening an account in a branch. Now Clients need only Identity document: passport or Temporary Foreigner's Identity Certificate, TIN (Ukrainian tax identification number) and Polish phone number.

21. [The Rescue & Recover Fund](#) was launched to support the people of Ukraine. The BNP Paribas Group is trying to do everything possible to ensure the safety of its employees. Locally, BNP Paribas Bank Polska S.A. together with the BNP Paribas Foundation have created a Solidarity Fund. The money raised will go firstly to transport, food, accommodation, paperwork and other basic needs. In the long term, bank will help to find jobs, provide education and integrate.
22. The bank also proposes for its employees paid working days to use them for volunteering to support Ukraine.
23. Support and housing are offered to employees and their families leaving cities and regions, in particular with the help of BNP Paribas Bank Polska S.A. The company supports Ukrainian employees in Poland, in particular three additional days of paid vacation had been proposed for employees who have families in Ukraine.
24. Psychological support for employees had been organized and a network of Human Resources employees in different countries was organized to consider and resolve specific situations in support of Ukrainian employees. It is intended to help Ukrainians - families of bank employees and employees of sister bank from Ukraine. The 24-hours helpline provides them with information on transport from any point of the border and on available accommodation.
25. UKRSIBBANK BNP Paribas Group continues to operate in Ukraine.
26. **Mr. Jacek Siadkowski**, Director, Tech to the Rescue, launched the [Tech for Ukraine](#) campaign to build tech solutions for non-profit organizations to maximize impact in the light of the ongoing war. 50 NGOs are working professionally to provide humanitarian aid in Poland. The key challenge is to coordinate efforts. For now 495 companies from 40 countries all over the world are ready to help immediately.
27. 5 millions Ukrainians are expected to seek refuge in neighbouring countries. They will need help with temporary housing, medical care, transportation, legal assistance, translation services, and temporary job search.
28. Tech for Ukraine campaign is aim to support NGOs by making easier donations, improving website usability, increasing conversions, implementing strategic platforms, decentralizing resource management, making collaboration easier, implementing scalable databases, improving cybersecurity, improving resource distribution, making IT services redundant, safe messaging etc.
29. Lack of coordination could create the risk of human trafficking and other crimes.
30. **Ms. Magdalena Mitraszewska**, ANG Group, Projects manager, stated that the company started immediately, on 24th of February 2022, because of understanding that state and local authorities need time to organize support. The company is organizing transport from the border for Ukrainian refugees, providing accommodation, clothes and food for them. 15 people in the company are engaged in activities to support Ukrainian refugees (some of them are engaged full time and some in part time). The biggest challenge is that needs are growing. The company needs also to develop the strategy on how to get back to regular business and how to do it responsibly.
31. **Ms. Ganna Shvachka**, Charity fund "Ukraine-Slovakia SOS" (registered in Ukraine) and Civic association "SME SPOLU" (registered in Slovak Republic) are coordinating humanitarian aid from Slovakia to Ukraine. On 24th of February 2022, they were the first who were ready to support the people of Ukraine and Ukrainian refugees in Slovakia because they already have full logistics for this purpose. Ms. Shvachka states the importance of collaboration between NGOs and business. NGOs help companies to understand needs, provide guidance for companies how to conduct in a period of complicated circumstances.

32. Business response is very quick and very effective. Many business associations and agencies are providing their help in a very well organised way. Slovak companies are ready to employ Ukrainian refugees (most of them are women, and one of the obstacles for Ukrainian women to be employed in the EU countries is need to find kindergarten or schools for children). Slovakia provides very flexible and easy regulation to employ Ukrainians.
33. The next aim for NGOs is to find ways to integrate Ukrainian refugees into local communities in the Slovak republic.
34. Huge risk of labour exploitation of Ukrainian refugees should be emphasised especially.
35. **Ms. Sorcha MacLeod**, Chair of the UN Working Group on the use of Mercenaries, paid attention that all clients of private security companies - state, business, humanitarian actors - need to be aware of human rights risks. In many instances, the presence of these private actors prolongs the conflict, acts as a destabilising factor, and undermines peace efforts. The operations of mercenaries and mercenary-related actors increase the risk of human rights abuses and violations of international humanitarian law. All actors should refrain from using, recruiting, financing or training, mercenaries or mercenary-related actors under all circumstances. Furthermore, all actors should abide by the UN Charter and the legal obligations arising from international human rights law, and where applicable, international humanitarian law.
36. **Ms. Ella Skybenko**, Business and Human Rights Resource Center, paid attention to indicating the companies' positions. Under the United Nations Guiding Principles on Business and Human Rights, in situations of armed conflict business should conduct enhanced human rights due diligence to identify, prevent, and mitigate heightened risks and adopt a conflict-sensitive approach. Companies need to do so because of the severe risk of gross human rights abuses. Businesses must also avoid contributing to violations of international humanitarian law.
37. For this reason, Business and Human Rights Resource Center (BHRRC) invited 208 companies operating or investing in Ukraine and/or Russia to respond to questions about human rights due diligence. The purpose of the survey is to increase transparency of business human rights due diligence practices related to the Russian invasion of Ukraine, including gaps and examples of good practice.
38. Questions the BHRRC is asking companies are following: How do they assess human rights risks and provide human rights due diligence in response to the Russian invasion? What concrete measures were taken to track effectiveness, to promote respect for humanitarian law and peace in Ukraine? Additional questions were prepared for tech companies, bank sector, social media and mobile internet providers.
39. The Resource Center has asked companies to provide their responses by the 18 of March. It plans to make companies' responses publicly available on the BHRRC's website, which receives 3 million visitors per year. It will also share them through our Weekly Update, which is sent to 20,000 opinion leaders worldwide. It will be noted which companies did not respond.
40. Finally, the Resource Center also published [guidance for companies operating in conflict-affected contexts](#). It's based on the materials developed by the Geneva Centre for Security Sector Governance and the International Committee of the Red Cross. The guidance is some sort of an introduction to good practice that includes 8 points such as, for example:
- Being aware of the potential for liability in relation to international humanitarian law.
  - Ensuring that company operations, actions, and personnel do not violate international humanitarian law or intensify violence in conflict-prone regions.
  - Undertaking heightened due diligence when operating in conflict-affected contexts or situations where there is risk of conflict occurring.
  - Having a clear exit strategy even if the company does not intend to withdraw.
- The guidance is available on the Resource center's website.
41. **Ms. Salome Zurabishvili**, Executive Director at Global Compact Network Georgia, stressed that the Russian war of aggression in Ukraine violates every written or unwritten

law. Responsibility of business at this time is crucial. Companies need to respect humanitarian law.

42. Georgian companies are quite active in providing humanitarian support for Ukrainians. Private companies are collecting funds for Ukrainian people, good and products, providing accomodation, free medical services for Ukrainians, offering job opportunities for them. Georgian post services and public transport are free for Ukrainians. Additionally, she pointed to the new resource – a brief business guide developed by the UN Global Compact - '[UKRAINE HUMANITARIAN CRISIS](#)', which is used by Georgian companies as well.
43. Recovery will need support as well. Business at regional and global levels should be mobilized for this purpose.
44. **Mr. Jernej Letnar Cernic**, Professor of Constitutional and Human Rights Law, Faculty of Government and European Studies, New University (Slovenia), indicated [large scale disinvestment and disengagement from the Russian market](#). Drivers include governance and regulatory, reputational, business and human rights risks and risks connected to the weak rule of law. First, the comprehensive and wide-reaching economic and financial sanctions have increased the governance and regulatory risks in their home jurisdictions of companies operating in Russia. Second, businesses have been concerned about reputational risks that their continuing presence in Russia would negatively affect their performance on their home markets where the majority of populations have been strongly against the invasion. Third, although the identification of and response to potential human rights risks of doing business in Russia has not been a priority in the past, they have gained a greater focus in recent years and particularly since 24 February 2022. Businesses have been increasingly concerned not about the safety of their employees, but also of human rights protection in their supply chains in Russia. Business and human rights standards have perhaps entered into the Russian market through the back doors by disinvestment. Fourth, the regulatory environment in Russia has been since 24 February 2022 even more unstable as usual. Investors' legitimate expectations about stability of the Russian domestic system are not there anymore. For instance, one of the responses of Russian authorities to sanctions and business exits has been to freeze foreign investment under the threat of nationalisation. As a result, tens of the largest Western foreign investors in such an unstable environment have decided to at least temporarily exit the Russian market.
45. **Mr. Ron Popper**, Chief Executive Officer, Global Business Initiative on Human Rights, drew attention to the fact that a number of TNCs are seeking ways to avoid sanctions and reputational risks. At the same time, they avoid mentioning Russia in their public statements about the situation in Ukraine. They are doing a lot of calculating now, also about the future after the war. But the responsible companies should have been doing HRDD since 2014. Russia's actions in Crimea should already have demonstrated the need for HRDD, and the need to carry out business with the lens of human rights risks assessment. Now, all actions look like last minute actions. [Responsible companies will no doubt have done such enhanced due diligence following the 2014 invasion and annexation of Crimea](#). Now the situation is far worse, with far greater implications, politically, geographically ... and for the lives and livelihoods of very many human beings.
46. **Ms. Ashley Nancy Reynolds**, Associate on Business and Human Rights at the International Committee of the Red Cross, stressed that international humanitarian law is applied to all actors. Conflict sensitive approaches should be used by companies.
47. **Ms. Alla Tymofeyeva**, Human Rights Research Centre of Faculty of Law, Charles University, presented the reaction of the Czech companies to the situation in Ukraine. She mentioned that the National Action Plan on Business and Human Rights adopted by the Czech Republic doesn't include information about the conduct of companies in times of a war or armed conflict.
48. However, Czech companies provide financial, material and factual (e. g. legal) support to Ukrainians. Some of them such as Pilsner Urquell and Škoda stop suspend or reduce their activities on Russian markets, according to the media reports. At the same time,



there is no information on the official web pages of Pilsner Urquell and Škoda as regard to their activities in the Russian Federation.

## Conclusions

- I. Many EU companies demonstrate that humanitarian aid and other support related to the situation in Ukraine caused by the Russia's aggression of war is part of their human rights due diligence in times of the war - they are considering the avoiding from support victims of the war as contributing to human rights negative impact and trying to provide support as much as possible (collecting funds, providing free medical aid and other services, ensuring paid days for volunteering for employees, support for Ukrainian workers etc.).
- II. EU states were not ready for the situation, in particular there is still a lack of legal framework for migration to the EU countries and providing humanitarian aid and other support. The BHR National Action Plans adopted in the EU countries also cannot serve as a framework to which states and companies can turn during such an emergency situation that poses high risks to human rights to ensure state obligation to protect and corporate responsibility to respect. One of the lessons learnt should be about the need to prepare the proper framework in line with UN Guiding Principles on Business and Human Rights in a peaceful time to be ready for challenges in time of war.
- III. In contrast to companies that take a proactive BHR stance, companies which are doing business in / with Russia try to remain silent or limit themselves to general public statements, without condemning Russia for military aggression. Such companies avoid participation in BHR events, even if in peacetime they positioned themselves as BHR leaders.
- IV. Responsible companies should have provided HRDD since 2014 where Russia's actions in Crimea should already be considered through the lenses of human rights risks assessment. In this case, international companies wouldn't have the issue whether to stay or not in Russia.

## Annex 1 Agenda



Polish Institute  
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## BUSINESS CONDUCT IN TIMES OF WAR

10 March 2022, **12.00-14.00 Kyiv time (KT)**, 11.00-13.00 CET, online (zoom)

**! Please note:** The event may be extended for an additional 20 minutes.

Ukrainian/English translation will be provided.

### Agenda

#### Introduction

Introductory words by **Ms. Olena Uvarova**, Yaroslav Mudryi National Law University, Ukraine: the war in Ukraine, the role of companies to ensure human rights in times of war. View from inside of Ukraine

Introductory words by **Ms. Beata Faracik**, Polish Institute for Human Rights and Business, Poland: view from outside of Ukraine, challenges and how companies address them

#### Part I: Ukrainian perspective

**Moderated by Ms. Olena Uvarova**

**Ms. Olena Stepanenko**, Representative of the Ukrainian Parliamentary Commissioner for Human Rights on Socio-Economic Rights: human rights under attacks in Ukraine - key risks that could be addressed by business

**Ms. Ganna Khrystova**, Senior Project Officer (the Council of Europe Project 'Internal Displacement in Ukraine: Building Solution': key requests to business

**Ms. Svitlana Mykhailovska**, Deputy Director, European Business Association, Ukraine

Discussion

#### Part II: EU and non-EU perspective

**Moderated by Ms. Beata Faracik**

**Mr. Jarek Rot**, Executive Director responsible for the area of Sustainability, BNP Paribas Bank Polska

**Ms. Magdalena Mitraszewska**, ANG Group, Projects manager

**Mr. Jacek Siadkowski**, Director, Tech for Ukraine

**Ms. Sorcha MacLeod**, Chair of the UN Working Group on the use of Mercenaries

**Ms. Ella Skybenko**, Business and Human Rights Resource center: Indicating the Companies' Positions

**Ms. Salome Zurabishvili**, Executive Director at Global Compact Network Georgia

**Ms. Ganna Shvachka**, Ukraine Slovakia SOS: NGOs & Companies collaboration

**Mr. Jernej Letnar Cernic**, Professor of Constitutional and Human Rights Law, Faculty of Government and European Studies, New University (Slovenia)

#### **Comments from:**

**Mr. Ron James Popper**, Chief Executive Officer, Global Business Initiative on Human Rights

**Ms. Alla Tymofeeva**, Human Rights Research Centre of Faculty of Law, Charles University: position of Czech companies

**Ms. Anastasia Tokunova**, Institute of Economic and Legal Research of the National Academy of Sciences of Ukraine, BHR expert, Evacuated from Kramators, Donetsk region

#### **General discussion**

## Annex 2. Contacts and platforms supporting aid

1. Ms. Ganna Khrystova, Senior Project Officer (the Council of Europe Project 'Internal Displacement in Ukraine: Building Solution'. Ready to provide assistance to transfer humanitarian aid from the border to the places in Ukraine that need such aid.  
[Ganna.KHRYSTOVA@coe.int](mailto:Ganna.KHRYSTOVA@coe.int)
2. Markus Krajewski: German academic institutions also are ready to provide – also practical – help for researchers or students. Those interested should contact Prof. Krajewski directly at: [markus.krajewski@fau.de](mailto:markus.krajewski@fau.de)
3. John Katsos: ongoing data collection (with colleagues from Switzerland) on business for peace in Ukraine. Please email [jkatsos@aus.edu](mailto:jkatsos@aus.edu)
4. Maryna Saprykina, CSR Center in Ukraine: collecting information on role of companies in UKR in the war. Up to now they gathered info on 195 companies  
[ms@csr-ukraine.org](mailto:ms@csr-ukraine.org)
5. Tech to the rescue and Tech for Ukraine: <https://www.techtotherescue.org>  
- Tech for Ukraine - NGO subpage <https://www.techtotherescue.org/ngo/tech-for-ukraine>  
- Tech for Ukraine - company interface <https://www.techtotherescue.org/tech/tech-for-ukraine>
6. Salil Tripathi, IHRB, [Salil.tripathi@ihrb.org](mailto:Salil.tripathi@ihrb.org)
7. The Institute for Business and Human Rights in the Republic of Moldova is currently actively involved in providing comprehensive humanitarian assistance to Ukrainian refugees and is setting up a platform to engage Ukrainian refugees to work in Moldova.

AO Institute for Business and Laws of the Republic of Moldova "IBDOM"

Moldovan Institute for Business and Human Rights "MIBHR-IBDOM" NGO's

AO Fondul pentru Prevenirea Criminalitatii - FPC-Moldova;

Crime Prevention Fund NGO's - FPC Moldova

Pancho Valchanov

Chairman of the Administrative Board

Tel. for contact: 00373 (60) 551137 - Viber; WhatsApp

00359 88 64 64 028 - Viber only

Also a special bank account was opened in Moldova to receive funding to support Ukrainian refugees. Please contact Pancho for details.

### Annex 3. Useful Links that were shared during the webinar

1. Support employees and the army: how business works during the war, European Business Association, 4 March 2022,  
<https://eba.com.ua/en/pidtrymuyut-komandy-ta-armiyu-yak-pratsyuye-biznes-v-umovah-vijny/>
2. Ukraine and Russia: companies need to carry out enhanced human rights due diligence, GBI BLOG, Wednesday, 2 March 2022, by Ron Popper,  
<https://gbihr.org/updates/ukraine-and-russia-companies-need-to-carry-out-enhanced-human-rights-due-diligence>.
3. Tech to the rescue / Tech for Ukraine:  
<https://www.techtotherescue.org/blog/how-to-help-the-people-of-ukraine-10-things-you-can-do-right-now>
4. UN Working Group on mercenaries:
  - Special Procedures Statement:  
<https://www.ohchr.org/en/press-releases/2022/02/un-experts-call-end-russian-aggression-against-ukraine-and-urgent-protection>
  - UN Working Group on mercenaries Statement:  
<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28210&LangID=E>
  - UN Working Group Report on the role of private military and security companies in immigration and border management and the impact on the protection of the rights of all migrants:  
<https://www.ohchr.org/EN/Issues/Mercenaries/WGMercenaries/Pages/Callroleprivate-military.aspx>
  - PMSCs and Gender Report and our report on PMSCs and Humanitarian Action are also relevant:  
<https://www.ohchr.org/EN/Issues/Mercenaries/WGMercenaries/Pages/GenderPrivateMilitarySecurityCompanies.aspx>
  - Report on cybersecurity:  
<https://www.ohchr.org/EN/Issues/Mercenaries/WGMercenaries/Pages/Report-Cyber-Mercenaries-2021.aspx>
  - Humanitarian action and PMSCs report:  
<https://daccess-ods.un.org/tmp/1307753.62253189.html>
5. Business & Human Rights Resource Centre:
  - <https://www.business-humanrights.org/en/blog/operating-in-conflict-affected-contexts-an-introduction-to-good-practice/>
  - <https://www.reuters.com/business/russia-approves-first-step-towards-nationalising-assets-firms-that-leave-ruling-2022-03-09/>
6. IHRB on the role and responsibilities of tech companies with regard to fake news and propaganda  
<https://www.ihrb.org/other/businesss-role/tech-companies-have-crucial-responsibilities-in-the-attack-on-ukraine-misinformation-virtual-warfare-and-arbitrating-truth>
7. Report by Salil Tripathi (2002) for Amnesty International about human rights risks of doing business in Russia:  
<https://www.amnesty.org/en/wp-content/uploads/2021/09/eur460592002en.pdf>
8. Jernej Letnar Čerinič, Blog on “Russia, disinvestment, business and human rights”, 9 March 2022  
<https://www.cambridge.org/core/blog/2022/03/09/russia-disinvestment-business-and-human-rights/>
9. Australian Red Cross resources on IHL  
<https://www.redcross.org.au/ihl/business-and-ihl/>

10. Red Cross: Doing Responsible Business in Armed Conflict, Risks, Rights and Responsibilities. What every Australian business needs to know about international humanitarian law

<https://www.redcross.org.au/globalassets/cms-migration/documents/ihl--no-ihl/doing-responsible-business-in-armed-conflict-final-publication-web.pdf>

11. Security and Human Rights Knowledge Hub: <https://securityhumanrightshub.org/>

12. Toolkit on Security and Human Rights, including public and private security and security and communities <https://securityhumanrightshub.org/toolkit>

13. Conflict prevention tool

<https://www.voluntaryprinciples.org/resource/conflict-prevention-tool-developing-multi-stakeholder-strategies/>

**Annex 4. Introductory presentation**



# Russian war of aggression in Ukraine: View from Inside

Olena Uvarova, PhD, Chair of International Lab on  
Business and Human Rights, Yaroslav Mudryi NLU

10th March 2022 for 'Business conduct in times of war'



# Map of places that were attacked by Russia



# Ukrainian territory temporarily occupied by Russia



# Three types of war situations in Ukraine



1. Cities and villages occupied by Russian military forces.
2. Cities and villages under heavy attacks by Russian military forces.
3. Other territories of Ukraine.

## Critical infrastructure:



- Heating (municipality owned companies, MOEs)
- Food production and distribution (private companies, inc. transnational; in top 50 of the most profitable companies in Ukraine)
- Water supply (MOEs)
- Hospitals, ambulances (MOEs and private)
- Railway (SOE)
- Public transport in cities (mix)
- Electricity generation, transmission and distribution (mix)
- Telecommunication (private mostly)
- Banking (mix)

# Business as employer



- Evacuation
- Ensuring safety
- Compensation or other support for relocation
- Paying salary

# Purpose of the webinar



- Identify good practices of corporate responsibility to respect human rights in times of the war, in Ukraine and other countries
- Mapping the key human rights risks that could be / should be addressed by business
- Identify challenges to build collaboration between business, CSOs, INGOs and other actors to ensure human rights in times of war
- Overview the implementation of state duty to protect in times of war
- Identify key barriers to access remedies.