



BUSINESS AND HUMAN RIGHTS: AN EMPIRICAL STUDY WITH PORTUGUESE AND TURKISH CONSUMERS¹

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ABSTRACT

With the effects of globalization corporations started to become very important actors in global economy and consequently, politics. They have created jobs and contributed to the economies of host states, however negative side effects have also occurred. After many years of discussions and attempts on drafting regulations on “how to tame corporations” the United Nations Guiding Principles on Business and Human Rights (“UNGPs”) was accepted in 2011 by the UN Human Rights Council unanimously. Principle 11 of the UNGPs states that the foundation of the Guiding Principles is the “social expectation” of societies, which could be claimed to be a rather vague and perhaps improper term for legal scholarship. This empirical research aims to bring the discussion of social expectations to Portugal and Turkey.

KEYWORDS

International Law-making, Business and Human Rights, UNGPs, Soft-Law, Comparative Analysis

Introduction

There is a common conception that consumers are leaning towards more “sustainable” and “conscious” brands, which would naturally include the brands setting corporate social responsibility policies as well as those respecting human rights throughout their operations. However, these actions are highly voluntary and, when an abuse occurs, there are no legal accountability mechanisms besides those offered by national legal systems on a small scale. The question of how to regulate corporate behaviour is still debated.

Globalization of the economy led businesses to expand their operations abroad, especially to third-world countries where they can find cheap labour and resources³. In

³ “Inward FDI flows to developing economies reached their highest level at \$681 billion with a 2 per cent rise. Developing economies thus extended their lead in global inflows. China became the world’s largest recipient of FDI. Among the top 10 FDI recipients in the world, 5 are developing economies. (...) Investments by developing-country multinational enterprises (MNEs) also reached a record level: developing Asia now invests abroad more than any other region. Nine of the 20 largest investor countries were from

recent years, there has been a slow decline in the foreign direct investment numbers but there is still a considerable amount of investment flow between states⁴.

Although this expansion of companies came with economic advantages especially for the host countries, more and more news has appeared on the bad working conditions or negative environmental effects of these foreign corporations. The manufacturing demand on third-world countries has started to cause negative side-effects, that even lead to loss of lives, such as the 2013 Rana Plaza incident occurred in Bangladesh that is still haunting the garment industry today⁵. Due to many legal constraints, national governments and international organizations fell short of even forcing companies to be more transparent, let alone regulating and holding the relevant companies accountable⁶.

The issue has been on the of United Nations` agenda for a long time⁷. Considering that there are many businesses operating at the global scale, can we draft a regulatory tool at the same level? After many years of discussions and attempts at drafting regulations on “how to tame corporations” the United Nations Guiding Principles on Business and Human Rights (“**UNGPs**”) was accepted in 2011 by the UN Human Rights Council⁸. This was a start for “regulating” the actions of corporations at the international level, particularly those that have operations over-seas.

developing or transition economies. These MNEs continued to acquire developed-country foreign affiliates in the developing world.” UNCTAD, World Investment Report 2015: Reforming International Investment Governance, [http://unctad.org/en/PublicationsLibrary/wir2015_en.pdf] accessed September 2018

⁴ “Inflows to developed economies in 2015–2016 exceeded \$1 trillion, mainly due to a surge in cross-border M&As and corporate reconfigurations (i.e. changes in legal or ownership structures of multinational enterprises (MNEs), including tax inversions) (...) FDI inflows to developing economies remained close to their 2016 level, at \$671 billion. FDI flows to developing Asia were stable at \$476 billion. The modest increase in Latin America and the Caribbean (+8 per cent to \$151 billion) compensated for the decline in Africa (–21 per cent to \$42 billion).” UNCTAD, World Investment Report 2015: Investment and New Industrial Policies, pp. 3-4 [https://unctad.org/en/PublicationsLibrary/wir2018_en.pdf] accessed September 2018

⁵ International Labour Organization, “The Rana Plaza Incident and Its Aftermath” [http://www.ilo.org/global/topics/geip/WCMS_614394/lang--en/index.htm] accessed September 2018

⁶ NPR, “4 Years after Rana Plaza Tragedy What’s Changed for Bangladeshi Garment Workers?” [<https://www.npr.org/sections/parallels/2017/04/30/525858799/4-years-after-rana-plaza-tragedy-whats-changed-for-bangladeshi-garment-workers?t=1538401463830>]

⁷ It can be traced back to 1970s. Karl P. Sauvart, “The Negotiations of the United Nations Code of Conduct on Transnational Corporations: Experience and Lessons Learned”, *The Journal of World Investment & Trade* 16 (2015).

⁸ For the Full text of the UNGPs:

[https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf] accessed September 2018

The UNGPs were accepted by the UN Human Rights Council with unanimous votes. It is a soft-law instrument that proposes standards for Business and Human Rights issues. Considering the previous failures, having an instrument getting accepted by unanimous votes was a huge achievement. We can put down this achievement to the nature of the UNGPs, which rely heavily on creating a common ground on Business and Human Rights issues and no hard obligations.

The construction of these guidelines is founded on the fact that consumers and societies (whether consumers of a company or not) expect businesses to respect human rights⁹. Setting discussions on the differences between soft-law and hard-law aside, creating a legal tool founded on the “expectations of society” is a new terminology for legal scholarship.

Even though this new approach seems to foster the acceptance of the UNGPs, it also comes with challenges. For instance, consumers leaning towards more “sustainable” brands are rather an assumption, the research in the area of consumer behaviour is still very small and further data is needed to understand how consumer behaviour is changing when informed that a business is causing human rights abuses. The present research project was carried out due to the fact that there is a lack of understanding of consumer expectations when it comes to regulatory matters regarding Business and Human Rights issues. What happens when consumers hear about a company using child labour in order to harvest its main raw material coffee? Do consumers change their behaviour and stop buying from this brand? Would they support international organisations regulating this type of corporate behaviour? What type of regulatory action are they expecting from governments? Do they believe that the mother companies should be held responsible for such abuses?

In traditional legal scholarship, these questions would be answered by choosing either the traditional view that international organizations should be left out of the equation and national governments should start regulating their own companies, or the moral view which would heavily rely on the universality of human rights whereby international organizations should be gatekeepers to achieve a universal and common moral understanding.

Considering the fact that there are still binding treaty negotiations ongoing at the international level, this research aims to see whether grounds for a treaty can be established

⁹ Principle 11 and the following commentary establishes this. For more information, please see pg. 7-8

in the expectations of consumers. Though, since the UNGPs rely on “social expectations”, it could be also taken into consideration that our approach to the research should be different than the usual traditional legal research methods, such as analysing the codes and the corresponding case-law¹⁰. We believe that consumers’ voice is important to understand what such legal tool should consist of.

This research attempts to understand whether human rights commitments are indeed an issue among consumers and whether such concern is a strong enough grounds for creating a binding treaty at the United Nations level, that might lead to a paradigm change in the protection of human rights and understandings of international law as a whole.

To understand what consumers expectations at the global level are would require a world-wide survey. For the pilot round, in order to assess the feasibility of such an ambitious project, this research was limited to one developing and one developed country, Turkey and Portugal, in order to get feedback and hopefully to develop the work for a broader audience.

This paper aims to present the results that are collected from the two surveys carried out and make some inferences from those results. The results will be presented in the same order as the survey’s question order, starting from the demographics and following the rest of the questionnaire.

1. About this Research

This research project started on September 2017 and went on throughout the year of 2018. The project was carried out with the work of 4 researchers from Turkey and 2 researchers from Portugal. The Turkish team consists of Burcu Filiz, Deniz Yazgan, Cemre

¹⁰The traditional view of international human rights instruments is that they impose only “indirect” responsibilities on corporations – responsibilities provided under domestic law in accordance with states’ international obligations. In contrast, some observers hold that these instruments already impose direct legal responsibilities on corporations but merely lack direct accountability mechanisms. For example, the UN Sub-Commission on the Promotion and Protection of Human Rights, explaining that its proposed Norms “reflect” and “restate” existing international law, attributed the entire spectrum of state duties under the treaties – to respect, protect, promote, and fulfil rights – to corporations within their “spheres of influence.” United Nations Human Rights Council, Implementation of General Assembly Resolution 60/251 of 15 March 2006 entitled “Human Rights Council” “Business and Human Rights: Mapping International Standards of Responsibility and Accountability for Corporate Acts” Report of the Special Representative of the Secretary-General (SRSG) on the issue of human rights and transnational corporations and other business enterprises, A/HRC/4/035 (9 February 2007), para. 35

Dilara Altun and Irem Sanli. The Portuguese team consists of Filipe Jones Mourão and Gabriela Ferreira Dutra.

The main aim of the project was to understand the views of the general public on Business and Human Rights issues. In order to do this, a survey was created and opened to the general public to give their opinion on certain matters.

Several brainstorming and drafting sessions occurred within the working group at the beginning of the project. After having the first draft of the questionnaire ready, several consultations were made to experts. These experts consisted of academics, business owners and human rights specialists from both Portugal and Turkey. After these consultations, a pilot round of the survey was conducted among a small group of people in order to make sure that the language of the survey was appropriate for the general public.

The survey was opened to the public on May 2018 and closed on July 2018. **There were number of 501 complete responses to the survey.**

The main goals of this research were as follows:

- To collect data from the general population to measure how seriously the social impact of companies is taken, and who this may change when it comes to consumers' different political views, age and gender,
- To collect data on how consumer behaviour may change upon being informed by human rights violations conducted by the companies, specifically human rights violations conducted overseas,
- To collect data on how consumers perceive international organisations in dealing with business and human rights issues.

Accordingly, the survey was divided into four parts: the first part collecting general demographic information regarding the participant, the second part trying to understand whether consumers really lean towards more “conscious” brands, the third part tries to collect data on awareness of responsibilities of companies and the universal scope of the problem and the fourth part focusing on the regulative expectations of consumers and awareness of the universal legal tools that are currently enforced.

2. Results

2.1 Demographics

As mentioned above, the survey was filled in by **233 participants from Turkey and 268 participants from Portugal**¹¹.

The participants from Portugal are 61% female and 37% male, divided into the following age groups: 0.7% below 18, 8.2 % between the age of 18-25, 69.4 % between 25-40, 14.9% between 40-55 and 6.7 % between 55-70¹².

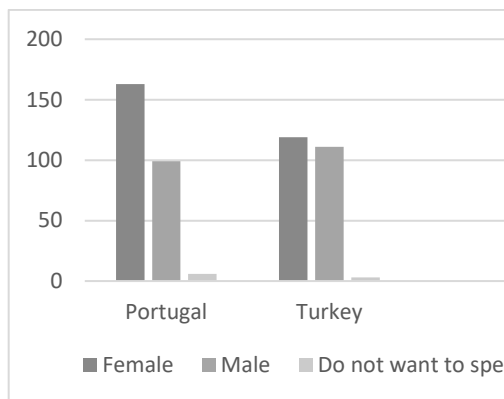
In terms of education level of the participants, 1% of the respondents had education level of primary education, 14% secondary education, 41% university level education and 44% masters or further education. The income levels are 31% below 10.000 Euro/year, 41% between 10.000-25.000 Euro/year, 13% more than 25.000 Euro/year. A further 15% chose not to provide data for their income levels.

In Turkey, the numbers are 51% female and 48% male, divided into the following age groups: 38.2 % of the participants between the age of 18-25, 45.5% between 25-40, 7.7% between 40-55, 8,2% between 55-70 and 0.4 % above 70.

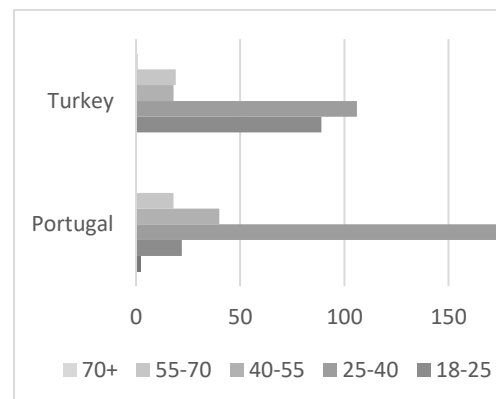
In terms of education level of the participants, 6% of the respondents had education level of secondary education, 63% basic university level education and 31% a masters or further degree. The income levels are 26% below 10.000 Turkish Lira/year, 82% between 10.000-50.000 Turkish Lira/year, 20% more than 50.000 Turkish Lira/year. 19% chose not to provide data for their income levels.

¹¹ These numbers include only the complete answers of the participants. The incomplete surveys have not been taken into consideration in order to have more concrete results and inferences for the later parts and questions. Including the incomplete participants, there were 280 total responses gathered from Turkey, 233 complete 47 incomplete, results in 83% completion rate of the survey. These numbers in Portugal were, 304 total responses, 268 complete, 36 incomplete which results in 88% completion rate of the survey. Please see Annex 1,2.

¹² In the public survey, participants were asked to provide the year of birth. To analyse the data better, the respondents were divided into 5 groups, following the generation differences. Accordingly, respondents that were born after 2000 were categorized as -18, born between 1993-2000 as 18-25 (can be categorized as Generation Z), born between 1992-1978 as 25-40 (can be categorized as Generation Y or mostly known in the mainstream as Millennials), 1977 to 1963 as 40-55 (can be categorized as Generation X), born between 1962-1948 as 55-70 (can be categorized as Baby Boomers) and before 1947 as 70+ (can be categorized as Traditionalists). These generational differences were inspired from The Center for Generational Critics: [<https://genhq.com/faq-info-about-generations/>] accessed September 2018



Graph 1: Gender Diversification of the Participants according to country (Number of participants)



Graph 2: Age Groups of the Participants according to country (Number of participants)

2.2 Consumer Behaviour

Under Chapter II of the UNGPs, entitled “The Corporate Responsibility to Respect Human Rights”, the first principle establishes the “Foundational Principles”. According to Principle 11 of the UNGPs *“Business enterprises should respect human rights. This means that they should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved.”* The Commentary to this Principle states the following:

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

Addressing adverse human rights impacts requires taking adequate measures for their prevention, mitigation and, where appropriate, remediation.

Business enterprises may undertake other commitments or activities to support and promote human rights, which may contribute to the enjoyment of rights. But this does not offset a failure to respect human rights throughout their operations.”

The corporate responsibility to respect comes from public opinion and social expectations, meaning consumers and communities, and it encourages businesses to self-

regulate their human rights obligations. This is a confirmation and an acceptance that businesses have human rights obligations, leaving aside the discussions on the binding nature of these principles¹³.

In one part of the survey, participants were asked to choose a product to buy between two companies, one that is transparently respecting human rights and has further initiatives on social responsibility and another that is not as transparent and has small initiatives on social responsibility. The non/transparent company has lower prices than the transparent company. Consumers abundantly lean towards the more transparent company, 88% of the consumers in Turkey and 81% of the consumers in Portugal. Even this slight difference between the data may be explained with the more price-conscious nature of Portuguese consumers due to the fact that the country has gone through an economic crisis in the recent years, the effects of which still linger¹⁴.

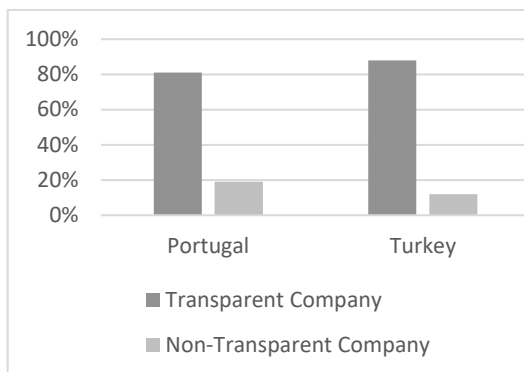
The data shows that the consumers that chose to go with the transparent company have a more left-wing leaning in political terms. The trend is that a consumer who has more communist-leanings, or nationalistic leanings mostly go with the non-transparent company (68% of the consumers in Portugal that have chosen non-transparent company and 55.5% of the consumers that went with non-transparent company in Turkey)¹⁵.

When the respondents were asked whether they would change their choices if there were news about the non-transparent company abusing human rights, the lean towards the first company was even higher, both 91% of the consumers in Turkey and Portugal (Please see Graphs 3 and 4).

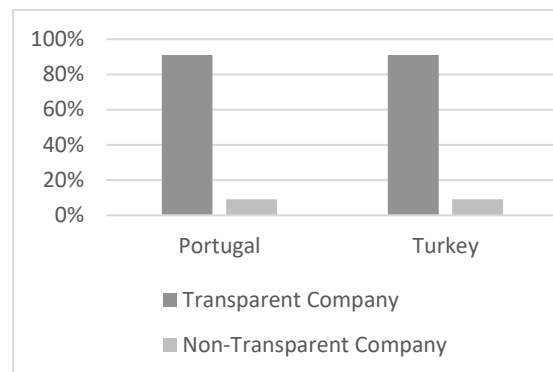
¹³ Which has helped on the generalized acceptance of these principles: while states have been unwilling to adopt binding international human rights standards for corporations, together with business and civil society they have drawn on some of these instruments in establishing soft law standards and initiatives. It seems likely, therefore, that these instruments will play a key role in any future development of defining corporate responsibility for human rights." A/HRC/4/035, para. 44

¹⁴ DW, "Somewhere Between Crisis and Boom in Portugal" [<https://www.dw.com/en/somewhere-between-crisis-and-boom-in-portugal/a-44004157>] accessed September 2018

¹⁵ This data was a result of cross-analysis of Question 6 and Question 7.1. Question 6 was asked to understand the political leanings of the participants to the questionnaire.



Graph 3: Percentages of Brand Choices, before being informed about a human rights abuse according to country



Graph 4: Percentages of Brand Choices after being informed about a human rights abuse according to country

This confirms the conception that consumers do prefer to support companies that are more transparent and human rights conscious in their activities and are even more ready to change their consumer habits when they hear about a human rights abuse. Therefore, relying on the fact that “consumers expect companies to respect human rights throughout their operations” for the UNGPs, or a future treaty, would be a good starting point.

2.3 Responsibilities of Companies

One of the biggest challenges in the Business and Human Rights field is the untouchability of parent companies due to the legal principle of the “limited liability”. Limited liability would mean that as soon as a company is incorporated, it would have a separate legal personality than its owners. This also would mean that if a company falls into debt, the owners would only be responsible with capital they have put inside the company and there will be no risk for their personal assets.

Usually, the parent companies do business through subsidiary of affiliate companies. In case of a human rights abuse with the liability arising for the subsidiary or affiliate, the limited liability principle applies, and the parent company can effectively escape from liability. This problem gets more complicated when companies exist in different judicial systems. Also, the level of control, and its different application in different legal systems creates a very complex structure and unjust playing field.

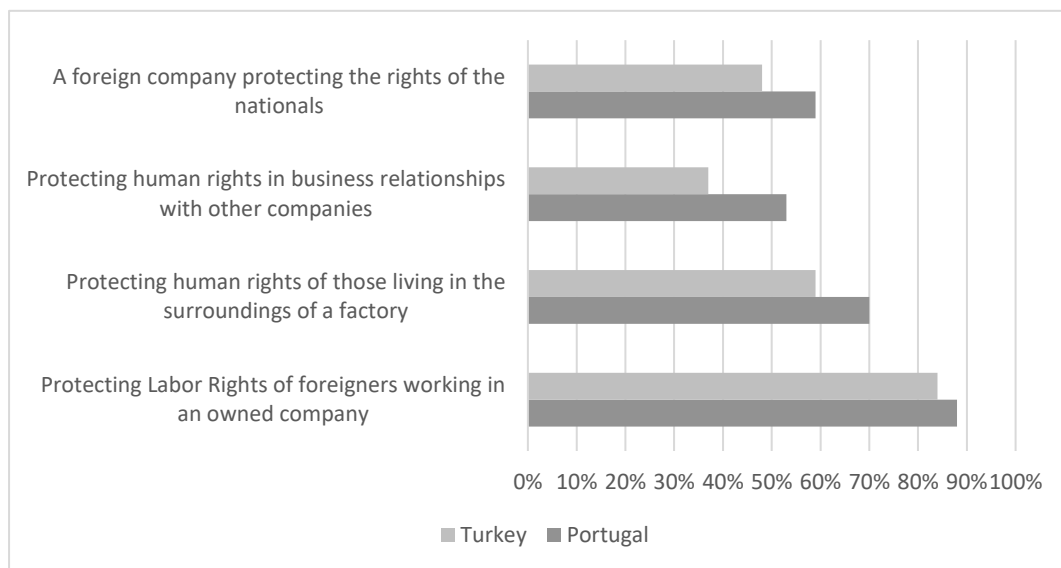
When it comes to human rights issues, the limited liability principle seems to have undesirable effects, especially when the law is about trying to find remedy for the victims. The UNGPs state that the company, subsidiary/affiliate or parent have to be respectful to human rights issues, because society “expects” them to do so.

There is also another level of business relationship where we cannot even talk about limited liability. For instance, in the garment industry big retailers, like H&M or GAP, outsource the production of the garment to developing countries, such as China, Bangladesh or Turkey where they do not hold direct participation in the company producing the clothes, but have an exclusive contract of production. In this case, when a human-rights abuse occurs, big retailers are escaping from the legal liability even more easily, which invariably means less remedy for the victims. This was the situation in the Rana Plaza incident¹⁶, which will be touched upon briefly below.

The second part of the survey was focused on consumers' perception of companies' liability. Several case studies were presented and the respondents were asked to give their opinions from 1 to 5, where “5” means “completely agree”, and “1” means “completely disagree”.

The first case study was a simple question whether a national company, owning a factory in another country (in the case study it was given as Bangladesh) is responsible for the human rights abuses occurring against the workers. 84% of consumers from Turkey and 88% of consumers from Portugal completely agreed that the national company should be responsible.

¹⁶ For an interview with the Bangladeshi Activist Kalpona Akter: Robb Young, “Fashion to Die For” in *Business of Fashion Special Edition No. 12*, (September 2018), pp. 53-56



Graph 5: Percentage of participants who “completely agree” with the following statements, according to country

When the case study is extended to broader situations such as protecting the human rights of people living in the surroundings of a factory, but not working at the factory, the number of people completely agreeing drops. Nonetheless, the percentage of participants still completely agreeing with the protecting the human rights of people living in the surroundings of a factory, but not working at the factory is still very significant (in Portugal, “agree” 16% and “completely agree” 70%, in Turkey, “agree” 19% and “completely agree” 59%).

In addition, when asked whether a foreign company should protect the rights of the workers in the national country itself (the case study asked whether an American company should protect the rights of national workers either in Portugal or in Turkey), the answers were again lower, however still in the comfortable majority (in Portugal, “agree” 20% and “completely agree” 59%, in Turkey, “agree” 19% and “completely agree” 48%). This difference in numbers may be explained by the fact that nationals of the countries are not very keen to have a foreign company interfering in their businesses. In addition, these respective countries, namely Portugal and Turkey, unlike Bangladesh have not been

encountered with a major human rights abuse problem, which was publicized globally, such as 2013 Rana Plaza incident.

As mentioned with reference to the Rana Plaza incident, supply chain management is another issue within the business and human rights field. Supply chain management is related to the business relationships of the companies, rather than owning a factory or having control over another company. This issue came into the spotlight even more markedly after the Rana Plaza incident, where an eight-story building, occupied by five companies working for the garment industry collapsed resulting in the death of 1,100 people and leaving more injured, mostly women. This sparked a debate with the public and in the garment industry, but also escalated the already existing discussion within legal scholarship. Can the responsibility for these types of major incidents be placed on the shoulders of big companies, in this case fashion retailers? There are many initiatives to support factories in so-called “third-world countries”, coming from both governments and corporations¹⁷. At the time there were many statements coming from corporations that there will be changes in their outlook on these issues, some have already started implementing programmes and become members of the initiatives, such as the Sustainability Consortium¹⁸.

In the questionnaire, participants were presented a case of a national company doing business with another company. When asked whether the national company should be responsible for the human rights abuses occurring in the foreign company, the answers were varied. Especially in Turkey, the answers were divided, with 58% stating they “completely agree” or “agree” that the national company should be responsible, whereas 21% stated that they “completely disagree” or “disagree”, with 21% being neutral. Even though there is a definite leaning towards the preference that companies indeed should be aware of each others’ human rights records, it seems there is still some uncertainty as to whether this should be an explicit “responsibility”. On the other hand, Portuguese respondents had 74% “agree” (including “completely agree”) that there should be responsibility, with only 10% stating “disagree” (including “completely disagree”), with 16% neutral to such a statement.

¹⁷ Gov.UK, “Case Study: The Rana Plaza Disaster”, [<https://www.gov.uk/government/case-studies/the-rana-plaza-disaster>] accessed September 2018, For a Company Response: “H&M’s Comment of Fire and Building Safety in Bangladesh” [https://www.business-humanrights.org/sites/default/files/media/documents/company_responses/h&m-response-re-bangladesh-building-collapse.pdf] accessed September 2018

¹⁸ The Sustainability Consortium, [<https://www.sustainabilityconsortium.org/>] accessed September 2018

This data correlates with the fact that developing countries and its citizens are much more focused on “developing” their own economy and that “any way is a good way” mentality still lingers. On the other hand, developed countries and its citizens are much more aware of the consequences, and it should not be a surprise that developed countries are slowly starting to pass legislation related to supply chain management, such as the Modern Slavery Act in the United Kingdom (2015).

2.4 Regulatory Expectations

The UNGPs are founded on the grounds that consumers expect businesses to respect human rights during their operations, however it is not clear what society expects from regulation and how far regulation should go. We believe it is important to see the trends within society with regard to regulatory expectations in order to have a better constructed and reliable legal tool.

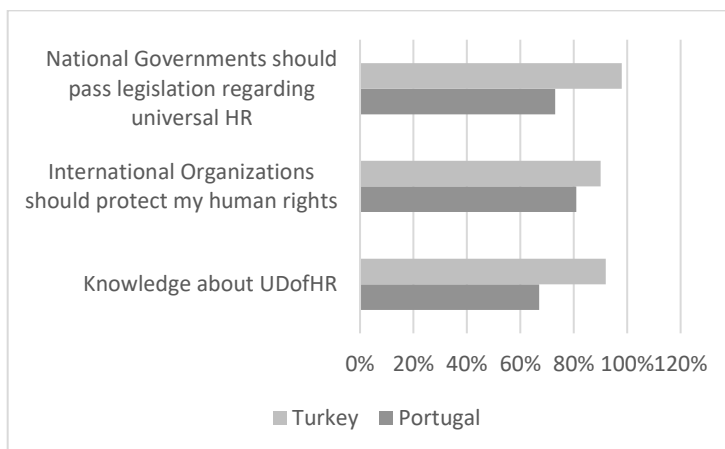
In order to assess their knowledge of human rights instruments and regulation, participants were asked whether they have knowledge of the Universal Declaration on Human Rights. While in Portugal only 67% said that they have some sort of information, in Turkey this number would be 92%¹⁹. However, we have realised after the survey has been conducted that this information may be not reliable due to the discrepancy in the wording of the questionnaire in the national languages. In the Portuguese version, the question was referring whether the participant have “general knowledge” on the Universal Declaration of Human Rights, and in the Turkish version it was translated as “I have heard about” Universal Declaration of Human Rights.

When asked whether the Turkish government is responsible in protecting universal human rights of its nationals, 98% said they “completely agree” or “agree”, when asked whether the Turkish judicial system protects human rights as it should, 85% stated that they either “completely disagree” or at least “disagree”.

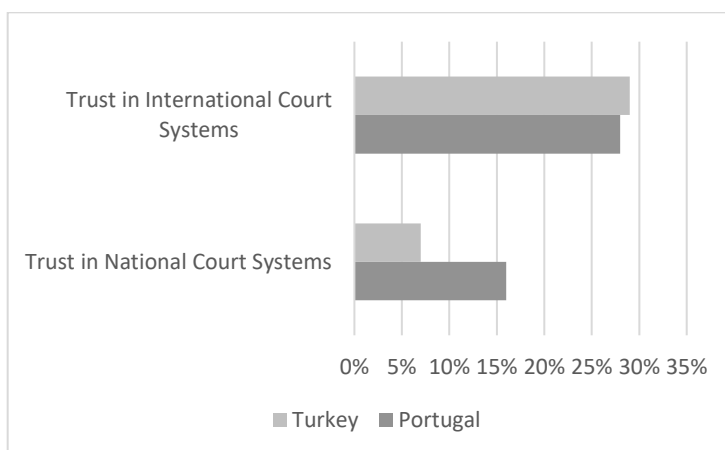
On the other hand, in Portugal, 73% of the respondents said they “completely agree” or “agree” that the Portuguese government is responsible for protecting universal human

¹⁹ These numbers are the total amount of participants that stated that they “completely agree” or “agree” with the statement.

rights. Regarding the Portuguese judicial system, only 33% of respondents gave negative feedback whereas 50% was neutral.



Graph 6: Human Rights Knowledge according to country



Graph 7: Trust in Court Systems according to country²⁰

These differences in numbers could be due to the fact that human rights issues are more publicized in Turkey, furthermore, nationals of Turkey are also more politicized than in

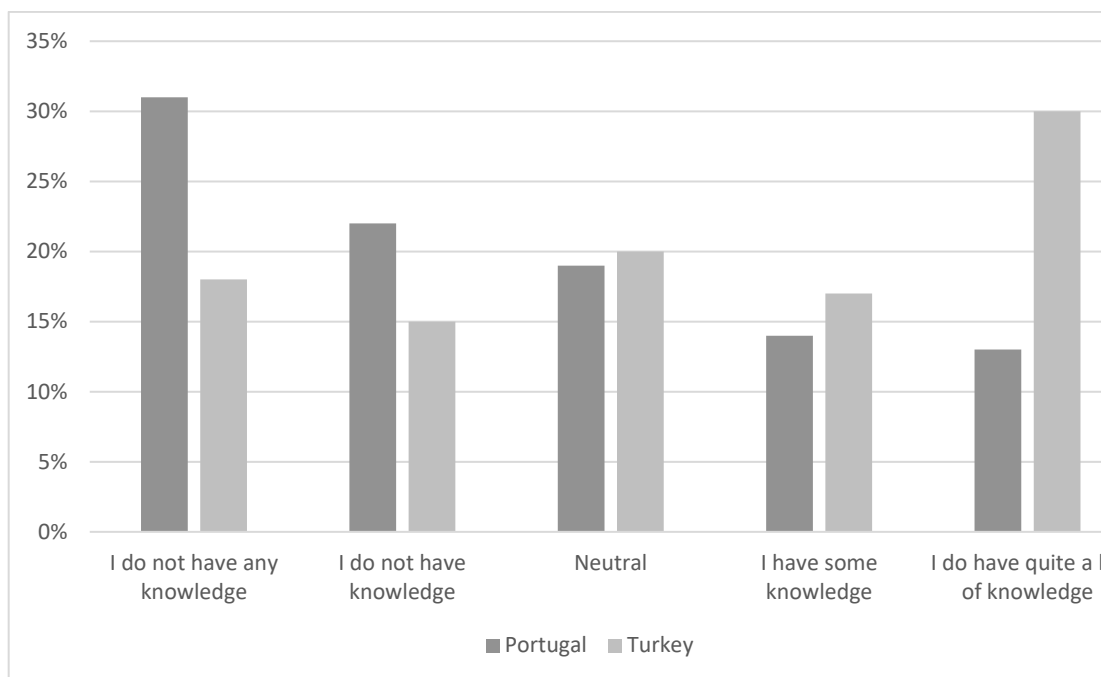
²⁰ The percentage of the sum of people that chose the option of “agree” and “completely agree” to the questions 9.3 and 9.4.

Portugal due to recent political traumas, such as the Gezi Park protests or the Military Coup attempt²¹. This creates a bigger coverage on international instruments which creates some sort of awareness and opinions within the public on the legal documentation.

When it comes to international arena, both nationals seem to agree that the international human rights organizations are somewhat working (such as the European Court of Human Rights), with the 43% of respondents in Portugal stating that they are neutral, in Turkey this number would be 40%.

When it comes to international organizations such as the UN, the respondents are positive that these organizations are responsible in protecting human rights. (In Portugal 81%, in Turkey 90%).

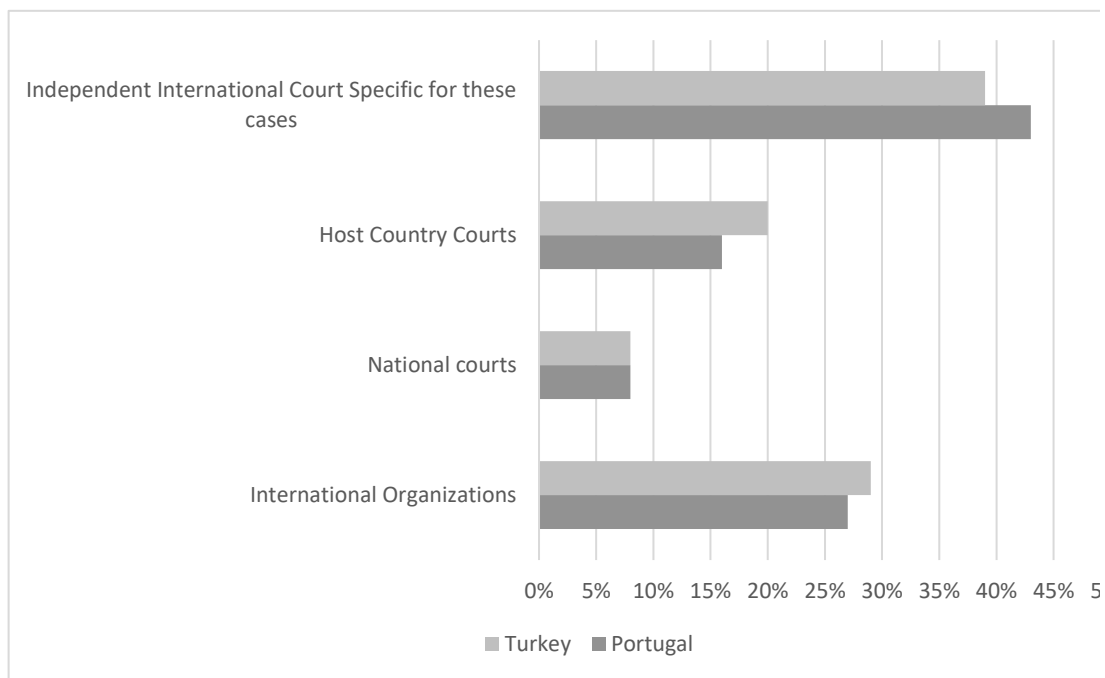
²¹ Gezi Park protests occurred in 2013, that was initiated by the Millennial Generation, which constitutes a large percentage of the respondents to the survey. DW, Remembering the Gezi Park Protests and the Dream of a Different Turkey”, [<https://www.dw.com/en/remembering-the-gezi-park-protests-and-the-dream-of-a-different-turkey/a-43952443>] accessed September 2018. After the Military Coup attempt in 2016, a State of Emergency was declared, and many people were detained. Middle-East Eye, “Turkey and the Coup Attempt: How did it Change the Country?” [<https://www.middleeasteye.net/news/turkey-coup-attempt-15-july-2016-how-did-it-change-country-erdogan-gulen-troops-bosphorus-343352071>] accessed September 2018.



Graph 8: Knowledge on UNGPs according to country

The other aim of Part 3 was to get some idea of what kind of regulations consumers would be favourable towards in an eventual treaty. The first question was on which human rights would make consumers react towards a company, with 72% of respondents in Portugal and 64% of respondents in Turkey deciding to go with the “all of the above” option. The ones that stood out selected from within the list of human rights were child labour (13% Portugal, 21% Turkey) and human trafficking (19% Portugal, 16% Turkey).

Following the discussion on whether there should be a separate judicial organ or body for Business and Human Rights issues, the respondents were asked what their preference would be regarding choosing a system to look after the cases that arising when a national company commits human rights abuses abroad. A significant percentage of the respondents, both in Turkey and Portugal, thinks that an independent mechanism at the international level would be a better choice (43% Portugal, 39% Turkey). A further 27% in Portugal and 29% in Turkey of respondents think that it should be the United Nations looking after these issues. On the other hand, only 8% of respondents think that it should be the national system looking after these cases in both countries.



Graph 9: Preference regarding organizations that should look after Business and Human Rights Cases according to country

This outcome shows that even within a country with a generalized feeling of reliability in the court system, and a good human rights record, in this case Portugal, the preference for these cases would still be towards a court that is at the international level.

Conclusions

Following the survey results, several conclusions can be reached.

First of all, the hypothesis that consumers lean towards more human-rights friendly companies would be a true statement. Societies do expect that companies respect human rights and treat their workers in a respectable manner. This would not be only limited to workers, but also the people living in surroundings.

However, when it comes to business relationships, meaning supply chain management and protecting rights within these relationships, consumers of a developed country seem to be more conscious of the relevance of the issue. It is rather clear that

developing countries need to be increase awareness of the human rights impacts of business relationships. It would be advisable to have a greater focus on “human rights due diligence” terminology and create awareness of business and human rights issues in general, in particular MNCs. In Turkey for instance, this consciousness appears to have started.

When it comes to regulatory expectations, consumers in a developing country have a lack of confidence in their own national judicial system, although in this case, Turkish consumers' confidence may be especially low, since the country is going through social and political turmoil in the last few years. Still in both countries, regarding cases for business and human rights, a court (or an organization) above the national systems is much more preferred by respondents. This is at least some confirmation for the work being conducted by scholars on international judicial solutions.

Furthermore, the tendency among consumers is that any type of broadly defined human rights abuse by a company should be considered a human rights abuse. The most-disturbing abuses appear to be child labour and human trafficking; however, the general conception is that any kind of human rights need to be protected.

A final consideration regarding awareness raising. Legal tools on business and human rights at the international level must be communicated much better, not only to business leaders and governments but also to consumers. Since businesses are mostly driven by the needs of their consumers, if the consumers want change, businesses will have no other choice but to change.

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ANNEX – I

RESULTS (Portugal)

<i>Responses</i>	304
<i>Complete Answers</i>	268
<i>Incomplete Answers</i>	36
<i>Completion Rate</i>	88%

General

1. Gender

	Percentage	Number of Respondents
<i>Female</i>	61%	163
<i>Male</i>	37%	99
<i>Do not want to specify</i>	2%	6
Total		268

2. Year of Birth²²

	Percentage	Number of Respondents
<i>-18</i>	0.7%	2
<i>18-25</i>	8.2%	22
<i>25-40</i>	69.4%	186
<i>40-55</i>	14.9%	40
<i>55-70</i>	6.7%	18

²² Please see ft. 10

70+	0%	0
Total		268

3. Education Level

	Percentage	Number of Respondents
<i>Primary Education</i>	1%	2
<i>Secondary Education</i>	14%	38
<i>Bachelor's Degree</i>	41%	110
<i>Masters or above</i>	44%	118
Total		268

4. Yearly Income Level

	Percentage	Number of Respondents
<i>Under 10.000 euros</i>	31%	83
<i>Between 10.000 - 25.000 euros</i>	41%	110
<i>25.000+ euros</i>	13%	35
<i>Do not want to specify</i>	15%	40
Total		268

5. From 1 to 5, with 1 being strongly disagree and 5 being strongly agree, please rate how much you agree with the following statements:

	(1)	(2)	(3)	(4)	(5)	Total
<i>Human rights are universal, applicable to every human being on earth</i>	14-5%	11-4%	13-5%	21-8%	209-78%	268
<i>Economics and human rights are irrelevant</i>	165-62%	38-14%	23-9%	14-5%	28-10%	268
Total						268

6. The government intervention to economy should occur (Please choose one of the statements that is closer to your personal beliefs):

	Percentage	Number of Respondents
<i>When the national interests have to be protected</i>	7%	18
<i>When the social inequality has to be tackled</i>	46%	123
<i>Governments should regulate the</i>	44%	119

<i>economy in all aspects</i>		
<i>Governments should never intervene to the economy</i>	3%	8
Total		268

Part I: Consumer Behaviour

Brand A is a global coffee chain. The Company A behind the Brand A claims to be transparent about the supply chain and exports fair trade coffee beans from the African country Angola, where farmers are being paid the living wage of that respective country. Brand A also has a scholarship fund for its workers, who would like to continue their studies in the higher education while working for the company as a barista. The price of a cup of coffee costs 1 Euro.

Brand B is a global coffee chain which is more well-known and always more crowded than Brand A. There is no information being shared by Company B regarding who provides the coffee beans to do coffee, but the company sometimes collects donations for social causes. The price of a cup of coffee costs 0,7 euros.

7. Please make choices according to the following statements within the frame of the case study above:

	Brand "A"	Brand "B"	Total
<i>If I have 1 euro to spend on a coffee, I would choose to buy from</i>	218-81%	50-19%	268

<i>There is news on media that Brand B did not pay their coffee farmers on time and used forced labour to increase coffee production in Angola. There is no answer from the company on the allegations. My budget for a cup of coffee is still 1 euro, I would choose to buy from</i>	245-91%	23-9%	268
<i>If I will continue to buy coffee everyday, I would choose from</i>	230-86%	38-14%	268
Total			268

Part II: Responsibilities of Companies

8. From 1 to 5, with 1 being strongly disagree and 5 being strongly agree, please rate how much you agree with the following statements:

	(1)	(2)	(3)	(4)	(5)	Total
<i>If a national company has workers in Bangladesh that produce clothing, the Turkish/Portuguese company should protect the human rights of the Bangladeshi workers</i>	6 -2%	2 -1%	1 0-4%	1 5-6%	2 35-88%	2 68
<i>If a national company has a factory in Bangladesh, they should protect the human rights of the community of people living around that company (does not necessarily have to work for the company)</i>	8-3%	4-1%	27-10%	42-16%	187-70%	268
<i>If a national company promotes racial</i>	14-5%	13-5%	42-16%	57-21%	142-53%	268

<i>causes, they should also have policies to combat racial discrimination in their day-to-day work</i>						
<i>If a national company buys products from a different company, they should be responsible of what happens in this separate company with regard to human rights protection</i>	3-1%	2-1%	4-1%	23-9%	236-88%	268
<i>If an American company buys products from a national company, they should be responsible of assuring that the human rights of the national workers and the communities are being protected</i>	12-4%	10-4%	35-13%	54-20%	157-59%	268
Total						268

Part III: Regulatory Expectations and Solutions

9. From 1 to 5, with 1 being strongly disagree and 5 being strongly agree, please rate how much you agree with the following statements:

	(1)	(2)	(3)	(4)	(5)	Total
<i>I have general knowledge about Universal Declaration of Human Rights</i>	4-1%	13-5%	72-27%	98-37%	81-30%	268
<i>Turkish/Portuguese government is responsible for protecting and having regulations in place regarding universal human rights</i>	13-5%	7-3%	53-20%	59-22%	136-51%	268
<i>I think national courts dealing with human rights are working well</i>	24-9%	65-24%	135-50%	44-16%	0-0%	268
<i>I think the international courts on human rights (European Court of Human Rights etc.) are</i>	22-8%	56-21%	116-43%	66-25%	8-3%	268

<i>working well</i>						
<i>International Organisations (such as the United Nations, European Union) are responsible to protect my human rights</i>	10-4%	8-3%	32-12%	76-28%	142-53%	268
<i>I heard about Guiding Principles on Business and Human Rights</i>	84-31%	59-22%	51-19%	38-14%	36-13%	268
<i>It is required by the most legal systems that a company should be audited with regard to financial matters, in order to make sure that they are complying with the necessary legislation. Companies should be audited by audit companies with regard to human rights</i>	5-2%	4-1%	18-7%	52-19%	189-71%	268

<i>matters, besides financial matters</i>						
Total						268

10. Please choose one of the statements that is closer to you.

Which one of the following human rights abuses that would be conducted by a company would make me consider to change my shopping habits in your opinion (and would make you have a stand against that company and its products):

	Percentage	Number of Respondents
<i>Gender Discrimination among workers</i>	5%	14
<i>Forced Labour</i>	9%	24
<i>Mobbing</i>	1%	2
<i>Salaries under living wage</i>	2%	6
<i>Child Labour</i>	13%	34
<i>Disrespectful working conditions</i>	3%	9
<i>Contributing to corruption</i>	2%	5
<i>Human Trafficking</i>	19%	50
<i>Environmental Damage</i>	6%	17
<i>All of the above</i>	72%	192

<i>None of the above</i>	1%	3
<i>Other</i>	4%	10
Total		268

11. Please choose one of the statements that is closer to you.

11.1. Do you think that companies are complying with certain ethical rules?

	Percentage	Number of Respondents
<i>Yes, I believe they have their own ethical rules</i>	47%	127
<i>No, companies have nothing to do with ethics</i>	13%	35
<i>Yes, I believe the ethical rules are being provided by the national government</i>	11%	29
<i>Yes, I believe the ethical rules are being provided by the international organisations (such as the United Nations)</i>	29%	77
Total		268

11.2. In the case of a national company violates human rights during their operations abroad (for instance in Bangladesh), which courts do you think should look at the case?

	Percentage	Number of Respondents
<i>International organisations (such as the United Nations)</i>	27%	72
<i>National Courts</i>	8%	22
<i>Host country Courts (Bangladeshi Courts)</i>	16%	43
<i>There should be a separate court at the international level</i>	43%	116
<i>There is no need to look into this case</i>	1%	2
<i>Other</i>	5%	13
Total		268

ANNEX – II

RESULTS (Turkey)

<i>Responses</i>	280
<i>Complete Answers</i>	233
<i>Incomplete Answers</i>	47
<i>Completion Rate</i>	83%

General

1. Gender

	Percentage	Number of Respondents
<i>Female</i>	51%	119
<i>Male</i>	48%	111
<i>Do not want to specify</i>	1%	3
Total		233

2. Year of Birth

	Percentage	Number of Respondents
<i>-18</i>	0%	0
<i>18-25</i>	38.2%	89
<i>25-40</i>	45.5%	106
<i>40-55</i>	7.7%	18
<i>55-70</i>	8.2%	19
<i>70+</i>	0.4%	1
Total		233

3. Education Level

	Percentage	Number of Respondents
<i>Primary Education</i>	0%	1
<i>Secondary Education</i>	6%	14
<i>Bachelor's Degree</i>	63%	146
<i>Masters or above</i>	31%	72
Total		233

4. Yearly Income Level

	Percentage	Number of Respondents
<i>Under 10.000 Turkish Liras</i>	26%	61
<i>Between 10.000 - 50.000 Turkish Liras</i>	35%	82
<i>50.000+ Turkish Liras</i>	20%	46
<i>Do not want to specify</i>	19%	44
Total		233

5. From 1 to 5, with 1 being strongly disagree and 5 being strongly agree, please rate how much you agree with the following statements:

	(1)	(2)	(3)	(4)	(5)	Total
<i>Human rights are universal, applicable to every human being on earth</i>	10-4%	8-3%	24-10%	29-12%	162-70%	233
<i>Economics and human rights are irrelevant</i>	74-32%	39-17%	43-18%	27-12%	50-21%	233
Total						233

6. The government intervention to economy should occur (Please choose one of the statements that is closer to your personal beliefs):

	Percentage	Number of Respondents
<i>When the national interests have to be protected</i>	19%	45
<i>When the social inequality has to be tackled</i>	53%	123
<i>Governments should regulate the</i>	25%	58

<i>economy in all aspects</i>		
<i>Governments should never intervene to the economy</i>	3%	7
Total		233

Part I: Consumer Behaviour

Brand A is a global coffee chain. The Company A behind the Brand A claims to be transparent about the supply chain and exports fair trade coffee beans from the African country Angola, where farmers are being paid the living wage of that respective country. Brand A also has a scholarship fund for its workers, who would like to continue their studies in the higher education while working for the company as a barista. The price of a cup of coffee costs 1 Euro.

Brand B is a global coffee chain which is more well-known and always more crowded than Brand A. There is no information being shared by Company B regarding who provides the coffee beans to do coffee, but the company sometimes collects donations for social causes. The price of a cup of coffee costs 0,7 euros.

7. Please make choices according to the following statements within the frame of the case study above:

	Brand "A"	Brand "B"	Total
<i>If I have 1 euro to spend on a coffee, I would choose to buy from</i>	218-81%	50-19%	268

<i>There is news on media that Brand B did not pay their coffee farmers on time and used forced labour to increase coffee production in Angola. There is no answer from the company on the allegations. My budget for a cup of coffee is still 1 euro, I would choose to buy from</i>	245-91%	23-9%	268
<i>If I will continue to buy coffee everyday, I would choose from</i>	230-86%	38-14%	268
Total			268

Part II: Responsibilities of Companies

8. From 1 to 5, with 1 being strongly disagree and 5 being strongly agree, please rate how much you agree with the following statements:

	(1)	(2)	(3)	(4)	(5)	Total
<i>If a national company has workers in Bangladesh that produce clothing, the Turkish/Portuguese company should protect the human rights of the Bangladeshi workers</i>	3-1%	3-1%	7-3%	25-11%	195-84%	233
<i>If a national company has a factory in Bangladesh, they should protect the human rights of the community of people living around that company (does not necessarily have to work for the company)</i>	13-6%	12-5%	27-12%	44-19%	137-59%	233
<i>If a national company promotes racial</i>	13-6%	34-15%	50-21%	50-21%	86-37%	233

<i>causes, they should also have policies to combat racial discrimination in their day-to-day work</i>						
<i>If a national company buys products from a different company, they should be responsible of what happens in this separate company with regard to human rights protection</i>	2-1%	1-0%	3-1%	7-3%	220-94%	233
<i>If an American company buys products from a national company, they should be responsible of assuring that the human rights of the national workers and the communities are being protected</i>	12-5%	22-9%	41-18%	45-19%	113-48%	233
Total						233

Part III: Regulatory Expectations and Solutions

9. From 1 to 5, with 1 being strongly disagree and 5 being strongly agree, please rate how much you agree with the following statements:

	(1)	(2)	(3)	(4)	(5)	Total
<i>I have general knowledge about Universal Declaration of Human Rights</i>	4-2%	2-1%	13-6%	25-11%	189-81%	233
<i>National government is responsible for protecting and having regulations in place regarding universal human rights</i>	1-0%	0-0%	2-1%	17-7%	213-91%	233
<i>I think national courts dealing with human rights are working well</i>	1 14-49%	8 0-34%	2 4-10%	9 -4%	6 -3%	233
<i>I think the international courts on human rights (European Court of Human Rights etc.) are working well</i>	26-11%	45-19%	94-40%	54-23%	14-6%	233
<i>International Organisations</i>	4-2%	5-2%	16-7%	55-24%	153-66%	233

<i>(such as the United Nations, European Union) are responsible to protect my human rights</i>						
<i>I heard about Guiding Principles on Business and Human Rights</i>	42-18%	35-15%	47-20%	40-17%	69-30%	233
<i>It is required by the most legal systems that a company should be audited with regard to financial matters, in order to make sure that they are complying with the necessary legislation. Companies should be audited by audit companies with regard to human rights matters, besides financial matters</i>	2-1%	1-0%	12-5%	39-17%	179-77%	233
Total						233

10. Please choose one of the statements that is closer to you.

Which one of the following human rights abuses that would be conducted by a company would make me consider changing my shopping habits in your opinion (and would make you have a stand against that company and its products):

	Percentage	Number of Respondents
<i>Gender Discrimination among workers</i>	14%	33
<i>Forced Labour</i>	3%	7
<i>Mobbing</i>	18%	41
<i>Salaries under living wage</i>	10%	24
<i>Child Labour</i>	21%	48
<i>Disrespectful working conditions</i>	9%	21
<i>Contributing to corruption</i>	11%	25
<i>Human Trafficking</i>	16%	38
<i>Environmental Damage</i>	14%	32
<i>All of the above</i>	64%	150
<i>None of the above</i>	0%	1
<i>Other</i>	3%	6
Total		233

11. Please choose one of the statements that is closer to you.

11.1. Do you think that companies are complying with certain ethical rules?

	Percentage	Number of Respondents
<i>Yes, I believe they have their own ethical rules</i>	20%	47
<i>No, companies have nothing to do with ethics</i>	70%	164
<i>Yes, I believe the ethical rules are being provided by the national government</i>	2%	5
<i>Yes, I believe the ethical rules are being provided by the international organisations (such as the United Nations)</i>	7%	17
Total		233

11.2. In the case of a national company violates human rights during their operations abroad (for instance in Bangladesh), which courts do you think should look at the case?

	Percentage	Number of Respondents
<i>International organisations (such as the United Nations)</i>	29%	68
<i>National Courts</i>	8%	18
<i>Host country Courts (Bangladeshi Courts)</i>	20%	47
<i>There should be a separate court at the international level</i>	39%	92
<i>There is no need to look into this case</i>	0%	0
<i>Other</i>	3%	8
Total		233

ANNEX-III

Questionnaire (in Portuguese)

Geral

1. Sexo

- Feminino
- Masculino
- Não quer especificar

2. Ano de nascimento (Menu de opções)

3. Nível de Educação

- Educação Primária
- Educação Secundária
- Licenciatura
- Mestrado ou superior

4. Rendimento Anual Médio

- Abaixo de 10.000 euros
- Entre 10.000 - 25.000 euros
- 25.000+ euros
- Não quer especificar

5. De 1 a 5, em que 1 significa “discordo fortemente” e 5 significa “concordo fortemente”, por favor avalie a sua opinião quanto às seguintes afirmações:

5.1. Os Direitos Humanos são universais, aplicáveis a todos os seres humanos na Terra.

5.2. A ligação entre Economia e Direitos Humanos é irrelevante.

6. Por favor escolha a afirmação mais próxima da sua opinião pessoal:

- Intervenção estatal na economia deve ocorrer:

- () Para proteger interesses nacionais.
- () Para resolver a desigualdade social.
- () Para regular a economia nos seus múltiplos aspetos.
- () Os Governos nunca devem intervir na economia.

Parte I: Comportamento do Consumidor

A Marca “A” é uma cadeia global de cafés que se afirma transparente quanto à sua cadeia de produção e exporta em comércio justo grãos de café vindos do país africano Angola, onde os agricultores estão a receber um salário suficiente para as necessidades básicas. A Marca “A” tem também uma bolsa para os seus trabalhadores que queiram continuar os seus estudos superiores, enquanto trabalham num dos cafés da empresa noutro país (nos EUA, num país europeu, etc.). O preço dum café é 1 euro.

A Marca “B” é uma cadeia global de cafés mais conhecida e sempre mais frequentada do que a Marca “A”. A Marca “B” não partilha qualquer informação quanto aos seus fornecedores de café, mas a empresa por vezes faz recolha de doações para causas sociais. O preço dum café é 0,7 euros.

7. Por favor escolha, nas afirmações seguintes, de acordo com o caso de estudo acima:

7.1. Se tiver 1 euro para beber café, escolheria: Marca “A” / Marca “B”

7.2. Há notícias a circular nos media de que a Marca “B” não pagou atempadamente aos seus agricultores de café e usou trabalho forçado para aumentar a produção de café em Angola. A empresa não reagiu às alegações. O orçamento para um café continua a ser 1 euro, escolheria: Marca “A” / Marca “B”.

7.3. Se tiver de continuar a escolher todos os dias, com o mesmo orçamento, escolheria: Marca “A” / Marca “B”.

Parte II: Responsabilidades das Empresas

8. De 1 a 5, em que 1 significa “discordo fortemente” e 5 significa “concordo

fortemente”, por favor avalie a sua opinião quanto às seguintes afirmações:

8.1. Se uma empresa Portuguesa tem trabalhadores no Bangladesh a produzir roupas, essa empresa portuguesa deve proteger / respeitar os direitos humanos dos trabalhadores do Bangladesh.

8.2. Se uma empresa Portuguesa tem uma fábrica no Bangladesh, essa empresa portuguesa deve proteger / respeitar os direitos humanos das comunidades que habitam nas proximidades da fábrica (mesmo que não trabalhem nessa fábrica).

8.3. Se uma empresa Portuguesa comprar produtos de outra empresa Portuguesa, a primeira deve ser também responsável pelos atos da segunda com respeito à proteção de direitos humanos.

8.4. Se uma empresa Portuguesa promove causas como a igualdade racial nas suas campanhas públicas, essa empresa deve também ter políticas para combater a discriminação racial nas condições de trabalho dos seus trabalhadores.

8.5. Se uma empresa Americana comprar produtos de uma empresa Portuguesa, essa empresa Americana deve ser também responsável por assegurar que a empresa Portuguesa protege / respeita os direitos humanos dos seus trabalhadores e comunidades próximas.

Parte III: Expetativas e Soluções Regulatórias

9. De 1 a 5, em que 1 significa “discordo fortemente” e 5 significa “concordo fortemente”, por favor avalie a sua opinião quanto às seguintes afirmações:

9.1. Tenho um conhecimento geral da Declaração Universal de Direitos Humanos.

9.2. O governo Português é responsável pela proteção e regulação de direitos humanos universais.

9.3. Eu acho que os tribunais Portugueses que lidam com direitos humanos funcionam bem.

9.4. Eu acho que os tribunais internacionais de direitos humanos (como o Tribunal Europeu de Direitos Humanos) funcionam bem.

9.5. As Organizações Internacionais (como a Organização das Nações Unidas ou a União Europeia) são responsáveis pela proteção dos direitos humanos.

9.6. Já ouvir falar dos Princípios Orientadores para Empresas e Direitos Humanos

das Nações Unidas (United Nations' Guiding Principles on Business and Human Rights – UNGP).

9.7. Tal como a maior parte dos sistemas jurídicos impõem às empresas a auditoria obrigatória de natureza financeira, para assegurar o cumprimento da legislação relevante, também devia ser obrigatório uma auditoria quanto ao cumprimento das obrigações de direitos humanos.

10. Por favor escolha a afirmação que lhe é mais próxima.

Qual das seguintes violações de direitos humanos, executada por uma empresa, me fariam considerar alterar os meus hábitos de consumo (e me faria deixar de comprar certo produto ou produtos de certa empresa):

- Discriminação de género entre trabalhadores
- Trabalho forçado
- Mobbing
- Salários indignos para os trabalhadores
- Trabalho infantil
- Condições de trabalho indignas
- Corrupção de autoridades
- Tráfico humano
- Dano ambiental
- Todas as anteriores
- Nenhuma das anteriores
- Outro (por favor especificar): _____

11. Por favor escolher a frase mais próxima da verdade.

11.1. As empresas cumprem com certas regras éticas?

- Sim, acho que as empresas têm as suas próprias regras éticas.
- Não, as empresas não têm nada que ver com a ética.
- Sim, acredito que as regras éticas são impostas pelo governo português.

Sim, acredito que as regras éticas são impostas por organizações internacionais (como as Nações Unidas).

11.2. Se uma empresa portuguesa violar direitos humanos nas suas operações no estrangeiro (por exemplo, no Bangladesh), qual o tribunal que deve ter competência sobre o caso?

- Organizações internacionais (como as Nações Unidas).
- Tribunais Portugueses.
- Tribunais do Bangladesh.
- Deveria haver um tribunal específico ao nível internacional.
- Como os factos se passam num país diferente da lei que rege a empresa, não há nada a fazer.
- Outro (por favor especifique): _____

ANNEX-IV

Questionnaire (in Turkish)

Genel

1. Cinsiyet

- Kadın
- Erkek
- Belirtmek istemiyor

2. Doğum Yılı

3. Eğitim Seviyesi

- İlköğretim
- Ortaöğretim
- Üniversite mezunu
- Yüksek lisans ve devamı

4. Yıllık Ortalama Kazanç

- 10.000 TL'den az
- 10.000-50.000 TL arası
- 50.000 TL'den çok
- Belirtmek istemiyor

5. 1 tamamen karşı çıkma ve 5 tamamen katılma olmak üzere; aşağıdaki fikirleri 1 ve 5 arasında puanlayınız

5.1. İnsan hakları evrenseldir ve dünya üzerindeki her insana uygulanabilir niteliktedir.

5.2. Ekonomi ve insan hakları birbirinden bağımsız alanlardır.

6. Lütfen kişisel görüşlerinize en yakın fikri seçiniz:

Devlet ekonomiye şu koşullarda müdahale etmelidir:

() Ulusun çıkarlarının korunması gerektiğinde

- () Sosyal eşitsizlik meydana geldiğinde
- () Devletler ekonomiyi her açıdan düzenlemelidir.
- () Devletler ekonomiye hiçbir şekilde müdahale etmemelidir.

Birinci Bölüm: Tüketici Davranışı

A, uluslararası bir kahve zinciri markasıdır. A markasına sahip olan A şirketi, tedarik zinciri konusunda şeffaf olduğunu ve işçilerin asgari yasama ücreti (asgari ücretten farklı olarak minimum yasama masraflarını karşılayan maaş) kazandığı Afrika ülkesi Angola'dan adil rekabete uygun bir şekilde kahve çekirdeği ithal edildiğini savunmaktadır. A markasının, barista/kahve uzmanı olarak çalışan işçilerinin yüksek öğrenimlerine devam edebilmesi için sunduğu bir burs da mevcuttur. A markasında bir bardak kahve 8 TL'dir.

B, A'dan daha çok tanınırlığı ve müşterisi olan bir uluslararası kahve zinciri markasıdır. B şirketinin ne koşullarda kahve ithalatı yaptığını ilişkin bilgi paylaşılmamaktadır, şirketin sosyal konularda zaman zaman bağış topladığı bilinmektedir. B markasında bir bardak kahve 7 TL'dir.

7. Verilen bilgiler ışığında lütfen cevaplayınız:

7.1. Kahve için 8 TL'lik bütçem olması durumunda kahveyi A // B markasından almayı tercih ederim.

7.2. B şirketinin Angola'daki kahve üreticilerine ücretlerini ödememekte ve kahve üretimini arttırmak için angarya uygulattığında dair haberler yapılmaktadır. B şirketi iddialara cevap vermemiştir. Kahve için bütçem yine 8 TL iken, kahveyi A // B markasından almayı tercih ederim.

7.3. Eğer her gün kahve alacaksam, ve bütçem aynıysa kahveyi A//B markasından almayı tercih ederim.

İkinci Bölüm: Şirketlerin Sorumluluğu

8. 1 tamamen karşı çıkma ve 5 tamamen katılma olmak üzere; aşağıdaki fikirleri 1 ve 5 arasında puanlayınız

8.1. Bir Türk şirketinin Bangladeş'te tekstil fabrikası olması durumunda, Türk şirketi Bangladeşli işçilerinin insan haklarını korumalıdır.

8.2. Bir Türk şirketinin Bangladeş'te fabrikası olması durumunda şirket, kendi işçileri olmasa bile, şirket çevresinde yaşayanların insan haklarını korumalıdır.

8.3. Bir Türk şirketi ürünlerini başka bir şirketten temin ediyorsa, bu diğer şirket bünyesinde gerçekleşen insan hakları ihlallerinden de sorumludur.

8.4 Bir Türk şirketi ırksal sorunlar (siyahi vatandaşlara esit davranma vb.) konusunda farkındalık yaratmayı amaçlıyorsa, kendi şirketinin ic isleyisinde de ırk ayrımcılığı yapılmasını da engellemelidir.

8.5. Bir Amerikalı şirketin Türk şirketinden ürün alması durumunda, Amerikalı şirket Türk işçilerin ve çevrede yaşayanların insan haklarının korunduğundan emin olma sorumluluğuna sahiptir.

Üçüncü Bölüm: Hukuksal Beklentiler ve Çözümler

9. 1 tamamen karşı çıkma ve 5 tamamen katılma olmak üzere; aşağıdaki fikirleri 1 ve 5 arasında puanlayınız.

9.1. Evrensel İnsan Hakları Beyannamesi'ni duydum/varlığı hakkında fikrim var.

9.2. Türkiye hükümeti evrensel insan haklarını korumak ve uygun düzenlemeler yapmaktan sorumludur.

9.3. Türkiye'de yargı organlarının insan haklarını gereken şekilde kordugunu düşünüyorum.

9.4. Uluslararası insan hakları mahkemelerinin (Avrupa İnsan Hakları Mahkemesi vb.) iyi çalıştığını düşünüyorum.

9.5. Uluslararası örgütler (Birleşmiş Milletler, Avrupa Birliği vb.) insan haklarının korunmasından sorumludurlar.

9.6. Birlesmis Milletler İş Dnyasi ve İnsan Hakları Presinsipleri hakkında haberim var. (United Nations Guiding Principles on Business and Human Rights - UNGP)

9.7. Birçok hukuk sisteminde, şirketlerin kanuni yükümlülüklerine uygunluğunu denetlemek açısından mali denetim zorunlu tutulur. Şirketler mali yükümlülüklerin yanında insan hakları ile ilgili konularda da denetçiler tarafından denetime tabi tutulmalılardır.

10. Lütfen görüşlerinize yakın olan ifadeyi seçin.

Aşağıda belirtilen insan haklarından hangisinin bir şirket tarafından ihlali sizce kabul edilemezdir (ve şirket ile ürünlerine karşı tepki göstermeye sizi yönlendirir):

- İşçiler arasında cinsiyete dayanan ayrımcılık
- Angarya
- İş yerinde uygulanan psikolojik şiddet/Mobbing
- Geçinmeye yetersiz ücret politikası
- Çocuk işçiliği
- Uygunsuz çalışma koşulları
- Yolsuzluğa destek
- İnsan kaçakçılığı
- Çevresel zarar
- Hepsi
- Hiçbiri
- Diğer (Lütfen belirtiniz): _____

11. Lütfen görüşlerinize yakın olan ifadeyi seçin.

11.1. Şirketlerin temel etik kurallara uyduğunu düşünüyor musunuz?

- Evet, kendilerine has etik kuralları olduğunu düşünüyorum.
 - Hayır, şirketlerin etik kurallar ile ilgilerinin bulunduğunu düşünmüyorum.
 - Evet, bu etik kuralların Türkiye hükümeti tarafından sağlandığını düşünüyorum.
 - Evet, bu etik kuralların uluslararası örgütler tarafından sağlandığını düşünüyorum
- (Birleşmiş Milletler vb.)

11.2. Bir Türk şirketinin yurt dışında (Örn: Bangladeş) gerçekleşen eylemleri sırasında işlenen insan hakları ihlalleri, hangi makamlarca incelenmelidir?

- Uluslararası örgütler (Birleşmiş Milletler vb.)

- Türk mahkemeleri
- Bangladeş mahkemeleri
- Bu tip davalara bakacak ayrı bir uluslararası mahkeme
- İncelenmesine gerek yoktur
- Diğer (Lütfen belirtin): _____