



SIDE EVENT
HUMAN RIGHTS AND BUSINESS: THE ROLE OF NHRIs

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OPENING STATEMENT

BY

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Chairperson, Excellencies, Mr. Special Representative, distinguished participants, ladies and gentlemen.

I am honoured to welcome you here in Palais des Nations to this important side event on human rights and business: the role of National Human Rights Institutions (NHRIs). This event is an indication that the issue of the roles and responsibilities of business with regard to human rights has evolved significantly and is now being given full attention by the Human Rights Council.

Placing business and human rights firmly on the agenda of the Human Rights Council is in no small part due to the important advocacy and campaigning role played by civil society. There are sufficiently well-founded examples from around the world of human

rights being infringed as a result of corporate activity. For their part, many companies have also recognized the link between business activity and the enjoyment of human rights, including through signing up to the UN Global Compact which asks companies to respect and promote human rights.

Since 2005, the work on business and human rights at the international level has been anchored in the work of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, Professor John Ruggie. As you all know, in 2008 the Human Rights Council welcomed the “Protect, Respect, Remedy” Framework for business and human rights which was presented by the Special Representative.

The Framework comprises three pillars: The State’s duty to protect all human rights from abuses by, or involving, transnational corporations and other business enterprises; the corporate responsibility to respect all human rights; and the need for access to effective remedies, including through appropriate judicial and non-judicial mechanisms.

Specifically in relation to non-remedies, the Special Representative identified NHRIs as “promising vehicles”. NHRIs may play an active role in relation to all three pillars of the Framework and through a variety of activities, involving monitoring and reporting on grievances, advising on legal reform, handling business-related complaints, outreach and engagement with business about human rights issues, and facilitating dialogue between States, *business and communities whose human rights have been impacted by corporate activities*.

After more than a decade of discussion, the recognition by the Human rights Council (Resolution 8/7) of a corporate responsibility to respect human rights represents an important milestone in the evolving understanding of human rights in our societies. But importantly, the Framework focuses on those whose rights have been impacted by corporate activity by emphasizing the need for access to more effective remedies, both judicial and non-judicial, for victims of corporate related human rights abuse.

In 2008, my Office circulated the results of a survey compiled as an initiative of the Special Representative entitled *Business and Human Rights: A Survey of NHRI Practices (July 2008)* providing information on the mandate and capacities of NHRIs to manage corporate-related grievances.

The result of the survey showed the different mandates of NHRIs with regard to complaint handling competence. 13 out of 41 responding NHRIs do not have a mandate to deal with corporate related complaints; 10 NHRIs have a mandate to deal with complaints with regard to any rights but only certain kinds of companies such as state-owned companies or private companies exercising public functions, 8 NHRIs can handle complaints with regard to any kind companies but only regarding certain rights issues, and 10 NHRIs have full competence in dealing with any kind of companies and any types of rights

NHRIs fulfill other functions that can support the prevention and resolution of disputes over the impact of corporations on human rights. These can include convening multi-stakeholder's discussions around specific issues; providing training to companies; providing information to individuals and communities about other grievance mechanisms that they can access in the event of alleged human rights abuses by companies; and providing advice and support to access such mechanisms.

The generally broad mandate of NHRIs in promoting and protecting human rights, as well as monitoring, allows them to play a potentially important role in the context of business and human rights. Several NHRIs have been conducting activities in this area and have also been monitoring and reporting on human rights abuses in the business sector, facilitating legal reform, building capacity of government institutions as well as working with private sector enterprises / transnational corporations for the promotion and protection of human rights. NHRIs are uniquely placed to address the challenges raised under the Special Representative's framework.

My Office has actively supported the Special Representative's work since the beginning of his mandate in 2005. Through our active participation in the UN Global Compact and in collaboration with other partners, we have also contributed to the development of practical tools for business on human rights, aimed both at enhancing business understanding of human rights and enhancing its ability to integrate human rights into business management. We also co-organized a side event on how to prevent workplace discrimination during the Durban Review Conference earlier in 2009, in collaboration with the Business and Human Rights Resource Center.

The presentations made by an eminent panel of experts at the event are available on the OHCHR website and contain both innovative and constructive ideas for how to overcome the scourge of discrimination at work. I am hopeful that these tools are of use to companies and others in understanding the substantive and operational dimension of corporate responsibility.

OHCHR, together with the Scottish Human Rights Commission and the International Coordinating Committee of NHRIs, will host the 10th International Conference of NHRIs in Scotland from 8-10 October 2010 with the theme *Business and human rights and the role of NHRIs*. The objective of the conference will be to explore potential roles for NHRIs, individually and collectively, with regard to the issue of business and human rights and provide an opportunity for NHRIs to share experiences regarding priorities and strategies to enhance the application of human rights norms in the context of the corporate sector. An NGO Forum will be held on the 7 October on this topic.

We anticipate that the discussions of today's side event will feed into the agenda of the 10th International conference, and will also support and inform the work of the Special Representative.

I am pleased that the ICC has also established a Working Group on business and human rights and those regular meetings are being held, demonstrating the relevance and

significance of the roles and functions of NHRIs on the issue of business and human rights.

The increasing interest in the issue of business and human rights demonstrates the growing recognition that the private sector does have an important role to play to promote and protect human rights. As a vital force in enabling economic and social development that is so inextricably connected with human rights and security. Companies – sometimes intentionally, but more often inadvertently – can also impede the realization of human rights, directly or indirectly, as a result of their own actions. Through the work of the Special Representative, States and companies alike have been given an important roadmap, a tool, to guide efforts to capture the positive contributions the private sector can make to human rights, while preventing or addressing any negative impacts.

Today's event aims to enrich understanding as well as policy development on the emerging role of NHRIs regarding the business and human rights agenda.

I am particularly grateful to all the participants who have agreed to attend this event. I am also grateful to the many NHRIs and NGOs, which have sent representatives, many from far afield, to participate in the proceedings. Your experiences and expertise are very important in successfully devising strategies for cooperation and developing a multi-sectoral approach in business and human rights.

I would like to express my appreciation to the Permanent Mission of Norway, and the International Coordinating Committee of NHRIs that have together with OHCHR supported the organization of this event, with a view to stimulating reflection on the actual and potential roles NHRIs can play in supporting the enjoyment of human rights in the sphere of corporate activities.

I will end by wishing all of you a very successful consultation and I hope, Mr. Special Representative, that it will provide you with much valuable input as you move forward with implementing your mandate.

Thank you.