

CONCEPT NOTE

Global consultation on the role of NHRIs in facilitating access to remedy for business-related human rights abuses

10-11 October 2019, Room XXI, Palais des Nations, Geneva

The Working Group on the issue of human rights and transnational corporations and other business enterprises (Working Group¹) will convene a **two-day global consultation on the role of national human rights institutions (NHRIs) in facilitating access to remedy for business-related human rights abuses**. The global consultation will take place on 10-11 October in Room XXI at Palais des Nations, Geneva.

NHRIs, as independent bodies established in compliance with the Paris Principles with broad mandates to promote and protect human rights, can play an important role in facilitating access to remedy for individuals and communities affected by human rights abuses, including those related to businesses. NHRIs can act as important bridge-builders between rights-holders and the State, civil society and businesses, including through supporting human rights defenders and by building partnerships to promote access to justice.

In Human Rights Council [resolution 38/13](#), entitled “Business and human rights: improving accountability and access to remedy”, the Council recognized “*the important role of national human rights institutions in supporting activities to improve accountability and access to remedy for victims of business-related human rights abuse...*”. Moreover, it requested the Working Group “*to analyse further the role of national human rights institutions in facilitating access to remedy for business-related human rights abuses, and to convene a two-day global consultation on these issues, open to all stakeholders, and to inform the Human Rights Council by its forty-fourth session as appropriate*”.

The global consultation is organized by the Working Group in coordination with the Global Alliance of National Human Rights Institutions (GANHRI) and the Office of the High Commissioner for Human Rights (OHCHR).

Background

Access to effective remedy is a core component, and one of the three pillars, of the UN Guiding Principles on the Business and Human Rights (UNGPs), which provide the globally recognized and authoritative framework for the respective duties and responsibilities of Governments and business enterprises to prevent and address business-related human rights impacts.² The

¹ The Working Group on the issue of human rights and transnational corporations and other business enterprises (the Working Group on Business and Human Rights) was established by the United Nations Human Rights Council in June 2011. It is composed of five independent experts, of balanced geographical representation. The Working Group has a mandate, inter alia, to promote the effective and comprehensive dissemination and implementation of the Guiding Principles on Business and Human Rights; Implementing the United Nations “Protect, Respect and Remedy” Framework. See the Working Group web page for overview of mandate, thematic and country visit reports

² See in particular Principles, 1, 22 and 25-31.

UNGPs envisage the following three types of mechanisms to provide access to effective remedy in business-related human rights abuses: State-based judicial mechanisms, State-based non-judicial grievance mechanisms, and non-State-based grievance mechanisms. While judicial mechanisms are “at the core of ensuring access to remedy”, NHRIs, as a key State-based non-judicial grievance mechanism, have “an essential role in complementing and supplementing judicial mechanisms”. NHRIs can facilitate access to remedy both directly (e.g., by handling complaints concerning business-related human rights abuses) and indirectly (e.g., by raising awareness, conducting public inquiries, building capacity, assisting affected rights holders, and recommending legal reforms).

Building on its prior engagement with NHRIs in the context of country visits and the annual UN Forum on Business and Human Rights as well as its work on access to remedy,³ and to complement the [OHCHR’s Accountability and Remedy Project](#), the global consultation contributes to the Working Group’s focus on the important role of NHRIs in improving access to effective remedy for business-related human rights abuses. This is in line with the aspirations expressed in the [Edinburgh Declaration](#), adopted by the tenth international conference of the International Coordination Committee of NHRIs, which emphasised the role that NHRIs can play in facilitating access to remedy both directly and indirectly.

Intended participants

The consultation is open to all stakeholders, including representatives from NHRIs and their networks, UN Member States, regional organizations, UN bodies and agencies, non-government organisations, human rights defenders, business enterprises, industry associations, trade unions, academics and lawyers.

The Working Group hopes to receive participants from all regions and encourages organisations to consider the importance of gender balance when selecting representatives. States are particularly encouraged to consider nominating those with functions relating to business and human rights and access to remedy.

Participants are encouraged to submit written statements to contribute to discussions during the consultation and respond to a questionnaire available on the project website. All received statements and submissions will be uploaded to the project website.⁴

Consultation objectives

The overarching goal of this consultation will be to explore how the existing role of NHRIs in facilitating access to effective remedy for business-related human rights abuses could be strengthened. The objective will be achieved through sharing of NHRIs’ experiences, challenges, lessons learned, and innovations from all world regions.

Specific consultation objectives will include:

- To share examples of how NHRIs facilitate, both directly and indirectly, access to remedy for business-related human rights abuses;
- To highlight the challenges and limitations that NHRIs face in facilitating access to remedy and discuss effective strategies for overcoming such challenges and limitations;
- To explore how NHRIs could play a more active role in facilitating access to effective remedy in relation to business-related human rights abuses with a transnational or cross-border dimension;
- To examine the role that NHRIs could play in collaborating with other judicial or non-judicial remedial mechanisms;

³ See for example Working Group’s report A/72/162 at: https://ap.ohchr.org/documents/dpage_e.aspx?si=A/72/162

⁴ See <https://www.ohchr.org/EN/Issues/Business/Pages/ProjectOnRoleNHRIS.aspx>

- To facilitate the dissemination of good practices in relation to the role of NHRIs in facilitating access to remedy for business-related human rights abuses;
- To discuss challenges faced and strategies adopted by NHRIs in supporting the work of civil society and human rights defenders (including women human rights defenders); and
- To consider how NHRIs can assist groups at the heightened risk of abuse (including: human rights defenders, indigenous peoples, persons with disabilities, minorities, internally displaced persons, women, children, and LGBTQI persons) in seeking and achieving access to effective remedy for business-related human rights abuses.

Consultation format

In order to achieve the consultation objectives, the programme will comprise several thematic sessions with moderated discussion held between 10am-1pm and 3pm-6pm on 10-11 October 2019. Each session will include a few brief presentations by NHRIs and other experts, followed by comments and questions from the floor.

The consultation programme will be shared with participants and also posted at: <https://www.ohchr.org/EN/Issues/Business/Pages/ProjectOnRoleNHRIS.aspx>

Consultation outcomes

The insights gained from the global consultation will be reported on by the Working Group to the Human Rights Council at its 44th session in June 2020. The consultation findings will also feed into a session at the 2019 Forum on Business and Human Rights⁵ on NHRIs' role in facilitating access to remedy for business-related human rights abuses. Moreover, it is hoped that this consultation will assist the Working Group as well as the OHCHR in their future work on promoting access to effective remedy for people affected by business-related human rights impacts.

Contacts

For queries related to the global consultation, please contact Ms. Sara Cavallo (+41-22-917-9553, scavallo@ohchr.org), and copy wg-business@ohchr.org

⁵ www.ohchr.org/2019ForumBHR.