



10th International Conference of
National Human Rights Institutions
8 – 10 October 2010

NGO FORUM

**“Building a strategic partnership
between NGOs and NHRIs
on business and human rights”**

Edinburgh City Chambers
Edinburgh, Scotland, 7 October 2010

FINAL STATEMENT

Final Statement of the NGO Forum to the Biennial Conference

We welcome this opportunity to deliver this statement on behalf of the NGO Forum, which gathered on 7 October 2010, on the occasion of the 10th Biennial Conference of National Human Rights Institutions (NHRIs) for the Promotion and Protection of Human Rights.

In 2008, we welcomed the decision by the ICC to establish the Working Group on Business and Human Rights. We now look forward to concrete actions arising from commitments made in this Biennial Conference.

This statement presents recommendations of the NGO Forum for the purpose of enabling NHRIs, their regional groupings, and the International Coordinating Committee of NHRIs (ICC) to more effectively promote and protect human rights in the context of business activities. During our discussions, we highlighted key essential requirements for NHRIs with regard to their independence, capacity, and willingness to engage with human rights defenders.

We also highlighted the need for the ICC to ensure implementation of commitments from previous biennial conferences. We urge this conference to consider the recommendations below in framing the final statement.

Key Priorities

The key priorities for NHRIs' work on business and human rights should be:

- Reinforcing the state's duty to protect as the foundation for the work of NHRIs on business and human rights, while also addressing the inter-relationship of the 3 pillars of the framework of the *UN Special Representative of the Secretary General on human rights and transnational corporations and other business enterprises* (UN SRSG)--- protect, respect, and remedy --- and the role NHRIs can play in integrating these pillars.
- Empowering the victims of corporate abuses and protecting human rights defenders (HRDs), including women human rights defenders (WHRDs) and indigenous peoples. We note evidence of a rising trend in targeting and criminalizing HRDs and WHRDs in the context of economic activities
- Institutionalizing NHRI exchanges and interactions with civil society organisations (CSOs), while respecting their autonomy, ensuring meaningful participation and pluralist representation of CSOs, including trade unions, indigenous peoples groups, etc.

Key Recommendations

In light of these priorities, we call on the Biennial Conference of NHRIs to commit to the following:

A. National Human Rights Institutions (NHRIs)

- To be more proactive in creatively interpreting their mandates to address business impacts on human rights;
- To enhance their capacity in understanding and addressing business and human rights issues;
- To encourage governments to use the law and public policy to incentivize respect for human rights and hold companies accountable, such as public procurement, public investment, and export credit guarantees;
- To build on the initiatives of some proactive NHRIs in cooperating with other NHRIs on cross-border issues where human rights violations involve corporate actors which cross jurisdictions, or where the harm crosses jurisdictions;
- To promote and to provide guidance to states and businesses on due diligence processes with a particular emphasis on the need for properly conducted human rights impacts assessments that involve and are accessible to affected individuals and communities;
- To consider and investigate individual and collective complaints on corporate abuses including through fact-finding missions;
- To consider implementing non-judicial remedial processes that are consistent with international human rights principles for effective remedies to address business and human rights issues; and
- To include business and human rights in human rights education programs and to reach out to all stakeholders including consumers.

B. Regional Groupings

- To consult with all stakeholders, including indigenous and vulnerable groups, in adopting and implementing regional strategic plans on business and human rights;
- To cooperate with each other and coordinate activities reflecting the cross-border nature of corporate activities and impacts;

- To interact with regional human rights protection systems and learn from their jurisprudence on issues related to business impacts on human rights;
- To implement recommendations made by regional groupings in this area, such as the references on environment, human trafficking, and business and human rights of the Advisory Council of Jurists (ACJ) of the Asia Pacific Forum (APF);

C. International Coordinating Committee

- To establish an annual reporting framework for all NHRIs, developed by the ICC Secretariat, on the implementation of commitments made during the Biennial Conferences, including NHRIs' work on business and human rights;
- To support the adoption and operationalization of the recommendations of the UN SRSG, including support for follow-up processes at the UN level.

We also commit, as civil society organisations:

- To be more proactive in following-up the recommendations made by the NGO Forum in between Biennial conferences; and
- To offer our expertise and cooperation to NHRIs to enable them to take forward the above recommendations.