STRENGTHENING RIGHTS, RESPONSIBILITIES AND REMEDIES, BRIDGING ACCOUNTABILITY:

NHRI Pre-Forum Session at the Annual UN Forum on BHR 2013

Concept Note

Rationale:

The first UN Forum on Business and Human Rights, held in Geneva in December 2012, highlighted the important role of National Human Rights Institutions (NHRIs) on business and human rights, “*as a bridge among government, civil society and business enterprises in holding all concerned stakeholders to the highest level of accountability*”[[1]](#footnote-1).

This message echoed positions taken by both the UN Human Rights Council and the UN Guiding Principles on Business and Human Rights, which recognise the role of NHRIs under each of the three pillars of the Ruggie Framework:

***National human rights institutions*** *that comply with the Paris Principles have an important role to play in helping States identify whether relevant laws are aligned with their human rights obligations and are being effectively enforced, and in providing guidance on human rights also to business enterprises and other non-State actors. (Commentary to Guiding Principle 3)*

*In assessing how best to respond, they (corporations) will often be well advised to draw on not only expertise and cross-functional consultation within the enterprise, but also to consult externally with credible, independent experts, including from governments, civil society,* ***national human rights institutions*** *and relevant multi-stakeholder initiatives.(Commentary under Business Duty to Respect, no 23)*

*State-based grievance mechanisms may be administered by a branch or agency of the State, or by an independent body on a statutory or constitutional basis. They may be judicial or non-judicial. In some mechanisms, those affected are directly involved in seeking remedy; in others, an intermediary seeks remedy on their behalf. Examples include the courts (for both criminal and civil actions), labour tribunals,* ***National Human Rights Institutions****, National Contact Points under the Guidelines for Multinational Enterprises of the Organization for Economic Cooperation and Development, many ombudsperson offices, and Government-run complaints offices (commentary under Access to Remedy, GP No. 25)*

These expectations on NHRIs pose a challenge in view of the specific contexts in which individual NHRIs operate in their respective countries, not to mention the need for capacity, expertise and resources to enable them to fulfill their *Paris Principles* mandate in relation to business and human rights (BHR). Discussion amongst NHRIs should therefore focus on the key challenges and gaps that should be addressed by NHRI individually and at regional level to fulfill the specific mandate on BHR.

Thus, the Caucus can serve as venue for NHRIs to discuss and share insights and experiences on how to respond to the above expectations in order to strengthen enjoyment of rights by rights-holders as well as the fulfillment of their respective responsibilities by the business sector and governments in partnership with other stakeholders.

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| objectives:  **1. To discuss specific country experiences of individual NHRIs in applying/implementing the Guiding Principles;**  **2. To identify good practices, challenges and gaps in the implementation with focus on the Pillar III of the UN Framework (remedy);**  **3. To identify ways forward for NHRIs to strengthen their capacity in promoting the GPs at the country, regional and global level.** | | | | | |
| Time | activity | objective | process/  methodology | expected  output | needs and requirements | |
| **15.00** | **INTRODUCTION**   * Opening remarks * Presentation of objectives and background of the Caucus * Introduction of speakers and participants | To orient the participants on the process and content of the Caucus | Facilitator moderates the program | Participants oriented with the entire process  Common understanding on the objectives and outcome | LCD Projector | |
| 15.20 | Good Practices and challenges in promoting implementation of the UNGPs at country level – presentations by nhris  1. Asia  2. Americas  3. Africa  4. Europe | To share experiences of promoting implementation of the UNGPs by individual NHRIs | Panel discussion  PowerPoint presentations  (5 minutes per speaker + 5 minutes questions /discussion per speaker) | Specific country context and trends presented | LCD  Discussion Guide for the speakers  Summary of NHRI actions / other developments in each region | |
| Time | activity | objective | process/  methodology | expected  output | needs and requirements | |
| 15.40 | OPEN FORUM | To provide a venue for exchange of views and experiences, clarifications etc. | Questions from the floor (priority given to NHRI speakers) | Leveling-off on key issues, comments are noted | Moderator | |
| 16.150 | BREAK |  |  |  |  | |
| 16.30 | WORK OF THE ICC WORKING GROUP ON BUSINESS AND HUMAN RIGHTS   * NHRI guidebook and e-learning * Proposal for transnational cooperation of NHRIs in remediation of business-related complaints | To share with NHRIs information on work of the ICC Working Group, and resources developed for NHRIs, and on upcoming projects | Presentations from ICC Working Group members followed by questions from the floor  (5 minutes per speaker + 10 minutes questions /discussion per speaker) | Participants informed on work of ICC Working Group and how to become involved in further ICC WG activities | LCD projector  Copies of ICC WG Guidebook, Factsheets etc.  Discussion Guide for the speakers | |
| 17.15 | SYNTHESIS AND NEXT STEPS | To capture inputs from the presentations and discussion and new inputs on follow up actions for NHRIs and the ICC WG  To present the action points if any which may be of interest to the ICC WG, NHRIS and other stakeholders | A person shall be assigned to make the synthesis of the result of the discussion  5 to 10 minutes | Major points summarized, recommendations and action points (if any) were identified |  | |
| 18.00 | close | | | | | |

1. Final Report on UN Forum on Business and Human Rights, 2012, p4. [↑](#footnote-ref-1)