

## **NHRI actions in the field of business and human rights:**

### **Update on steps to implement the 2010 Edinburgh Declaration**

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#### **1. Introduction**

This briefing has been developed to provide an indication of measures taken by NHRIs since 2010 towards fulfilling their Paris Principles mandate on business and human rights.

The briefing describes in turn actions taken by NHRIs from each of the ICC's four geographical regions: Africa, the Asia-Pacific, the Americas and Europe. First, actions of individual NHRIs are described and then NHRIs' collective actions at regional level. Finally, a summary is provided of the actions of NHRIs at global level via the ICC Working Group on Business and Human Rights.

The briefing has been compiled on the basis of publicly available reports and materials. It is intended to be illustrative, not exhaustive. A more comprehensive report of NHRI actions towards implementing the Edinburgh Declaration is currently in preparation and will be published during 2014, in coordination with the ICC Working Group on Business and Human Rights.

#### **2. NHRI Actions on business and human rights**

##### **2.1 Africa**

###### **2.1.1 Africa: actions of individual NHRIs**

###### **i) Cameroon National Commission on Human Rights and Freedoms (NCHRF)**

In April 2012, a workshop on "Sensitization of Cameroonian Private Sector Workers on the Fundamental Principles of Human Rights" was held. The objectives were to raise awareness of fundamental labour rights, as well as of the role of NCHRF and of the Ministry of Labour and Social Security in the labour area, and to develop a timeframe for dissemination activities on labour rights within companies. Two further workshops have been held: for NCHRF members on human rights and the extractive industries in July 2011, and the second on labour rights of workers in parastatal companies (Cameroon Development Corporation and National Oil Refinery) in November 2012.

In terms of monitoring, NCHRF investigated pollution of the Ndongsimbi Stream in Douala in 2011, writing to the Minister of Health and Environment and Nature Protection, and regional delegations, to request remediation measures. In 2012, NCHRF further initiated a human rights assessment of the Kribi Deep Sea Port project. This project was launched in 2009 under a long-range economic development policy of the Cameroon government. Subsequently, the NCHRF

received complaints alleging a range of human rights abuses resulting from the project, with regard, for example, to the right to property, involuntary resettlements, indigenous peoples' rights and labour-related human rights. While NCHRF had already been providing advice to employers and workers in response to labour disputes, in 2012 it decided to initiate a broader human rights impact assessment of the project. As part of this assessment, in December 2012 NCHRF conducted a mission to visit the Kribi project site and meet with stakeholders, including representatives of relevant government authorities and residents.

Regarding integrating business and human rights into strategic planning, the Cameroon National Action Plan for the Promotion and the Protection of Human Rights, which addresses the period 2013-2018, includes the following four aims:

- Strengthening national capacity to protect and promote human rights
- Coordinating activities of relevant actors in this regard
- Developing a human rights based approach in all national sectors, including industries and trade
- Preserving a global and non-compartmentalised approach to human rights.<sup>1</sup>

## **ii) Kenya National Commission on Human Rights (KNCHR)**

KNCHR has established a focal point on business and human rights and a Human Rights and Business Programme within its Economic, Social and Cultural Rights Department, under which a range of activities have been initiated.

Concerning the extractive sector, in 2012, KNCHR held a forum with stakeholders to discuss human rights and the extractive industries. The event aimed to build capacity amongst civil society organisations and streamline their participation in extractive industries due diligence. In December 2012, KNCHR undertook a mission to the Kitui Mui Coal Basin, a project affecting approximately 60,000 families. Further, concerning the Rukana Oil Site, through engagement with local partners, government and gas companies, KNCHR will focus on the government-business investment contract, and the compatibility of its terms with human rights standards, the adequacy of steps taken to consult and informing communities with regard to resettlement, as well as the adequacy of compensation especially given the size of the project.

KNCHR, in collaboration with Institute for Human Rights and Business, has also launched the 'Nairobi Process: A Pact for Responsible Business', aiming to promote human rights due diligence in the emerging oil and gas sector in Kenya.<sup>2</sup>

An investigation by KNCHR concerning the Lamu-Port-South Ethiopia Transport Corridor (LAPSSET) is on-going. Phase One of LAPSSET, the construction of a sea-

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<sup>1</sup> NANHRI, Report of the NANHRI Mapping Survey on Business and Human Rights, 2013: <http://www.nanhri.org/phocadownload/mapping%20survey%20on%20bhr%20-%20role%20of%20nhri%20-%20final%20version.pdf>.

<sup>2</sup> IHRB, Nairobi Process, <http://www.ihrb.org/about/programmes/nairobi-process.html>

port on the Kenyan Coast (Lamu Port), which commenced in 2012, has already affected about 120,000 families.<sup>3</sup>

In 2012, KNCHR held follow-up meetings with local communities to assess whether recommendations made in its Report, 'Economic interests versus social justice: Public inquiry into salt manufacturing in Magarini, Malindi District' (2006), had been implemented. Subsequent to this, in 2013, KNCHR exercised its powers to litigate in the public interest, and filed a case against the companies in question in relation to violations of land rights and the right to a clean environment.<sup>4</sup>

From time to time KNCHR also conducts human rights training for businesses.<sup>5</sup>

### **iii) National Council on Human Rights of Morocco (CNDHM)**

In 2013, CNDHM and the General Confederation of Enterprises of Morocco organised a seminar on Human Rights and Business. The seminar initiated dialogue amongst stakeholders on integrating business respect for human rights into the economy, taking the UN Guiding Principles as its framework. Over two hundred representatives of different stakeholder groups participated, including government, public institutions, public and private enterprises social partners and civil society. Discussions at the seminar addressed themes including: the relationship between international instruments on business and on human rights, Morocco's commitments under international human rights law, relevant national legislation and the effectiveness of remedies available for violations of human rights connected to business. The seminar allowed stakeholders to identify areas of co-operation with a view to developing a coordinated plan of action in line with international standards.<sup>6</sup>

### **iv) Sierra Leone Human Rights Commission (HRCSL)**

In 2012, HRCSL undertook a formal inquiry into mining-related human rights abuses in the Bumbuna, Tonkolili District, where a range of workforce and community grievances had culminated in violence and police intervention leading to a number of deaths and serious injuries. HRCSL's 'Bumbuna Public Inquiry Report' (2012), identifies a range of recommendations for government, public bodies including the police, businesses and the community, with a view to providing remedy for grievances suffered and preventing their recurrence in future.

As a follow-up to the Bumbuna inquiry, in 2013, HRCSL launched its *Business and Human Rights Monitoring Tool*. The Monitoring Tool can be applied by HRCSL in a range of ways, including in future investigations and dialogues with companies, and by other actors in assessing company conduct against human rights standards. The tool includes specific questions and indicators outlining the human rights and national

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<sup>3</sup> Business and Human Rights, A Guidebook for National Human Rights Institutions, [http://www.humanrightsbusiness.org/files/ICC%20working%20group/BHR%20Guidebook%20for%20NHRIs\\_2013\\_ENG.pdf](http://www.humanrightsbusiness.org/files/ICC%20working%20group/BHR%20Guidebook%20for%20NHRIs_2013_ENG.pdf).

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Business and Human Rights, A Guidebook For National Human Rights Institutions, Regional Supplement.

laws and standards relevant to a number of business functions, including human resources, environment and communities, security, government relations and procurement.<sup>7</sup>

#### **v) South African Human Rights Commission (SAHRC)**

In the area of monitoring and legislative review, since 2010, SAHRC has issued legal opinions and commentaries on topics including the impact of the Gauteng Road Toll System, the Companies Bill, and the UN Guiding Principles on Business and Human Rights. SAHRC has a complaints-handling function that extends to business matters labour matters and in 2012 a significant proportion of over 5000 complaints fell in this area.

#### **vi) Zambia Human Rights Commission (ZHRC)**

ZHRC's 2010 *State of Human Rights Report* focused on the topic of human rights and the environment. The Report notes the emergence of serious environmental problems linked to the development of a number of business sectors in Zambia, including mining, agriculture and tourism. Amongst its conclusions, ZHRC identified the need for more effective mainstreaming of human rights standards in environmental governance frameworks, in a number of areas.<sup>8</sup>

With regard to its advisory functions, in the context of its 2012 submission on Zambia's draft Constitution, ZHRC included commentaries on a number of topics relevant to the business and human rights area. For example, concerning draft Art.65 on Labour relations, ZHRC proposed the substitution of the word "employment" with the broader term "work", with reference to the UDHR, Article 23(1), Article 6 ICESCR, and the African Charter Article 15. In addition, ZHRC urged revision and inclusion of a more detailed clause in the Constitution on Environment, given widespread pollution and environmental degradation in Zambia.<sup>9</sup>

### **2.1.2 Africa: actions at regional level**

The Network of African National Human Rights Institutions (NANHRI) held its first Regional Workshop on Business and Human Rights in Yaoundé, Cameroon, in September 2011. The workshop's objective was to promote and strengthen measures by African NHRIs to advance the UN Guiding Principles on Business and Human Rights in accordance with their Paris Principles mandate, through sharing of experiences and good practices. At the workshop, recommendations for a 3-year plan of action were developed. The Yaounde Declaration urges African NHRIs individually and at regional level to undertake capacity-building on business and human rights; human rights education, outreach and sensitization with relevant

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<sup>7</sup> Business and Human Rights, A Guidebook for National Human Rights Institutions, [http://www.humanrightsbusiness.org/files/ICC%20working%20group/BHR%20Guidebook%20for%20NHRIs\\_2013\\_ENG.pdf](http://www.humanrightsbusiness.org/files/ICC%20working%20group/BHR%20Guidebook%20for%20NHRIs_2013_ENG.pdf).

<sup>8</sup> Business and Human Rights, A Guidebook for National human rights institutions, Regional Supplement.

<sup>9</sup> Ibid.

stakeholders, and to integrate human rights and business issues into strategic planning and programmes.

In 2012, further to the Yaounde recommendations, NANHRI undertook a Mapping Survey on Business and Human Rights. The survey gathered responses from African NHRIs regarding their needs, priorities and challenges in the business and human rights field. The Survey report includes a set of six case studies of good practices of NHRIs on business and human rights from within the African Network.<sup>10</sup> NANHRI's 9<sup>th</sup> Biennial Conference held in November 2013 in Accra, Ghana, also addressed the topic of business and human rights, and included thematic sessions on National Action Plans on business and human rights, and transnational cooperation between NHRIs to address business and human rights issues.<sup>11</sup>

## **2.2 Americas**

### **2.2.1 Americas: actions of individual NHRIs**

#### **Chile National Human Rights Institution of Chile (INDH)**

In December 2013, Chile's National Human Rights Institute released its Annual Report on Human Rights Situation in Chile, which included a section on business and human rights issues. The report examined two cases addressing the actions of business entities and possible violations of fundamental rights. The first case was that of the Pascua Lama mining project. As a consequence of repeated breaches of environmental permits, the project was forced to cease all activities until mitigating measures were put in place. The second case examined is known as the 'Collusion of Pharmacies', raising a violation of the right to access medicines, as a component of the right to health.<sup>12</sup>

#### **National Human Rights Commission of Mexico (NHRC)**

In September 2012, the NHRC issued a Recommendation urging the Government to ensure the protection of the rights of the Wixárika peoples, in the context of mining activities in Wirikuta, a sacred indigenous site for the Wixárika. Violations of the rights to participation and consultation, cultural identity and a healthy environment were alleged, along with unlawful use of indigenous territories. The Recommendation was addressed to a number of Government actors, including the Ministry of Economy, the Ministry of Environment and Natural Resources, the General Commission of Development for Indigenous Communities, and to the municipalities of the affected areas. The Recommendation highlighted the urgency of reviewing the mining license in Wirikuta and, if necessary, the immediate cancelation of the mining activities. It also noted the need for improvement of national law and practice with regard to requirements to consult and negotiate with indigenous communities in relation to any

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<sup>10</sup> NANHRI, Report of the NANHRI Mapping Survey on Business and Human Rights, 2013: <http://www.nanhri.org/phocadownload/mapping%20survey%20on%20bhr%20-%20role%20of%20nhri%20-%20final%20version.pdf>.

<sup>11</sup> <http://nhri.ohchr.org/EN/Themes/BusinessHR/Pages/Capacity%20Building.aspx>.

<sup>12</sup> <http://www.indh.cl/wp-content/uploads/2013/12/resumen-ejecutivo-2013-INGLES.pdf>.

process that can affect their rights and interests. The Recommendation further called for the creation of conservation and protection programmes incorporating inspection visits and field studies.<sup>13</sup>

## **2.2.2 Americas: actions at regional level**

The Network of National Human Rights Institutions of the Americas held its Regional Seminar on Business and Human Rights in November 2011 in Antigua, Guatemala. The seminar resulted in the development of a Business and Human Rights Action Plan for the NHRIs of the Americas. The Action Plan includes a shared vision and joint statement on the promotion of good human rights practices amongst corporations.<sup>14</sup>

## **2.3 Asia-Pacific**

### **2.3.1 Asia-Pacific: actions of individual NHRIs**

#### **India National Human Rights Commission (NHRC)**

In 2012, NHRC commissioned the Institute of Corporate Sustainability Management (ICSM) Trust to develop a draft code for Indian industries based on human rights standards. In preparing the study, data was collected from across industry sectors including steel, power, mining, cement, paper, sugar, banking, textiles and pharmaceuticals. The project also reviewed issues relating to company policies on employees, gender, purchasing, compensation, benefit and promotion, environment, and community.<sup>15</sup>

#### **Indonesian Human Rights Commission (Komnas HAM)**

In 2012, Komnas HAM issued its report following a three-year investigation into human rights abuses connected to the gas exploration activities of oil and gas exploration company PT Lapindo Brantas Inc. in Porong, Sidoarjo, East Java. According to the report, between 40- 60,000 people were displaced after a man-made mudflow in 2006, for which the company was responsible, submerged over 10,000 homes in 12 villages in one subdistrict alone. In addition, 81 percent of the victims suffered from lung problems while more than 200 people had died from poor health following the disaster. Thousands of people also lost their jobs when 30 factories affected by the mudflow ceased operating.

The Commission concluded that fifteen different human rights of local residents had been violated, including life, safety, health, housing, employment, education, social security and education. Based on its findings, Komnas HAM issued a recommendation that Lapindo Brantas and its shareholders PT Medco Energi

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<sup>13</sup> Business and Human Rights, A Guidebook for National Human Rights Institutions, [http://www.humanrightsbusiness.org/files/ICC%20working%20group/BHR%20Guidebook%20for%20NHRIs\\_2013\\_ENG.pdf](http://www.humanrightsbusiness.org/files/ICC%20working%20group/BHR%20Guidebook%20for%20NHRIs_2013_ENG.pdf)

<sup>14</sup> <http://nhri.ohchr.org/EN/Themes/BusinessHR/Pages/Capacity%20Building.aspx>.

<sup>15</sup> National Human Rights Commission-India, <http://nhrc.nic.in/>

Internasional and Santos Ltd., the government, and the National Police take steps to restore the rights of the victims. For the company this would require completing the payments of compensation to victims and plugging the mudflow.<sup>16</sup>

### **Jordan National Center for Human Rights (NCHR)**

The Jordanian National Centre for Human Rights has held training sessions for inspectors from the Ministry of Labour to familiarise them with international standards regarding workers' rights. The objective has been to enable inspectors to apply these standards during their inspection of factories and other businesses which employ local or foreign workers, through training on monitoring violations of workers' rights and preparing monitoring reports.<sup>17</sup>

### **National Human Rights Commission of Korea (NHRCK)**

NHRCK has convened a number of seminars on business and human rights topics, including:

- A workshop on the UN Guiding Principles on Business and Human Rights and ISO26000 in coordination with the Korea Productivity Center and the UN Global Compact Network Korea, in 2011<sup>18</sup>
- A seminar on businesses' collection of personal data, in 2011. Here the purpose was to discuss gathering of excessive personal, sensitive and location information by business entities and to develop effective regulations and systems to protect personal data<sup>19</sup>

Under its advisory function, NHRCK submitted a recommendation to the Ministry of Knowledge Economy regarding the need to improve the composition and operation of Korea's National Contact Point (NCP) established under the OECD Guidelines for Multinational Enterprises, and to increase access of individuals, employees, businesses and other parties concerned to the NCP.<sup>20</sup>

A report was published in 2013 by NHRCK on the human rights of migrant workers in the agro-livestock industry. A survey undertaken by NHRCK revealed that many migrant workers in the sector are subject to overwork and excessive working hours, are not provided with copies of employment contracts, receive less than the minimum wage, are not compensated for overtime and experience unsafe working conditions as well as discrimination, verbal assault, violence by employers and sexual harassment.

NHRCK has published additional reports on business and human rights topics including compliance with the Minimum Wage Act, Industry Lockout Policies and Practices, and a report on human rights and business issues in Korea in general.

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<sup>16</sup> <http://www.tempo.co/read/news/2012/08/14/063423492/Komnas-HAM-Kasus-Lapindo-Adalah-Kejahatan>

<sup>17</sup> Business and Human Rights, A Guidebook for National Human Rights Institutions, [http://www.humanrightsbusiness.org/files/ICC%20working%20group/BHR%20Guidebook%20for%20NHRIs\\_2013\\_ENG.pdf](http://www.humanrightsbusiness.org/files/ICC%20working%20group/BHR%20Guidebook%20for%20NHRIs_2013_ENG.pdf)

<sup>18</sup> National Human Rights Commission of Korea, [http://www.humanrights.go.kr/english/activities/view\\_01.jsp](http://www.humanrights.go.kr/english/activities/view_01.jsp)

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

Published in 2012, the latter addresses international and domestic trends, roles of the state in prevention of human rights abuses by business enterprise, and proposals for promoting good business practices with regard to human rights. These include:

- Taking the human rights record of businesses into consideration in public procurement
- Reporting on human rights by state owned enterprises
- Considering human rights practices of businesses in public pension fund investment.
- Large corporations should ensure that contractors do not violate human rights.<sup>21</sup>

### **Human Rights Commission of Malaysia (SUHAKAM)**

From 2010 to 2012, SUHAKAM conducted a National Inquiry into the Land Rights of Indigenous Peoples, in response to numerous and persistent complaints received by from the Orang Asli of Peninsular Malaysia and natives of the States of Sabah and Sarawak (collectively called Indigenous Peoples or Orang Asal of Malaysia).

The inquiry found widespread violations of the land rights of the Indigenous Peoples taking many forms and perpetrated by different actors. Mostly knowingly, such actors carry out economic activities in the pursuit of development that involve encroachments on the traditional land of the community, resulting in eviction or transfer to other less suitable areas, affecting adversely their traditional way of life. Business activities implicated include plantation and logging activities, quarrying, mining, housing and other infrastructure projects, such as highways, gazetting of land into national or state forest reserves and/or parks. Such activities are carried out in areas where the community has lived on for generations, or in adjoining tracts of land which they regard as part of their traditional foraging area. SUHAKAM's report contains recommendations to the Government for actions to address the abuses identified.<sup>22</sup>

### **National Human Rights Commission of Mongolia (NHRCM)**

NHRCM organized an international conference on "Mining and Human Rights in Mongolia" in October 2012 in Ulaanbaatar. The conference examined the human rights impacts of the country's rapidly expanding mining sector and looked at international best practices, in order to find ways to safeguard the environment and the rights of affected communities.<sup>23</sup>

### **Nepal National Human Rights Commission**

An International Conference on the Rights of Migrant Workers was hosted by the National Human Rights Commission of Nepal in November 2012. The Kathmandu

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<sup>21</sup> Ibid.

<sup>22</sup> Business and Human Rights, A Guidebook for National Human Rights Institutions, [http://www.humanrightsbusiness.org/files/ICC%20working%20group/BHR%20Guidebook%20for%20NHRIs\\_2013\\_ENG.pdf](http://www.humanrightsbusiness.org/files/ICC%20working%20group/BHR%20Guidebook%20for%20NHRIs_2013_ENG.pdf)

<sup>23</sup> National Human Rights Commission of Mongolia, <http://www.mn-nhrc.org/eng/main3/22/53-recommendations-from-international-conference-mining-and-human-rights-in-mongolia.html>



Resolution, adopted at the end of the conference, focussed on the situation of migrant workers in the receiving, sending and transit countries and the existing protection framework. It also identified the need for a cooperation mechanism across national borders, taking into account existing national, regional and international human rights mechanisms.

### **New Zealand Human Rights Commission (NZHRC)**

NZHRC's latest two-yearly Census of Women's Participation, published in 2012, addressed women's participation in business-related areas. Despite a reported increase in women's participation of two or three percentage points across many areas of professional and public life, women's representation remained low at the top, on boards and in senior leadership positions. NZHRC report identifies unambitious targets and ongoing systemic barriers as contributing to the lack of progress in those areas.

### **Commission on Human Rights of the Philippines (CHRP)**

In 2011, CHRP issued a Recommendation to the Government regarding alleged human rights violations of indigenous people of Barangay Dipidio in Kasibu, Nueva Viscaya. The Government had signed a Financial and Technical Assistance Agreement with a foreign company, Oceana Gold Philippines. In light of alleged human rights allegations for which the company was responsible, CHRP recommended that the Agreement be revoked, and called on concerned agencies to report actions they had taken to protect the communities.<sup>24</sup>

### **2.3.2 Asia-Pacific: actions at regional level**

Following on from the Edinburgh Declaration, APF held its Regional Conference on Business and Human Rights in Seoul, Korea in October 2011, hosted by the National Human Rights Commission of Korea and the APF. The conference's closing statement included goals aimed at capacity-building of individual NHRIs concerning business and human rights; human rights education, outreach and sensitization with stakeholders and integrating human rights and business issues into strategic planning and programmes of each NHRI. The statement further demands bilateral and multi-lateral cooperation of NHRIs at national, regional and international levels.<sup>25</sup>

## **2.4 Europe**

### **2.4.1 Europe: Actions of individual NHRIs**

#### **Danish Institute for Human Rights (DIHR)**

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<sup>24</sup> Business and Human Rights, A Guidebook for National Human Rights Institutions, [http://www.humanrightsbusiness.org/files/ICC%20working%20group/BHR%20Guidebook%20for%20NHRIs\\_2013\\_ENG.pdf](http://www.humanrightsbusiness.org/files/ICC%20working%20group/BHR%20Guidebook%20for%20NHRIs_2013_ENG.pdf)

<sup>25</sup> <http://nhri.ohchr.org/EN/Themes/BusinessHR/Pages/Capacity%20Building.aspx>.

DIHR has developed several tools for businesses and other stakeholders to support implementation of human rights. For example, in 2010, DIHR launched the UN Global Compact Self-Assessment Tool together with Danish Industries, The Danish Industrialisation Fund for Developing Countries (IFU) and the Danish Business Authority. In 2013, the Tool was updated to align with new standards including the UN Guiding Principles.<sup>26</sup>

Each year DIHR produces a report on the status of human rights in Denmark, which includes recommendations on actions to be taken by the State to improve the national human rights situation. The recommendations are presented during DIHR's annual reporting to the Danish Parliament. DIHR is currently working on developing a chapter on business and human rights for such annual reports, as well as better streamlining business and human rights considerations throughout the report. DIHR has also developed a national baseline study on the status of implementation of the UN Guiding Principles in Denmark.<sup>27</sup>

Wider DIHR activities since 2010 have included dialogue with relevant government bodies, including the Business Authority and Export Credit Agency, on integrating human rights into strategy and policies and positions in international organisations, such as the OECD; and engaging with organisations representing Danish businesses, and directly with Danish companies, on tools and methodology development, as well as with civil society organisations.

Internationally, DIHR is undertaking joint projects with a number of other NHRIs, including those of Mongolia, Sierra Leone, and Korea, to strengthen human rights and business activities. DIHR has also developed the NHRI Guidebook and e-learning on Business and Human Rights, on behalf of the International Coordinating Committee of NHRIs Working Group on Business and Human Rights. The Guidebook is a free resource for human rights practitioners within national human rights institutions (NHRIs) which introduces business and human rights concepts and frameworks and the NHRI mandate on business and human rights. It also describes best practices and case studies from amongst NHRI experiences in the field.<sup>28</sup>

Launching in 2013, DIHR's Human Rights and Business Country Guide is the first free resource for companies to identify, assess and address human rights risks in their operations and supply chains around the world. The Country Guide describes human rights risks in law and practice in countries across the globe, and presents

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<sup>26</sup> Business and Human Rights, A Guidebook for National Human Rights Institutions, [http://www.humanrightsbusiness.org/files/ICC%20working%20group/BHR%20Guidebook%20for%20NHRIs\\_2013\\_ENG.pdf](http://www.humanrightsbusiness.org/files/ICC%20working%20group/BHR%20Guidebook%20for%20NHRIs_2013_ENG.pdf)

<sup>27</sup> Business and Human Rights, A Guidebook for National Human Rights Institutions, [http://www.humanrightsbusiness.org/files/ICC%20working%20group/BHR%20Guidebook%20for%20NHRIs\\_2013\\_ENG.pdf](http://www.humanrightsbusiness.org/files/ICC%20working%20group/BHR%20Guidebook%20for%20NHRIs_2013_ENG.pdf)

<sup>28</sup> Danish Institute for Human Rights, [http://www.humanrightsbusiness.org/files/ICC%20working%20group/BHR%20Guidebook%20for%20NHRIs\\_2013\\_ENG.pdf](http://www.humanrightsbusiness.org/files/ICC%20working%20group/BHR%20Guidebook%20for%20NHRIs_2013_ENG.pdf)

due diligence recommendations for private-sector actors to prevent and mitigate those risks.<sup>29</sup>

## **Equality and Human Rights Commission (EHRC)**

EHRC's 2012/13 and 2013/14 Work Programmes include four projects with a specific business and human rights focus:

- i. Business and human rights – awareness and capacity building
- ii. Meat processing review – recruitment and employment practices
- iii. Recruitment and employment practices in the cleaning sector
- iv. Home care inquiry follow-up – commissioning and workers' rights.

Regarding the the first of these, EHRC has published guidance for smaller businesses to improve awareness of business and human rights, explain business obligations and promote due diligence approaches, and it is working with business and professional service networks to reach out to SMEs directly.

EHRC undertook an inquiry into recruitment and employment practices in the meat processing sector in 2010. Since then, it has worked with a multi-stakeholder task force to agree standardised recruitment and employment practices for the industry. EHRC will continue to work with major supermarkets to support of improved management practices. It will also facilitate a roundtable of regulators, with the Health and Safety Executive and the Gangmasters' Licensing Agency.

Concerning recruitment and employment practices in the cleaning sector, EHRC aims to examine recruitment and employment practices. This will include work with stakeholders to implement practical solutions to problems found; identify good practices; examine the role of inspectorate and regulatory bodies; and raise awareness of human rights and their relevance to the workplace in this sector.

Further to an earlier inquiry into Human Rights of Older People and Home Care, EHRC has published guidance for local authority elected members and staff involved in the commissioning and procurement of home care. Practically focused and drawn up in partnership with local authorities and the home care industry, the guidance aims to help these stakeholders better to understand their obligations under the Human Rights Act 1998. EHRC also published a review of compliance with its recommendations on the rights of workers and supporting National Minimum Wage payments to home care workers. Going ahead, EHRC plans to convene a roundtable with stakeholders, such as government, industry, regulators, unions and local government, to further promote implementation.

EHRC's Business and Human rights Working Group brings together the three UK NHRIs (EHRC, Scottish Human Rights Commission and Northern Ireland Human Rights Commission) with government departments and businesses committed to respecting human rights. Through this forum, the EHRC promoted the government's consultation on its draft National Action Plan (NAP) on business and human rights, enabled progress reporting and debate, and ensured support for SMEs was included in the NAP. Independently, EHRC attended consultation events and commented on drafts of the UK NAP, "Good Business: implementing the UN Guiding Principles".

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<sup>29</sup> Danish Institute for Human Rights, <http://www.humanrightsbusiness.org/country+guide>

## **Finnish Human Rights Centre (FHRC)**

In 2013, FHRC conducted a training workshop for the Finnish export credit agency on human rights. The workshop included approximately 50 participants from a range of organisations, including the export credit agency, Government Ministry for Commerce and Ministry for Foreign Affairs. The workshop included an introduction to human rights norms and values, the UN Guiding Principles on Business and Human Rights, as well as a focus on the topic of children's rights and business. The training was reported to be useful forum for opening a dialogue between FHRC and key financial and business actors in Finland.<sup>30</sup>

## **French National Consultative Commission on Human Rights (CCNDH)**

In October 2013, CCNDH formulated recommendations for the French government concerning the implementation of the UNGPs in France, "Entreprises et droits de l'homme: avis sur les enjeux de l'application par la France des Principes directeurs des Nations Unies".<sup>31</sup>

## **German Institute for Human Rights**

The German Institute for Human Rights (DIMR) in cooperation with the German Global Compact Network published a guide for business "Respecting Human Rights" which gives an introduction to the Ruggie-Principles. Together with the Greek National Commission for Human Rights (NCHR), the Spanish Defensor del Pueblo, the Irish Human Rights Commission (IHRC), the SHRC, the ENNHRI and other stakeholders the DIMR organized events on the impact of the crisis on human rights, especially of austerity policy in 2013. Currently the DIMR is preparing studies on pillar one and two of the Ruggie-Framework and organizes an event on the linkage of foreign trade and human rights. Both studies should be published in early 2014.

## **Northern Ireland Human Rights Commission (NIHRC)**

In 2013, the Northern Ireland Human Rights Commission produced a study on how to further integrate human rights considerations into public procurement processes in Northern Ireland. The report examines the extent to which current frameworks and practices for public procurement in Northern Ireland are aligned to applicable legal requirements at national, European and international levels. It also considers relevant best practices, evaluates the extent to which the current legal rules, policies and practices respect the human rights to which people are entitled, and makes

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<sup>30</sup> Business and Human Rights, A Guidebook for National Human Rights Institutions, [http://www.humanrightsbusiness.org/files/ICC%20working%20group/BHR%20Guidebook%20for%20NHRIs\\_2013\\_ENG.pdf](http://www.humanrightsbusiness.org/files/ICC%20working%20group/BHR%20Guidebook%20for%20NHRIs_2013_ENG.pdf)

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<http://www.legifrance.gouv.fr/affichTexte.do;jsessionid=?cidTexte=JORFTEXT000028200367&dateTexte=&oldAction=dernierJO&categorieLien=id>

recommendations to close any gaps in human rights protection within the jurisdiction.<sup>32</sup>

### **Scottish Human Rights Commission (SHRC)**

Also in the area of public procurement, in October 2013, SHRC held a conference together with Anti-Slavery International and the Institute for Human Rights and Business, “Upholding Human Rights, Preventing Forced Labour and Trafficking”, with the aim to prevent human rights abuses associated with the Commonwealth Games, as a mega-sporting event to be hosted in Scotland in 2014. Expected outcomes of the event were to: Ensure greater understanding by participants of procurement, forced labour and trafficking; showcase previous, current and future work and initiatives around these issues; examine the extent and nature of forced labour and trafficking in Scotland; bring together potential partners for networks and collaborations to promote human rights and combat forced labour and trafficking.<sup>33</sup>

Exercising its advisory function, SHRC also made formal submissions with regard to the Scottish Procurement Reform (Scotland) Bill (December 2013) and Scottish Procurement Directorate Joint Improvement Team on the consultation draft of Guidance on Social Care Procurement (April 2010), the former of which led to the development of Scottish Government Guidance on Social Care Procurement.

#### **2.4.2 Europe: Actions at regional level**

In September 2012, the Network of European NHRIs (ENNHRI) realized the first European regional workshop on business and human rights, hosted by the German Institute for Human Rights, and agreed upon the *Berlin Action Plan on Business and Human Rights*. In this plan, European NHRIs agreed to consider and address business human rights impacts inside and outside their territorial boundaries. The plan recommends the development national plans to implement the UNGPs, with attention to the impacts on vulnerable and marginalized rights-holders. NHRIs further agreed to undertake activities such as empowerment and support to affected rights-holders, monitoring, documentation, inquiries, complaints-handling, and education and outreach with stakeholders, including business. In scope, the plan extends to human rights impacts of businesses, public procurement and commissioning of public services, human rights impacts of systemic regulatory failure in the context of the financial crises, the OECD Guidelines for Multinational Enterprises and National Contact points, and access to effective remedies for victims of business-related human rights abuses.

Pursuant to the Berlin Action Plan, interventions by ENNHRI NHRIs have included the following:

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<sup>32</sup> Business and Human Rights, A Guidebook for National Human Rights Institutions, [http://www.humanrightsbusiness.org/files/ICC%20working%20group/BHR%20Guidebook%20for%20NHRIs\\_2013\\_ENG.pdf](http://www.humanrightsbusiness.org/files/ICC%20working%20group/BHR%20Guidebook%20for%20NHRIs_2013_ENG.pdf)

<sup>33</sup> Scottish Human Rights Commission, <http://www.scottishhumanrights.com/application/resources/documents/2013-10-22-Glasgow-Commonwealth-Games.pdf>

- Publication of a Discussion Paper on National Action Plans to implement UN Guiding Principles on Business and Human Rights; (2012)
- Presentation to EU High Level Group on Corporate Social Responsibility on National Action Plans on Business and Human Rights; (2012)
- Presentations to the European Coalition for Corporate Justice Annual General Meeting (on national action plans and baselines) (2012)
- Co-hosting with European Parliament Human Rights Committee a workshop on "The role of National Human Rights Institutions in implementation of United Nations Guiding Principles on business and human rights" in the context of the Second Ombudsman Summit of Eastern Partnership and European Union; (2013)
- Statement to UN Working Group Panel Discussion on Rana Plaza (2013)
- A joint submission by the NHRIs of France, Germany and Denmark to the Working Party of the OECD Export Credit Agencies committee on alignment of ECA policies and practices with the UN Guiding Principles on Business and Human Rights (2013)<sup>34</sup>

## 2.5 Actions at global level

At global level, NHRI actions on business and human rights are coordinated by the Working Group on Business and Human Rights of the International Coordinating Committee (ICC) of NHRIs. The Working Group's are focussed on capacity development of NHRIs towards fulfilling their Paris Principles mandate on business and human rights, joint interventions and advocacy in international forums, and coordinating engagement with stakeholders. Further information on the ICC Working Group is available on the ICC website.<sup>35</sup>

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<sup>34</sup> [http://www.institut-fuer-menschenrechte.de/fileadmin/user\\_upload/PDF-Dateien/Sonstiges/Danish\\_Institute\\_for\\_HR\\_French\\_Nat\\_Consultative\\_Commission\\_on\\_HR\\_and\\_GIHR\\_Submission\\_to\\_OECD\\_Consultation\\_between\\_CSOs\\_and\\_Members\\_of\\_the\\_OECDs\\_Working\\_Party\\_on\\_Export\\_Credits\\_and\\_Credit\\_Guarantees\\_2013.pdf](http://www.institut-fuer-menschenrechte.de/fileadmin/user_upload/PDF-Dateien/Sonstiges/Danish_Institute_for_HR_French_Nat_Consultative_Commission_on_HR_and_GIHR_Submission_to_OECD_Consultation_between_CSOs_and_Members_of_the_OECDs_Working_Party_on_Export_Credits_and_Credit_Guarantees_2013.pdf)

<sup>35</sup> <http://nhri.ohchr.org/EN/Themes/BusinessHR/Pages/Home.aspx> .