**

Republic of Mozambique

**National Human Rights Commission**

**The Role of National Human Rights Institutions in Facilitating Access to Effective Remedy for Business-Related Human Rights Abuse**

1. **In what ways could NHRIs facilitate – both directly and indirectly access to effective remedy for business related-human rights abuses? Please provide concrete examples if possible.**

NHRIs facilitate using the following ways:

* Mediation and reconciliation to all the parties involved;
* In case of crime, we investigate and forward to competent entities for all legal proceedings; and
* Make recommendations for various entities in order to take all the necessary measurement to correct.

1. **What measures should be taken to strengthen the mandate, role and capacity of NHRIs in facilitating access to remedy for business-related human’s rights abuse?**

For increasing the mandate, role and capacity of NHRIs should be taken all the measures below:

* Give the enforcement of power, including the binding power to its decisions;
* Permanent training staff on content related to human rights and business;

1. **How could the current interplay between the role of NHRIs and other judicial or non-judicial remedial mechanisms (e.g. courts, labour tribunals, National contact Points and operational level grievance mechanisms) be improved to facilitate access to remedy?**

They could be improved to facilitate access to remedy as following:

* Training the judicial actors on content related to human rights and Business;
* NHRIs can be invited to work as technical advisers for the judicial mechanisms on human rights and business issues;
* The system of communication and collaboration between NHRIs and other judicial or non-judicial remedial mechanisms must be improved.
* Creation of specialized divisions of human rights and business in courts;

1. **What are the main challenges that NHRIs face in dealing with complaints concerning human rights abuses implicating parent and subsidiary companies, business operations in other jurisdictions, or the supply chain of a company?**

The main challenges that NHRIs face in dealing with complaints concerning human rights abuses are:

* Conflict of laws in different countries;
* Barriers on information access, because brunches officers have no power; and
* Procedural Default
* Difficulties in identifying the competent court to file the complaint;

1. **What could be done to strengthen the role of NHRIs in dealing with alleged business-related human rights abuses with a transnational or cross-border dimension?**

In order to strengthen the role of NHRIs, we have to take the following actions:

* Strengthen the cooperation and collaboration between NHRIs cross border;
* We need expertise in international Law and other issues to demand in other institutions

1. **Can you share any good practice examples in which your organization or institution was able to work collaboratively with NHRIs to facilitate directly or indirectly, effective remedies for business-related human rights abuses**?

We have mediated a conflict between mining company and displaced community in central part of the country. During the monitoring process, the Commission verified that non plan of resettlement, compensation and indeminization was established.

In addition, the Commission recommended the Government to The Commission made the following recommendations:

1. For the government:

notify the company to submit the plans and also to include the community in all phases of the process; and

Monitoring the implementation of the indeminization and compensation process.

1. For the company:

Reinforce its action on social responsibility to solve basic problems, such as water supply, school and hospitals;

To take urgent measures in order to reduce the pollution in the community affected by mining exploitation; and

Make an agreement between the community and company about the house standard.

1. For the community:

Participate to the government any action of human rights abuse.

1. **Are you aware of any good practices related to NHRIs supporting civil society and human’s rights defenders (including women human rights defenders) working to secure access to effective remedy for business –related human rights?**

yes, we are, the commission supported one organization of civil society (oil Association) to get the understanding with VALE, a minning company in Tete Province in Mozambique.

In addition, the commission supported Cateme Community (Tete Province) to get the properly compensation and indeminization.

1. **How could NHRIs collaborate better with regional and international human rights monitoring mechanism (including UN special procedures, treaty bodies and the Universal Periodic Review) to facilitate access to remedy for business-related human rights abuses?**

NHRIs could collaborate better with regional and international human rights monitoring mechanism by:

* Improving the information and communication mechanism;
* Regular meeting with different bodies to

**9. What role should NHRIs have under a National Action Plan on Business and Human Rights to facilitate access to effective remedy in case of business-related human rights abuses?**

Beyond promotion, monitory and protection of human rights, the NHRIs should work as government advisory in order to avoid the human rights abuses.

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**Administrative Secretary**