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**Call for Input by the Working Group on Business and Human Rights on the role of
national human rights institutions in facilitating access to effective remedy for
business-related human rights abuses**

I refer to the letter of the Permanent Representative of the Republic of Cyprus, dated 29 May 2019 by which he notified my Office regarding the abovementioned matter.

Under my capacity the National Human Rights Institution (NHPI) of the Republic, I would like to submit my input in some of the questions posed by the Working Group on the issue of human rights and transnational corporations and other business enterprises. Please find my comments below:

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.

Under the Commissioner's capacity as the Cypriot NHRI, Ombudsman and Equality Body, the institution's intervention has been threefold, in this regard:

- investigation of complaints for discrimination in the private sector (mainly involved age discrimination by insurance companies, discrimination on the ground of nationality by providers of broadband services, discrimination on the ground of nationality with regard to conditions of access to thematic/amusement parks and exclusion of certain groups of third country nationals from having access to banking services). According to the founding law, our institution does not have the power to bring a case

of discrimination/human rights abuse to the court, but in cases of discrimination it has the power to impose a fine.

- Awareness raising campaigns.
- Trainings to private companies and trade unions regarding sexual harassment in the workplace and submission of contribution in the drafting of codes of conducts against sexual harassment, when requested by private companies.

In order however to ensure access to effective remedies in cases of human rights abuses in the business sector, it would be useful for NHRIs to maintain a systematic channel of communication with business, for example, through regular meetings with trade unions.

2. What measures should be taken to strengthen the mandate, role and capacity of NHRIs in facilitating access to remedy for business related human rights abuses?

A specific reference that NHRIs have the responsibility to promote and protect human rights in the business sector should be made in the mandate.

4. What are the main challenges that NHRI's 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 challenge, based to our experience, lies with the difficulty in investigating complaints against a company which is not based in the country and has no physical or legal representation in the territory (eg social media companies).

5. 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?

Improved and more coherent cooperation with international and European networks such as GANHRI, ENNHRI and EQUINET.

6. 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?

The Commissioner for Administration and Protection of Human Rights (Ombudsman) in the framework of her competences –not only as an NHRI but also as an Equality Body- has tackled the issue of the respect of human rights in the private sector on a number of occasions, after the examination of relevant complaints that led to the drafting of relevant reports.

Additionally, a number of actions were done that can be considered as examples of good practices in the promotion of the respect of human rights in the private sector. Such actions are cited below:

- In 2016, the Commissioner (acting as Equality Body) launched a campaign regarding the rights of pregnant women and new mothers. The campaign included the dissemination of a Publication with relevant information material, to: public hospitals, health centers in Cyprus, labor unions and employers' organizations, as well as in social media. It also included a round table discussion with NGO's, trade unions and employer's organizations). The main goal of the campaign was to inform pregnant women, new mothers and women in general, about their rights according to the national legislation. The campaign was decided in view of the increasing number and the nature of the complaints that were received in the Office, that were related to discrimination due to pregnancy, motherhood or issues related to family and work-life balance.
 - In 2007 the Commissioner published a Code of practice on handling sexual harassment in the field of employment.
 - In 2010, (within the framework of an Action co-funded by EU program "Progress"), the Commissioner drafted and published:
 - A Code of Good Practices on Combating Discrimination against people with Disabilities in the field of employment and occupation. The Code also contains information on the relevant legal and institutional framework.
 - A Booklet which codifies a set of Guiding Principles on how the Media can contribute and assist in combating racism, xenophobia and discrimination. The booklet also contains information on the relevant legal and institutional framework.
 - In 2014, the Commissioner, bearing in mind that a substantial number of migrants are regular bus users, prepared, in collaboration with the Transportation Organization of Nicosia District, a Manual for Bus Drivers, with regard to their duty to provide services to all passengers without discrimination.
- 7. Are you aware of any good practices related to NHRIs supporting civil society and human rights defenders (including women human rights defenders) working to secure access to effective remedy for business-related human rights abuses?**

Not aware, according to our experience.

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

NHRIs should strengthen their collaboration with human rights monitoring mechanisms and examine the prospect of submitting shadow reports regarding human rights abuses in the business sector based on their experience.

- 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?**

NHRIs could have a leading role in the setting up of a National Action Plan on Business and Human Rights. They could assist all involved stakeholders in achieving a consensus that a culture of human rights respect should be promoted in the business sector and that human rights abuses are not tolerated. When such violations occur, businesses should introduce effective mechanisms in order to handle them in a prompt and effective manner.

I remain at your disposal for any further information or clarification.

Yours sincerely,

Maria Stylianou Lottides
Commissioner for Administration and
Protection of Human Rights (Ombudsman)

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