

Mandate of the Working Group on the issue of human rights and transnational corporations and other business enterprises

Agenda

Global consultation on the role of national human rights institutions (NHRIs) in facilitating access to remedy for business related human rights abuses

10 – 11 October 2019
Room XXI, Palais des Nations, Geneva

Thursday, 10 October (10:00 – 18:00)	
10:00-10:30	<p>Welcome remarks</p> <ul style="list-style-type: none"> • Githu Muigai, Vice- Chair, UN Working Group on Business and Human Rights • Carlos Negret, Chairperson of the Global Alliance of National Human Rights Institutions (GANHRI) <p>Introduction to the project on the role of NHRIs in access to remedy:</p> <ul style="list-style-type: none"> • Surya Deva, Member, UN Working Group on Business and Human Rights
10:30 - 11:00	<p>Access to remedy and NHRIs: Insights from the OHCHR's Accountability and Remedy Project II</p> <ul style="list-style-type: none"> • Lene Wendland, Chief, OHCHR Business and Human Rights Section <p>Questions & Answers</p>
<i>11:00 – 11:20 break</i>	
11:20 - 13:00	<p>Session 1: The mandate of NHRIs in facilitating access to remedy: Direct and indirect tools</p> <p><i>This session will focus on the role and mandate of NHRIs in facilitating access to effective remedy for business-related human rights abuses. Discussions will address preventive, as well as redressive measures NHRIs undertake to facilitate access to remedy both directly (e.g., handle complaints, investigate abuses, conduct inquiries and intervene in individual cases) and indirectly (e.g., raising awareness about rights and remedial mechanisms, providing legal assistance, building capacity of communities or businesses, assessing effectiveness of other grievance mechanisms, and recommending legal reform to strengthen access to remedy.</i></p> <p>Moderator: Lene Wendland, Chief, OHCHR Business and Human Rights Section</p> <p>Speakers (5 minutes each):</p> <ul style="list-style-type: none"> • Lorna McGregor, Professor, School of Law, Human Rights Centre, University of Essex • Carlos Negret, Defensor del Pueblo, NHRI Colombia • Tan Sri Othman bin Hashim, Chairperson, NHRI Malaysia (Suhakam) • Khalid Ramli, Acting Director on Cooperation and International Relations, NHRI Morocco • Zuzanna Rudzińska-Bluszcz, Coordinator for the Strategic Litigation, NHRI Poland

	<p><i>Open discussion</i></p> <p>Questions to guide interventions and discussion:</p> <ul style="list-style-type: none"> • How does your NHRI interpret and implement its general mandate to facilitate access to remedy for business-related human rights abuses? • Does your NHRI have an explicit mandate to handle complaints concerning alleged business-related human rights abuses? If yes, what methods (e.g. mediation or conciliation) can be used to facilitate access to remedy for human rights abuses? • Does your NHRI have a mandate to investigate, conduct inquiry and adjudicate individual cases of alleged human rights abuses by businesses? • Can you share any good practice examples in which your NHRI was able to facilitate effective remedy for business-related human rights abuses? • How does your NHRI facilitate access to remedy indirectly for business-related human rights abuses? Please provide concrete examples. • What are the most critical challenges and limitations (e.g., legal, practical, or financial) that your NHRI has experienced in facilitating access to effective remedy in business-related human rights abuses? How could these challenges or limitations be overcome? • What resources and political support does your Government provide to your institution in order to fulfil its mandate on facilitating access to remedy? • Where a National Action Plan on Business and Human Rights exists (or is under development), does it provide for a role for NHRIs in relation to access to remedy in case of business-related human rights abuses?
<p>13:00 - 15:00 <i>Lunch break</i></p>	
<p>15:00-18:00</p>	<p>Session 2: Remedies offered by NHRIs to affected individuals and communities: Typology and efficacy</p>
	<p><i>This session will analyse the types of remedies – e.g., preventive vs. redressive, binding vs. non-binding (recommendatory) – that NHRIs can offer to individuals or communities affected by business-related human rights abuses. It will also discuss the effectiveness of such remedies and ways to strengthen them.</i></p>
<p>15:00 -16:20</p>	<p>Part A: Binding remedies</p> <p><i>This session will analyse binding remedies that NHRIs can offer or facilitate in case of business-related human rights abuses, including in collaboration with judicial mechanisms.</i></p> <p>Moderator: Githu Muigai, Vice- Chair, UN Working Group on Business and Human Rights</p> <p>Speakers (5 minutes each):</p> <ul style="list-style-type: none"> • H.E. Amb. Emilio Izquierdo Miño, Permanent Representative of Ecuador to the UN in Geneva • Mohamed Ameerma, Commissioner, NHRI South Africa • Sultan Al-Jamali, Assistant Secretary General, NHRI Qatar • Anup Raj Sharma, Chairperson, NHRI Nepal • Levon Sargsyan, Head of Unit for Protection of Rights in the Field of Business, NHRI Armenia <p><i>Open discussion</i></p>

	<p>Questions to guide interventions and discussion:</p> <ul style="list-style-type: none"> • What binding remedies can your NHRI offer to individuals or communities affected by business-related human rights abuses? Do you consider those remedies to be effective in practice? • Which are the main challenges that NHRIs face in handling complaints by individual or communities concerning business-related human rights abuses? • Could you describe any good practices of effective cooperation between NHRIs and courts or civil society actors that contributed to delivering binding remedies in cases of human rights abuses by business enterprises?
<p>16:20 - 16:40 <i>break</i></p>	
<p>16:40 - 18:00</p>	<p>Part B: Non-binding/recommendatory remedies</p> <p><i>This session will focus on recommendatory/non-binding remedies offered by NHRIs in cases of business-related human rights abuses, such as make recommendations, gather evidence, or refer suspected breaches of law to relevant authorities.</i></p> <p>Moderator: Katharina Rose, GANHRI Geneva representative</p> <p>Speakers (5 minutes each):</p> <ul style="list-style-type: none"> • Christopher Schuller, Senior Policy Advisor, NHRI Germany • Itheme Richmond, Assistant Director, Investigation (Monitoring), NHRI Nigeria • Jernej Letnar Čerňič, Associate Professor of Human Rights Law, Nova univerza (Ljubljana/Kranj), Slovenia • Eugenia Fernán Zegarra, Primera Adjunta (e) al Defensor del Pueblo, NHRI Perú • Humberto Cantú Rivera, Professor, School of Law, University of Monterrey, Mexico <p><i>Open discussion</i></p> <p>Questions to guide interventions and discussion:</p> <ul style="list-style-type: none"> • What non-binding or recommendatory remedies can your NHRIs offer in cases of business-related human rights abuses? • What follow up actions are taken by NHRIs to effectively implement their recommendatory remedies concerning business-related human rights abuses? • What measures could be taken to strengthen the value of non-binding/recommendatory remedies offered by NHRIs in redressing business-related human rights abuses?

Friday, 11 October (10:00 – 18:00)	
10:00 - 11:20	Session 3: NHRIs’ engagement with judicial and non-judicial mechanisms in facilitating access to remedy
	<p><i>This session will focus on the role of NHRIs in enhancing corporate accountability through engagement with judicial or non-judicial remedial mechanisms (including National Contact Points and non-state-based grievance mechanisms) dealing with complaints concerning business-related human rights abuses. The session will further analyse the NHRIs role in taking preventative remedial measures for business-related human rights abuses, including through human rights monitoring, reporting and advocacy. The discussion may also address NHRIs’ cooperation with regional and international human rights monitoring mechanisms (including the Universal Periodic Review, the treaty bodies and UN independent experts).</i></p> <p>Moderator: Laura Treviño Lozano, Former Head of the Business and Human Rights Programme, NHRI Mexico</p> <p>Speakers (5 minutes each):</p> <ul style="list-style-type: none"> • Lukas Bogner, Adviser, Human Rights and Business department, the Danish Institute for Human Rights • C.S. Mawri, Assistant Registrar, NHRI India • James Mwenda Mwongera, Senior Human Rights Officer, Economic, Social and Cultural Rights Department, NHRI Kenya • Branislav Marelic Rokov, Counselor, NHRI Chile • Tuala Victor Vaauli, Senior Project Officer, NHRI Samoa • Teresa Anjinho, Deputy Ombudsman, NHRI Portugal <p><i>Open discussion</i></p> <p>Questions to guide interventions and discussion:</p> <ul style="list-style-type: none"> • How does your NHRI collaborate with other judicial or non-judicial remedial mechanisms in dealing with complaints concerning business-related human rights abuses? • Is your NHRI involved in any initiatives to stimulate effective multi-stakeholders grievance mechanisms to strengthen access to remedy for business-related human rights abuses, as well as to assess effectiveness of grievance mechanisms? • How could NHRIs collaborate with regional and international human rights monitoring mechanisms (including the UN independent experts) to facilitate access to remedy for business-related human rights abuses?
<i>11:20 – 11:40 break</i>	
11:40 - 13:00	Session 4: NHRIs’ role in facilitating access to remedy in cross-border or transnational cases: Challenges, good practices and recommendations
	<p><i>This session will focus on challenges, good practices and innovations in dealing with complaints for cases of business-related human rights abuses with a transnational or cross-border dimension. It will analyse key challenges, as well as innovative tools employed by NHRIs to facilitate access to remedy in cross-border cases.</i></p> <p>Moderator: Jernej Letnar Čerňič, Associate Professor of Human Rights Law, Nova univerza (Ljubljana/Kranj), Slovenia</p> <p>Speakers (5 minutes each):</p> <ul style="list-style-type: none"> • Augusto Jordan Rodas Andrade, Procurador de los Derechos Humanos, NHRI Guatemala

	<ul style="list-style-type: none"> • Mwamba Mushikonke Mwamus President, NHRI DRC • Anna Irene Baka, Legal Officer, NHRI Greece • John Morrison, Centre for Sport and Human Rights (CSHR), Institute for Human Rights and Business (IHRB) <p><i>Open discussion</i></p> <p>Questions to guide interventions and discussion:</p> <ul style="list-style-type: none"> • Can your NHRI deal with alleged business-related human rights abuses with a transnational or cross-border dimension (e.g., through informal visits and exchange of information, global inquiries or a cooperation arrangement with counterparts in other States)? • Which additional challenges has your NHRI faced in dealing with complaints with a transnational dimension in cases of exploitation of migrant workers, or cross-border environmental pollution? • Based on the experience of your NHRI, what priority actions would you recommend to improve the effectiveness of cross-border cooperation among NHRIs / States to strengthen access to remedy and corporate accountability for individuals and communicates affected by business-related human rights abuses?
<p>13:00 - 15:00 <i>Lunch Break</i></p>	
<p>15:00 - 16:20</p>	<p>Session 5: NHRIs’ role in assisting individuals or groups at heightened risk of human rights abuses in seeking remedies</p> <p><i>This session will analyse the role of NHRIs in assisting individuals or groups at heightened risk of human rights abuses (e.g., women, human rights defenders, indigenous peoples, minorities, LGBTI persons, children, persons with disabilities, migrants, internally isplaced persons) to access remedy in business-related human rights abuses. The session will discuss the diverse experiences, barriers that they face and ways to overcome these challenges, including by adopting a gender perspective. Discussions will also address the role of civil society actors in this context.</i></p> <p>Moderator: Humberto Cantú Rivera, Professor, School of Law, University of Monterrey, Mexico</p> <p>Speakers (5 minutes each)</p> <ul style="list-style-type: none"> • Alex Villca Limaco, Indigenous Representative of the communities Rios Tihuichi, Quiquibey y Beni • Sofia Jarrin, Coordinator, Colectivo sobre Financiamiento e Inversiones Chinas, Derechos Humanos y Ambiente (CICDHA) • Francis Kulwa Nzuki, Director for Complaints and Investigation, NHRI Tanzania • Henry Tiphagne, Executive Director of People's Watch • Mousa S. Burayzat, Commissioner General, Board of Trustees, NHRI Jordan <p><i>Open discussion</i></p> <p>Questions to guide interventions and discussion:</p> <ul style="list-style-type: none"> • Does your NHRI give any special attention to facilitate access to your complaint mechanisms by discriminated and marginalised groups? If yes, what measures have been taken in this regard? • Are there good practice examples of your NHRI supporting the work of civil society and human rights defenders (including women human rights defenders) working to secure access to effective remedy for business-related human rights abuses? • In your interaction with CSOs in case of business-related human rights abuses, what

	<p>are the main expectations of groups at heightened risk of human rights violation with regard to remedying the harm suffered?</p> <ul style="list-style-type: none"> • What gender-sensitive and gender-responsive measures your NHRI take in dealing with cases of alleged business-related human rights abuses?
<i>16:20 - 16:40 break</i>	
16:40 – 17:50	Session 6: NHRIs and access to remedy: Showcasing challenges, good practices and innovations
	<p><i>This session will collect concrete recommendations on how to strengthen the role of NHRIs in facilitating access to effective remedy for business-related human rights abuses based on good practices, innovations and lessons learned during the two-day global consultation. It will focus on a full range of measures (e.g., preventive, redressive and reform-oriented) that NHRIs could take for business-related human rights abuses.</i></p> <p>Moderator: Dante Pesce, Member, Working Group on Business and Human Rights</p> <p>Speakers (5 minutes each):</p> <ul style="list-style-type: none"> • Tamar Gvaramadze, First Deputy Public Defender (Ombudsman), NHRI Georgia • Carlos Lopez, Senior Legal Advisor, Business and Human Rights, International Commission of Jurist (ICJ) • Boubacar Amadou, Directeur, NHRI Niger • Laura Treviño Lozano, Former Head of the Business and Human Rights Programme, NHRI Mexico <p><i>Open discussion</i></p> <p>Questions to guide interventions and discussion:</p> <ul style="list-style-type: none"> • Can you share any good practice examples in which your NHRI was able to facilitate, directly or indirectly, effective remedies for business-related human rights abuses? • Are there good practice examples of your NHRI supporting the work of civil society and human rights defenders (including women human rights defenders) working to secure access to effective remedy for business-related human rights abuses? • Can you identify any innovative steps taken by your NHRI in overcoming various challenges and limitations faced in dealing with complaints concerning business-related human rights abuses? • 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? • How could NHRIs collaborate with regional and international human rights monitoring mechanisms to facilitate access to remedy for business-related human rights abuses?
17:50-18:00	<p>The way forward on the NHRIs project:</p> <ul style="list-style-type: none"> • Surya Deva, Member, UN Working Group on Business and Human Rights