

21 October 2015

**4th United Nations Forum on Business and Human Rights 2015
Geneva, Switzerland; 16-18 November 2015**

PARALLEL SESSION

**Access to Remedy and the Role of National Human Rights
Institutions**

16 November 2015, 10-11:20 AM; Room XXII

Background

The role of national human rights institutions (NHRIs) is gaining increasing international recognition and support. The UN General Assembly and Human Rights Council have both recognised the invaluable contribution that NHRIs make towards the promotion and protection of human rights.¹ National human rights institutions provide a critical link between the international human rights framework and the domestic application of those rights. They are often at the forefront of human rights education and training, and in the dissemination of information on human rights issues. They also play a significant role in remedying human rights violations by investigating complaints and conducting national inquiries. Individually and collectively, NHRIs are well placed to make a distinct, practical and measurable contribution to the realisation of human rights.

Independent NHRIs are an important part of promoting corporate responsibility to respect human rights but also an accountability mechanism. The role of NHRIs is noted under each of the three pillars of the *UN Guiding Principles on Business and Human Rights* (the Guiding Principles) – protect, respect and remedy. Under Pillar 3 on access to remedy, the Guiding Principles highlight NHRIs as an important non-judicial grievance mechanism.

In 2010, the 10th Biennial ICC Conference focused on NHRIs and business and human rights. At the end of the Conference the Edinburgh Declaration was adopted which outlines the ways in which NHRIs engage with business and human rights issues. Following the adoption of the Edinburgh Declaration, all four regional NHRI networks have adopted action plans to promote the integration of business and human rights issues into strategies and programmes at the domestic and regional level.

Over recent years, NHRIs have increased their efforts to put these plans into action in ways which may contribute towards the securing of a remedy for victims, in

¹ *National institutions for the promotion and protection of human rights*, Human Rights Council Resolution 27/18, UN Doc A/HRC/RES/27/18 (7 October 2014); *National institutions for the promotion and protection of human rights*, General Assembly Resolution 68/171, UN Doc A/RES/68/171 (23 January 2014).

addition to measures to support implementation of the first two pillars of the UN Framework.

Proposed parallel session

Overview

The Australian Human Rights Commission, the Comisión Nacional de los Derechos Humanos (Mexico), the Comisión Estatal de Derechos Humanos de Nuevo León (Mexico) and the New Zealand Human Rights Commission, in partnership with the ICC Working Group on Business & Human Rights seek to organise a session at the upcoming UN Forum on Business and Human Rights on the role of NHRIs within the remedy pillar.

The session will explore the role and potential of NHRIs, individually, collectively, and in coordination with other judicial and non-judicial grievance mechanisms to contribute to remedy for business-related human rights abuses. The panel will also explore the measures being taken by NHRIs to improve the right to effective remedy for business-related abuses through the conduct of national baseline studies, and other steps towards National Action Plans on Business and Human Rights.

Objectives

The proposed parallel session will:

- advance the role of NHRIs within the business and human rights agenda particularly in relation to enhancing accountability and access to remedy;
- identify key strategies for NHRIs to improve the right to effective remedy, including through National Action Plans on Business and Human Rights;
- identify NHRI experiences, challenges and opportunities in promoting access to remedy.

Key discussion questions

- What is the role of NHRIs in enhancing accountability and access to remedy in cases of business involvement in human rights abuses?
- How do NHRIs engage with other grievance mechanisms such as national contact points, ombudsman offices and non state-based mechanisms and those at the company or industry level? How do we achieve coherence across these mechanisms?
- How do NHRIs achieve systemic outcomes through their complaint handling and investigative functions?
- Beyond complaint handling mechanisms, what measures can NHRIs take to improve the right to effective remedy for business-related abuses, for example, through the conduct of national baseline studies, and other steps towards National Action Plans on Business and Human Rights?
- What opportunities exist for transnational cooperation between NHRIs to secure an effective remedy?

Format and panellists

The proposed session will include a panel of NHRI representatives from all regional groups.

- Africa: Ms. Jacqueline Etongue Mayer (Secretary General - Cameroon)
- Americas: Mr. Enrique Guadarrama López (Second Commissioner - CNDH) / Ms. Minerva Martínez Garza (President - CEDHNL) (Mexico)
- Asia Pacific: Ms. Aishah Bidin (Commissioner - Malaysia)
- Europe: Mr. Christopher Schuller (Policy Adviser - Germany)
- Moderator: Mr. Mauricio Lazala (Business & Human Rights Resource Centre)

The session will be structured as a facilitated discussion to encourage dialogue amongst panellists as well as with the audience during Q&A.

Link with the Forum's mandate

This session fits within the mandate of the Forum as the session will explore trends and challenges in the implementation of the Guiding Principles, in particular the Pillar 3, from the perspective of NHRIs.

Audience

The target audience of this proposed session includes all stakeholder groups at the Annual Forum. It is now well accepted that a multi-stakeholder approach is needed to effectively address business and human rights issues. An increased understanding and awareness of the unique role of NHRIs is likely to lead to greater engagement and cooperation between NHRIs and other stakeholders in the area of business and human rights.

Contact

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