

Call for input

Role of national human rights institutions in facilitating access to effective remedy for business-related human rights abuses

Introduction

Access to effective remedy for individuals and communities affected by business-related human rights abuses constitutes one of the three pillars of the UN Guiding Principles on Business and Human Rights (UNGPs). The UN Working Group on Business and Human Rights (the Working Group) in its 2017 Report to the UN General Assembly ([A/72/172](#)) unpacked what an effective remedy means under the UNGPs.

The UNGPs envisage a role for three types of mechanisms to provide access to effective remedy in business-related human rights abuses: state-based judicial mechanisms, state-based non-judicial grievance mechanisms (NJMs), and non-state-based grievance mechanisms. The UNGPs explain that while judicial mechanisms are “at the core of ensuring access to remedy”, non-judicial mechanisms such as national human rights institutions (NHRIs) have “an essential role in complementing and supplementing judicial mechanisms”.

The [Edinburgh Declaration](#) adopted by the tenth international conference of the International Coordinating Committee of NHRIs also outlines the potential of NHRIs in improving access to effective remedy for business-related human rights abuses. NHRIs can facilitate access to remedy both directly (e.g., by handling complaints concerning human rights abuses by companies) and indirectly (e.g., by raising awareness, building capacity, assisting affected rights holders and recommending legal reforms).

In resolution [38/13](#) entitled “Business and human rights: improving accountability and access to remedy”, the UN Human Rights Council recognized “*the important role of national human rights institutions in supporting activities to improve accountability and access to remedy for victims of business-related human rights abuse...*”. Moreover, the Council requested the Working Group “*to analyze further the role of national human rights institutions in facilitating access to remedy for business-related human rights abuses, and to convene a two-day global consultation on these issues, open to all stakeholders, and to inform the Human Rights Council by its forty-fourth session as appropriate*”.

As per this request, the Working Group will convene a global consultation with NHRIs and other stakeholders **on 10-11 October 2019 in room XXI, Palais des Nations, Geneva.**

In addition, the Working Group is seeking written input from all relevant stakeholders (including States, academia, lawyers, civil society organizations, and business associations) on the questions listed below. A separate call has been issued to collect input from NHRIs.

Please email your response (maximum 3,000 words) to wg-business@ohchr.org **by 15 June 2019.**

Unless indicated otherwise, the responses received will be posted on the Working Group’s website in the language in which they are received.

Questions:

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.
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?
3. 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?
4. 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?
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?
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?
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?
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?
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?
