

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

2 May 2019

**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**

**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 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 in **Geneva on 10-11 October 2019 in room XXII, Palais des**

To all NHRI

**Nations.** In addition, the Working Group is seeking written input from NHRIs on the questions listed below.

Please email your response (maximum 3,000 words) to [wg-business@ohchr.org](mailto: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\***

### **I. The role and mandate of NHRIs in facilitating access to effective remedy for business-related human rights abuses**

1. Does your NHRI have an explicit or implicit 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?
2. What types of remedies can your NHRI offer to individuals or communities affected by business-related human rights abuses? Do you consider those remedies to be effective?
3. Does your NHRI have a mandate to investigate, conduct inquiry and adjudicate individual cases of alleged human rights abuses by businesses? If yes, please provide relevant statistics in relation to complaints received and adjudicated.
4. Does your NHRI give any special attention to facilitate access to your complaint mechanisms by vulnerable or marginalised groups? If yes, what measures have been taken in this regard?
5. What gender-sensitive and gender-responsive measures your NHRI take in dealing with cases of alleged business-related human rights abuses?
6. What other measures does your NHRI undertake to facilitate access to remedy indirectly for business-related human rights abuses (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 reform of the national legal system to strengthen access to remedy)?
7. How does your NHRI collaborate with other judicial or non-judicial remedial mechanisms (e.g. courts, labour tribunals, National Contact Points, and operational level grievance mechanisms) in dealing with complaints concerning business-related human rights abuses?
8. 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 or a cooperation arrangement with counterparts in other States)?

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\* These questions are designed to facilitate focused feedback. Please feel free to respond to all or selected questions as necessary.

9. Is your NHRI involved in any initiatives to stimulate effective multi-stakeholder grievance mechanisms to strengthen access to remedy for business-related human rights abuses?
10. 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?

## **II. Challenges and limitations faced by NHRIs in facilitating access to effective remedy for business-related human rights abuses**

1. 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?
2. What additional challenges has your NHRI faced in dealing with complaints with a transnational dimension (e.g., exploitation of migrant workers, or cross-border environmental pollution)?
3. How has your NHRI dealt with complaints involving multiple victims?
4. What has been the experience of your NHRI in dealing with complaints concerning parent and subsidiary companies or the supply chain of a company?

## **III. Good practices, innovations and recommendations to strengthen the role of NHRIs in facilitating access to effective remedy for business-related human rights abuses**

1. 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?
2. 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?
3. 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?
4. 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?
5. How could NHRIs collaborate with regional and international human rights monitoring mechanisms (including the Universal Periodic Review) to facilitate access to remedy for business-related human rights abuses?

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