



The Edinburgh Declaration

1. The Tenth International Conference of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights was devoted to the role of national human rights institutions (NHRIs) in addressing Business and Human Rights. The Conference took place in Edinburgh, Scotland between October 8 –10, 2010 and was hosted by the Scottish Human Rights Commission (SHRC), in cooperation with the Office of the High Commissioner for Human Rights (OHCHR) and the International Coordinating Committee (ICC) of NHRIs. Participants thanked the SHRC, OHCHR, the Scottish Parliament and the Scottish and UK Governments for their support and dedication to the organisation of the Conference
2. NHRIs expressed their gratitude to SHRC for the excellent organisation and warm hospitality they had enjoyed. They welcomed the statements of the High Commissioner for Human Rights, the Special Representative of the UN Secretary-General on Business and Human Rights, the former High Commissioner of Human Rights and other keynote speakers as well as the interactive and productive discussions which reflected the experience and perspectives of NHRIs from all of the regions. Business representatives, Government representatives' academia and non-governmental organizations from around the world made a valuable contribution at a pre-conference Forum and the International Conference itself which informed the deliberations The Conference was also enriched by the participation of the Advocate-General for Scotland, UK Government and by the Justice Secretary, Scottish Government.
3. The Tenth International Conference adopted the following Declaration:-

The Tenth International Conference of NHRIs,

4. *Recalling* the inherent dignity, equal and inalienable rights of all human beings, the need for universal and effective recognition of human rights and fundamental freedoms, and to promote social progress and better standards of life in larger freedom, as expressed in the Universal Declaration of Human Rights;
5. *Recalling* the universality, indivisibility, interdependence and interrelatedness of all human rights;

6. *Welcoming* the UN Human Rights Council's continuing engagement with the business and human rights agenda, particularly through the mandate of the UN Secretary-General's Special Representative on Human Rights and Transnational Corporations and Other Business Enterprises; the greater understanding and clarity about the appropriate roles and responsibilities of States and business with regard to human rights and the right of victims to access remedy emanating from the "Protect, Respect, Remedy" Framework;
7. *Welcoming* the proposal by the Special Representative to develop Guiding Principles for implementation of the "Protect, Respect, Remedy" Framework;
8. *Acknowledging* that the responsible operation of business and effective regulation can contribute to promoting respect, protection and fulfilment of human rights and assist in channelling the benefits of business toward this goal and that it is crucial that States create a legal framework to appropriately and effectively regulate the activities of business corporations;
9. *Acknowledging* the need for NHRIs to work collaboratively with NGOs in implementing their mandate sharing knowledge and expertise and welcoming the NGOs Plan of Action presented at the NGO Forum of the 10th International Conference;
10. *Reaffirming* the importance of effective national institutions for the promotion and protection of human rights, vested with competence to promote and protect human rights and enjoying as broad a mandate as possible, in line with the Principles relating to the status of national institutions under UN General Assembly Resolution 48/134 20 December 1993 (Paris Principles);
11. *Emphasising* the important role national human rights institutions can play in addressing corporate-related human rights challenges, both as a body at the international level, at the regional level and individually at the national level;
12. *Welcoming the thematic areas discussed in the Regional Working groups of the conference: Child labour, human trafficking, privatisation, public procurement, safe and healthy environment, and endorsing the recommendations made in the specific working groups*

Hereby agree:

13. To follow up this Biennial Conference by

Encouraging ICC Regional Networks and individual NHRIs to consider the practical functions they can fulfil in promoting enhanced protection against corporate-related human rights abuse, greater accountability and respect for human rights by business actors, access to justice for victims and establishing multi-stakeholder approaches including but not limited to the following initiatives:

A . Promotion/Education/Research

- I. Undertaking workshops on business and human rights in each ICC Region, in coordination with the ICC Working Group on Business and Human Rights and OHCHR inviting participation from relevant stakeholders, including regional stakeholders from government, labour, business and NGOs;
- II. Engaging with their respective governments to promote a greater awareness of the impact of business enterprises on the realisation of human rights, and the relevant State obligations with regard to the promotion and protection of human rights in their own jurisdiction and extra-territorially;
- III. Advocating and advising governments to introduce or strengthen and implement national legislation and regulations that meet international best practice in the prevention of human rights violations by business corporations including labour rights;
- IV. Providing guidance to business on how to integrate human rights into their every day business to translate human rights principles and into a language that business can relate to, fostering corporate cultures respectful of human rights;
- V. Conducting research to assess the impacts of business operations on the realization human rights of communities;
- VI. Creating a database, newsletter, web page to share best practices between all NHRIs on promotion, monitoring cases and other areas;
- VII. Enhancing the capacity of NHRIs in dealing with business and human rights issues, through training and exchange visits;
- VIII. Facilitating dialogue between government, corporations and other business enterprises and civil society, including human rights defenders and trade unions on the above issues;

B. Monitoring

- I. Monitoring and documenting violations of human rights by corporations operating or registered under the domestic jurisdiction;
- II. Examining the conditions of access to justice for all, including through conducting public enquiries, with particular reference to indigent, vulnerable and marginalised groups, affected by the business corporations and the private sector,

- III. Reviewing national human rights actions plans and relevant programmes to ensure human rights based approach to business is included;
- IV. Interacting with international and regional human rights mechanisms to report and monitor the implementation of relevant human rights instruments and standards;

Noting that monitoring may involve a wide range of activities and NHRIs may wish to consider and discuss them within various regional and international meetings.

C. Complaints Handling

NHRIs with complaint handling functions could consider:

- I. Promoting within the community and the business sector an awareness of their respective roles in monitoring and receiving complaints of human rights violations by business entities, as well as other remedies;
- II. Handling complaints related to corporate human right abuse using their quasi-judicial powers, including through conciliation, mediation, and making recommendations or orders to improve the situation;
- III. Co-operating in the development of a database on the regulatory framework and remedies available in their respective jurisdictions;
- IV. Utilising their complaints mechanisms, and the outcomes of complaints and inquiries, to monitor on-going practices of business entities;
- V. Working closely with the judiciary to promote access to justice, and handling cases related to public interest litigation.

D. Mediation and Conciliation

- Mediate between enterprises, trade unions, governments and victims of business-related abuse;
- Assist the victims of business-related abuse to seek redress and compensation;
- Refer cases to the domestic jurisdiction for follow-up

14. NHRIs may further consider:

- Establishing partnerships with organisations in the area of corporate social responsibility including the including the UN Global compact, the media, academia, business organisations, trade unions and national, regional and international organisations.
- Reviewing in each ICC Regional Network national Action Plans on Business and Human Rights prepared by each NHRI;

- Creating focal points within their respective organisations on business and human rights;
- Reporting, via Regional Chairs, to the ICC Annual Meeting starting from May 2011 in Geneva on progress towards the development of national action plans.

Adopted on 10 October 2010
Edinburgh