Business and Human Rights 101: A National Human Rights Institution Primer

This fact sheet is intended to provide an overview of how national human rights institutions (NHRIs) contribute to the promotion of business and human rights in their domestic jurisdictions, as well as through regional and international cooperation efforts.

Business and human rights encompasses State obligations to protect human rights, the corporate responsibility to respect human rights, and the need for access to remedies for victims of corporate human rights abuses. This includes the diverse activities of stakeholders to promote better business practices and increased awareness and accountability of business enterprises with respect to human rights.

NHRIs are independent, public bodies with broad mandates in national law to promote and protect human rights. In the implementation of their domestic human rights mandates, NHRIs have engaged with business enterprises for many years. Indeed, the special role and expertise of NHRIs with respect to business and human rights has been recognized across all three pillars of the United Nations (UN) Protect, Respect and Remedy Framework. NHRIs are committed, individually and collectively, to help advance the UN Guiding Principles on Business and Rights in collaboration with all stakeholders.

NHRIs and the Protect, Respect and Remedy Framework

The UN Human Rights Council explicitly affirmed the important role of NHRIs on business and human rights in its endorsement of the UN Guiding Principles on Business and Human Rights.1 The Guiding Principles also highlight the role and functions of NHRIs under each of pillar of the UN Protect, Respect, Remedy framework.

As part of the State duty to protect through its regulatory and policy functions, “National human rights institutions that comply with the Paris Principles have an important role to play in helping States identify whether relevant laws are aligned with their human rights obligations and are being effectively enforced, and in providing guidance on human rights also to business enterprises and other non-State actors” (Guiding Principle 3).

As part of the corporate responsibility to respect, the Guiding Principles emphasize the importance of issues of national and local context in complying with international human rights standards. In this regard, companies will be well advised to “consult externally with credible, independent experts, including from governments, civil society, national human rights institutions and relevant multi-stakeholder initiatives” (Guiding Principle 23).

Within the access to remedy pillar, NHRIs are highlighted as one of the State-based grievance mechanisms that are administered by an independent body on a statutory or constitutional basis (Guiding Principle 25). Furthermore, NHRIs are said to have a particularly important role in providing effective and appropriate non-judicial grievance mechanisms (Guiding Principle 27).

What are NHRIs?

NHRIs established in accordance with the 1993 UN General Assembly’s *Paris Principles* must have a broad mandate in national law to promote and protect human rights, including through monitoring and advising governments, investigating human rights abuses, engaging with international human rights bodies (e.g. in the UN and regional organisations), via public and professional education and research.

More than one hundred countries worldwide have established NHRIs. Six models of NHRIs exist today, namely: human rights commissions, human rights ombudsman institutions, hybrid institutions, consultative and advisory bodies, institutes and centers, and multiple institutions.

Founded in 1993, the International Coordinating Committee (ICC) of NHRIs promotes coordination of NHRI activities globally. The ICC Bureau draws its members from the ICC’s four regional networks (the Network of African National Human Rights Institutions, the Regional Network of the Americas, the Asia-Pacific Forum, and the European Group of NHRIs).

Through the ICC’s accreditation process, the independence and impartiality of NHRIs is reviewed. Currently, there are 68 A-status NHRIs, meaning that they are assessed as meeting the highest standards with respect to the following criteria: mandate and competence, autonomy from government, independence, pluralism, adequate resources, and adequate powers of investigation.

In March 2009, an ICC Working Group on Business and Human Rights was established to support strategic planning and capacity development of NHRIs on business and human rights. The Working Group is currently chaired by the Canadian Human Rights Commission and counts representatives from each ICC region and from the Office of the ICC Chair.

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To see the *Paris Principles* please visit: [http://www2.ohchr.org/english/law/parisprinciples.htm](http://www2.ohchr.org/english/law/parisprinciples.htm)

For a directory of NHRIs see: [http://nhri.ohchr.org/EN/Contact/NHRIs/Pages/default.aspx](http://nhri.ohchr.org/EN/Contact/NHRIs/Pages/default.aspx).


For further information about the ICC see: [http://nhri.ohchr.org/EN/Pages/default.aspx](http://nhri.ohchr.org/EN/Pages/default.aspx)

For more information about the Working Group see: [http://nhri.ohchr.org/EN/Themes/BusinessHR/Pages/Home.aspx](http://nhri.ohchr.org/EN/Themes/BusinessHR/Pages/Home.aspx)
The ICC Working Group provides leadership and support to international cooperation efforts of NHRIs on business and human rights. Some of its initiatives include:

- supporting development and implementation of the ICC’s 2010 *Edinburgh Declaration* on Business and Human Rights;
- conducting a baseline survey of NHRIs’ needs, priorities and mandate on business and human rights;
- supporting regional workshops for NHRIs on Business and Human Rights in Africa, Asia-Pacific, the Americas and Europe;
- producing a manual and training programme for NHRIs on business and human rights;
- hosting a multi-stakeholder event on Business, Women and Children’s Rights;
- establishing a web portal for NHRIs on business and human rights;
- promoting awareness of NHRI roles in business and human rights with governments, the private sector, trade unions and civil society, including in the implementation of the UN Guiding Principles on Business and Human Rights, the OECD Guidelines for Multinational Enterprises and Common Approaches on Export Credit Guarantees and UN Global Compact; and
- developing indicators to support NHRIs in integrating the UN Guiding Principles into monitoring and reporting activities in processes such as UN Universal Periodic Review and human rights treaty reporting.

### The Edinburgh Declaration⁷

At the 10th international conference of NHRIs in Edinburgh, Scotland in 2010, NHRIs agreed to promote and protect human rights as they relate to business, including through:

- monitoring compliance by the state and non-state actors, including businesses, with human rights;
- providing and/or facilitating access to judicial and/or non-judicial remedies, for example by supporting victims, handling complaints and/or undertaking mediation and conciliation;
- conducting research and undertaking education, promotion and awareness-raising activities;
- advising all relevant actors on how to prevent and remedy potential or existing abuses; and
- integrating human rights and business issues when interacting with international human rights bodies, including UN Treaty Bodies, UN Special Procedures, the UN Human Rights Council and the Universal Periodic Review, as well as regional human rights mechanisms.

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⁶ [http://nhri.ohchr.org/EN/Themes/BusinessHR/Pages/Home.aspx](http://nhri.ohchr.org/EN/Themes/BusinessHR/Pages/Home.aspx)

⁷ For more information and the full text of the *Edinburgh Declaration* see: [http://nhri.ohchr.org/EN/Themes/BusinessHR/Pages/10th%20Biennial%20Conference%20of%20the%20ICC.aspx](http://nhri.ohchr.org/EN/Themes/BusinessHR/Pages/10th%20Biennial%20Conference%20of%20the%20ICC.aspx)
Examples of NHRI actions to promote business and human rights

State Duty to Protect

- Monitoring national government measures to regulate business, to promote access to justice for victims of corporate human rights abuses, and to promote consistency with the Guiding Principles of positions taken by governments across domestic and international arena (e.g. export credit supports and trade negotiations).
- Advancing proposals for legal reform to promote implementation of the Guiding Principles at national level.
- Supporting government and the public sector more broadly on business and human rights (e.g. State enterprises, local government, and public authorities such as armed forces, health, education and housing sectors).

Corporate Responsibility to Respect

- Translating human rights principles into language and operational standards that duty-bearers can understand. Accordingly, NHRIs can develop user-friendly guidance for businesses explaining the Guiding Principles and how to integrate respect for human rights into business operations.
- Investigating and reporting on impacts of businesses operating in or from the jurisdiction on the realization human rights of communities, individuals, human rights defenders, and trade unions.
- Convening and facilitating dialogue and collaboration among key stakeholders in business, government and civil society, to promote awareness, understanding and operationalization of the Guiding Principles at national level, as well as trans-nationally on a bilateral and regional basis.

Access to Remedy

- Promoting awareness of avenues for redress, including judicial and non-judicial mechanisms, their own monitoring and receiving complaints of human rights violations by business entities, and cooperating with the judiciary.
- Handle complaints and grievances relating to corporate human right abuses including, where the NHRI’s legal mandate allows, through conciliation, mediation, supporting individual cases and legal assistance.
- Identify obstacles to access to justice for victims of abuses by companies operating in or registered in the national jurisdiction e.g. through public enquiries and research.

NHRIs are committed to collaborating with all stakeholders to advance business and human rights across all three pillars of the UN Protect, Respect and Remedy Framework at national, regional, and international levels.