

Engaging in the Universal Periodic Review process and follow-up on business and human rights - Fact Sheet 1 of 2 -

This Fact Sheet is intended to promote awareness and engagement of NHRIs on business and human rights issues in the second cycle of the Universal Periodic Review (UPR)

➤ **The Universal Periodic Review (UPR) is a process established under the auspices of the UN Human Rights Council (HRC), which aims to improve the human rights situation on the ground in each of the 193 UN Member States and address human rights violations wherever they occur. According to Human Rights Council Resolution 16/21, the second cycle of the UPR starts in 2012 and will be completed by 2016.**

➤ **In 2011 the UN Human Rights Council encouraged National Human Rights Institutions (NHRIs) to build their capacity on business and human rights. The 2011 UN Guiding Principles on Business and Human Rights also highlight NHRIs' role across the UN "Protect, Respect, Remedy" framework on business and human rights**

➤ **The second cycle of the UPR is an important opportunity for NHRIs to entrench their roles as important actors supporting the achievement of respect for human rights in the corporate sector.**

What are NHRIs?

NHRIs are independent, expert bodies on human rights established through national laws or constitutions. NHRIs have a legal mandate to engage in activities to promote and protect human rights. These activities can include outreach and human rights education. NHRIs are not NGOs (non-government organisations). They are public bodies, part of the state but independent of the national government. Their roles are distinct yet complementary to those of NGOs and governments. To guarantee their independence, pluralism, and effectiveness, NHRIs are subject to periodic peer review and accreditation.

How can NHRIs take part in the UPR process?

UN Human Rights Council Resolutions 5/1 and 16/21 confirmed the following opportunities for NHRIs to contribute to the UPR:

UPR Process

- ▶ **Submit information for inclusion in the summary of information provided by relevant stakeholders prepared by the Office of the UN High Commissioner for Human Rights (OHCHR)**
 - ▶ *Paris Principles*-compliant NHRIs are entitled to have their information located in a dedicated section of the report prepared by OHCHR
- ▶ **Attend the examination of their country by the UPR Working Group in Geneva**
- ▶ **Make comments at the HRC before adoption of the UPR Working Group's report on their country**
 - ▶ *Paris Principles*-compliant NHRIs are entitled to intervene immediately after their State during the Council's adoption of the UPR report on that State
- ▶ **Support implementation of UPR recommendations (recognizing that the primary responsibility for this lies with the State)**

UPR Follow Up Process

- ▶ **Publicize and disseminate UPR outcomes to rights-holders, government, business and civil society**
- ▶ **Use UPR recommendations to inform and drive national activities, including NHRIs' strategic and operational plans, activities, research and human rights education**
- ▶ **Organize post-UPR discussions with government and civil society as an impetus to implementation**
- ▶ **Monitor and report on the implementation of UPR outcomes**
- ▶ **Periodically report back on the implementation of UPR recommendations at Human Rights Council sessions (*Paris Principles*-compliant institutions)**
- ▶ **Incorporate UPR recommendations into reports to other UN human rights mechanisms**

What Can NHRIs Contribute?

NHRIs can consider the following in developing their submissions and participation in the UPR process and follow-up:

UPR Process

- ▶ **Highlight significant breaches of human rights occurring in the context of business activities in their state, or resulting from the activities abroad of transnational companies based in their state, with a focus on**
 - ▶ **Groups at risk of marginalization or vulnerability, such as indigenous peoples, women, children and persons with disabilities**
 - ▶ **High risk sectors**
 - ▶ **Key issues in the context of their state, such as working conditions, environmental impacts, employment discrimination, impacts on land ownership and use, impacts on access to food and water**
- ▶ **Undertake a national baseline study based on the UN Guiding Principles on Business and Human Rights and feed in key findings relating to failures by government, business enterprises or other duty-bearers to meet expectations under the UN 3-pillar framework, or failures of access to an effective remedy for victims of human rights abuses in the corporate sector, whether domestically or extraterritorially**
- ▶ **Highlight the need for inclusion of relevant BHR stakeholders and rights-holders affected by business and human rights issues, in and outside their jurisdiction where possible, in State consultation processes for the preparation of information provided under the UPR**
- ▶ **Include rights-holders affected by business activities in the NHRI's own consultation processes**
- ▶ **Highlight the need for horizontal policy coherence across all areas of state legislation and policy, in line with Pillar I of the UN Guiding Principles**
- ▶ **Highlight any promotional actions by the NHRI on business and human rights issues, such as collaboration with UN Global Compact Local Networks, networks of rights-holders, business associations or civil society**
- ▶ **Assess and comment on the State's acceptance of and actions to implement the UN Guiding Principles on Business and Human Rights, and any other actions by the state relevant to business and human rights issues, e.g. highlighting developments since the previous review**

- ▶ Highlight NHRI activities in the area of business and human rights, including with respect to the three pillars of the Protect, Respect and Remedy framework
- ▶ Present an assessment of the State's follow-up to the previous review on issues, recommendations and commitments related to BHR
- ▶ Ensure that there is one or more specific concrete recommendation in the NHRI report on business and human rights issues, including with respect to the implementation of the UN Guiding Principles on Business and Human Rights

UPR Interactive Dialogue at the Human Rights Council in Geneva

- ▶ Develop strategies and communication materials in order to encourage affected rights-holders and their representatives, and other stakeholders, to contribute to the review process in Geneva, with a special focus on rights holders from groups at risk of vulnerability or marginalisation
- ▶ Take the opportunity provided by plenary addresses to highlight business and human rights issues and request additional voluntary commitments from States
- ▶ Use the window between the adoption of the Report of the Working Group on the UPR and the adoption of the Outcome document to consult with and encourage governments States to obtain acceptance on recommendations and additional voluntary commitments

UPR Follow Up Process

- ▶ Undertake an analysis of the UPR Outcome with reference to the UN Guiding Principles on Business and Human Rights and disseminate key findings to rights-holders, duty-bearers, and other relevant stakeholders and networks
- ▶ Monitor the development and adoption of UPR implementation plans and/or integration of UPR follow-up in National Human Rights Plans in order to ensure the business and human rights issues are adequately addressed
- ▶ Address any recommendations on business and human rights issues that have not been accepted and propose "practical strategies to reach the objectives that those recommendations were designed to achieve"
- ▶ Proactively seek financial and technical assistance for the implementation of business and human rights related recommendations, including support to affected rights-holders, with a focus on groups at risk of vulnerability or marginalization, the NHRI and other stakeholders to contribute to their implementation
- ▶ Identify areas where business enterprises may have a responsibility and role in supporting the implementation of recommendations related to business and human rights and propose potential partnerships between the NHRI, the government and the private sector as well as interest groups and other civil society organizations where relevant in the implementation of those recommendation

▶ **Develop UPR “outcome charters” with indicators on business and human rights and publishing annual progress reports on implementation**

▶ **Submit updates on the status of implementation of business and human rights-related UPR recommendations (under item 6 of the HRC regular sessions agenda).**

▶ **Ensure business and human rights related issues are integrated the mid-term reports on the status of implementation of UPR recommendations**

▶ **Seek additional voluntary commitments on BHR issues that had not been sufficiently addressed in the UPR Outcome**

Timelines for Contributing

The Office of the High Commissioner for Human Rights recently published the deadlines for stakeholders’ (National Human Rights Institutions and NGOs) submission of information for the entire second cycle: <http://www.upr-info.org/+Deadlines-for-stakeholders+.html>

For further information please explore the following links:

UPR Info: <http://www.upr-info.org/>

ICC Working Group on BHR: <http://nhri.ohchr.org/EN/Themes/BusinessHR/Pages/Home.aspx>

UN Guiding Principles on Business and Human Rights: <http://www.business-humanrights.org/SpecialRepPortal/Home/Protect-Respect-Remedy-Framework/GuidingPrinciples>

OHCHR, “Information Note for National Human Rights Institutions on the Second Cycle of the Universal Periodic Review,” <http://www.ohchr.org/EN/HRBodies/UPR/Pages/NoteNHRIS.aspx>

OHCHR, “Practical Guide for Civil Society,” <http://www.ohchr.org/EN/HRBodies/UPR/Documents/PracticalGuideCivilSociety.pdf>

ICC Paper on “National Human Rights Institutions and Universal Periodic Review Follow-up,” <http://nhri.ohchr.org/EN/IHRS/UPR/Documents/FINAL%20ICC%20paper%20on%20NHRIs%20UPR%20follow%20up.pdf>

DIHR: Spot On, Universal Periodic Review, An Introduction: <http://humanrights.dk/knowledge/theme/theme+about+the+universal+periodic+review/spot+on>

DIHR: UPR First Cycle, Reporting methodologies from the position of the state, civil society and NHRI(http://menneskeret.dk/files/pdf/Tema/UPR/UPR-First_cycle-reporting_methodologies.pdf)