National human rights institutions and the UN Global Compact:
Building stronger links and capturing synergies

Informal note for UN Global Compact Human Rights Working Group

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1. Introduction

1.1 National human rights institutions (NHRIs)

National human rights institutions (NHRIs) are independent public bodies with responsibility for promoting and protecting human rights. According to the UN Paris Principles¹, the main functions of NHRIs include monitoring and advising home governments, promoting human rights through education and other activities, and coordinating with international bodies on human rights issues.

Over 100 countries have established NHRIs and more than two-thirds of these are accredited to ‘A’ status, meaning they meet the highest standards of independence, objectivity and pluralism.

1.2 International Coordinating Committee (ICC) of NHRIs

In 1993, NHRIs established the International Coordinating Committee (ICC) to secure greater coordination of their activities worldwide. The ICC Bureau, the ICC’s governing body, comprises 16 members, drawn from the ICC’s 4 Regional Networks (Africa, Americas, Asia-Pacific and Europe).² The ICC is incorporated under Swiss law.

1.3 NHRIs and the UN

Since the early 1990s, the crucial role of NHRIs in securing effective implementation of international human rights standards at national level has been increasingly recognized. Within the UN Office of the High Commissioner for Human Rights (OHCHR), the National Institutions and Regional Mechanisms Unit (NIRMs) leads cooperation and capacity-building activities with NHRIs, in

² Further information on the ICC is available via www.nhri.net. See also: Network of African NHRIs (http://www.nanhri.org/index.php?option=com_frontpage&Itemid=1); Asia Pacific Forum (http://www.asiapacificforum.net/); and Network of National Institutions of the American Continent (http://www.rindhca.org.ve/).
collaboration with other UN partners (e.g. UNDP), and the UN Secretary-General reports regularly to the UN HRC on progress made. NHRIs are also entitled to participate in UN Human Rights Council proceedings, including UPR, for example, through written and oral presentations.

1.4 Human rights and business: the NHRI role

According to the UN Paris Principles, NHRIs must have a broad mandate to protect and promote human rights at national level. As the current UN High Commissioner for Human Rights, Navi Pillay, affirmed in March 2010, this includes business and human rights as a core element.

The UN Secretary-General’s Special Representative on Business and Human Rights, Prof. John Ruggie, has also recognized that NHRIs have a critical role to play in supporting operationalisation across the three pillars of the protect, respect, remedy framework. While NHRIs can monitor and evaluate the adequacy of regulation and enforcement under the first pillar, for example, they can also engage in promotion and partnership with businesses and other stakeholders to encourage fulfillment by businesses of their responsibilities under the second. Many NHRIs are empowered to undertake mediation and conciliation activities, and in some cases have quasi-judicial functions, so that in addition they can contribute to establishment of effective remedies under Pillar Three.

Most NHRIs are already engaged in business and human rights activities, including:

- Convening round-table stakeholder discussions (e.g. Kenya, Korea, Scotland, Morocco)
- Developing best practice guidance for businesses on human rights issues (e.g. Australia, GB)
- Investigating and conciliating communications and complaints from individuals and communities (e.g. Cameroon, India, Malaysia)
- Developing benchmarks and tools to support implementation within companies (e.g. Denmark, Canada)
- Legislative review and recommendations (e.g. Uganda, France)
- Providing training on business-related issues (e.g. Malaysia).

The issues addressed through these activities range widely, from migrant workers and trafficking, indigenous peoples’ rights, resettlement and land rights, child labour, discrimination, to privacy, service standards in privatized utilities and environmental degradation.
1.5 Human rights and business: current ICC actions

1.5.1 ICC Working Group on Business and Human Rights

In 2009, the ICC Bureau established a Working Group on Business and Human Rights, to coordinate and develop NHRI actions on business and human rights. The Working Group has completed a Baseline Survey of NHRIs’ activities, needs and priorities on business and human rights, and will develop a Guide for NHRIs on Business and Human Rights in 2011. The Working Group is facilitating ICC participation in the UN SRSG process and other international and regional policy developments, for instance, the OECD Guidelines for Multinational Enterprises Review and consultation on the EU’s new CSR policy.

1.5.2 ICC Biennial Conference 2010 & follow-up actions

In October 2010, over 80 NHRIs participated in the ICC’s 10th Biennial Conference, Business and Human Rights: The Role of NHRIs, held in Edinburgh, Scotland. In the Conference’s concluding Declaration, NHRIs strongly reaffirmed the need to engage with stakeholders, including business and the UN Global Compact, to work towards full effectiveness of human rights in the corporate sphere, for example, through advice, education, promotion and awareness-raising activities. 3 It was also decided to hold thematic seminars on business and human rights during 2011 in each of the four ICC Regions.

2. NHRIs and the UNGC: untapped potential?

To date, there have been positive relations between the UNGC and NHRIs. The UNGC has outreached to certain NHRIs and participated at NHRI events, and one NHRI is a member of the UNGC Human Rights Working Group. Likewise, on an individual basis, a few NHRIs have established contact with the UNGC and started to engage in supportive activities. 4 However, a more strategic approach could be developed that would allow UNGC and NHRI activities to be linked more systematically and coherently. As a start, mutual recognition could be established between the ICC and UNGC, taking a lead from the recent formalization of OECD-UNGC relations. As observed by Mary Robinson when addressing the ICC Conference, the development of UNGC Local Networks would be likely to benefit from linkages with NHRIs. Materials for UNGC participants could identify NHRIs as possible partners, explaining their

4 See e.g. http://www.globalcompactsassessment.org/
role and functions in relation to business, and offer guidance as to services NHRIs may be able to provide, or opportunities for collaboration – and materials on the UNGC could be developed for NHRIs, to inform them and facilitate their promotion of the UNGC at national level. Measures to encourage a greater number of NHRIs to enter the UNGC as participants could be set in train.

3. Capturing UNGC-NHRI synergies: next steps?

The ICC Working Group on Business and Human Rights thus invites the UN Global Compact Human Rights Working Group to engage in brainstorming and discussion as to practical steps that could now be initiated to promote a greater capturing of synergies between the programmes and activities of the UN Global Compact, its Local Networks and participants, on one hand, and the ongoing efforts of NHRIs in the business and human rights field on the other.

Amongst ideas for further reflection are suggested the following:

- Developing a Good Practice Note on UNGC-NHRI collaboration, highlighting examples of successful initiatives involving collaboration between NHRIs and businesses
- Including a session on NHRIs at the next UNGC Annual Networks Forum
- Establishing NHRIs as a new UNGC stakeholder category
- Integrating appropriate references to NHRIs in Local Network Guidelines and Recommendations, and supporting materials (e.g. Toolkit)
- UNGC Principles 1 & 2: Introducing appropriate references and guidance regarding NHRIs into materials
- Exploring scope for and assessing value of concluding a UNGC-ICC letter of understanding or similar (cf. OECD-UNGC)
- Publicising NHRIs-UNGC synergies and collaborations at key UNGC events e.g. UNGC Leaders’ Summit, Human Rights Day
- Exploring potential to link UNGC Local Networks Regional Networks and corresponding ICC Regional Networks
- Including information on UNGC in the ICC Guide for NHRIs on Business and Human Rights to be developed in 2011
- Exploring opportunities for UNGC participation in ICC Regional Seminars on Business and Human Rights to be held in 2011.

The ICC Working Group on Business and Human Rights and ICC Chair welcome the opportunity provided by the UNGC Human Rights Working Group to raise these issues for discussion and look forward to continuing dialogue and coordination in support of stronger collaboration in future.