10th International Conference of NHRIs: Human Rights and Business: The Role of NHRIs
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STATEMENT

BY

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UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS
Honourable Members of Parliament,
Representatives of Governments, National Human Rights Institutions, non-governmental organisations and United Nations Organisations;
The Chairperson of the International Coordinating Committee of NHRIs (ICC);
Distinguished Experts, Ladies and Gentlemen,

It is an honour to address the 10th International Conference of National Human Rights Institutions (NHRIs), jointly organised by the ICC, the Scottish Human Rights Commission and OHCHR.

The international community has recognised the valuable role that National Human Rights Institutions (NHRIs) can play in promoting and monitoring the effective implementation of international human rights standards at the national level. Through regional networks of NHRIs and individually, NHRIs are also increasingly interacting with international human rights mechanisms. The topic of this 10th International Conference is indeed an indication of the significant role NHRIs have in addressing important challenges, such as the responsibility of business with regard to human rights and the effective response by human rights bodies to corporate-related human rights abuse.

The issue of human rights and business has been subject to considerable and growing attention over the last two decades. Corporate activities and investments are recognized as a vital force in enabling economic and social development, which is so inextricably linked with human rights and security. However, business enterprises may also become involved in human rights abuse or obstruct the realization of human rights, both directly and indirectly.

There are several ongoing efforts to close the gap between current corporate impact and the need for better management of human rights challenges related to the business corporations, and ensuring corporate respect for human rights. These efforts include voluntary commitments by various business entities themselves, State, regional and
inter-governmental level initiatives; civil society monitoring and advocacy, multi stakeholder initiatives such as the UN Global Compact where participating business entities commit to support and respect ten universally accepted principles in the area of human rights, labour rights, environment and anti-corruption.

The first two principles of the UN Global Compact, which are derived from the Universal Declaration of Human Rights are: Principle 1 - Businesses should support and respect the protection of internationally proclaimed human rights; and Principle 2 - Business should make sure that they are not complicit in human rights abuses.

In June 2006, the Global Compact Board established a Human Rights Working Group. OHCHR is a member of this working group, chaired by Mary Robinson. I would like to warmly welcome her to this meeting and look forward to her key note presentation.

Through our active involvement in the Global Compact and in collaboration with other partners, we have also contributed to the development of practical tools for business on human rights that aim at enhancing business understanding of human rights and the ability to integrate human rights into business management. Indeed this would be a useful forum for NHRI’s to engage with in relation to business and human rights.

Since 2005, the work on business and human rights at the international level has been anchored in the work of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (herein the Special Representative), Professor John Ruggie. The Special Representative’s efforts have received active support from OHCHR since the beginning of his mandate.

OHCHR works closely to build the capacity of NHRI’s through National Institutions and Regional Mechanisms Section (NIRMs). Cooperation between NHRI’s – and especially the ICC – and OHCHR in relation to business and human rights is an on-going activity and should continue to be strengthened in order to enhance the capacity of NHRI’s to monitor the protection and promotion of human rights at the national level and
specifically in relation to the corporate sector. I wish to highlight some of these significant initiatives.

In 2008 the Special Representative presented the “Protect, Respect, Remedy” Framework for business and human rights, which was met by unprecedented support. In June 2009, approximately 30 representatives from NHRIs, NGOs and member States met at a side event during the 11th Session of the Human Rights Council, organized by the ICC in collaboration with the OHCHR, aimed at developing a broad understanding of the emerging role of NHRIs on the business and human rights agenda, focusing in particular on the issues canvassed by the Special Representative action. The Special Representative is currently engaged in an extensive round of consultations with key stakeholder groups on the content of Guiding Principles for implementation of the Framework which he intends to present to the Human Rights Council in June next year. I am pleased that the Special Representative is present today to share with us his proposals for key issues that may be included in the Guiding Principles and outline the various steps of the consultation process.

Leading up to this Conference, at the 14th session of the Human Rights Council in May this year, OHCHR co-organized with the ICC and the Government of Norway a side event in Geneva on the role of NHRIs with regard to business and human rights. During that meeting I highlighted the particularly important role that NHRIs play at the national level for enhancing access to remedies for victims of corporate human rights abuse. In fact, NHRIs have a potential role to play in relation to all three pillars of the “Protect, Respect, Remedy” Framework and in addressing business-related human rights challenges. In this regard, a number of activities that can be undertaken by NHRIs. These include monitoring and reporting on grievances, advising on legal reform, handling business-related complaints, outreaching and engaging with business about human rights issues and facilitating dialogue between States, business and communities whose human rights have been impacted by corporate activities. NHRIs from Kenya, Jordan and Scotland elaborated on work done by their respective institutions. Notably in Kenya, the NHRI conducted a public inquiry related to allegations of human rights violations arising
from the activities of Salt Companies in the coastal area of Kenya. The inquiry investigated the allegations made by the community and formulated orders and recommendations to improve the situation. The NHRI from Jordan presented its work in relation to labour rights training for labour inspectors, and company owners, and mediating cases related to business and human rights. I am encouraged by the specific initiatives and activities that NHRIIs have been undertaking and recommend that these initiatives be documented and compiled as best practices to share among NHRIIs.

In 2008, OHCHR published the results of a survey to feed into the work of the Special Representative. It provided information on the mandate and capacities of NHRIIs to manage corporate-related grievances and highlighted that there are significant differences in terms of competence in complaints handling. Out of the 41 responding NHRIIs, 13 reported that they did not have a mandate to deal with corporate-related complaints; 10 NHRIIs reported having the mandate to deal with complaints with regard to any rights related to only certain kinds of companies such as state-owned business enterprises or private business enterprises exercising public functions; 8 were able to handle complaints with regard to any kind of business enterprises but only regarding certain rights issues; and 10 NHRIIs possessed full competence in dealing with any kind of business enterprises and any types of rights. NHRIIs however have been conducting various activities in this field.

Besides handling specific complaints, NHRIIs have a broad mandate to protect and promote human rights, as stipulated in the Paris Principles and can contribute to supporting the prevention and resolution of disputes over corporate-related human rights abuses. These can include convening multi-stakeholder’s discussions and advocacy around specific issues; providing training to companies; providing information to individuals and communities about other grievance mechanisms that they can access in the event of alleged human rights abuses by companies; and providing advice and support to access such mechanisms. The Asia Pacific Forum of National Human Rights Institutions (APF) has developed a publication that sheds light on functions NHRIIs can fill in the context of monitoring and addressing corporate-related human rights abuse.
which include conduct of public inquiries and fact-finding missions; investigating individual and systemic human rights and discrimination complaints; dispute resolution; enforcement of outcomes; ongoing compliance monitoring; dissemination of findings; advocacy; and provision of recommendations to respondents, governments and other stakeholders. This publication could be a useful tool for NHRI's work in this area.

Several NHRI are already conducting activities in the area of business and human rights and undertaking monitoring and reporting on human rights abuses in the business sector, facilitating legislative reform, building capacity of State institutions, as well as working with business enterprises for the promotion and protection of human rights. Their experience regarding priorities and strategies to enhance the application of human rights norms in the context of the corporate sector will be of great use for others. I welcome the initiative of the ICC to establish a Working Group on business and human rights. This demonstrates the relevance and significance of the roles and functions of NHRI with regard to the business and human rights agenda. I look forward to learning more about the activities of this Working Group.

This conference is a timely opportunity to take stock of the work of NHRI on human rights and business, share experience and discuss how to overcome the many challenges associated with this issue. It also provides an important opportunity to engage with the Special Representative and share best practices that would further enrich the outcome document. The Declaration which you will adopt in the coming days, I hope will voice your commitment to prepare substantive action plans for your respective institutions to include promotion and research on the impact of business in the realization of human rights, enhancing the capacity of your NHRI to monitor the protection and promotion of human rights at the national level in relation to the corporate sector, enhance the means to share best practices through websites or database, mediation and conciliation between business enterprises, trade unions, governments and victims of corporate-related human right abuse.
I would also recommend that NHRIIs appoint focal points on human rights and business, in order to work with governments and business corporations to ensure that national action plans and programmes include business and human rights.

Interaction of NHRIIs with regional and international human rights mechanism on this topic would be important too, in monitoring that States comply with their international obligation. I urge NHRIIs to continue to establish partnerships with organisations in the area of corporate social responsibility including the UN Global compact, the media, academia, business organisations, trade unions and national, regional and international organizations. OHCHR stands ready to support NHRI’s initiatives in this area, and will work closely with the ICC and the Regional networks of NHRIIs.

As co-organizer of this Conference, I would like to extend my appreciation to all the participants for attending, including all NHRIIs, experts, NGOs, representatives of the corporate sector and State representatives. Your experience and expertise will be very important in developing successful strategies for cooperation through a multi-sectoral approach to dealing with human rights challenges in the context of corporate activities.

I would like to thank the Scottish Parliament for hosting this event as well as, the Scottish Human Rights Commission and the International Coordinating Committee, for the constructive collaboration in preparing the Conference in cooperation with OHCHR.

I would like to mention that OHCHR, together with the Asia Pacific Forum of NHRIIs and Association for the Prevention of Torture (APT) have developed a Guide on torture prevention. This publication has been designed as a practical tool to support NHRIIs in identifying and developing concrete activities to prevent torture, and enhance the capacity of NHRIIs in this area. I would like to officially launch this publication today; and thank all organizations that contributed to its development. Copies of the Guide are available at this conference.
I wish you all a very successful Conference and look forward to the adoption of a substantive Declaration.

Thank you.