Introduction

1. In March 2009, at its 22nd Session, the ICC established a Working Group on Business and Human Rights (Working Group). This followed from an earlier decision by the ICC Bureau, at the ICC Conference in Nairobi, in October 2008, to task the Danish Institute for Human Rights to establish a Steering Committee, comprising four NHRIs drawn from across the ICC’s regional networks, to formulate a proposal regarding the mandate and composition of such a Working Group. In turn, the ICC Bureau’s 2008 decision responded to the closing Recommendations of a Roundtable of NHRIs on the issue of Business and Human Rights, held in Copenhagen in July 2008 and attended by sixteen A-rated NHRIs, which called for the establishment of an ICC Working Group on business and human rights.

2. By its March 2009 decision, the ICC mandated its Working Group on Business and Human Rights to pursue activities according to a Strategic Framework comprising three thematic areas:

   i) Strategic Planning: Facilitate the inclusion of business and human rights issues into baseline research and strategic planning of NHRIs, and provide a platform for regional and international collaboration on joint NHRI programmes.

   ii) Capacity Building and Resource Sharing: Facilitate skills development of NHRI staff in relation to business and human rights issues and provide a platform for NHRIIs for the exchange of expertise and best practices and for the joint development of tools and materials.

   iii) Agenda Setting and Outreach: Facilitate ICC and NHRI participation in key domestic, regional and international developments in the business and human rights field, including in relation to legislation, treaties, soft law mechanisms and institutional developments. Provide support for ICC and NHRI outreach to relevant domestic, regional and international stakeholders including governments, UN bodies and other multilateral institutions, business communities and civil society.

3. In line with the ICC Bureau’s March 2009 decision, the Working Group was duly formed, comprising a total of nine member NHRIs, being the ICC Chair, along with two NHRIs from each ICC Region, selected through a process mediated by their respective ICC Regional Chairs to join the Working Group. Accordingly, while the
Canadian Human Rights Commission joined the Working Group, as ICC Chair, the remaining members selected were as follows:

i) **Africa**: Kenya National Commission on Human Rights; Commission Nationale de Droits de l'Homme Togo

ii) **Americas**: Procuraduría para la Defensa de los Derechos Humanos de Nicaragua; Defensoria del Pueblo de la Republica Bolivariana de Venezuela

iii) **Asia Pacific**: Jordan National Commission for Human Rights; National Human Rights Commission of Korea

iv) **Europe**: Danish Institute for Human Rights; Scottish Human Rights Commission.

4. At the Working Group’s first meeting, held in Copenhagen on 12-13 August 2009, the Danish Institute of Human Rights was elected Chair of the Working Group, for the period 2009-11 and the Canadian Human Rights Commission Vice-Chair. The Working Group further agreed arrangements for regional rotation of the offices of Chair and Vice-Chair.

5. The Working Group held its second meeting, alongside the ICC Bureau meeting in Rabat, Morocco, on 2 November 2009, and its second annual meeting will be held on 22 March 2010, during ICC 23.

**Working Group Activities to advance the functions of the ICC**

a. **Enhancing NHRI engagement with UN and regional human rights frameworks**

6. The Working Group has already undertaken a range of activities to promote engagement between NHRIIs and the UN human rights framework.

7. Firstly, the Working Group has organized, in collaboration with the ICC Chair and OHCHR, two events to promote greater awareness, knowledge and information sharing, concerning the role of NHRIIs in relation to business and human rights within the UN human rights system. On 5 June 2009, a joint ICC-OHCHR panel discussion was held in Geneva as a Side-Event to the 11th Session of the UN Human Rights Council. The event, entitled, “Engaging NHRIIs in securing the promotion and protection of human rights in business”, sought to further understanding of the emerging role of NHRIIs on business and human rights, and to stimulate reflection, action and collaboration amongst NHRIIs, national authorities and civil society to tackle challenges in this area. Panelists included representatives of the three NHRIIs (Canada, Denmark and Kenya), OHCHR and civil society. The event was attended by approximately thirty representatives of NHRIIs, NGOs and member states. A report comprising panelists’ contributions and a summary of plenary discussion has been published on NHRI.net.
8. Another panel debate was organized as a Side-Event to OHCHR’s consultation on Business and Human Rights – Operationalizing the “Protect, Respect, Remedy” framework. This event, with the title, “Operationalizing responsibility for human rights in the private sphere – What roles, priorities and strategies for NHRIs?” was held on 6 October 2009 in Geneva. Its objectives included discussing the role of NHRIs in promoting fulfillment of the state duty to protect against human rights abuses by private actors, of the corporate responsibility to respect human rights, and in promoting and facilitating access to a remedy for human rights abuses by private actors. The event was addressed by the ICC Chair, and representatives of the NHRIs of Denmark, Nicaragua, South Africa, Scotland and Canada, as well as a representative with expertise in the area of indigenous peoples’ rights. An audience of approximately 30 representatives of NHRIs, NGOs and member states participated in the plenary discussion. A report of the event has been published on NHRI.net.

9. Secondly, the Working Group has prepared a number of statements and submissions to UN human rights procedures. In June 2009, a statement was delivered in response to the UN Special Representative on Business and Human Rights’ report to the UN Human Rights Council. In October 2009, a further statement was delivered by the ICC Chair, Ms Jennifer Lynch, QC, to OHCHR’s consultation on Business and Human Rights – Operationalizing the “Protect, Respect, Remedy”. These statements emphasized the unique role of NHRIs to act with legitimacy and credibility in promoting effective enjoyment of all human rights in the corporate sphere and highlighted the need to ensure all NHRIs’ mandates are adequate to allow them to fulfil this role in practice. They furthermore urged transparency and the inclusion of victims and human rights defenders in further consultation on business and human rights.

10. As regards UN Special Procedures, in February 2010, the Working Group made a submission in response to the Report on Agribusiness and the Right to Food of the UN Special Rapporteur on the Right to Food, calling on the Special Rapporteur to reflect on the role to be played by NHRIs in relation to the various issues and recommendations he has identified. A further submission to the UN Independent Expert on the Right to Water and Sanitation is in preparation, and a submission will also be made in response to the 2010 report to the UN Human Rights Council of the UN Special Representative on Business and Human Rights. The Working Group is also considering preparing draft recommendations to UN treaty monitoring bodies, for consideration by the ICC, regarding mandate and activities of NHRIs in the business and human rights field.

b. Building partnerships and engaging with external stakeholders

11. At its first meeting, the Working Group agreed on the importance of engaging with a range of actors, at national, regional, and international levels, including civil society, governmental authorities and business in developing its programme and conducting its activities. Pursuant to this decision, the Working Group has undertaken outreach to organizations including the following: the UN Global Compact; the OECD, in relation to the OECD Guidelines for Multinational Enterprises; the mandate of the
UN Special Representative on Business and Human Rights; UNDP and the ILO. In addition, contact has been taken with a number of non-governmental human rights organizations, such as Amnesty International and the Business and Human Rights Resource Centre.

C. Knowledge-sharing and communications

12. To support the development of its strategic focus, and as a step towards greater pooling of knowledge amongst NHRIs in the business and human rights area, the Working Group is undertaking a Baseline Survey, supported by a questionnaire, devised by the Scottish Human Rights Commission, and distributed to all NHRIs worldwide via ICC Regional Coordinators. The results of the Baseline Survey will be processed by the Working Group Chair, compiled into a report and presented to the ICC during 2010.

13. As regards communications, a Business and Human Rights page has been established on www.NHRI.net (http://www.nhri.net/default.asp?PID=625&DID=0), where relevant Working Group documents and materials are being uploaded.


15. In addition, the Working Group is liaising with the Business and Human Rights Resource Centre to consider the establishment of an NHRI-business and human rights internet platform as a resource for all NHRIs, to allow sharing of tools, lessons learned and to facilitate improved collaboration regionally and internationally.

16. The Working Group Chair, in coordination with sister NHRIs, will develop during 2010 a training resource on business and human rights specifically directed at the needs of NHRIs, for adaptation and later rollout on a regional basis.

D. Supporting the strengthening of regional organizations of NHRIs

17. The Working Group previously agreed to work towards a series of regional seminars for NHRIs on business and human rights, *inter alia* to review violations, identify regional priorities and coordinate views on strategic approaches, and will undertake further steps to realization of this goal during 2010.

ICC Biennial Conference, October 2010

18. The Working Group stands ready to contribute to preparations for the ICC Conference, to be held in October 2010, in Edinburgh, on the theme of Business and Human Rights, in line with the ICC Conference Rules of Procedure. The Working Group Chair, on behalf of the Working Group, and the ICC Chair’s Representative are participating in the conference Steering Committee’s planning
process, alongside the Scottish Human Rights Commission, the ICC Chair and OHCHR, to this end.

**Working Group Strategic Action Plan 2010-12**

19. In line with March 2009 decision of the ICC Bureau, the Working Group is currently preparing a two-year Strategic Action Plan for the period 2010-12, identifying activities and priorities across the three mandate areas identified above. The Strategic Action Plan will be made available to all NHRIIs shortly.

**Conclusion**

20. Through the delivery of the above identified actions, and those contained in its Strategic Action Plan, the Working Group will endeavour to continue to contribute to the advancement of respect for, and enjoyment of human rights, by all human beings, in the sphere of business activities, and to the development of greater knowledge and understanding of the key role NHRIIs should play in securing that goal.