

**REPORT FROM THE ROUNDTABLE OF  
NATIONAL HUMAN RIGHTS INSTITUTIONS  
ON THE ISSUE OF BUSINESS AND HUMAN RIGHTS**

**COPENHAGEN 1-2 JULY 2008**

**HOSTED BY  
THE DANISH INSTITUTE FOR HUMAN RIGHTS**

**IN COLLABORATION WITH  
THE SWISS FEDERAL DEPARTMENT OF FOREIGN AFFAIRS**



## Preface

In July 2008 the Danish Institute for Human Rights and the Swiss Federal Department of Foreign Affairs were proud to host the first-ever roundtable of National Human Rights Institutions to specifically address the issue of business and human rights.

The corporate sector is increasingly recognized as a key stakeholder in the protection and promotion of human rights. With globalization, economic forces have lifted millions out of poverty. But at the same time, adverse impacts on the rights of workers and communities must be addressed. Balancing economic growth with human rights and environmental sustainability have become a key challenge for governments across the globe.


This has led to increasing debates over the role of multinational companies in protecting and promoting human rights in the course of economic development. The establishment of the United Nations Global Compact and the appointment of the Special Representative of the United Nations Secretary General (SRSG) on the issue of human rights and business demonstrate that companies are increasingly recognized as a part of international systems for protection and promotion of human rights.

In his recent concluding report to the Human Rights Council, the SRSG presents *“a conceptual and policy framework to anchor the business and human rights debate, and to help guide all relevant actors”*.<sup>1</sup> The framework consists of three pillars: i) the state duty to protect human rights in the corporate sector; ii) the corporate responsibility to respect human rights; and iii) the need for effective remediation of human rights violations linked to the corporate sector.

National Human Rights Institutions are uniquely placed to address the challenges raised under this framework and to facilitate dialogue and collaboration among key stakeholders from business, government and civil society.<sup>2</sup>

The objective of the roundtable was two-fold: i) to clarify how National Human Rights Institutions can leverage their mandates and collective resources to play a role within business and human rights debates at domestic and international levels and, ii) to discuss the formation of a National Human Rights Institutions Working Group dedicated to this purpose.

This report summarises the outcomes of the roundtable discussions.



Margaret Jungk  
Director, Human Rights & Business Department

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<sup>1</sup> A/HRC/8/5. Please see <http://www.business-humanrights.org/Gettingstarted/UNSpecialRepresentative> for all documents pertaining to the mandate of the SRSG.

<sup>2</sup> A recent survey conducted by the Office of the United Nations High Commissioner for Human Rights has helped take stock of existing practices among National Human Rights Institutions in the field of human rights and business. Results of the survey can be found at <http://www.reports-and-materials.org/OHCHR-National-Human-Rights-Institutions-practices-Apr-2008.doc>.

ROUNDTABLE OF NATIONAL HUMAN RIGHTS INSTITUTIONS  
COPENHAGEN JULY 1-2, 2008

Table of Contents

**Executive Summary** ..... - 2 -

**I. Introduction** ..... - 3 -

**II. Day 1: Government Protection of Human Rights in the Corporate Sector**..... - 4 -

**Mapping of Current and Potential Future Activities for NHRIs in Strengthening  
    Government Protection of Human rights in the corporate sector** ..... - 5 -

**III. Day 2: Promoting Human Rights in the Corporate Sector**..... - 7 -

**Mapping of Current and Potential Future Activities for NHRIs in Promoting Human  
    Rights in the Corporate Sector** ..... - 7 -

**IV. Recommendations for an NHRI Working Group on Business & Human Rights**- 10 -

**ANNEXES** ..... - 11 -

**ROUNDTABLE OF NATIONAL HUMAN RIGHTS INSTITUTIONS  
COPENHAGEN JULY 1-2, 2008**

**Executive Summary**

The Danish Institute for Human Rights (DIHR) hosted the first Roundtable of National Human Rights Institutions on the Issue of Human Rights and Business, at Copenhagen, Denmark, on July 1-2, 2008. The Roundtable was organised with the close cooperation and support of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) and the generous support of the Government of Switzerland. Participating in the Roundtable were representatives from 16 A-rated National Human Rights Institutions (NHRIs) from Africa, the Americas, Asia-Pacific and Europe who engaged in discussion, dialogue and brainstorming about how to strengthen their institutions' work in the field of Human Rights and Business. The objective of the Copenhagen Roundtable was twofold: i) to clarify how NHRIs can leverage their mandates and collective resources to play a role within business and human rights debates at domestic and international levels and, ii) to discuss the formation of a National Human Rights Institutions Working Group ("Working Group") dedicated to this purpose. Other key actors in the field of human rights and business participated in the capacity of experts.

The main recommendations from the Roundtable are:

1. The ICC should support the initiative to establish a Working Group on Human Rights and Business for its member NHRIs; and
2. The Working Group should be endowed with a mandate and functions as detailed in the table below.

<b>Working Group's Mandate Areas</b>	<b>Working Group Functions</b>
1. Strategic planning	<ul style="list-style-type: none"> <li>▪ Facilitate baseline research by NHRIs of the domestic situation regarding human rights in the corporate sector</li> <li>▪ Provide input on NHRI strategic action plans in relation to corporate sector activities</li> </ul>
2. Capacity building	<ul style="list-style-type: none"> <li>▪ Help raise funding for joint programmes</li> <li>▪ Provide training and build skills of NHRI staff in relation to strategic action plans</li> </ul>
3. Pooling of resources	<ul style="list-style-type: none"> <li>▪ Establishing joint pool of experts on regional/international basis</li> <li>▪ Exchange technical expertise and share best practices in relevant issue areas, i.e. grievance mechanisms, investment agreements, indigenous peoples etc.</li> <li>▪ Jointly develop, test and localize tools, codes of conduct and training material etc.</li> <li>▪ Coordinate testing of tools and compare results and experiences from different countries and sectors.</li> </ul>
4. Agenda setting	<ul style="list-style-type: none"> <li>▪ Coordinate regional or international responses to legislative proposals or treaty developments</li> <li>▪ Facilitate access to and dialogue between host- and home-governments</li> <li>▪ Engage with non-governmental organisations</li> <li>▪ Engage with relevant multilateral institutions, i.e. UN, EU, WB, WTO, IMF</li> <li>▪ Help build acceptance of NHRIs among business associations and trade unions and</li> <li>▪ Facilitate access to business associations and trade unions through international bodies</li> <li>▪ Strengthen reporting to UN Treaty Bodies and the UN Human Rights Council and its mechanisms</li> </ul>

# ROUNDTABLE OF NATIONAL HUMAN RIGHTS INSTITUTIONS

## COPENHAGEN JULY 1-2, 2008

### I. Introduction

On July 1-2, 2008, DIHR hosted a two-day Roundtable discussion with 16 participating NHRIs, a representative from the ICC and the Swiss government, and several experts in the field of Human Rights and Business, in order to discuss the current and future roles of NHRIs in this important field.

The corporate sector is increasingly recognized as a key stakeholder in the protection and promotion of human rights. The economic forces released by increasing globalization have lifted millions of people out of poverty, but adverse impacts on the rights of workers and communities have been evident at the same time. Balancing economic growth with human rights and environmental sustainability have become a key challenge for governments across the globe.

Since the early 1990's, a strong movement has grown at the international level to identify the proper role of the corporate sector in promotion and protection of human rights, as reflected in initiatives such as the mandate of the Special Representative of the Secretary General on the issue of human rights and transnational corporations and other enterprises, John Ruggie, the establishment of the Global Compact, the work of the Business Leaders' Initiative On Human Rights, and numerous industry initiatives. Voluntary standards in the area of social and environmental responsibility have been developed, and most recently the United Nations Human Rights Council has accepted the report of the Special Representative John Ruggie, endorsed his proposed framework of "Protect, Respect and Remedy", and extended his mandate for an additional term.

The above-mentioned initiatives have been primarily driven at the international or multilateral level, and the drivers have been primarily governments and transnational corporations from the industrialized western world. It is increasingly recognized as essential to engage the governments and corporate sectors from the Global South in order to ensure that development of norms and practice reflect a genuine international consensus, and are invested with a great degree of ownership by the Global South.

#### ***The role of National Human Rights Institutions***

National Human Rights Institutions are uniquely placed to address this challenge and to facilitate dialogue and collaboration among key stakeholders from business, government, and civil society.<sup>3</sup> Their importance in this field has been recently recognized by Special Representative John Ruggie, who wrote in his June 2008 report to the Human Rights Council, "The Special Representative welcomes plans on the part of the International Coordinating Committee of NHRIs, supported by OHCHR, to address the issue of how this work might be further strengthened." Clearly NHRIs must increasingly focus on the corporate sector as part of their mandate. This is necessary to both address the adverse human rights impacts of business operations and to harness the energy of enlightened business actors, which have a great potential as allies in the respect and promotion of human rights.

More than anything else, today's enlightened multinationals seek a global level playing field with agreed social and environmental standards, rule of law, and transparency. Societies where these elements are present are environments where good business thrives – and they are also environments where human rights thrive. This means that NHRIs and the corporate sector share a common interest in building strong societies with rule of law and respect for human rights, and should regard each other as potential allies and partners in this endeavour.

No less important is the need to bring the voices and input of the global South to bear on the corporate social responsibility and human rights and business debate. The CSR and human rights and business agendas have until now been driven primarily by NGOs, consumers and companies from the industrialized countries in the Western Hemisphere. It is a key challenge at this point to carve out a space and a voice to ensure the input of the global South. With their strong local mandates, NHRIs can become key vehicles for a more representative and diverse ownership of the human rights and business agenda.

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<sup>3</sup> A recent survey conducted by the Office of the United Nations High Commissioner for Human Rights has helped take stock of existing practices among National Human Rights Institutions in the field of human rights and business. Results of the survey can be found at <http://www.reports-and-materials.org/OHCHR-National-Human-Rights-Institutions-practices-Apr-2008.doc>.

## ROUNDTABLE OF NATIONAL HUMAN RIGHTS INSTITUTIONS COPENHAGEN JULY 1-2, 2008

The objective of the Copenhagen Roundtable was twofold: i) to clarify how National Human Rights Institutions can leverage their mandates and collective resources to play a role within business and human rights debates at domestic and international levels and, ii) to discuss the formation of a National Human Rights Institutions Working Group dedicated to this purpose.

### ***NHRI Roundtable on the issue of business and human rights***

The Roundtable had participants from 16 A-rated NHRIs from Africa, the Americas, Asia-Pacific and Europe. In addition to these participants, the Roundtable enjoyed the contributions of a number of expert speakers who attended the meeting to provide high-level input. The Roundtable agenda and list of participants are found in Annex 1.

The Roundtable s were structured around two workstreams:

- ❖ Workstream 1 focused on government protection of human rights in the corporate sector, i.e. improving the quality and enforcement of government regulation of business, and improving access to remedies to people whose human rights are negatively impacted by business activity.
- ❖ Workstream 2 focused on promoting respect for human rights by companies within in the business sector, i.e. ensuring that business respects human rights within its and working in partnership with business to actively promote human rights.

The participating NHRIs explored each workstream through group and plenary discussions. Through the discussions, the participants produced a map of the current and potential future activities of NHRIs across a number of intervention areas. In relation to these activities, the participants evaluated the potential functions of an NHRI Working Group on Business and Human Rights.<sup>4</sup>

### ***Structure of the report***

This report presents the main conclusions from the discussions in relation to i) current NHRI activities dealing with the corporate sector, ii) potential future activities envisaged by the participating institutions, and iii) the potential mandate and functions of an NHRI Working Group on business and human rights.

## **II. Day 1: Government Protection of Human Rights in the Corporate Sector**

The objective of workstream 1 was to clarify the activities NHRIs can undertake in order to improve government protection of human rights in the corporate sector. The government duty to protect human rights in relation to the activities of the corporate sector is well established.<sup>5</sup> As part of their human rights treaty obligations, governments are obligated to regulate and monitor corporate behaviour in line with human rights and to ensure effective remediation of human rights abuses occurring in the course of business activities.

Within their mandates, NHRIs can make significant contributions towards improving government protection of human rights in the corporate sector. NHRIs can monitor and report on the human rights situation in domestic business communities or in specific industries, such as natural resource extraction or infrastructure development. They can contribute to the reform of laws and administrative procedures that protect human rights in the corporate sector, such as labour laws, environmental regulation or laws about bribery and corruption. And depending on their mandates, NHRIs can hear and resolve individual grievances related to allegations of corporate sector human rights abuses.

In Workstream 1, the participants sought to identify the participating NHRIs' current and potential future activities in the following four intervention areas listed below. A brief summary of the discussion's results is

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<sup>4</sup> In his recent concluding report to the Human Rights Council, the SRSG presents "a conceptual and policy framework to anchor the business and human rights debate, and to help guide all relevant actors".<sup>4</sup> The framework consists of three pillars: i) the state duty to protect human rights in the corporate sector; ii) the corporate responsibility to respect human rights; and iii) the need for effective remediation of human rights violations linked to the corporate sector. A/HRC/8/5. Please see <http://www.business-humanrights.org/Gettingstarted/UNSpecialRepresentative> for all documents pertaining to the mandate of the SRSG.

<sup>5</sup> A/HRC/4/35/Add.1. Special Representative of the United Nations Secretary General on the issue of human rights and transnational corporations and other business enterprises.

**ROUNDTABLE OF NATIONAL HUMAN RIGHTS INSTITUTIONS  
COPENHAGEN JULY 1-2, 2008**

presented under each area below. The main conclusions reached in Workstream 1 are detailed in the chart immediately following these summaries.

**Mapping of Current and Potential Future Activities for NHRIs in Strengthening Government Protection of Human rights in the corporate sector**

**1. *Monitoring and reporting on human rights abuses in the corporate sector***

Many of the participating NHRI carry out activities in this area. The pattern that emerged was that some of the monitoring and reporting activities are ad hoc, and do not benefit from the use of structured tools. Keywords that describe ideas for future activities under an NHRI Working Group include introduction of tools, systematic monitoring, development of action plans, and sharing of information across NHRIs.

**2. *Facilitating law and administrative reform in policy areas relevant to human rights protection in the corporate sector such as labour laws, environmental regulation, trade and investment laws, property laws, land reform, revenue distribution, and laws regulating key sectors such as extractives, infrastructure or pharmaceuticals.***

The participating NHRIs that already engage in law and administrative reform related to the corporate sector are mostly engaged in commenting on draft laws and recommendations. The participants agreed that they could usefully increase the systematic and targeted nature of their work by doing research, conducting gap analysis, developing prioritized action plans, and engaging the relevant arms of government. Moreover, they could orient law reform towards international human rights reporting mechanisms.

**3. *Building the capacity of government institutions to ensure effective implementation and enforcement of relevant business regulation, i.e. by labour inspectorates, environmental authorities, local municipalities etc.***

The NHRIs activities in Intervention area 3 are mostly ad-hoc and targeted towards specific ministries, such as the Ministry of Labour, and focused on specific rights, such as the right to health. The main thrust of ideas for future activities was to build up partnerships between NHRIs, government and the private sector, and share knowledge and enhance dialogue through these partnerships and related activities.

**4. *Improving access of affected workers and communities to judicial and non-judicial grievance mechanisms and dispute resolution mechanisms.***

Many of the NHRIs are already engaged in complaint handling, and through this part of their mandate already have been engaged in grievance mechanisms that handle complaints about business' abuse of human rights. The need to take on a holistic and proactive approach to improving access to judicial and non-judicial dispute resolution mechanisms was reflected in the vision of future activities. These include activities such as raising public awareness about such mechanisms, systematic identification and targeting of repeat abuses and violations, and strengthening existing mechanisms and arbitrators and mediators.

During the course of Workstream 1 discussions, the need was identified for an accessible web-based platform for sharing of information in NHRIs and business and human rights, similar to what is available at the Business and Human Rights Resource Centre website ([www.business-humanrights.org](http://www.business-humanrights.org)). Participants were very interested in developing a portal for NHRIs and Human Rights and Business, that would be both a support to them and a window to interested stakeholders about NHRIs activities and initiatives in this area.



**ROUNDTABLE OF NATIONAL HUMAN RIGHTS INSTITUTIONS  
COPENHAGEN JULY 1-2, 2008**

<b>Mapping of Current and Future Activities of NHRIs in Strengthening Government Protection of Human Rights in the Corporate Sector</b>		
<b>INTERVENTION AREA</b>	<b>CURRENT ACTIVITIES</b>	<b>POTENTIAL FUTURE ACTIVITIES</b>
1. <i>Monitoring and reporting of human rights abuses in the corporate sector</i>	<ul style="list-style-type: none"> <li>▪ Ad hoc monitoring and research in business sectors prone to abuses</li> <li>▪ Submission of monitoring reports to relevant government agencies</li> <li>▪ Monitoring, mainly driven by investigation of complaints</li> <li>▪ Naming and shaming of companies</li> </ul>	<ul style="list-style-type: none"> <li>▪ Undertake systematic monitoring and reporting</li> <li>▪ Develop monitoring tools in collaboration with government agencies</li> <li>▪ Identify key business sectors and develop action plans</li> <li>▪ Conduct research and public enquiries</li> <li>▪ Share information among NHRIs</li> <li>▪ Enhance focus on economic, social and cultural rights in NHRI programmes.</li> <li>▪ Increase corporate sector issues in reporting to UN Treaty Bodies and the UN Human Rights Council and its mechanisms</li> </ul>
2. <i>Facilitating law and administrative reform in policy areas relevant to the human rights protection in the corporate sector</i>	<ul style="list-style-type: none"> <li>▪ Developing recommendations and commentaries on draft laws (Main focus is on labour laws)</li> <li>▪ Submissions to UN treaty bodies</li> </ul>	<ul style="list-style-type: none"> <li>▪ Identify relevant policy areas for further research</li> <li>▪ Do systematic gap analysis and make recommendations</li> <li>▪ Engage the executive branches of government and not only parliaments</li> <li>▪ Develop a joint action plan to improve policy coherence</li> <li>▪ Promote the passage of legislation in relation to individual mechanisms (i.e. ILO Convention 169)</li> </ul>
3. <i>Building capacity of government institutions to ensure effective implementation business regulation</i>	<ul style="list-style-type: none"> <li>▪ Ad hoc training and awareness raising in select ministries</li> <li>▪ Providing government agencies with tools aimed at business</li> <li>▪ Training government agencies on rights of specific relevance in a business context, i.e. health</li> </ul>	<ul style="list-style-type: none"> <li>▪ Identify relevant government agencies and mainstream human rights components into their portfolios</li> <li>▪ Build strategic partnerships between government agencies and the corporate sector</li> <li>▪ Improve understanding of home-host state obligations and ensure alignment in relation to bilateral relations.</li> <li>▪ Establish forums with relevant government agencies to understand the treaty obligations</li> <li>▪ Strengthen capacity of local governments to deal with large scale business projects and investments</li> </ul>
4. <i>Improving access to judicial and non-judicial grievance dispute mechanisms</i>	<ul style="list-style-type: none"> <li>▪ Handling of complaints from workers and communities</li> <li>▪ Conducting investigation and mediation</li> <li>▪ Participation in public inquiries</li> <li>▪ Legal aid</li> <li>▪ Referring cases to other bodies</li> </ul>	<ul style="list-style-type: none"> <li>▪ Identify existing mechanisms and draft action plans to strengthen where needed</li> <li>▪ Disseminate information and raise awareness among workers, communities and companies of existing mechanisms</li> <li>▪ Proactive investigation of “systemic complaints,” including use of strategic litigation and legal aid</li> </ul>



**ROUNDTABLE OF NATIONAL HUMAN RIGHTS INSTITUTIONS  
COPENHAGEN JULY 1-2, 2008**

	<ul style="list-style-type: none"> <li>▪ Focus on business sectors prone to abuse, i.e. mining.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Improved follow-up on recommendations</li> <li>▪ Involvement in business internal grievance mechanisms</li> <li>▪ Build skills of arbitrators</li> </ul>
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**III. Day 2: Promoting Human Rights in the Corporate Sector**

The objective of this group discussion was to clarify the particular activities NHRIs can undertake in order to promote good human rights practices within business communities. While governments have the duty to ensure protection of human rights, companies have a responsibility to respect human rights in the course of their business activities.<sup>6</sup> As part of this responsibility, companies must refrain from directly infringing on the human rights of workers or local communities, and companies must avoid contributing to abuses or violations committed by other actors such as business partners or host governments.

Beyond their responsibility to respect human rights, companies can have a positive impact as economic actors that generate jobs, wealth and products that underpin the enjoyment of human rights. Therefore, beyond the basic responsibility to respect human rights, companies also have an important role to play in development and the promotion of human rights.

Within their mandates, NHRIs can make significant contributions towards promoting good human rights practices in the corporate sector. NHRIs can directly engage businesses and business associations to conduct research, give training, build networks and promote tools that enable companies to maintain good human rights practices. Or they can help build up the capacity of civil society organisations, by empowering them to engage with companies on human rights issues. And given their independent position, NHRIs can convene and facilitate unbiased dialogue between various stakeholders from business, government, and civil society on issues related to human rights, business, and development.

In Workstream 2, the participants through discussion sought to identify the participating NHRIs' current and potential future activities in the following three intervention areas listed below. A brief summary of the discussion's results is presented under each area below. The main conclusions reached in Workstream 2 are detailed in the chart immediately following these summaries.

**Mapping of Current and Potential Future Activities for NHRIs in Promoting Human Rights in the Corporate Sector**

**1. *Engaging directly with business to promote good human rights practices in business communities through applied research, business networks, training or tools for businesses***

Most of the NHRIs had few activities engaging directly with businesses, though in a couple of cases their activities were fairly developed. Training and awareness raising, hosting Roundtable discussions and providing services to companies were some of the activities conducted. In contrast, many of the NHRIs were easily able to identify ways in which they could more closely engage directly with the corporate sector. Training and awareness raising, development and tailoring of tools and to companies and sectors, and joining local Global Compact Networks were some of the many identified interventions.

**2. *Building capacity of civil society organisations empowering them to engage with businesses***

Existing activities in this area mainly related to training and awareness raising of NGOs and providing information and tools to them. Many of the activities identified for future implementation focused around building and using networks with NGOs, collaborating with them for sharing of information, development of tools, and gaining their input into critical mapping and research processes related to business and human rights.

<sup>6</sup> A/HRC/8/5. Special Representative of the United Nations Secretary General on the issue of human rights and transnational corporations and other business enterprises.

## ROUNDTABLE OF NATIONAL HUMAN RIGHTS INSTITUTIONS

COPENHAGEN JULY 1-2, 2008

### 3. *Convening and facilitating human rights dialogue between business, civil society and government*

As previously mentioned, a few NHRIs had substantial experience in this area, such as hosting national conferences and roundtable discussions to promote dialogue, and participating in tripartite dialogue mechanisms and ISO 26000 processes. It was however found that this was an area ripe for future activities, with an emphasis on NHRIs bringing business, civil society and government together in various forums, such as those already mentioned, the IPSO process, and setting up systems for identifying and publicizing best practice.

As noted under Workstream 1, the participants continued to express the importance of information sharing, and for developing a web-based portal for NHRIs and Human Rights and Business.

#### Mapping of Current and Potential Future Activities for NHRIs in Promoting Human Rights in the Corporate Sector

INTERVENTION AREA	CURRENT ACTIVITIES	POTENTIAL FUTURE ACTIVITIES
<p>1. <i>Engaging directly with business to promote good human rights practices</i></p>	<ul style="list-style-type: none"> <li>▪ Training for companies (management and workers)</li> <li>▪ Information material and session targeted at companies</li> <li>▪ Participating in local UN Global Compact Networks</li> <li>▪ Hosting Roundtable discussions with select business sectors, i.e. banking, construction.</li> <li>▪ Raising awareness raising in individual companies, often in relation to complaints</li> <li>▪ Entering into MOUs with individual companies</li> <li>▪ Managing Award scheme to best practice companies</li> <li>▪ Providing tools and advisory services for companies</li> </ul>	<ul style="list-style-type: none"> <li>▪ Identify or conduct baseline research of human rights and business issues to support planning of interventions</li> <li>▪ Build internal capacity and skills of NHRIs</li> <li>▪ Implement joint roundtable discussions and events with business and business associations</li> <li>▪ Provide training and awareness raising for companies and employees including in specific sectors</li> <li>▪ Identify existing training modules for adaptation in local country and sector context</li> <li>▪ Improve focus on making the business case</li> <li>▪ Increase collaboration with gate-keepers, i.e. business associations</li> <li>▪ Conduct human rights impact assessments with business</li> <li>▪ Use and test existing tools and develop localized tools</li> <li>▪ Research partnerships with business</li> <li>▪ Increased engagement of SMEs and informal sector companies</li> <li>▪ Improve involvement in local UNGC networks</li> <li>▪ Develop Codes of Conduct in collaboration with business</li> <li>▪ Involve companies in promotional activities such as suffrage monitoring, voter and civic education, grass root advocacy etc.</li> </ul>

**ROUNDTABLE OF NATIONAL HUMAN RIGHTS INSTITUTIONS  
COPENHAGEN JULY 1-2, 2008**

<p>2. <i>Building capacity of civil society organisations</i></p>	<ul style="list-style-type: none"> <li>▪ Entering into partnerships with NGOs and Unions including training</li> <li>▪ Providing business related tools to NGOs</li> <li>▪ Sharing information with respect to monitoring</li> <li>▪ Working with community organisation in relation to complaints handling</li> </ul>	<ul style="list-style-type: none"> <li>▪ Engage NGOs in identification of the key human rights and business issues in the local situation</li> <li>▪ Do mapping and improve engagement of local CSOs relevant to human rights and business issues</li> <li>▪ Encourage NGOs to focus on corporate sector issues</li> <li>▪ Facilitate dialogue and networks between NGOs</li> <li>▪ Facilitate contacts between NGOs and business</li> <li>▪ Establish joint NHRI / CSO committees on human rights and business issues</li> <li>▪ Undertake structured capacity building of NGOs</li> <li>▪ Train CSO's (i.e. consumer organisations, trade unions) on human rights and business standards locally and internationally</li> <li>▪ Involve NGOs in development and use of tools</li> </ul>
<p>3. <i>Convening and facilitating human rights dialogue between business, civil society and government</i></p>	<ul style="list-style-type: none"> <li>▪ Hosting of national conferences</li> <li>▪ Hosting of roundtable discussions and public hearings</li> <li>▪ Participating in existing tri-partite structures for social dialogue</li> <li>▪ Participating in ISO 26000 mirror committees</li> <li>▪ Convening business, unions and government in drafting of national human rights plans</li> </ul>	<ul style="list-style-type: none"> <li>▪ Identify relevant actors</li> <li>▪ Organize roundtable discussions and national conferences</li> <li>▪ Facilitate regular and systematic tri-partite dialogue</li> <li>▪ Identify businesses that can serve as Islands of Excellence and champion the agenda towards businesses and government actors.</li> <li>▪ Establish mediation functions within CSOs</li> <li>▪ Involve NHRIs and NGOs in IPSO process</li> <li>▪ Convene public hearings</li> </ul>

**ROUNDTABLE OF NATIONAL HUMAN RIGHTS INSTITUTIONS  
COPENHAGEN JULY 1-2, 2008**

**IV. Recommendations for an NHRI Working Group on Business & Human Rights**

Discussions in the workstreams reflected that the overarching purpose of the proposed Working Group would be to enable NHRIs to build up relevant activities in relation to the corporate sector. The participating NHRIs raised a number of challenges in implementing the activities discussed, including mainly funding and human resource capacity gaps. Participants identified a great need for building internal capacity, for sharing information and expertise among NHRIs, and for conducting more baseline research that would help them to prioritise among the proposed activities.

At the same time, it was clear that some NHRIs have acquired significant experience in this area, and that this experience could greatly benefit the wider group of institutions. Hence, there was broad agreement that the Working Group would greatly help to facilitate mutual capacity building and collaboration.

In keeping with these discussions, the main recommendations from the Roundtable are:

1. The ICC should support the momentum of the Roundtable by endorsing the initiative of establishing a Working Group on Human Rights and Business for its member NHRIs, as a matter of urgent priority; and
2. A Working Group on Human Rights and Business should be endowed with a mandate and functions detailed in the table below.

<b>Working Group's Mandate Area</b>	<b>Working Group Functions</b>
1. Strategic planning	<ul style="list-style-type: none"> <li>▪ Facilitate baseline research by NHRIs of the domestic situation regarding human rights in the corporate sector</li> <li>▪ Provide input on NHRI strategic action plans in relation to corporate sector activities</li> </ul>
2. Capacity building	<ul style="list-style-type: none"> <li>▪ Help raise funding for joint programmes</li> <li>▪ Provide training and build skills of NHRI staff in relation to strategic action plans</li> </ul>
3. Pooling of resources	<ul style="list-style-type: none"> <li>▪ Establishing joint pool of experts on regional/international basis</li> <li>▪ Exchange technical expertise and share best practices in relevant issue areas, i.e. grievance mechanisms, investment agreements, indigenous peoples etc.</li> <li>▪ Jointly develop, test and localize tools, codes of conduct and training material etc.</li> <li>▪ Coordinate testing of tools and compare results and experiences from different countries and sectors.</li> </ul>
4. Agenda setting	<ul style="list-style-type: none"> <li>▪ Coordinate regional or international responses to legislative proposals or treaty developments</li> <li>▪ Facilitate access to and dialogue between host- and home-governments</li> <li>▪ Engage with relevant multilateral institutions, i.e. UN, EU, WB, WTO, IMF</li> <li>▪ Help build acceptance of NHRIs among business associations and trade unions and</li> <li>▪ Facilitate access to business associations and trade unions through international bodies</li> <li>▪ Strengthen reporting to UN Treaty Bodies</li> </ul>

**ROUNDTABLE OF NATIONAL HUMAN RIGHTS INSTITUTIONS  
COPENHAGEN JULY 1-2, 2008**

**ANNEXES**



## ROUNDTABLE OF NATIONAL HUMAN RIGHTS INSTITUTIONS

COPENHAGEN JULY 1-2, 2008

### AGENDA DAY I

<b>8.30</b>	Registration and coffee / tea
<b>9.00</b>	Welcome: A National Human Rights Institutions working group on business and human rights. <i>Birgit Lindsnaes, Vice Director, DIHR &amp; Nils Rosemann, Human Security and Business Desk, Swiss Federal Department of Foreign Affairs</i>
<b>9.20</b>	The DIHR Human Rights & Business Project: an example of NHRI engagement with the corporate sector. <i>Margaret Jungk, Department Director, DIHR</i>
<b>9.40</b>	Agenda & introduction of participants
<b>10.20</b>	Coffee break
<b>10.40</b>	<p><b>EXPERT PANEL: THE FIELD OF HUMAN RIGHTS &amp; BUSINESS - HISTORY, STATUS AND KEY INITIATIVES</b></p> <p><i>The panel will provide participants with an account of the history and key developments in the field of human rights and business leading up to the mandate of the Special Representative of the United Nations Secretary General on the issue of human rights and business.</i></p> <ul style="list-style-type: none"> <li>▪ <i>John Morrison, Director, Business Leaders Initiative on Human Rights.</i></li> <li>▪ <i>Caroline Rees, Office of the Special Representative Of the United Nations Secretary General on the issue of Human Rights and Transnational Corporations and Other Business Enterprises.</i></li> <li>▪ <i>Margaret Jungk, Department Director, DIHR (Moderator)</i></li> <li>▪ <i>Discussion session</i></li> </ul>
<b>12.00</b>	Lunch
<b>13.30</b>	Introduction to roundtable discussions: an NHRI framework on human rights and business. <i>Allan Lerberg Jorgensen, Advisor, DIHR.</i>
<b>13.45</b>	<p><b>GROUP DISCUSSION: THE ROLE OF NHRIs IN IMPROVING GOVERNMENT PROTECTION OF HUMAN RIGHTS IN THE CORPORATE SECTOR</b></p> <p><i>Participants will discuss the potential roles of NHRIs in shaping government policies and administrative practices that affect the protection of human rights in the corporate sector. The aim is to identify current and potential NHRI activities in relation to:</i></p> <ul style="list-style-type: none"> <li>▪ <i>Law and administrative reform in relevant policy areas</i></li> <li>▪ <i>Public sector capacity building in relation to implementation and enforcement</i></li> <li>▪ <i>Monitoring and grievance mechanisms dealing with violations in the corporate sector</i></li> </ul>
<b>15.30</b>	Coffee break
<b>15.50</b>	<b>PLENARY DISCUSSION: NHRI STRATEGIES FOR IMPROVING GOVERNMENT PROTECTION OF HUMAN RIGHTS IN THE CORPORATE SECTOR</b>

**ROUNDTABLE OF NATIONAL HUMAN RIGHTS INSTITUTIONS  
COPENHAGEN JULY 1-2, 2008**

	<p><i>Groups report back to the plenary. Key potential NHRI activities for improving government protection of human rights in the corporate sector will be identified for inclusion in the roundtable report, including observations and recommendations in relation to:</i></p> <ul style="list-style-type: none"> <li>▪ <i>Current efforts and future priorities</i></li> <li>▪ <i>Proposed methodologies and partners</i></li> <li>▪ <i>Assessment of NHRI capacity and needs</i></li> </ul> <p><i>Facilitator: John Morrison, Director, Business Leaders Initiative on Human Rights</i></p>
<b>17.00</b>	Close of day 1
<b>19.00</b>	Dinner

**AGENDA DAY II**

<b>8.45</b>	Coffee / tea
<b>9.00</b>	<p><b>EXPERT PANEL: BUSINESS AND CIVIL SOCIETY PARTNERSHIPS FOR HUMAN RIGHTS</b></p> <p><i>The panel will provide an overview of key opportunities and challenges experienced by business and civil society with regard to partnerships for the promotion of human rights.</i></p> <ul style="list-style-type: none"> <li>▪ <i>Ole Lund Hansen, Senior Advisor, Confederation on Danish Industries</i></li> <li>▪ <i>Albert Wong, Head of Policy and External Relations, Shell International</i></li> <li>▪ <i>Chris Avery, Director, Business &amp; Human Rights Resource Centre</i></li> <li>▪ <i>Margaret Jungk, Department Director, DIHR (Moderator)</i></li> <li>▪ <i>Discussion session</i></li> </ul>
<b>10.20</b>	Coffee break
<b>10.40</b>	<p><b>GROUP DISCUSSION: THE ROLE OF NHRIs IN PROMOTING HUMAN RIGHTS IN THE CORPORATE SECTOR</b></p> <p><i>Participants will discuss the potential roles of NHRIs in promoting good human rights practices within the business community and to facilitate dialogue between business, civil society and government to promote human rights in the corporate sector. The aim is to identify current and potential NHRI activities in relation to:</i></p> <ul style="list-style-type: none"> <li>▪ <i>Partnering directly with business to promote good human rights practices in business communities</i></li> <li>▪ <i>Building capacity of civil society organisations to engage with businesses</i></li> <li>▪ <i>Facilitating dialogue between business, civil society and government</i></li> </ul>
<b>12.00</b>	Lunch
<b>13.30</b>	<p><b>PLENARY DISCUSSION: NHRI STRATEGIES FOR PROMOTING HUMAN RIGHTS IN THE CORPORATE SECTOR</b></p>



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COPENHAGEN JULY 1-2, 2008**

	<p><i>Groups report back to the plenary. Key potential NHRI activities for promoting human rights in the corporate sector will be identified for inclusion into the roundtable report including observations and recommendations in relation to:</i></p> <ul style="list-style-type: none"><li>▪ <i>Current efforts and future priorities</i></li><li>▪ <i>Proposed methodologies and partners</i></li><li>▪ <i>Assessment of NHRI capacity and needs</i></li></ul> <p><i>Facilitator: Allan Lerberg Jorgensen, Advisor, DIHR.</i></p>
<b>14.40</b>	Coffee break
<b>15.00</b>	<p><b>CONCLUDING SESSION: NHRI STRATEGIES ON BUSINESS AND HUMAN RIGHTS</b></p> <p><i>The concluding session will consist of a plenary discussion to summarize and review key findings, conclusions and joint recommendations from the roundtable to be submitted to the International Coordinating Committee, including:</i></p> <ul style="list-style-type: none"><li>▪ <i>Summary of roundtable findings and conclusions regarding NHRI strategies in relation to the corporate sector.</i></li><li>▪ <i>Joint recommendations in relation to the establishment of a NHRI working group on business and human rights</i></li><li>▪ <i>Next steps</i></li></ul> <p><i>Moderator: Margaret Jungk, Department Director, DIHR</i></p>
<b>16.30</b>	Close of day 2

**ROUNDTABLE OF NATIONAL HUMAN RIGHTS INSTITUTIONS  
COPENHAGEN JULY 1-2, 2008**

**List of Participants**

<b>COUNTRY</b>	<b>INSTITUTION</b>	<b>PARTICIPANTS</b>
Canada	Canadian Human Rights Commission	<b>Myriam Montrat</b> , Director General of the Discrimination Prevention Branch
Denmark	Danish Institute for Human Rights	<b>Birgit Lindsnæs</b> , Vice Director <b>Margareth Jungk</b> , Director of the Human Rights & Business Department <b>Rita Roca</b> , Advisor, Human Rights & Business Department <b>Marie Busck</b> , Advisor, Human Rights & Business Department <b>Allan Lerberg Jorgensen</b> , Advisor, Human Rights & Business Department
Kenya	Kenya National Commission on Human Rights	<b>Wambui Kimathi</b> , Commissioner in charge of the Business and HR Program
Luxembourg	Luxembourg Human Rights Commission	<b>Olivier Lang</b> , Human rights lawyer <b>Marc Limpach</b> , Lawyer in the field of business
Malawi	Malawi Human Rights Commission	<b>McDonald Mumba</b> , Acting Director of Research and Documentation
Malaysia	Human Rights Commission of Malaysia	<b>Tan Sri Datuk Seri Panglima Simon Sipaun</b> , Vice Chairperson
Mongolia	National Human rights Commission of Mongolia	<b>Dorj Urantogos</b> , Senior Officer
Nepal	National Human rights Commission of Nepal	<b>Yagya Prasad Adhikari</b> , Deputy Director
Niger	National Commission on Human Rights and Fundamental Freedoms of Niger Republic	<b>Lompo Garba</b> , President
Norway	Norwegian Centre for Human Rights	<b>Ingvild Bartels</b> , Legal Advisor
Philippines	Strategic Development and Planning Office Commission on Human Rights of the Philippines	<b>Ana Elzy E. Ofreneo</b> , Director IV, HR Education & Research Office
South Africa	South African Human Rights Commission	<b>Christine Jesseman</b> , Senior Researcher/Co-ordinator: Human Rights and Business Special Programme
Tanzania	National Human Rights Commission of Tanzania	<b>Epiphania Mfundo</b> , Director of Research and Documentation

**ROUNDTABLE OF NATIONAL HUMAN RIGHTS INSTITUTIONS  
COPENHAGEN JULY 1-2, 2008**

Togo	Commission Nationale des Droits de l'Homme du Togo	<b>Koffi Kounte</b> , Chairperson
Uganda	Uganda Human Rights Commission	<b>George Ufoyuru</b> , Director for Finance and Administration
Venezuela	Defensoría del Pueblo de Venezuela	<b>Maria Claudia Guarnieri</b> , Director of Legislative Affairs <b>Edgardo Toro</b> , Human rights attorney
	International Coordination Committee of National Human Rights Institutions	<b>Katharina Rose</b> , Interim ICC Representative
	Danish Foreign Ministry	<b>Anne Marie Tyndeskov Voetmann</b> , Head of Section – CSR and IFU, Business and Contracts Department <b>Marie Wibe</b> , B2B and PPP Programme, Business Cooperation and Technical Assistance
	Business Leaders Initiative on Human Rights	<b>Kathryn Dovey</b> , Programme Manager

**ROUNDTABLE OF NATIONAL HUMAN RIGHTS INSTITUTIONS  
COPENHAGEN JULY 1-2, 2008**

**List of speakers**

<b>Speaker</b>	<b>Organization</b>
<b>Albert Wong</b> , Head of Policy and External Relations	Shell International B.V.
<b>Caroline Rees</b>	Office of the Special Representative of the United Nations Secretary General on the issue of Human Rights and Transnational Corporations and Other Business Enterprises
<b>Chris Avery</b> , Director	Business & Human Rights Resource Centre
<b>John Morrison</b> , Director	Business Leaders Initiative on Human Rights
<b>Margaret Jungk</b> , Department Director	Human Rights & Business Department, Danish Institute for Human Rights
<b>Nils Rosemann</b>	Human Security and Business Desk, Swiss Federal Department of Foreign Affairs
<b>Ole Lund Hansen</b> , Senior Advisor	The Confederation of Danish Industries