

## **38th session of the Human Rights Council**

### **Report of the United Nations High Commissioner for Human Rights Improving accountability and access to remedy for victims of business-related human rights abuse through State-based non-judicial mechanisms**

#### **JOINT NHRI STATEMENT**

**25 June 2018**

Items 2 and 3

The NHRIs of Cameroon, Bolivia, Denmark, Ecuador, Germany, India, Ireland, Morocco, and the Philippines, representing the Working Group on Business and Human Rights of the Global Alliance of National Human Rights Institutions (GANHRI) welcome the report of the High Commissioner for Human Rights on improving accountability and access to remedy for victims of business-related human rights abuse through State-based non-judicial mechanisms. We also commend OHCHR's Accountability and Remedy Project, which has helped States strengthen their implementation of the pillar on access to remedy in the UN Guiding Principles on Business and Human Rights.

The mandate and role of National Human Rights Institutions (NHRIs) in facilitating remedy, including as a State-based non-judicial mechanism, are identified explicitly in the UN Guiding Principles. NHRIs are instrumental in bridging and mediating concerns over human rights violations concerning businesses, such as, but not limited to, discrimination, labor rights, consumer rights and environmental rights violations. This also frames the relationship of NHRIs to other State-based mechanisms such as domestic courts and regional human rights courts. The bridging role of NHRIs is an important tool or mechanism by which concerns of business-related human rights violations are brought to the attention of these actors.

We remain concerned, however, by the failure or unwillingness of some States to promptly act on the findings and resolutions of NHRIs on human rights abuses involving transnational corporations and business enterprises. NHRIs are independent institutions playing vital roles in

complementing, supporting, or drawing attention to States' actions or policies affecting human rights.

We call on States to implement the recommendations of the ARP II to strengthen State-based non-judicial mechanisms. We call on States to develop national action plans for the implementation of the Guiding Principles with due attention to Pillar III of the Guiding Principles.

We remind States that NHRIs have the mandate to

1. provide support and advice to government to identify whether relevant laws are aligned with their human rights obligations and are being effectively enforced;
2. monitor, investigate into, and report on the impact of business activities on human rights;
3. provide information and advise on how corporations operate its business with due regard to the potential impacts of their operations to human rights;
4. assist victims of corporate abuses or victims of human rights violations by serving as bridge, facilitator and mediator between the State, rights-holders and business enterprises, as well as support victims' access to justice, remedies and reparations;
5. conduct research or documentation of good practices and challenges in relation to business and human rights, which will inform stakeholders and influence reforms towards application of rights-based legislation and policies on business and human rights.

For example the Commission on Human Rights of the Philippines is carrying out a national inquiry on climate change, which probes into the alleged responsibility of major fossil-fuel companies or so-called "carbon majors" to climate change and how this impacts human rights. The Commission is using its investigatory functions and is directly invoking the Guiding Principles in the case.

Keeping NHRIs independent, functional and accessible to all creates an enabling environment where NHRIs can facilitate dialogue among duty-bearers, rights-holders, business enterprises and civil society, and recommend access to justice, effective remedies and reparations for business-related human rights abuses.

We will be recommending the ARP II report recommendations to NHRIs in all regions, and look forward to promoting their implementation, in collaboration with all stakeholders at global and local levels alike.

Thank you.