



## **European Group of National Human Rights Institutions**

### **Berlin Action Plan on Business and Human Rights**

1. The European Group of National Human Rights Institutions held its first Regional Workshop on Business and Human Rights in Berlin from 5-7 September 2012, in line with the ICC's Edinburgh Declaration of October 2010.
2. Representatives of over 20 A-status and other NHRIs from the European Region and the ICC Working Group on Business and Human Rights took part. The Workshop was organised by the German Institute for Human Rights with assistance from the Danish Institute for Human Rights and Scottish Human Rights Commission, with support from the German Federal Ministry for Economic Cooperation and Development and the Global Compact Network Germany.
3. *Recalling* NHRIs' collective affirmation, expressed in the Edinburgh Declaration, that their UN Paris Principles mandate applies to all human rights, civil and political, economic, social and cultural, and to human rights issues in corporate and public sectors alike
4. *Recalling* the UN three-pillar framework of the state duty to protect human rights, the corporate responsibility to respect human rights, and the right to access to an effective remedy for human rights abuses; UN Human Rights Council Resolution 17/4 of 2011, its recognition of the role of NHRIs on business and human rights and the UN Guiding Principles on Business and Human Rights
5. *Welcoming* the European Council's Strategic Framework and Action Plan on Human Rights and Democracy and the decision to seek from EU Member States in 2013 national plans for implementation of the UN Guiding Principles on Business and Human Rights, in line with the European Commission's 2011 Communication on CSR
6. *Welcoming* the 2011 Revised OECD Guidelines for Multinational Enterprises which aligned with the UN Guiding Principles on Business and Human Rights

7. *Welcoming* the establishment of a Permanent Secretariat of the European Network of NHRIs and its ability to contribute to progressive developments at European level including with respect to business and human rights issues
8. *Noting* the Yaounde Recommendations on the Plan of Action on Business and Human Rights of the Network of African NHRIs, the Regional Declaration and Action Plan on Business and Human Rights of the Network of NHRIs of the Americas, and the Asia Pacific Regional Seminar on Business and Human Rights Outcome Statement
9. *Observing*, with deep concern, challenges to enjoyment of human rights in Europe as a result of the financial and economic crises, and that the burdens of national and regional austerity responses are borne disproportionately by vulnerable and marginalized rights-holders within European societies, such as children, women, youth, older persons, persons with disabilities, migrants and migrant workers, refugees and those seeking asylum and minorities; and care-givers and others
10. *Observing* the crucial contribution of business to the realisation of human rights, in particular, by creating employment, providing sustainable goods and services, creating value and contributing to revenue through tax, while recalling the negative impacts on human rights inside and outside Europe that result from poor business practices, as well as inadequate regulation
11. *Recalling* that NHRIs should develop and at all times apply a human rights-based, and the need for provision of adequate resources to NHRIs to fulfill their Paris Principles mandate, including with regard to business and human rights
12. Following presentations and discussion amongst participating NHRIs, and contributions from civil society, business, government and European regional and international organisations, the European Group of NHRIs agreed upon the following Action Plan.

#### **A. Priority actions for national human rights institutions 2012-15**

13. *Acknowledging* the independence and autonomy of all NHRIs, the diversity of their national contexts and the need to define strategic objectives and programmes informed by local circumstances and resources, NHRIs within the European Region should take measures such as the following towards fulfillment of their mandates with regard to business-related challenges to enjoyment of human rights:

- i. Integrating human rights and business issues into strategic planning and programmes of each NHRI, with attention to the impacts on vulnerable and marginalized rights-holders inside and outside the home state territory
- ii. Establishing a business and human rights focal point, in line with the Edinburgh Declaration
- iii. Undertaking a national baseline study with reference to the UN Guiding Principles on Business and Human Rights and /or making recommendations for national plans to implement the UNGPs, and considering in this context business human rights impacts inside the territory and impacts outside the territory of companies established or based inside the territory
- iv. Integrating human rights and business in submissions to international bodies, for example, during the UN Human Rights Council's Universal Periodic Review, reporting to UN treaty monitoring bodies and to European regional human rights mechanisms
- v. Undertaking activities such as empowerment and support to affected rights-holders, monitoring, documentation, inquiries, complaints-handling, and education and outreach with stakeholders, including business, with regard to:
  - human rights impacts of businesses based in or operating in the home state of the NHRI
  - public procurement and commissioning of public services
  - human rights impacts of systemic regulatory failures in the context of the financial crisis
  - the OECD Guidelines for Multinational Enterprises and National Contact points
  - access to effective remedies for victims of business-related human rights abuses

and also regarding:

- Export Credit Agencies
- National development agencies including with respect to their policy advice
- National pension funds, sovereign funds and other state investments
- Bilateral or multilateral trade and investment agreements

and with regard to other national, regional or international policies that have impacts at home or abroad with respect to business and human rights.

Participating European Group NHRI members undertook to initiate one concrete action in relation to the areas above within the next twelve month period and to report back on these to the Group.

**B. Actions to be taken by the European Group of NHRIs collectively to support members in promoting implementation of the UN “protect, respect, remedy” framework**

European Group members further resolved that the following actions should be taken at regional level:

- i. Including human rights and business in the next and future strategic plans of the European Group
- ii. Undertaking strategic outreach with European-level institutions and stakeholders relevant to business impacts on human rights, such as, the European Council, Parliament and Commission; the Special Representative on Human Rights; the Council of Europe; financial institutions, such as the EIB and EBRD; and the OSCE;
- iii. Undertaking strategic outreach with international institutions, other ICC regional networks and stakeholders including OHCHR, the ILO, UNDP, FAO and other specialized agencies and special mandate holders of the UN; labour unions, business and civil society organisations, academia, rights-holders and their representatives
- iv. Gathering case studies on business and human rights from European NHRIs and disseminating to Network members
- v. In particular, engaging with regional and national institutions with regard to
  - the development of national baseline studies and national action plans to implement the UN Guiding Principles and national plans on CSR
  - regional regulation relating to Export Credit Agencies, financial disclosure and other reporting
  - public procurement and commissioning of public services
- vi. Cooperating with the ICC Working Group on Business and Human Rights to support capacity building of individual NHRIs, inside and outside Europe, including by producing an European Regional Supplement to the ICC Training Course on business and human rights
- vii. Undertaking outreach to the UN Working Group on Business and Human rights, including sharing with them this Action Plan

- viii. Supporting European Group members to strengthen their legal mandates, where necessary, to be able to act effectively on business and human rights issues
- ix. Requesting European Regional Members of the ICC Working Group on Business and Human Rights to liaise with European Group member institutions' business and human rights Focal Points, and to report to the European Group Coordinating Committee on business and human rights issues annually.

**Adopted in Berlin, 7 September 2012**