



Virtual Workshop on NHRIs' actions for the next decade of implementation of the UNGPs

**18 March 2021
13.00-16.00 CET**

Concept Note

Background

June 2021 marks 10 years since the adoption of the UN Guiding Principles on Business and Human Rights (UNGPs) by the United Nations Human Rights Council. Established in 2011, and after a decade of implementation, the UNGPs constitute a globally recognized authoritative framework that assigns responsibility to states and businesses to prevent and address business-related human rights abuses. The principles embed the “protect, respect and remedy” pillars, and carries a vision of “*tangible results for affected individuals and communities, and thereby also contributing to a socially sustainable globalization.*”

As part of its mandate to promote the UNGPs, embedded in its 2020-21 action plan, the GANHRI Working Group on Business and Human Rights is undertaking a new activity to further drive and scale up the implementation of the UNGPs more widely over the next 10 years. The project will take stock of achievements to date, review existing gaps, and develop an ambitious vision and roadmap for the decade ahead, with the aim of capitalizing on the transformational potential of the UNGPs. The Working Group activity's is a direct contribution to the UNWG UNGPs10+ project, along with a report to be submitted to the Human Rights Council in June 2021.

This activity will take place through online consultations, in form of a one daylong webinar (March 18), to gather the input of NHRIs on how to set actions for the effective implementation of UNGPs. This activity is a continuance of the global multi-stakeholder consultations, ranging from diverse civil society networks in Europe, North America, Latin America, and Africa, to business associations; investors and those that engage with them; European governments; lawyers, NHRIs, etc.

Going forward, it is essential to include and reflect on the role of the NHRIs and their contribution to ensuring corporate respect for human rights. The role of the NHRIs is crucial in the implementation of the guiding principles, as they can pressure and encourage governments to take action and meet their duty in preventing and addressing human rights abuses in the corporate world. They could also, among other things, act as an independent body in administrating the remedy access means one of the three pillars of the UNGPs.



The dialogue with the NHRIs will evolve around the central role of the institutions, which needs to be fully considered for the vision of the UNGPs to be carried out in the next decade and beyond. This includes the role of NHRIs in assisting their countries in developing a solid Business and Human Rights approach in their National Action Plan (NAP), as many countries lack a dedicated section in their NAPs; as well as addressing the role of NHRIs in dealing with issues that NAPs fail to address (State-Business-Nexus, domestic issue).

Additionally, the consultation will be an opportunity to confer on the NHRIs role in strengthening access to effective remedy for victims of violations of human rights in the business world, as well as their role in support corporate human rights due diligence processes. The event will also seek to address business and human rights from a regional perspective in order to identify the challenges encountered in the implementation of the Guiding principles and the opportunities offered in every regional context.

The Webinar will be hosted by the GANHRI Working Group on Business and Human Rights under the leading of the CNDH Morocco in its capacity as member and supported by the UNDP.

Sessions Overview

Session 1: The role of NHRIs in implementing National Action Plans

National action plans on business and human rights (NAPs) articulate a state's priorities and actions to implement the UNGPs. Since 2011 numerous actors including the UN Human Rights Council have encouraged states to develop NAPs. In line with the UNGPs, NAPs must be based on international human rights standards and reflect the complementarity and interrelatedness of State obligations and business responsibilities in preventing, mitigating and remedying adverse business-related human rights impacts.

The importance of NHRIs in the effective implementation of the NAPs processes is explicitly acknowledged by all stakeholders. Therefore, the consultation will be an occasion to confer on how NHRIs could play a more active role in the stages of developing a National Action Plan tailored to the national context and responding to specific challenges related to human right in the corporate world. The discussion will also include ways to address the issues that NAPs have failed to address (State-Business-Nexus, domestic issues).

Lead questions:

1. What innovative approaches can be taken by NHRIs to play a more active role in the stages of developing a National Action Plan?
2. What do you consider to be potential challenges and how to deal with them?



3. How can NHRIs encourage other actors at the national level, (e.g. civil society groups, business, etc.) to get engaged in participating in this process?

Session 2: The role of NHRIs in driving Human Rights Due Diligence processes

Human rights due diligence is a critical part of fulfilling the “corporate responsibility to respect” as defined in the UN Guiding Principles on Business and Human Rights (UNGPs). It provides the backbone of the day-to-day activities of a business enterprise in translating into practice its responsibility to respect human rights. Due diligence is fundamental as a way of informing what any business enterprise should do to meet its responsibility to respect human rights. It goes well beyond the idea of doing no harm. The concept of corporate respect, as set forth in the Guiding Principles, requires proactive steps to prevent and address harmful impacts. The prevention of adverse impacts on people is the main purpose of human rights due diligence.

The role of NHRI is crucial in identifying and assessing specific actual or potential adverse impacts related to an enterprise’s activities or its business relationships. Each potential impact identified will have to be assessed for its likelihood and severity. Lessons from “early adopters” on how to get started, the journey of moving from policy to practice, and key milestones will be the central talking points in this session. Will also be identified good practice elements in relation to a number of aspects of human rights due diligence, including stakeholder engagement, transparency and meaningful reporting on human rights.

Lead questions:

1. What role can NHRIs play to incentivize businesses to adopt and implement policy tools that go beyond reporting obligations to encompass comprehensive HRDD? What does your organization need to be more efficient regarding this issue?
2. What lessons can we draw from the “early adopters” of the HRDD? What methodologies, formats, innovative approaches that have yielded impacts?
3. Describe your goals for this topic within the coming years. What obstacles and limitations your institutions often face in achieving your goals?

Session 3: The role of NHRIs in facilitating access to remedy for business-related human rights abuses

Access to effective remedy is a core component, and one of the three pillars, of the UN Guiding Principles on the Business and Human Rights (UNGPs), which provide the globally recognized and authoritative framework for the respective duties and responsibilities of Governments and business enterprises to prevent and address business-related human rights impacts.



While judicial mechanisms are “at the core of ensuring access to remedy”, NHRIs, as a key State based non-judicial grievance mechanism, have “an essential role in complementing and supplementing judicial mechanisms”. NHRIs can facilitate access to remedy both directly (e.g., by handling complaints concerning business-related human rights abuses) and indirectly (e.g., by raising awareness, conducting public inquiries, building capacity, assisting affected rights holders, and recommending legal reforms).

The overarching goal of this consultation will be to explore **how the existing role of NHRIs** in facilitating access to effective remedy for business-related human rights abuses could be **strengthened**. The objective will be achieved through **sharing of NHRIs’ experiences, challenges, lessons learned, and innovations** from all world regions. This includes identifying common challenges faced by NHRIs and how these might be addressed to strengthen NHRI capacity, action and collaboration to enhance access to remedy for victims of business-related human rights abuses.

Lead questions:

1. Please share with us: challenges, opportunities, and lessons that can be drawn from your own experience?
2. How have you continued to engage with all stakeholders to insure and enhance access to remedy for victims of business-related human rights abuses?
3. Discuss what more is required to support and strengthen the role and ability of NHRIs with regards to this matter?

Session 4: The role of NHRIs in developing transnational cooperation along the supply chains

The UNGPs confirm that National Human Rights Institutions have an important role to play in implementing the principles. Their task is to provide guidance on human rights to states, business enterprises and other non-state actors. Transnational cooperation among National Human Rights Institutions (NHRIs) can help to promote the implementation process.

The protection of human rights in global supply chains is a difficult task. The increase in transnational economic activity has led to a governance gap that presents challenges for the human rights protection system. The resultant governance gaps ultimately amount to gaps in human rights protection that need to be filled. The UN Guiding Principles on Business and Human Rights were developed to close these gaps. The challenge is to promote the effective implementation of the principles in order to protect, respect, and fulfil human rights.

National Human Rights Institutions can play an important role in promoting the implementation process. NHRIs have established several regional and global networks, such as the European NHRI Network, the NHRI Network for the Americas and the Global Alliance of National Human Rights



Institutions (GANHRI). With these networks, they have created important platforms that connect the NHRIs at both ends of a supply chain and support the exchange of ideas, experiences and methods in the context of business and human rights between them. This helps NHRIs to find creative ways to address human rights issues jointly, thereby contributing to the closure of protection gaps that originate from cross-border business activities. To live up to this potential, however, NHRIs need to increase their institutional capacities for transnational cooperation.

The ultimate goal of this session will be to highlight the challenges and limitations that NHRIs face in developing transnational cooperation, and discuss effective strategies to overcome such challenges and limitations. This consultation will also be an opportunity to facilitate the dissemination of good practices, successful approaches, lessons learned from NHRIs that have been down that road and benefit the other NHRIs.

Lead questions:

1. What approaches can be taken nationally, regionally, and internationally to promote and encourage transnational cooperation?
2. Please share with us good practices, successful approaches and lessons learned. What do you consider to be the potential challenges and how to deal with them?
3. How can partners from regional and international networks of human rights support you?