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NATIONAL HUMAN  
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INSTITUTIONS AND  
ACCESS TO REMEDY  
IN BUSINESS AND  
HUMAN RIGHTS

ANNEXES



**NATIONAL HUMAN RIGHTS INSTITUTIONS AND ACCESS TO REMEDY IN  
BUSINESS AND HUMAN RIGHTS  
ANNEXES**

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Contributors: This report was written with assistance from Inga Tauber, Kavya Chaturvedi, Diana Rocio and Lukas Bogner. The NHRI case studies in Part 2 have been written in collaboration between the respective NHRIs and the DIHR. The focal points at the NHRIs were: James Mwenda (Kenya), Boubacar Amadou (Niger), Richmond IHEME (Nigeria) and Ruth Ssekindi (Uganda).

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## **ANNEX A: REPORT AND CASE STUDY METHODOLOGY**

The analysis presented in this report is primarily exploratory. The report seeks to exemplify and analyse the legal parameters and practical role played by national human rights institutions (NHRIs) in facilitating access to remedy in the area of business and human rights (BHR), with the view to generating policy recommendations and identifying areas for further scholarly research on this topic.

The primary information base for the report includes: (1) a review of academic and grey literature relevant to the topic (see Endnotes); (2) 32 NHRI submissions to the 2019-issued questionnaire of the United Nations Working Group on BHR (UNWG) exploring the role of NHRIs in supporting access to remedy in BHR (see Annex B for the questionnaire and Annex C for a summary table of the submissions); and (3) four case studies examining the role and practice of the NHRIs from Kenya, Niger, Nigeria and Uganda in supporting access to effective remedy in BHR (see Part 2 of the report).

The four case studies were written in collaboration between the respective NHRIs and the Danish Institute for Human Rights (DIHR), informed by publicly available information as well as interviews with select NHRI staff and relevant external stakeholders. The case studies were selected on the basis of the following criteria: (1) tangible activities of the NHRIs in the field of BHR; (2) A-status accreditation of the NHRIs by the Global Alliance of National Human Rights Institutions (GANHRI); (3) existing DIHR contacts and established relationships with the institutions; (4) the NHRIs' interest and availability to participate in the project. Interviews were conducted by the DIHR with select NHRI staff and where possible other relevant stakeholders in the case study countries. On-site interviews and data collection was undertaken in Kenya and Niger, while other interviews were conducted remotely. To ensure consistency in the collection and analysis of the evidence as well as translation of the findings into meaningful policy recommendations, the authors took the structure of the UNWG questionnaire as a reference point. Adopting the questionnaire's structure offered several advantages. First, it allowed the authors to directly draw on the insightful information contained in the submissions answering the questionnaire. Second, the questions covered in the survey sequentially and exhaustively address the range of information necessary to compose an overview and assessment of NHRIs' roles in facilitating access to remedy in the field of BHR. Third, taking the questionnaire as an organisational principle seeks to establish relevance of the report to the work of the UNWG and its 2020 Human Rights Council report on the role of NHRIs in access to remedy, to which the paper seeks to contribute. Therefore, the questionnaire's structure was used to run

interviews and collect information in the four case studies. The analysis sections of the report are also organised along the same sequence.

A comparative analysis of the findings from the four case studies is presented, drawing also on the perspectives gained through the analysis of the written answers provided by the NHRIs to the 2019-issued UNWG questionnaire. The experiences reported by NHRIs through these submissions, as well as additional sources such as interviews conducted by the DIHR in 2017 for the Accountability and Remedy Project undertaken by the Office of the United Nations High Commissioner for Human Rights, and discussions with NHRIs in a DIHR regional blended learning programme on BHR, serve as a basis to provide examples for NHRIs on how to overcome existing limitations and challenges. In this respect, the executive summary and recommendations section spells out a set of 10 topic areas with concrete policy recommendations.

Accordingly, the methodology applied in this working paper is inductive, taking the reality of NHRIs' work as a point of departure and the enhancement of their work as a destination. It is beyond of the scope of this report to test a series of NHRI effectiveness criteria, such as the ones carved out by authors such as Tom Pegram, Katerina Linos or Rachel Murray (see endnotes in Part 1), and to scientifically gauge effectiveness in a linear causal determinative sense. Given the lack of applied scholarship and policy work on the topic of NHRIs' role in access to effective remedy in the field of BHR, the immediate objective of this report is to generate and consolidate knowledge of existing practice, which the authors believe is a necessary basis for further academic research. The concluding section in Part 1 as well as the comparative analysis of the case studies in Part 2 of the report discuss what this additional research – and relevant research methods – could be. The report also aims to generate practical ideas and recommendations, relevant for both the production of international guidance as well as suggesting paths for NHRIs to further invest in their role in the field of BHR.

The fact that this report is drafted by NHRIs, and on the basis of information provided by NHRIs, is worthy of consideration. Part 1 of the report has been drafted by DIHR contributors. The case studies in Part 2 from Kenya, Niger, Nigeria and Uganda have been drafted in collaboration between the respective NHRIs and the DIHR. The co-production of these case studies with the relevant NHRIs, through exchanges in the drafting process, provides a fruitful apparatus to generate data and affine certain dimensions of the case study in the subsequent drafting stages, as well as test some of the hypothesis and conclusions informing the analysis in the report overall. As such, the four case



studies play an important role not only to shed light on the practice of individual NHRIs but also to ensure the policy recommendations make sense to NHRIs.

This report is therefore in part a self-reflective exercise by NHRIs themselves – which presents advantages but also invites us to weigh the question of the positionality of the authors, who are also, in part the object of scrutiny. In order to raise the level of objectivity and the validity of the findings, a certain number of provisions were put in place. First, the DIHR, being one of the few NHRIs with a research department, stands at a praxis of academic interface with real policy issues, and is not part of the case studies. Second, the collaborative approach taken by the involved NHRIs ensures a cross-critical glaze in the production of evidence and analysis. Third, external stakeholders' views on the performance of NHRIs in the four case study countries were solicited where possible – including representatives from ministries, non-governmental organisations (NGOs), trade unions, and so forth (see further below). Fourth, the draft report was circulated for feedback to a range of recognised scholars and NHRI practitioners who offered valuable comments and contributed to upholding analytical rigour throughout the report (see Acknowledgments).

A brief overview of the methodology for each of the case studies presented in Part 2 of the report is provided below.

## **KENYA**

The Kenya case study was developed in collaboration between the Kenya National Commission on Human Rights (KNCHR) and the DIHR. An initial draft was written by the DIHR, based on desktop review and first-hand knowledge of KNCHR established through a multi-year collaboration between the two institutions. During a visit to Kenya in August 2019, two DIHR staff interviewed six KNCHR staff in one-on-one interviews. Each interview was around one hour and was loosely based on the UNWG questionnaire, delving into those questions and topics of most relevance to the particular interviewee. Interviewees had been selected in collaboration with the KNCHR focal point for this project, based on their engagement and role in relation to BHR, complaints handling and public inquiries. Interviewees were a mix of regional and Nairobi-based staff. Subsequent drafts of the case study were further developed through rounds of editing by the KNCHR and DIHR focal points for this project, as well as a face-to-face follow-up conversation between a DIHR staff member and the KNCHR focal point in conjunction with the UNWG October 2019 Geneva consultation on NHRIs and access to remedy.

## **NIGER**

The Niger case study was developed in collaboration between the Commission Nationale des Droits Humains (CNDH) and the DIHR. An initial draft was written by the DIHR, based on desktop review and on-site interviews with CNDH staff and other relevant stakeholders. During a visit to Niger in October 2019, a DIHR staff member interviewed seven CNDH staff in one-on-one interviews, as well as six external stakeholders from government, civil society and academia. Each interview was around one hour and was loosely based on the UNWG questionnaire, delving into those questions and topics of most relevance to the particular interviewee. Interviewees had been selected in collaboration with the CNDH focal point for this project, based on their engagement and role in relation to BHR, complaints handling and public inquiries. Subsequent drafts of the case study were further developed through rounds of editing by the CNDH and DIHR focal points for this project. The original case study was produced in French.

## **NIGERIA**

The Nigeria case study was developed in collaboration between the National Human Rights Commission of Nigeria (NHRC) and the DIHR. An initial draft was written by the DIHR, based on desktop review and interviews with four Commission staff and four representatives from the civil society and legal communities. Interviews were conducted by phone, each interview was around one hour and was loosely based on the UNWG questionnaire, delving into those questions and topics of most relevance to the particular interviewee. Interviewees had been selected in collaboration with the NHRC focal point for this project, based on their engagement and role with BHR, complaints-handling, public inquiries and legal processes. Commission staff represented a number of different units within the Commission, including the monitoring and legal departments. Subsequent drafts of the case study were further developed through rounds of editing by the NHRC and DIHR focal points for this project, a further NHRC colleague working on BHR, as well as a face-to-face follow-up conversation between a DIHR staff member and the NHRC focal point in conjunction with the UNWG October 2019 Geneva consultation on NHRIs and access to remedy.

## **UGANDA**

The Uganda case study was developed in collaboration between the Uganda Human Rights Commission (UHRC) and the DIHR. An initial draft was written by the UHRC. The DIHR then provided further input based on desktop review and interviews with one Commission staff member and three representatives from civil society. Interviews were conducted by phone, each interview was around 30 to 60 minutes and was loosely based on the UNWG questionnaire, delving into those questions and topics of most relevance to the particular interviewee.

Interviewees had been selected by the UHRC focal point for this project, based on their engagement and role in relation to BHR, complaints handling, public inquiries and legal processes. Subsequent drafts of the case study were further developed through rounds of editing by the UHRC and DIHR focal points for this project.

## **ANNEX B: UNWG QUESTIONNAIRE**

Call for input by the Working Group on Business and Human Rights on the role of national human rights institutions in facilitating access to effective remedy for business-related human rights abuses.

### **Questions**

#### **I. The role and mandate of NHRIs in facilitating access to effective remedy for business-related human rights abuses**

1. Does your NHRI have an explicit or implicit mandate to handle complaints concerning alleged business-related human rights abuses? If yes, what methods (e.g. mediation or conciliation) can be used to facilitate access to remedy for human rights abuses?
2. What types of remedies can your NHRI offer to individuals or communities affected by business-related human rights abuses? Do you consider those remedies to be effective?
3. Does your NHRI have a mandate to investigate, conduct inquiry and adjudicate individual cases of alleged human rights abuses by businesses? If yes, please provide relevant statistics in relation to complaints received and adjudicated.
4. Does your NHRI give any special attention to facilitate access to your complaint mechanisms by vulnerable or marginalised groups? If yes, what measures have been taken in this regard?
5. What gender-sensitive and gender-responsive measures your NHRI take in dealing with cases of alleged business-related human rights abuses?
6. What other measures does your NHRI undertake to facilitate access to remedy indirectly for business-related human rights abuses (e.g. raising awareness about rights and remedial mechanisms, providing legal assistance, building capacity of communities or businesses, assessing effectiveness of other grievance

mechanisms, and recommending reform of the national legal system to strengthen access to remedy)?

7. How does your NHRI collaborate with other judicial or non-judicial remedial mechanisms (e.g. courts, labour tribunals, National Contact Points, and operational level grievance mechanisms) in dealing with complaints concerning business-related human rights abuses?

8. Can your NHRI deal with alleged business-related human rights abuses with a transnational or cross-border dimension (e.g. through informal visits and exchange of information or a cooperation arrangement with counterparts in other States)?

9. Is your NHRI involved in any initiatives to stimulate effective multi-stakeholder grievance mechanisms to strengthen access to remedy for business-related human rights abuses?

10. Where a National Action Plan on Business and Human Rights exists (or is under development), does it provide for a role for NHRIs in relation to access to remedy in case of business-related human rights abuses?

## **II. Challenges and limitations faced by NHRIs in facilitating access to effective remedy for business-related human rights abuses**

1. What are the most critical challenges and limitations (e.g., legal, practical, or financial) that your NHRI has experienced in facilitating access to effective remedy in business-related human rights abuses? How could these challenges or limitations be overcome?

2. What additional challenges has your NHRI faced in dealing with complaints with a transnational dimension (e.g., exploitation of migrant workers, or cross-border environmental pollution)?

3. How has your NHRI dealt with complaints involving multiple victims?

4. What has been the experience of your NHRI in dealing with complaints concerning parent and subsidiary companies or the supply chain of a company?

## **III. Good practices, innovations and recommendations to strengthen the role of NHRIs in facilitating access to effective remedy for business-related human rights abuses**



1. Can you share any good practice examples in which your NHRI was able to facilitate, directly or indirectly, effective remedies for business-related human rights abuses?
2. Are there good practice examples of your NHRI supporting the work of civil society and human rights defenders (including women human rights defenders) working to secure access to effective remedy for business-related human rights abuses?
3. Can you identify any innovative steps taken by your NHRI in overcoming various challenges and limitations faced in dealing with complaints concerning business-related human rights abuses?
4. What measures should be taken to strengthen the mandate, role and capacity of NHRIs in facilitating access to remedy for business-related human rights abuses?
5. How could NHRIs collaborate with regional and international human rights monitoring mechanisms (including the Universal Periodic Review) to facilitate access to remedy for business-related human rights abuses?

## **ANNEX C: COMPARATIVE OVERVIEW OF UNWG QUESTIONNAIRES**

The following Table 1 provides an overview of the responses submitted to the UNWG call for input on the role of NHRIs in facilitating access to effective remedy for business-related human rights abuses (accessible here: <https://www.ohchr.org/EN/Issues/Business/Pages/AccessToRemedySubmissions.aspx>). From the in total 33 NHRI responses, 22 were submitted in English, four in French, six in Spanish and one in Arabic. The responses were analysed and organised into the table by two DIHR researchers with English, French and Spanish language skills. Neither of the researchers had Arabic language skills, therefore the response provided in Arabic by the National Institution for Human Rights of the Kingdom of Bahrain is not included in the table or analysis.

The overview table is divided into four different sections. The first section, concerning the role and mandate of NHRIs in facilitating access to effective remedy for business-related human rights abuses, includes information regarding the various mandate areas and used methods, types of provided remedies as well as measures to facilitate access to remedy indirectly. Moreover, it incorporates aspects regarding the consideration of vulnerable and marginalised groups and gender, and the NHRIs' role in relation to access to remedy in the context of National Action Plans on Business and Human Rights

(NAPs). The narrative write-up of this section, presented in Part 1 of the report, follows the logic of the individual columns, capturing a summary of the information therein. The information regarding NHRIs' role in NAPs processes, however, was grouped with the discussion on collaboration with other actors, as this seemed most logical to the authors.

The second section focuses on the collaboration of NHRIs with different actors and mechanisms, such as other remedial mechanisms or human rights monitoring mechanisms. Here, it should be noted that in the UNWG questionnaire, information about collaboration with other remedial mechanisms and actors more generally was solicited by focusing on what NHRIs are doing in this regard, whereas information about collaboration with regional and international human rights mechanisms was posed as a forward-looking recommendations question. Nevertheless, for the purposes of the narrative analysis presented in this report, they are grouped together under the heading of collaboration as this seemed most appropriate for the flow of the write-up.

In the third section, various challenges and limitations are reflected, including but not limited to the mandate area, cases involving multiple victims or cross-border cases. In the narrative write-up, information from this section is integrated under the relevant discussion section based on the columns capturing information on mandate and collaboration.

The last section summarises recommendations to strengthen the role of NHRIs in facilitating access to effective remedies in BHR. Information presented in this column is reflected in the write-up of the executive summary and recommendations section of the report, which includes recommendations to states, businesses, civil society and other actors on how the role and practice of NHRIs in access to remedy for business-related human rights abuses may be enhanced.

Consequently, while following the overall logic of the UNWG questionnaire, grouped under three main themes, the table does not strictly follow the 19 questions. Instead, the 12 different columns of the table encompass information expressed by NHRI respondents under various questions and regroup these under each respective column of the table. This approach was taken because NHRI respondents often did not respond to the questionnaire on a question-by-question basis and the extent and thematic relevance of the information provided differed significantly. Many NHRI respondents grouped answers or responded only to those questions that they deemed most relevant. The length of the submissions varied between three to 15 pages, with an estimated average of eight pages. The answers to the individual questions ranged from a few

general sentences to substantial explanations. As some answers were rather vague and did not cover every aspect of the posed question, this has implications for the comprehensiveness of the comparative analysis. NHRI respondents often gave imprecise answers regarding their different mandate areas, not clarifying, for instance, if the provided information refers to their overall or complaints-handling mandate or if the mandate covers investigation, inquiries and adjudication, and if these competences are also applicable in the context of BHR. Therefore, specifications and explanatory examples are lacking in the overview table and analysis at times. In case no answer concerning a specific aspect was given, this is reflected with a bullet (“-”). If indicated by the NHRIs that a certain aspect is not relevant, for instance because of a lacking mandate in that respective area, this is highlighted as not applicable (“N/A”).

With the view to providing further clarity, information provided by NHRIs is colour coded: black is for information presented by NHRIs as representing actions, activities or the status of things as it currently stands; red is used to indicate aspects of the answers provided by NHRIs highlighting challenges; and blue indicates information provided in the form of recommendations. Overall, the responses provided by NHRIs to the questionnaire, while instructive, is incomplete. Furthermore, it should be noted that no independent verification of information provided was undertaken by the DIHR researchers. As such, the information provided in the following Table 1, as well as the associated narrative analysis presented in Part 1 of the report, is based purely on desktop review of the NHRI responses submitted to the UNWG questionnaire.

**TABLE 1: COMPARATIVE OVERVIEW OF UNWG QUESTIONNAIRE ANSWERS**

NHRI	I. MANDATE							II. COLLABORATION			II. CHALLENGES AND LIMITATIONS	IV. RECOMMENDATIONS
	Mandate to handle complaints and used methods	Types of remedies and their effectiveness	Investigation, inquiries and adjudication (incl. inquiry of own accord)	Consideration of vulnerable or marginalised groups and gender	Measures to facilitate access to remedy indirectly	The NHRI's role in relation to access to remedy in the national action plan	Extraterritorial mandate and ability to act in cross-border cases	Collaboration with other remedial mechanisms (incl. judicial and multi-stakeholder)	Collaboration with other actors to facilitate access to remedy	Potential collaboration with regional and international human rights monitoring mechanisms	Challenges and limitations (incl. cross-border cases and multiple victims)	Recommendations to strengthen the role and capacity of NHRIs in facilitating access to remedy
<b>AFRICA</b>												
<p><b>Côte d'Ivoire</b></p> <p>Conseil National des Droits de l'Homme de Côte d'Ivoire (CNDH)</p>	<ul style="list-style-type: none"> <li>• Explicit and broad mandate</li> <li>• Conciliation</li> <li>• In 2019, CNDH received in total six complaints related to BHR</li> </ul>	<ul style="list-style-type: none"> <li>• CNDH cannot offer any reparation measures</li> </ul>	<ul style="list-style-type: none"> <li>• Non-judicial investigations for all HuRi complaints, including those committed by companies</li> </ul>	<ul style="list-style-type: none"> <li>• Particular attention to facilitating access to complaint mechanisms for vulnerable groups</li> <li>• CNDH has a representative of a women's organisation on its board</li> <li>• Specific research on gender issues is undertaken, including in the context of businesses</li> </ul>	<ul style="list-style-type: none"> <li>• Awareness raising among socio-professional groups and civil society</li> <li>• In cooperation with the German organisation GIZ, capacity building of CSOs and local communities, including on remedies</li> <li>• During this workshop, a risk assessment in the mining sector in Côte d'Ivoire was conducted</li> <li>• Visit of the Tongon mine in M'bengué together with the Ministry of Mines and Ministry of Employment to raise awareness among communities and victims of HuRi violations about available remedies</li> <li>• Legal advice and assistance to victims of HuRi violations</li> </ul>	<ul style="list-style-type: none"> <li>• No NAP in Côte d'Ivoire</li> </ul>	<ul style="list-style-type: none"> <li>• Handling of cases with a transnational or cross-border dimension</li> <li>• Regular visits to the Tongon and Hiré mines, where allegations of HuRi violations have been reported</li> <li>• In the Tongon case, a working group composed of various actors was negotiating a solution to the conflict</li> <li>• The complaints were settled directly with the local representation of the involved mining companies</li> </ul>	<ul style="list-style-type: none"> <li>• Referrals of cases to the relevant structures</li> <li>• Collaboration with both judicial and non-judicial mechanisms</li> </ul>	-	<ul style="list-style-type: none"> <li>• Interaction with regional mechanisms (5-minutes statement by NHRIs during public sessions, production of alternative reports, advocacy during the assessment of States through the mechanisms, provision of relevant information and other voluntary contributions)</li> <li>• Participation in sessions of the Human Rights Council (information, new challenges, proposals for measures to governments)</li> </ul>	<ul style="list-style-type: none"> <li>• Limited scope of CNDH's decisions due to the lack of quasi-judicial power</li> <li>• Lack of financial resources to conduct large-scale awareness-raising and capacity building</li> <li>• Cumbersome and slow procedures, reluctance of some actors to provide necessary information</li> <li>• Knowledge and capacity of CNDH staff and local representatives on existing remedies</li> <li>• The compilation of reliable, disaggregated and available statistical data on HuRi violations by companies</li> <li>• Knowledge and appropriation of remedies</li> </ul>	<ul style="list-style-type: none"> <li>• Strengthening of the mandate (quasi-judicial institution)</li> <li>• Strengthening the interaction with the judiciary and other remedial mechanisms</li> <li>• Strengthening of CNDH's capacity (technical and human resources)</li> <li>• Need of financial support to strengthen the effectiveness of CNDH</li> </ul>
<p><b>Kenya</b></p> <p>Kenya National Human Rights Commission (KNCHR)</p>	<ul style="list-style-type: none"> <li>• Comprehensive overall mandate including the public and private sector</li> <li>• Wide interpretation to handle business-related HuRi complaints</li> <li>• Conciliation</li> <li>• Negotiation</li> <li>• Mediation</li> <li>• E.g. successful mediation in the case of water pollution complaints leading to an agreement signed by both parties</li> </ul>	<ul style="list-style-type: none"> <li>• Signed agreements between the different parties, including e.g. apology, rehabilitation, payment of outstanding costs, compensation</li> <li>• Mediation leading to an agreement identified as an effective remedy, as it is inexpensive, based on mutual consent and builds trust and cooperation</li> </ul>	<ul style="list-style-type: none"> <li>• Mandate to investigate and secure appropriate redress</li> <li>• Public inquiry e.g. regarding salt mining (2005-2006) in Malindi and gemstone and iron mining (2016) in Taita Taveta County</li> <li>• In case of multiple victims, KNCHR investigates and uses public inquiry methods</li> </ul>	<ul style="list-style-type: none"> <li>• Complaints Management System able to aggregate data into various categories (e.g. minority groups, persons with disability, gender, sexual minorities)</li> <li>• Identification and addressing of gender-specific issues in complaints</li> <li>• Ensuring the engagement of women in public inquiries</li> <li>• Use of gender-sensitive hearing methods</li> <li>• Gender-responsive promotion activities</li> <li>• NAP includes recommendation for gender-responsive policy actions</li> </ul>	<ul style="list-style-type: none"> <li>• Influencing policy and legislation</li> <li>• Research on BHR</li> <li>• Formulation of recommendations and assistance in their implementation</li> <li>• Ensuring state compliance with international HuRi obligations</li> <li>• Raising public awareness</li> <li>• Reporting, incl. submission of shadow reports</li> <li>• Training and capacity building with businesses as a long-term strategy to ensure observance of HuRi</li> <li>• E.g. training of Kakuzi PLC staff and assistance in HRDD</li> </ul>	<ul style="list-style-type: none"> <li>• Draft NAP</li> <li>• Confirmation of KNCHR's mandate to facilitate access to remedy</li> <li>• KNCHR is entrusted with the implementation and monitoring of the NAP</li> </ul>	<ul style="list-style-type: none"> <li>• No mandate to deal with extraterritorial complaints</li> </ul>	<ul style="list-style-type: none"> <li>• Public interest litigation</li> <li>• Member of the Court Users Committees</li> <li>• Member of several referral platforms/mechanisms</li> <li>• Member of several Task Forces</li> <li>• Inter-agency referrals</li> <li>• E.g. Referrals regarding labour disputes, corruption, environmental pollution, maladministration of justice by public business entities</li> </ul>	<ul style="list-style-type: none"> <li>• Partnerships with stakeholders, government agencies and CSO platforms</li> <li>• E.g. joint organisation with the National Environmental Management Agency of trainings to reduce environmental pollution and HuRi abuses in artisanal mining</li> <li>• Collaboration with other NHRIs to build capacity and develop strategies</li> <li>• Close relationship with CSOs and HRDs</li> </ul>	<ul style="list-style-type: none"> <li>• NHRIs should enhance their data collection tools, processes and participation in reporting to better hold states accountable</li> <li>• Engagement in reporting and monitoring of recommendations of treaty bodies</li> <li>• In the UPR, NHRIs can lobby states to support recommendations supporting effective remedies</li> </ul>	<ul style="list-style-type: none"> <li>• Weak legal and policy framework regarding BHR limiting the capacity of the judiciary to offer effective remedies</li> <li>• Resolving BHR complaints takes a lot of time</li> <li>• Mediation agreements can be breached with ease</li> </ul>	<ul style="list-style-type: none"> <li>• NHRIs should be given powers to offer direct remedies, e.g. awards</li> <li>• This could be achieved through quasi-judicial powers such as tribunals</li> <li>• Possible collaborations with other NHRIs to resolve cross-border HuRi violations</li> </ul>

NHRI	I. MANDATE							II. COLLABORATION			II. CHALLENGES AND LIMITATIONS	IV. RECOMMENDATIONS
	Mandate to handle complaints and used methods	Types of remedies and their effectiveness	Investigation, inquiries and adjudication (incl. inquiry of own accord)	Consideration of vulnerable or marginalised groups and gender	Measures to facilitate access to remedy indirectly	The NHRI's role in relation to access to remedy in the national action plan	Extraterritorial mandate and ability to act in cross-border cases	Collaboration with other remedial mechanisms (incl. judicial and multi-stakeholder)	Collaboration with other actors to facilitate access to remedy	Potential collaboration with regional and international human rights monitoring mechanisms	Challenges and limitations (incl. cross-border cases and multiple victims)	Recommendations to strengthen the role and capacity of NHRIs in facilitating access to remedy
<p><b>Malawi</b></p> <p>Malawi Human Rights Commission</p>	<ul style="list-style-type: none"> <li>Broad mandate to handle complaints concerning BHR</li> <li>Mediation</li> <li>Conciliation</li> <li>Alternative dispute resolution</li> </ul>	<ul style="list-style-type: none"> <li>Judicial and non-judicial remedies</li> <li>Recommendations</li> <li>E.g. in 2018, the Commission investigated oil and other waste spills. A public hearing was conducted leading to a mediation process. The company did not implement the recommendations. The case was taken to court, the company was closed.</li> </ul>	<ul style="list-style-type: none"> <li>Mandate to investigate, conduct public inquires and hearings and adjudicate cases</li> <li>Investigation</li> <li>Public hearings and inquiries</li> <li>E.g. public hearings in the cases of <ul style="list-style-type: none"> <li>Water contamination by sewage wastes in Area 18 in Lilongwe City</li> <li>Spillage of oil and other wastes into nearby villages in Lilongwe</li> </ul> </li> <li>In cases of multiple victims, a public hearing or inquiry is carried out</li> </ul>	<ul style="list-style-type: none"> <li>Special attention to facilitate access to complaint mechanisms by vulnerable and marginalised groups</li> <li>Consideration of gender in the handling of cases</li> <li>Most of the Commission's complaints lodged by women</li> </ul>	<ul style="list-style-type: none"> <li>Advice given to stakeholders concerning remedies</li> <li>Establishment of a national forum for BHR to facilitate training, promote collaboration with stakeholders, and enhance civic education and awareness of BHR issues</li> <li>Training of tobacco companies on how to handle complaints related to BHR</li> </ul>	<ul style="list-style-type: none"> <li>The Commission took initiative to promote development of a NAP</li> <li>The NAP currently awaits approval from the government</li> <li>It provides for a role for the Commission in relation to access to remedy in BHR cases</li> </ul>	<ul style="list-style-type: none"> <li>The Commission can deal with alleged BHR abuses with a transnational or cross-border dimension</li> <li>Possible approaches: informal visits, exchange of information, cooperation with other NHRIs</li> <li>Cross-border cases related to BHR have not yet been handled by the Commission</li> </ul>	<ul style="list-style-type: none"> <li>Public interest litigation</li> <li>Referral of cases and recommendations for prosecution</li> <li>E.g. recommendation to prosecute HuRi violators in the case of air pollution due to bursting of rock at Njuli Quarry in Chiradzulu</li> </ul>	<ul style="list-style-type: none"> <li>Participation in trainings on BHR organised by the Network of African National Human Rights Institutions (NANHRI)</li> <li>The Commission intends to carry out a labour justice audit and organise a conference to strengthen the capacity of stakeholders in dealing with judicial and non-judicial remedial mechanisms, and to stimulate effective multi-stakeholder grievance mechanisms</li> </ul>	<ul style="list-style-type: none"> <li>Capacity strengthening of NHRIs in reporting competence of state party obligation</li> </ul>	<ul style="list-style-type: none"> <li>Lack of experts in the Commission on the topic of BHR</li> <li>Businesses are not open to the public</li> <li>Few financial resources invested in the area of HuRi</li> </ul>	<ul style="list-style-type: none"> <li>Development of a NAP</li> <li>Sharing of best practices among NHRIs within the region and globally</li> <li>BHR trainings</li> <li>Exchange visits from BHR officers from different NHRIs</li> </ul>
<p><b>Mauritania</b></p> <p>Commission Nationale des Droits de l'Homme de la Mauritanie (CNDH)</p>	<ul style="list-style-type: none"> <li>Mandate to handle individual complaints concerning HuRi violations, including those committed by companies</li> <li>Conciliation</li> <li>Mediation</li> <li>E.g. mediation between dockers and employers (2014); between trade union centers and SNIM (2016)</li> </ul>	-	<ul style="list-style-type: none"> <li>Mandate to investigate</li> </ul>	-	-	-	-	-	<ul style="list-style-type: none"> <li>Memorandum of understanding with volunteer focal points collecting data for CNDH until the creation of regional offices</li> </ul>	<ul style="list-style-type: none"> <li>Establishment of an internal or operational mechanism in accordance with African and international Charters and frameworks</li> </ul>	<ul style="list-style-type: none"> <li>Absence of complaint mechanisms at the operational level by companies</li> <li>Companies do not assess their impacts on HuRi</li> <li>Victims don't know their rights and how to access effective remedies</li> <li>Language barriers</li> <li>Geographical location</li> <li>Difficulties for victims to form a group to claim their rights</li> </ul>	<ul style="list-style-type: none"> <li>Strengthen the role of NHRIs in investigations, follow-up, formulation of proposals, implementation of recommendations, promotion and monitoring</li> <li>Need judicial power to make binding decisions (e.g. as the NHRIs in Ghana and Malawi)</li> <li>The collaboration between NHRIs and other remedial mechanisms can be improved by: <ul style="list-style-type: none"> <li>NHRIs having the possibility to submit recommendations, reports and opinions to judges, governments and parliaments</li> <li>Companies putting in place mechanisms to assess their HuRi impacts as a basis for interaction with CNDH</li> <li>The establishment of national contact points as tripartite structures to promote the OECD Guidelines and address non-compliances with these guidelines</li> <li>Connecting with the Coalition for Corporate Accountability that includes 116 organisations from 31 African counties</li> <li>NHRIs need to interact with parent companies as their local</li> </ul> </li> </ul>

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												law may provide possibilities to address HuRi violations, e.g. in Switzerland and Canada
<b>Mozambique</b> National Human Rights Commission of Mozambique	<ul style="list-style-type: none"> <li>• Mediation</li> <li>• E.g. mediation between a mining company and displaced communities</li> <li>• Reconciliation</li> </ul>	<ul style="list-style-type: none"> <li>• Recommendations</li> <li>• E.g. in the mining case, the Commission made recommendation to the government, companies and communities</li> </ul>	<ul style="list-style-type: none"> <li>• Investigation of BHR cases</li> </ul>	-	-	-	-	<ul style="list-style-type: none"> <li>• In case of crime, the Commission investigates and forwards the case to competent entities for legal proceedings</li> </ul>	<ul style="list-style-type: none"> <li>• Collaboration with CSOs</li> </ul>	<ul style="list-style-type: none"> <li>• Need to improve the information and communication mechanisms</li> <li>• Regular meetings with different bodies to improve collaboration</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of access to information, because branches officers do not have the necessary power</li> <li>• Procedural defaults</li> <li>• Difficulties in identifying the competent court to file the complaint</li> <li>• Conflict of laws in different countries can pose a challenge in cross-border cases</li> </ul>	<ul style="list-style-type: none"> <li>• Enforcement power, including binding power of decisions</li> <li>• Permanent training of staff regarding BHR</li> <li>• Beyond promotion, monitoring and protection of HuRi, NHRIs should work as government advisories</li> <li>• Recommendations to improve access to remedy through collaboration: <ul style="list-style-type: none"> <li>- Training of judicial actors on BHR</li> <li>- NHRIs can serve as technical advisors for judicial mechanisms</li> <li>- Communication and collaboration between NHRIs and other remedial mechanisms needs to be improved</li> <li>- Creation of specialised divisions of BHR in courts</li> </ul> </li> <li>• Expertise in international law needs to be developed</li> </ul>
<b>Niger</b> Commission Nationale des Droits Humains Niger (CNDH)	<ul style="list-style-type: none"> <li>• Explicit mandate to handle complaints</li> <li>• Conciliation</li> <li>• E.g. successful conciliation in the case of two wrongfully dismissed employees</li> <li>• Mediation</li> <li>• E.g. successful mediation in a case where an employer refused to pay family benefits to an employee</li> </ul>	<ul style="list-style-type: none"> <li>• CNDH does not offer reparation measures</li> <li>• After successful mediation, a conciliation report is prepared and signed by all parties</li> </ul>	<ul style="list-style-type: none"> <li>• Mandate to investigate individual cases of BHR violation</li> <li>• In 2018, CNDH received 4 complaints</li> <li>• In 2019 (September), 7 complaints were received</li> </ul>	<ul style="list-style-type: none"> <li>• Creation of a working group on economic, social, cultural and environmental rights dealing with complaints from vulnerable and marginalised groups</li> <li>• No specific measures related to women</li> </ul>	<ul style="list-style-type: none"> <li>• Awareness raising activities for business leaders</li> <li>• Formulation of recommendations to relevant institutions and follow-up</li> </ul>	<ul style="list-style-type: none"> <li>• No NAP in Niger</li> <li>• “Programme for the Promotion and Protection of HuRi in Niger” financially supported by UNDP providing for the adoption of a NAP, CNDH will undertake awareness raising and training campaigns on the UNGPs</li> </ul>	<ul style="list-style-type: none"> <li>• Not within its mandate</li> </ul>	<ul style="list-style-type: none"> <li>• Referrals to judicial mechanisms (labour courts)</li> <li>• Referrals to labour inspectorates</li> <li>• In cases involving migrant workers, recommendations are made to the relevant authorities</li> <li>• Trade union delegates that have been dismissed by the oil company CNPC contacted CNDH, who referred the matter to the relevant chamber</li> </ul>	<ul style="list-style-type: none"> <li>• Collaboration with CSOs to gather information and their perception on the impact of industrial activities on the environment</li> </ul>	<ul style="list-style-type: none"> <li>• Produce and submit reports on the situation of HuRi violations and the measures taken to facilitate access to remedy</li> <li>• Follow up on recommendation made by the mechanisms</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of resources (financial and material) to carry out regular investigation and inquiry missions</li> <li>• Low national coverage, at present CNDH has only three out of seven planned regional offices opened</li> <li>• Lack of qualified staff</li> <li>• Limited scope of CNDH's decisions (non-binding and unenforceable)</li> </ul>	<ul style="list-style-type: none"> <li>• Provision of necessary resources (financial, material and human resources)</li> <li>• Revision of the law to make decisions binding</li> <li>• Strengthening of the BHR capacity of staff</li> </ul>
<b>AMERICAS</b>												
<b>Argentina</b> Defensoría del Pueblo de la Nación Argentina	<ul style="list-style-type: none"> <li>• The Defensoría has a mandate to handle complaints</li> <li>• E.g. recommendations, exhortations, special reports and mediation in conflicts. The Ombudsman has procedural legitimacy to interpose proceedings</li> </ul>	<ul style="list-style-type: none"> <li>• Apologies, non-financial compensation, administrative sanctions dictated by the state or preventive measures</li> </ul>	<ul style="list-style-type: none"> <li>• Mandate to investigate business-related activities</li> </ul>	<ul style="list-style-type: none"> <li>• In cases involving vulnerable or marginalised groups and gender, the NHRI approaches, facilitates and enhances dialogue</li> <li>• Currently working on having a gender focus to process claims related to business abuses</li> </ul>	<ul style="list-style-type: none"> <li>• To civil society: dissemination, rights awareness, and presenting the ways to present claims</li> <li>• Capacity building on HuRi within companies</li> <li>• In 2017, the Defensoría hosted the first workshop on BHR</li> </ul>	<ul style="list-style-type: none"> <li>• Argentina is in the process of writing a NAP. The Defensoría helped writing the baseline, mainly Pilar III</li> </ul>	<ul style="list-style-type: none"> <li>• No activity registered in this field</li> </ul>	<ul style="list-style-type: none"> <li>• Part of the OECD's National Contact Point</li> <li>• Joint activities undertaken with companies to facilitate solutions to claims</li> </ul>	<ul style="list-style-type: none"> <li>• Part of the Ibero-American Federation of Ombudsmen (FIO) in the thematic group human rights and mining</li> <li>• Collaboration with academia looking for funding to do different tasks related to the subject</li> <li>• Generating joint action with the</li> </ul>	<ul style="list-style-type: none"> <li>• Report writing and monitoring of the state's recommendations, e.g., for the first time in the last UPR, Argentina received a particular recommendation on BHR</li> </ul>	-	<ul style="list-style-type: none"> <li>• The participation in the National Contact Point strengthens the role of the Defensoría, as well as the partnership with academia</li> </ul>



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									different powers of state (legislative, executive and judicial)			
Colombia Defensoría del Pueblo Columbia	<ul style="list-style-type: none"> <li>The Defensoría has a broad mandate to handle complaints, including BHR</li> <li>Mediation</li> </ul>	<ul style="list-style-type: none"> <li>The Defensoría is not in charge of directly implementing remedies, the relevant institution oversees that the reparations are carried out</li> </ul>	<ul style="list-style-type: none"> <li>Mandate to respond and process HuRi and international HuRi violations</li> <li>From 01 January 2016 to August 2019, the Defensoría processed 57.327 demands where, allegedly, the perpetrators were individuals, mixed public-private companies and public companies</li> </ul>	<ul style="list-style-type: none"> <li>Community support in charge of “defensores comunitarios” (community defenders) working within the whole Colombian territory. They provide a direct communication between civil society and state institutions</li> <li>The Defensoría has the mandate to request urgent protection mechanisms for vulnerable individuals</li> <li>In 2018, the Defensoría investigated how public companies were implementing HuRi within their policies, particularly regarding discrimination against women at work</li> </ul>	<ul style="list-style-type: none"> <li>Promotion and capacity building in HuRi in Colombia’s territory</li> <li>Creation of spaces for dialogue between companies and other stakeholders</li> <li>The Defensoría has 38 regional offices across Colombia</li> <li>Rights verification visits</li> <li>Reports and resolutions</li> <li>Social dialogues</li> <li>Permanent accompaniment to HRDs and civil society; capacity building in BHR</li> </ul>	<ul style="list-style-type: none"> <li>There is no need to have a specific role within the NAP process, because the Defensoría’s mandate is broad and established in the Constitution</li> </ul>	<ul style="list-style-type: none"> <li>Although Defensoría has a mandate to intervene in extraterritorial cases, the institution has mainly acted in a domestic/local level.</li> </ul>	<ul style="list-style-type: none"> <li>The Defensoría is the victim’s legal representative where applicable law is required; lodges legal actions to demand protection of constitutional rights (“tutela” in Spanish); gives concepts in big and important cases to make judicial precedents with BHR focus</li> </ul>	<ul style="list-style-type: none"> <li>UN Global Compact Colombia and “Guías Colombia”</li> <li>Special guest at the Mine and Energy National Table</li> <li>Observer at the working table for the NAP with Colombia’s Presidency (foreign affairs department) and the Office of the Presidential Adviser on HuRi</li> <li>Given the creation of the promotion of HuRi within business activities group in the Defensoría, there is a focal point on BHR within the institution</li> </ul>	<ul style="list-style-type: none"> <li>Alternative reports that promote HuRi in various business scenarios such as BHR Group of FIO and UN and regional mechanisms</li> </ul>	<ul style="list-style-type: none"> <li>SMEs don’t usually know their obligations regarding HuRi issues</li> <li>Local communities are not aware of how they can access remedy in business-related contexts</li> <li>The challenge is to create joint action inside the Defensoría to achieve an effective “HRB focus” in its activities.</li> <li>The biggest challenge is to deeply explore international and regional access to remedy mechanisms.</li> </ul>	-
Ecuador Defensoría del Pueblo de Ecuador	<ul style="list-style-type: none"> <li>Explicit mandate to handle complaints</li> </ul>	<ul style="list-style-type: none"> <li>The Defensoría is not in charge of directly implementing remedies, the institution oversees that the reparations are carried out</li> <li>In this sense, the Defensoría publishes statements and resolutions which guide effective remedies</li> </ul>	<ul style="list-style-type: none"> <li>Mandate to conduct Office’s investigation and non-binding resolutions (exhortations and recommendations)</li> </ul>	<ul style="list-style-type: none"> <li>No specific mechanisms</li> </ul>	<ul style="list-style-type: none"> <li>Influencing public policy by the review of laws</li> <li>Meetings with CSOs, communities and public and private institutions</li> <li>In situ visits to public and private institutions and communities</li> <li>Capacity building on HuRi</li> </ul>	<ul style="list-style-type: none"> <li>There is no NAP in Ecuador, however there is an ongoing process to evaluate the elaboration of an international legally binding instrument on transnational companies in human rights</li> </ul>	-	<ul style="list-style-type: none"> <li>Constitutional guarantees against public and private entities</li> <li>Dialogue tables with public and private companies; follow up to legal decisions</li> <li>Permanent support to social organisations and various communities</li> </ul>	<ul style="list-style-type: none"> <li>Part of the Iberoamerican Federation of Ombudsmen (FIO) in the thematic group HuRi and mining</li> <li>Collaboration with other Ombudsman offices</li> </ul>	<ul style="list-style-type: none"> <li>Alternative reports on BHR, e.g., the Defensoría provides inputs to UN treaty bodies</li> <li>The Defensoría has sent various requirements for precautionary measures to the Interamerican Human Rights Court</li> </ul>	<ul style="list-style-type: none"> <li>Public policies without a HuRi focus</li> <li>Lack of political will to facilitate access to remedy</li> <li>Obstacles to access to information</li> <li>Failure to comply with the judicial sentences with constitutional guarantees (sentences with remedy mechanisms that also the state has failed to comply)</li> </ul>	<ul style="list-style-type: none"> <li>Capacity building</li> <li>Educational processes</li> <li>More financial resources</li> <li>Mechanisms to overcome difficulties: jurisdictional guarantees, working meetings and in situ visits</li> </ul>
Honduras Comisionado Nacional de los Derechos Humanos Honduras (CONADEH)	<ul style="list-style-type: none"> <li>Explicit mandate to handle complaints including BHR, only with private companies offering public services</li> <li>However, CONADEH can guide and support victims who have suffered HuRi violations in any business-related context</li> </ul>	<ul style="list-style-type: none"> <li>CONADEH does not have a constitutional mandate to provide effective remedy</li> <li>However, within its mandate, CONADEH receives and follows up on complaints presented by victims</li> </ul>	<ul style="list-style-type: none"> <li>CONADEH can investigate private companies offering public services</li> <li>In cases of multiple victims: mediation with all rightsholders and other parties; recommendations and engaging government action to generate articulation within institutions</li> </ul>	<ul style="list-style-type: none"> <li>Special offices for: women, children and family, people living with HIV, sexual diversity, migrants, indigenous peoples and afro- descendant people, elderly people and persons with disability</li> <li>Regional offices offer special attention to vulnerable groups</li> <li>Gender-based violence awareness campaigns within public and private companies</li> </ul>	<ul style="list-style-type: none"> <li>Action Plan “Vanguard for human dignity” which aims to include companies in the promotion and safeguard of HuRi</li> <li>HuRi awareness campaigns</li> <li>Provision of (judicial) assistance and protection to victims of business-related activities</li> <li>Monitoring agreements between companies and affected communities</li> <li>Public statements calling for the implementation of HuRi</li> </ul>	<ul style="list-style-type: none"> <li>There is no NAP</li> </ul>	<ul style="list-style-type: none"> <li>Some experience with transnational enterprises, but no specifics</li> </ul>	<ul style="list-style-type: none"> <li>Informal visits and mediation acts to solve issues where individuals or communities have been affected because of enterprises’ activities</li> </ul>	<ul style="list-style-type: none"> <li>Member of the UN Global Compact</li> </ul>	<ul style="list-style-type: none"> <li>Exchange of information</li> </ul>	<ul style="list-style-type: none"> <li>Lack of capacity building in BHR within public institutions</li> <li>Lack of capacity building on HuRi within companies</li> <li>Lack of remedy mechanisms in the private sector</li> <li>Difficulties in the access to justice</li> </ul>	<ul style="list-style-type: none"> <li>Capacity building in HuRi to all public servants</li> <li>Increase of budget</li> </ul>
Venezuela	<ul style="list-style-type: none"> <li>Explicit mandate to handle complaints, including BHR</li> </ul>	-	<ul style="list-style-type: none"> <li>The organic law of the Defensoría entitles the institution to</li> </ul>	<ul style="list-style-type: none"> <li>Regional offices to handle and support special complaints</li> </ul>	<ul style="list-style-type: none"> <li>Assistance and legal support of individuals and communities</li> </ul>	<ul style="list-style-type: none"> <li>There is no NAP</li> </ul>	-	-	<ul style="list-style-type: none"> <li>Other national institutions</li> <li>CSOs and HRDs</li> </ul>	<ul style="list-style-type: none"> <li>Exchange of information and best practices</li> </ul>	<ul style="list-style-type: none"> <li>Lack of specialised personnel trained in BHR</li> </ul>	<ul style="list-style-type: none"> <li>Exchange of best practices with various NHRIs</li> </ul>

NHRI	I. MANDATE						II. COLLABORATION				II. CHALLENGES AND LIMITATIONS	IV. RECOMMENDATIONS
Defensoría del Pueblo Venezuela	<ul style="list-style-type: none"> <li>• Mediation between parties and legal remedies</li> </ul>		investigate public and private companies (offering public services) <ul style="list-style-type: none"> <li>• The Defensoría provides support and assistance</li> <li>• In cases of multiple victims: investigation to clarify responsibilities</li> </ul>	<ul style="list-style-type: none"> <li>• “Street workshops”: Defensoría’s offices in parks and public areas in different cities to support communities</li> <li>• Assistance and support to women victims of PIP breast prosthesis</li> </ul>	affected by HuRi abuses related to business activities <ul style="list-style-type: none"> <li>• “Introduction to Human Rights with a critical lens” course</li> <li>• Regular visits to companies and other actors (supermarkets, banks, schools, residential complex)</li> <li>• Workshops with other public entities</li> <li>• The Defensoría field some contributions to the National Assembly regarding companies’ responsibility in the violation of HuRi to add them into the Constitutional reform</li> <li>• Monitoring of various issues across sectors: health and labour</li> </ul>							<ul style="list-style-type: none"> <li>• Need to create a special office within the Defensoría in charge of BHR</li> </ul>
<b>ASIA-PACIFIC</b>												
<b>Australia</b>  Australian Human Rights Commission	<ul style="list-style-type: none"> <li>• Explicit mandate under Australia’s anti-discrimination laws</li> <li>• Impartial role to resolve disputes via conciliation</li> <li>• In 2017-2018, 2,046 complaints about discrimination were received, many of them related to discrimination in relation to employment (disability discrimination, sexual harassment, age discrimination)</li> </ul>	<ul style="list-style-type: none"> <li>• Public and/or private apology</li> <li>• Financial or non-financial compensation</li> </ul>	<ul style="list-style-type: none"> <li>• Mandate under Australia’s anti-discrimination laws to investigate and attempt to conciliate complaints</li> </ul>	<ul style="list-style-type: none"> <li>• Community education and facilitation of field work activities for vulnerable and marginalised communities</li> <li>• Seminars at community legal centers and information sheets about the Commission’s complaints-handling function (accessible in different languages)</li> <li>• Research on gender issues leading to the formulation of recommendations, e.g., National Inquiry into Sexual Harassment in the Australian Workplace</li> </ul>	<ul style="list-style-type: none"> <li>• Direct input to decision-making processes of an organisation, e.g., input regarding policies and procedures</li> <li>• Awareness raising and development of tools that assist businesses to embed HuRi into their operations</li> <li>• Identifying gaps in law, policy and practice, e.g., concerning workplace sexual harassment and employment discrimination against older Australians and Australians with disability</li> <li>• Advocating for reform, e.g., promotion of reforms to increase the OECD Australian National Contact Point’s independence and accessibility, promotion of Australia’s modern slavery legislation</li> <li>• Convening stakeholder groups, e.g., annual Dialogue on BHR</li> </ul>	N/A	<ul style="list-style-type: none"> <li>• No mandate</li> </ul>	<ul style="list-style-type: none"> <li>• Information exchange and discussion with non-judicial bodies to ensure equitable complaint handling processes, e.g., Australian Fair Work Commission, Australian Council of Human Rights Agencies</li> <li>• Collaboration with the OECD Australian National Contact Point, the Commission has a position on its multi-stakeholder Governance and Advisory Board</li> </ul>	<ul style="list-style-type: none"> <li>• UN Global Compact Network Australia, annual Dialogue on BHR</li> <li>• Capacity building workshops with other NHRIs on BHR</li> <li>• Cooperation with the ASEAN Intergovernmental Commission on Human Rights to enhance capacity of NHRIs</li> <li>• Capacity building workshop regarding the protection of seasonal workers in cooperation with the NHRIs in New Zealand, Fiji and Samoa, the BHRRC and the Freedom Partnership</li> </ul>	<ul style="list-style-type: none"> <li>• NHRIs should engage in monitoring mechanisms such as the UN UPR to draw attention to BHR issues</li> <li>• NHRIs should provide feedback on draft comments prepared by UN Committees and engage in visits from UN Special Rapporteurs</li> <li>• NHRIs’ role to raise concerns to Special Rapporteurs to gain international attention</li> </ul>	-	-
<b>Bangladesh</b>  National Human Rights Commission	<ul style="list-style-type: none"> <li>• Mandate to handle complaints related to BHR</li> <li>• Broad interpretation of the mandate</li> <li>• Mediation</li> </ul>	<ul style="list-style-type: none"> <li>• Recommendation to the government for prosecution or other legal action</li> <li>• Remedies are effective if adequately</li> </ul>	<ul style="list-style-type: none"> <li>• Mandate to inquire into alleged HuRi abuses by businesses</li> <li>• Inquiries and hearings</li> <li>• NHRCB can demand reports or information</li> </ul>	<ul style="list-style-type: none"> <li>• Complaint system enabling remote access: hotline, email, website, post and in person</li> <li>• Digital complaint management system</li> </ul>	<ul style="list-style-type: none"> <li>• The Committee on BHR has had several policy dialogues with the state and businesses regarding labour laws, raising</li> </ul>	<ul style="list-style-type: none"> <li>• NHRCB is collaborating with UNDP to implement the UNGPs in Bangladesh. The initiative aims for</li> </ul>	<ul style="list-style-type: none"> <li>• Extraterritoriality not within NHRCB’s mandate</li> </ul>	<ul style="list-style-type: none"> <li>• Submission of petitions before the High Court Division of the Supreme Court</li> <li>• Awareness raising, dialogues and</li> </ul>	<ul style="list-style-type: none"> <li>• Dedicated thematic committee on BHR chaired by NHRCB and consisting of CSOs, HRDs, state institutions, academics,</li> </ul>	<ul style="list-style-type: none"> <li>• Engagement with regional and international HuRi monitoring mechanisms to benefit from sharing best practices,</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of awareness about BHR violations</li> <li>• Transnational dimension especially challenging e.g. in cases</li> </ul>	<ul style="list-style-type: none"> <li>• Wider interpretation and extension of the mandate</li> <li>• Mandate needs to be amended, so NHRCB has the power to</li> </ul>

NHRI	I. MANDATE							II. COLLABORATION			II. CHALLENGES AND LIMITATIONS	IV. RECOMMENDATIONS
	Mandate to handle complaints and used methods	Types of remedies and their effectiveness	Investigation, inquiries and adjudication (incl. inquiry of own accord)	Consideration of vulnerable or marginalised groups and gender	Measures to facilitate access to remedy indirectly	The NHRI's role in relation to access to remedy in the national action plan	Extraterritorial mandate and ability to act in cross-border cases	Collaboration with other remedial mechanisms (incl. judicial and multi-stakeholder)	Collaboration with other actors to facilitate access to remedy	Potential collaboration with regional and international human rights monitoring mechanisms	Challenges and limitations (incl. cross-border cases and multiple victims)	Recommendations to strengthen the role and capacity of NHRIs in facilitating access to remedy
Bangladesh (NHRCB)	<ul style="list-style-type: none"> <li>Arbitration</li> </ul>	<p>implemented by the government</p> <ul style="list-style-type: none"> <li>However, in case of non-compliance with the recommendations, the process has no outcome</li> </ul>	<p>from the government, government authorities or any other organisation</p>	<p>with updates on the case remotely accessible</p> <ul style="list-style-type: none"> <li>NHRCB has different thematic committees on vulnerable and marginalised groups</li> </ul>	<p>awareness and monitoring of factories/ industries</p> <ul style="list-style-type: none"> <li>Workshops and consultations on BHR</li> </ul>	<p>the adoption of the NAP</p> <ul style="list-style-type: none"> <li>A confirmation of NHRCB's function in the NAP will add value to its role</li> </ul>		<p>consultations, advocacy, peer learning and capacity development with judicial and non-judicial remedial mechanisms</p>	<p>development agencies and intergovernmental organisations</p>	<p>monitoring mechanisms and joint programs</p>	<p>of exploitation of migrant workers</p>	<p>impose remedies (fines, awards, compensation)</p> <ul style="list-style-type: none"> <li>Cooperation with other NHRIs as a way to handle transnational or cross-border cases</li> </ul>
India National Human Rights Commission India	<ul style="list-style-type: none"> <li>Mandate to handle complaints related to BHR</li> <li>No mediation or conciliation processes</li> </ul>	<ul style="list-style-type: none"> <li>Interventions in case of child labour, bonded labor, silicosis, sexual harassment and large-scale violence in protests</li> <li>Recommendations, e.g., concerning (monetary) reliefs or legal actions against the alleged business violator of HuRI</li> <li>Remedies are effective in creating awareness and preventing future violations</li> </ul>	<ul style="list-style-type: none"> <li>Power to investigate and inquire cases of alleged HuRI abuses by businesses</li> <li>The Commission can utilise services and demand reports from the government or any public authority during investigations or inquiries</li> </ul>	<ul style="list-style-type: none"> <li>Multiple ways of filing a complaint, e.g., toll-free number, post, online complaint filing system, Common Service Centre Portal of the Indian Government</li> <li>Collaboration with NGOs to facilitate access to complaints mechanisms especially by vulnerable and marginalised groups</li> <li>Businesses are required to formulate a special committee in cases of sexual harassment to enable women to present their grievance appropriately</li> </ul>	<ul style="list-style-type: none"> <li>Organisation of workshops and seminars for stakeholders, e.g., to strengthen the implementation of the Bonded Labour System Abolition Act</li> <li>Organisation of regional and national conferences to raise awareness about BHR</li> </ul>	<ul style="list-style-type: none"> <li>Zero draft NAP from March 2019</li> <li>The Commission and other relevant ministries and government bodies will provide input and comments</li> </ul>	<ul style="list-style-type: none"> <li>Information from concerned states can be demanded through the Ministry of External Affairs</li> <li>Dependency on the States to release information</li> </ul>	<ul style="list-style-type: none"> <li>The Commission can make submissions to any matter pending before a court of law</li> <li>Involvement of various stakeholders in the redress of grievances</li> </ul>	<ul style="list-style-type: none"> <li>Collaboration with NGOs, CSOs, academia, trade unions and business representatives</li> </ul>	<ul style="list-style-type: none"> <li>Sharing of best practices, monitoring mechanisms and joint programmes</li> </ul>	<ul style="list-style-type: none"> <li>Lack of awareness about BHR</li> <li>Power differences between victims and businesses</li> <li>Access to justice involves legal and financial implications for victims</li> </ul>	<ul style="list-style-type: none"> <li>Raising awareness</li> <li>Greater role of civil society and authorities</li> </ul>
Malaysia Human Rights Commission of Malaysia (SUHAKAM)	<ul style="list-style-type: none"> <li>Broad mandate to handle any complaints related to HuRI</li> <li>From 2015 to July 2017, SUHAKAM received 78 complaints related to BHR, including disputes between employer and employees, workers' rights, community rights and complaints about inefficient agencies that should protect workers' rights</li> <li>From 2015 to 2018, 103 complaints specifically on workers' rights have been filed</li> </ul>	<ul style="list-style-type: none"> <li>Recommendations, e.g., proposing new legislation, revising existing legislation or new policy measures, suggesting remedies</li> <li>No power to enforce the recommendations</li> </ul>	<ul style="list-style-type: none"> <li>Power to investigate and inquire cases</li> <li>Restrictions to inquire into complaints that are pending in court</li> <li>Closed investigation without public hearing</li> <li>Open or public/ national inquiry with public hearing</li> <li>E.g., national Inquiry into the land rights of indigenous peoples in Malaysia to address a more systemic issue and raise awareness</li> </ul>	<ul style="list-style-type: none"> <li>Different ways to file a complaint: in person (at headquarter level and in two regional offices), mail, online complaint system, social media, phone call, letter, fax and through CSOs and NGOs</li> <li>Complaints can be filed without any charge, in some cases SUHAKAM refers pro bono legal advice</li> <li>Guarantee of privacy and confidentiality of the cases</li> </ul>	<ul style="list-style-type: none"> <li>Raising awareness and providing HuRI education</li> <li>Introduction of the Human Rights Award for a business that demonstrated HuRI best practices in its business conduct</li> <li>Organisation of Roundtable Discussions on BHR in several States in Malaysia</li> </ul>	<ul style="list-style-type: none"> <li>In 2014, research project in cooperation with the UN Country Team of Malaysia with the objective to propose a framework for a NAP to the government</li> <li>In 2019, the Malaysian government announced the intention to develop a NAP</li> </ul>	<ul style="list-style-type: none"> <li>In 2014, SUHAKAM received a Memorandum from Earth Rights International regarding a Malaysian company operating abroad. The company build a dam along the Mekong River in Laos impacting communities in Vietnam, Cambodia and Thailand dependent on the from the dam endangered migratory fish. SUHAKAM decided to act on this case and met with the company.</li> <li>Referral to the NHRI in Myanmar in the case of a Malaysian-Myanmar joint-venture violating HuRI and land rights, and causing environmental degradation with their oil palm operations in Myanmar</li> </ul>	<ul style="list-style-type: none"> <li>Referral of cases to more specialised relevant bodies</li> </ul>	<ul style="list-style-type: none"> <li>Memorandum of understanding signed with Felda Global Ventures Holdings Berhad (FGV) and the Federal Land Development Authority. The parties actively engage with each other, discuss and review current policies to ensure compliance with HuRI principles</li> <li>Organisation of a roundtable discussion about FGV's social compliance and HuRI initiatives</li> </ul>	-	<ul style="list-style-type: none"> <li>Lack of power to enforce remedies and recommendations</li> <li>SUHAKAM does not have the power to visit the government or private businesses without prior notice, assistance from enforcement agencies is needed</li> </ul>	-
Philippines Commission on Human Rights of the Philippines (CHRP)	<ul style="list-style-type: none"> <li>Implicit mandate in handling complaints related to BHR</li> <li>Broad interpretation of the mandate</li> <li>Mediation in the Tampilan Copper-Gold Mining Project of Sagittarius Mines, Inc., where land rights were</li> </ul>	<ul style="list-style-type: none"> <li>Determination of the legal measures available under Philippine law and the Rules of Court</li> <li>The Supreme Court ruled that CHRP has no power to issue orders of injunction</li> </ul>	<ul style="list-style-type: none"> <li>Investigation and monitoring processes</li> <li>Conducting investigations and receiving evidence</li> <li>CHRP is not a quasi-judicial forum, hence it only does fact-finding</li> </ul>	<ul style="list-style-type: none"> <li>CHRP is specialised in the rights of women, LGBTQIA, children, workers, indigenous peoples, persons with disabilities, internally displaced persons</li> <li>Establishment of specialist centers:</li> </ul>	<ul style="list-style-type: none"> <li>HuRI protection: witness protection, fact-finding investigations, evaluation of investigation reports, recommendation for appropriate actions</li> </ul>	<ul style="list-style-type: none"> <li>The government announced the release of a NAP. It is not made available to CHRP and CSOs</li> </ul>	<ul style="list-style-type: none"> <li>National Inquiry on Climate Change: first case with international dimension. Assistance of GANHRI and the Asia Pacific Forum of NHRIs</li> <li>Climate justice petition against the carbon majors with</li> </ul>	<ul style="list-style-type: none"> <li>Issuing resolutions and referring cases to government agencies and tribunals</li> <li>Assisting in filing petitions in courts</li> <li>Monitoring of cases filed in courts</li> <li>Bridging different representatives to</li> </ul>	<ul style="list-style-type: none"> <li>CHRP forms inter-agency working groups to address complaints that require the expertise and mandate of different government agencies</li> <li>Member of the GANHRI Working Group on BHR: exchanging</li> </ul>	<ul style="list-style-type: none"> <li>Establishment of the International Obligations Monitoring Division facilitating programs and activities relating to regional and international monitoring mechanisms</li> </ul>	<ul style="list-style-type: none"> <li>No power to compel companies to certain acts</li> <li>Wide area of jurisdiction of the CHRP regional offices, geographical constraints to reach complaining communities</li> </ul>	<ul style="list-style-type: none"> <li>Raising awareness on the UNGPs</li> <li>Mandate including the power to investigate BHR concerns</li> <li>Advocacy for a NAP</li> <li>Linkages and partnerships with CSOs</li> </ul>

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	violated, and three people were killed in a military operation	<ul style="list-style-type: none"> <li>Effective remedies as a non-judicial redress mechanism or mediator</li> </ul>	<ul style="list-style-type: none"> <li>E.g. National Inquiry on Climate Change to gather facts</li> <li>In cases of multiple victims, national inquiries are conducted</li> </ul>	<ul style="list-style-type: none"> <li>Economic, Social and Cultural Rights Center</li> <li>Crisis, Conflict and Humanitarian Protection Center</li> <li>Child Rights Center</li> <li>Gender Equality and Women's Human Rights Center</li> <li>Establishment of a migrant's HuRi observatory focusing on Filipino overseas workers</li> <li>Development of Gender Ombud Guidelines to deal with gender-sensitive cases</li> <li>Gender and development audits and gender trainings</li> </ul>	<ul style="list-style-type: none"> <li>HuRi promotion: education and popularisation of HuRi</li> <li>Furtherance of HuRi policy: making government policies more HuRi-sensitive</li> <li>Providing financial assistance to HuRi victims</li> </ul>		<ul style="list-style-type: none"> <li>typhoon survivors, advocates and NGOs</li> <li>Concerning migrant workers, close collaboration with the Department of Foreign Affairs, labour attachés, other NHRIs and CSOs</li> <li>Cooperation agreement with the NHRI in Qatar in cases of migrant workers and the involvement of recruitment agencies</li> <li>Support of the Zero Draft Legally Binding Instrument in Regulating the Activities of Transnational Corporations and Other Business Enterprises</li> </ul>	stimulate effective multi-stakeholder grievance mechanisms	<ul style="list-style-type: none"> <li>information and strategies, contributing to submissions</li> <li>HRDs and CSOs as an important source of information on the ground, special funds for HRDs provided by CHRP</li> <li>CSO-CHR Consultative Caucus for Human Rights: collaboration among CHRP and HuRi organisations; among other things pushing for the enactment of the legislative measure protecting HRDs</li> <li>Engagement with CSOs to inform monitoring reports</li> <li>CHRP is the Asia-Pacific representative in the Working Group on BHR of the GANHRI</li> </ul>	<ul style="list-style-type: none"> <li>Inadequate BHR expertise</li> <li>Involvement of high-ranking government officials in violations, who are often not held accountable</li> </ul>	<ul style="list-style-type: none"> <li>CHRP is advocating for a more powerful mandate</li> <li>Provision of capacity-building to CHRP's personnel</li> <li>Enhancement of partnerships and linkages with government agencies, CSOs and businesses</li> </ul>	
Samoa Samoa Ombudsman/ NHRI	<ul style="list-style-type: none"> <li>Mandate to receive HuRi complaints, no specific mention of BHR</li> <li>Mediation</li> </ul>	<ul style="list-style-type: none"> <li>Recommendations of compensation, reinstatement or other reasonable solutions</li> </ul>	<ul style="list-style-type: none"> <li>Act gives the discretion whether or not to investigate individual complaints, possibility of national inquiries</li> <li>At the moment, no investigation because of lack of staff</li> <li>One individual complaint received regarding a SOGIESC matter</li> <li>Incorporation of HuRi in the good governance division. However, only applicable to complaints against Government departments and state-owned enterprises</li> </ul>	N/A	<ul style="list-style-type: none"> <li>Awareness and educational programmes</li> <li>Monitor and promote compliance with international and domestic HuRi law</li> <li>Advice to the government on HuRi matters</li> <li>However, measures are not specifically related to BHR, because BHR is still a new area and there is a lack of staff</li> </ul>	<ul style="list-style-type: none"> <li>No NAP</li> </ul>	N/A	<ul style="list-style-type: none"> <li>Amicus curiae function, but not implemented yet</li> <li>Possible entry point is the Ministry of Labour to raise awareness of BHR abuses</li> </ul>	<ul style="list-style-type: none"> <li>Cooperation with international and regional HuRi organisations (GANHRI, APF, SPC-RRRT, OHCHR, UNWomen, UNFPA, UNDP, UNICEF), other NHRIs, partner embassies and diplomatic representatives: mutual study visits, exchange of information, expertise and capacity building</li> </ul>	<ul style="list-style-type: none"> <li>HuRi monitoring mechanisms UPR, CEDAW Committee and CRC Committee have been provided with main issues of the annual state of HuRi reports and recommendations</li> </ul>	<ul style="list-style-type: none"> <li>Budget and resource constraints</li> <li>Lack of staff</li> <li>BHR as a new area, not a lot of expertise</li> </ul>	<ul style="list-style-type: none"> <li>Building staff's capacity and equip with sustainable resources</li> <li>Recruitment of new staff needed</li> <li>Capacity building on BHR</li> </ul>
<b>EUROPE</b>												
Albania People's Advocate of Albania	<ul style="list-style-type: none"> <li>Formally limited constitutional and legal mandate</li> <li>Mandate is only focused on public administration institutions</li> <li>The national and international obligations in the field of HuRi foresee the broad mission to protect HuRi, including business partners</li> </ul>	<ul style="list-style-type: none"> <li>Recommendations to the HuRi offender setting concrete actions as well as due deadlines</li> </ul>	<ul style="list-style-type: none"> <li>Administrative investigations, collecting evidence, analysing information and actions, interviewing key stakeholders</li> <li>Complaints as well as cases initiated on own accord</li> </ul>	<ul style="list-style-type: none"> <li>Citizen-friendly complaint-filing: email, in person also in the seven local offices, two phone lines, mobile application</li> </ul>	<ul style="list-style-type: none"> <li>Raising awareness and respect of HuRi in the business context</li> <li>People's Advocate of Albania has adapted its activities to provide lawful intervention: <ul style="list-style-type: none"> <li>BHR complaints are accepted and treated as indirect complaints by addressing the recommendations/ requests to public administration institutions asking them to ensure the protection of the violated rights</li> </ul> </li> </ul>	-	-	-	-	-	<ul style="list-style-type: none"> <li>Formally limited constitutional and legal mandate</li> </ul>	<ul style="list-style-type: none"> <li>In the case of People's Advocate of Albania: <ul style="list-style-type: none"> <li>Analysis of the capacity deficiencies in the field of BHR</li> <li>Increase capacity of the Ombudsman related to consumer rights and how to receive and address complaints in this area</li> <li>Analysis of capacities and opportunities to work with the SDGs (implementation and reporting)</li> <li>Dialogue with relevant governmental</li> </ul> </li> </ul>



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					- Putting into action the mandate on HuRi promotion, including business related issues							structures and businesses • Dialogue with business associations and trade unions to raise awareness about workers' rights
<b>Armenia</b> Human Rights Defender of the Republic of Armenia	<ul style="list-style-type: none"> <li>Broad mandate to protect HuRi, including BHR violations</li> <li>Establishment of a Unit on BHR</li> <li>After the 2015 Constitutional amendments, the Human Rights Defender of Armenia was endowed with a new mandate incorporating the area of BHR</li> </ul>	-	<ul style="list-style-type: none"> <li>Mandate to investigate violations of HuRi by public service organisations</li> <li>Common cases are: complaints regarding protracted administrative procedures, requests of unwarranted fees, failure to receive certain information, concerns on the day-to-day relation with the public administration</li> <li>No mandate of adjudication or mediation of BHR abuses</li> <li>Cases concerning for instance water and energy supply and the disconnection in case of non-payment</li> <li>During the investigation of a complaint, Human Rights Defender of Armenia is authorised to visit competent state or local self-governing bodies and organisations and request information</li> </ul>	<ul style="list-style-type: none"> <li>24/7 hotline offering legal consulting</li> <li>Contact via phone, email, social media, web forms</li> <li>Gender-sensitive approach in monitoring, raising awareness about rights and remedial mechanisms, providing education and training for legal professionals, developing guidance material</li> </ul>	<ul style="list-style-type: none"> <li>Providing legal advice to citizens and entrepreneurs on their rights and freedoms</li> <li>Education and training to change the HuRi system</li> <li>Establishment of the Human Rights Research and Education Centre, reports and recommendations are used by education institutions and universities</li> <li>Development of guidance material for businesses</li> <li>Improving the national legislation by highlighting legal gaps and by submitting draft legal acts</li> </ul>	<ul style="list-style-type: none"> <li>No NAP</li> <li>Human Rights Defender of Armenia developed a draft proposal, which will be submitted to the government</li> </ul>	<ul style="list-style-type: none"> <li>Environmental impacts as a transnational concern: the NHRI is promoting proper public awareness and advocating for public participation and accessibility of effective justice</li> <li>E.g. problems with the overuse of water resources and impacts on river ecosystems, the issue of conducting environmental inspections at Teghut CJSC and the problematic Amulsar Gold Project have been highlighted in the annual report</li> </ul>	<ul style="list-style-type: none"> <li>Individual cases of HuRi abuses by businesses are referred to other bodies</li> <li>Human Rights Defender of Armenia is not entitled to intervene in a proceeding in court</li> <li>Capacity to file amicus curiae briefs concerning issues of constitutionality of current legislation with HuRi perspective</li> </ul>	<ul style="list-style-type: none"> <li>Dialogue and cooperation with NGOs, international organisations, state bodies, international experts, other NHRIs, partner embassies and diplomatic representatives</li> </ul>	<ul style="list-style-type: none"> <li>New cooperation with the European Court for Human Rights</li> </ul>	-	<ul style="list-style-type: none"> <li>States must ensure access to state and non-state grievance mechanisms; enterprises must engage actively</li> </ul>
<b>Azerbaijan</b> Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan	<ul style="list-style-type: none"> <li>No mandate to handle complaints related to BHR</li> </ul>	-	-	-	<ul style="list-style-type: none"> <li>Creation of the Working Group on BHR (WG) consisting of representatives of relevant public bodies, parliament, business organisations and NGOs</li> <li>The WG organised 17 roundtables dedicated to the protection of HuRi, including issues of BHR, and submitted proposals and recommendations</li> <li>On the basis of these recommendations, amendments have been made to the Labour Code of Azerbaijan and new laws in the field of entrepreneurship have been passed</li> <li>The WG promotes the implementation of the</li> </ul>	<ul style="list-style-type: none"> <li>The Ombudsman plays an important role in the preparation and implementation of the NAP</li> </ul>	-	<ul style="list-style-type: none"> <li>Referral of BHR-related complaints to competent governmental bodies, verification of the facts and accuracy of the response (monitoring)</li> </ul>	<ul style="list-style-type: none"> <li>Cooperation with the Council of Independent Experts consisting of NGOs</li> <li>Close collaboration with CSOs</li> </ul>	<ul style="list-style-type: none"> <li>Active participation in the UPR process together with UN High Commissioner for HuRi</li> <li>Organisation of trainings for NGOs on alternative reporting to UN treaty bodies</li> </ul>	<ul style="list-style-type: none"> <li>Lack of power to handle complaints</li> </ul>	<ul style="list-style-type: none"> <li>Provide NHRIs with additional powers</li> <li>Financial and technical allocations, additional human resources</li> <li>Support from and cooperation with international organisations to get experience</li> <li>Increasing and promoting public awareness and legal education</li> </ul>

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					UNGPs and other international instruments • Awareness raising, campaigns and education of candidates to new judges, lawyers, staff of the Ministries of Justice and Internal Affairs and prosecutors							
<b>Cyprus</b>  Commissioner for Administration and Protection of Human Rights (Ombudsman)	• Acting as the NHRI and Equality Body of Cyprus	• No power to bring a case to the court, but fines can be imposed	• Investigation of complaints concerning discrimination in the private sector, e.g., discrimination on the ground of nationality or age	-	• Awareness raising • Trainings for private companies and trade unions regarding sexual harassment in the workspace, input to codes of conducts against sexual harassment • Campaign regarding the rights of pregnant women and new mothers as a response to a great number of complaints regarding discrimination due to pregnancy, motherhood and work-life balance: publication of information material, roundtable discussions • Publications: Code of practice on handling sexual harassment in the field of employment, Code of Good Practice on Combating Discrimination against people with Disabilities in the field of employment, Guiding Principles on how the Media can contribute in combating racism, xenophobia and discrimination, Manual for Bus Drivers with regard to their duty to provide services without discrimination	-	-	-	-	• NHRIs should strengthen their collaboration with HuRI monitoring mechanisms and examine the prospect of submitting shadow reports	• Difficulty in investigating complaints against a company which is not based in the country and has no physical or legal representation in the territory, e.g., social media companies	• A specific reference that NHRIs have the responsibility to promote and protect HuRI in the business sector should be made in the mandate • Cooperation with international and European networks such as GANHRI, ENNHRI and EQUINET should be improved • NHRIs should maintain a systemic channel of communication with businesses, e.g. through regular meetings with trade unions • NHRIs could have a leading role in setting up a NAP: assist stakeholders in achieving a consensus that a culture of HuRI respect should be promoted in the business sector, that abuses are not tolerated and that businesses should introduce effective mechanisms to handle violations
<b>Denmark</b>  Danish Institute for Human Rights (DIHR)	• No explicit mandate to handle complaints concerning BHR • DIHR, as the national equality body regarding gender, racial or ethnic origin as per EU directives, is tasked with conducting independent surveys, publishing independent reports and making recommendations	N/A	N/A	• To ensure that language is not a barrier to access DIHR's assistance, information material regarding discrimination and counselling are available in several languages • Ongoing dialogues with citizen's advisers in different municipalities and with CSOs	• Assist victims of discrimination in lodging complaints • E.g., complainant was fired as he was unable to work on Saturday because of his religion • In general, few victims use DIHR's expertise and rather approach trade unions • Advise government, parliament, ministries	• The NAP does not provide a specific role for DIHR in relation to access to remedy in cases of BHR	N/A	• DIHR can refer cases of discrimination to the Equal Treatment Board, which has the power to make legally binding decisions and grant compensation • Engagement with the Danish courts, Labour Court, Labour Injury Agency, Mediation and Complaints-Handling Institution for	• Collaboration with the NHRIs of Kenya and Tanzania along with CSOs to strengthen capacity and address BHR including access to remedy	• DIHR is preparing a submission to the UN Working Group on BHR including recommendations based on a research project on NHRIs and access to remedy	N/A	-



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					<p>and public authorities on HuRi, including BHR</p> <ul style="list-style-type: none"> <li>• E.g. Advice to the government on legal and policy reforms, e.g., input on the reform of the Danish National Contact Point and the NAP, analysis of BHR in the Danish context and the involvement of the public sector in business activities</li> <li>• Report on Denmark's HuRi obligations</li> <li>• Direct engagement with companies to help identify, act on, track and communicate their negative impacts on HuRi</li> <li>• Building internal awareness and capacity on HuRi of businesses and other stakeholders</li> <li>• Development of tools and guidance together with businesses, governments and rights-holders to improve HuRi respect of businesses</li> <li>• E.g., national baseline assessment tool to assess the status of implementation of the UNGPs, the website <a href="http://www.globalnaps.org">www.globalnaps.org</a> provides an overview of published NAPs</li> <li>• Support to strengthen complaints-handling mechanisms of other NHRIs through capacity building and sharing of experience</li> <li>• Advice to financial institutions and businesses through recommendations and training to strengthen operational level grievance mechanisms</li> </ul>				<p>Responsible Business Conduct</p> <ul style="list-style-type: none"> <li>• Input to and joint projects with the Danish National Contact Point</li> <li>• DIHR used to be Chair of the GANHRI Working Group on BHR fostering collaboration between different institutions, and national contact points and NHRIs</li> <li>• Project with the International Commission of Jurists to develop case studies and guidance on project-level grievance mechanism</li> </ul>				
<p><b>Georgia</b></p> <p>Public Defender (Ombudsman) of Georgia (PDO)</p>	<ul style="list-style-type: none"> <li>• Mandate covering all categories of rights, including BHR</li> <li>• Equality body under the Anti-Discrimination Law</li> </ul>	<ul style="list-style-type: none"> <li>• Under general mandate, proposals and recommendations to relevant state and self-government authorities, public institutions and officials to restore violated rights</li> <li>• In cases of discrimination, binding recommendations can</li> </ul>	<ul style="list-style-type: none"> <li>• Investigation on own accord in cases of discrimination</li> <li>• Businesses are under obligation to provide information and materials/evidence and report on the fulfilment of issued recommendations to restore HuRi</li> </ul>	<ul style="list-style-type: none"> <li>• Special attention to facilitation of access to complaint mechanisms: central office and nine regional offices, e-mail and hotline free of charge</li> <li>• Information meetings with vulnerable groups such as LGBT+ communities and persons with disability</li> </ul>	<ul style="list-style-type: none"> <li>• Monitoring of the protection of labour rights and recommendations on how to adapt existing legislation</li> <li>• Submission of proposals related to the legislation of Georgia and draft laws, e.g., concerning labour rights</li> </ul>	<ul style="list-style-type: none"> <li>• Participation in the National Baseline Assessment on BHR and in a specific chapter on BHR within the NAP</li> <li>• PDO as a key partner agency, which - defines relevant issues of HuRi protection for companies providing public services and ensure retraining of</li> </ul>	-	<ul style="list-style-type: none"> <li>• Act as amicus curiae in common courts and the Constitutional Court of Georgia</li> <li>• Since 2014, PDO has submitted 15 amicus curiae briefs related to discrimination disputes, five were related to discrimination by businesses</li> </ul>	-	-	<ul style="list-style-type: none"> <li>• Lack of competence to assess environmental impact, safety and profitability of projects such as the construction of hydroelectric power plants</li> <li>• Limited mandate, which does not cover the examination of activities of physical or</li> </ul>	-	

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		<p>be made, their non-fulfilment constitute an administrative offense punished with a fine</p> <ul style="list-style-type: none"> <li>• E.g., In 2016, PDO recommended Credo Ltd to eliminate a discrimination on the ground of pregnancy. The company fulfilled the recommendations and the victim was able to resume working after maternity leave and got compensated for medical expenses and missed salaries</li> <li>• Mutual agreements leading to recommendations that are not legally binding</li> <li>• Since 2014, PDO has received about 700 discrimination complaints including more than 170 against private companies. 25 decisions were issued against private companies</li> </ul>	<ul style="list-style-type: none"> <li>• Labour rights as a main concern (in 2018, 59 reported deaths and 199 injuries)</li> </ul>	<p>in different regions to raise awareness on anti-discrimination mechanisms and existing legal remedies</p>	<ul style="list-style-type: none"> <li>• Awareness raising trainings with rights-holders and duty bearers on discrimination and existing remedies</li> <li>• In 2018, PDO has conducted six trainings/information meetings for the private sector with a focus on gender equality</li> </ul>	<p>respective staff members</p> <p>- raise awareness for the staff of judicial authorities and investigate structures concerning BHR issues</p>				<p>legal persons (exception in cases of discrimination)</p>		
<p><b>Germany</b></p> <p>German Institute for Human Rights (DIMR)</p>	<ul style="list-style-type: none"> <li>• No mandate to handle complaints</li> </ul>	<ul style="list-style-type: none"> <li>• No remedies can be offered</li> </ul>	N/A	N/A	<ul style="list-style-type: none"> <li>• Interdisciplinary and application-oriented research on access to remedy in the context of BHR</li> <li>• Advising political decision-makers and businesses</li> <li>• Preparation of a National Baseline Assessment for the German NAP</li> <li>• Advocating for legal reforms, e.g., addressing barriers right-holders in third countries face when seeking access to remedy in Germany</li> <li>• Recommendations for German businesses on how HRDD and grievance mechanisms can be improved</li> <li>• Country report for the project 'BHR – access to justice' for the European Union Agency for Fundamental Rights</li> </ul>	<ul style="list-style-type: none"> <li>• The German NAP does not provide for a role of the DIMR in relation to access to remedy</li> </ul>	N/A	<ul style="list-style-type: none"> <li>• Amicus curiae statements submitted to courts</li> <li>• Participation in the peer review of the German OECD National Contact Point</li> <li>• Part of the OECD Guidelines Working Group, a forum of exchange consisting of federal ministries, representatives of business associations, trade unions and NGOs</li> </ul>	<ul style="list-style-type: none"> <li>• Cooperation with other NHRIs on the structural problems leading to community or individual complaints, publication of findings</li> <li>• Cooperation with the Colombian Defensoría del Pueblo to address BHR issues from coal mining in Colombia. Both institutions increased their capacities and work on BHR</li> <li>• Cooperation with the Danish Institute for Human Rights, jointly organised workshop on remedy in BHR cases and the role of NHRIs</li> </ul>	<ul style="list-style-type: none"> <li>• Country visits (UN Working Group on BHR, special procedures mandate holders) should be invited and supported by NHRIs</li> <li>• Use parallel reports to treaty monitoring bodies</li> <li>• Contribute to the UPR list of issues to include access to remedy on the agenda</li> <li>• Engage with BHR treaty process and the IGWG, reflect on NHRIs as National Implementation Mechanisms</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of complaint handling mechanism</li> <li>• Lack of mandate to conduct inquiries and investigations, lack of authority to gather information from businesses</li> </ul>	<ul style="list-style-type: none"> <li>• Cooperation between NHRIs: inter-NHRI inquiry panels, coordination around individual cases, research</li> <li>• Mandate: more independence and funding, broader mandate including the authority to monitor HRDD performance of business and investigative powers</li> <li>• If investigative mandate is granted, more financial resources are needed</li> <li>• Pluralism within NHRIs: representation of vulnerable groups such as women, ethnic and religious minorities</li> <li>• Offering companies NHRI expertise to improve their HRDD processes</li> <li>• NHRI strategy: ensuring follow-up and systemic evaluation of cases, advocacy work and reports</li> <li>• Strengthening the relationship with other judicial or non-judicial</li> </ul>

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												remedial mechanisms: OECD National Contact Points, referral of cases to courts, amicus briefs, representation of right-holders in courts, co-development of operational-level grievance mechanisms and benchmarking of existing ones • In regard to the German OECD National Contact Point, DIMR's role and responsibility needs to be defined and communicated, DIMR should be incorporated into handling of specific instances
<b>Luxembourg</b>  Commission consultative des Droits de l'Homme du Grand-Duché de Luxembourg (CCDH)	<ul style="list-style-type: none"> <li>No mandate to handle complaints</li> <li>CCDH shall address opinions, studies, positions and recommendations to the government</li> </ul>	N/A	<ul style="list-style-type: none"> <li>No mandate</li> </ul>	N/A	<ul style="list-style-type: none"> <li>Contribution to the promotion and protection of HuRi</li> <li>In its position papers, press releases, opinions and reports, CCHR makes recommendations to the government, legislators and other relevant actors to improve the handling of complaints and access to remedy</li> <li>Attendance of meetings of the working group on the implementation of the NAP</li> </ul>	<ul style="list-style-type: none"> <li>NAP 2018-2019 does not provide for a role for CCDH in relation to access to remedy</li> <li>NAP does not touch upon access to remedy, it is dedicated to analysing the level of awareness among companies in Luxembourg</li> </ul>	N/A	<ul style="list-style-type: none"> <li>Referral of complaints to relevant authorities/ organisations</li> </ul>	<ul style="list-style-type: none"> <li>Collaboration with state and non-state actors to obtain information and statistics for research projects</li> </ul>	<ul style="list-style-type: none"> <li>NHRIs may inform the mechanisms about the situation in Luxembourg, including the lack of access to remedies</li> <li>Submission of recommendations made in advance to the government to draw attention (e.g., in parallel reports to treaty bodies)</li> </ul>	<ul style="list-style-type: none"> <li>Besides the missing legal mandate, CCHR does not have the legal competences and financial resources to facilitate access to remedy</li> </ul>	<ul style="list-style-type: none"> <li>Amendment of the law, incorporation of CCDH's competence in the field of access to remedy and complaints handling</li> <li>Increase of human and financial resources</li> </ul>
<b>Northern Ireland</b>  Northern Ireland Human Rights Commission (NIHRC)	<ul style="list-style-type: none"> <li>Possibility of receiving complaints concerning alleged business-related HuRi abuses</li> <li>So far, such complaints have not been handled yet</li> <li>Legal frameworks limits actions to public authorities and private companies providing public services</li> </ul>	-	<ul style="list-style-type: none"> <li>Mandate to investigate</li> <li>E.g., investigation into the rights of older people in nursing homes</li> </ul>	<ul style="list-style-type: none"> <li>Operation of a weekly advice clinic: <ul style="list-style-type: none"> <li>Appointments can be made via phone or email</li> <li>In case of restricted mobility, appointments can be attended via phone</li> <li>Provision of interpreter if necessary</li> </ul> </li> <li>Conduct of community engagements across Northern Ireland to hear about local issues and perspectives from marginalised groups</li> <li>Conduct of investigations involving vulnerable or marginalised groups</li> </ul>	<ul style="list-style-type: none"> <li>Providing legal assistance for victims by bringing legal proceedings</li> <li>Establishment of the multi-stakeholder platform Northern Ireland BHR Forum: <ul style="list-style-type: none"> <li>Facilitating exchange of knowledge and best practices</li> <li>Raising awareness about rights and access to remedy</li> <li>Updating members on global developments (e.g., UN Forum on BHR, progress on the NAP of the UK and Ireland)</li> <li>Forum members drafted a Northern Ireland Action Plan on BHR with specific commitments</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>The UK NAP does not provide a role for NIHRC in relation to access to remedy in the context of BHR</li> <li>It acknowledges the establishment of the Northern Ireland BHR Forum and its publication on Public Procurement and Human Rights in Northern Ireland</li> </ul>	<ul style="list-style-type: none"> <li>NIHRC is part of a Joint Committee with the Irish Human Rights and Equality Commission enabling the institutions to share work on BHR</li> <li>To date, the NIHRC has not dealt with alleged BHR abuses with a transnational dimension</li> </ul>	<ul style="list-style-type: none"> <li>Northern Ireland BHR Forum as a multi-stakeholder platform facilitating access to remedy</li> </ul>	-	<ul style="list-style-type: none"> <li>Highlight BHR issues in submissions to regional and international HuRi monitoring mechanisms</li> <li>Engage with UN Working Group on BHR, monitor developments in BHR and seek opportunities to submit relevant consultations</li> </ul>	N/A	<ul style="list-style-type: none"> <li>Broaden the mandate of NHRIs to become complaints-handling mechanisms</li> <li>Additional funding to expand capacity</li> </ul>

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					<ul style="list-style-type: none"> <li>- Some members are actively campaigning for a legally binding instrument</li> <li>- Commitment to enhance HuRI standards in business and procurement</li> <li>• Development of a Guidance Note on HuRI in Public Procurement and training of staff within the Department of Finance</li> <li>• Participation and contribution to events related to BHR, e.g., UN Forum on BHR, conferences hosted by ILO or ETI</li> <li>• Annual Statement including recommendations on BHR</li> </ul>							
<p><b>Poland</b></p> <p>Commissioner for Human Rights of the Republic of Poland</p>	<ul style="list-style-type: none"> <li>• No explicit mandate concerning alleged BHR abuses</li> <li>• Actions are taken if HuRI are abused by a public entity</li> <li>• Broad interpretation, e.g., a civil court action was initiated on behalf of a blind citizen whose doctor's appointment was cancelled because of the guide dog. The claim against the private entrepreneur was possible, because the treatment is financed by the national health system</li> <li>• No mediation or conciliation processes</li> <li>• As an equal treatment body, reports and recommendations concerning discrimination are issued</li> </ul>	<ul style="list-style-type: none"> <li>• In case of HuRI abuses involving public entities, a complaint is lodged in the civic, administrative or Supreme Court and public authorities are addressed with a general statement indicating what HuRI are infringed</li> </ul>	<ul style="list-style-type: none"> <li>• No mandate regarding investigation, inquiries and adjudication</li> </ul>	<ul style="list-style-type: none"> <li>• Complaint mechanisms are free of charge</li> <li>• Blind persons have the possibility to easily file a complaint</li> <li>• Website and 15 contact point in Poland</li> <li>• Proactive measures to enhance the protection of HuRI of marginalised people, e.g., Roma minority, LGBTQ groups</li> <li>• Publication of gender-related reports, e.g., concerning sexual harassment at higher education institutions</li> <li>• General statement to the Ministry of Family, Labour and Social Policy addressing the gender pay gap</li> </ul>	<ul style="list-style-type: none"> <li>• Monitoring of other bodies' activities and actions</li> <li>• Awareness raising about rights and remedial mechanisms, e.g., information campaign together with the Financial Ombudsman and the Office of the Competition and Consumer Protection on available remedies for citizens suffering from abusive lending in foreign currencies</li> <li>• Information meetings for vulnerable groups as seniors or people with disabilities to increase awareness about their consumer rights</li> <li>• Submission of general statements calling for an extension of class action measures, which are currently not applicable in labour cases</li> </ul>	<ul style="list-style-type: none"> <li>• NAP adopted in 2017, no special role provided for the Commissioner</li> </ul>	<ul style="list-style-type: none"> <li>• No explicit mandate with respect to individual cases</li> </ul>	<ul style="list-style-type: none"> <li>• Referral of individual complaints to relevant regulatory bodies for investigation and review</li> <li>• In strategic cases (e.g., involvement of public bodies, cases of discrimination or significant abuse) the Commissioner can join civil court cases as a third-party</li> </ul>	<ul style="list-style-type: none"> <li>• Collaboration with regulatory bodies such as the Energy Regulatory Office or the Financial Ombudsman</li> <li>• Collaboration with the Polish Bank Association</li> <li>• Collaboration with local Ombudsmen for protection of consumer rights</li> <li>• Collaboration with ENNHRI</li> <li>• Roundtable discussions with civil society representatives and HRDs</li> <li>• Participation in multi-national seminars on combating abusive lending organised by the Open Society Foundation</li> </ul>	<ul style="list-style-type: none"> <li>• NHRIs and NGOs should be trained on how to submit shadow reports</li> <li>• More cooperation regarding the follow-up of different recommendations and statements</li> <li>• International procedures should be embedded into domestic practices of different institutions and stakeholders</li> </ul>	<ul style="list-style-type: none"> <li>• Constraints related to the office: <ul style="list-style-type: none"> <li>- Budget cuts since 2016 resulting in insufficient resources</li> <li>• General situation in Poland: <ul style="list-style-type: none"> <li>- Since the elections in 2015, the ruling majority introduced numerous dubious legislative reforms with strong internal and international reactions resulting in critical opinions from the Venice Commission and infringement procedures by the EU</li> <li>- The independence of the judicial system and other crucial democratic standards like the separation of powers are under threat</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Need to strengthen the mandate to address e.g., the growing involvement of the state in the economy</li> </ul>
<p><b>Portugal</b></p> <p>Provedor de Justiça / The Portuguese Ombudsman</p>	<ul style="list-style-type: none"> <li>• Protection and promotion mandate with the power to intervene in cases of HuRI abuses by private companies</li> <li>• Mediation</li> <li>• Conciliation</li> <li>• Friendly settlement approaches</li> </ul>	<ul style="list-style-type: none"> <li>• Issue of non-binding recommendations to responsible entities, which are usually accepted</li> </ul>	<ul style="list-style-type: none"> <li>• Mandate to investigate complaints and conduct inquiries</li> <li>• Collect evidence</li> <li>• Inspection visits without prior notice, hearing of bodies/officials and requesting data</li> <li>• Request actions within the investigation</li> </ul>	<ul style="list-style-type: none"> <li>• Cooperation Protocol with the National Association of Portuguese Municipal Councils to promote the diffusion of information on people's rights and the Ombudsman's mission competences and activities. This includes the free use of</li> </ul>	<ul style="list-style-type: none"> <li>• Issue legislative or administrative recommendations and point out shortcomings in legal frameworks or administrative practices</li> <li>• Informing complainants about existing judicial remedies</li> </ul>	<ul style="list-style-type: none"> <li>• No NAP in Portugal</li> </ul>	<ul style="list-style-type: none"> <li>• Intervention only in relation to the action of Portuguese national entities</li> </ul>	<ul style="list-style-type: none"> <li>• Referral of complaints to competent authorities, e.g., the Water and Waste Services Regulatory Authority or the Energy Services Regulatory Authority in cases concerning the provision of essential services</li> </ul>	<ul style="list-style-type: none"> <li>• The Deputy-Ombudsman was elected by the ENNHRI to represent Europe in the GANHRI Working Group on BHR</li> <li>• FIO Iberoamerican Federation of Ombudsmen: The Ombudsman is</li> </ul>	<ul style="list-style-type: none"> <li>• The Ombudsman cooperates with UN HuRI Bodies by answering questionnaires and submitting shadow reports to the UPR, treaty bodies, Special Rapporteurs and the UN Working Group</li> </ul>	<ul style="list-style-type: none"> <li>• The Ombudsman has an informal power that influences the decisions and actions of the entities under his/her competence through the lens of justice and legality, exercising a persuasion mandate</li> </ul>	-

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			process directly to Public Prosecution officials or any other public entities • Request statements or information from any person to establish facts	computers for people wishing to file a complaint and assistance in doing so • Similar cooperation with the High Commissioner for Migration • Three specialised and toll-free hotlines for children, elderly people and persons with disabilities • Suggestion of trainings and the amendment of the ethical code of the Police Force to address social challenges and the protection of vulnerable groups					represented in the Working Group on BHR • The Ombudsman is part of several international networks of Ombudsmen and NHRIs and may ask for collaboration or refer cases (e.g., the European Network of Ombudsman, the FIO Iberoamerican Federation of Ombudsman)		• No binding powers, recommendations are not enforceable • In cases of multiple victims (mostly related to pollution of water resources, air and noise pollution), the Ombudsman gathers all relevant information, assesses the response of the competent public entities and monitors action	
<b>Serbia</b>  Protector of Citizens of the Republic of Serbia	• No mandate regarding the private sector	-	-	• Visits to informal settlements, nursing homes for elderly and institutions accommodating persons with disability and persons deprived of their liberty, information about the competences of the Protector of Citizens and the possibility to address the body to protect HuRi • Improving the situation of women entrepreneurs in the field of healthcare	• Information to victims about possibilities to address HuRi violations • Publication and statistics on the situation of the right to work and employment rights in Serbia • Submission of a proposal for Amendments to the Labour Law, and its opinion on the Draft Law on Strike and the Draft Law on Salaries of Civil Servants and Employees	• NAP does not provide for a role in relation to access to remedy	-	• Complaints related to employment rights are directed to the Labour Inspectorate • Not authorised to cooperate with the courts regarding labour disputes	• Cooperation with the Chamber of Commerce and Industry of Serbia regarding regulations protecting the rights of employees: joint draft laws, information exchange, education, research and training	• Active participation in the UPR process by submitting independent reports	• Legal constraints and jurisdiction • Lack of capacity and funding for training	-
<b>Slovakia</b>  Slovak National Centre for Human Rights	• No mandate to handle HuRi complaints • The Centre also acts as the national equality body	• Only facilitation to access to remedy • In cases of discrimination, the Centre aims to help victims receive monetary compensation, public apologies or preserve a certain status	• No mandate • In respect to the equal treatment principle, independent inquiries are conducted to gather information and issue non-binding expert opinions • Cooperation of private entities cannot be enforced	• Special attention on vulnerable and marginalised group by providing communication campaigns and awareness raising activities • Cooperation with organisations directly working with the groups • Services are also provided in Hungarian and Roma language • No gender-sensitive measures taken	• Free legal aid and trial representation to victims of discrimination • E.g., legal aid and representation of a victim discriminated because of her age: apology and compensation from the company • Non-binding expert opinions • Establishment of the National Focal Point for BHR that offers communication campaigns targeting employees facing discrimination, workshops for employers on employment of foreign workers, first publication on BHR in Slovak language	• Currently, the Working Group on the NAP is being set up, the Centre has been invited to be a member	• Possible cooperation with stakeholders based in other states would be limited to the promotional level	-	-	• Reporting on the state of implementation of the UNGPs in the UPR • The Centre is not entitled to participate directly in the process of the UPR, cooperation with other states and NGOs	• Lack of a properly functioning complaint mechanism targeting all HuRi violations • No power to adjudicate in individual or mass complaints	• More personal, technical and financial capacity • Promotion of the area of BHR among NHRIs • Strengthen capacity and mandate regarding BHR • Mandate needs to be expanded substantially



NHRI	I. MANDATE							II. COLLABORATION			II. CHALLENGES AND LIMITATIONS	IV. RECOMMENDATIONS
	Mandate to handle complaints and used methods	Types of remedies and their effectiveness	Investigation, inquiries and adjudication (incl. inquiry of own accord)	Consideration of vulnerable or marginalised groups and gender	Measures to facilitate access to remedy indirectly	The NHRI's role in relation to access to remedy in the national action plan	Extraterritorial mandate and ability to act in cross-border cases	Collaboration with other remedial mechanisms (incl. judicial and multi-stakeholder)	Collaboration with other actors to facilitate access to remedy	Potential collaboration with regional and international human rights monitoring mechanisms	Challenges and limitations (incl. cross-border cases and multiple victims)	Recommendations to strengthen the role and capacity of NHRIs in facilitating access to remedy
<p><b>Slovenia</b></p> <p>Human Rights Ombudsman of the Republic of Slovenia</p>	<ul style="list-style-type: none"> <li>Mandate to handle complaints concerning alleged HuRi violations by state authorities, local self-government bodies and holders of public authority</li> <li>Wide interpretation including violations by companies implementing public services/ providing public goods with occasional objections</li> <li>No mandate regarding the private sector</li> </ul>	<ul style="list-style-type: none"> <li>No direct remedies and authoritative decision-making power</li> <li>Recommendations to state-judicial or non-judicial remedial mechanisms</li> </ul>	<ul style="list-style-type: none"> <li>No mandate regarding investigation, inquiries and adjudication</li> </ul>	<ul style="list-style-type: none"> <li>Out-of-office meetings with potential complainants throughout the country</li> <li>Regular visits of Roma settlements and care facilities</li> <li>Information material in English, Italian, Hungarian and three versions of Roma language</li> <li>Meetings for deaf and hearing impaired</li> </ul>	<ul style="list-style-type: none"> <li>Advocating for legal and policy reforms to strengthen access to remedy, e.g., measures improving legal processes</li> <li>Handling of complaints regarding lengthy court and inspection procedures, lack of transparency and response by inspection services</li> <li>Many interventions by the Ombudsman resulting in a reduction of court backlogs</li> <li>Informing rights-holders about remedial mechanisms</li> <li>Organisation of a session with NGOs and legal experts concerning legal remedies in the field of environment and spatial planning</li> <li>Because of the Ombudsman's input, amendment of the Criminal Code and the adoption of the Transnational Provision of Services Act</li> </ul>	<ul style="list-style-type: none"> <li>NAP mentions the establishment of a Centre of Human Rights as a special unit of the Ombudsman</li> <li>General task to provide information about available mechanisms to protect HuRi and fundamental freedoms</li> </ul>	<ul style="list-style-type: none"> <li>No mandate, but preparation of analysis and reports regarding BHR abuses</li> </ul>	<ul style="list-style-type: none"> <li>Issuing recommendations when barriers regarding access to effective remedy are found</li> </ul>	<ul style="list-style-type: none"> <li>Cooperation with NGOs, e.g., in their involvement in legal environmental decision-making processes</li> <li>In 2017, organisation of the 4<sup>th</sup> international conference on Environment and HuRi in Ljubljana, signed declaration with other NHRIs to ensure closer cooperation and exchange of knowledge</li> </ul>	<ul style="list-style-type: none"> <li>Including access to remedy in alternative reports to treaty monitoring bodies</li> <li>Cooperating and providing information to UN Working Group on BHR and special procedures mandate holders</li> <li>Inform the UPR process with relevant information</li> </ul>	<ul style="list-style-type: none"> <li>Lack of mandate to handle complaints in the private sector</li> <li>Concerning the work of the special unit: lack of authority to gather information from businesses, lack of capacity and resources to cover various fields (including business-related)</li> </ul>	<ul style="list-style-type: none"> <li>NHRIs should be provided with authority and capacities to handle complaints and address systemic deficiencies (through monitoring, advocacy and promotional activities)</li> </ul>
<p><b>Spain</b></p> <p>Defensor del Pueblo / Ombudsman of Spain</p>	<ul style="list-style-type: none"> <li>No explicit mandate to handle complaints concerning BHR</li> </ul>	<ul style="list-style-type: none"> <li>The Ombudsman office does not offer remedy mechanisms</li> <li>However, it assists and monitors the institutions that have the mandate to do so</li> </ul>	<ul style="list-style-type: none"> <li>No mandate to investigate</li> </ul>	<ul style="list-style-type: none"> <li>No special mechanisms for vulnerable groups</li> <li>The equal treatment area is in charge of handling direct gender discrimination</li> </ul>	<ul style="list-style-type: none"> <li>Participation in the elaboration of the NAP</li> </ul>	<ul style="list-style-type: none"> <li>Challenge: recent approval of NAP, its implementation has been a lengthy process</li> </ul>	<ul style="list-style-type: none"> <li>The Ombudsman office can intervene in transnational cases if Spanish public powers have jurisdiction</li> <li>There is an ongoing case of a Spanish company in Guatemala, but it has been challenging because the actions did not occur in Spanish territories</li> </ul>	<ul style="list-style-type: none"> <li>The Ombudsman office monitors the regular activity of the public administration in a vertical process without the participation of private individuals</li> <li>Ombudsman advocate for with the regulatory or market supervision entities</li> </ul>	<ul style="list-style-type: none"> <li>Member of FIO Iberoamerican Federation of Ombudsman</li> </ul>	<ul style="list-style-type: none"> <li>Articulation of NHRIs in a collaboration network</li> </ul>	<ul style="list-style-type: none"> <li>Legal challenges as the Ombudsman does not have the power to directly participate in investigations</li> <li>Lack of diligence from different institutions to investigate complaints</li> </ul>	<ul style="list-style-type: none"> <li>Broader mandate</li> <li>More direct intervention in investigations</li> </ul>