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 NHRs and the DIHR. The focal points at the NHRs 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 NHRI to the 2019-issued UNWG questionnaire. The experiences reported by NHRI 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 NHRI in a DIHR regional blended learning programme on BHR, serve as a basis to provide examples for NHRI 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 NHRI’s 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 NHRI 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 NHRI to further invest in their role in the field of BHR.

The fact that this report is drafted by NHRI, and on the basis of information provided by NHRI, 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 NHRI and the DIHR. The co-production of these case studies with the relevant NHRI, 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 NHRI in facilitating access to remedy for business-related human rights abuses?

5. How could NHRI 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 NHRI 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 NHRI 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 NHRI’s role in relation to access to remedy in the context of National Action Plans on Business and Human Rights
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 NHRI 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 NHRI is colour coded: black is for information presented by NHRI as representing actions, activities or the status of things as it currently stands; red is used to indicate aspects of the answers provided by NHRI highlighting challenges; and blue indicates information provided in the form of recommendations. Overall, the responses provided by NHRI 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>
<thead>
<tr>
<th>NHRI</th>
<th>MANDATE</th>
<th>TYPES OF REMEDIES AND THEIR EFFECTIVENESS</th>
<th>INVESTIGATION, INQUIRIES AND ADJUDICATION (INCL. INQUIRY OF OWN ACQUISITION)</th>
<th>CONSIDERATION OF VULNERABLE OR MARGINALIZED GROUPS AND GENDER</th>
<th>MEASURES TO FACILITATE ACCESS TO REMEDY INDIRECTLY</th>
<th>THE NHRI'S ROLE IN RELATION TO ACCESS TO REMEDY IN THE NATIONAL ACTION PLAN</th>
<th>EXTRATERRITORIAL MANDATE AND ABILITY TO ACT IN CROSS-BORDER CASES</th>
<th>COLLABORATION WITH OTHER ACTORS TO FACILITATE ACCESS TO REMEDY</th>
<th>POTENTIAL COLLABORATION WITH REGIONAL AND INTERNATIONAL HUMAN RIGHTS MONITORING MECHANISMS</th>
<th>CHALLENGES AND LIMITATIONS</th>
<th>RECOMMENDATIONS TO STRENGTHEN THE ROLE AND CAPACITY OF NHRI IN FACILITATING ACCESS TO REMEDY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Côte d'Ivoire</td>
<td>CNDH cannot offer any reparations measures</td>
<td>• CNDH cannot offer any reparations measures</td>
<td>• No NAP in Côte d'Ivoire</td>
<td>• No NAP in Côte d'Ivoire</td>
<td>• No NAP in Côte d'Ivoire</td>
<td>• No NAP in Côte d'Ivoire</td>
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<td>• No NAP in Côte d'Ivoire</td>
<td>• No NAP in Côte d'Ivoire</td>
</tr>
<tr>
<td>Kenya</td>
<td>CNDH cannot offer any reparations measures</td>
<td>• CNDH cannot offer any reparations measures</td>
<td>• No NAP in Côte d'Ivoire</td>
<td>• No NAP in Côte d'Ivoire</td>
<td>• No NAP in Côte d'Ivoire</td>
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</table>

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

<table>
<thead>
<tr>
<th>Region</th>
<th>MANDATE</th>
<th>TYPES OF REMEDIES AND THEIR EFFECTIVENESS</th>
<th>INVESTIGATION, INQUIRIES AND ADJUDICATION (INCL. INQUIRY OF OWN ACQUISITION)</th>
<th>CONSIDERATION OF VULNERABLE OR MARGINALIZED GROUPS AND GENDER</th>
<th>MEASURES TO FACILITATE ACCESS TO REMEDY INDIRECTLY</th>
<th>THE NHRI’S ROLE IN RELATION TO ACCESS TO REMEDY IN THE NATIONAL ACTION PLAN</th>
<th>EXTRATERRITORIAL MANDATE AND ABILITY TO ACT IN CROSS-BORDER CASES</th>
<th>COLLABORATION WITH OTHER ACTORS TO FACILITATE ACCESS TO REMEDY</th>
<th>POTENTIAL COLLABORATION WITH REGIONAL AND INTERNATIONAL HUMAN RIGHTS MONITORING MECHANISMS</th>
<th>CHALLENGES AND LIMITATIONS</th>
<th>RECOMMENDATIONS TO STRENGTHEN THE ROLE AND CAPACITY OF NHRI IN FACILITATING ACCESS TO REMEDY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Africa</td>
<td>• Explicit and broad mandate</td>
<td>• CNDH cannot offer any reparations measures</td>
<td>• No NAP in Côte d’Ivoire</td>
<td>• No NAP in Côte d’Ivoire</td>
<td>• No NAP in Côte d’Ivoire</td>
<td>• No NAP in Côte d’Ivoire</td>
<td>• No NAP in Côte d’Ivoire</td>
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<td>• No NAP in Côte d’Ivoire</td>
<td>• No NAP in Côte d’Ivoire</td>
</tr>
<tr>
<td>Kenya</td>
<td>Comprehensive overall mandate including the public and private sector</td>
<td>• CNDH cannot offer any reparations measures</td>
<td>• No NAP in Côte d’Ivoire</td>
<td>• No NAP in Côte d’Ivoire</td>
<td>• No NAP in Côte d’Ivoire</td>
<td>• No NAP in Côte d’Ivoire</td>
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<td>• No NAP in Côte d’Ivoire</td>
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</table>

**CÔTE D’IVOIRE**

- **Conseil National des Droits de l’Homme de Côte d’Ivoire (CNDH)**
  - Explicit and broad mandate
  - Inclusion of all HuRi complaints, including those committed by companies
  - Non-judicial investigations for all HuRi complaints, including those committed by companies
  - Particular attention to facilitating access to complaint mechanisms for vulnerable groups
  - Awareness raising among socio-professional groups and civil society
  - Collaboration with the German organisation (e.g. capacity building of CSOs and local communities, including on remedies)
  - Handling of cases using various methods
  - No NAP in Côte d’Ivoire

**KENYA**

- **Kenya National Human Rights Commission (KNCHR)**
  - Comprehensive overall mandate including the public and private sector
  - Wide interpretation to handle business-related HuRi complaints
  - Mandate to investigate and secure appropriate redress
  - In 2019, KNCHR investigated 19 reports, including 15 for pollution and 4 for child labour
  - KNCHR investigated and used the mandate to handle business-related HuRi complaints
  - KNCHR cannot offer any reparations measures
  - KNCHR's mandate to handle business-related HuRi complaints
  - KNCHR cannot offer any reparations measures

**LIMITATIONS**

- Strengthening of the mandate (quasi-judicialist institution)
- Strengthening the interaction with the judiciary and other remedial mechanisms
- Strengthening of CNDH’s capacity (technical and human resources)
- Need of financial support to strengthen the effectiveness of CNDH

**CHALLENGES AND LIMITATIONS**

- Limited scope of CNDH’s jurisdiction due the lack of quasi-judicial power
- Lack of financial resources to conduct large-scale awareness-raising and capacity building
- Cumbersome and slow procedures, reluctance of some actors to provide necessary information
- Knowledge and capacity of CNHD staff and local representatives on existing remedies
- The compilation of reliable, disaggregated and available statistical data on HuRi violations by companies
- Knowledge and appropriate use of remedies

**RECOMMENDATIONS**

- Improvement of the mandate (quasi-judicialist institution)
- Strengthening the interaction with the judiciary and other remedial mechanisms
- Strengthening of CNDH’s capacity (technical and human resources)
- Need of financial support to strengthen the effectiveness of CNDH
<table>
<thead>
<tr>
<th>NHRI</th>
<th>Mandate to handle complaints and used methods</th>
<th>Types of remedies and their effectiveness</th>
<th>Investigation, inquiries and adjudication (incl. inquiry of own accord)</th>
<th>Consideration of vulnerable or marginalised groups and gender</th>
<th>Measures to facilitate access to remedy indirectly</th>
<th>The NHRI’s role in relation to access to remedy in the national action plan</th>
<th>Extraterritorial mandate and ability to act in cross-border cases</th>
<th>Collaboration with other remedial mechanisms (incl. judicial and multi-stakeholder)</th>
<th>Potential collaboration with regional and international human rights monitoring mechanisms</th>
<th>Challenges and limitations (incl. cross-border cases and multiple victims)</th>
<th>Recommendations to strengthen the role and capacity of NHRI in facilitating access to remedy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Malawi</td>
<td>Malawi Human Rights Commission</td>
<td>• Broad mandate to handle complaints concerning BHR issues</td>
<td>• Mediation</td>
<td>• Conciliation</td>
<td>• Alternative dispute resolution</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Mauritania</td>
<td>Commission Nationale des Droits de l’Homme de la Mauritanie (CNDH)</td>
<td>• Mandate to handle individual complaints concerning HuRi violations, including those committed by companies</td>
<td>• Conciliation</td>
<td>• Mediation</td>
<td>• E.g. mediation between dockers and employers (2014): between trade union centers and SNHM (2016)</td>
<td>• Mandate to investigate</td>
<td>-</td>
<td>-</td>
<td>-</td>
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I. MANDATE

- **Malawi Malawi Human Rights Commission**
  - **Mandate to handle complaints and used methods**
    - Judicial and non-judicial remedies
    - Recommendations
    - 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.
  - **Types of remedies and their effectiveness**
    - Mediation
    - Conciliation
    - Alternative dispute resolution
  - **Investigation, inquiries and adjudication (incl. inquiry of own accord)**
    - E.g. mediation
    - Mediation
    - Companies
  - **Consideration of vulnerable or marginalised groups and gender**
    - 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.
  - **Measures to facilitate access to remedy indirectly**
    - E.g. mediation
    - Mediation
    - Companies
  - **The NHRI’s role in relation to access to remedy in the national action plan**
    - E.g. mediation
    - Mediation
    - Companies
  - **Extraterritorial mandate and ability to act in cross-border cases**
    - E.g. mediation
    - Mediation
    - Companies
  - **Collaboration with other remedial mechanisms (incl. judicial and multi-stakeholder)**
    - E.g. mediation
    - Mediation
    - Companies
  - **Potential collaboration with regional and international human rights monitoring mechanisms**
    - E.g. mediation
    - Mediation
    - Companies
  - **Challenges and limitations (incl. cross-border cases and multiple victims)**
    - E.g. mediation
    - Mediation
    - Companies
  - **Recommendations to strengthen the role and capacity of NHRI in facilitating access to remedy**
    - E.g. mediation
    - Mediation
    - Companies

- **Mauritania Commission Nationale des Droits de l’Homme de la Mauritanie (CNHM)**
  - **Mandate to handle individual complaints concerning HuRi violations, including those committed by companies**
  - **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**
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  - **Challenges and limitations (incl. cross-border cases and multiple victims)**
  - **Recommendations to strengthen the role and capacity of NHRI in facilitating access to remedy**
I. MANDATE

**Argentina**
- The Defensoría has a mandate to handle complaints.
- E.g. recommendations, exhortations, special reports and mediation in conflicts.
- The Ombudsmen has procedural legitimacy to interpose proceedings.

**Mozambique**
- Medianion e.g. mediation between a mining company and displaced communities.
- Reconciliation: E.g. successful mediation in a case where an employer refused to pay family benefits to an employee.
- CNDH does not offer reparation measures.
- Mandate to investigate and handle complaints.
- In 2019, CNDH received 4 complaints, 7 of which were complaints related to women.
- CNDH has no mandate to handle complaints related to business leaders.
- No NAP in Niger.
- “Programme for the Promotion and Protection of Human Rights in Business” financially supported by UNDP.
- CNDH will undertake awareness raising and training campaigns on the UNGPs.
- Not within its mandate.
- Referrals to judicial mechanisms (labour courts).
- Referrals to labour inspectors.
- In cases involving migrant workers, recommendations are made to the relevant authorities.
- Trade union delegates that have been dismissed by the oil company CNPC contacted CNDH, who referred the matter to the relevant chamber.

**Niger**
- Explicit mandate to handle complaints.
- Conciliation: E.g. successful conciliation in the case of two wrongly dismissed employees.
- Mediation: E.g. successful mediation in a case where an employer refused to pay family benefits to an employee.
- CNDH does not offer reparation measures.
- Mandate to investigate individual cases of BHR violation.
- In 2019, CNDH received 4 complaints, 7 of which were complaints related to women.
- Creation of a working group on economic, social, cultural and environmental rights dealing with complaints from vulnerable and marginalised groups.
- No specific measures related to women.
- Awareness raising activities for business leaders.
- Formulation of recommendations to relevant institutions and follow-up.
- No NAP in Niger.
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II. COLLABORATION

**Argentina**
- The Defensoría helps to mediate and present claims related to business abuses.
- To civil society: dissemination, rights awareness, and presenting the ways to present claims.
- Capacity building on Human rights within companies.
- In 2017, the Defensoría hosted the first workshop on BHR.
- No activity registered in this field.
- Part of the OECD’s National Contact Point.
- Joint activities undertaken with companies to facilitate solutions to claims.
- No activity registered in this field.
- Part of the Inter-American Federation of Ombudsman (FIO) in the thematic group human rights and mining.
- Collaboration with academia looking for funding to do different tasks related to the subject.
- Generates joint action with the.
- Report writing and monitoring of the state’s recommendations, e.g., for the first time in the last UPR.
- The participation in the National Contact Point strengthens the role of the Defensoría, as well as the partnership with academia.

**Mozambique**
- Collaboration with other remediary mechanisms (incl. judicial and multi-stakeholder).
- Collaboration with other actors to facilitate access to remedy.
- Collaboration with the National Human Rights Institute (NHRI).
- Potential collaboration with regional and national human rights monitoring mechanisms.

III. CHALLENGES AND LIMITATIONS

**Argentina**
- Enforcement power, including binding power of decisions.
- Permanent training of staff regarding BHR.
- Beyond promotion, monitoring and protection of Human Rights, NHRI should work as government advisors.
- Recommendations to improve access to remedy through collaboration:
- Training of judicial actors on BHR.
- NHRI can serve as technical advisors for judicial mechanisms.
- Communication and collaboration between NHRI and other remedial mechanisms needs to be improved.
- Creators of specialised divisions of BHR in courts.
- Expertise on international law needs to be developed.

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IV. RECOMMENDATIONS

Argentina
- Strengthening the role and capacity of NHRI.
- Facilitating access to remedy.

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Defensoria del Pueblo Venezuela

Mediation between parties and legal remedies

Ref

Investigate public and private companies (offering public services)

The Defensoria provides support and assistance in cases of multiple victims: investigation to clarify responsibilities

“Street workshops”: Defensoria’s offices in parks and public areas in different cities to support communities

Assistance and support to women victims of PIP-based prothesis

Affected by HuRi abusers related to business activities

“Introduction to Human Rights with a critical lens” course

Regular visits to companies and other actors (supermarkets, banks, schools, residential complex)

Workshops with other public entities

The Defensoria field some contributions to the National Assembly regarding companies’ responsibility in the violation of HuRi to add them into the Constitutional reform

Monitoring of various issues across sectors health and labour

\[16\]

Australia

Australian Human Rights Commission

Explicit mandate under Australia’s anti-discrimination laws

Impartial role to resolve disputes via conciliation

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)

Public and/or private apology

Financial or non-financial compensation

Mandate under Australia’s anti-discrimination laws to investigate and attempt to conciliate complaints

Community education and facilitation of field work activities for vulnerable and marginalised communities

Seminars at community legal centers and information sheets about the Commission’s complaints-handling function (accessible in different languages)

Research on gender issues leading to the formulation of recommendations, e.g., National Inquiry into Sexual Harassment in the Australian Workplace

Direct input to decision-making processes of an organisation, e.g., input regarding policies and procedures

Awareness raising and development of tools that assist businesses to embed HuRi into their operations

Identifying gaps in law, policy and practice, e.g., concerning workplace sexual harassment and employment discrimination against older Australians and Australians with disability

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

Convening stakeholder groups, e.g., annual Dialogue on CR

None

Information exchange and discussion with non-judicial bodies to ensure equitable complaint handling processes, e.g., Australian Fair Work Commission, Australian Council on Human Rights Agencies

Collaboration with the OECD Australian National Contact Point, the Commission has a position on its multi-stakeholder Governance and Advisory Board

No

UN Global Compact Network Australia, annual Dialogue on BHR

Capacity building workshops with other NHRIs on BHR

Cooperation with the ASEAN Intergovernmental Commission on Human Rights to enhance capacity of NHRIs

Capacity building workshop regarding the protection of seasonal workers in cooperation with the NHRIs in New Zealand, Fiji and Samoa, the BHRC and the Freedom Partnership

- NHRIs should engage in monitoring mechanisms such as the UN UPR to draw attention to BHR issues

- NHRIs should provide feedback on draft comments prepared by UN Committees and engage in visits from UN Special Rapporteurs

- ‘NHRIs’ role to raise concerns to Special Rapporteurs to gain international attention

Bangladesh

National Human Rights Commission

Mandate to handle complaints related to BHR

Broad interpretation of the mandate

Mediation

Recommendation to the government for prosecution or other legal action

Remedies are effective if adequately

Mandate to inquire into alleged HuRi abuses by businesses

Inquiries and hearings

NHRCB can demand reports or information

Complaint system enabling remote access: hotline, email, website, post and in person

Digital complaint management system

The Committee on BHR has had several policy dialogues with the state and businesses regarding labour laws, raising

NHRCB is collaborating with UNDP to implement the UNSDP in Bangladesh

The initiative aims for

Extraterritoriality not within NHRCB’s mandate

Submission of petitions before the High Court Division of the Supreme Court

Awareness raising, dialogue and

Dedicated thematic committee on BHR chaired by NHRCB and consisting of CSOs, HRDs, state institutions, academics,

Engagement with regional and international HuRi monitoring mechanisms to benefit from sharing best practices

- Lack of awareness about BHR violations

- Transnational dimension especially challenging e.g. in cases

- Wider interpretation and extension of the mandate

- Mandate needs to be amended, so NHRC has the power to
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<td>• Arbitration</td>
<td>implemented by the government</td>
<td>• However, in case of non-compliance with the recommendations, the process has no outcome</td>
<td>from the government, government authorities or any other organisation</td>
<td>with updates on the case remotely accessible</td>
<td>• NHRCB has different thematic committees on vulnerable and marginalised groups</td>
<td>• The adoption of the New Code of Procedure 2018</td>
<td>• Powers to investigate and inquire cases of alleged human rights abuses by businesses</td>
<td>• Initiatives of filing a complaint, e.g., toll-free number, post, online complaint filing system, Social Media, telephone</td>
<td>• Referral to the NHRCB for a NAP to the UN/HRCP</td>
<td>• Discrimination and sexual violence in prisons</td>
<td>• Human rights (especially sexual and reproductive), women's rights, and children's rights</td>
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<td>India National Human Rights Commission India</td>
<td>• Mandate to handle complaints related to BHR</td>
<td>• No mediation or conciliation processes</td>
<td>• Interventions in case of child labour, bonded labor, forced labour, sexual harassment and large-scale conflict in violence against children</td>
<td>• Recommendations, e.g., concerning (monetary) relief or legal actions against the alleged business violator of HuRi</td>
<td>• Remedies are effective in creating awareness and preventing future violations</td>
<td>• Power to investigate and inquire cases of alleged human rights abuses by businesses</td>
<td>• The Commission can utilise services and demand reports from the government or any public authority during investigations or inquiries</td>
<td>• Power to investigate and inquire cases of alleged human rights abuses by businesses</td>
<td>• Organisation of workshops and seminars for stakeholders, e.g., to strengthen the implementation of the Bonded Labour System Abolition Act 1993</td>
<td>• Collaboration with NGOs to facilitate access to complaints mechanisms especially by vulnerable and marginalised groups</td>
<td>• Interventions in case of child labour, bonded labor, sexual harassment and large-scale conflict in violence against children</td>
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<td>Malaysia Human Rights Commission of Malaysia (SUHAKAM)</td>
<td>• Broad mandate to handle any complaints related to HuRi</td>
<td>• 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</td>
<td>• From 2015 to 2018, 103 complaints specifically on workers’ rights have been filed</td>
<td>• Recommendations, e.g., proposing new legislation, revising existing legislation or new policy measures, suggesting remedies, etc.</td>
<td>• No power to enforce the recommendations</td>
<td>• Power to investigate and inquire cases of alleged human rights abuses by businesses</td>
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<td>Philippines Commission on Human Rights of the Philippines (CHRP)</td>
<td>• Implicit mandate in handling complaints available under the Rules of Court</td>
<td>• Broad interpretation of the mandate</td>
<td>• Mediation in the Tambukan Copper-Mining Project of Sagittarius Mines, Inc., where land rights were</td>
<td>• Determination of the legal measures available under Philippine law and the Rules of Court</td>
<td>• CHRP has no power to issue orders of injunction</td>
<td>• Investigation and monitoring processes</td>
<td>• Conducting investigations and receiving evidence, e.g., from complainants, victims, witnesses, and experts</td>
<td>• CHRP is specialised in the rights of women, LGBTQIA+, children, workers, indigenous peoples, persons with disabilities, and transgender persons</td>
<td>• CHRP’s role in providing protection, fast-tracking investigations, evaluation of investigation reports, recommendations for appropriate actions</td>
<td>• The government announced the release of a NAP in 2014, but it is not made available to CHRP</td>
<td>• CHRP has no mandate to address complaints (incl. cross-border cases)</td>
<td>• Lack of awareness about BHR, especially among migrant workers, regarding the government’s role in ensuring compliance with HuRi principles</td>
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<td>• Lack of awareness about BHR, especially among migrant workers, regarding the government’s role in ensuring compliance with HuRi principles</td>
</tr>
</tbody>
</table>
### Albania

**People’s Advocate of Albania**

- **Formally limited constitutional and legal mandate**
- **Mandate is only focused on public administration institutions**
- **The national and international obligations in the field of HuRi foresee the broad mission to protect HuRi, including business partners**

- **Recommendations to the HuRi offender setting concrete actions as well as due deadlines**
- **Administrative investigations, collecting evidence, analysing information and actions, interviewing key stakeholders**
- **Complaints as well as cases initiated on own accord**

- **Citizen-friendly complaint-filing: email, in person also in the seven local offices, two phone lines, mobile application**

- **Raising awareness and respect of HuRi in the business context**
- **People’s Advocate of Albania has adapted its activities to provide lawful intervention**
  - **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**

### Samoa

**Samoa Ombudsman/ NHRI**

- **Mandate to receive HuRi complaints, no specific mention of BHR**
- **Mediation**

- **Recommendations of compensation, reinstatement or other reasonable solutions**

- **Act gives the discretion whether or not to investigate individual complaints, possibility of national inquiries**

- **At the moment, no investigation because of lack of staff**

- **One individual complaint received regarding a SOGIESC matter**

- **Incorporation of HuRi in the good governance division. However, only applicable to complaints against Government departments and state-owned enterprises**

### Europe

#### Albania

- **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

- **Collaboration with other remedial mechanisms (incl. judicial and multi-stakeholder)**

- **With other actors to facilitate access to remedy**

#### Potential collaboration with regional and international human rights monitoring mechanisms

#### Challenges and limitations

- **Recommendations to strengthen the role and capacity of NHHRIs in facilitating access to remedy**

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<th>NHRI</th>
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<th>CHALLENGES AND LIMITATIONS</th>
<th>RECOMMENDATIONS</th>
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<tr>
<td>Azerbaijan Commissioner for Human Rights</td>
<td>Mandate to handle complaints related to BHR</td>
<td>-</td>
<td>Skills and capacity of NHRI in investigating access to remedy</td>
<td>Provide NHRI with additional powers; financial and technical allocations; additional human resources; support from and cooperation with international organisations to get experience; increasing and promoting public awareness and legal education.</td>
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<td>Types of remedies and their effectiveness</td>
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**Armenia**

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<th>RECOMMENDATIONS</th>
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<td>Human Rights Defender of the Republic of Armenia</td>
<td>Broad mandate to protect HuRi, including BHR violations</td>
<td>-</td>
<td>-</td>
<td>States must ensure access to state and non-state grievance mechanisms; enterprises must engage actively.</td>
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<td>Establishment of a Unit on BHR</td>
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<td></td>
<td>After the 2015 Constitutional amendments, the Human Rights Defender of Armenia was endowed with a new mandate incorporating the area of BHR</td>
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<td>Mandate to investigate violations of HuRi by public service organisations</td>
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<td></td>
<td>Common cases: complaints regarding protracted administrative procedures, requests of unwarranted fees, failure to resolve certain information, concerns on the day-to-day relation with the public administration</td>
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<td></td>
<td>No mandate of adjudication or mediation of HuRi abuses</td>
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<td>Cases concerning for instance water and energy supply and the disconnection in case of non-payment</td>
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<td></td>
<td>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</td>
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<td>24/7 hotline offering legal consulting</td>
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<td>Contact via phone, email, social media, web forms</td>
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<td>Gender-sensitive approach in monitoring, raising awareness about rights and remedial mechanisms, providing education and training for legal professionals, developing guidance material</td>
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<td>Providing legal advice to citizens and entrepreneurs on their rights and freedoms</td>
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<td>Education and training to change the HuRi system</td>
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<td></td>
<td>Establishment of the Human Rights Research and Education Centre, reports and recommendations are used by education institutions and universities</td>
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<td></td>
<td>Development of guidance material for businesses</td>
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<td>Improving the national legislation by highlighting legal gaps and by submitting draft legal acts</td>
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<td>No NAP</td>
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<td></td>
<td>Human Rights Defender of Armenia developed a draft proposal, which will be submitted to the government</td>
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<td></td>
<td>Environmental impacts as a transnational concern: the NHRI is promoting proper public awareness and advocating for public participation and accessibility of effective justice</td>
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<td></td>
<td>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</td>
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<td>Individual cases of HuRi abuses by businesses are referred to other bodies</td>
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<td>Human Rights Defender of Armenia is not entitled to intervene in a proceeding in court</td>
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<td>Capacity to file amicus curiae briefs concerning issues of constitutionality of current legislation with HuRi perspective</td>
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<td></td>
<td>Dialogue and cooperation with NGOs, international organisations, state bodies, international experts, other NHRI, partner embassies and diplomatic representatives</td>
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<td>New cooperation with the European Court for Human Rights</td>
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</table>

**II. COLLABORATION**

- Dialogue with business associations and trade unions to raise awareness about workers’ rights.
- Support from and cooperation with international organisations to get experience.
- Increasing and promoting public awareness and legal education.
### I. MANDATE

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</tr>
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<tr>
<td>Cyprus Commissioner for Administration and Protection of Human Rights (Ombudsman)</td>
<td>• Acting as the NHRI and Equality Body of Cyprus</td>
<td>• No power to bring a case to the court, but fines can be imposed</td>
<td>• Investigation of complaints concerning discrimination in the private sector, e.g., discrimination on the ground of nationality or age</td>
<td>-</td>
<td>• Awareness raising</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>NHRI should strengthen their collaboration with HRF monitoring mechanisms and examine the prospect of submitting shadow reports</td>
<td>• 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</td>
<td>• A specific reference that NHRI should have the responsibility to promote and protect HRF in the business sector should be made in the mandate</td>
<td>• Cooperation with international and European networks such as GANHRI, ENNHRI and EQUINET should be improved</td>
</tr>
<tr>
<td>Denmark Danish Institute for Human Rights (DIHR)</td>
<td>• No explicit mandate to handle complaints concerning HRF</td>
<td>• DHRI, 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</td>
<td>• To ensure that language is not a barrier to access DHRI’s assistance, information material regarding discrimination and counselling are available in several languages</td>
<td>• Ongoing dialogues with citizen’s advisers in different municipalities and with CSOs</td>
<td>• Assist victims of discrimination in lodging complaints</td>
<td>• The NAP does not provide a specific role for DHRI in relation to access to remedy in cases of HRF</td>
<td>DHRI can refer cases of discrimination to the Equal Treatment Board, which has the power to make legally binding decisions and grant compensation</td>
<td>• Engagement with the Danish courts, Labour Court, Labour Injury Agency, Mediation and Complaints-Handling Institution for</td>
<td>• DIHR can refer cases to new judges, lawyers, staff of the Ministries of Justice and Internal Affairs and prosecutors</td>
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Georgia Public Defender (Ombudsman) of Georgia (PDO) | Mandate covering all categories of rights, including BHR | Equality body under the Anti-Discrimination Law | Mandate covering all categories of rights, including BHR | Equality body under the Anti-Discrimination Law | Mandate covering all categories of rights, including BHR | Equality body under the Anti-Discrimination Law | Mandate covering all categories of rights, including BHR | Equality body under the Anti-Discrimination Law | Mandate covering all categories of rights, including BHR | Equality body under the Anti-Discrimination Law | Mandate covering all categories of rights, including BHR | Equality body under the Anti-Discrimination Law | Mandate covering all categories of rights, including BHR | Equality body under the Anti-Discrimination Law |

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<td>PDO</td>
<td>Responsible Business Conduct</td>
<td>Monitoring of the activities of physical or potential business</td>
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<tr>
<td>NHRI of Georgia (Ombudsman)</td>
<td>Mandate and ability to act in cross-border cases</td>
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**III. CHALLENGES AND LIMITATIONS**

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*Remarks:
- PDO acts as amicus curiae in common courts and the Constitutional Court of Georgia.
- Since 2014, PDO has submitted 15 amicus curiae briefs related to discrimination disputes, five were related to discrimination by businesses.
- Lack of competence to assess environmental impact, safety and profitability of projects such as the construction of hydroelectric power plants.
- Limited mandate, which does not cover the examination of activities of physical or
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<thead>
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<th>N. RECOMMENDATIONS</th>
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<td>The mandates to handle complaints</td>
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<td></td>
<td>• No mandate to handle complaints</td>
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<td></td>
<td>• No complaints can be offered</td>
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<td>• Interdisciplinary and application-oriented research on access to remedy in the context of BHR</td>
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<td>• Advising political decision-makers and businesses</td>
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<td>• Preparing a National Baseline Assessment for the German NAP</td>
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<td>• Advocating for legal reforms, e.g., addressing barriers right-holders in third countries face when seeking access to remedy in Germany</td>
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<td>• Recommendations for German businesses on how HRDD and grievance mechanisms can be improved</td>
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<td>• Country report for the ‘project BHR – access to justice’ for the European Union Agency for Fundamental Rights</td>
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<td>• The German NAP does not provide for a role of the DIMR in relation to access to remedy</td>
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<td>• Amicus curiae statements submitted to courts</td>
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<td>• Participation in the peer review of the German OECD National Contact Point</td>
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<td>• Part of the OECD Guidelines Working Group, a forum of exchange consisting of federal ministries, representatives of business associations, trade unions and NGOs</td>
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<td></td>
<td>• Cooperation with other NHRI on the structural problems leading to community or individual complaints, publication of findings</td>
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<td></td>
<td>• 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</td>
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<td>• Cooperation with the Danish Institute for Human Rights, jointly organised workshop on remedy in BHR cases and the role of NHRI</td>
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<td>• Country visits (UN Working Group on BHR, special procedures mandate holders) should be invited and supported by NHRI</td>
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<td>• Use parallel reports to treaty monitoring bodies</td>
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<td>• Contribute to the UPR list of issues to include access to remedy on the agenda</td>
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<td>• Engage with BHR treaty process and the IGWG, reflect on NHRI as National Implementation Mechanisms</td>
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<td></td>
<td>• Lack of complaint handling mechanism</td>
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<td></td>
<td>• Lack of mandate to conduct inquiries and investigations, lack of authority to gather information from businesses</td>
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<td>• Cooperation between NHRI and inter-NHRI inquiry panels, coordination around individual cases, research</td>
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<td>• Mandate: more independence and funding, broader mandate including the authority to monitor HRDD performance of business and investigative powers</td>
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<td>• If investigative mandate is granted, more financial resources are needed</td>
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<td>• Reform of NHRIs: international dimension</td>
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<td>• Enhancing the relationship with other judicial or non-judicial</td>
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<td>• Strengthening the relationship with other judicial or non-judicial</td>
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**Germany**

**German Institute for Human Rights (DIMR)**

- • No mandate to handle complaints
- • No complaints can be offered

**N/A**

**N/A**

**N/A**

**N/A**
<table>
<thead>
<tr>
<th>NIHRC</th>
<th>I. MANDATE</th>
<th>II. COLLABORATION</th>
<th>III. CHALLENGES AND LIMITATIONS</th>
<th>IV. RECOMMENDATIONS</th>
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<tr>
<td>Mandate to handle complaints and used methods</td>
<td>Types of remedies and their effectiveness</td>
<td>Investigation, inquiries and adjudication (incl. inquiry of own accord)</td>
<td>Consideration of vulnerable or marginalised groups and gender</td>
<td>Measures to facilitate access to remedy indirectly</td>
</tr>
<tr>
<td>Luxembourg Commission consultative des Droits de l’Homme du Duché de Luxembourg (CCDH)</td>
<td>• No mandate to handle complaints and CCDH shall address opinions, studies, positions and recommendations to the government</td>
<td>N/A</td>
<td>• No mandate</td>
<td>N/A</td>
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<tr>
<td>Northern Ireland Human Rights Commission (NIHRC)</td>
<td>• Possibility of receiving complaints concerning alleged business-related HuR abuses</td>
<td>• Northern Ireland BHR Forum</td>
<td>• Mandate to investigate</td>
<td>• E.g., investigation into the rights of older people in nursing homes</td>
</tr>
<tr>
<td>NHRI</td>
<td>I. MANDATE</td>
<td>Types of remedies and their effectiveness</td>
<td>Consideration of vulnerable or marginalised groups and gender</td>
<td>Measures to facilitate access to remedy indirectly</td>
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<tr>
<td>Poland Ombudsman for Human Rights of the Republic of Poland</td>
<td>• No explicit mandate concerning alleged BHR abuses</td>
<td>• Actions are taken if HuRi abuses are by a public entity</td>
<td>• 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.</td>
<td>• The claim against the private entrepreneur was possible, because the treatment is financed by the national health system</td>
</tr>
<tr>
<td>Portugal Provedor de Justiça / The Portuguese Ombudsman</td>
<td>• Protection and promotion mandate with the power to intervene in cases of HuRi abuses by private companies</td>
<td>• Mediation</td>
<td>• Conciliation</td>
<td>• Friendly settlement approaches</td>
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</table>
### I. MANDATE

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<thead>
<tr>
<th>NHRI</th>
<th>Mandate to handle complaints and used methods</th>
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<th>Consideration of vulnerable or marginalised groups and gender</th>
<th>Measures to facilitate access to remedy inaductly</th>
<th>The NHRI’s role in relation to access to remedy in the national action plan</th>
<th>Extraterritorial mandate and ability to act in cross-border cases</th>
<th>Collaboration with other remedial mechanisms (incl. judicial and multi-stakeholder)</th>
<th>Collaboration with other actors to facilitate access to remedy</th>
<th>Potential collaboration with regional and international human rights monitoring mechanisms</th>
<th>Challenges and limitations (incl. cross-border cases and multiple victims)</th>
<th>Recommendations to strengthen the role and capacity of NHRI in facilitating access to remedy</th>
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<tr>
<td>Serbia</td>
<td>No mandate regarding the private sector</td>
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<tr>
<td>Slovakia</td>
<td>No mandate to handle HuRi complaints</td>
<td>Only facilitation to access to remedy</td>
<td>In cases of discrimination, the Centre aims to help victims receive monetary compensation, public apologies or preserve a certain status</td>
<td>No mandate</td>
<td>In respect to the equal treatment principle, independent inquiries are conducted to gather information and issue non-binding expert opinions</td>
<td>Cooperation of private entities cannot be enforced</td>
<td>Special attention on vulnerable and marginalised group by providing communication campaigns and awareness raising activities</td>
<td>Cooperation with organisations directly working with the groups</td>
<td>Services are also provided in Hungarian and Roma language</td>
<td>No gender-sensitive measures taken</td>
<td>Free legal aid and trial representation to victims of discrimination</td>
<td>E.g., legal aid and representation of a victim discriminated because of her age: apology and compensation from the company</td>
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<tr>
<td>Serbia</td>
<td>Protector of Citizens of the Republic of Serbia</td>
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<td>Slovak National Centre for Human Rights</td>
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### II. COLLABORATION

- The Centre also acts 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
- 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
- Reporting on the state of implementation of the UNCSRs 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 NHRI
- Strengthen capacity and mandate regarding BHR
- Mandate needs to be expanded substantially
<table>
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<th>NHRI:</th>
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<tr>
<td>Slovenia Human Rights Ombudsman of the Republic of Slovenia</td>
<td>• Mandate to handle complaints concerning alleged HRi violations by state authorities, local self government bodies and holders of public authority&lt;br&gt;• Wide interpretation including violations by companies implementing public services/ providing public goods with occasional objections&lt;br&gt;• No mandate regarding the private sector</td>
<td>• Collaboration with other actors to facilitate access to remedy&lt;br&gt;• Collaboration with regional and international human rights monitoring mechanisms</td>
<td>• Challenges and limitations (incl. cross-border cases and multiple victims)</td>
<td>• Recommendations to strengthen the role and capacity of NHRRs in facilitating access to remedy</td>
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<tr>
<td>• No direct remedies and authoritative decision-making power&lt;br&gt;• Recommendations to state judicial or non-judicial remedial mechanisms</td>
<td>• Advocating for legal and policy reforms to strengthen access to remedy, e.g., measures improving legal processes&lt;br&gt;• Handling of complaints regarding lengthy court and inspection procedures, lack of transparency and response by inspection services&lt;br&gt;• Many interventions by the Ombudsman resulting in a reduction of court backlogs&lt;br&gt;• Informing rights-holders about remedial mechanisms&lt;br&gt;• Organisation of a session with NGOs and legal experts concerning legal remedies in the field of environment and spatial planning&lt;br&gt;• Because of the Ombudsman’s input, amendment of the Criminal Code and the adoption of the Transnational Provision of Services Act</td>
<td>• No direct remedies and authoritative decision-making power&lt;br&gt;• Recommendations to state judicial or non-judicial remedial mechanisms</td>
<td>• Lack of mandate to handle complaints in the private sector&lt;br&gt;• 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)</td>
<td>• NHRIs should be provided with authority and capacities to handle complaints and address systemic deficiencies (through monitoring, advocacy and promotional activities)</td>
</tr>
<tr>
<td>Spain</td>
<td>• No explicit mandate to handle complaints concerning BHR</td>
<td>• The Ombudsman office does not offer remedial processes&lt;br&gt;• However, it assists and monitors the institutions that have the mandate to do so</td>
<td>• Collaboration with other actors to facilitate access to remedy&lt;br&gt;• Collaboration with regional and international human rights monitoring mechanisms</td>
<td>• Lack of mandate to handle complaints in the private sector&lt;br&gt;• 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)</td>
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