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EXECUTIVE SUMMARY AND
POLICY RECOMMENDATIONS



**NATIONAL HUMAN RIGHTS INSTITUTIONS AND ACCESS TO REMEDY IN
BUSINESS AND HUMAN RIGHTS
EXECUTIVE SUMMARY AND POLICY RECOMMENDATIONS**

Authors: Nora Götzmann and Sébastien Lorion

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 Ihome (Nigeria) and Ruth Ssekindi (Uganda).

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Wilders Plads 8K
DK-1403 Copenhagen K
Phone +45 3269 8888
www.humanrights.dk

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EXECUTIVE SUMMARY

This two-part report examines the role of national human rights institutions (NHRIs) in facilitating access to effective remedy in the context of business and human rights (BHR). The **primary objective** is to identify trends and patterns in how NHRIs apply their Paris Principles mandate to access to remedy in BHR; including to identify common challenges faced by NHRIs and how these might be addressed to strengthen NHRI capacity, action and collaboration to enhance access to remedy for victims of business-related human rights abuses. In doing so, this report seeks to serve as a resource for NHRIs to strengthen their role and to inform current international and national processes that address the role of NHRIs in access to remedy in BHR – such as the United Nations Working Group on BHR 2020 report to the Human Rights Council on the topic, the Accountability and Remedy Project being undertaken by the Office of the United Nations High Commissioner for Human Rights and national-level processes such as National Action Plans on BHR (NAPs).

Part 1 of the report presents an analysis of the role and practice of NHRIs regarding access to remedy in BHR, based on analysis of 2019 survey data gathered by the UN Working Group on BHR, as well as a review of the academic and grey literature relevant to the topic. **Part 2** presents four NHRI case studies from the African region (Kenya, Niger, Nigeria and Uganda) and a comparative analysis examining key practice challenges and recommendations, as well as corresponding opportunities for further research. The four case studies were written in collaboration between the respective NHRIs and the Danish Institute for Human Rights, informed by the documentary analysis of collected and publicly available information as well as interviews with select NHRI staff and relevant external stakeholders.

The present executive summary and recommendations document provides an overview of the report and outlines 10 topic areas with concrete policy recommendations that can be implemented by states, NHRIs and other actors to strengthen the ability of NHRIs to contribute to access to effective remedy for business-related human rights abuses.

Recognising the interlinkages between different emerging themes, for the purpose of discussion, **Part 1 of the report** has adopted the following structure: (1) mandate, capacity and resources to address BHR; (2) complaints-handling function; (3) alternative dispute resolution; (4) enforceability of remedies; (5) gender-responsiveness and accessibility for vulnerable rights-holders; (6) investigations; (7) public inquiries; (8) indirect facilitation of access to remedy; (9) collaboration with other actors and mechanisms; and (10) extraterritoriality and cross-border cases.

With regard to **mandate, capacity and resources to address BHR**, it is noted that NHRIs' ability to work on access to remedy in BHR is facilitated through a broad NHRI mandate, the formal inclusion of BHR in the NHRI mandate and assigning the corresponding resourcing, including financial and staff capacity. On the topic of **complaints handling**, it is observed that while having a complaints-handling function can facilitate important contributions to access to remedy in BHR, it is important that such a function is balanced with addressing systemic human rights abuses through actions such as monitoring, advisory work, own motion investigations, inquiries, research, education and other measures. **Alternative dispute resolution (ADR)**, including mediation and conciliation, may be usefully applied by NHRIs to resolve BHR-related complaints in the first instance. The dialogue created through such processes has the potential to build understanding between parties and generate resolutions agreeable to both parties. On the other hand, research has cautioned that NHRI application of ADR must not undermine the state's duty to investigate allegations of serious violations of human rights and may pose serious limitations in terms of addressing root causes and building precedent. On the topic of **enforceability of remedies**, most NHRIs contributing to the analysis indicated that they can only offer non-legally binding remedies. While the effects of making recommendations, provision of legal aid, release of public statements and other strategies by NHRIs should not be underestimated, limited enforcement powers poses significant risks to rights-holders, who may be subject to a less timely and more drawn out remedy process that could be ineffective in the end. Common strategies to enhance **gender-responsiveness and accessibility for vulnerable rights-holders** noted include, for instance, having regional offices in place, specific information outreach to vulnerable rights-holder groups, or providing language and logistical assistance to facilitate accessibility. Given the frequent power disparities between rights-holders and business actors, as well as threats faced by human rights defenders in the context of BHR, taking specific steps to facilitate access and protection of rights-holders when working on access to remedy in BHR warrants particular attention. **Public inquiries** were highlighted by numerous NHRI respondents as having relevant application in the field of BHR. Through their public nature, inquiries, much like own motion investigations,

can contribute to a state's internalisation of human rights norms, feed policy reform and bring together a wide range of stakeholders to stimulate systemic change. As a downside, however, public inquiries are usually extremely time and resource intensive, and frequently NHRIs struggle with undertaking consistent monitoring and follow-up on recommendations made to verify their implementation and effectiveness. Aside from the immediately relevant complaints-handling, investigation and public inquiry functions, NHRIs evidenced strategies for the **indirect facilitation of access to remedy**. Examples shared include strategies related to awareness raising and capacity building of different actors, influencing policy and legislation, research, monitoring and compliance, and activities facing business actors. In particular, the linkage drawn by NHRIs between the preventive benefits of such activities, as well as the ability of such activities to contribute to systemic change, demonstrates the value of applying the full range of Paris Principles functions to BHR in a holistic manner to promote access to remedy. **Collaboration with other actors and mechanisms** was highlighted as particularly important and can take a range of forms. In summary, four broad categories were identified as particularly relevant, namely, collaboration with: (1) judicial and other remedial mechanisms, such as multi-stakeholder mechanisms, National Contact Points (NCPs), operational-level grievance mechanisms, etc.; (2) other actors at the national level, such as state, civil society and business actors; (3) other NHRIs, either bilaterally or through NHRI networks; and (4) regional and international human rights mechanisms. Lastly, on the topic of **extraterritoriality and cross-border cases**, it was observed that the mandates of most NHRIs do not allow them to address abuses outside their territory. Despite this, some NHRIs included in this study demonstrated innovative application of their mandate to tackle such issues. Given the globalised nature of human rights abuses and risks associated with business activities, for instance those posed by transnational corporations or associated with the human rights effects of climate change, how NHRIs address business-related human rights abuses with a cross-border dimension is likely to become increasingly important.

In **Part 2 of the report**, we present and discuss four NHRI case studies from Kenya, Niger, Nigeria and Uganda. These NHRIs form a relatively homogenous unit of analysis. The institutions share important organisational features and all have a wide mandate. All four NHRIs have asserted that human rights abuses relating to business activities necessarily fall under their mandate and all prioritise BHR in their activities, especially around issues recognised by the human rights chapters of all four countries' constitutions (labour rights and the right to a healthy environment).

Nonetheless, nuances appear (1) in their legal mandates and institutional design, but even more so (2) in the operationalisation and understanding of these mandates. In terms of mandate, the main difference between the studied NHRIs is the binding nature of decisions and the ability to order compensation. The Nigerian and Ugandan NHRIs enjoy this mandate, however, the other two do not. What findings even more strikingly demonstrate is the **contrast between mandates and operations**. The case studies suggest that practical redefinition of mandates depends on exogenous and contextual factors, as well as structural parameters such as resources. Yet the comparative approach also underlines that it depends on NHRIs' own choices. Most activities entail costs and prioritising one action may therefore be at the expense of another. This could be a variable explaining why Niger's NHRC has invested in regular monitoring visits to extractive industries sites, yet is less alert on the preparation, dedicated reporting and follow-up to these visits. In contrast, other NHRIs are more selective in the running of such inquiries but also more attentive to the processes surrounding these public inquiries.

Closer scrutiny of the divergence between mandate and operations further reveals that it entails **a practical dimension (what powers the NHRIs use or not, what the performed activities are, etc.) but also a normative element**. In other words, what distinguishes a human rights-based approach to BHR and remedies from merely ensuring the respect of, e.g., the mining law and the granting of compensation in line with the national law, e.g., in case of evictions? If most victims of human rights abuses are satisfied with compensation as redress, and NHRIs limit themselves to this, this may lead NHRIs to substitute, rather than complement, official institutional mechanisms for compensation, when the latter are inoperative. Examined NHRIs do not seem to systematically ensure human rights guarantees as part of mediated settlements (e.g., non-recurrence measures, or ensuring that victims do not forfeit rights for the purpose of receiving compensation), nor is there transparency in settlements records that could help assess the trade-offs that might be at stake during mediation. The risks are therefore to misread (mostly financial) impact on a series of individual situations with systemic change and a higher protection of rights, or to contribute to a status quo in which the structural causes of the human rights abuses are not addressed.

Another important finding that emerges from the analysis of the case studies is that the potential for NHRIs to exert influence on BHR issues precisely lies in the space between mandates and practices. In other words, it is the margin of manoeuvre in interpreting its mandate and adjusting its practice that may be a condition for an NHRI to maximise its positive role in a given context made of multiple state and non-state actors. Much of the attention of NHRIs and their

supporters has been focused on enhancing NHRIs' legal standing (e.g., making NHRIs' decisions binding), and effectiveness based on linear causality assumptions, according to which an NHRIs' ability to fulfil its mandate will foster impact. However, the case studies invite further analysis of NHRIs' contribution in relation to other actors. **NHRIs play complementary and transformative functions** that are best identified in context and as part of wider governance structures and social forces. Much of this can be done within the range of existing powers of the four NHRIs taken as case studies. The creativity that these NHRIs exercise in operationalising their mandates should not be assessed as a problematic deviation to the mandate but as offering an occasion to adjust NHRIs' activities to generate impact.

The analysis presented in this report is primarily exploratory. 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 is to generate and consolidate knowledge of existing practice, which is a necessary basis for further academic research. This being said, the report also identifies a number of aspects for **further research**.

In the concluding section of Part 1, for instance, we point to four more general themes raised by the analysis. Firstly, it is noted that further enquiry into how the **operational conditions posed by BHR**, for instance the nature and power of business operations or the uncertainties regarding legal and normative rules applicable, may yield important insights for how NHRIs can best position themselves to contribute to access to remedy in BHR. Secondly, more specific examination of the **implications of different design features** – e.g., powers to handle individual complaints, enforce remedies, undertake own motion investigation, compel evidence – is needed to more definitively identify implications for NHRIs' ability to contribute to "effective" remedy in BHR. Relatedly, a third area for further enquiry may be around the balancing act between the different **Paris Principles mandate** functions. Lastly, further clarification of the precise nature and **value add of NHRIs in access to remedy and BHR** may be useful, for instance, including through further research into the role of NHRIs as part of a dynamic system of access to remedy.

In the comparative analysis of Part 2, we point to the importance of moving beyond the legal analysis of mandates to get a sense of the actual work of NHRIs. Here, the more resolute use of **ethnographic methods**, notably embedded research and participant-observation, may yield important insights. Furthermore, our analysis indicates that a **comparative research** approach focused on more in-depth testing and explaining of selected variables could bear interesting results. Lastly, we note that additional research on NHRIs' role in facilitating access to

remedy in the field of BHR **from the perspective of other actors** – businesses, civil society, trade unions, ministries and mostly importantly rights-holders – would be a crucial complement to NHRI-centered research methods. In conclusion, we suggest that additional research incorporating these aspects could help NHRIs resolve some of the common challenges identified and provide a basis for further guidance from international and regional organisations and peer networks.

RECOMMENDATIONS

POLICY RECOMMENDATIONS

The following policy recommendations are targeted at states, NHRIs and other actors working towards strengthening the role and practice of NHRIs in contributing to access to remedy for business-related human rights abuses. The recommendations address the following 10 topics:

1. Mandate, capacity and resources to address BHR
2. Complaints-handling function
3. Alternative dispute resolution
4. Enforceability of remedies
5. Gender-responsiveness and accessibility for vulnerable rights-holders
6. Investigations
7. Public inquiries
8. Indirect facilitation of access to remedy
9. Collaboration with other actors and mechanisms
10. Extraterritoriality and cross-border cases

1 MANDATE, CAPACITY AND RESOURCES TO ADDRESS BHR

- The NHRI mandate should be broad and explicitly permit and encourage work on BHR, for example, through including reference to public and private sector actors in the governing law, as well as explicit recognition of the inclusion of work on economic, social and cultural rights.
- NHRIs should be sufficiently financially resourced, preferably with some funding earmarked specifically to work on BHR.
- NHRIs should consider the establishment of a dedicated unit or position within the institution that is tasked to work on BHR; this may include the establishment of a BHR focal point with responsibility for building collaboration on BHR with NHRI networks and other relevant state, business and civil society actors.
- NHRIs should build their capacity to work on BHR, for example, through measures such as: training and capacity building on BHR; peer learning and knowledge exchange; engagement with BHR-related processes at the national and international level, e.g., African Union development of a BHR policy framework, NAPs processes at the national level; participation in

relevant NHRI, civil society and other networks, e.g., Global Alliance of National Human Rights Institutions (GANHRI), UN Global Compact; participation in relevant BHR fora, e.g., UN Annual Forum on BHR and regional forums; engagement with relevant state, business and civil society actors, e.g., labour and environment ministries, industry associations, civil society networks.

2 COMPLAINTS-HANDLING FUNCTION

- Where NHRIs have a complaints-handling function, this should explicitly include the ability to address BHR-related complaints, unless it can be demonstrated that BHR-related complaints are more effectively addressed through other well-functioning channels.
- Where NHRIs have a complaints-handling function, statistics should be kept on the trends and patterns of BHR-related matters, including parameters such as their theme, types of actors involved, resolution rate and so forth.
- Where NHRIs have a complaints-handling function, trends and patterns in BHR-related complaints should be periodically analysed and evaluated, including with the view to identifying recurring and systemic issues for which the application of other mandate functions (e.g., advisory, own motion investigation, public inquiry, education, research) may be usefully applied to address such systemic issues.

3 ALTERNATIVE DISPUTE RESOLUTION

- NHRIs should ensure that processes and procedures for the application of ADR to BHR-related matters are clearly stipulated and publicly communicated, including clarity on possible outcomes and remedies through such processes. NHRI networks such as GANHRI can have an important role to play in terms of providing guidance to NHRIs on complaints-handling procedures and ADR methods.
- The application of ADR by NHRIs in BHR-related matters should include relevant safeguards, for instance:
 - ADR should remain voluntary and add to protection avenues rather than condition access to other avenues such as courts;
 - in any settlement, conciliation or mediation agreement, human rights norms must be respected and the public interest should be reflected;
 - measures to acknowledge and address power disparities between the parties involved should be included in the process, e.g., by providing relevant legal, technical, logistical and other necessary support and advice to rights-holders involved;
 - transparency should be ensured – in cases where settlements are confidential an anonymised case register could still be publicised;

- the ability to generate ADR agreements that are legally binding and enforceable;
- measures for follow-up and evaluation of the implementation and effectiveness of ADR resolutions proposed must be included; and
- a reflexive approach should be adopted by which the NHRI periodically assesses its ADR practices to determine the effects of ADR on the wider access to justice landscape.

4 ENFORCEABILITY OF REMEDIES

- Measures to strengthen the enforceability of remedies issued by NHRIs should be considered, such as the power to make legally binding awards as an outcome of complaints resolution and investigation, the ability to facilitate ADR agreements that are binding upon the parties, having appropriate appeals options included in the complaints-resolution process or other measures. The optimal configuration of powers included in the NHRI mandate should be determined based on the context, including by taking into account other routes to remedy available.
- The range of remedies that NHRIs can issue in BHR-related matters should be broad, for instance, including options such as compensation, apologies, policy/procedural changes, cease and desist orders, etc. The process for determining the most appropriate remedy should involve the affected rights-holders.
- Provisions to enhance implementation of recommendations made to state, business and other actors – generated through processes such as advisory work, public inquiry or research – should be included within NHRIs’ functions, for example, by requiring the relevant parties to officially respond to recommendations made in a timely manner.
- The implementation rate and effectiveness of remedies issued and recommendations made should be periodically reviewed to draw lessons learned and facilitate continuous improvement.

5 GENDER-RESPONSIVENESS AND ACCESSIBILITY FOR VULNERABLE RIGHTS-HOLDERS

- NHRI outreach activities on access to remedy in BHR should be broad and include measures specifically targeted at vulnerable groups, for example: roadshows to remote indigenous communities to inform them about the function of the NHRI complaints mechanism; outlining easy to understand summaries of different access to remedy avenues on the NHRI website; collaboration with local women’s rights organisations during fieldwork of a public inquiry on BHR matters.
- Accessibility of the NHRI complaints mechanisms and other BHR-related access to remedy work should specifically target the needs of vulnerable

groups, for example, through measures such as: providing information in multiple relevant languages; having in place social workers to assist rights-holders throughout a complaints process; ensuring that offices are child-friendly; and providing multiple avenues to lodge a complaint, e.g., email, hotline, post, website.

- Where the NHRI has regional offices, dedicated staff in these offices should be fully informed and equipped to communicate with rights-holders and other stakeholders in the region on access to remedy avenues for BHR-related matters, including the role and function of the NHRI on this point.
- Complaints processes and services, as well as participation in other BHR access to remedy work of the NHRI should be free of charge for affected rights-holders.
- NHRIs should have strategies and procedures in place to ensure confidentiality of information provided by rights-holders as relevant, including specific strategies for addressing the particular risks faced by human rights defenders, including during fieldwork.
- NHRI staff should be trained and capacitated to apply gender-responsive approaches for dealing with access to remedy in BHR, as well as have a good understanding of the causes and function of vulnerability and marginalisation of specific groups of rights-holders, the factors that can prevent people from being able to seek access to remedy and how these might be addressed (e.g., children, LGBTI+ individuals, ethnic minorities, elderly persons, persons with disability, indigenous peoples). Such capacity of NHRI staff should be exercised in all facets of BHR-related access to remedy work, including fieldwork undertaken for investigations and inquiries and other activities.

6 INVESTIGATIONS

- The NHRI mandate should include the power to investigate BHR-related matters, including through own motion investigation. The precise configuration of this power in the NHRI mandate should be responsive to the regulatory context to ensure policy coherence with the functions of other relevant agencies.
- As part of contributing to both the investigation function and enforceability of remedies, provisions in the NHRI mandate should include the ability to:
 - compel relevant information and documentation, including from business actors;
 - summon relevant witnesses, including business actors; and
 - the ability to enter business premises on its own accord.
- NHRIs should undertake systematic follow-up to investigations to determine which recommendations have been implemented and which not, as well as to capture any intended and unintended consequences of the investigation process to enhance learning and foster progressive improvement.

7 PUBLIC INQUIRIES

- The ability to undertake public inquiries should be clearly applicable to BHR matters, for example, by: including public and private sector actors within the NHRI mandate; ensuring that the NHRI mandate encompasses economic, social and cultural rights; and ensuring that the NHRI mandate includes the ability to compel evidence and witnesses and enables the NHRI to enter business premises, as outlined above.
- NHRIs should apply their ability to undertake public inquiries to BHR matters where systemic human rights issues and abuses have come to light, with the view to addressing those systemic BHR human rights abuses that are most salient in the given country context.
- NHRI public inquiries relating to BHR should include comprehensive, actionable and measurable recommendations to relevant actors, including state, business and civil society actors; and include provisions for follow-up regarding their implementation.
- NHRIs should collaborate with relevant subject matter experts in conducting public inquiries, for example, environmental and other technical experts.
- The public inquiry process should include a wide range of relevant BHR actors, including state, business and civil society actors; including particular provisions to ensure the inclusion of women and vulnerable and marginalised groups, as well as making provision for the safety of rights-holders, including human rights defenders.
- NHRIs should conduct systematic follow-up to BHR-related public inquiries undertaken, to evaluate the implementation of recommendations and their effectiveness.

8 INDIRECT FACILITATION OF ACCESS TO REMEDY

- NHRIs should apply the full range of their Paris Principles mandate to contribute to access to remedy in BHR in a holistic manner, this may include, for example:
 - Awareness raising of different stakeholders on access to remedy for business-related human rights abuses, e.g., through workshops, seminars, national dialogues, multi-stakeholder working groups or conferences.
 - Utilisation of the advisory function to engage in legal reform by providing human rights review and input to relevant laws and policies, e.g., NAPs, establishment of NCPs, investment and corporate law, regulations governing impact assessment, or national planning regarding the development of a specific industry.
 - The development of thematic research reports, position papers and the like, on how access to remedy in BHR can be enhanced in the particular country context.

- Addressing access to remedy in BHR in relevant monitoring and reporting efforts, e.g., annual reporting, shadow reporting to international human rights mechanisms, monitoring business activities through in situ site visits.
- Engaging in business-facing strategies to promote access to remedy, e.g., training and capacity building of business actors on access to remedy, the development of tools and guidance for businesses with the view to enhancing access to remedy, or reviewing operational-level grievance mechanisms for their compatibility with international human rights standards and effectiveness.
- Providing advice to rights-holders on the different types of remedy avenues available for business-related human rights matters and supporting victims of business-related human rights abuses in seeking access to remedy.

9 COLLABORATION WITH OTHER ACTORS AND MECHANISMS

9.1 JUDICIAL AND OTHER REMEDIAL MECHANISMS

- NHRIs should collaborate with judicial actors and make use of the judicial system where relevant, through measures such as: submitting *amicus curiae* in BHR-related cases, in particular those of strategic relevance; undertaking public interest litigation on BHR, including where useful judicial precedent might be generated through the case; supporting legal representation for rights-holders in BHR-cases, through measures such as acting on behalf of rights-holders or facilitating access to relevant legal aid sources; referring relevant cases to prosecution, in particular in cases of egregious human rights harm caused by business actors; tracking and monitoring BHR cases before the courts; or supporting training and capacity building of lawyers and the judiciary on BHR.
- Where appropriate, NHRIs should refer cases to the relevant government authority with the subject matter expertise in question and mandate to address business non-compliances with the relevant standards; as well as follow up on the timely and effective resolution of the matter. Referral of cases to other agencies should be informed by risk assessment and analysis of the human rights compatibility of such mechanisms. NHRIs may also usefully review the human rights compatibility of such mechanisms to ensure that complaints resolution occurs in accordance with human rights standards and principles; and engage in any necessary reform efforts to this end.
- Making use of NCPs or other available multi-stakeholder or industry mechanisms, for example, by: bringing cases to NCPs in home or host countries; engaging in peer review of NCPs; working with an industry-level complaints mechanism to ensure that it is human rights compatible; or

raising the awareness of communities about the complaints mechanisms of international financial institutions and assisting them with raising complaints to these.

9.2 NATIONAL GOVERNMENT, BUSINESS AND CIVIL SOCIETY ACTORS

- State actors:
 - NHRIs should adopt strategies such as requesting relevant information, being part of a joint inter-agency taskforce, or other bilateral engagement with specific state departments or agencies relevant to access to remedy in BHR.
 - NHRIs might also engage with embassies and diplomatic representatives to raise matters concerning business-related human rights abuses and their resolution.
 - Engaging in processes for the development and implementation of NAPs, with the view to strengthening the NAPs' focus on access to remedy, may be a further strategy; as well as related review of NAP implementation of Pillar 3 commitments made therein.
- Business actors:
 - NHRIs might engage with business and industry actors directly with the view to facilitating access to remedy for business-related human rights abuses through, for example: engaging businesses in joint solutions-finding to complaints raised; facilitating roundtables or other multi-stakeholder dialogue fora to promote access to remedy in BHR; working with relevant industry or business actors to strengthen their complaints mechanisms; or engaging in networks such as the UN Global Compact local network to promote learning and implementation of access to remedy for business-related human rights abuses.
- Civil society actors and rights-holders (including human rights defenders):
 - NHRIs might collaborate with civil society organisations through activities such as: multi-stakeholder partnerships; strategic litigation or to bring a complaint to an NCP; exchange of information; collaboration on advocacy efforts to enhance access to remedy for business-related human rights abuses; proactively sharing the results of public inquiries and other research produced by the NHRI; or through building alliances with civil society organisations that have specific technical expertise.
 - NHRIs should take specific measures to ensure the protection of rights-holders, including human rights defenders, involved in seeking access to remedy in BHR, through advice, protection of their data, representation and other strategies.

9.3 NHRIS AND NHRI NETWORKS

- NHRIs should strengthen access to remedy in BHR through bilateral engagement and collaboration through, for example: technical support to other NHRIs; undertaking joint research and advocacy on specific BHR and remedy topics of mutual interest and relevance; or proactively reaching out to other NHRIs and collaborating on complaints resolution of cross-border cases.
- NHRIs should also engage in collaboration with other NHRIs through the regional and global NHRI networks by, for example: engaging with the GANHRI BHR Working Group on access to remedy; addressing region-specific BHR access to remedy issues, e.g., migrant worker trends or cross-border environmental hazards; or supporting NHRI engagement with judicial and other remedy mechanisms.

9.4 REGIONAL AND INTERNATIONAL HUMAN RIGHTS MECHANISMS AND OTHER ACTORS

- NHRIs should utilise international human rights treaty bodies and special procedures to strengthen access to remedy in BHR through activities such as: making statements during sessions; shadow reporting; advocacy during the assessment of states during review sessions; following up on the implementation of recommendations; engaging during country visits and consultations; and engaging in regular meetings with them to raise issues related to access to remedy in BHR.

10 EXTRATERRITORIALITY AND CROSS-BORDER CASES

- NHRIs should consider how promotional and analysis activities might be utilised to address BHR and access to remedy matters that have a cross-border dimension.
- NHRIs should consider collaboration with other NHRIs, either bilaterally or through relevant NHRI networks, to address BHR cases with an extraterritorial dimension.
- NHRIs might also address cross-border issues by utilising remedy avenues presented in home jurisdictions or other remedy mechanisms that are not territorially constrained, e.g., such as remedy mechanisms of financial institutions or industry bodies, where relevant.
- NHRIs might engage on relevant law and policy developments that focus on addressing the constraints posed by cross-border dimensions, e.g., development of mandatory human rights due diligence and modern slavery legislation.

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