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Consejo de Derechos Humanos

20º período de sesiones

Tema 3 de la agenda

**Promoción y protección de todos los derechos humanos,
civiles, políticos, económicos, sociales y culturales,
incluido el derecho al desarrollo**

Información presentada por el Foro de Instituciones Nacionales de Derechos Humanos de Asia y el Pacífico*

Nota de la Secretaría

La Secretaría del Consejo de Derechos Humanos transmite adjunta la comunicación presentada por el Foro de Instituciones Nacionales de Derechos Humanos de Asia y el Pacífico**, que se reproduce a continuación de conformidad con el artículo 7 b) del reglamento que figura en el anexo de la resolución 5/1 del Consejo, según el cual la participación de las instituciones nacionales de derechos humanos se basará en las disposiciones y prácticas convenidas por la Comisión de Derechos Humanos, incluida la resolución 2005/74, de 20 de abril de 2005.

* La institución nacional de derechos humanos tiene la acreditación de la categoría "A" ante el Comité Internacional de Coordinación de las Instituciones Nacionales para la Promoción y la Protección de los Derechos Humanos.

** Se reproduce en el anexo como se recibió, en el idioma en que se presentó únicamente.

Anexo

[English only]

Written statement submitted by the Asia Pacific Forum of National Human Rights Institutions (APF)

**20th Session of the Human Rights Council
(18 June - 06 July 2012)**

Outcome Statement of the APF Regional Conference on Business and Human Rights

On 11 to 13 October 2011, in Seoul, Korea, the National Human Rights Commission of Korea and the Asia Pacific Forum of National Human Rights Institutions (APF) hosted a Regional Conference on Business and Human Rights.

The Conference brought together around 180 representatives from national human rights institutions (NHRIs), international organisations, government, business associations, and non-governmental organizations. Participating NHRIs included Afghanistan, Australia, Bangladesh, Canada, Denmark, Ecuador, El Salvador, India, Indonesia, Kenya, Malaysia, Maldives, Mexico, Mongolia, Nepal, New Zealand, Philippines, Qatar, Russian Federation, Scotland, Sri Lanka, Thailand, Timor Leste, and Togo.

Representatives of the Network of African National Human Rights Institutions, the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, and the Office of the United Nations High Commissioner for Human Rights were also in attendance.

The Conference addressed emerging regional trends and issues relating to human rights and business. It also examined the training needs of NHRIs to support their capacity to engage with and advise the corporate sector on human rights issues.

The Conference Outcome Statement follows:

ASIA PACIFIC FORUM OF NATIONAL HUMAN RIGHTS INSTITUTIONS REGIONAL CONFERENCE ON BUSINESS AND HUMAN RIGHTS

OUTCOME STATEMENT

1. The Asia Pacific Forum of National Human Rights Institutions held its Regional Conference on Business and Human Rights in Seoul, Korea on 11 – 13 October 2011.
2. The Conference was hosted by the National Human Rights Commission of Korea and the Asia Pacific Forum of National Human Rights Institutions, in cooperation with the Office of the High Commissioner for Human Rights, and the Business and Human Rights Working Group of the International Coordinating Committee of National Human Rights Institutions, and was attended by national human rights institutions from the Asia Pacific, Africa, Americas and Europe.
3. The Conference followed the recent adoption of the United Nations Guiding Principles on Business and Human Rights, and was convened as part of the Asia Pacific's regional response to the Edinburgh Conference and Declaration, which called upon

National Human Rights Institutions to hold regional workshops to consider how they can utilise their mandates to address corporate related human rights violations.

4. Conference participants received welcoming addresses from the United Nations Secretary General and the Chairperson of the National Human Rights Commission of Korea, each of whom recognised the unique role of National Human Rights Institutions, and called upon them to play an active role in promoting respect for human rights by business.

5. Keynote presentations by representatives from government, business, civil society and national human rights institutions highlighted the importance of the United Nations Protect, Respect and Remedy Framework and Guiding Principle on Business and Human Rights, the benefits associated with corporate compliance with human rights, chronicled human rights violations by business, and reflected on the fundamental role that national human rights institutions can play in promoting and protecting human rights through their monitoring, education, advocacy and complaint handling functions.

6. Subsequent presentations by transnational and Korean corporations provided examples of an enlightened approach by business, promoting human rights observance not only in parent corporations, but also in their subsidiaries, and supply chains.

7. Presentations by national human rights institutions also highlighted both the opportunities and the very positive actions already undertaken by them in promoting respect for human rights by business.

8. Participants benefited from information provided by the Office of the High Commissioner for Human Rights, the International Coordinating Committee of National Human Rights Institutions' Working Group on Business and Human Rights, as well as reports on developments in other regions. In particular they welcomed the Network of African National Human Rights Institutions' draft Plan of Action on Business and Human Rights, and look forward to hearing the outcomes from the two remaining regional consultations that will take place in the Americas and in Europe in the near future.

9. Members of the Asia Pacific Forum were particularly grateful for the opportunity to trial aspects of the training material developed by the ICC Working Group on Business and Human Rights which, when completed, will provide national human rights institutions with a coherent framework to develop their programs to promote respect for human rights by business.

10. Participants acknowledged the benefit of the earlier initiative of the APFs Advisory Council of Jurists, whose report on Human Rights, Corporate Accountability and Government responsibility provides indicative examples of good practice that may be undertaken by national human rights institutions.

11. Participants also appreciated the opportunity to share their experiences in promoting and protecting human rights against violations by business, noting that the majority of institutions are already undertaking both direct and indirect action in this regard. Examples of good practice extend across the whole spectrum of institutional mandates and include::

(a) Broad based educational activities promoting a greater understanding of the human rights framework and the implications for corporate behaviour, for example in the development of general and sector specific fact sheets to advise business of its obligations;

(b) Advocacy and dialogue with government to ensure the enactment of appropriate statutory regulations and administrative processes to govern the activities of the corporate sector;

(c) Ensuring the implementation of existing statutory regulations and administrative processes, for example by monitoring the approval processes for

infrastructure development projects to ensure that the requisite consultation and decision making practices provide an opportunity for the concerns of all stakeholders to be considered;

(d) Complaint handling, including conciliation and mediation of complaints with regard to human rights violations and discrimination by business;

(e) Conducting national inquiries to consider widespread, systemic or egregious violations of human rights, for example in relation to the impact of land acquisition on the enjoyment of economic, social and cultural rights of citizens and in particular indigenous peoples;

(f) Intervening in judicial proceedings, as both a friend of the court or an intervenor, to ensure that judicial decision makers are made aware, and give consideration to all relevant human rights issues.

12. An innovative practice undertaken by several members involved the recognition of good practice by business, in one case through the creation of an annual award and in another, through a regular electronic publication.

13. Following the presentations, working groups and discussion sessions, members of the Asia Pacific Forum re-endorsed the Edinburgh Declaration and the objectives outlined therein, and agreed to consider action at the domestic, regional and international level to promote corporate respect for human rights.

14. At the national level, members agreed to:

(a) Review, and as necessary revise NHRIs existing Strategic Plans to ensure that, in the context of their domestic priorities, they identify and promote effective action to address human rights violations by business;

(b) Review, and as necessary advocate for the revision of their State's Human Rights National Action Plan to ensure that it identifies and promotes effective action to address human rights violations by business;

(c) Review their existing institutional capacity and identify the training needs required to assist them in effectively addressing their strategic objectives in relation to business and human rights;

(d) Where they have not already done so, create a focal point for Business and Human Rights within their institutions;

(e) Develop relationships with key stakeholder groups, including government, business, civil society, National Contact Points under the OECD Guidelines for Multinational Enterprises and others in order to develop and facilitate an ongoing dialogue on business and human rights;

(f) Encourage their government to become parties to relevant international human rights instrument to which they have not yet agreed to be bound;

(g) Encourage their governments to fully implement relevant international human rights instrument to which they have already agreed to be bound;

(h) Promote awareness and domestic implementation of relevant international and regional guidelines, codes and other instruments, particularly those developed in cooperation with governments;

(i) Consider integrating business and human rights in periodic reporting processes;

(j) Consider opportunities for bilateral and multilateral cooperation between NHRIs on relevant business and human rights issues.

15. At the regional level, members agreed to:

(a) Request that Asia Pacific Forum representatives on the ICC Working Group on Business and Human Rights proactively engage with all regional member institutions both prior to and following meetings in order to facilitate the full engagement of all members with the ICC Working Group on Business and Human Rights;

(b) Actively cooperate with the ICC Working Group on Business and Human Rights through their regional representatives, particularly in the context of the development of region specific training materials;

(c) Proactively engage with relevant regional and/or sub-regional mechanisms as appropriate to their strategic priorities, and in particular with the ASEAN Intergovernmental Commission for Human Rights, which will shortly undertake a baseline study into corporate social responsibility and human rights;

(d) Engage with international agencies, especially the Office of the High Commissioner for Human Rights and other relevant UN bodies, to seek support for the Business and Human Rights activities of NHRI's in the region;

(e) Request the APF secretariat to:

(i) Collect and collate the resources of regional national human rights institutions to create a shared resource available to all;

(ii) Develop a business and human rights page on the APFs website to facilitate the exchange of regional experiences and information and to provide a link to the ICC BHR and other relevant websites;

(iii) Engage with the ICC Working Group, the Danish Institute for Human Rights and others to facilitate the provision of the ICC Working Group's training program for members within the region when this becomes available.

16. At the international level, members agreed to:

(a) Actively support ICC activities, particularly through those initiatives identified or undertaken by the ICC Working Group on Business and Human Rights; and

(b) Engage with the newly established UN Working Group on Business and Human Rights.
