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人权理事会

第十七届会议

议程项目 3

增进和保护所有人权——公民权利、政治权利、
经济、社会和文化权利，包括发展权

增进和保护人权国家机构国际协调委员会提交的资料

人权理事会秘书处特此转交增进和保护人权国家机构国际协调委员会提交的资料，* 按照人权理事会第 5/1 号决议附件中所述议事规则第 7(b)条将其转载如下；根据议事规则，国家人权机构的参与要依据人权委员会议定的安排和惯例，包括 2005 年 4 月 20 日第 2005/74 号决议进行。

* 只以收到时的原文转载于附件。

Annex

The Edinburgh Declaration

1. The Tenth International Conference of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights addressed the theme of *Business and Human Rights, the role of national human rights institutions (NHRIs)*.
2. The Conference took place in Edinburgh, Scotland between October 8 –10, 2010 and was hosted by the Scottish Human Rights Commission (SHRC) in cooperation with the Office of the High Commissioner for Human Rights (OHCHR), the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) and its Working Group on Business and Human Rights.
3. Participants thanked the SHRC, OHCHR, the Scottish Parliament and the Scottish and UK Governments for their support and dedication to the organisation of the Conference. The Conference was also enriched by the participation of the Advocate-General for Scotland, UK Government and by the Justice Secretary, Scottish Government.
4. Participants welcomed the statements of the United Nations High Commissioner for Human Rights, Navanethem Pillay, the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (SRSG), Professor John Ruggie, former United Nations High Commissioner for Human Rights, Mary Robinson and Professor Olivier Maurel. Keynote addresses were followed by interactive and productive discussions which reflected the experience, diversity and perspectives of all NHRIs as well as those of non-governmental, trade union and business representatives.
5. Non-governmental organisations (NGOs) from around the world organised a pre-conference NGO Forum. The Forum delivered a highly constructive statement to the Conference which enriched the debate, participants' collective thinking and deliberations.

The Tenth International Conference adopted the following Declaration:

6. *Reaffirming* the inherent dignity, equal and inalienable rights of all human beings, the need for universal and effective recognition of human rights and fundamental freedoms, and to promote social progress and better standards of living, as expressed in the Universal Declaration of Human Rights; further reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights as expressed in the Vienna Declaration and Programme of Action on Human Rights.
7. *Welcoming* the UN Human Rights Council's continuing engagement with the business and human rights agenda, and noting its support by consensus for the "protect, respect, remedy" framework proposed by the SRSG. The greater understanding, clarity and consensus about the appropriate roles and responsibilities of states and business, and the right of victims to access remedy as regards corporate abuses was welcomed by participants.
8. *Noting* that the Human Rights Council has tasked the SRSG with operationalising and promoting the framework and welcoming the opportunity for NHRIs' and other actors' involvement in the consultation process and in the development of the Guiding Principles.
9. *Acknowledging* that businesses can have impacts on human rights. National and transnational business activities can generate harm on human rights. In certain regions inappropriate models of privatization have prevented the realisation of human rights.

However, the responsible operation of business and effective regulation can also contribute to promoting respect, protection and fulfillment of human rights.

10. *Noting* with concern that weak governance systems, national legislation and implementation mechanisms cannot effectively prevent the negative impacts of globalisation on vulnerable societies, cultures, economies and peoples, including indigenous peoples

11. *Reaffirming* the importance of effective and independent national human rights institutions with broad mandates to promote and protect all human rights, in accordance with the *Principles relating to the status of national institutions under UN General Assembly Resolution 48/134* 20 December 1993 (Paris Principles).

12. *Emphasising* the important role national human rights institutions can play in addressing corporate-related human rights challenges at the international level, including through the ICC, and at the regional and national levels.

13. *Welcoming* the valuable discussions of the Conference's Regional Working Groups addressing human rights and business through the four thematic areas of: child labour and young workers (Africa); safe and healthy environment (Americas); human trafficking (Asia Pacific); and privatisation and public procurement (Europe).

14. *Acknowledging* the independence and autonomy of all NHRIs, the diversity of their regional and national contexts and the need to define strategic objectives and programmes informed by local circumstances and resources.

15. *Noting* that the Paris Principles oblige States to ensure adequate funding and an appropriate infrastructure to NHRIs to fulfil their mandates including human rights and business and urging states and the international community to cooperate to achieve this end.

The NHRIs here assembled agree:

16. To actively consider how their mandates under the Paris Principles can be applied, or where necessary strengthened, in order to promote and protect human rights as they relate to business, including through:

- monitoring states' and non-state actors', including businesses' compliance with human rights
- advising all relevant actors on how to prevent and remedy such abuses
- providing and/or facilitating access to judicial and/or non-judicial remedies, for example by supporting victims, handling complaints and/or undertaking mediation and conciliation
- conducting research and undertaking education, promotion and awareness-raising activities
- integrating human rights and business issues when interacting with international human rights bodies, including UN treaty bodies, Special Procedures, the Human Rights Council and the Universal Periodic Review, as well as regional human rights mechanisms.

17. To proactively consider new ways in which NHRIs' mandates can be used to advance the "protect, respect and remedy" framework while recognising the need for its further development and alignment with international human rights standards.

18. To call on the SRS in his Guiding Principles to recognise the centrality of NHRIs in business and human rights under all three pillars of the "protect, respect, remedy framework".

19. To urge States to identify and establish a properly resourced focal point within the UN to provide guidance and support capacity building as recommended by the SRSG (UN Doc A/HRC/14/27).

20. To broaden NHRIs' activities by means such as:

- creating focal points on business and human rights within their institutions and developing platforms to convene dialogue among relevant actors
- engaging with organisations and stakeholders at national, regional and international levels, such as business, including small and medium sized enterprises (SMEs), trade unions, civil society and the UN Global Compact
- supporting victims of corporate abuses, and facilitating their access to effective judicial and non-judicial remedies
- empowering human rights defenders and securing the effective participation of civil society in business and human rights, in particular vulnerable groups.

21. To renew efforts to work collaboratively with NGOs and civil society in implementing NHRIs' mandates as regards business and human rights, including through sharing knowledge and expertise and institutionalising exchanges and interactions.

Further agree that NHRIs will:

22. Undertake activities, commencing in 2011, in coordination with the ICC Working Group on Business and Human Rights and with the support of the Office of the High Commissioner for Human Rights, including if possible a workshop on business and human rights in each ICC Region to be held during 2011.

23. Incorporate business and human rights in strategic plans and workplans in each NHRI and ICC Region.

24. Engage with and support the ICC Working Group on Business and Human Rights, and in all activities encourage participation from relevant stakeholders including government, legislatures, trade unions, business including SMEs, NGOs and civil society.

25. Report, including via Regional Chairs and the ICC Working Group, to ICC General Meeting in 2011 on regional, sub-regional and national activities on business and human rights.

Adopted on 10 October 2010
Edinburgh