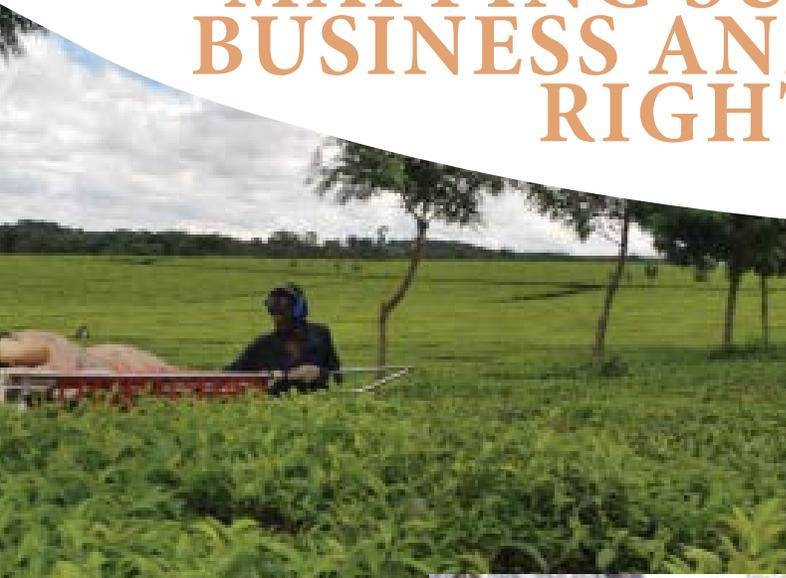


NETWORK OF AFRICAN NATIONAL HUMAN RIGHTS INSTITUTIONS



REPORT OF THE NANHRI MAPPING SURVEY ON BUSINESS AND HUMAN RIGHTS





**REPORT OF THE
MAPPING SURVEY
ON BUSINESS AND
HUMAN RIGHTS
- THE ROLE OF
NHRIS**



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ABBREVIATIONS

ACHPR	African Commission on Human and Peoples' Rights
AU	African Union
CCDH	Commission Consultatif des Droits de l'Homme
CESCR	UN Committee on Economic, Social and Cultural Rights
CSO	Civil Society Organisation
CSR	Corporate social responsibility
DIHR	Danish Institute for Human Rights
EAC	East African Community
ECOWAS	Economic Community of West African States
EU	European Union
HRC	UN Human Rights Council
HRCSL	Human Rights Commission of Sierra Leone
ICC	International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights
ICC SCA	ICC Sub Committee on Accreditation
ILO	International Labour Organisation
KNCHR	Kenya National Commission on Human Rights
NANHRI	Network of African National Human Rights Institutions
NCHRF	National Commission on Human Rights and Freedoms
NHRI	National Human Rights Institution
OECD	Organisation for Economic Cooperation and Development
OHCHR	Office of the United National High Commissioner for Human Rights
SADC	Southern Africa Development Community
SAHRC	South African Human Rights Commission
SME	Small and medium-sized enterprise
UNDP	United Nations Development Programme
UNGC	United Nations Global Compact
UNGPs	UN Guiding Principles on Business and Human Rights
UNECA	United Nations Economic Commission for Africa
UPR	Universal Periodic Review
VPSHR	Voluntary Principles on Security and Human Rights
ZHRC	Human Rights Commission Zambia

EXECUTIVE SUMMARY

There is increasing concern about human rights abuses in Africa in which the business sector is implicated. National human rights institutions (NHRIs) under the UN Paris Principles have a mandate to promote and protect human rights, and prevent human rights violations, at national level. The Network of African National Human Rights Institutions (NANHRI) is a membership-based, non-profit organisation that supports and strengthens NHRIs in the African region, and has forty-one NHRIs as its members.

In 2011, NANHRI members gathered in Yaoundé, Cameroon for a Regional Workshop on Business and Human Rights: the role of African NHRIs. In the Yaoundé Declaration, African NHRIs affirmed their collective commitment to strengthen their capacity on business and human rights in line with their Paris Principles mandates. They further sought to address business-related human rights abuses, highlighting the three fields of labour, environment-related and land-related human rights abuses.

In 2012, further to the Yaoundé Action Plan and the NANHRI Strategic Plan 2012-14, the NANHRI Secretariat commissioned this mapping study of African NHRIs on business and human rights. Through a combination of desk-research, a questionnaire-based survey and case studies, the current report, which assesses the current engagement, needs, capacities and priorities of NANHRI members with regard to the area of business and human rights, has been produced.

The report:

- Describes the state of play of human rights and business in Africa, in terms of recent normative and institutional developments at international and regional levels;
- Provides a comprehensive description of the current engagement, needs, and priorities of NANHRI members in relation to business and human rights;
- Makes concise recommendations to further improve the capacity and effectiveness of NANHRI members in fulfilling their Paris Principles mandates on business and human rights; and
- Includes a draft training module for African NHRIs on business and human rights.

Key findings and recommendations

NANHRI member institutions report a high level of engagement with business and human

rights issues, and at the same time a high level of need for education, training and strengthening of institutional capacity and resources in the human rights and business area. In order to be able to effectively fulfil their Paris Principles mandates with regard to human rights, the following recommendations are made:

- **Capacity development:** No NHRI in Africa rates its capacity to work on business and human rights as adequate. Most report their human and technical capacities, and resources, as inadequate to allow them to fulfil their mandates with regard to business-related human rights abuses. A programme of capacity development for NANHRI members on business and human rights should be undertaken as a priority, with a focus on mining, environment, land and labour-related issues. Relevant institutional actors and donors should cooperate towards this goal.
- **Paris Principles:** NHRIs accredited to A-status demonstrate consistently stronger knowledge, engagement and effectiveness in relation to business and human rights than B- or C-status institutions. Accordingly, efforts should be redoubled by all relevant actors to support the transition of B- and C-status NHRIs towards full alignment with the Paris Principles.
- **Knowledge-sharing:** Individual African NHRIs are undertaking robust, innovative and effective interventions on human rights and business issues in response to specific issues, risks and abuses. Platforms are needed that allow these experiences to be tapped and lessons learned to be made accessible to peers at regional and sub-regional levels.
- **Advocacy, outreach and institutional integration:** While NHRIs lack adequate knowledge of human rights and business frameworks and processes, key players on human rights and business are overlooking NHRIs' potential to act as expert, legitimate interlocutors on human rights and business issues. Steps are needed to strengthen outreach by NANHRI at network level towards such actors and to secure improved understanding by them of NHRIs, their mandate on human rights and business, and their role in securing accountability to human rights standards of business activities as well as international and national development policies and frameworks.

CHAPTER 1

1 INTRODUCTION

This report documents the results of a survey of members of the Network of African National Human Rights Institutions (NANHRI) on business and human rights. The survey was commissioned by the NANHRI Secretariat under the NANHRI Strategic Plan 2012-14, which includes business and human rights as a strategic priority area.

To put the results of the survey into context, this Introduction firstly outlines the background, mandate and role of NANHRI. It then highlights recent developments in the business and human rights field at international and regional levels, and finally actions by NHRIs on business and human rights.

1.1 NANHRI: ORIGIN, MANDATE AND ORGANISATION

NANHRI is a membership-based, non-profit organisation that supports and strengthens national human rights institutions (NHRIs) in the African region.¹ It provides practical assistance to its individual member institutions to enable them to undertake more effectively their own human rights

protection, monitoring, promotion and advocacy activities.

The first conference of African NHRIs was held in Yaoundé, Cameroon, in 1996, with ten member institutions taking part. The first Yaoundé Declaration established a Coordinating Committee of African National Institutions for the Promotion and Protection of Human Rights. In 2007, the NANHRI Constitution was signed in Kigali, Rwanda, formally founding NANHRI, which was subsequently established as a legal entity under Kenyan law.

Under its Constitution, NANHRI's objectives are to:

- Encourage the establishment of NHRIs, in conformity with the Paris Principles
- Facilitate the coordination, strengthening and effectiveness of NHRIs in Africa
- Encourage cooperation among NHRIs and with intergovernmental organisations.

According to the Constitution, NANHRI decisions are made by its General Assembly,

¹ See further <http://www.nanhri.org/>.

which meets biennially, and a Steering Committee of nine members, which is responsible for overall control, management and supervision of the Secretariat.

Since 2001, NANHRI has had a Secretariat, which was hosted initially by the South African Human Rights Commission and subsequently by the Kenya National Commission on Human Rights, where it currently resides. The Secretariat comprises a Director and team of five staff.

1.1.1 NANHRI STRATEGIC PLAN 2012-14

According to NANHRI's 2012-14 Strategic Plan, NANHRI "seeks to...strengthen the capacity of African NHRIs to carry out effective human rights programming and to interact with key international and regional human rights mechanisms."² The Strategic Plan includes business and human rights as a strategic priority area. This follows from a situational analysis, which assessed human rights issues related to the environment and business as being areas of emerging importance. The Strategic Plan observes:

"Developments by States or non-state actors do not take into account the effects on the people, while constructing buildings and dams, carrying out oil exploitation or other mining activities. It is important for NHRIs to take into account the principle of due diligence and hold states responsible to ensure that human rights are respected including where both perpetrators

and victims are non-state actors.

Violations may occur in spite of the States' efforts and actions to prevent and punish it, and absence of proper investigation and prosecution can lead to further attacks. NHRIs should take up issues of the right to effective remedy, right to a fair trial, equality before the law... NHRIs should investigate complaints about human rights violations committed by non-state actors, including companies whenever their mandates allow. They should organise awareness-raising conferences and seminars on the corporate responsibility to respect human rights."³

Drawing attention to its "...far-reaching negative effects felt by populations at the grass-roots level...", as well as "...loss of much-needed revenue for a number of countries," a further strategic priority area under NANHRI's 2012-14 plan is corruption. In this regard, the Plan mandates NANHRI to "...work with NHRIs as per the proposed Plan of Action to mainstream corruption in human rights activities to give it rights-based approach, raise awareness on corruption and impunity, improve the working relationship between anti-corruption agencies and NHRIs and publicise and advocate for the domestication of relevant regional and international instruments on matters [regarding] corruption."⁴

2 NANHRI Strategic Plan 2012-13, p.4.

3 NANHRI Strategic Plan 2012-14, p.10.

4 NANHRI Strategic Plan 2012-14, p.11.

1.2 BUSINESS AND HUMAN RIGHTS: RECENT DEVELOPMENTS

1.2.1 INTERNATIONAL LEVEL

In 2005, the UN Secretary-General appointed a Special Representative on Business and Human Rights to address the roles of states and businesses with regard to human rights. This led to development of a new UN Framework for Business and Human Rights that was endorsed by the UN Human Rights Council in 2008. This Protect, Respect, Remedy Framework rests on three complementary and interrelated pillars:

Pillar 1: The State duty to protect against human rights abuses by third parties, including business, through appropriate policies, regulation and adjudication

Pillar 2: The corporate responsibility to respect human rights, which means that companies are expected to avoid infringing the human rights of others and to address adverse human rights impacts with which they are involved

Pillar 3: Access to remedy, which requires both states and businesses to ensure greater access by victims of business-related human rights abuses to effective judicial and non-judicial remedies

Through this division of duties and responsibilities, the Protect, Respect, Remedy Framework clarifies the baseline

obligations and expectations on both states and businesses with regard to business-related human rights impacts.

The Special Representative on Business and Human Rights subsequently elaborated a set of Guiding Principles on Business and Human Rights (UNGPs) based on the UN Framework. These Guiding Principles were unanimously endorsed by the UN Human Rights Council in June 2011. A wide range of state, business and civil society actors, as well as international organisations (e.g. OECD) and regional bodies (e.g. EU) have now expressed support for the Guiding Principles, and an increasing number are taking steps to start to implement them. International financial institutions, such as the World Bank and International Finance Corporation (IFC) have taken or are currently taking steps to align their policies and operational guidance with the Guiding Principles. Instruments such as the IFC Performance Standards and World Bank Operational Policies are highly relevant in the African context given the regular reliance of national governments on international lending to support infrastructure projects and private sector development.

On expiry of the Special Representative's mandate in 2011, the UN Human Rights Council established a Working Group to take its place. The UN Working Group on the issue of human rights and transnational corporations and other business enterprises is requested by the Human Rights Council to undertake activities including: promoting effective and comprehensive dissemination and implementation of the UNGPs; supporting capacity building; and identifying, exchanging and promoting good practices and lessons learned on business and human rights, including through dialogue and

cooperation with NHRIs.⁵ During its 2011 resolution establishing the Working Group, the Human Rights Council also set up an annual UN Forum on Business and Human Rights open to all stakeholders, to discuss trends and challenges for implementation of the UNGPs.

At international level, developments on business and human rights are also taking place within the UN human rights treaty system. In 2011, the Committee on Economic, Social and Cultural Rights (CESCR) published a statement on the obligations of states regarding the corporate sector and economic, social and cultural rights.⁶ The UN Human Rights Committee, in 2012, addressed the need for the state to take appropriate measures with regard to impacts of businesses domiciled in its territory and/or jurisdiction, and to strengthen remedies for victims of abuses resulting from the activities of such companies abroad, from the standpoint of the International Covenant on Civil and Political Rights.⁷ In February 2013, the UN Committee on the Rights of the Child adopted a General Comment on State Obligations regarding the impact of the Business Sector on Human Rights, which particularly draws attention to NHRIs' monitoring functions.⁸

1.2.2 REGIONAL AND SUB-REGIONAL LEVELS

Regional human rights instruments promulgated via the African Union (AU) include provisions relevant to business and human rights. Amongst these are the African Charter on Human and Peoples' Rights (1987), ratified by all AU member states,⁹ and the African Charter on the Rights and Welfare of the Child (1999).¹⁰ The African Court on Human and Peoples' Rights, established in 2004, has jurisdiction to handle all cases alleging violations of the African Charter on Human and Peoples' Rights and can provide an opinion on any legal matter relating to the Charter or any other relevant human rights instruments, or provide an advisory opinion.¹¹ The Court can receive and adjudicate complaints relating to business and human rights matters, albeit to date these have been few in number .

The African Commission on Human and Peoples' Rights, formed in 1986, has a mandate to promote and protect human rights including, for instance, through studies and research, seminars and conferences, dissemination activities, making recommendations to Governments, as well as encouraging local and national institutions concerned with human and peoples' rights.¹² The Commission is also empowered to formulate principles and rules and to cooperate with other African and international human rights institutions.

5 See further: <http://www.business-humanrights.org/media/documents/un-human-rights-council-resolution-re-human-rights-transnational-corps-15-jun-2011.pdf> .

6 Available at <http://www2.ohchr.org/english/bodies/cescr/statements.htm> .

7 Concluding Observations on the Sixth Periodic Report of Germany, adopted by the Committee at its 106th session, 15 October to 2 November 2012, accessible at <http://www2.ohchr.org/english/bodies/hrc/hrcs106.htm> .

8 UN Doc. CRC/C/GC/16, available at <http://www2.ohchr.org/english/bodies/crc/comments.htm> , paras.75-77.

9 <http://www.african-court.org/en/images/documents/Sources%20of%20Law/Banjul%20Charta/charteang.pdf>

10 <http://acerwc.org/the-african-charter-on-the-rights-and-welfare-of-the-child-acrwc/> .

11 <http://www.african-court.org/en/> .

12 <http://www.achpr.org/> .

The African Commission has an additional competence to institute special mechanisms, such as working groups and rapporteurs, to examine and address specific issues.¹³ Three thematic mandates relevant to the business and human rights area have been established:

- Working Group on Extractive Industries, Environment and Human Rights violations¹⁴
- Working Group on Economic, Social and Cultural Rights. This Working Group has recently issued Draft Principles and Guidelines on Economic, Social and Cultural Rights. This document elaborates guidance on many topics intersecting with business and human rights, such as the right to work, forced evictions and right to food. The Draft Principles also affirm the role of NHRIs in relation to economic, social and cultural rights and the need for NHRIs to be involved in the development of national policies for their implementation¹⁵
- Working Group on Indigenous Populations/Communities in Africa.¹⁶

The African Union Commission's Human Rights Strategy for Africa 2012-16 aims to achieve inter alia a "...strengthened human rights system capable of deepening a

culture of human rights and conformity with the [African Charter]" and "...strengthened capacity of institutions at continental, regional and national level for an effective human rights system." The Strategy draws attention to NHRIs' "...important role in popularization of human rights norms and mechanisms, monitoring state compliance with their obligations, and contribute [sic] to the implementation of the decisions of AU organs and institutions and of the RECs [Regional Economic Communities]".¹⁷

Together with the African Development Bank and United Nations Economic Commission for Africa (UNECA), the AU has also developed the Africa Mining Vision. The final goal of this initiative is to "...use Africa's mineral resources to meet the Millennium Development Goals (MDGs), eradicate poverty, and achieve rapid and broad-based socio-economic development." The Africa Mining Vision Action Plan states the need for "improved human rights" in Africa's mineral sector under the heading of "Mineral Sector Governance". It further indicates the need to empower public human rights institutions to monitor enforcement of human rights standards with respect to mining, provide the necessary resources, and develop methodologies and integrate human rights norms for the mining sector into the African Peer Review Mechanism and ACHPR.¹⁸

The African Development Forum is a further joint initiative of the AU, African Development Bank and UNECA. Held in

13 <http://www.achpr.org/mechanisms/>.

14 <http://www.achpr.org/mechanisms/extractive-industries/>.

15 <http://www.achpr.org/mechanisms/escr/> . On the Draft Guidelines, see further: <http://www.achpr.org/instruments/economic-social-cultural/>.

16 <http://www.achpr.org/mechanisms/indigenous-populations/>

17 [http://pa.au.int/en/sites/default/files/HRSA-Final-table%20\(EN\)\[3\].pdf](http://pa.au.int/en/sites/default/files/HRSA-Final-table%20(EN)[3].pdf), at para.38.

18 http://africaminingvision.org/amv_resources/AMV/Action%20Plan%20Final%20Version%20Jan%202012.pdf, p.26-27.

October 2012, the Eighth Forum addressed the theme of Governing and Harnessing Natural Resources for Africa's Development. The Forum's concluding Consensus Statement urges "...sustainable exploitation of Africa's natural resource endowment for the environment local communities and the present and future generations of Africans," noting the relevance of transparency and accountability as part of effective governance of natural resources. It recommends improved governance in parallel with "strong commitment to curb human rights violations, address issues of child labour, overcome gender-based violence, redress the abuse of migrant labour, improve mining safety, achieve sustainable wage, provide decent housing and cater to the health needs of miners and their families."¹⁹ Another recommendation is that the Africa Peer Review Mechanism should be strengthened and strategically repositioned "...to become the primary instrument for promoting a shared understanding of mineral value creation, eliminating resource-driven conflicts, institutionalising mandatory mineral revenue disclosure and improving overall mineral sector governance in Africa".²⁰

In the context of the New Partnership for Africa's Development (NEPAD), the framework for the African Peer Review Mechanism addresses many questions and indicators to human rights and business-

related issues. These touch, for example, on national implementation of ILO core labour standards and transparency, corporate governance, and stakeholder participation in development planning.²¹ UNECA's African Development Forum has also recently focused on harnessing mineral resources and investments in land, forestry and fisheries to serve sustainable development in the continent.²²

Although the African Development Bank has recently updated various of its policies, it has not yet publicly expressed support for the UN Guiding Principles, nor integrated their standards into its own policies, for example, in the area of environmental and social impact assessment of funded projects. Neither has it engaged so far with NHRIs at national or regional level.²³

The AU has also embarked on dialogue on human rights and business in the sphere of external relations. Implementation of the UN Guiding Principles was discussed at the 9th AU-EU Human Rights Dialogue in November 2012, and an Africa-EU Working Group on Governance of Natural Resources, including in conflict and post-conflict situations has been established.²⁴

In addition, sub-regional organisations have begun to engage with the business and human rights area. In 2009, ECOWAS issued a Directive on the Harmonisation of Guiding Principles and Policies in the Mining Sector,

19 Available at http://api.ning.com/files/5gmhwaVabu7q8DiQhh3inGDjb*s-j7lkk7nXFbzQT6U9yTQ9hr0qowJfeJ9oMzTrmZ5lTAuJRKRJNoBaViDgZpBDPcoep0kJ/ADF8ConsensusStatementfinal.pdf, pp.3-4. See also: <http://www.afdb.org/en/news-and-events/article/eighth-african-development-forum-wraps-up-with-suggestions-for-sustainable-use-of-africas-natural-resources-9884/>.

20 Ibid.

21 <http://aprm-au.org/>

22 See e.g. http://new.uneca.org/adfviii/home_adf8.aspx.

23 <http://www.afdb.org/en/>.

24 <http://www.africa-eu-partnership.org/news/9th-au-eu-human-rights-dialogue-%E2%80%93-addis-ababa-ethiopia>.

citing in its Preamble both the right to free disposal of wealth and natural resources under Article 21 of the African Charter, and “...the need to improve economic and social justice within the communities in decision-making processes relating to the exploitation of natural resources as part of an efficient conflict prevention policy...”.²⁵ First amongst its stated objectives is

“To provide harmonisation of guiding principles and policies in the mining sector of Member States to ensure high standards of accountability for mining companies and governments, promoting human rights, transparency and social equity, as well as providing protection for local communities and the environment in mining areas within the sub-region”.

Though not explicitly addressing these to business and human rights, the East African Community has also concluded standards on environment and natural resource management that relate indirectly to business conduct.²⁶

1.3 BUSINESS AND HUMAN RIGHTS: NHRI ENGAGEMENT – INTERNATIONAL, REGIONAL AND NATIONAL LEVELS

1.3.1 ICC

In March 2009, the ICC established a Working Group on Business and Human Rights, the ICC’s first such thematic Working Group. Comprising two NHRIs accredited to A-status from each of the ICC’s four regional networks, the Working Group’s mandate, Strategic Action Plan and subsequent activities span the following three areas: Strategic Planning, Capacity Building and Resource Sharing, and Agenda Setting and Outreach.²⁷

Held in October 2010, the ICC’s 10th Biennial Conference was dedicated to the topic “Business and Human Rights: What role for NHRIs?” Over eighty participating NHRIs adopted the Edinburgh Declaration, which affirms the mandate, identifies the role and indicates functions of NHRIs on business and human rights, across the three pillars of the UN Protect, Respect, Remedy framework on business and human rights.²⁸ Dialogue and case studies delivered by NHRIs to the Biennial Conference, some by NANHRI members, highlighted threats to human

25 http://www.comm.ecowas.int/sec/en/directives/ECOWAS_Mining_Directives.pdf

26 See e.g. <http://www.eac.int/environment/index.php>

27 <http://nhri.ohchr.org/EN/Themes/BusinessHR/Pages/Mandate%20of%20the%20ICC%20Working%20group.aspx>

28 <http://nhri.ohchr.org/EN/Themes/BusinessHR/Pages/10th%20%20Biennial%20Conference%20of%20the%20ICC.aspx>

rights connected to business activities, NHRI interventions to address these and the need for further development of NHRI capacity in the human rights and business area.

In the wake of the Edinburgh Biennial, advocacy by NHRIs through the ICC Working Group contributed substantially towards explicit recognition of the mandate of NHRIs on business and human rights in the UN Guiding Principles on Business and Human Rights²⁹ and UN Human Rights Council Resolution 17/4³⁰ endorsing the UN Guiding Principles. This position was reaffirmed by the UNHRC in its 2012 Resolution on National Institutions for the Promotion and Protection of Human Rights.³¹ Subsequently, the ICC Working Group has sustained its progress, including producing a dedicated capacity building programme for Paris Principles-based NHRIs on business and human rights, awareness raising, advocacy and outreach activities.³²

1.3.2 NANHRI

In October 2011, NANHRI held a Regional Workshop on Business and Human Rights in Yaoundé, Cameroon - a follow up measure to the ICC's 10th Biennial Conference that was contemplated in the Edinburgh Declaration.³³ The Yaoundé Declaration,

adopted by NANHRI members, assigns responsibilities for various priority actions on business and human rights to individual NHRIs and NANHRI. One of the main action points identified in the Declaration for NANHRI and its Secretariat was to conduct a study in the area of business and human rights to enable the publication of a NANHRI report on business and human rights in Africa.³⁴

In 2011, the NANHRI Secretariat therefore commissioned the current mapping survey to build upon a worldwide survey of ICC member institutions that was performed by the ICC Working Group on Business on Human Rights during 2010-11. The Concept Note and Terms of Reference specified by NANHRI for the current study are included as an Annex to this report. In both 2011 and 2012, NANHRI, in coordination with other partners, organised stakeholders' conferences on corruption and human rights. Finally, NANHRI's Biennial Conference, to be held in October 2013 in Accra, Ghana, will also focus on business and human rights.

1.3.3 NANHRI MEMBERS

As demonstrated by the results of the mapping survey, a significant number of NHRIs from within the NANHRI network have been undertaking interventions on business and human rights for many years and continue to do so, bolstered in their efforts by the arrival of the UN Guiding Principles on Business and Human Rights, while others have ventured into the field since 2011, and yet others still to embark on business-related work. Additional

29 <http://www.business-humanrights.org/media/documents/ruggie/ruggie-guiding-principles-21-mar-2011.pdf>

30 <http://daccess-dds-ny.un.org/doc/UNDOC/LTD/G11/141/87/PDF/G1114187.pdf?OpenElement>

31 UN Doc A/HRC/20/L.15 (29 June 2012)

32 See further: <http://nhri.ohchr.org/EN/Themes/BusinessHR/Pages/Home.aspx>

33 http://www.humanrightsbusiness.org/files/ICC%20working%20group/Regional%20Workshops/concept_note_workshop_on_hr_and_business_eng_30062011_1_lw_version_dfinitive_cndh.doc

34 http://www.humanrightsbusiness.org/files/News/ICC%20news/nanhri_plan_of_action_business_and_human_rights.pdf

information relating to this, beyond the data obtained through the mapping survey and case studies included in the current report, can be found in the human rights and business section of the ICC website.³⁵

1.4 NANHRI MAPPING SURVEY

1.4.1 SCOPE AND OBJECTIVES

Under the NANHRI Secretariat's Concept Note and Terms of Reference, the Mapping Survey was required to meet the following criteria:

- Include data on a geographically representative set of NANHRI member institutions
- Include data on a substantial proportion of NANHRI member institutions
- Include data on legal mandate and powers of NHRIs in relation to business and human rights
- Document the current capacities of NANHRI members to carry out their mandate on business and human rights
- Address NANHRI members' powers, capacities and needs in relation to the three thematic areas
 1. Labour rights and working conditions
 2. Land-related human rights
 3. Environment-related human rights

- Focus on the following three areas that will help NHRIs to fulfil their Paris Principles mandate
 1. Human rights education, outreach and sensitisation
 4. Capacity building of individual NHRIs
 5. Integrating human rights and business into strategic planning and programme of individual NHRIs.

The Concept Note and Terms of Reference further require the NANHRI Mapping Survey to meet the following objectives:

1. Identify ways in which human rights and business education, outreach and sensitization can be conducted by NANHRI member institutions with relevant stakeholders, with regard to the UN framework and Guiding Principles on Business and Human rights, and the UN Paris Principles
6. Identify ways in which the NANHRI Secretariat can support member NHRIs to strengthen their legal mandates, where necessary, to be able to act effectively on business and human rights
7. Provide recommendations for strengthening NANHRI members' capacity on business and human rights
8. Implement key elements of the Yaoundé Declaration.

The mapping survey has accordingly adopted and been designed to meet these criteria and objectives.

35 <http://nhri.ohchr.org/EN/Themes/BusinessHR/Pages/Home.aspx>

1.4.2 METHODOLOGY

1.4.2.1 Project panel

At the outset of the study, a Project Panel was established. The Project Panel comprised representatives of four NANHRI member institutions accredited to A-status (Cameroon, Ghana, Malawi and Morocco) along with representatives of the NANHRI Secretariat, Raoul Wallenberg Institute and Danish Institute for Human Rights. Individual institutions were recommended for inclusion in the Project Panel by the NANHRI Secretariat on the basis of expertise and experience in business and human rights and to secure representation of different sub-regions within the Network and from Anglophone and Francophone regions. The purpose of the Project Panel was to act as a reference group, to provide suggestions and recommendations, and offer quality assurance on process and outputs, although responsibility for process and deliverables remained with the NANHRI Secretariat. A short kick-off meeting was held with Project Panel members during the ICC's 11th Biennial Conference in Amman, Jordan, in November 2012. A list of Project Panel members is included as Annex I to this report.

1.4.2.2 NHRI Contact Points

With support from the NANHRI Secretariat, at the start of the project DIHR further sought to identify a person from each NANHRI member institution to act as a Contact Point for the purpose of the Mapping Survey. DIHR communicated with these individuals to identify personnel from each NHRI to receive the questionnaire and coordinate the response of their respective institutions to the survey.

1.4.2.3 Desk-top study

Prior to distribution of the survey questionnaire, DIHR undertook an initial desk-top study to gather information on NANHRI members in relation to business and human rights, including regarding their mandates, organizational set-up, institutional capacities, areas of intervention, relationships and reported activities, insofar as relevant to the scope and objectives of the survey. In practice, the desk-top study left significant gaps, due to a lack of complete and up to date published information relating to NANHRI members.

1.4.3 SURVEY METHODOLOGY

1.4.3.1 Questionnaire design

A draft questionnaire developed by DIHR was reviewed by the Project Panel. The final questionnaire was translated into French, Arabic and Portuguese, so that it could be provided to participating institutions in their preferred language wherever possible, with the aim of securing a high response rate. The questions included in the questionnaire were intended to elicit responses that would serve as indicators of the actual needs and capacities of the surveyed institutions. The questionnaire also sought the same information in various ways in order to be able to test the coherence of responses.

1.4.3.2 Distribution and return of questionnaires

The questionnaire was distributed to Contact Points in NANHRI member institutions by electronic mail. Since the questionnaire was intended to gather data

at the level of institutions (rather than at the level of individuals within institutions), Contact Points were requested to encourage completion of the questionnaire by more than one person from each NHRI, in order to increase reliability, internal coherence and validity of the data delivered. This approach was also intended to limit potential social desirability bias in data provided. Participating institutions were assured that anonymity would be preserved in relation to data supplied, in order to encourage accuracy and avoid any risk of adverse consequences or retaliation against participants, consistent with a human rights-based approach.

A total of thirty-two completed questionnaires were returned, out of a total of thirty-seven NANHRI institutions to whom questionnaires were sent. This implies a highly representative sample, as the number of respondents is close to the size of the group population under study. While it cannot be ruled out that respondent institutions possessed some common traits making them more likely to participate in the survey than those who did not, certain steps were taken to avoid self-selection bias (e.g. the possibility that only better-resourced NHRIs chose to respond). The NANHRI members were contacted and requested to complete the questionnaire, where necessary, several times, first by DIHR staff and subsequently by the NANHRI Secretariat. Ultimately the respondent institutions were not seen to reflect any specific regional or linguistic bias compared to the overall population of NANHRI members.

1.4.3.3 Analysis of questionnaire responses

Data was processed using the SPSS statistical software analysis programme. SPSS also

allows for descriptive statistics, which were widely appropriate given that almost the entire group of NANHRI members participated in the study. The data set from the survey is also thus retained in an accessible format and available to NANHRI for future reference.

Questionnaire data was divided into two categories, based on the ICC accreditation status of participating institutions i.e. A-status institutions, as the first category, and B and C institutions, as the second. This division was made in order to be able to capture the circumstances of NHRIs accredited to different levels by the ICC, including with reference to their mandates, needs and capacities. One drawback of this approach, however, is that the number of respondents in each of the two categories

falls significantly below thirty, which would typically be considered the minimum sample size for a quantitative analysis. Consequently, statistical significance tests that are appropriate to small sample sizes were used and on the basis that the sample is almost equivalent to population data, a 0.1 (10 %) level of statistical significance was deemed sufficient.

1.4.4 CASE STUDIES

Six NANHRI member institutions were selected by DIHR in partnership with the NANHRI Secretariat and Project Panel to provide case studies for the Mapping Survey. This selection of NHRIs was made on the basis that case studies should illustrate

- Good practices and experiences on business and human rights within the African Network
- Challenges and capacity development needs faced by Network members in fulfilling their Paris Principles mandates on business and human rights
- Institutions at different stages and levels of engagement and activities on business and human rights,

Whilst also seeking a selection that was geographically and linguistically representative of the NANHRI membership as a whole.

To support the production of case studies, DIHR developed a case study template that was presented to the Project Panel for review. Selected NHRIs were then approached to seek their participation. DIHR subsequently undertook telephone interviews with personnel from the six selected NHRIs, informed by the finalised case study template. Draft case study summaries were provided to the relevant institutions for review for accuracy before their inclusion in this Mapping Survey Report.

1.4.5 REPORT

A draft report was presented to the Project Panel for review and comments received are reflected in this final version.

CHAPTER 2

2 KEY FINDINGS AND RECOMMENDATIONS

In this chapter, based on the contextual information provided in Chapter 1 survey data and analysis presented in Chapter 3 and the case studies included in Annex I, we present summary findings and recommendations intended to improve the fulfilment by NANHRI members of their Paris Principles mandates with regard to business and human rights in line with the Edinburgh Declaration, Yaoundé Declaration and Mapping Survey Terms of Reference.

The recommendations are grouped into four areas: 1. Capacity development; 2. Paris Principles; 3. Knowledge sharing; and 4. Advocacy, outreach and institutional integration.

2.1 CAPACITY DEVELOPMENT

NANHRI member institutions report a high level of engagement with business and human rights issues, across a wide range of topics and a broad set of NHRI mandate areas. Yet, at the same time, NHRIs indicate a high level of need for education, training and strengthening of their institutional capacity and resources in the human rights and business area. Indeed, no surveyed NHRI rated its capacity to work on business and human rights as adequate and most expressed strong desire to strengthen this.

RECOMMENDATIONS

- A programme of capacity development for NANHRI members on business and human rights should be undertaken as a priority, with a focus on mining, environment, land and labour-related issues. The NHRI training programme being developed by the ICC Working Group on Business and Human Rights, along with the regional module developed in the course of the current study, provides a sufficient basis in terms of information and training materials to allow such a programme to proceed.
- The NANHRI Secretariat, with support from the NANHRI Steering Committee, should engage with relevant institutional actors and donors to secure the resources needed to implement such a programme of capacity development.
- The upcoming NANHRI 2013 Biennial Conference should be used as a platform for discussion and identification by NANHRI members of specific additional common tools and resources for the Network that could contribute to increasing members' capacity on business and human rights (such as NANHRI

guidelines or monitoring tools to support implementation of the UN Guiding Principles on Business and Human Rights in the African context).

2.2 PARIS PRINCIPLES

According to the mapping survey results, and albeit with certain exceptions, NHRIs accredited to A-status demonstrate consistently stronger knowledge, engagement and effectiveness in relation to business and human rights than do B- or C-status institutions, mirroring reported trends in relation to NHRI activities in general.

The NANHRI Strategic Plan 2012-14 identifies “Ensuring that existing NHRIs are Paris Principles compliant” as one strategic objective, alongside strengthening NHRI capacity to address thematic issues, including business and human rights, as another. The mapping survey results demonstrate the clear connection between these two.

RECOMMENDATIONS

- Efforts should be redoubled by all relevant actors, including NANHRI itself, the NANHRI Secretariat, OHCHR and donors, to support the transition of B- and C-status NHRIs to full alignment with the Paris Principles (A-status), as a critical contribution to securing effective protection of, and respect for human rights in the business area, and effective access to remedies for business-related human rights abuses where they occur.

2.3 KNOWLEDGE-SHARING

Both case studies and desk-top research highlight that certain individual NANHRI members are undertaking robust, innovative and effective interventions on human rights and business issues in response to specific issues, risks and abuses. These experiences of NHRIs present a highly valuable resource for other NHRIs who are less advanced in their engagement with human rights and business issues. Such experiences can also serve to illustrate to external stakeholders the role and function of NHRIs, their expertise and working methods and potential to contribute to building effective respect for human rights in the business sector. Yet, for the moment, information on such interventions by NANHRI members is fragmented, inadequately accessible in online formats, and thus hard to obtain and disseminate.

Platforms must therefore be established to allow these experiences to be readily tapped and lessons learned made accessible to peers at regional and sub-regional levels, so that gradually both individual and collective knowledge of issues and approaches can be increased amongst members as well as being more widely disseminated amongst stakeholders outside NANHRI.

RECOMMENDATIONS

- A dedicated human rights and business section of the NANHRI website should be established and regularly updated with relevant material from individual NANHRI institutions as well as regional and international bodies and CSOs in line with the NANHRI Strategic Plan 2012-14.
- A member of staff from the NANHRI

Secretariat should be designated as a Focal Point for business and human rights with responsibility for updating the NANHRI website human rights and business section.

- A schedule for periodic communication and information-sharing between the designated NANHRI Human Rights and Business Focal Point and Africa Regional representatives on the ICC Working Group on Business and Human Rights should be established. Similarly regular communication should be provided for amongst NANHRI members' Human Rights and Business Focal Points, and between them and the Secretariat Focal Point.
- NANHRI members' information sharing and peer exchange needs in the human rights and business area should be reviewed by the NANHRI Secretariat after one year and then at least biennially.

2.4 ADVOCACY, OUTREACH AND INSTITUTIONAL INTEGRATION

While NHRIs themselves report that they lack adequate knowledge of human rights and business frameworks and processes, at the same time key players on human rights and business are overlooking NHRIs' potential to act as expert, legitimate interlocutors on human rights and business issues. According to the NANHRI Strategic Plan 2012-14 Situation Analysis, this is in line with broader trends of weak institutional integration of NHRIs into African regional governance systems and processes, including those of the African Union.³⁶

Individually, and collectively, as an African regional network of independent bodies established by law to promote and protect human rights, NHRIs have a critical role to play in securing accountability of business activities, as well as regional, national and international development measures, policies and frameworks to human rights principles and standards. Steps are therefore needed to strengthen outreach by NANHRI at network level towards such actors and to secure improved understanding by them of NHRIs, their mandate on human rights and business, and their role in securing accountability to human rights standards of business activities.

RECOMMENDATIONS

- Targeted outreach should be undertaken on behalf of NANHRI by the Secretariat, Steering Committee and/or African regional members of the ICC Working Group on Business and Human Rights, with regard to governance frameworks, processes and actors relevant to business and human rights in Africa, from the perspective of NANHRI, and the priority areas of mining, environment-related, land-related and labour-related human rights in particular. Relevant materials, such as the UN Guiding Principles on Business and Human Rights, Edinburgh Declaration and Yaoundé Declaration and this report should be shared with such actors as a basis for further mutual engagement and involvement.

Highly relevant in this context, are: the African Commission Working Groups on the Extractive Industries and Indigenous Peoples, the African Union, African Mining Vision, regional and sub-regional offices of specialised agencies of the UN (in particular, UNDP, OHCHR, UNICEF and the ILO), the African Development Bank and other international financial institutions, as well as relevant civil society organisations, trade unions, business associations and donor agencies.

NANHRI should assess the potential value of establishing formal relations (for example, via memoranda of understanding) with relevant bodies amongst these to secure adequate scope for access to information, participation and possibilities where needed to exercise human rights accountability of their policies and outputs.

- The upcoming NANHRI Biennial Conference, to be held in Ghana in October 2013, should be seized as an opportunity to highlight the role, function, experiences and needs of NHRIs in the human rights and business area, with regard to a wide range of stakeholders and general civil society. A dedicated communications plan for the Conference should be developed to this end.

CHAPTER 3

3 SURVEY RESULTS

This chapter describes both quantitative and qualitative findings of the NANHRI Mapping Survey, assessed with reference to the focus areas, scope and objectives defined in the Concept Note and Terms of Reference as reported above.

3.1 BASIC INFORMATION

In this section, we summarise basic data obtained regarding the legal mandates, institutional types, material and human resources of the respondent NANHRI members. A description of general activities undertaken by NANHRI members beyond the human rights and business area is then provided. Next the institutions' engagement with and capacity to undertake interventions in the business and human rights field is described, followed by a section relating information on whether, and if so, how, NANHRI members are tackling specific issues within the business and human rights area.

3.1.1 YEAR OF ESTABLISHMENT

NANHRI member institutions vary in age considerably. To illustrate, an A-status member institution, established in 1970, was amongst the very first NHRIs in the

world, while another A-status institution was established in 2011. Two of the respondent A-status institutions were established during the 1970s and 1980s, eight in the 1990s, five in the 2000s, and two in the 2010s. Respondent B- and C-status institutions were established generally somewhat later than participating A-status NHRIs. The first institution in the B- and C-status categories was established in 1990, and the most recent in 2012.

3.1.2 ICC ACCREDITATION

Thirty-two NHRIs responded to the survey out of a total of thirty-seven African institutions to which questionnaires were sent. Of these thirty-two, seventeen were voting members of the ICC, accredited to A-status by the ICC Subcommittee on Accreditation (ICC SCA) with reference to the UN Paris Principles, and nine were observer members (B-status), having been assessed by ICC SCA as lacking full documentation of Paris Principles-consistency. A further four respondent institutions were categorised as C-status, which corresponds to not being considered as Paris Principles-compliant at the time of review by ICC SCA; such institutions are not ICC members. Of the remaining two respondent institutions, one had not yet applied for ICC accreditation and the other is in the process of doing so.³⁷ For the purposes of the analysis, these

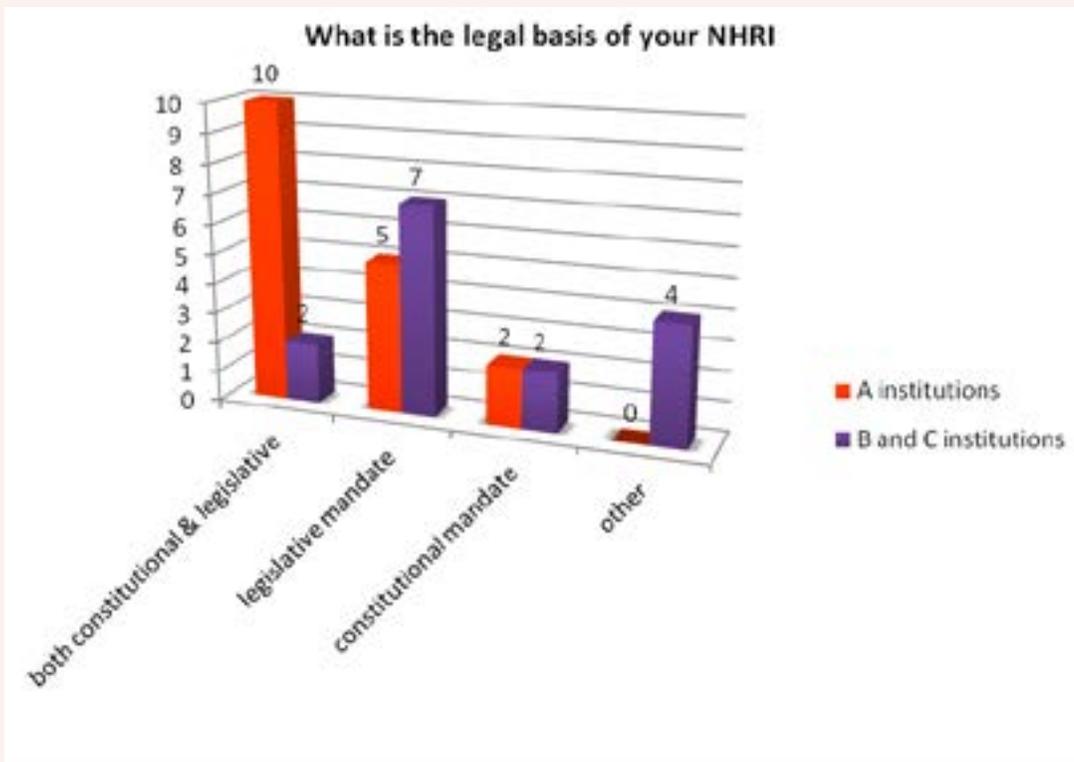
³⁷ National Commission for Human Rights and Citizenship of Cape Verde, and Ethiopian Human Rights Commission, respectively.

two institutions are included in the B- and C-status category.

3:1:3 LEGAL BASIS

The UN Paris Principles require that NHRIs are established by a constitutional or legislative text at national level. As expected, all respondent NHRIs accredited to A-status by the ICC reported having a legislative or constitutional mandate in line with the UN Paris Principles, with a majority of these being established through

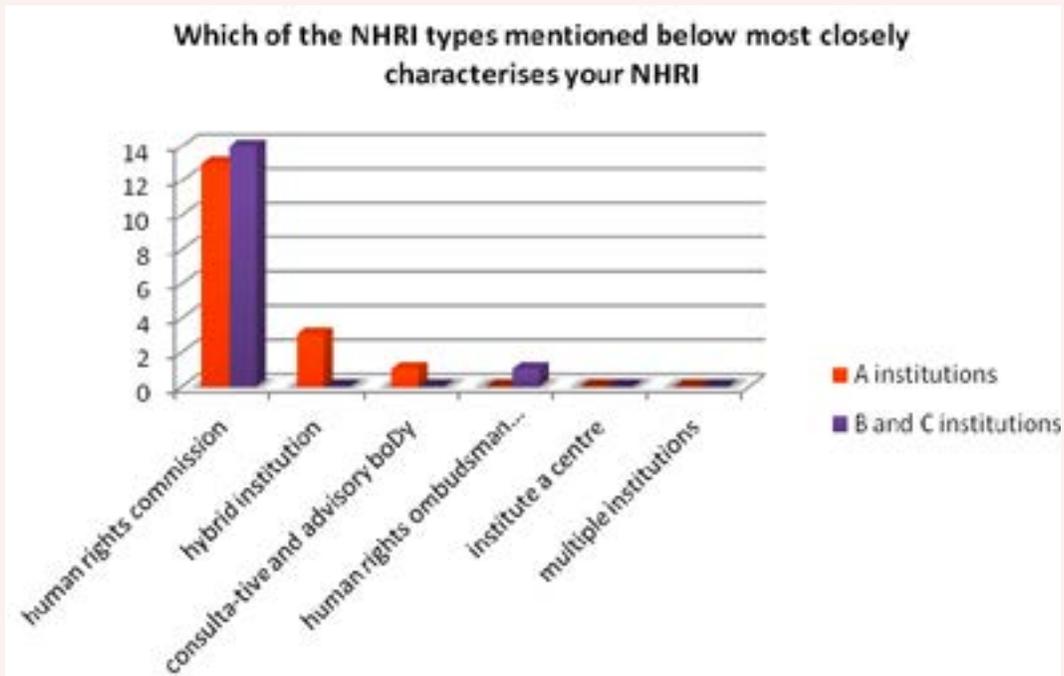
both constitutional and ordinary legislative provisions. Of B- and C-status institutions, a greater proportion was established via ordinary legislation alone, and four lacked both a constitutional and a legislative base, owing their existence instead to government decision, ordinance or decree.



3.1.4 TYPE OF INSTITUTION

The Paris Principles do not prescribe any specific institutional form for NHRIs and a range of types correspondingly exists. This range includes the human rights commission and human rights ombudsman institution models, hybrid institutions and consultative commissions. The commonest of these, by far, amongst respondent NHRIs was the human rights commission model.

Thus, thirteen (76 %) of the respondent NHRIs accredited to A-status and fourteen (93 %) of those accredited to either B or C-status are human rights commissions. Of the remaining A-status NHRIs, three (18 %) were hybrid institutions and one (6 %) was a consultative/ advisory body. Of B and C-status institutions, the only institution not taking the form of a human rights commission was an ombudsman institution.



3.1.5 PERSONNEL AND RESOURCES

As shown by the table below, overall the extent of personnel and resources available to responding NANHRI members

varies considerably between A-status and B- and C-status institutions. There is also considerable variation within each of these categories.

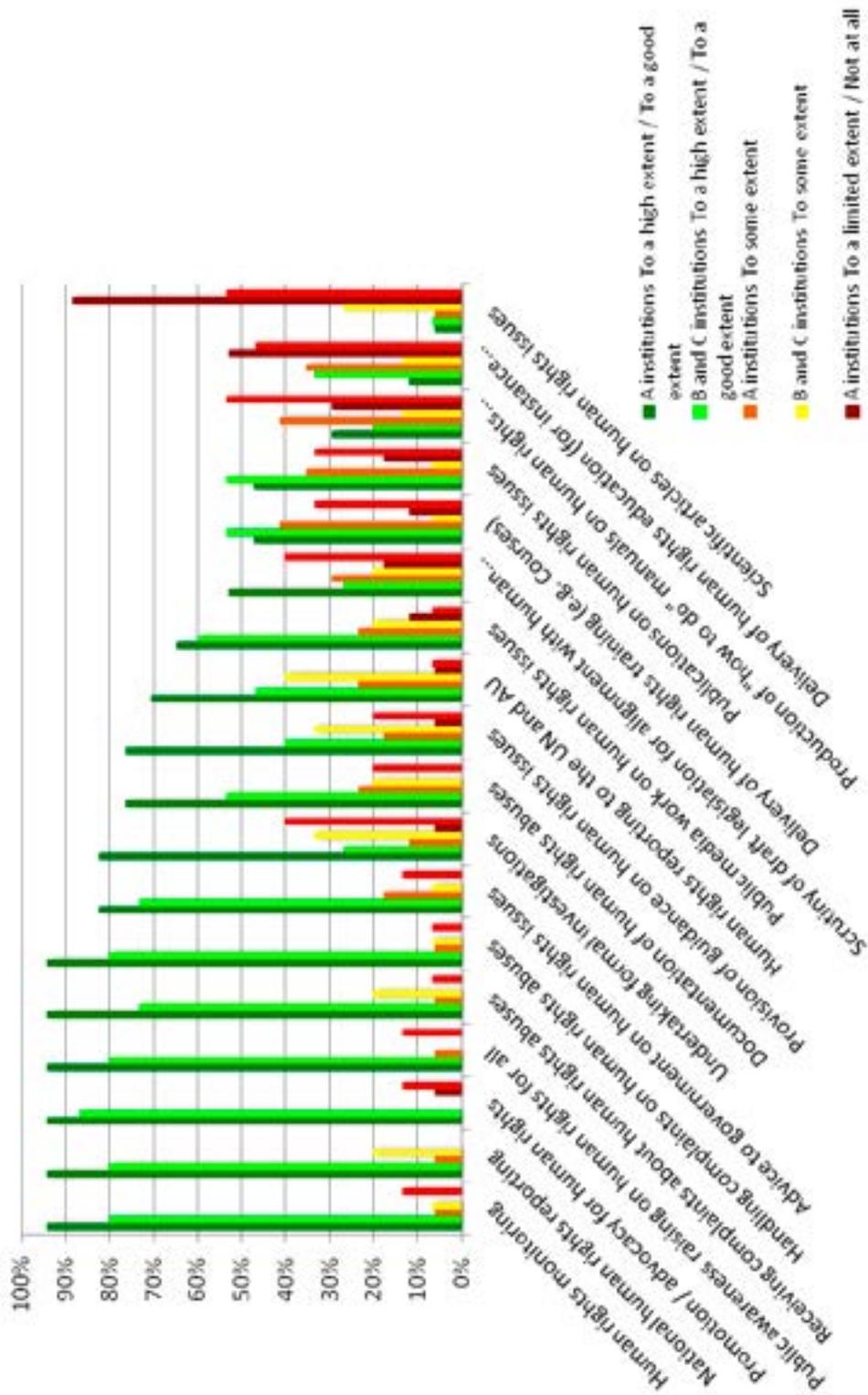
PERSONNEL AND RESOURCES	A STATUS MEAN*	RANGE**	B AND C STATUS MEAN*	RANGE**
Number of full-time commissioners	7	29	3	9

Number of part-time commissioners	7	28	16	44
Number of full-time professional staff	102	445	33	210
Number of part-time professional staff	6	60	0	1
Number of support staff	53	350	8	40
Number of non-paid volunteers	32	417	19	120
Number of NHRI offices (HQ & field)	13	110	5	18

** Mean: The mean is the same as average*

*** Range: The range of a distribution is the difference between the maximum value and the minimum value*

To which extent does your NHRI conduct the following activities



Respondent A-status institutions indicated involvement in a wide range of activities across the Paris Principles mandate areas. Sixteen reported undertaking national human rights reporting, promotion/advocacy activities, monitoring, public awareness-raising, receiving and handling complaints to a high/good extent. Fourteen indicated providing advice to their governments and undertaking formal investigations. Thirteen indicated that they document human rights abuses, and provide guidance on human rights issues. Twelve indicated their involvement in reporting to the AU and UN, and eleven in public media work.

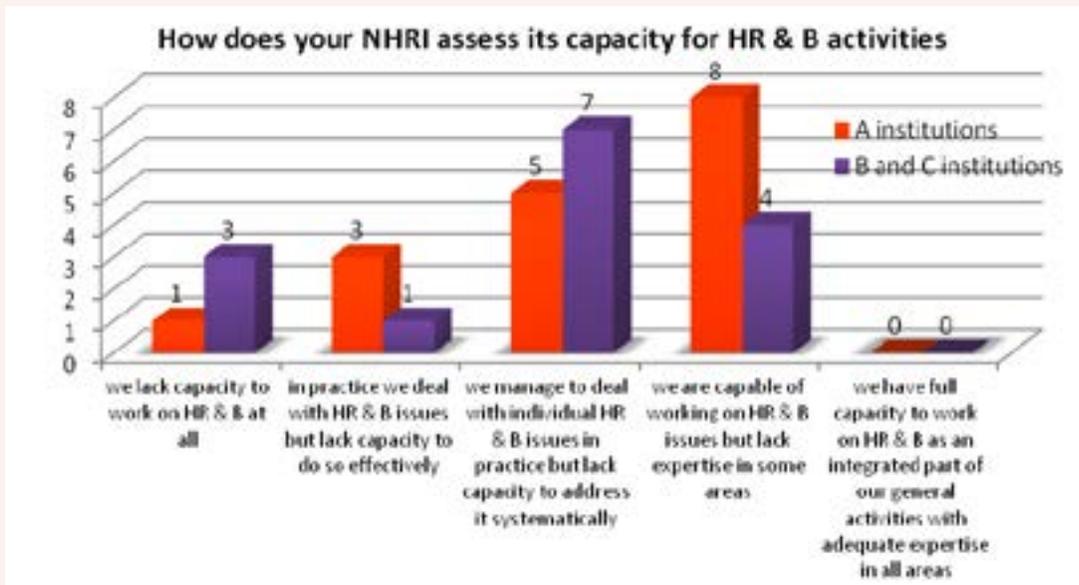
Fewer A-status institutions, however, reported engagement in the following activities, perhaps reflecting the attachment of lower priority to activities understood as less directly preventing or responding to specific human rights violations: (in descending order) scrutiny of draft legislation; delivery of human rights training; publications on human rights issues; production of manuals; delivering human rights education; and production of scientific articles.

Broadly the same pattern was displayed amongst B- and C-status institutions. However, marked differences were seen between A and B/C-status respondent institutions, in particular, with regard to undertaking formal investigations. To speculate, this might be attributable to lack of the required legal mandate or resources on the part of B/C status institutions.

3.2 HUMAN RIGHTS AND BUSINESS

3.2.1 CAPACITY TO WORK ON HUMAN RIGHTS AND BUSINESS

Surveyed NANHRI members reported widely differing capacities to work on business and human rights. Majorities of both A-status and B- and C-status institutions indicated that, while they do undertake some activities on business and human rights, they either lack capacity to integrate human rights and business systematically into their work, or they lack expertise in some areas within the field.



A significant minority (four A-status and four B/C-status institutions) reported lacking capacity either to work on human rights and business at all or to deal with human rights and business issues effectively. Moreover, no respondent institution felt fully capacitated to work in the human rights and business field.

3.2.2 HUMAN RIGHTS AND BUSINESS ACTIVITIES

While reporting a lack of relevant capacities, most A-status institutions indicated that in practice they nevertheless undertake a range of human rights and business-related activities: handling complaints concerning business-related human rights abuses (88%), conducting investigations (82 %); promoting human rights to the business sector, undertaking conciliation/mediation and providing recommendations to their governments on human rights and business issues (76% each). In addition, a significant number of A-status institutions report activities such as research (71%),

human rights education (65%) and including human rights and business in reporting to international and regional bodies (47%). Less than 50% of A-status respondents reporting undertaking activities related to CSR.³⁸

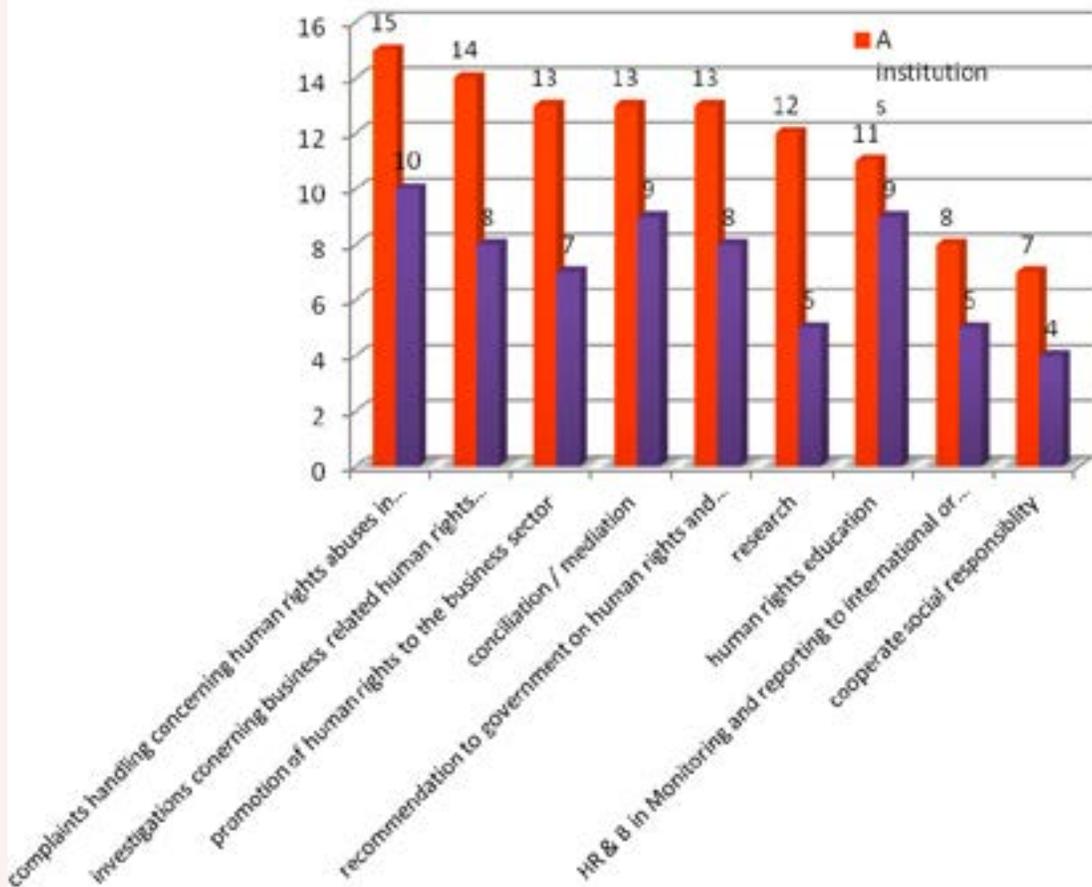
B- and C-status respondents reported a similar spread of human rights and business activities, however, in consistently smaller proportion and, on average, over a somewhat shorter period: the longest-active B/C-status respondent reported a period of engagement of twelve years, as compared to twenty years for the longest-active A-status respondent, in the human rights and business area. Activities attracting the highest levels of reported involvement by B- and C-status NHRIs were complaints handling, conciliation/mediation and

³⁸ It should be noted however that two institutions did not have the possibility to reply to the question regarding CSR due to an error in the version of the questionnaire they received.

human rights education. On the other hand, less than 50% of B/C-status respondents indicated that they currently engage in promoting human rights to the business sector, conducting research on business and

human rights, or referring to human rights and business in monitoring and reporting to international bodies, or activities related to CSR.

Which types of HR & B activities is your NHRI currently undertaking or have you undertaken in the past 5 years



3.2.3 ICC 10TH BIENNIAL CONFERENCE AND NANHRI YAOUNDÉ WORKSHOP ON BUSINESS AND HUMAN RIGHTS

As described in the Introduction, the ICC and NANHRI have made business and human rights the focus of thematic actions, advocacy and international and regional events in recent years. The ICC's 10th Biennial Conference, held in Edinburgh in October 2010, addressed the theme of business and human rights. Ten of the seventeen A-status respondent NHRIs attended in this conference, while only one of the fifteen B- and C-status NHRIs surveyed took part. A larger proportion of the network attended NANHRI's Regional Workshop on the theme "Business and Human Rights: the role of African NHRIs", in Yaoundé, Cameroon, in

October 2011 (eleven A-status, and seven B- or C-status, of those surveyed).

Concluding statements from both the Edinburgh Biennial Conference and the NANHRI Regional Workshop strongly recommended that all NHRIs should establish a business and human rights Focal Point.³⁹ Analysis of survey responses shows a significant correlation between an institution's participation in the Edinburgh Conference and its establishment of a human rights and business Focal Point (see table below). Nine out of ten A-status institutions participating in the Edinburgh Biennial Conference reported establishing a human rights and business Focal Point; of those not attending, only two have established Focal Points, while four have not.

³⁹ Sections 1 and 7 Human Rights Commission of Sierra Leone Act 2004.

A INSTITUTIONS, EDINBURGH*	YES, WE HAVE ASSIGNED A HR AND B FOCAL POINT	NO, WE DO NOT HAVE A HR AND B FOCAL POINT
Yes, we attended the 2010 Edinburgh biennial conference	9	1
No, we did not attend the 2010 Edinburgh biennial conference	2	4

** Fischer's Exact Test; the P-value of 0.036 provides some evidence against the null hypothesis that the variables are independent.*

Seven B and C-status respondents reported taking part in the Yaoundé Workshop, and five of these have established a Focal Point. Of the eight B and C-status respondents that did not take part in Yaoundé, one quarter has, and three-quarters have not, established Focal Points, giving some indication of a statistically significant correlation.

B/C institutions, Yaoundé*	Yes, we have assigned a HR and B focal point	No, we do not have a HR and B focal point
Yes, we attended the 2011 NANHRI regional workshop, Yaoundé	5	2
No, we did not attend the 2011 NANHRI regional workshop, Yaoundé	2	6

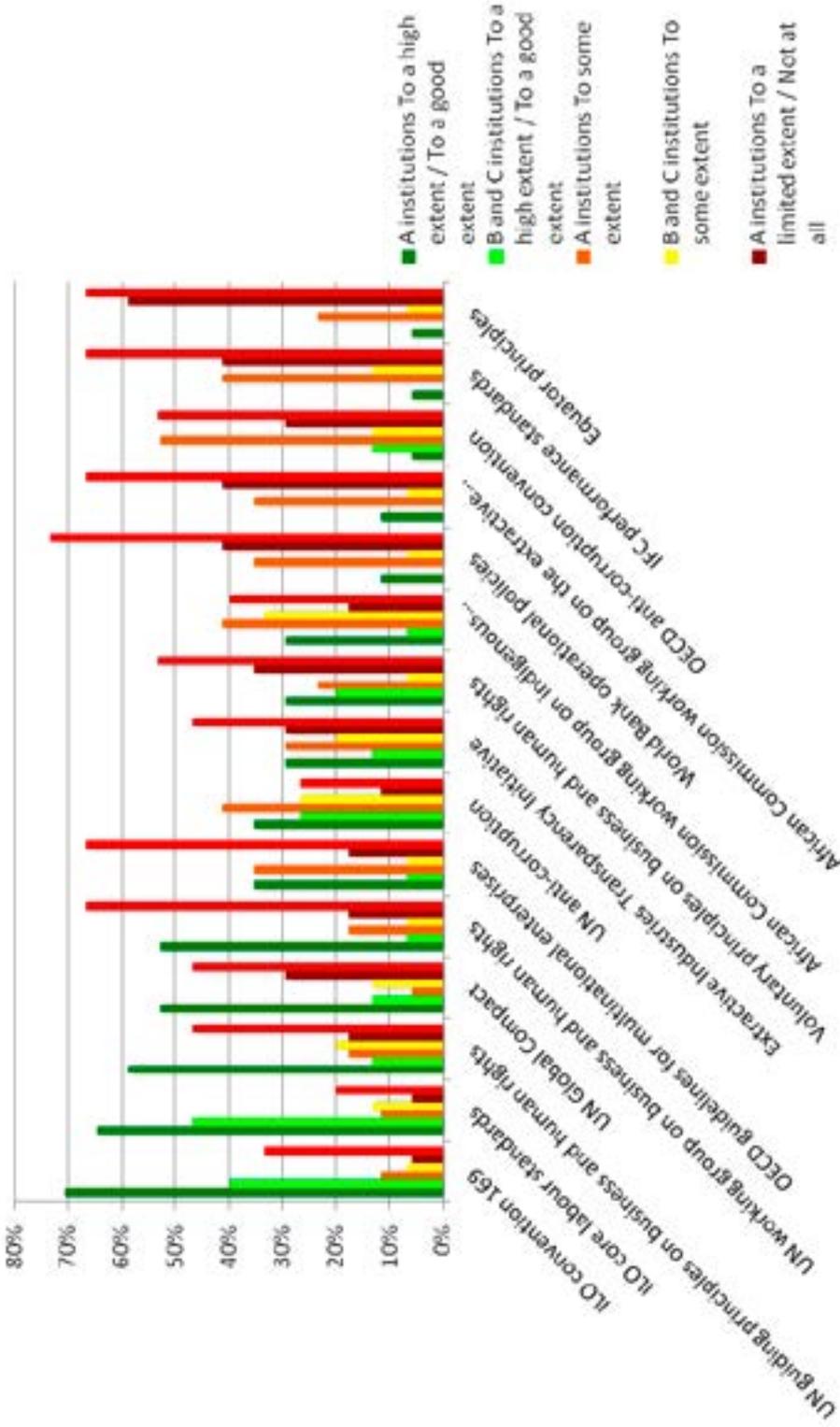
** Fischer's Exact Test; the P-value of 0.1 provides some evidence against the null hypothesis that the variables are independent.*

3.2.4 FAMILIARITY WITH INTERNATIONAL HUMAN RIGHTS AND BUSINESS FRAMEWORKS

Responses from A-status and B- and C-status NHRIs indicate clear differences in terms of knowledge of international human

rights and business frameworks. A-status institutions were most familiar with human rights and business frameworks from the UN system, with more than half reporting a high or good extent of knowledge of ILO Convention 169, ILO Core Labour Standards, UN Guiding Principles on Business and Human Rights, UN Global Compact and in relation to the UN Working Group on Business and Human Rights.

To which extent is your NHRI familiar with the following international HR & B frameworks

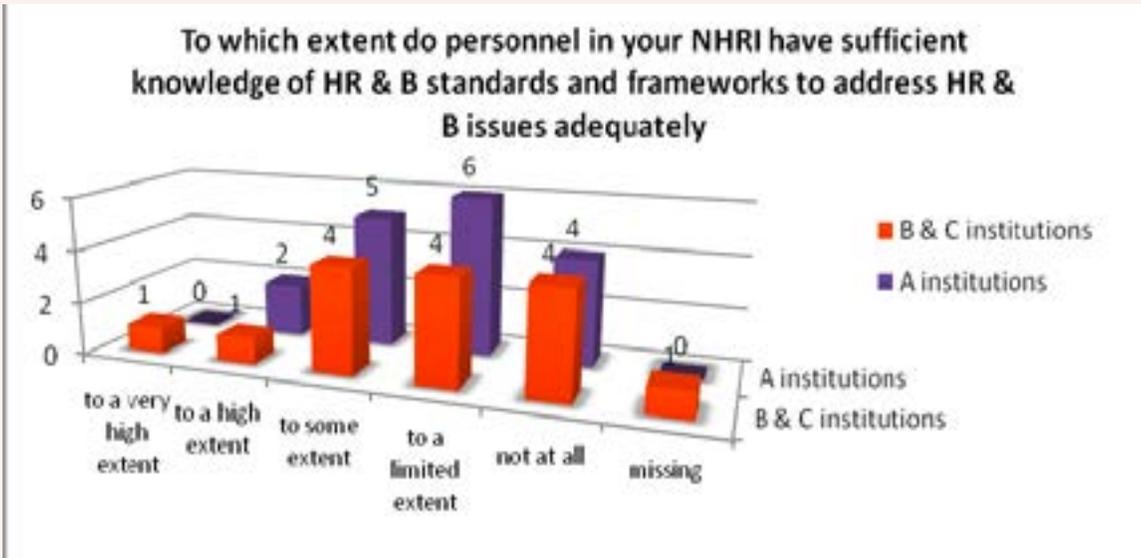


A significant minority of A-status NHRIs also reported high or good familiarity with the OECD Guidelines for Multinational Enterprises (35%), the UN Convention against Corruption (35 %), the African Commission Working Group on Indigenous Peoples' Rights (29 %), the Voluntary Principles on Security and Human Rights (29 %) and the Extractive Industries Transparency Initiative (29 %). Guidelines and policies published by international finance institutions, such as the World Bank Operational Policies or the IFC Performance Standards were known only to a limited extent amongst these institutions, however. This was true also of the OECD Anti-Bribery Convention and the African Commission Working Group on the Extractive Industries.

Like A-status institutions, B- and C-status institutions were most familiar with the ILO's core Conventions, followed by the UN Convention against Corruption, the Voluntary Principles on Business and Human Rights, Guiding Principles on Business and Human Rights, UN Global Compact, Extractive Industries Transparency Initiative and, perhaps surprisingly, also the OECD Anti-Bribery Convention, of which the B- and C-institutions reported being more knowledgeable than institutions with A-status.

Although A-status institutions in general indicated at least some familiarity with the principal human rights and business frameworks, 59 % of those surveyed had limited or no familiarity with the Equator principles, 41 % had limited or no familiarity with the IFC Performance Standards, the African Commission Working Group on the Extractive Industries or the Operational Policies of the World Bank. 35 % of A-status respondents had limited or no knowledge of the Voluntary Principles on Security and Human Rights and 29 % of the OECD anti-corruption convention, the Extractive Industry Transparency Initiative and UN Global Compact.

Lack of knowledge amongst B- and C-status respondents of certain frameworks was even more pronounced. Thus 73 % had limited or no familiarity with the Operational Policies of the World Bank and 67 % with the OECD Guidelines for Multinational Enterprises, the UN Working Group on Human Rights and Business, the African Commission Working Group on the extractive industries, the IFC Performance Standards and the Equator Principles.



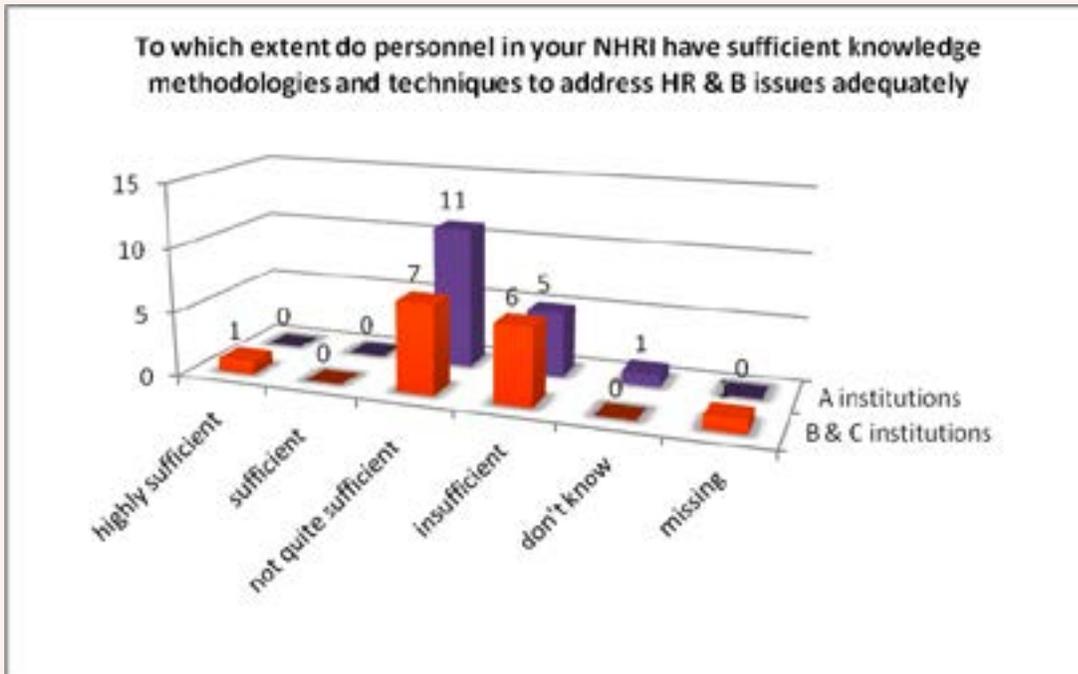
In line with the reported lack of familiarity with key human rights and business frameworks, ten A-status and eight B- and C-status institutions indicated that their knowledge of human rights and business standards and frameworks was only sufficient to a limited extent or not at all sufficient. Two A-status institutions and two B/C-status respondents reported having knowledge of human rights and business frameworks that was sufficient to a high or very high extent.

The need to strengthen knowledge of relevant human rights and business frameworks amongst NANHRI members is further underscored by the fact that all A-institutions surveyed, bar one, indicated a need to a high or some extent for further training on the UN’s “Protect, Respect, remedy” framework and Guiding Principles, as well as on the OECD Guidelines for Multinational Enterprises.

The survey data thus provide a strong basis for concluding that there is a need for further education and training for NANHRI members on business and human rights, including key UN standards and frameworks, regional standards and standards originating from other relevant international bodies, such as international financial institutions and thematic human rights and business initiatives.

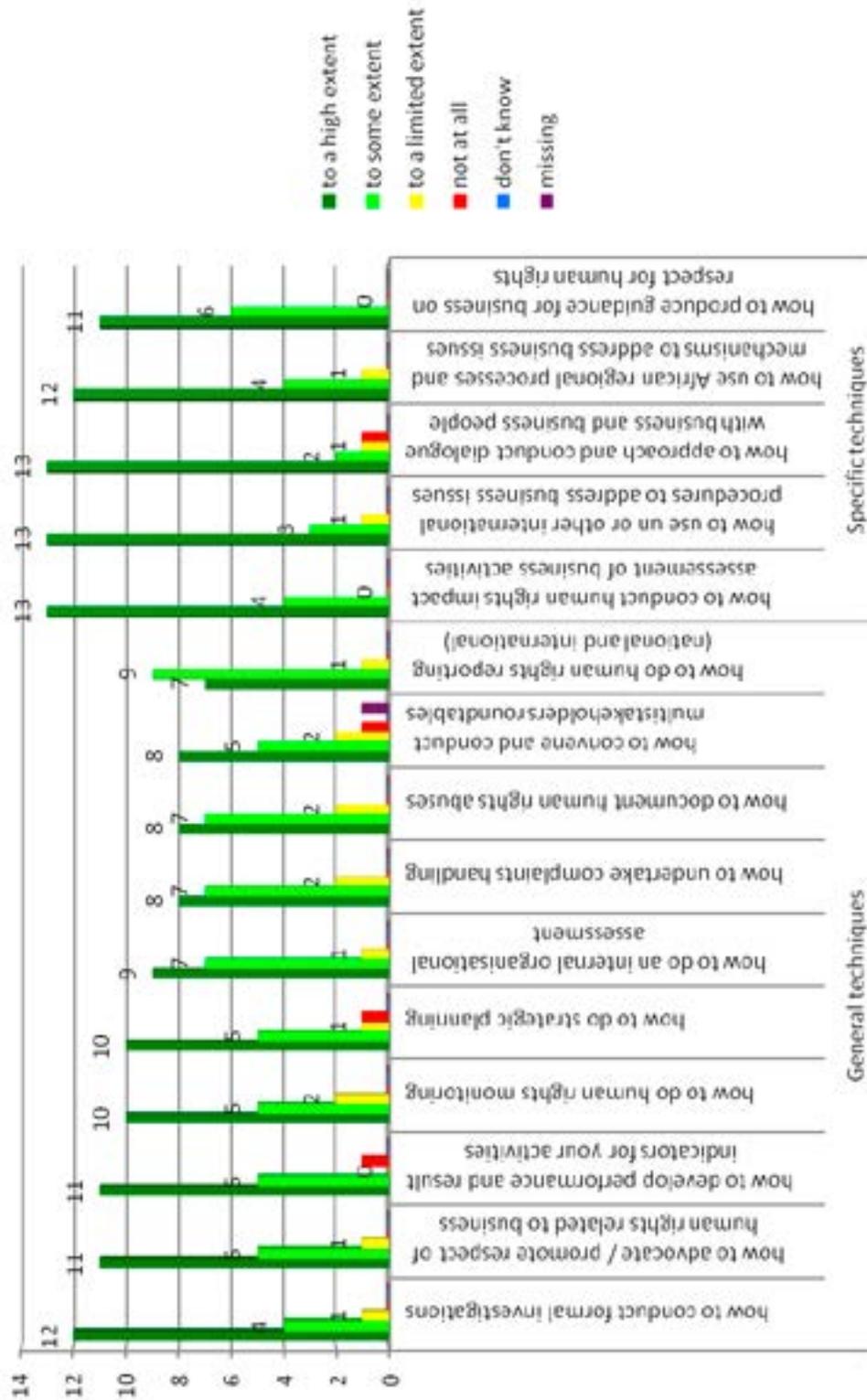
3.2.5 FAMILIARITY WITH METHODOLOGIES AND TECHNIQUES

All A-status institutions surveyed, and all except one respondent institution in the B/ C-status categories, reported that their knowledge of methodologies and techniques to address human rights and business issues was either not quite sufficient or insufficient.

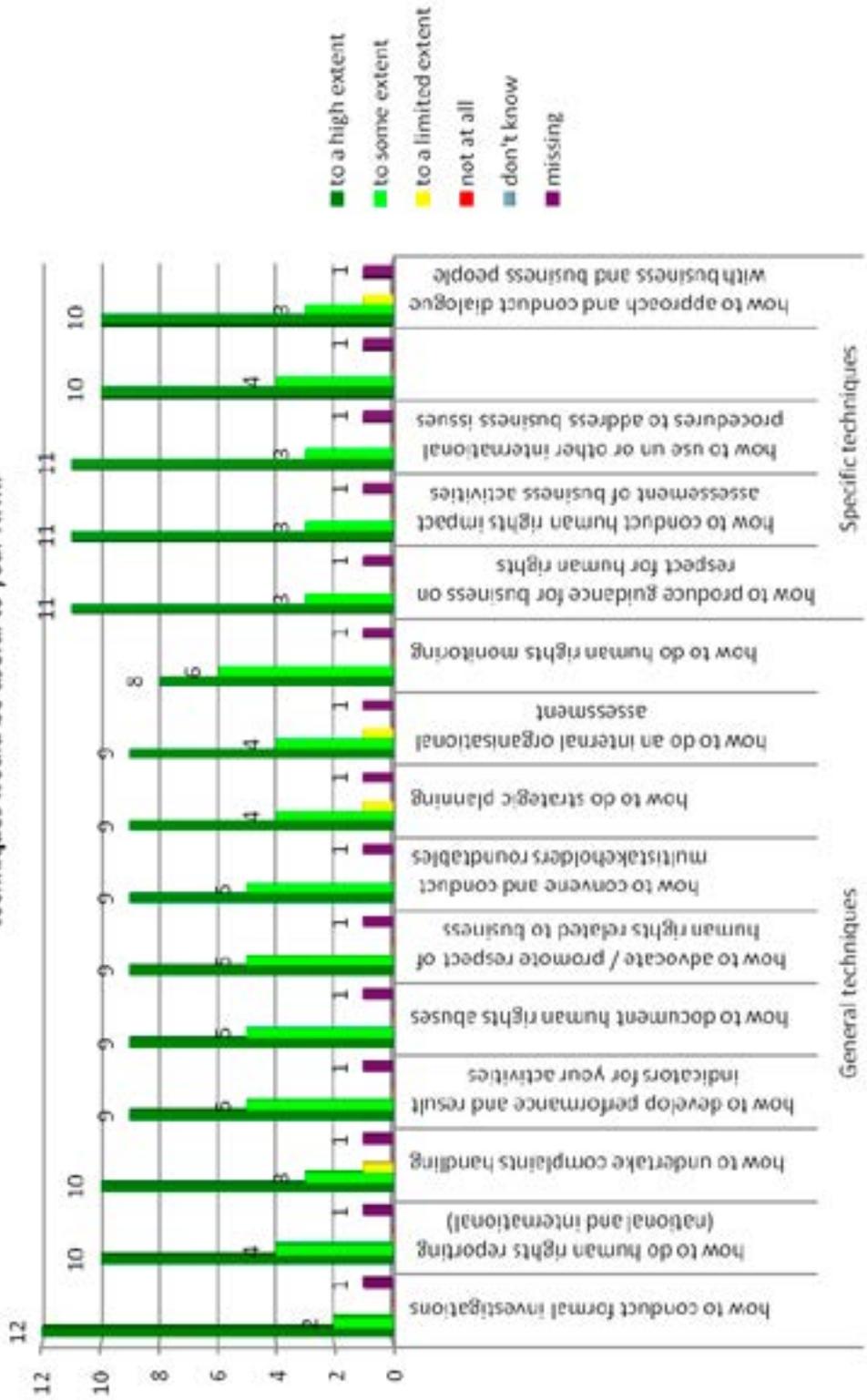


All B- and C-status NHRIs reported that, at least to some extent, they required training and support on all methodologies and techniques indicated in the survey, including in relation to core NHRI activities, such as formal investigations, complaints handling and human rights reporting. On the other hand, amongst A-status institutions, the need for business and human rights-focused training was reported as more acute than the need for training on general human rights techniques, albeit these institutions still expressed interest in training on general issues.

A institutions - Please indicate to which extent training and support to use the following specific techniques would be useful to your NHRI



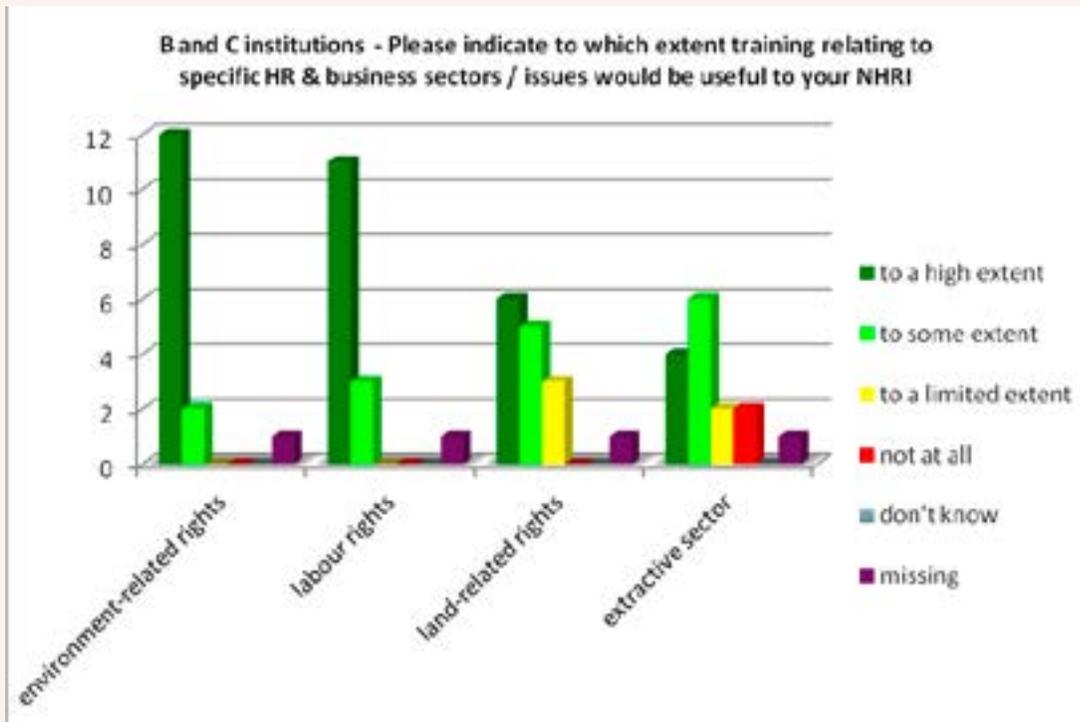
B and C institutions - Please indicate to which extent training and support to use the following specific techniques would be useful to your NHRI



3.2.6 SPECIFIC HUMAN RIGHTS AND BUSINESS ISSUES

Overall, as regards environment-related, land-related and labour human rights issues, and the extractive sector, surveyed NHRI indicated a pronounced need for further training.

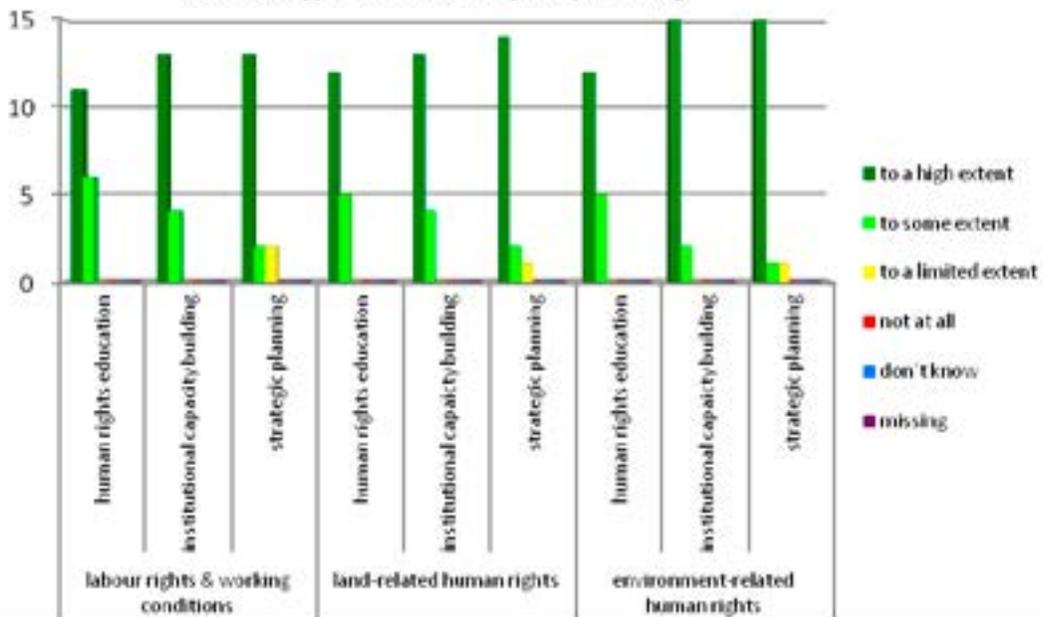




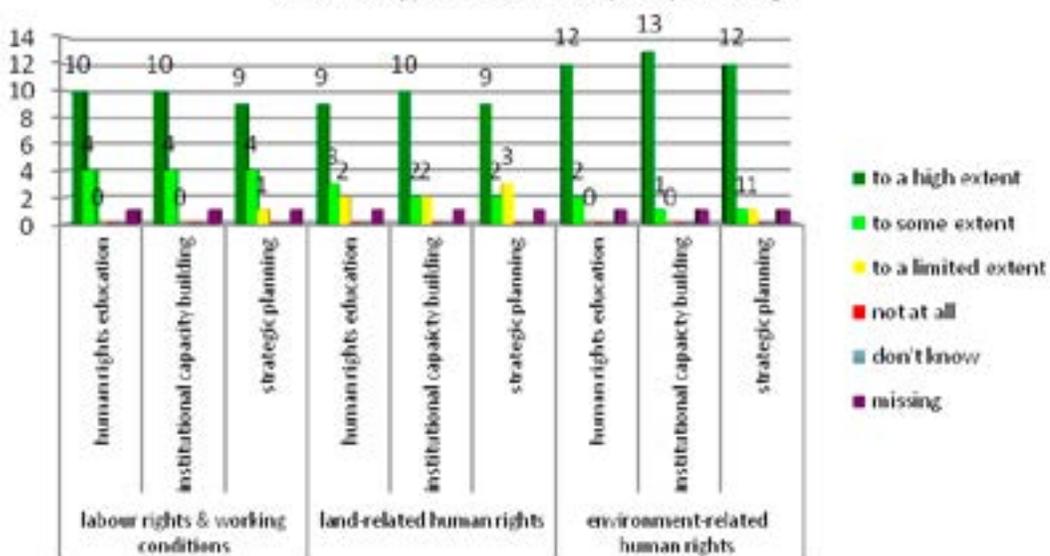
A-status institutions reported training need on all issues, although to a slightly lesser extent with regards to land-related human rights and business issues. Amongst B- and C-status institutions, a strong desire for training on environment-related and labour rights was reported, with slightly less emphasis placed on the extractive sector

and land-related rights. Concerning issues within the areas of labour rights, land rights and environment-related human rights, once again the need for capacity-building on environment-related rights was rated slightly higher than for the other categories by both A-status and B- and C-status institutions.

A institutions - Please indicate to which extent your NHRI needs different types of HR & B capacity building



B and C institutions - Please indicate to which extent your NHRI needs different types of HR & B capacity building



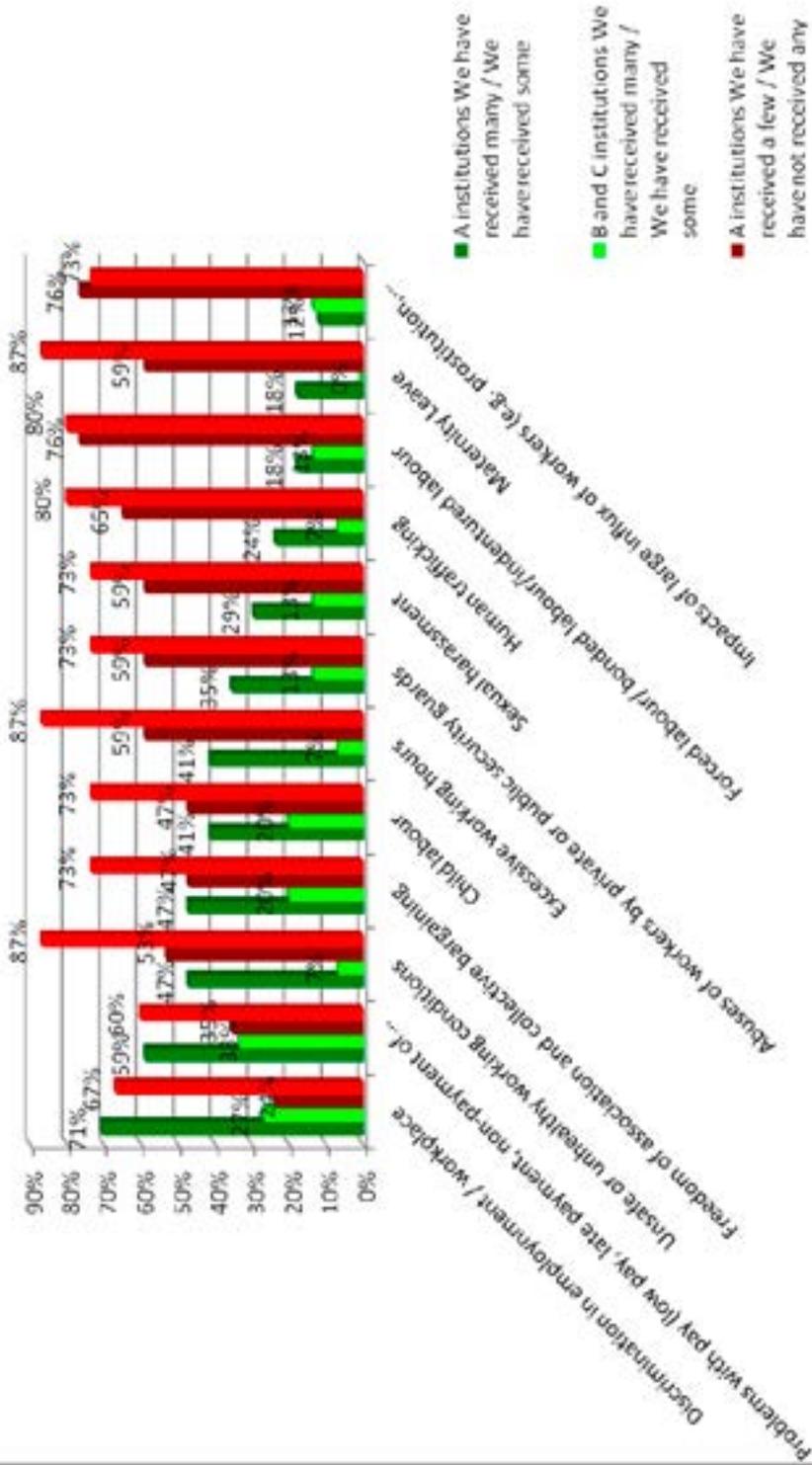
3.2.6.1 Labour rights

Many A-status respondents indicated that they handle complaints relating to labour rights. By contrast, most B and C-status institutions report receiving no or very few labour rights complaints, probably due to differences between the mandates of the institutions in the two categories (88% of A-status respondents reported undertaking complaints-handling concerning human rights abuses in the business sector in general, compared with 67 % for B- and C-status institutions).

Unsurprisingly, complaints received in the area of labour rights addressed a wide range of issues. A-status NHRIs reported receiving a high volume of complaints regarding problems with pay (seven), discrimination in employment (five), child labour (three), unsafe or unhealthy working conditions (three), excessive working hours (two) and freedom of association and abuses of workers by private security companies (one each).

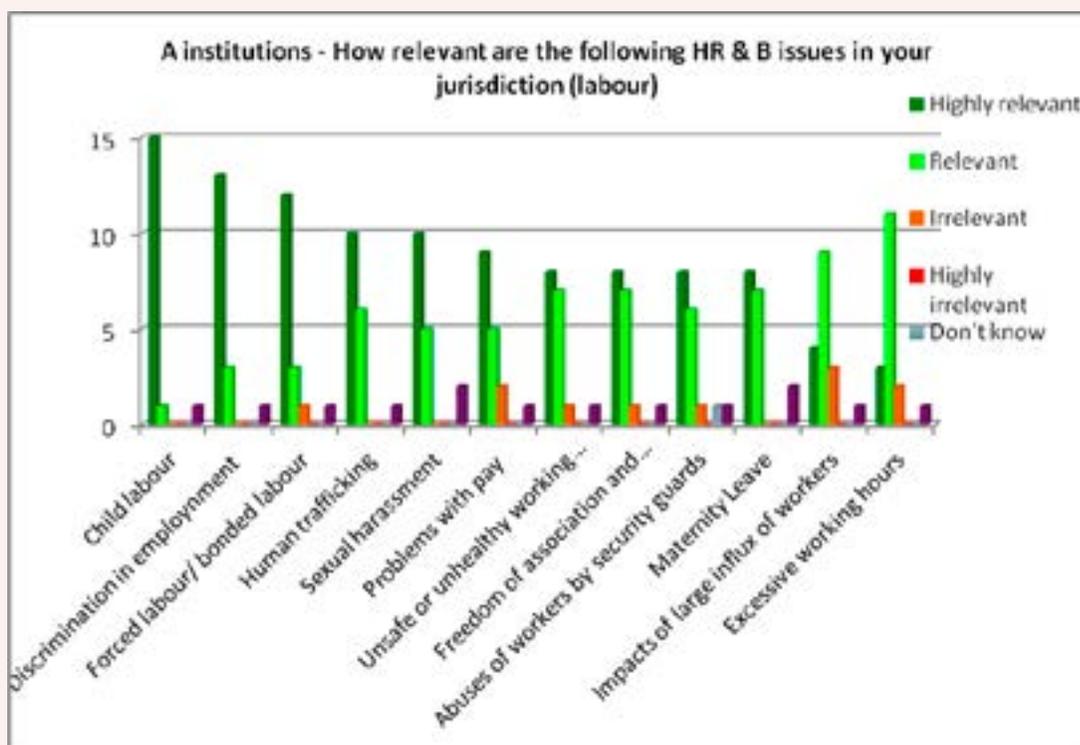
At least half of A-status respondents received many or some complaints concerning discrimination in employment or in the workplace and problems with pay (e.g. low pay, late payment or non-payment of wages). Almost half (47%) of A-status NHRIs received many or some complaints concerning unsafe or unhealthy working conditions, freedom of association and collective bargaining. A slightly lower proportion (41%) received many or some complaints regarding child labour and excessive working hours, while approximately one third received many or some complaints regarding abuses by security guards and sexual harassment. Human trafficking, forced labour, maternity leave and impacts from the influx of workers formed the subject matter of complaints least frequently amongst A-status institutions. This, it would seem reasonable to conclude, was in some instances at least a result of lack of effective access of victims to such violations to avenues to raise complaints.

Have you received complaints or allegations within the last 5 years related to the following HR & B issues in your jurisdiction? (labour)



B- and C-status NHRIs received complaints regarding labour-related human rights and business issues to a very limited extent. Where complaints were received, they concerned problems with salary payments, discrimination in employment, child labour and freedom of association.

Despite the noted variation in the subject matter of labour rights-related complaints, all A-status respondents identified labour issues as relevant issues in their respective jurisdictions, with child labour, discrimination in employment and forced labour seen as most salient.



Some correlation (although with certain discrepancies) can be observed between the number of complaints received and the topics considered most relevant by NHRIs. Thus, for example, while many A-status respondents deemed forced labour highly relevant, only three such NHRIs reported receiving some complaints on this topic, and none reported receiving many. This might be

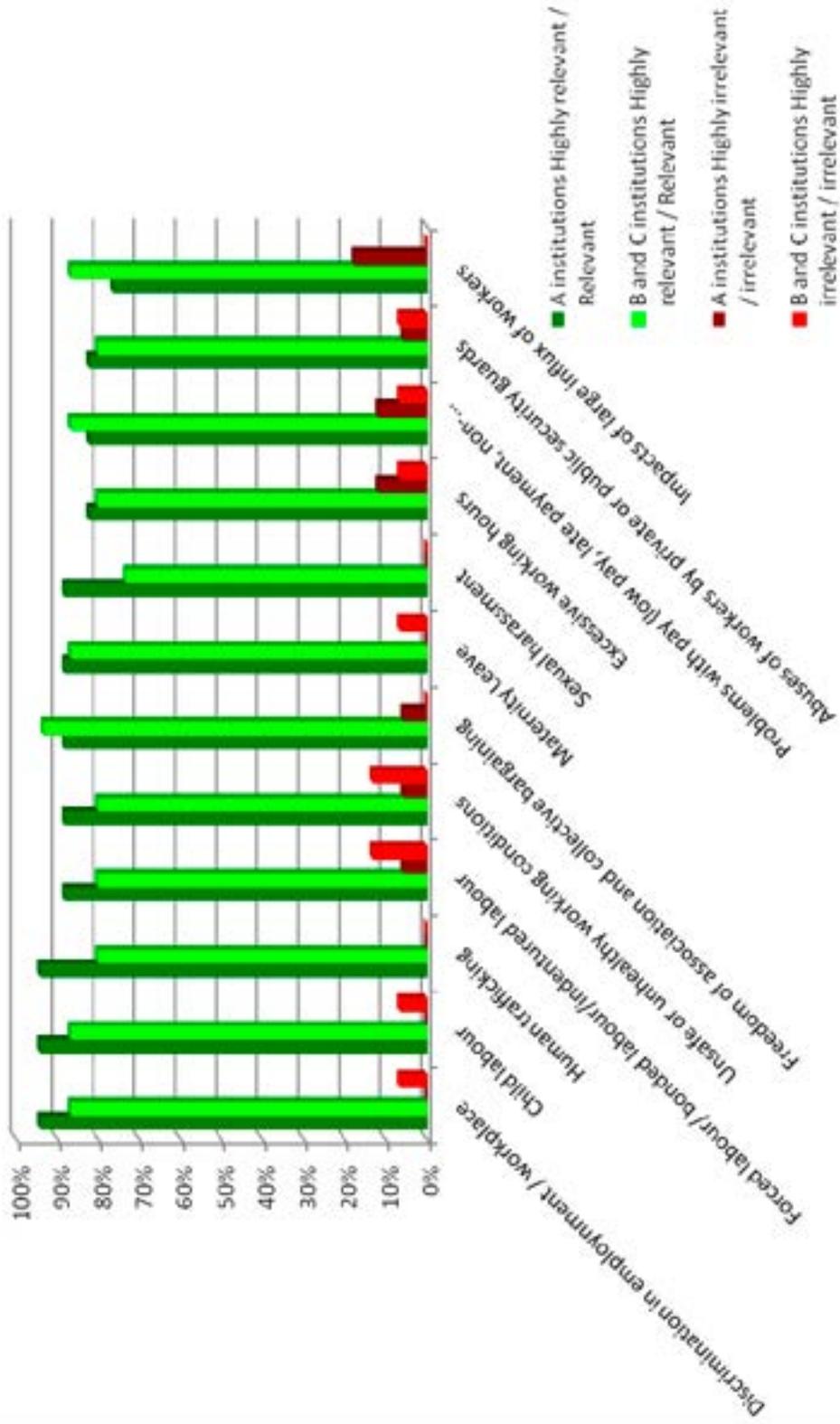
explained by the severity of forced labour, in combination with NHRIs' awareness of obstacles faced by victims of this form of human rights abuse in attempting to raise formal complaints in practice.

Most B- and C-status institutions considered all the labour-related issues relevant, and

attached even greater importance to issues such as freedom of association and collective bargaining, pay-related issues (such as low pay, late payment, non-payment of wages, deductions from wages) and the adverse

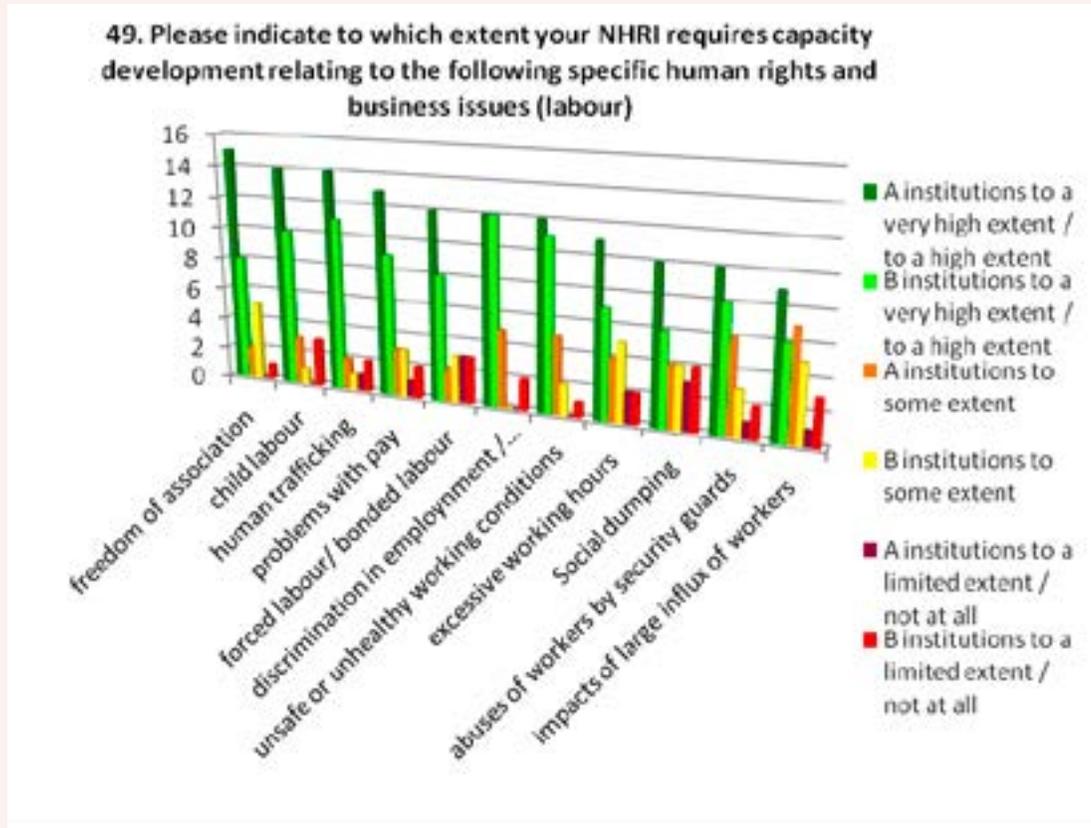
impacts of large influx of workers (for instance, prostitution, criminality, house price inflation, energy scarcity) than did A-status respondents.

How relevant are the following HR & B issues in your jurisdiction (labour)



Within the labour field, A-status institutions identified freedom of association, child labour and human trafficking as the topics in relation to which they were most in need of capacity development. B- and C-status

institutions indicated the greatest need in relation to discrimination in employment, unsafe and unhealthy working conditions, followed by human trafficking and child labour.

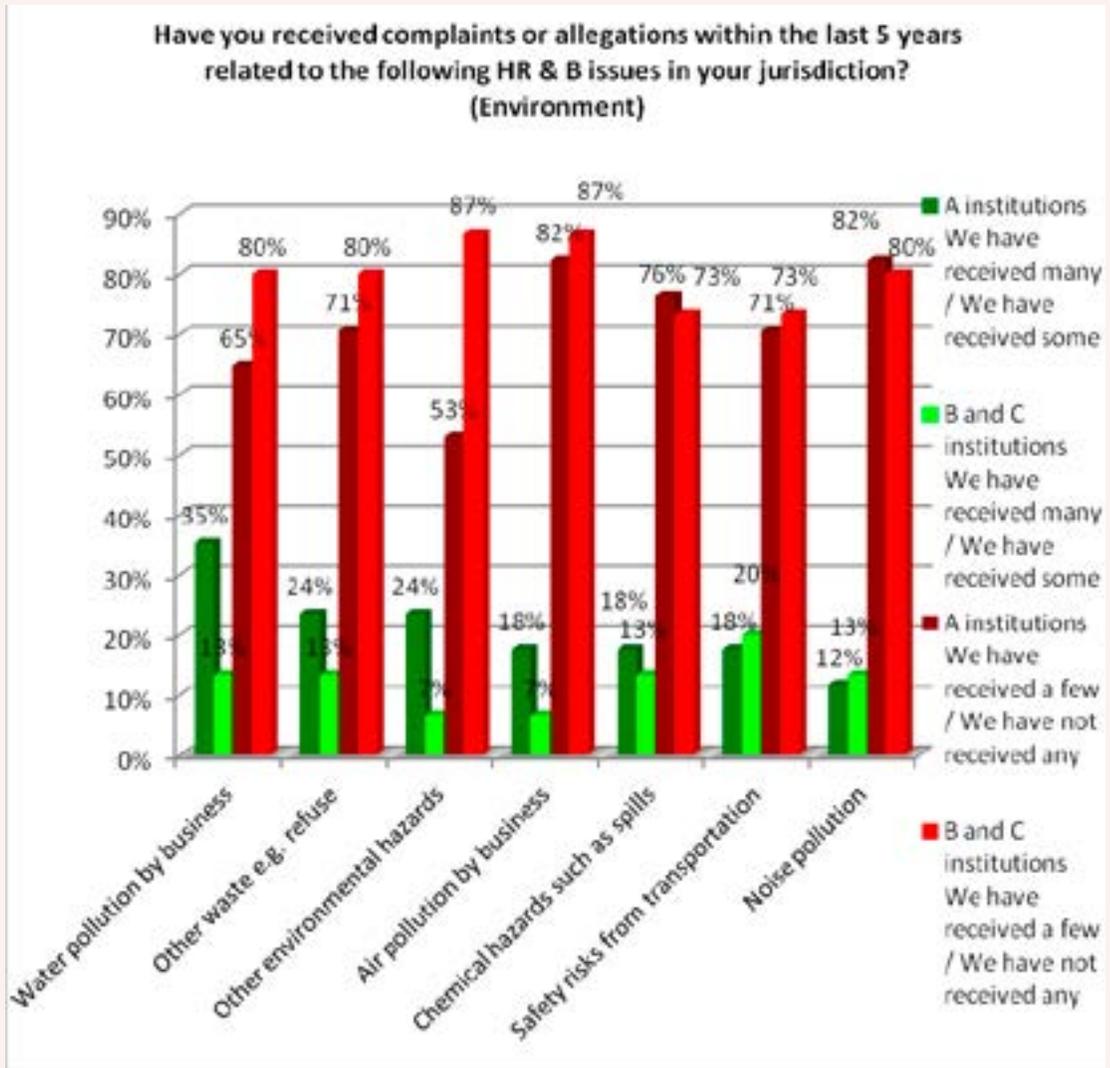


3.2.6.2 Environment

Despite the high priority attached by NHRIs to capacity-building in the area of environment-related rights, according to survey responses, NHRIs receive fewer complaints concerning environment-related than labour-related issues. Of A-status institutions, just over a third (35%) recorded receiving many or some complaints about water pollution, while only one-quarter received this level of complaints regarding

other refuse and environmental hazards. Fewest complaints were received about noise pollution. Nevertheless, both A-status and B- and C-status respondents generally rated the relevance of environment-related issues as high. Whether the low level of complaints received by NHRIs on environmental matters is due, for instance, to the existence of specialised environmental regulatory bodies capable of receiving complaints, or due to lack of awareness of human rights dimensions of environmental

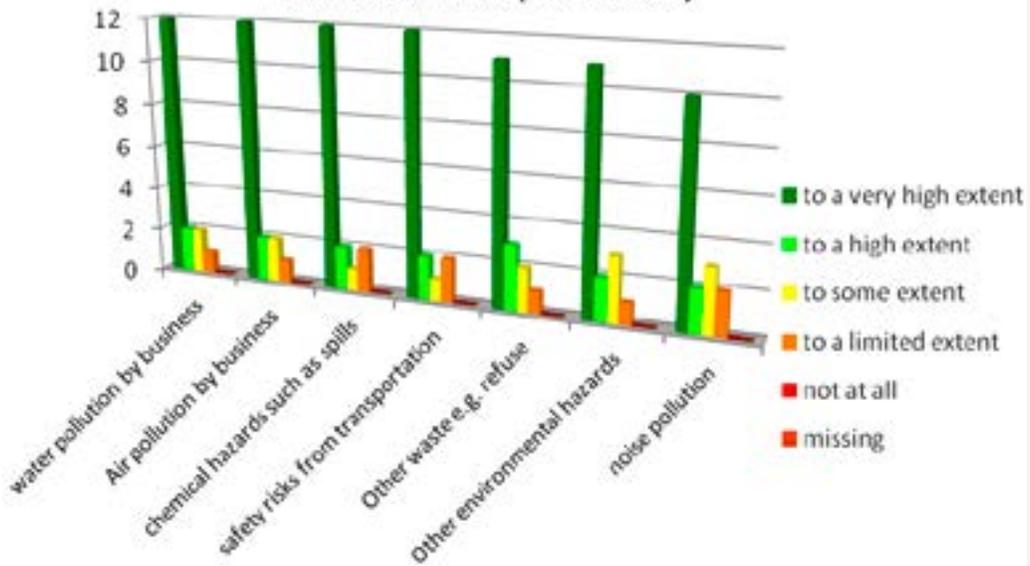
matters, could be further investigated.



Perhaps connected with these results, responses suggested a particular need for capacity development on environment-related human rights and business issues. In

particular, A-status respondents indicated a very high need for capacity building in this area.

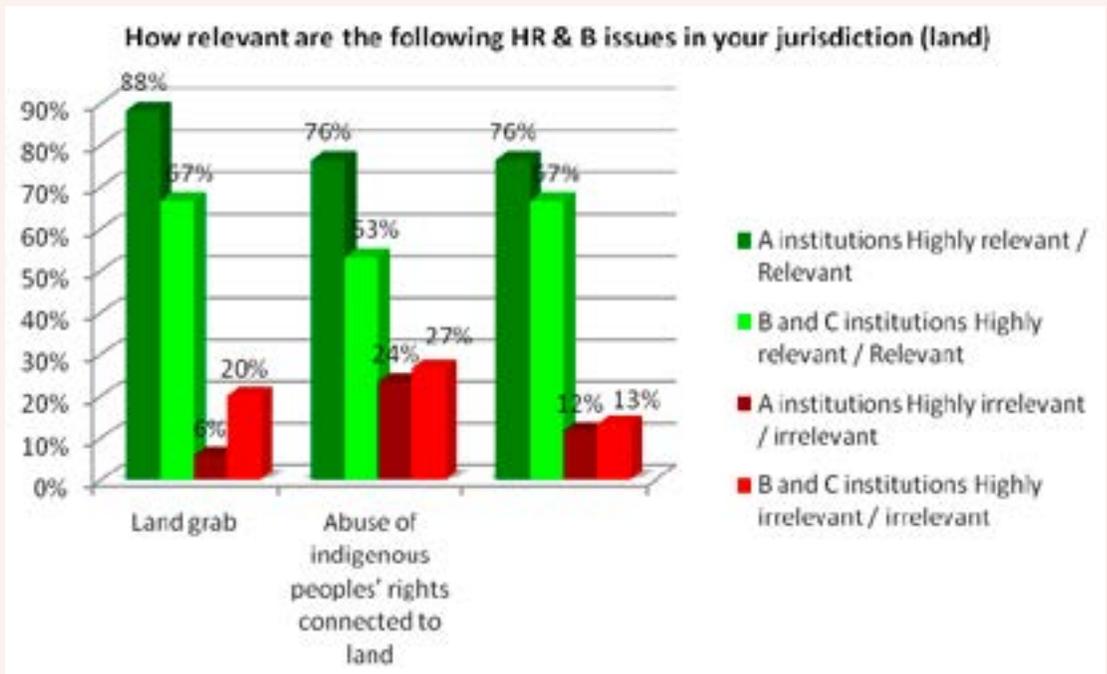
A institutions - Please indicate to which extent your NHRI requires capacity development relating to the following specific human rights and business issues (environment)



3.2.6.3 Land

A-status institutions reported receiving more land-related complaints than B- and C-status NHRIs. Twelve A-status institutions indicated receiving many or some complaints regarding abuses of indigenous peoples' land-related rights, eleven regarding land grab and five regarding problems with security guards.

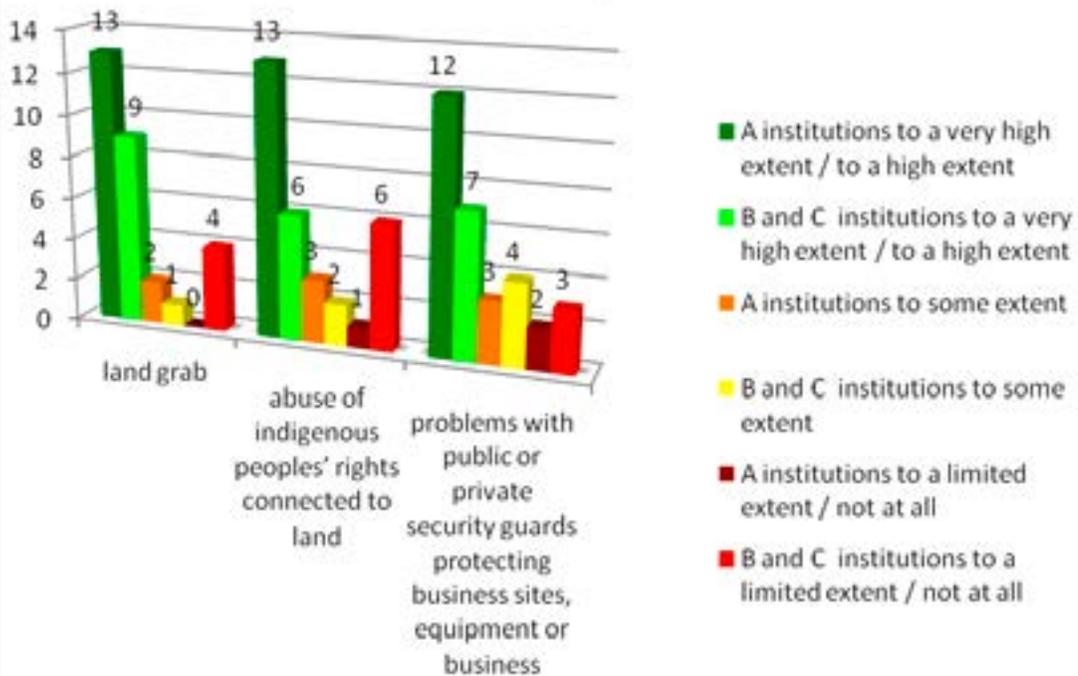
For B- and C-status institutions, the most common source of complaints was land grab, with six institutions receiving many or some complaints about this issue. By contrast with A-status institutions, only two B/C-status institutions indicated receiving complaints concerning indigenous peoples' land-related rights and security personnel, respectively.



All land issues indicated in the survey questionnaire were considered highly relevant by respondents. The primary issue of concern to A-status institutions was land

grab, while B- and C-status institutions considered land grab and problems with public or private security guards on company premises as equally relevant.

Please indicate to which extent your NHRI requires capacity development relating to the following specific human rights and business issues (land)



Although to a slightly lesser extent than for environment-related issues, A-status respondents indicated a need for capacity development on land-related issues, and land grab, in particular. B- and C-status institutions reported less need for capacity development on land-related issues, by comparison. Although five institutions in this category reported a need for capacity building on abuse of indigenous peoples' rights to a very high or high extent, six indicated no or limited need for capacity building. While nine such institutions indicated needing capacity development on land grab to a very high or high extent, four thought that they needed capacity development to a limited extent or not at all on this issue.

3.2.6.4 Corruption

Corruption in and connected to the business sector was seen as an important issue by nearly all respondents: almost all (94%) of A-status and two-thirds (66%) of B- and C-status institutions classed this as highly relevant or relevant, even if a small proportion of both A- status (5 institutions) and B- and C-status NHRI (3 institutions) reported receiving many or some corruption-related complaints.

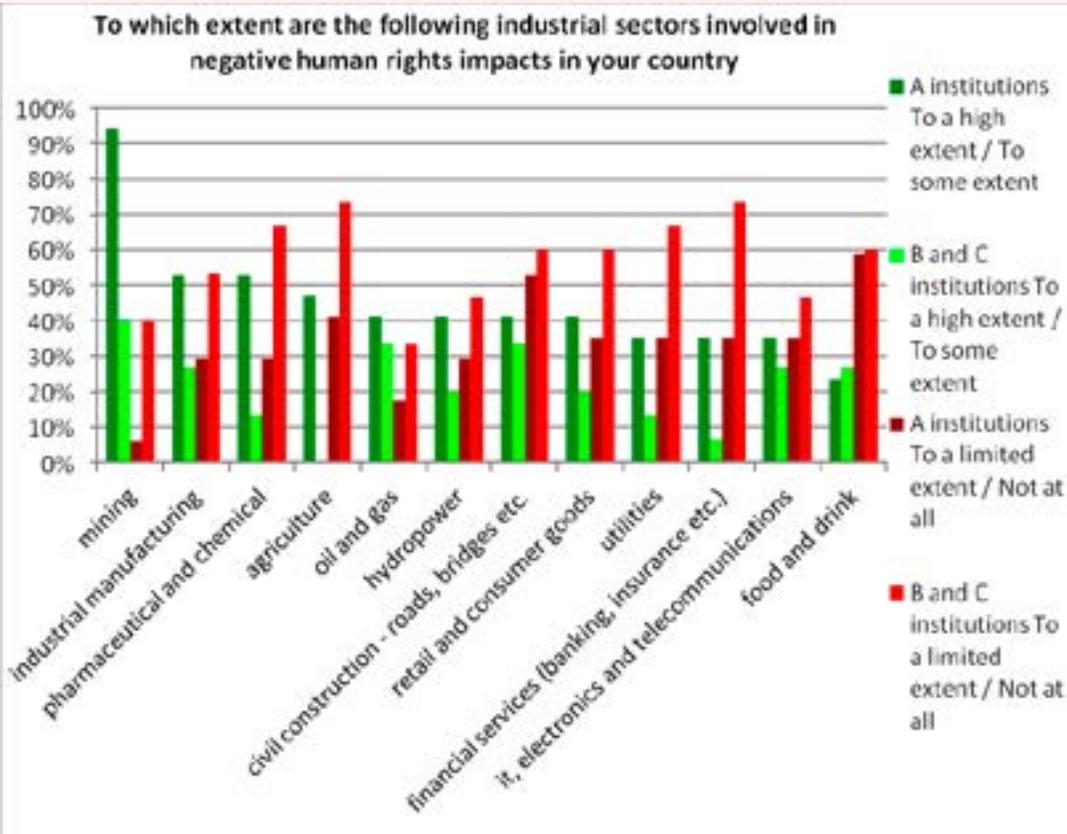
Correspondingly, surveyed institutions indicated a high level of need for capacity

development on anti-corruption in and connected to the business sector. Only one A-status and no B- or C-status respondent indicated that they did not need capacity building or only needed capacity-building to a limited extent on this topic.

3.2.7 INDUSTRIAL SECTORS

Survey responses demonstrate that awareness of involvement in adverse human rights impacts of specific industrial sectors was somewhat limited. Even amongst A-status institutions, many indicated that

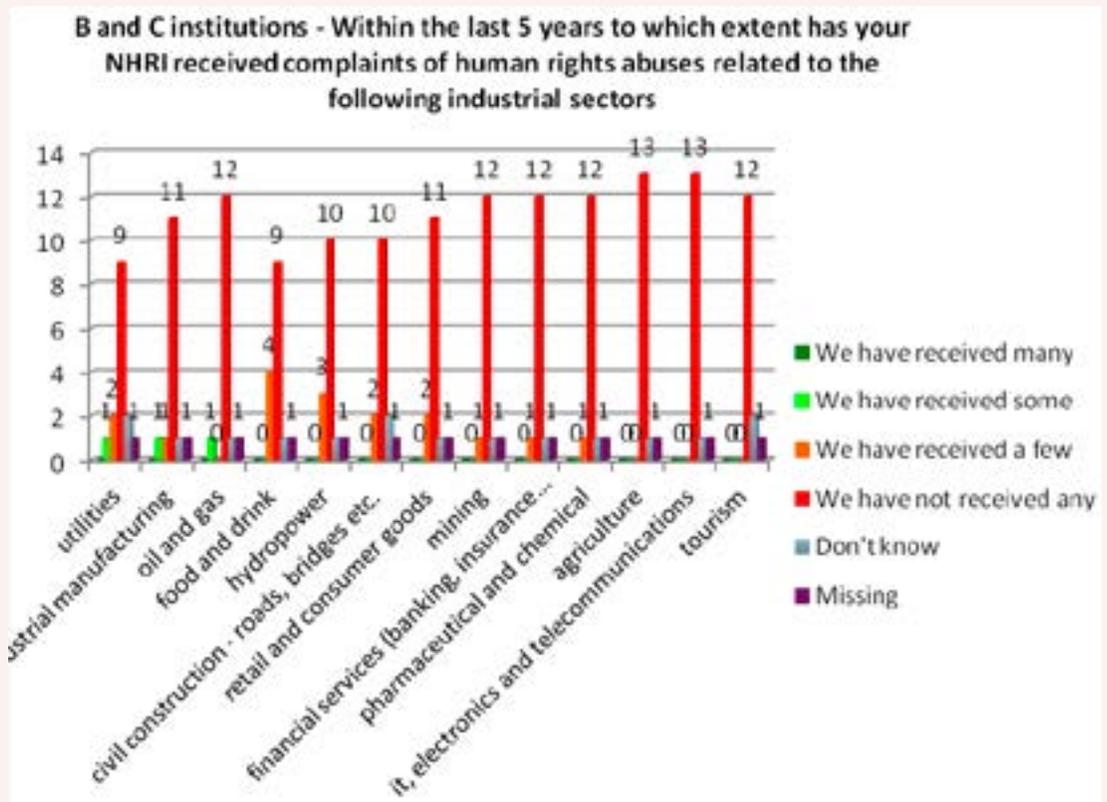
they did not know, for example, to what extent the oil and gas, utilities, information technology, hydropower or financial services sectors might be implicated in human rights abuses in their countries. Where NHRIs did express knowledge of business sectors' involvement in negative impacts, however, the mining sector was most frequently confirmed as involved, with almost all (94%) of respondents identifying it as involved either to a high or some extent in negative human rights impacts, and only one institution indicating its involvement to a limited extent.



Turning to other sectors, just over half (56%) of A-status respondents indicated that industrial manufacturing and pharmaceutical and chemical industries, respectively, were implicated in negative human rights impacts to a high or some extent. Just under half (47%) assessed there to be negative impacts associated with the agricultural sector, and two-fifths (41%) with oil and gas, hydropower, civil construction and retail. Approximately one-third (35%) of A-status institutions ranked the utilities, financial services, information technology, electronics and telecommunications as involved in negative human rights impacts to a high or some extent. The food and beverage sector was considered least harmful, in human rights terms, yet still one in four respondents rated it as involved in negative impacts to a high or some extent. Notably, perhaps demonstrating a cautious appraisal by NHRIs in light of limited or incomplete information at their disposal, in general A-status institutions mostly relied on the categories, “to some extent” or “to a limited extent” in identifying sector-specific human rights impacts while avoiding the responses “to a high extent” or “not at all”.

By contrast, B and C-status respondents rated many, if not most, sectors as not involved in adverse human rights impacts. B- and C-status institutions were also less likely than A-status institutions to answer that they did not know the extent of a given sector’s involvement in negative impacts. However, amongst sectors to which negative impacts were attributed by B and C-status respondents, the mining sector was again most frequently cited, with six institutions in this category identifying it as involved to a high or some extent.

Although the oil and gas industry was the second most-often identified sector, almost as many respondents considered this sector to be involved only to a limited extent or not at all, as considered it to be involved in negative human rights impacts. For all other sectors, B- and C-status respondents reported limited or no involvement in negative human rights impacts. No B- or C-status respondent, for instance, indicated that the agricultural sector was involved in negative human rights impacts in its national jurisdiction.



Only a very limited number of complaints were recorded by respondents as relating to individual industry sectors, the number being even lower for B- and C-status NHRIs. Only one institution, for instance, from the B- and C-status categories reported receiving complaints relating to the oil and gas, utilities and industrial manufacturing sectors, respectively. A small number of respondents reported having received a few complaints relating to food and drink, hydropower, utilities, civil construction, and retail sectors, whereas only one respondent each indicated receiving a few complaints with regard to the mining sector, financial services sector, industrial manufacturing and the pharmaceutical sectors. In this context, it should be borne in mind, however, that

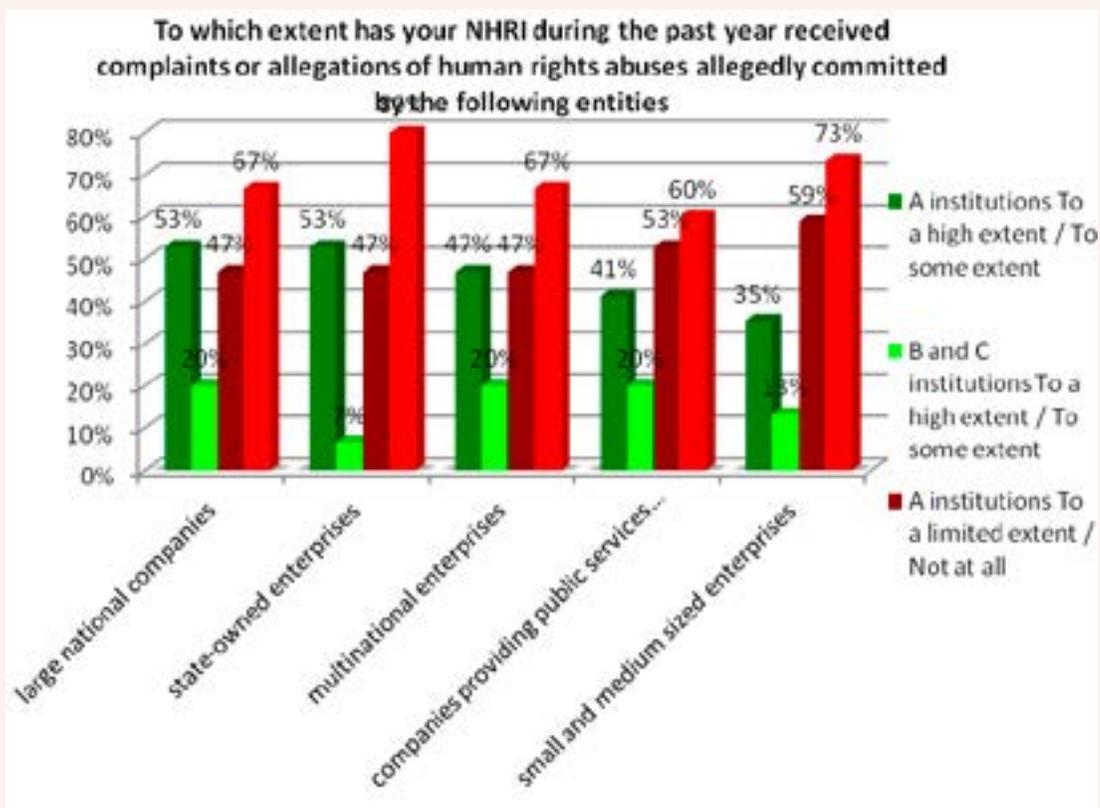
no NHRI has so far instituted the systematic analysis of complaints received by reference to industry sector, so that lack of data is the probable reasons for such results.

Respondents' assessment of the degree of involvement of industry sectors in negative human rights impacts was not entirely consistent with actual numbers of complaints received about these sectors. A-status institutions reported receiving most complaints on mining, and sectors such as utilities and financial services also figured quite prominently, for example, while these sectors were seen as involved in negative human rights impacts to quite a low extent by some of the same institutions. Seven

A-status respondents reported receiving many or some complaints about mining, six on civil construction, five on agriculture and utilities, four on financial services, three on oil and gas, and two institutions reported receiving complaints on industrial manufacturing, food and drink and tourism. Complaints about the hydropower and pharmaceutical and chemical industries were received only to a limited extent or not at all.

institutions reported receiving many or some complaints involving large national companies, state-owned enterprises and multinational enterprises. Slightly fewer A-status institutions received complaints about companies providing public services and SMEs. Of B- and C-status respondents, hardly any received complaints about these types of corporate actors. The few complaints that were received by institutions in these categories mainly concerned multinational companies, large national companies and companies providing public services, whereas state-owned enterprises were implicated least.

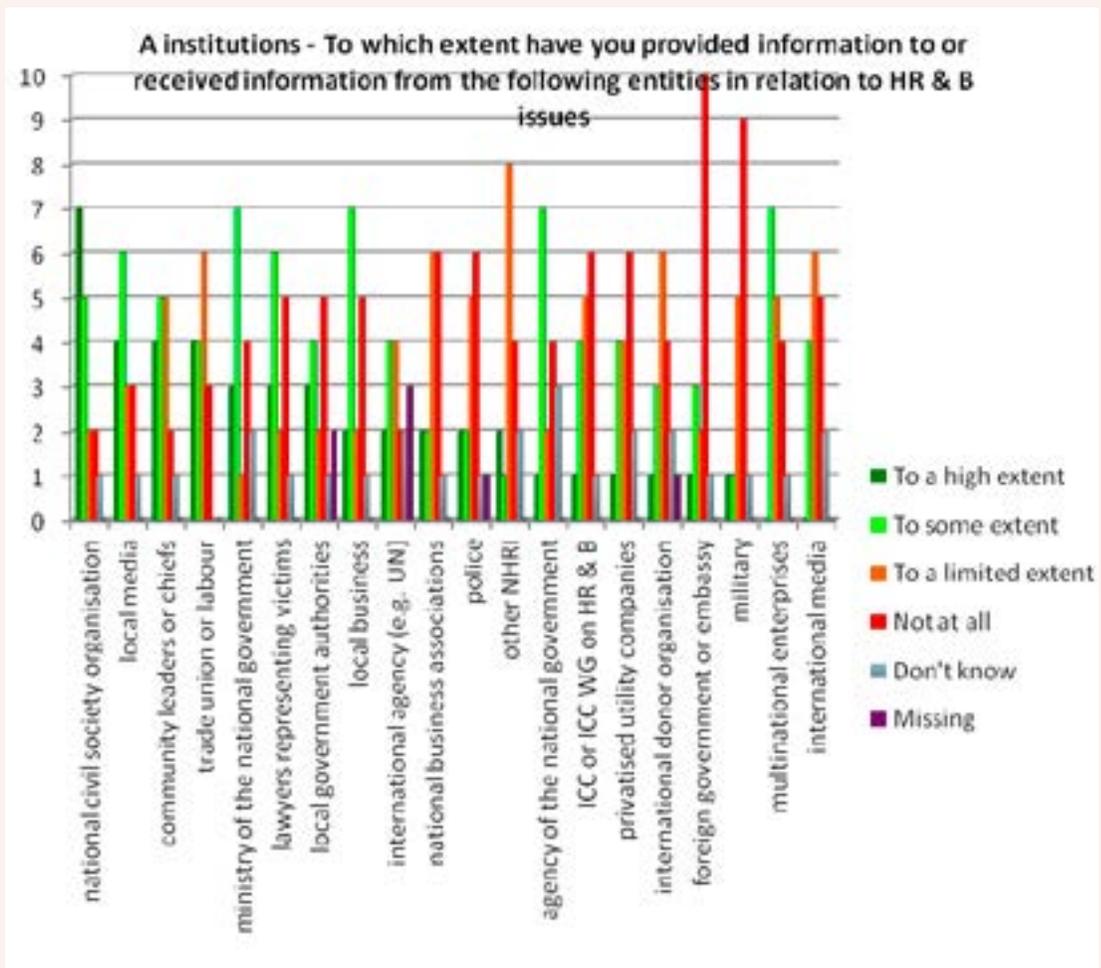
In terms of what size or types of company were responsible for complaints received by respondent NHRIs, about half of A-status



3.2.8 COMMUNICATION WITH NATIONAL AND INTERNATIONAL STAKEHOLDERS

A-status respondents were more likely to exchange information with external stakeholders than B- and C-status institutions. In general, A-status NHRIs reported extensive information exchange (to a high/some extent) with other entities on the national plane: national civil society organisations (71%), ministries of the national government (59%), local media (59%), local business (53

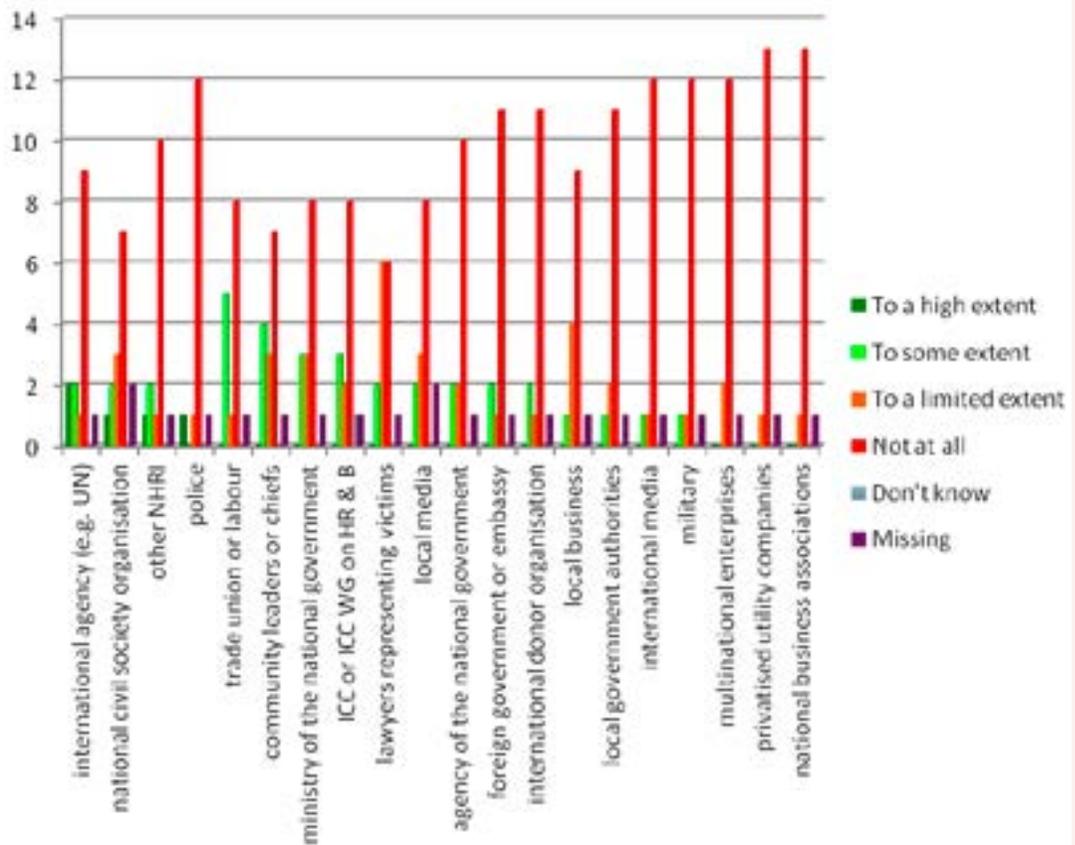
), lawyers representing victims (53%), community leaders (53%), trade unions or labour (47%), and agencies of the national government (47%). There was considerably less communication, by contrast, between A-status NHRIs and multinational enterprises (41%), international agencies (35%), the ICC of NHRIs (29%), international media (24%), foreign governments and international donor organisations (both 24%) and other NHRIs (18%). Information exchange with local government authorities, privatised utility companies, the police, national business associations and the military was also limited.



About one-third of respondent B- and C-status NHRIs exchanged information with trade unions or labour, representatives of communities (leaders or chiefs) and international agencies, such as the UN. One-fifth of NHRIs in this category reported communicating with national civil society organisations, ministries of the government, the ICC and other NHRIs, to a high or to some extent, while only 13 % reported information exchange with local media, lawyers who represent victims, foreign governments, international donor organisations and

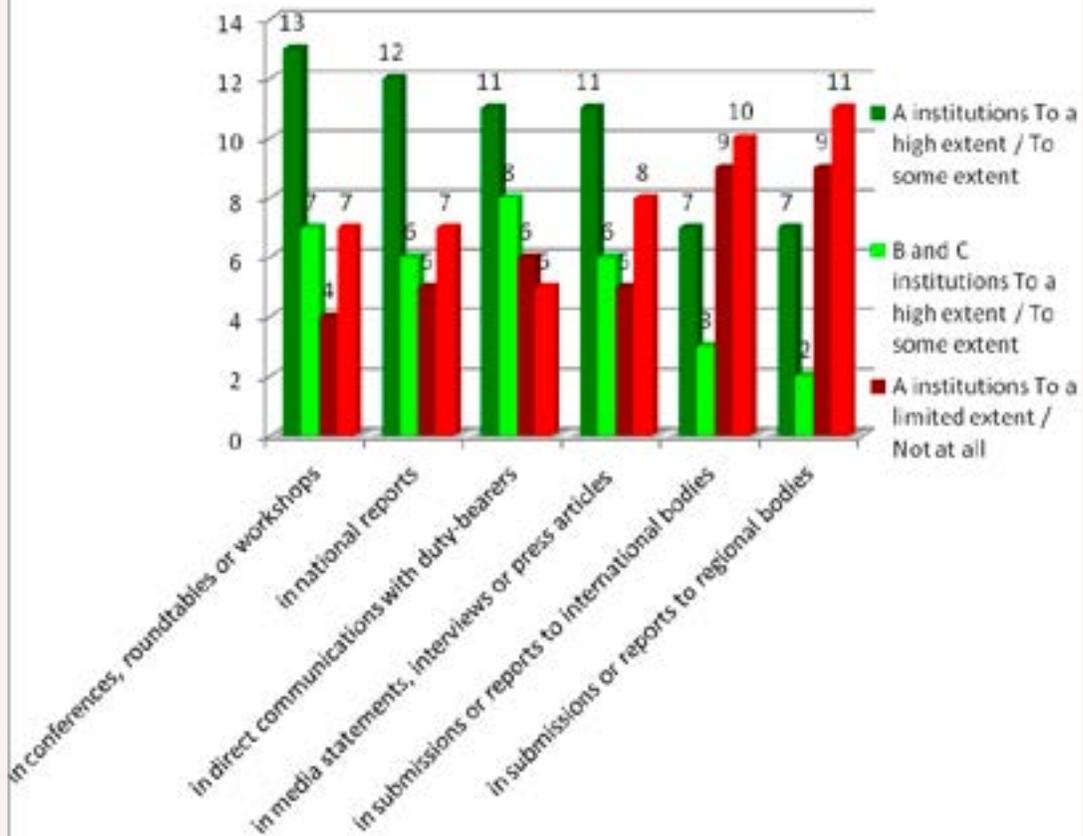
agencies of the national government. Only a few of the B- and C-status respondents reported exchanging information, and only to a limited extent, with multinational enterprises, privatised utility companies and national business associations. The low reported level of information exchange with external actors on the part of B- and C-status institutions could indicate lack of capacity, resources or, alternatively, weaker recognition of these bodies by national and international stakeholders.

B and C institutions- To which extent have you provided information to or received information from the following entities on HR & B issues



Respondents across all three ICC accreditation categories reported referring to human rights abuses in the business sector in national reports, direct communications with duty-bearers, conferences and media statements. Human rights and business issues were raised more via these media than in reports to international and regional bodies.

Has your NHRI referred to human rights abuses in the business sector

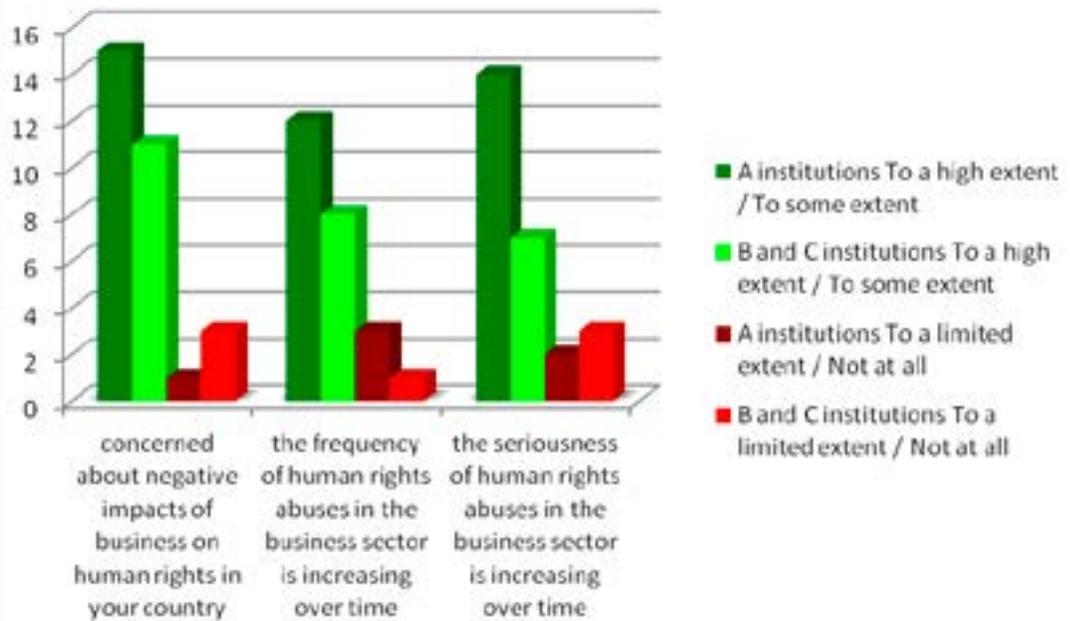


3.2.9 CONCERN ABOUT THE IMPACT OF BUSINESS ON HUMAN RIGHTS

Almost all respondent NHRIs reported that they were concerned to a high extent by

adverse human rights impacts of business. Although to a slightly lesser extent, the majority of A-status NHRIs furthermore reported that the frequency and seriousness of such human rights abuses were increasing over time.

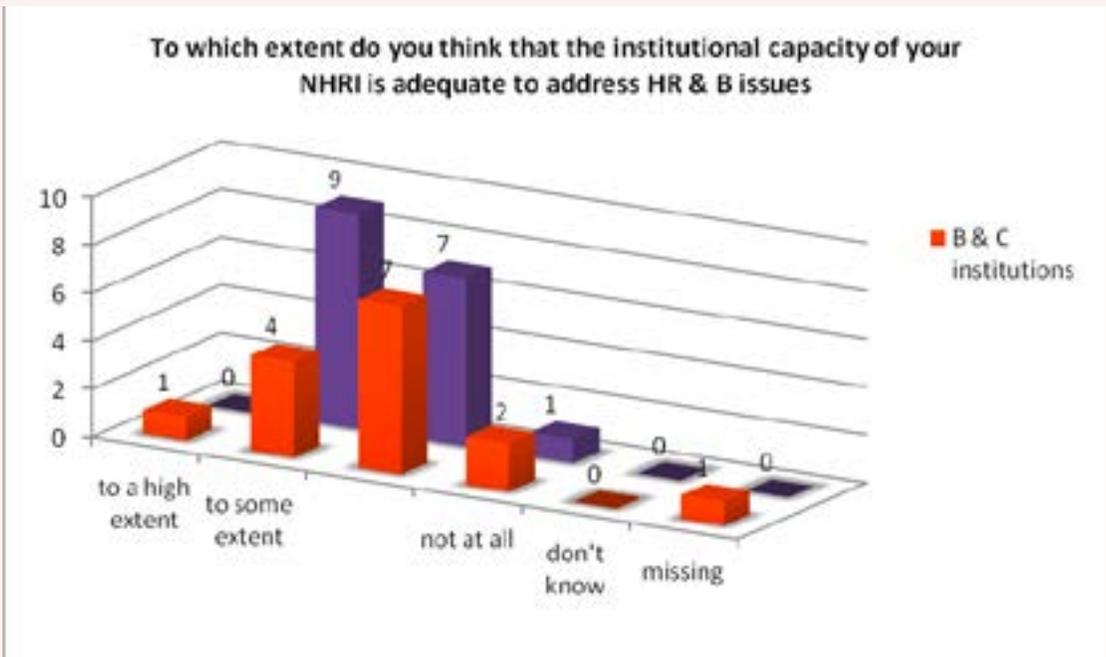
The negative impact, frequency and seriousness of human rights abuses in the business sector



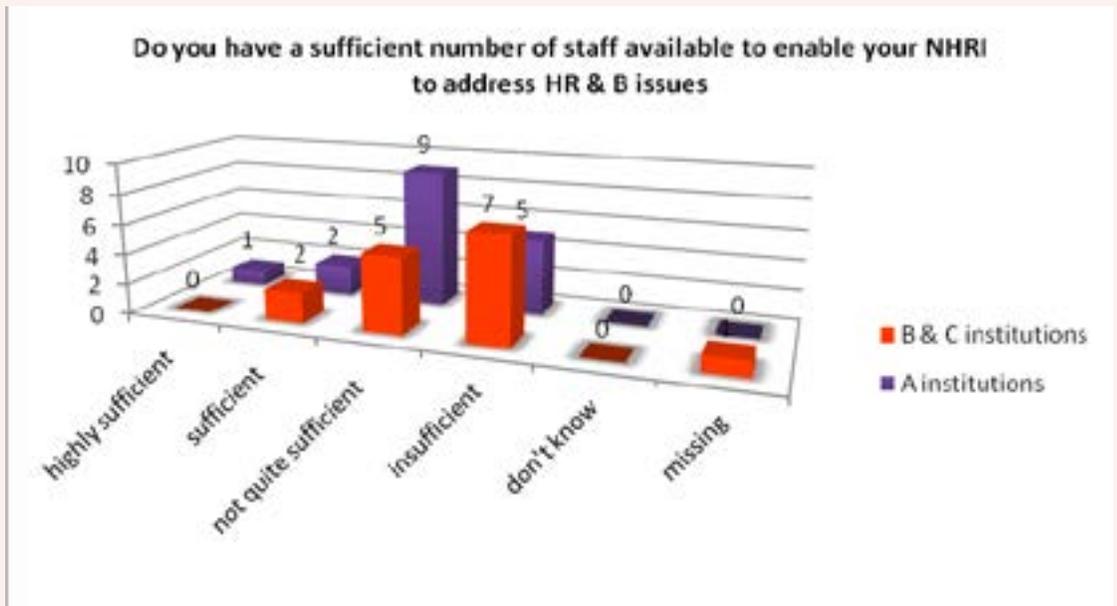
3.2.10 INSTITUTIONAL CAPACITY TO ADDRESS HUMAN RIGHTS AND BUSINESS ISSUES

Only one respondent NHRI felt fully equipped to address human rights and business issues. On the other hand, very few felt that they lacked institutional capacity

to handle human rights and business issues at all. Thus, the majority of participating NHRIs reported having institutional capacity to handle human rights and business issues to some or to a limited extent. As might be expected, A-status institutions indicated greater capacity to address human rights and business issues than those accredited to B- and C-status.



Consistent with their perceived lack of institutional capacity, respondents also reported having an insufficient or not quite sufficient number of staff to address human rights and business issues. Only one A-status accredited institution indicated having a highly sufficient number of staff. About half of A-status respondents indicated a number of staff that was not quite sufficient and about one-third reported an insufficient number of staff. Approximately one third of institutions accredited to B- and C-status reported that the number of staff was not quite sufficient and nearly half indicated that the number was insufficient. Thus, while A-status institutions generally reported lacking staff to address human rights and business issues, this was even more pronounced amongst B- and C-status institutions.

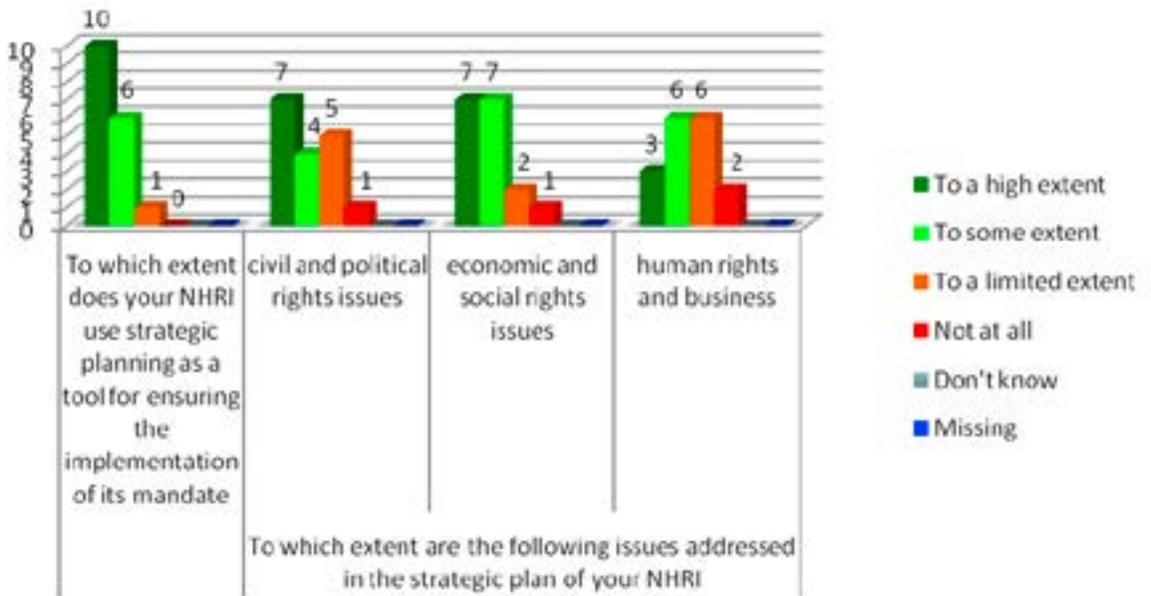


Perhaps unexpectedly, amongst B- and C-status respondents, two reported that their budgets were highly sufficient, allowing them to address human rights and business issues adequately. All other NHRIs, across both A- and B- and C-status categories, reported that their budgetary resources were either not quite sufficient or insufficient to address human rights and business issues adequately.

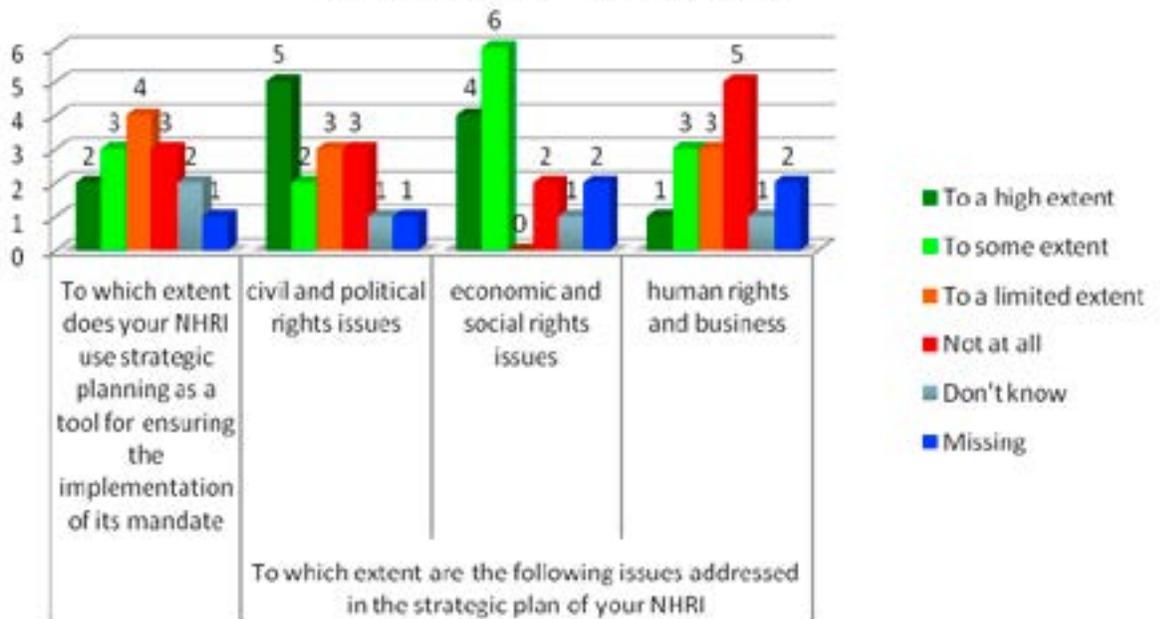
3.2.11 USE OF STRATEGIC PLANNING AS A TOOL

Most A-status institutions reported using strategic planning in general, with only one indicating its use to a limited extent. By contrast, most B- and C- status institutions indicated its use it to a limited extent (four) or not at all (three institutions).

A institutions - Strategic planning



B and C institutions - Strategic planning



A-status institutions reported that they have addressed human rights and business issues in their strategic plans. B- and C-status institutions, on the other hand, were less likely to include human rights and business in strategic planning or, if they did include it, to do so only to a limited extent.

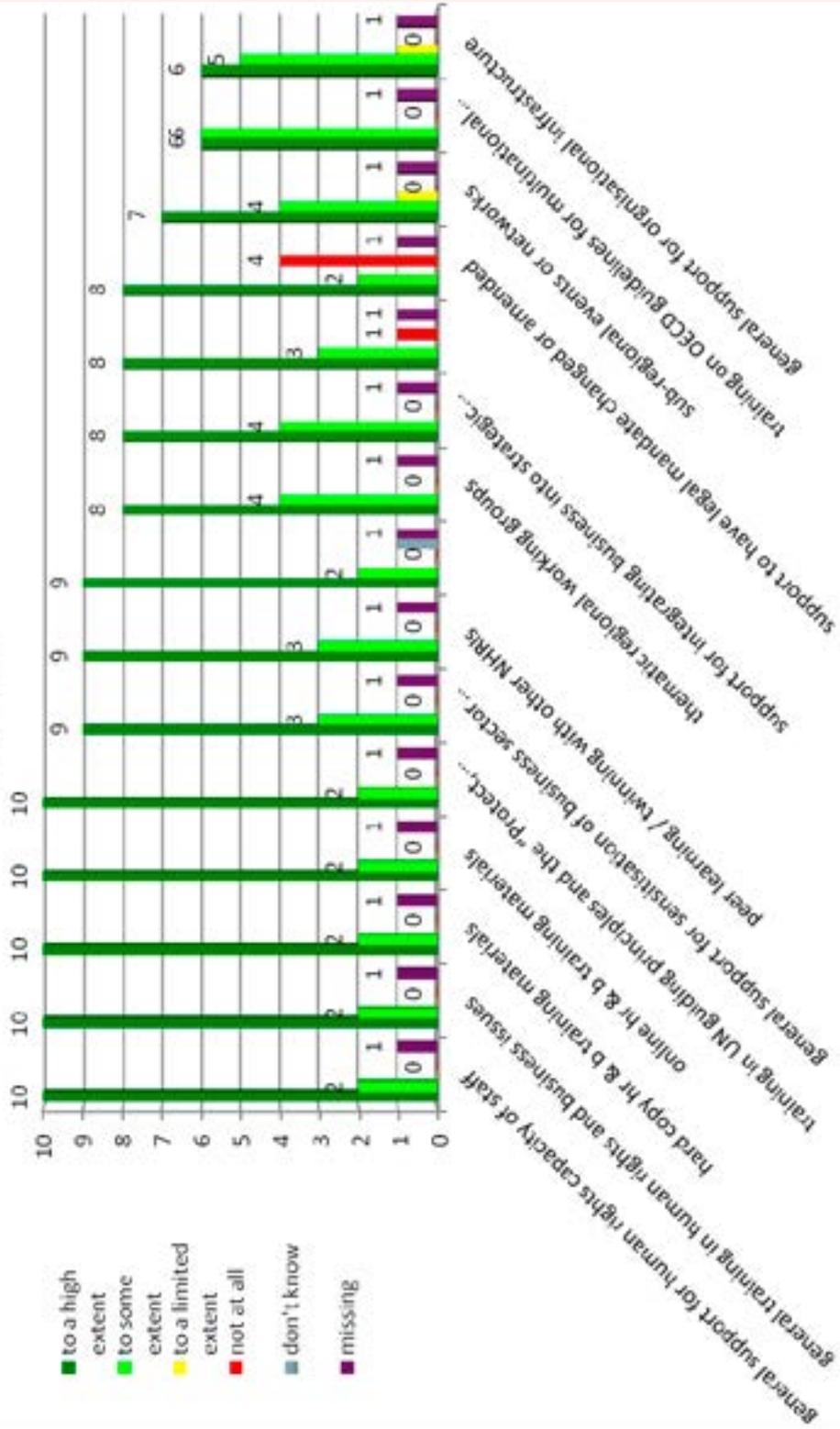
3.2.12 SUPPORT FOR NHRIS AND THEIR ACTIVITIES

Almost all forms of support for NHRI activities were considered useful by respondents. Though still a minority, a perhaps greater than expected number of A-status institutions indicated requiring support to have their legal mandate changed or amended (three institutions each indicated this to a high extent, and to some extent, respectively). Similarly, five A-status NHRIs answered that they needed support to improve their independence, impartiality and pluralism to a high/to some extent. Nine of the NANHRI members accredited to A-status reported that they did not need support to change their mandate or improve their independence.

Notably, all surveyed A-status institutions believed that support to undertake sensitisation of the business sector and the state would be useful to a high extent. Most institutions in this category thought that support for human rights and business capacity of their staff, training in human rights and business issues, sub-regional events or networks and thematic regional working groups would be useful to a high extent (fifteen respondents in each case).

Of B- and C-status respondents, most indicated that they needed support to have their legal mandate amended (eight to a high extent and two to some extent). Only four such institutions indicated that they did not need support to have their legal mandate changed. All institutions in these categories, except one, reported needing support to improve their independence, impartiality or pluralism

B and C institutions - Please indicate to which extent the following supporting activities could be useful to your NHRI



3.3 FURTHER OBSERVATIONS

At the end of the questionnaire, the surveyed NANHRI members were asked if they had remarks or suggestions on how to strengthen their capacities in the field of human rights and business. Nineteen NHRIs provided additional comments in response to this question.

Many NANHRI members (eight A-status institutions and three B/C-status institutions) indicated that they needed further capacity building on a range of issues including: training on the general principles of human rights and business and on how to pass this knowledge on to CSOs; training on how to ensure that enterprises and government entities accept and comply with recommendations and findings; training on how to conduct a dialogue with business leaders on human rights; training on how to influence national legislation and bilateral agreements between government and business; training on how to undertake national baseline surveys and develop indicators; training on strategic planning for younger NHRIs in Africa; training on how to ensure effective remedies for victims; training on economic, social and cultural rights in relation to businesses; training on how to undertake investigations, reporting and follow-up activities; training on women's rights in relation to ownership and use of land; and training on how to make government transparent and accountable.

Several NHRIs (six A-status institutions and one B/C-status institution) suggested establishing a network consisting of African NHRIs and other potentially strategic actors in the field of human rights and business, as a platform for sharing experiences, best practices and methods, on the one hand, and

coordinating actions, developing an action plan to implement the Yaoundé Declaration and conducting advocacy work, on the other. Two institutions reported that a database or an online forum would be helpful as a tool to diffuse information regarding the human rights and business situation and relevant instruments regionally.

A few institutions (three A-status institutions and one B/C-status institution) mentioned specific obstacles to achieving respect for human rights in the business area. These included the culture of putting individual interests before human rights; a general lack of information and awareness of the existence of human rights abuses and the possible forms of remedies; companies taking advantage of the vulnerability of the majority of most rights-holders; and the relative novelty of labour law as a framework for some NHRIs, while it also entails engagement with a new array of national and international entities.

Some institutions advanced specific suggestions on how to limit adverse impacts of business on human rights. One B/C-status institution suggested establishing a network of enterprises dedicated to activities addressing business human rights issues and, in addition, adding respect for human rights to the existing International Standards Organisation (ISO) standards. Another B/C-status institution suggested that NHRIs should build upon national legislation to ensure the protection of human rights by enterprises and, in addition, put in place detection mechanisms, involving private and public actors and civil society, to ensure that multinational enterprises respect human rights. Finally, two A-status institutions and one B/C-status institution emphasised the need for education of the general public as well as traditional leaders, community

leaders, enterprises, politicians, civil society, local, regional and national authorities on human rights and business issues.

One A-status institution called for strengthening NHRIs' mandates in the field of human rights and business, while one B/C-status institution mentioned the need to strengthen NHRI independence. Three B/C-status NHRIs underlined resource issues, including the need for higher levels of funding overall, and the need to ensure independence and effective NHRI control over their budgetary resources. One institution reiterated the need for hard copy and electronic training materials for NHRIs on human rights and business topics.

A few comments were also provided regarding the questionnaire. Three institutions, in this context, indicated that the questionnaire had addressed the relevant human rights and business issues. One A-status NHRI mentioned, however, that the deadline had been too short so that it did not have adequate time to gather and summarize all the information requested.

ANNEXES

I CASE STUDIES

As noted in the report, the case studies included here are intended to supplement the quantitative data gathered via the mapping survey questionnaire with concrete examples of interventions in the human rights and business area by NANHRI member institutions, as well as information on issues, challenges and capacity development needs experienced across the network.

Institutions were selected for case studies by the NANHRI Secretariat, Project Panel and DIHR as project consultants with the aim to secure a geographically and linguistically representative set. Once the agreement of relevant institutions was obtained, case study research was conducted via telephone interviews with personnel from the case study NHRIs, and a subsequent review of additional documentation provided or identified by the NHRI was undertaken by DIHR.

A case study template was devised by DIHR to support telephone interviews and is included as an Annex. According to the model chosen, case study research could focus on any experience of NHRIs relevant to the Mapping Survey terms of reference, for example:

- Abuses of human rights by business actors, whether multinational enterprises

or small-medium sized enterprises

- Government regulation or failure effectively to regulate business actors
- Promoting access to remedy for business-related human rights complaints by victims, e.g. through complaints-handling, mediation or conciliation, or providing information or education to rights-holders or civil society
- Interaction with international or regional systems of human rights protection (e.g. UPR, African Commission) in relation to business and human rights issues
- Land-related, environment-related or labour-related business and human rights issues
- Capacity-building needs of NHRIs on business and human rights.

A CAMEROON NATIONAL COMMISSION ON HUMAN RIGHTS AND FREEDOMS

1 CONTEXT

1.1 Institution

NCHRF was established in 1990 with a

legislative mandates since 2004.⁴⁰ It is currently accredited to A-status by the ICC. It has 6 offices and a complement of approximately 140 commissioners and personnel in total. NCHRF reports involvement in the human rights and business area since 2004. The President of NCHRF took part in the ICC's Edinburgh Biennial Conference on Business and Human Rights in 2010. Subsequently, NCHRF volunteered to host NANHRI's Regional Workshop on Business and Human Rights which was held in Yaoundé in October 2011. NCHRF has established a human rights and business Focal Point.

1.2 Business impacts on human rights

NCHRF has identified impacts of business on human rights in Cameroon, from the activities of para-statal companies (e.g. Cameroon Development Corporation, Cameroon Housing Company), private national and transnational corporations (e.g. Cameroon Tea Estate, National Oil Refinery, Mobile Telephone Network, Road Construction Company, Brewery Company, Satellite Insurance Company), and from business development authorities (e.g. Upper Noun Valley Development Authority, MEADEN, AES-SONEL, International Bank of West Africa) across the country. These impacts include environmental rights, affected by logging and mining companies; land and property rights, breached in connection with dam construction (Lagdo, North Region and Bamenjing, North-West Region); forced evictions and displacements without adequate compensation from land to make way for industrial agricultural

developments such as plantations (Boa Diongo, South-West Region).

Amongst general challenges in relation to fulfilling its mandate to address these impacts, NCHRF noted: general impunity in relation to economic, social and cultural rights; non-responsiveness of duty-bearers to communications on business-related abuses, with resistance in particular from foreign-owned businesses within the mining and extractive industry; the need for NCHRF to enhance its organisational and human capacities in general; room to further strengthen its legal mandate; and a rise in unlawful evictions and resettlements, in the context both of agricultural and urban development projects.

2 NHRI ACTIVITIES AND INTERVENTIONS IN THE BUSINESS AND HUMAN RIGHTS AREA

2.1 Complaint-handling and labour rights

As reported by NCHRF to the ICC's 2010 Edinburgh Biennial Conference, under its founding legislation it can receive petitions concerning human rights violations, make all enquiries and investigations necessary and bring such matters to the attention of all authorities. Complaints may be made via both NCHRF's Head Office and Branch Offices. Following a complaint, NCHRF may convene parties and witnesses, demand information from relevant authorities, mediate, provide legal and other assistance and intervene in other ways to defend the interests of victims of human rights violations (Articles 2, 3 and 5), such as by

40 Act nr. 2004/016 of 22 July 2004 on the creation, organisation and functioning of the National Commission on Human Rights and Freedoms.

referring matters to state counsel or a court.

NCHRF continues to receive a significant proportion of complaints regarding alleged human rights abuses resulting from the activities of corporations. Of 612 complaints received by NCHRF in 2009, 160 related to labour rights and 55 related to other corporate human rights abuses, such as environmental damage, affecting hundreds of alleged victims.

Complaints received by NCHRF have disclosed a wide-range of labour-related abuses, such as

- Unsafe and unhealthy working conditions, with workers often not insured against industrial accidents and other occupational health hazards
- Non-payment by employers of required contributions to workers' benefits such as social insurance, family allowances, retirement pension, or failure to register workers for social insurance
- Delayed payment of wages, in some cases for many months, or non-payment of wages
- Abuse of probationary employment schemes
- Unlawful curtailment of the right to freedom of association
- Irregular layoff and termination of workers without prior warning and adequate compensation
- Excessive working hours and overtime without due compensation
- Failure to pay a living wage
- Lack of access to justice for labour rights due to high levels of corruption and ineffectiveness within labour inspectorates.

- Foreign-owned companies reliance on expatriate instead of local employees and failure to promote professional training for current and potential local employees.

Amongst factors causing such abuses, NCHRF has identified the following:

- Widespread reliance on oral employment contracts
- Wide scope for agreement of employment contract terms on individual basis despite the existence of a national Labour Code and collective labour agreements
- Illiteracy and/or lack of knowledge of relevant standards (e.g. Labour Code) on the part of workers and job seekers precluding understanding and fair negotiations of employment contracts
- Workers' lack of resources to lodge labour matters in law courts to seek redress
- Lack of due consideration to workers' rights during privatization of public services
- Disregard for legal standards by some employers.

NCHRF undertakes field verification, in some cases in conjunction with CSO representatives or members of the judiciary, and may summon parties for mediation or conciliation; alternatively it may provide oral advice to complainants. It may also encourage remediation by writing directly to the corporation concerned or the relevant regulatory body.

NCHRF compiles data on cases handled, and whether they are addressed via mediation and conciliation by NCHRF itself, by the Cameroon Labour office following referral by NCHRF, or via court action on NCHRF's

advice.⁴¹ It was not possible in the scope of the case study to track outcomes of NCHRF interventions on business-related complaints overall. NCHRF however has indicated that securing responses from duty-bearers to its interventions on complaints was a challenge in general, as was the lack of resources to enable NCHRF to back up victims by assisting them in taking matters, where necessary, to court.

2.2 Workshops and seminars on human rights and business

As mentioned above, NCHRF hosted NANHRI's 2011 Regional Workshop on Business and Human Rights. Recently, under its promotional mandate, NCHRF has also initiated a number of multi-stakeholder workshops and seminars on business and human right topics at national level.

In April 2012, with reference to the inclusion of labour rights as one of the three priority themes in NANHRI's 2011 Yaoundé Plan of Action, a workshop on "Sensitization of Cameroonian Private Sector Workers on the Fundamental Principles of Human Rights" was held. The objectives were to raise awareness of fundamental labour rights, as well as of the role of NCHRF and of the Ministry of Labour and Social Security in the labour area, and to develop a timeframe for dissemination activities on labour rights within companies. NCHRF invited representatives of public and private-sector trade unions, business associations

and government to attend, and the ILO and the Cameroon Ministry of Labour and Social Security were included. A report of the workshop documents presentations and discussion amongst participants and makes detailed recommendations directed to NCHRF, government, trade unions and all other actors. In summary, these focussed on the two objectives to:

- Simplify and disseminate labour-related human rights through seminars and increased dialogue
- Improve protection of labour-related human rights through closer monitoring and control, legislative reforms and increased collective bargaining.

NCHRF reported the holding of two further business and human rights seminars: one for its own members on human rights and the extractive industries organised by its Working Group on Special Issues in July 2011, and the second on labour rights of workers in parastatal companies (Cameroon Development Corporation and National Oil Refinery) in November 2012.

2.3 Investigations

NCHRF has a legal power to conduct investigations on its own motion, which it has used with regard to business and human rights issues, such as environmental pollution. For example, NCHRF investigated oil spills by the petroleum transportation company SCDP at Nsam Neighbourhood in Yaounde in 2009, afterwards writing to the Prime Minister to request remediation. It also investigated waste discharge by a hospital in Nkometou in the Centre Region in 2009, and pollution of the Ndogsimbi Stream in Douala in 2011, in each case writing to

⁴¹ Dr C. Banda, Chairperson NCHRF, Promoting and Protection Human Rights in the Corporate Sphere, Presentation to ICC 10th Biennial Conference, October 2010.

the Minister of Health and Environment and Nature Protection, and regional delegations, to request remediation measures.

In 2012, NCHRF initiated a human rights assessment of the Kribi Deep Sea Port project. This project was launched in 2009 under a long-range economic development policy of the Cameroon government. Subsequently, the NCHRF received complaints alleging a range of human rights abuses resulting from the project, with regard, for example, to the right to property, involuntary resettlements, indigenous peoples' rights and labour-related human rights. While NCHRF had already been providing advice to employers and workers in response to labour disputes, in 2012 it decided to initiate a broader human rights impact assessment of the project. As part of this assessment, in December 2012 NCHRF conducted a mission to visit the Kribi project site and meet with stakeholders, including representatives of relevant government authorities and residents. The mission's aims were specified by NCHRF as being:

- Classifying grievances and types of impacts
- Identifying corporate good practices as well as human rights violations
- Identifying conflict areas and triggers, and promoting dialogue between antagonist stakeholders
- Raising awareness of stakeholders, and identifying their sensitivity towards environment-based human rights, right to ownership, labour-related human rights and the right to food
- Following completion of the mission, to adopt a set of recommendations.

2.4 Strategic planning

NCHRF launched the development of a Cameroon National Action Plan for the Promotion and the Protection of Human Rights in 2004, with support from UNDP and the UN Centre for Human Rights and Democracy in Africa. Recently finalised, the Action Plan addressed the period 2013-2018 and has four aims:

- Strengthening national capacity to protect and promote human rights
- Coordinating activities of relevant actors in this regard
- Developing a human rights based approach in all national sectors, including industries and trade
- Preserving a global and non-compartmentalised approach to human rights.

Given this wide scope, the Action Plan encompasses at least certain aspects of human rights and business, for instance, how to establish constructive dialogue between employer and employees towards promotion of labour related human rights. The Action Plan also refers to the issue of bribery and corruption in the public and private corporate sector. The private sector is identified in provisions on strategic planning as a relevant actor to be engaged in constructive dialogue with government and civil society.

B KENYA NATIONAL COMMISSION ON HUMAN RIGHTS

1 CONTEXT

1.2 Institution

KNCHR was established by an Act of Parliament in 2002, becoming operational in 2003.⁴² Subsequently under broader constitutional reforms in Kenya in 2010, KNCHR was re-established as a one of three constitutional offices under article 59 of the Constitution, giving it status as an independent constitutional body with a constitutional and legislative mandate. KNCHR is already accredited to A-status by the ICC. It has four offices and a complement of approximately 80 staff and five Commissioners. Like NCHRF in Cameroon, KNCHR reports engagement with human rights and business issues since 2004. Its Chairperson likewise took part in the ICC's 10th Biennial Conference in Edinburgh and, as Vice-Chair of the ICC played an active role in the drafting of the Edinburgh Declaration. She also participated in the Yaoundé Workshop, supporting the development of NANHRI's Plan of Action on Business and Human Rights in that context.

Under Article 59 2(c) of the Kenyan Constitution, KNCHR must promote and protect human rights in both public and private institutions.⁴³ Since 2010, economic and social rights have been explicitly protected by the Kenyan Constitution. The

Kenya Bill of Rights is also stated to apply to and bind all persons, including companies, associations and other bodies, whether incorporated or unincorporated. In line with the clear mandate to address human rights and business issues thus provided, KNCHR has established a Business and Human Rights Programme within its Economic, Social, and Cultural Rights (ECOSOC) Department. It has also established a Focal Point on business and human rights.

2 BUSINESS IMPACTS ON HUMAN RIGHTS

KNCHR highlights that businesses large and small “play a crucial role in employment creation, technological and skills transfer, supply of goods and services, and contribute significantly to public revenue through tax payments”, all of which are crucial in a developing country preoccupied with poverty reduction. KNCHR also notes that recognition in the public policy domain of the role of business in promoting the country's national development process has enhanced scope for human rights and business to become a specific area of expertise for the Commission. For instance, in 2006, the government adopted the Kenya Vision 2030, which aims at instituting and improving a sustainable environment for business, with an eye out for small and medium enterprises.

3 NHRI ACTIVITIES AND INTERVENTIONS IN THE BUSINESS AND HUMAN RIGHTS AREA

3.1 Formal investigations

KNCHR has used its formal powers of investigation to address alleged human

42 See generally: <http://www.knchr.org/>.

43 KNCHR, Promoting Business Responsibility for Human Rights, available at:

rights abuses relating to range of business sectors. For example, in 2005, it undertook a public inquiry into alleged human rights abuses in Magarini, Malindi District, by salt manufacturing companies in collusion with public authorities, leading to publication of a special report presented to the President and National Assembly.⁴⁴ Public hearings were held over five days at the site of alleged abuses, where written and oral evidence from rights-holders, salt companies, local government representatives and experts was gathered. The Commission assessed a range of grievances relating to alleged breaches of labour, health and safety and environmental standards; unlawful evictions, inadequate compensation following relocation and destruction of property; health impacts; harassment and other unlawful treatment by police; and abuse of the rights of indigenous peoples. In October 2012, KNCHR held follow-up meetings with local communities to identify whether recommendations made in its 2006 report had been implemented. Following this, in April 2013, KNCHR filed a case, exercising its powers to litigate in the public interest, against the companies in question in relation to violations of land rights and the right to a clean environment.

KNCHR has also initiated work on the extractive sector. In December 2012 it undertook a mission to the Kitui Mui Coal Basin, a project affecting approximately 60,000 families. Concerning the Turkana Oil Site, through engagement with local partners, government and gas companies, KNCHR will focus on the government-business investment contract, and the

compatibility of its terms with human rights standards, the adequacy of steps taken to consult and informing communities with regard to resettlement, as well as the adequacy of compensation especially given the size of the project.

An investigation by KNCHR concerning the Lamu-Port-South Sudan Ethiopia Transport Corridor (LAPSSET) is also on-going. LAPSSET is a mega-infrastructure project encompassing development of sea, road and rail transport infrastructure. It is one of the largest infrastructure projects in Africa, with foreseeable direct effects on approximately one million families. Once complete, LAPSSET will include a port, an international airport, two resort cities and petrochemical refinery at Lamu, as well as a network of roads, railways and pipelines across Kenya, Ethiopia and Southern Sudan.⁴⁵ Phase one of LAPSSET, the construction of a sea port on the Kenyan Coast (Lamu Port), which commenced in 2012, affecting about 120 000 families.

Several human rights issues arise in relation to LAPSSET. Firstly, various minority and indigenous communities live in the Lamu region, including Bajuni, Boni, Sanye and Swahili and risks have been identified, in terms of recognition of their land rights and likely resettlement. LAPSSET also implies a large influx of skilled workers which threatens to have a range of negative impacts on the local population, which marginalising their culture. Probable environment damage, and its consequences for the right to an adequate standard of living, is another serious risk: most nearby communities live from fishing in local waters. Overall, lack of disclosure of

44 KNCHR, Economic interests versus social justice: Public inquiry into salt manufacturing in Magarini, Malindi District (2006, KNCHR).

45 MRGICCPR p.8.

information to local communities, and lack of consultation, regarding the project and its impacts are further issues.

KNCHR has already received a number of complaints about LAPSET, mostly alleging violations of land rights, loss of property and livelihoods and lack of adequate compensation, as well as lack of disclosure and consultation. KNCHR has raised these grievances with the Government and is implementing inspections at LAPSET and the Oil and Gas drilling site in Lamu County.

Regarding the former, it now awaits an Environmental and Social Impact Assessment which it will review before issuing advice on the next steps. KNCHR also plans to roll out a substantial programme of public education and capacity building seminars for local communities, as well as for local firms involved in the project. Already in September 2012, KNCHR conducted interviews with affected stakeholders. It aims to build on this experience by launching a Civil Society Compass, a roundtable at which all concerned parties can meet and dialogue. Overall, KNCHR's aim with these activities is to engage and support the project implementers to meet their human rights responsibilities.

In relation to oil and gas explorations in the Coastal Islands of Lamu, KNCHR has initiated an assessment of compensation arrangements for farmers and other groups affected by activities of the exploration phase. Concerns about the adequacy of these will be the subject of a follow-up monitoring process in 2013.

3.2 Roundtables

KNCHR has convened roundtables and

seminars in which representatives of public authorities, the private sector and civil society take part. In November 2012, KNCHR held a consultation forum for stakeholders with the purpose to discuss human rights due diligence for the extractive industry in Kenya, with a view to building capacity amongst civil society organisations and streamlining their participation in extractive industry due diligence. KNCHR from time to time has also conducted training programmes for businesses on human rights (e.g. Unilever Tea).

3.3 Strategic planning

Although it has developed expertise on a number of human rights and business issues through its engagement to date, KNCHR noted a number of challenges in terms of effective action and integration of actions on human rights and business into its strategic planning and processes, including:

- The scale of business projects and activities it confronts, both in terms of geographic scope and range of affected rights-holders and other stakeholders.
- Need for government to attach greater priority to human rights and business issues, and lack of internal coordination within government preventing identification of responsible authorities for KNCHR to engage with on specific issues
- Corruption
- The nascent status of the field and the consequent need to develop capacity to work on human rights and business in general
- The scale of resettlement, and associated difficulties with identification of land titles, and protection of cultural sites.

C CNDH MAROC

1 CONTEXT

1.1 Institution

The National Council on Human Rights (CNDH) was established in its current form in 2010, since then enjoying a constitutional mandate.⁴⁶ It is now accredited to A-status by the ICC. CNDH has thirteen offices and approximately 500 commissioners and personnel in total. CNDH reports involvement in the human Rights and business area since 2008 and that its human rights and business Focal Point dates from 2012.

CNDH points to the recent strengthening of its mandate and its elevation to constitutional level as having increased its independence and hence its credibility and influence with the government, parliament and other public authorities: in 2012 alone CNDH was asked twice by the Government for advice on legislative drafts. Also seen as important is CNDH's network of thirteen regional offices: engaging with stakeholders about more concrete, local human rights and business issues helps to make the standards intelligible, despite the novelty of concepts and standards and to demonstrate its relevance to stakeholders and local partners.

2 BUSINESS IMPACTS ON HUMAN RIGHTS

Overall, CNDH perceives a positive national

environment for work on business and human rights. Due to a relatively stable political climate, Morocco is seen as an attractive destination for foreign investment by corporations which are therefore sensitive to the quality of their public image. There is also interest on the part of the government in demonstrating respect for international human rights and equality frameworks, especially in response to recent developments and criticisms in the region.

Against this background, as early as 2005, under the patronage of his Majesty the King Mohammed IV, the Moroccan government hosted an international conference on social responsibility and investment. In 2008, the National Council of the Moroccan Employers' Federation (Confederation Generale des Entreprises Marocaines, CGEM) developed to a Charter concerning social responsibility and a social labelling initiative based on it. Further momentum for human rights and business is also being generated by increasing activism in the area of social welfare by labour unions within the recent transitional period. CNDH determined in January 2012 to engage on human rights and business issues as a high priority.

CNDH observes a number of challenges, however, for work on business and human rights. The novelty of concepts and standards entails a lack of expertise and knowledge and a need for dedicated training, material and resources amongst all actors – which, in the context of the financial crisis, are hard to secure from either government or the private sector. Despite the commitment of Moroccan trade unions concerning the defence of workers' rights and recent actions by Moroccan civil society in partnership with mining companies regarding risks of adverse impacts on human communities, thematic civil society networks at national level are

46 See generally <http://www.cndh.org.ma>.

lacking. As in many countries, SMEs and the informal sector comprise the majority of businesses but are hard to reach and lack resources to implement new standards. In addition, For NHRIs, monitoring the private sector as well as public bodies implies a significant extension of monitoring. A further challenge is capacity to promote and enforce compliance with the law in general.

3 NHRI ACTIVITIES AND INTERVENTIONS IN THE BUSINESS AND HUMAN RIGHTS AREA

3.1 National Forum on Business and Human Rights 2013

In February 2013, CNDH and the General Confederation of Enterprises of Morocco (CGEM) jointly organized a seminar on “Human Rights and businesses in Morocco”, in Casablanca. The workshop was held with support from the French Association of National Commissions of Human Rights. The seminar aimed to open a dialogue amongst all stakeholders on the integration of business respect for human rights into economic life, taking the UN Guiding Principles as its framework.

The workshop was opened by the President of CNDH, Minister of Employment and Vocational Training, Vice-President of the CGEM. Participants comprised over two hundred participants across the five stakeholder groups of government, national governance institutions, public and private enterprises, social partners and civil society, and included representatives of the following:

- CGEM, represented through three

of its twenty-two Commissions: « Emploi et relations sociales » (employment and social relations), « éthique et bonne gouvernance » (ethics and good governance), « RSE et labels » (CSR and labels)

- Labour unions
- Moroccan Association of Labour Inspectors
- Non-governmental and civil society organisations defending human rights (e.g. Transparency Morocco, organisations defending persons with disabilities)
- Morocco National Ombudsman
- « Conseil de la concurrence » (Commission of concurrence), « Conseil économique et social » (Economic and social Commission), « Ministère de l'administration publique » (Ministry ' public administration), « Ministère des finances » (Ministry of finance), « Ministère de la justice » (Ministry of justice)
- Association of Female Entrepreneurs
- Representatives from various industry sectors.

Discussion at this seminar addressed a number of themes. One topic considered was the relationship between international instruments on business and human rights, including the UN Guiding Principles, Morocco’s commitments under international human rights laws, the foundations provided by national legislation for protecting human rights within the company, and the effectiveness of the remedies available for violations of human rights connected to businesses.

The workshop also focused on the role of

stakeholders in promoting respect for human rights inside businesses and in the corporate sphere. Business experiences were shared on how corporate social responsibility can function as a lever to strengthen dialogue and co-operation between the company and its various stakeholders on human rights issues.

According to CNDH, the meeting allowed stakeholders to identify possible areas of co-operation with regard to developing a coordinated plan of action in line with international standards and informed by best practices across national jurisdictions. Overall, CNDH found that through the holding of the workshop it was able to create a space for positive and constructive multi-stakeholder dialogue, during the workshop itself but also in its preparation and subsequent follow-up actions. Thus as a result of consultation meetings with the CGEM, the NHRC conducted from November 1, 2012 a series of preparatory meetings that included, in addition to trade unions and representatives of the government, national institutions and mediation Human rights NGOs.

D HUMAN RIGHTS COMMISSION OF SIERRA LEONE

1 CONTEXT

1.2 Institution

HRCSL was established in 2004 based on recommendations of the 1999 Lomé Peace Agreement and 2004 Truth and

Reconciliation Commission report.⁴⁷ It became operational in 2007 and was accredited to A-status in 2011. Under HRCSL Act 2004, it has a mandate to address all rights guaranteed by Sierra Leone's 1991 Constitution, or embodied in all international human rights agreements to which Sierra Leone is a party.⁴⁸ HRCSL has a registry for all complaints of human rights violations by public officials, state agents or institutions; other complaints received are forwarded to the responsible department within the government of Sierra Leone. In sum, HRCSL therefore has an implicit mandate to address human rights and business matters and complaint, albeit it would view an explicit mandate as preferable. HRCSL has produced a number of annual reports on the State of Human Rights in Sierra Leone as well as making recommendations to the President and government.

2 BUSINESS IMPACTS ON HUMAN RIGHTS

HRCSL has been confronted with negative human rights impacts of business activities in two main areas. The mining sector is an important source of revenue for the government and those people it employs. However, via complaints it receives, HRCSL has been apprised of environmental pollution, in particular contamination of drinking and fishing waters; terms and conditions for workers that are poor or not observed; as well as issues around lack of compensation for loss of land. In addition, HRCSL has responded to public order situations arising from alleged abuses by mining companies in two case, both of

47 <http://hrctl.org/about-the-commission>

48 <http://hrctl.org/content/frequently-asked-questions-about-commission>

which resulted in fatalities and injuries to citizens: Bumbuna (see below) and also in the case of an unlawful industrial strike by workers of OCTEA (formerly Koidu Holdings Ltd) in the Kono District.

Secondly, HRCSL receives regular complaints regarding breaches of the right to property under the Sierra Leone Constitution and African Charter on Human and Peoples' Rights (Article 15), resulting from land grab by industrial agricultural companies (e.g. SOCFIN Agricultural Company Sierra Leone Ltd., ADDAX Bioenergy Company, African Minerals Limited) and road construction, as well as from mining-related relocations and expropriations. In some cases, citizens protesting against inadequate compensation have been arrested and detained as a result. Child labour in areas of artisanal mining is also a persistent problem.

3 NHRI ACTIVITIES AND INTERVENTIONS IN THE BUSINESS AND HUMAN RIGHTS AREA

3.1 Institutional Capacity Development

In answer to these consistent strands of complaints, HRCSL has endeavoured to build its staff capacity to deal with emerging human rights challenges in the extractive industries. In 2011, a short capacity development programme for Commissioners and staff on business and human rights was held, with support from Gesellschaft für Internationale Zusammenarbeit (GIZ) and DANIDA. Experts in business and human rights from the Danish Institute for Human Rights and Kenya National Commission on Human Rights facilitated the workshop on

implementing the NHRI Paris Principles mandate on business and human rights.

3.2 Formal investigations into mining-related human rights abuses

On 16 and 17 April 2012, workers from the African Minerals Ltd iron mining company, and its subcontractors, in Bumbuna, Tonkolili District, Northern Province, took strike action to protest low pay, discriminatory treatment and poor working conditions. The Sierra Leone Police were called to attend in response to the demonstration, and on arrival, were alleged to have shot live bullets and tear-gas indiscriminately, after which one death and a number of gunshot and other serious injuries ensued, as well as injuries, some serious, to a number of police officers. Further allegations were made that local youths had been in possession of petrol bombs, protesters had used shotguns in the demonstration, the police had been responsible for arbitrary arrest, detention and unauthorised entry into homes of members of the local community. Earlier, in 2010, HRCSL had received a similar complaint from residents around the mine that a demonstration had been put down with police brutality.

HRCSL's first step, in response to the disturbances, on 18 April, was to undertake a visit to Bumbuna escorted by UNIPSIL and the UN Department of Safety and Security. There, HRCSL first met with senior police officers, before travelling to the police station and clinic where both injured police officers and detainees were located, finding the latter in overcrowded and unhygienic conditions and with injuries indicating mistreatment during the arrest and detention. Attending a government health

centre, the HRCSL delegation identified injured and deceased victims of police gunfire. On the basis of interviews with a range of community members, as well as the police, HRCSL then made a number of interim findings and recommendations.

Assessing the issues, on this basis, to be complex with systemic elements, next, in June 2012, HRCSL issued a notice stating terms of reference for a full public inquiry to investigate the alleged human rights violations, including a detailed list of issues to be considered, list of interested persons, a schedule of evidence-gathering activities in Bumbuna, and inviting written or oral submissions from the public to the inquiry, noting that arrangements would be made to receive evidence in confidence where requested.

A five-day hearing in Bumbuna was duly conducted, which included community information sessions, taking of oral and written evidence and examination of witnesses, some in confidence. Subsequently, an eighty-four page report was produced summarising the process, evidence received, findings and recommendations made by HRCSL to all interested parties, including to various ministries of the government, police, African Minerals Ltd., Attorney-General community leaders and youth.

HRCSL noted various learnings concerning the process of undertaking its first public inquiry on human rights and business issues:

Holding inquiries on site is valuable in terms of securing ownership over the process for local communities

However doing so is costly and resource-intensive for NHRIs, and it would be

probably be impracticable for most NHRIs to undertake more than one such exercise per year

The need for time to establish adequate communication, cooperation and trust with companies implicated in alleged abuses, in the course of the inquiry, without which e.g. access to company policies, documentation and testimony will be lacking

The risk of witness intimidation and/or fear of reprisals

The need to counsel witnesses in advance of cross examination by lawyers to understand its purpose and avoid conflict during hearings

The risk that government representatives are perceived as lacking impartiality where businesses involved in alleged abuses contribute major investment and/or revenues to state funds

The need to reassure public authorities of the impartiality and independence of the NHRI and that investigations are not political exercises seeking scape-goats

Inadequate relevant legal expertise e.g. the inquiry could not secure a lawyer specialising in Sierra Leone labour law to conduct the desk research during the inquiry

The need for gender-sensitivity in the process to ensure full and equitable participation of women as alleged victims and witnesses (e.g. using female officers with gender training to conduct interviews).

Following the publication of its report, HRCSL held a follow-up Roundtable meeting with all stakeholders to discuss its findings and implementation of recommendations. The Roundtable was attended by government, police, labour union and AML representatives. Government representatives indicated willingness to

make certain of the advised changes, although some would require legislative action. The Sierra Leone Police offered a public apology to the Bumbuna community. AML indicated various policy changes made following the incident, although HRCSL has not to date been able to follow up to verify this claim.

Overall, HRCSL concluded that the inquiry to a large extent met its intended objectives in terms of promotion, protection of human rights and prevention of abuses. It deepened the Commission's understanding of complex and interrelated issues, and highlighted issues requiring greater prioritisation e.g. legislative reform to ensure freedom of association. It also demonstrated the need for greater expertise to allow evaluation of businesses' implementation of respect for human rights, and experience-sharing amongst NHRIs and other actors in the West African region on opportunities and modalities to address mining-related human rights abuses.

HRCSL continues its work on business issues and in 2013 will conduct visits to Kono, to investigate reported public order incidents following strike action by workers of OCTEA, formerly Koidu Holdings Ltd. in the Kono District, and to Pujehun District, to inquire into reports of Land grabbing by SOCFIN Agricultural Company Sierra Leone Ltd (SAC) and arrests in the Malen Chiefdom.

E SOUTH AFRICAN HUMAN RIGHTS COMMISSION

1 CONTEXT

1.1 Institution

The South African Human Rights Commission was inaugurated on 2 October 1995 under the Human Rights Commission Act 54 of 1994. Its current mandate is provided for by chapter 9 of the Constitution Act 108 of 1996. SAHRC thus has a mandate that is both legislative and constitutional.⁴⁹ SAHRC was re-accredited to A-status by the ICC in 2012. SAHRC has four full-time and two part-time Commissioners and a total complement of approximately 270 staff spread over nine offices.

Though its mandate does not explicitly mention corporate actors, it does explicitly address social and economic rights, and their progressive realisation; SAHRC publishes an annual Economic and Social Rights Report. Some of SAHRC's specific powers moreover implicitly relate to business and human rights issues and SAHRC has used these to address business-related abuses in a number of ways, as further described below. SAHRC does not have a human rights and business Focal Point as such, however, one commissioner is designated to the area of Natural Resources although Business impacts on human rights.

⁴⁹ <http://www.sahrc.org.za/home/index.php?ipkContentID=1&ipkMenuID=28>

1.2 Business impacts on human rights

SAHRC reports involvement in business and human rights activities since 2001. In 2011, for example, meetings were convened on the topics of business in post-conflict regions and on Land and Water and the Role of Business in Respecting Human Rights. In addition, reports, legal opinions or commentaries have been issued, for example, on the impact of the Gauteng Road Toll System, the Companies Bill, and the UN Guiding Principles on Business and Human Rights. SAHRC has a complaints-handling function (receiving, in 2012, over 5000 complaints) and a significant proportion of complaints received relate to labour issues. Due to resource considerations, SAHRC is in its current strategic planning period focussing on human rights protection, in particular, improving complaints handling, over monitoring and promotion, while aiming to spread resources to the latter two over the longer term.⁵⁰

2 NHRI ACTIVITIES AND INTERVENTIONS IN THE BUSINESS AND HUMAN RIGHTS AREA

2.1 SAHRC Inquiry into Anglo Platinum, Affected Communities and Other Stakeholders in and Around the PPL Mine, Limpopo

In early 2008, a report by the NGO Action Aid on “Precious Metals: The Impact on Communities” was launched at SAHRC.⁵¹ This report documented a range of alleged human rights abuses platinum mines in Limpopo Province owned by the Anglo Platinum company, as a result of community relocations, environmental impacts and police and company actions associated with community protests against relocation and mining impacts. The report’s many recommendations included one directed towards SAHRC that it should conduct its own full investigation into the matters concerned, which SAHRC decided to do. In response, Anglo Platinum publicly welcomed the SAHRC’s proposed intervention.

In conducting its inquiry, which it launched shortly afterwards in March 2008, SAHRC relied on collaboration between delegations from its national office in Johannesburg and its provincial office in Limpopo.⁵² In line with its broad Paris Principles mandate, SAHRC’s

50 Strategic Plan 2012-15, available at: <http://www.sahrc.org.za/home/index.php?ipkContentID=33&ipkMenuID=15>.

51 http://www.actionaid.org.uk/doc_lib/angloplats_miningreport_aa.pdf

52 Available at: <http://www.sahrc.org.za/home/index.php?ipkContentID=17&ipkMenuID=20>

investigation set out to focus both on specific human right abuses alleged and the underlying systemic issues. Its first step was to undertake identification and engagement with all key stakeholders through a mapping exercise, through an initial documentary analysis and a first fact-finding mission in early April 2008. A second, follow-up, fact-finding mission was also undertaken in July 2008. SAHRC further sought extensive information from Anglo Platinum, with whom it maintained frequent contact, through correspondence and face-to-face meetings, also with the company's legal representatives. Engagement with affected communities during the investigation took place via telephone, through direct meetings with individuals and at community level, and through civil society organisations and local tribal and municipal authorities. SAHRC also performed documentation of matters material to alleged abuses through additional site visits and inspections (e.g. of resettlement sites) and taking photographs.

SAHRC published its report in November 2008. The report documented the process of investigation, presented SAHRC's analysis of specific and underlying regulatory and institutional shortcomings with reference to evidence gathered, and summarised key findings and recommendations. Amongst key findings were that inequality and poverty in the mining area had been exacerbated, rather than mitigated or improved, as a result of mining activity and that there was no flow of wealth to neighbouring communities. The community was not consulted before the mining licence had been granted. Government plans for relocation of the community were inadequate, in terms of housing, water supply and sanitation, and the services that were promised were not delivered. Moreover, the community's cultural rights were violated because promised grave relocations were not

undertaken, and relocated schools were unacceptably affected by dust and other pollution. No grievance mechanism had been put in place by the company to allow community members to raise complaints.

In terms of general recommendations to address the underlying causes of abuses affecting the Limpopo communities, SAHRC's report highlighted the need to assist communities in understanding their rights and how to access them; to assist companies in moving beyond a compliance approach to resettlement; and to assist companies in understanding the human rights implications of their behaviour and operations in line with their impacts. SAHRC then identified specific recommendations to address short and medium term issues in the areas of water, sanitation, environment including blasting, electricity, grave removals, agricultural land and food security, compensation, transportation of children to school. Beyond Anglo Platinum, the SAHRC report also addressed the role and responsibilities of the tribal and municipal authorities and relations with the South African Police Service.

Following the formal launch of its report, in December 2008, SAHRC returned to Limpopo to present its findings through three days of stakeholder meetings with affected communities, public authorities and Anglo Platinum. During this engagement, affected communities' inputs focussed primarily on the breakdown of trust between them, the company and public authorities, and on-going infringements of socio-economic and cultural rights. Consequently, SAHRC's report of this follow-up visit emphasises the need to re-establish effective communication between all parties, and

education and training for rights-holders.⁵³

SAHRC undertook to continue to monitor implementation of its recommendations for the following two years. This revealed that some recommendations made to government and to the company were implemented, for example, the establishment of a company grievance mechanism, and the institution of advance blast warnings, as well, on the part of the government, as revisions to guidance regarding public participation in the statutory mine-licensing process, on which SAHRC provided advice. However, issues such as the adequacy of general environmental standards, and regulations to address legacy environmental damage of mining activity have not yet been effectively addressed, albeit SAHRC continues to engage on these, with Parliament and national government.

F HUMAN RIGHTS COMMISSION ZAMBIA

1 CONTEXT

1.2 Institution

Zambia's Human Rights Commission is an A-status institution and was established in 1996.⁵⁴ ZHRC has a constitutional and legislative mandate. It is headed by a body of seven part-time commissioners, and manned by a staff of 17 professional

and 36 supporting staff, supplemented by approximately 10 volunteers⁵⁵. It has a total of six offices nationwide. Its mandate includes investigations of alleged human rights abuses, by its own initiative or on receipt of complaints or allegations, and of maladministration of justice, as well as monitoring and advisory functions. The commission is also competent to receive complaints of alleged human rights abuses.

1.2 Business impacts on human rights

ZHRC indicates having engaged with business and human rights since 2008, through the activities of its Economic Social and Cultural Rights Committee, established pursuant to the Human Rights Commission Act⁵⁶. Of complaints received since 1997, ZHRC reports that over half, every year without exception, have concerned alleged violations of labour and employment-related human rights.⁵⁷ In this context ZHRC has drawn attention to near slave-like conditions to which many Zambia workers are subjected, and exploitation by foreign investors, and called on the government to create an environment supporting decent working conditions, including a living wage, by closing current legislative and policy gaps, with reference to Zambia's commitments under UN and ILO instruments. ZHRC also highlighted problems with payment of retirement benefits from the Public Service Pensions Fund.

53 <http://www.sahrc.org.za/home/21/files/Reports/Report%20on%20Site%20Visit%20to%20Mokopane%20-%20December%202008%20Final.pdf>

54 See Article 125 Constitution of Zambia, s9 Human Rights Commission Act No.39 of 1996, Chapter 28 Laws of Zambia, and generally : <http://www.hrc.org.zm/>

55 The volunteers comprise United Nations Volunteers provided for through support from UNDP as well as interns graduating from local colleges and universities.

56 This committee no longer exists following an internal reorganisation of the Commission's work.

57 HRC Expresses Its Concern at Labour Unrests, 7 November 2011, accessible at: <http://www.hrc.org.zm/news.php>

2 NHRI ACTIVITIES AND INTERVENTIONS IN THE BUSINESS AND HUMAN RIGHTS AREA

2.1 ZHRC Submission to the Technical Committee on Drafting the Zambian Constitution July 2012

In its submission on Zambia's draft Constitution, ZHRC included commentaries relating to certain topics relevant to the business and human rights area. Firstly, concerning draft Art.65 on Labour relations, ZHRC proposed the substitution of the word "employment" with the broader term "work", with reference to the UDHR, Article 23(1), Article 6 ICESCR, and the African Charter Article 15. In addition, ZHRC urged revision and inclusion of a more detailed clause in the Constitution on Environment, given widespread pollution and environmental degradation in Zambia.⁵⁸

2.2 State of Human Rights Report in Zambia: Human Rights and the Environment

ZHRC's annual State of Human Rights Reports aim to operationalise the Strategic Objective included in its 2007-11 Strategic Plan, to "...positively influence and monitor development and observance by key national and international human

rights standards by all stakeholders" while additionally supporting progress towards the following objectives:

- Advocating for policy and legislative reforms in Zambia
- Effecting planning and monitoring Human Rights in Zambia and
- Assessing, monitoring and evaluation of the performance of government in the domestic implementation of its international obligations for the protection and promotion of human rights in Zambia.

ZHRC's 2010 State of Human Rights Report focussed on Human Rights and the Environment.⁵⁹ In the report, ZHRC highlights that Zambia's Vision 2030 national development blueprint sets the goal that Zambia should become a Middle Income Country by 2030, and that the medium term development plans devised by the government towards achieving this goal have identified amongst key drivers for the country's economic development Mining, Agriculture and Tourism sectors, all of which are based on the exploitation of natural resources.

In the context of increased economic activity in these and other sectors, the ZHRC highlights seven environment-development linked problems that it as critical:

- Many Zambians suffer from the pollution legacy of many decades of mining
- Zambia has the second highest per

58 HRC Submission to Technical Drafting Committee on Zambian Constitution, available via: <http://www.hrc.org.zm/news.php>.

59 Available at <http://www.hrc.org.zm/media.php?cat=9>

capita deforestation rate in Africa, and the fifth highest in the world

- Zambia is a relatively significant per capita greenhouse gas producer, even though it is not an industrialised country
- Many Zambians are vulnerable to climate variability and climate change
- Zambia's wildlife continues to be threatened, in spite of recent improvements
- Inadequate management of the environment partly explains Zambia's restricted development to date – in terms of poverty rates and low national income/savings
- Inadequate clean water and sanitation.⁶⁰

ZHRC's 2010 report thus focussed on human rights and environment with the three aims: to promote mainstreaming of human rights in environmental management structures in Zambia; to end the perception that human rights and environmental issues are not connected; and to promote attention to the rights of vulnerable and marginalised groups in the course of economic development.

In developing the report, ZHRC relied on a variety of methods in pursuit of a collaborative and consultative approach. Data collection methods included: literature review, questionnaire, interviews and meetings, focus group discussions, case studies and field visits, for instance, across seven provinces of the country.

ZHRC's team analysed data from these sources to reach a range of findings and conclusions. First, ZHRC identified that on-going development activities in Zambia are based on the country's natural resources, with the implication that the environment is a cornerstone for the country's economic and social development, thus calling for sustainable management of such resources, in line with international human rights and other instruments such as the Rio Declaration. Second, ZHRC mapped out the national environmental governance framework, in terms of Constitutional and legislative norms and government policies, and the extent to which these were aligned with human rights requirements. Third, ZHRC undertook a sector-based appraisal of human rights and environment issues focussed on timber-processing, agriculture and mining sectors, identifying human rights abuses arising in each case respectively, in summary:

Timber Processing

Diminishing resource base as a result of increased investments and improved technology

- a) Locals vs foreigners- Mayukwayukwa Refugee Camp in terms of enforcement of laws by the Forestry Department
- b) Labour practices discriminatory e.g. different wages by gender in some industries
- c) Occupational Health and Safety standards flouted in most industries visited.

Agriculture

- a) Vehicle for economic emancipation and food security

60 Ibid., Executive Summary, p.11.

- b) Increased usage of chemicals in the sector
- c) Inadequate public awareness on dangers of chemicals thereby increasing exposure with elevated risks
- d) Poor farming methods such as slash and burn, mono-cropping etc leading to severe land and soil degradation
- e) Social ills such as divorces, wife battery, prostitution as a result of the seasonality of jobs in the sector.

and participation exist, in practice the EIA process is not inclusive to the grassroots level of the community (due to reliance instead on community councils, chiefs etc.), documentation is not accessible by local people, and that there should be more CSO participation in the process to widen community and popular participation to make it more effective. Finally, the report identifies the need to promote participation of specific vulnerable groups with regard to environmental issues: children, persons with disabilities, persons affected by HIV/AIDS, and women.

Mining

- a) Diminishing Resource Base
- b) Diversification from traditional Copper
- c) Social Issues- particularly resettlement issues- World Bank Guidelines followed but multiplier effects not addressed e.g. sustainable livelihoods, “cultural shock” etc.
- d) Labor Practices- un-equal remuneration with foreigners, casualisation- 3 month contracts, Occupational Health and Safety
- e) Environmental destruction- air, water and soil pollution
- f) Land degradation
- g) Health Effects such as respiratory, reproductive and neurodevelopmental impacts.

In its Conclusions and Recommendations, ZHRC identified scope in a number of areas for more effective mainstreaming of human rights standards in existing environmental governance frameworks, especially with regard to procedural human rights in the context of the statutory the Environmental Impact Assessment procedure and the lack of provision at present for follow-up monitoring to verify if developers and others implement obligations set for them by EIAs. Relocations and their multiple impacts were also pinpointed as requiring further investigation and attention. In closing, ZHRC called on the private sector to do business sustainably, upholding the Triple Bottom Line, while also identifying an enhanced role for CSOs in promoting awareness and access to environmental rights.

In terms of lessons learned from this exercise, although the report was successful in highlighting relevant issues, and sensitising rights holders and duty bearers, ZHRC notes the lack of proper follow-up to publication of its report, due to lack of resources and capacity. Ideally, a follow up plan would have identified specific interventions in relation to each of the gaps, risk and needs identified. From this ZHRC concludes the

Next, ZHRC addressed provision for participation and access to information relating to the environmental impact assessment process, finding that while in technical terms, rights to information

II. PROJECT PANEL

Institution	Country	Name	Position
National Commission on Human Rights and Freedoms	Cameroon	Dr Chemuta Banda	President
Commission on Human Rights and Administrative Justice	Ghana	Mr Joseph Whittal	Deputy Commissioner Human Rights
Malawi Human Rights Commission	Malawi	Mr Marshall Chilenga	Commissioner
Conseil National des Droits de l'Homme (CNDH)	Morocco	Ms Nabila Tbeur	Directrice Exécutive de la Commission Régionale des Droits de l'Homme Casablanca-Settat
NANHRI Secretariat	-	Mr Gilbert Sebihogo	Director
Raoul Wallenberg Institute	-	Dr Radu Mares	Senior Researcher
Danish Institute for Human Rights	-	Dr Claire Methven O'Brien	Senior Adviser

IV. CASE STUDY TEMPLATE

1. Objective

The objective of including case studies in the NANRI mapping survey is to give concrete evidence of interventions, best practices, and challenges and capacity development needs faced, by NHRIs across the continent concerning business and human rights. The case studies should be geographically representative of the NANHRI members, and also represent institutions at different stages and levels of engagement and activities on business and human rights. Case studies can also test possible conclusions to be drawn from the mapping survey questionnaire analysis.

2. Focus

Case studies can focus on any experience of NHRIs relevant to the TOR of the NANHRI Mapping Survey, for example, NHRI interventions, experiences or activities in relation to:

- Abuses of human rights by business actors, whether multinational enterprises or small-medium sized enterprises
- Government regulation or failure to effectively regulate business actors

- Promoting access to remedy for business-related human rights complaints by victims, e.g. through complaints-handling, mediation or conciliation, or providing information or education to rights-holders or civil society
- Interaction with international or regional systems of human rights protection (e.g. UPR, African Commission) in relation to business and human rights issues
- Land-related, environment-related or labour-related business and human rights issues.
- Capacity building needs of NHRIs on business and human rights

3. Method

- i. Provisional identification of 5 NHRIs for inclusion as case studies based on desk-top study, in consultation with Project Panel
- ii. Seek agreement of relevant NHRIs to be included in the Mapping Survey as case studies
- iii. Establishment of Contact Point and completion of Mapping Survey

- Questionnaire by case study NHRIs;
return of completed questionnaire
- iv. DIHR to conduct up to 3 additional interviews, with agreement of NHRI, with commissioners, staff and/or stakeholders regarding experience of NHRI on business and human rights.
 - v. Sharing by NHRI of any additional relevant documentation needed for the case study (e.g. project materials, policies of NHRI).

4. Provisional selection of NHRIs for case studies

In consultation with the Project Panel, the following 5 NHRIs have been provisionally selected for inclusion as case studies: Cameroon, Kenya, Morocco, Sierra Leone, South Africa, Burundi.

5. Format

Case study research will be conducted using the format included below. A concise Case Study Report (approximately 4 pages) will then be produced. A shortened version of the case study will be included in the Mapping Survey, while the full Case Study Reports will be published on the NANHRI website and ICC Business and Human Rights website, to promote accessibility to NANHRI members and other NHRIs.

General Information	
Date of interview	
Location of interview / Telephone interview	
Name of institution	
Interviewee 1	
Name	
Position	
Interviewee 2	
Name	
Position	
General circumstances of institution relevant to human rights and business	
Type of NHRI	
Comments regarding the NHRI's mandate to work on HRB	
Any general opportunities or challenges facing institution with respect to fulfilling mandate	

Topic	
Best practice / challenge for the case study	
Approach	
Describe situation/issue giving rise to the best practice / challenge	
Past involvement of the NHRI with the issue	
Stakeholders for the issue (e.g. government agencies, business, civil society, affected rights-holders, international agencies, investors, trade union, consumer groups, etc.)	
How did the issue come to the NHRI's attention?	
What was the NHRI's initial response to the issue?	
Was this response successful in addressing the issue? Did your intervention have its intended outcome?	
If no, describe problems or obstacle you experienced and your follow up response these obstacles / problems	
Internal obstacles / problems	
External obstacles / problems	
If yes, explain why the approach was successful	
Describe things you would do differently today, knowing what you know now	

How has the issue affected your NHRI's policy, approach or activities on human rights and business issues, going forward?	
What do you think your experience can tell us about NHRIs in Africa and their mandate on business and human rights?	
What does your experience show about the capacities and needs of NANHRI members in relation to business and human rights?	

V. MAPPING SURVEY QUESTIONNAIRE – GUIDANCE FOR NHRIS

Who should complete the questionnaire?

- We suggest that the nominated Contact Point for the Mapping Survey complete the questionnaire together in a meeting with 1 or 2 other colleagues who have relevant knowledge about the activities of your institution.
- If you cannot complete the questionnaire together in a meeting, please still try to gather inputs from 1 or 2 other colleagues, so that the responses better reflect the experience of the whole institution, rather than 1 person.

How do we complete the questionnaire?

- Please answer all the questions.
- You can answer the questionnaire electronically or by handwriting on a printed copy. If you are using handwriting on a printed copy, please scan and return by email, or by fax.
- Most of the questions in the questionnaire have been formulated so they require one or more (depending on the question) “X” in the boxes indicated for each question.
- There are no “right” or “wrong” answers to the questions. Please simply respond by marking the options that most accurately describe the situation for your NHRI.
- There are a total of 50 questions, in three sections: A – Basic Information; B – Human rights and business activities and issues; C – Capacity and needs.

How long will it take to complete the questionnaire?

- We estimate it will take 2-3 hours to complete all questions in the questionnaire.

Will our responses to questions be kept confidential?

- All responses from the questionnaire will be anonymised so that individual NHRIs and individuals within NHRIs cannot be identified from the final Baseline report.
- The completed questionnaires will be retained by DIHR and NANHRI and will not be shared more widely.

Who should we contact with any queries about the questionnaire?

- Please contact Thorbjørn Lundsgaard (thlu@humanrights.dk) if you have any questions about completing the questionnaire.

Please return your completed questionnaire to thlu@humanrights.dk no later than Wednesday 21 November 2012.

NANHRI BUSINESS AND HUMAN RIGHTS BASELINE SURVEY

A. BASIC INFORMATION

1. NAME OF NHRI	
2. YEAR OF ESTABLISHMENT	
3. COUNTRY	
4. NAME(S) AND TITLE(S) OF RESPONDENT(S)	

5. WHAT IS THE LEGAL BASIS OF YOUR NHRI (USE AN "X" IN RIGHT COLUMN)	
1. CONSTITUTIONAL MANDATE	
2. LEGISLATIVE MANDATE	
3. BOTH CONSTITUTIONAL & LEGISLATIVE	
6. OTHER TYPE LEGAL BASIS? (PLS. SPECIFY)	

7. WHAT IS THE LEVEL OF ICC ACCREDITATION OF YOUR NHRI (PLEASE USE "X")	
1. "A" VOTING MEMBER, FULL COMPLIANCE WITH PARIS PRINCIPLES	
2. "B" OBSERVER MEMBER, NOT DOCUMENTED FULL COMPLIANCE WITH PARIS PRINCIPLES	
3. "C" NON-MEMBER, NO PARIS PRINCIPLES COMPLIANCE	

8. WHICH OF THE NHRI TYPES MENTIONED BELOW MOST CLOSELY CHARACTERISES YOUR NHRI (PLEASE USE "X")	
1. HUMAN RIGHTS COMMISSION	
2. HUMAN RIGHTS	
3. HYBRID INSTITUTION	
4. CONSULTATIVE AND ADVISORY BODY	
5. INSTITUTE A CENTRE	
6. MULTIPLE INSTITUTIONS	

9. NUMBER OF FULL-TIME COMMISSIONERS	
10. NUMBER OF PART-TIME COMMISSIONERS	
11. NUMBER OF FULL-TIME PROFESSIONAL STAFF	
12. A NUMBER OF PART-TIME PROFESSIONAL STAFF	
13. NUMBER OF SUPPORT STAFF	
14. NUMBER OF NON –PAID VOLUNTEERS	
15. NUMBER OF NHRI OFFICES (HEADQUARTERS & FIELD OFFICES)	
16. APPROXIMATE ANNUAL BUDGET OF NHRI (PLEASE SPECIFY AMOUNT AND CURRENCY)	

17. DID ANYONE FROM YOUR NHRI ATTEND THE 2010 ICC EDINBURGH BIENNIAL CONFERENCE ON BUSINESS AND HUMAN RIGHTS (PLEASE USE "X")			
1. YES		2. NO	

18. DID ANYONE FROM YOUR NHRI ATTEND THE 2011 NANHRI REGIONAL WORKSHOP ON BUSINESS AND HUMAN RIGHTS IN YAOUNDE, CAMEROON?

1. YES			2. NO	
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19. DOES YOUR NHRI CONSIDER THAT YOUR MANDATE ADEQUATELY PERMITS ACTIVITIES ON HUMAN RIGHTS & BUSINESS (HR & B)? (PLEASE USE "X")

1. YES			2. NO	
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20. WHICH TYPES OF HR & B ACTIVITIES IS YOUR NHRI CURRENTLY UNDERTAKING OR HAVE YOU UNDERTAKEN IN THE PAST 5 YEARS? (PLEASE USE "X")

1. PROMOTION OF HUMAN RIGHTS TO THE BUSINESS SECTOR	
2. INVESTIGATIONS CONCERNING BUSINESS RELATED HUMAN RIGHTS ABUSES	
3. COMPLAINTS HANDLING CONCERNING HUMAN RIGHTS ABUSES IN BUSINESS SECTOR	
4. CONCILIATION / MEDIATION	
5. INCLUDING HR & B IN MONITORING AND REPORTING TO INTERNATIONAL OR REGIONAL BODIES	
6. HUMAN RIGHTS EDUCATION	
7. RECOMMENDATION TO GOVERNMENT ON HUMAN RIGHTS AND BUSINESS	
8. COOPERATE SOCIAL RESPONSIBILITY	
9. RESEARCH	

21. SINCE WHEN HAS YOUR NHRI UNDERTAKEN ACTIVITIES ON HR & B? (PLEASE SPECIFY YEAR)

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22. DOES YOUR NHRI HAVE A FOCAL POINT ASSIGNED TO BE IN CHARGE OF HR & B? (PLEASE USE "X")	
1. YES, WE HAVE ASSIGNED A HR & B FOCAL POINT IN OUR NHRI	
2. NO, WE DO NOT HAVE A HR & B FOCAL POINT	

23. HOW DOES YOUR NHRI ASSESS ITS CAPACITY FOR HR & B ACTIVITIES? (PLEASE USE "X")	
1. WE LACK CAPACITY TO WORK ON HR & B AT ALL	
2. IN PRACTICE WE DEAL WITH HR & B ISSUES BUT LACK CAPACITY TO DO SO EFFECTIVELY	
3. WE MANAGE TO DEAL WITH INDIVIDUAL HR & B ISSUES IN PRACTICE BUT LACK CAPACITY TO ADDRESS IT SYTEMATICALLY	
4. WE ARE CAPABLE OF WORKING ON HR & B ISSUES BUT LACK EXPERTISE IN SOME AREAS	
5. WE HAVE FULL CAPACITY TO WORK ON HR & B AS AN INTEGRATED PART OF OUR GENERAL ACTIVITIES WITH ADEQUATE EXPERTISE IN ALL AREAS	

24. TO WHICH EXTENT DOES YOUR NHRI CONDUCT THE FOLLOWING TYPES OF ACTIVITIES IN GENERAL (I.E. NOT RESTRICTED TO A & B ISSUES)? (PLEASE USE "X")		1. TO A HIGH EXTENT	2. TO A GOOD EXTENT	3. TO SOME EXTENT	4. TO A LIMITED EXTENT	5. NOT AT ALL
A	HUMAN RIGHTS MONITORING					
B	NATIONAL HUMAN RIGHTS REPORTING					
C	HUMAN RIGHTS REPORTING TO THE UN AND AU SYSTEMS					
D	DOCUMENTATION OF HUMAN RIGHTS ABUSES					
E	PROMOTION / ADVOCACY FOR HUMAN RIGHTS					
F	ADVICE TO GOVERNMENT ON HUMAN RIGHTS ISSUES					
G	SCRUTINY OF DRAFT LEGISLATION FOR ALIGNMENT WITH HUMAN RIGHTS STANDARDS					
H	PUBLIC AWARENESS RAISING ON HUMAN RIGHTS FOR ALL					
I	RECEIVING COMPLAINTS ABOUT HUMAN RIGHTS ABUSES					
J	HANDLING OF COMPLAINTS ON HUMAN RIGHTS ABUSES					
K	UNDERTAKING FORMAL INVESTIGATIONS					
L	PRODUCTION OF "HOW TO DO" MANUALS ON HUMAN RIGHTS ISSUES					
M	PROVISION OF GUIDANCE ON HUMAN RIGHTS ISSUES					
N	DELIVERY OF HUMAN RIGHTS TRAINING (E.G. COURSES)					
O	DELIVERY OF HUMAN RIGHTS EDUCATION (FOR INSTANCE UNIVERSITY LEVEL COURSES, COURSES FOR PROFESSIONALS ETC.)					
P	SCIENTIFIC ARTICLES ON HUMAN RIGHTS ISSUES					
Q	PUBLIC MEDIA WORK ON HUMAN RIGHTS ISSUES					
R	PUBLICATIONS ON HUMAN RIGHTS ISSUES					

25. TO WHICH EXTENT ARE CIVIL AND POLITICAL RIGHTS IMPORTANT IN RELATION TO YOUR NHRI MANDATE? (PLEASE USE "X" IN RIGHT COLUMN)	
1. TO A VERY HIGH EXTENT	
2. TO AN HIGH EXTENT	
3. TO SOME EXTENT	
4. TO A LIMITED EXTENT	
5. NOT AT ALL	

26. TO WHICH EXTENT ARE ECONOMIC AND SOCIAL RIGHTS IMPORTANT IN RELATION TO YOUR NHRI MANDATE? (PLEASE USE "X" IN RIGHT COLUMN)	
1. TO A VERY HIGH EXTENT	
2. TO AN HIGH EXTENT	
3. TO SOME EXTENT RATHER IMPORTANT	
4. TO A LIMITED EXTENT	
5. NOT AT ALL	

B. HUMAN RIGHTS & BUSINESS ACTIVITIES

27. TO WHICH EXTENT IS YOUR NHRI FAMILIAR WITH THE FOLLOWING INTERNATIONAL HR & B FRAMEWORKS? (PLEASE USE "X" IN RIGHT COLUMNS)		1. TO A HIGH EXTENT	2. TO A GOOD EXTENT	3. TO SOME EXTENT	4. TO A LIMITED EXTENT	5. NOT AT ALL
A	UN GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS					
B	UN GLOBAL COMPACT					
C	OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES					
D	ILO CORE LABOUR STANDARDS					
E	ILO CONVENTION 169					
F	EXTRACTIVE INDUSTRIES TRANSPARENCY INITIATIVE					
G	VOLUNTARY PRICIPLES ON BUSINESS & HUMAN RIGHTS					
H	UN ANTI - CORRUPTION					
I	OECD ANTI CORRUPTION CONVENTION					
J	IFC PERFORMANCE STANDARDS					
K	WORLD BANK OPERATIONAL POLICIES					
L	EQUATOR PRINCIPLES					
M	AFRICAN COMMISSION WORKING GROUP ON THE EXTRACTIVE INDUSTRIES					
N	AFRICAN COMMISSION WORKING GROUP ON INDIGENOUS PEOPLES RIGHTS					
O	UN WORKING GROUP ON BUSINESS AND HUMAN RIGHTS					
P	OTHER (PLEASE SPECIFY)					

28. HOW RELEVANT ARE THE FOLLOWING HR & B ISSUES IN YOUR JURISDICTION? (PLEASE USE "X")		1. HIGHLY RELEVANT	2. RELEVANT	3. IRRELEVANT	4. HIGHLY IRRELEVANT	5. DON'T KNOW
LABOUR						
A	FORCED LABOUR/ BONDED LABOUR/INDENTURED LABOUR					
B	DISCRIMINATION IN EMPLOYMENT / WORKPLACE					
C	CHILD LABOUR					
D	UNSAFE OR UNHEALTHY WORKING CONDITIONS					
E	FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING					
F	EXCESSIVE WORKING HOURS					
G	PROBLEMS WITH PAY (LOW PAY, LATE PAYMENT, NON-PAYMENT OF WAGES, DEDUCTIONS FROM WAGES)					
H	SOCIAL DUMPING (LOW PAID FOREIGN WORKERS)					
I	IMPACTS OF LARGE INFLUX OF WORKERS (E.G. PROSTITUTION, CRIMINALITY, HOUSE PRICE INFLATION, ENERGY SCARCITY)					
J	HUMAN TRAFFICKING					
K	ABUSES OF WORKERS BY PRIVATE OR PUBLIC SECURITY GUARDS					
L	MATERNITY LEAVE					
M	SEXUAL HARASSMENT					
ENVIRONMENT						
L	WATER POLLUTION BY BUSINESS					
M	AIR POLLUTION BY BUSINESS					
N	OTHER WASTE E.G. REFUSE					
O	CHEMICAL HAZARDS SUCH AS SPILLS					

P	OTHER ENVIRONMENTAL HAZARDS					
Q	SAFETY RISKS FROM TRANSPORTATION					
R	NOISE POLLUTION					
LAND						
S	LAND GRAB					
T	ABUSE OF INDIGENOUS PEOPLES' RIGHTS CONNECTED TO LAND					
U	PROBLEMS WITH PUBLIC OR PRIVATE SECURITY GUARDS PROTECTING BUSINESS SITES, EQUIPMENT OR BUSINESS PERSONNEL					
OTHER ISSUES						
V	ANTI-CORRUPTION IN AND CONNECTED TO BUSINESS SECTOR					

29. HAVE YOU RECEIVED COMPLAINTS OR ALLEGATIONS WITHIN THE LAST 5 YEARS RELATED TO THE FOLLOWING HR & B ISSUES IN YOUR JURISDICTION? (PLEASE USE "X")		1. WE HAVE RECEIVED MANY	2. WE HAVE RECEIVED SOME	3. WE HAVE RECEIVED A FEW	4. WE HAVE NOT RECEIVED ANY	5. DON'T KNOW
LABOUR						
A	FORCED LABOUR/ BONDED LABOUR/INDENTURED LABOUR					
B	DISCRIMINATION IN EMPLOYMENT / WORKPLACE					
C	CHILD LABOUR					
D	UNSAFE OR UNHEALTHY WORKING CONDITIONS					
E	FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING					
F	EXCESSIVE WORKING HOURS					
G	PROBLEMS WITH PAY (LOW PAY, LATE PAYMENT, NON-PAYMENT OF WAGES, DEDUCTIONS FROM WAGES)					
H	SOCIAL DUMPING (LOW PAID FOREIGN WORKERS)					
I	IMPACTS OF LARGE INFLUX OF WORKERS (E.G. PROSTITUTION, CRIMINALITY, HOUSE PRICE INFLATION, ENERGY SCARCITY)					
J	HUMAN TRAFFICKING					
K	ABUSES OF WORKERS BY PRIVATE OR PUBLIC SECURITY GUARDS					
L	MATERNITY LEAVE					
M	SEXUAL HARASSMENT					
ENVIRONMENT						
L	WATER POLLUTION BY BUSINESS					
M	AUR POLLUTION BY BUSINESS					

N	OTHER WASTE E.G. REFUSE					
O	CHEMICAL HAZARDS SUCH AS SPILLS					
P	OTHER ENVIRONMENTAL HAZARDS					
Q	SAFETY RISKS FROM TRANSPORTATION					
R	NOISE POLLUTION					
LAND						
S	LAND GRAB					
T	ABUSE OF INDIGENOUS PEOPLES' RIGHTS CONNECTED TO LAND					
U	PROBLEMS WITH PUBLIC OR PRIVATE SECURITY GUARDS PROTECTING BUSINESS SITES, EQUIPMENT OR BUSINESS PERSONNEL					
OTHER ISSUES						
V	ANTI-CORRUPTION IN AND CONNECTED TO BUSINESS SECTOR					

30. ACCORDING TO YOUR KNOWLEDGE, TO WHICH EXTENT ARE THE FOLLOWING INDUSTRIAL SECTORS INVOLVED IN NEGATIVE HUMAN RIGHTS IMPACTS IN YOUR COUNTRY? (PLEASE USE "X")		1. TO A HIGH EXTENT	2. TO SOME EXTENT	3. TO A LIMITED EXTENT	4. NOT AT ALL	5. DON'T KNOW
A	MINING					
B	OIL AND GAS					
C	HYDROPOWER					
D	AGRICULTURE					
E	CIVIL CONSTRUCTION – ROADS, BRIDGES ETC.					
F	UTILITIES					
G	INDUSTRIAL MANUFACTURING					
H	FINANCIAL SERVICES (BANKING, INSURANCE ETC.)					
I	FOOD AND DRINK					
J	IT, ELECTRONICS AND TELECOMMUNICATIONS					
K	PHARMACEUTICAL AND CHEMICAL					
L	RETAIL AND CONSUMER GOODS					

31. WITHIN THE LAST 5 YEARS TO WHICH EXTENT HAS YOUR NHRI RECEIVED COMPLAINTS OF HUMAN RIGHTS ABUSES RELATED TO THE FOLLOWING INDUSTRIAL SECTORS? (PLEASE USE "X")		1. WE HAVE RECEIVED MANY	2. WE HAVE RECEIVED SOME	3. WE HAVE RECEIVED A FEW	4. WE HAVE NOT RECEIVED ANY	5. DON'T KNOW
A	MINING					
B	OIL AND GAS					
C	HYDROPOWER					
D	AGRICULTURE					
E	CIVIL CONSTRUCTION – ROADS, BRIDGES ETC.					
F	UTILITIES					
G	INDUSTRIAL MANUFACTURING					
H	FINANCIAL SERVICES (BANKING, INSURANCE ETC.)					
I	FOOD AND DRINK					
J	IT, ELECTRONICS AND TELECOMMUNICATIONS					
K	PHARMACEUTICAL AND CHEMICAL					
L	RETAIL AND CONSUMER GOODS					
M	TOURISM					

32. TO WHICH EXTENT HAVE YOU PROVIDED INFORMATION TO OR RECEIVED INFORMATION FROM THE FOLLOWING ENTITIES IN RELATION TO HR & B ISSUES (PLEASE USE "X")		1. TO A HIGH EXTENT	2. TO SOME EXTENT	3. TO A LIMITED EXTENT	4. NOT AT ALL	5. DON'T KNOW
A	MINISTRY OF THE NATIONAL GOVERNMENT					
B	AGENCY OF THE NATIONAL GOVERNMENT					
C	LOCAL GOVERNMENT AUTHORITIES					
D	MULTINATIONAL ENTERPRISES					
E	LOCAL BUSINESS					
F	LOCAL MEDIA					
G	INTERNATIONAL MEDIA					
H	NATIONAL CIVIL SOCIETY ORGANISATION OR NGO					
I	LAWYERS REPRESENTING VICTIMS					
J	FOREIGN GOVERNMENT OR EMBASSY					
K	INTERNATIONAL DONOR ORGANISATION					
L	INTERNATIONAL AGENCY (E.G. UN)					
M	OTHER NHRI					
N	POLICE					
O	MILITARY					
P	PRIVATISED UTILITY COMPANIES					
Q	COMMUNITY LEADERS OR CHIEFS					
R	TRADE UNION OR LABOUR					
S	NATIONAL BUSINESS ASSOCIATIONS					
T	ICC OR ICC WG ON HR & B					

33. TO WHICH EXTENT HAS YOUR NHRI DURING THE PAST YEAR RECEIVED COMPLAINTS OR ALLEGATIONS OF HUMAN RIGHTS ABUSES ALLEGEDLY COMMITTED BY THE FOLLOWING ENTITIES? (PLEASE USE "X" IN RIGHT COLUMNS)		1. TO A HIGH EXTENT	2. TO SOME EXTENT	3. TO A LIMITED EXTENT	4. NOT AT ALL	5. DON'T KNOW
A	MULTINATIONAL ENTERPRISES					
B	LARGE NATIONAL COMPANIES					
C	COMPANIES PROVIDING PUBLIC SERVICES (E.G. WATER, ELECTRICITY)					
D	SMALL AND MEDIUM SIZED ENTERPRISES					
E	STATE-OWNED ENTERPRISES					

34. TO WHICH EXTENT IS YOUR NHRI CONCERNED ABOUT NEGATIVE IMPACTS OF BUSINESS ON HUMAN RIGHTS IN YOUR COUNTRY? (PLEASE USE "X" IN RIGHT COLUMN)	
1. TO A HIGH EXTENT	
2. TO SOME EXTENT	
3. TO A LIMITED EXTENT	
4. NOT AT ALL	
5. DON'T KNOW	

35. TO WHICH EXTENT DO YOU ASSESS THAT THE FREQUENCY OF HUMAN RIGHTS ABUSES IN THE BUSINESS SECTOR IS INCREASING OVER TIME? (PLEASE USE "X" IN RIGHT COLUMN)	
1. TO A HIGH EXTENT	
2. TO SOME EXTENT	
3. TO A LIMITED EXTENT	
4. NOT AT ALL	
5. DON'T KNOW	

36. TO WHICH EXTENT DO YOU ASSESS THAT THE SERIOUSNESS OF HUMAN RIGHTS ABUSES IN THE BUSINESS SECTOR IS INCREASING OVER TIME? (PLEASE USE "X" IN RIGHT COLUMN)	
1. TO A HIGH EXTENT	
2. TO SOME EXTENT	
3. TO A LIMITED EXTENT	
4. NOT AT ALL	
5. DON'T KNOW	

37. TO WHICH EXTENT DOES YOUR NHRI USE STRATEGIC PLANNING AS A TOOL FOR ENSURING THE IMPLEMENTATION OF ITS MANDATE? (PLEASE USE "X" IN RIGHT COLUMN)	
1. TO A HIGH EXTENT	
2. TO SOME EXTENT	
3. TO A LIMITED EXTENT	
4. NOT AT ALL	
5. DON'T KNOW	

38. TO WHICH EXTENT ARE HR & B ISSUES ADDRESSED IN THE STRATEGIC PLAN OF YOUR NHRI? (PLEASE USE "X" IN RIGHT COLUMN; YOU MAY MARK MORE THAN 1 COLUMN)		1. TO A HIGH EXTENT	2. TO SOME EXTENT	3. TO A LIMITED EXTENT	4. NOT AT ALL	5. DON'T KNOW
A	CIVIL AND POLITICAL RIGHTS ISSUES					
B	ECONOMIC AND SOCIAL RIGHTS ISSUES					
C	5. HUMAN RIGHTS AND BUSINESS					

39. HAS YOUR NHRI REFERRED TO HUMAN RIGHTS ABUSES IN THE BUSINESS SECTOR? (PLEASE USE "X" IN RIGHT COLUMNS; YOU MAY MARK MORE THAN 1 COLUMN)		1. TO A HIGH EXTENT	2. TO SOME EXTENT	3. TO A LIMITED EXTENT	4. NOT AT ALL	5. DON'T KNOW
A	IN SUBMISSIONS OR REPORTS TO INTERNATIONAL BODIES					
B	IN SUBMISSIONS OR REPORTS TO REGIONAL BODIES					
C	IN NATIONAL REPORTS					
	IN CONFERENCES, ROUNDTABLES OR WORKSHOPS					
	IN MEDIA STATEMENTS, INTERVIEWS OR PRESS ARTICLES					
	IN DIRECT COMMUNICATIONS WITH DUTY-BEARERS					

C. CAPACITY AND NEEDS

40. TO WHICH EXTENT DO YOU THINK THAT THE INSTITUTIONAL CAPACITY OF YOUR NHRI IS ADEQUATE TO ADDRESS HR & B ISSUES? (PLEASE USE "X")			
1. HIGHLY SUFFICIENT		2. SUFFICIENT	
3. NOT QUITE SUFFICIENT		4. INSUFFICIENT	
5. DON'T KNOW			

41. DO YOU HAVE A SUFFICIENT NUMBER OF STAFF AVAILABLE TO ENABLE YOUR NHRI TO ADDRESS HR & B ISSUES? (PLEASE USE "X")			
1. HIGHLY SUFFICIENT		2. SUFFICIENT	
3. NOT QUITE SUFFICIENT		4. INSUFFICIENT	
5. DON'T KNOW			

42. TO WHICH EXTENT IS THE BUDGET OF YOUR NHRI SUFFICIENT TO ALLOW YOU TO ADDRESS HR & B ISSUES ADEQUATELY? (PLEASE USE "X")			
1. HIGHLY SUFFICIENT		2. SUFFICIENT	
3. NOT QUITE SUFFICIENT		4. INSUFFICIENT	
5. DON'T KNOW			

43. TO WHICH EXTENT DO PERSONNEL IN YOUR NHRI HAVE SUFFICIENT KNOWLEDGE OF HR & B STANDARDS AND FRAMEWORKS TO ADDRESS HR & B ISSUES ADEQUATELY ? (PLEASE USE "X")			
1. HIGHLY SUFFICIENT		2. SUFFICIENT	
3. NOT QUITE SUFFICIENT		4. INSUFFICIENT	
5. DON'T KNOW			

44. TO WHICH EXTENT DO PERSONNEL IN YOUR NHRI HAVE SUFFICIENT KNOWLEDGE METHODOLOGIES AND TECHNIQUES TO ADDRESS HR & B ISSUES ADEQUATELY? (PLEASE USE "X")

1. HIGHLY SUFFICIENT	<input type="checkbox"/>	2. SUFFICIENT	<input type="checkbox"/>
3. NOT QUITE SUFFICIENT	<input type="checkbox"/>	4. INSUFFICIENT	<input type="checkbox"/>
5. DON'T KNOW	<input type="checkbox"/>		

45. PLEASE INDICATE TO WHICH EXTENT THE FOLLOWING SUPPORTING ACTIVITIES COULD BE USEFUL TO YOUR NHRI (PLEASE USE "X")		1. TO A HIGH EXTENT	2. TO SOME EXTENT	3. TO A LIMITED EXTENT	4. NOT AT ALL	5. DON'T KNOW
A	SUPPORT TO HAVE YOUR NHRI LEGAL MANDATE CHANGED OR AMENDED					
B	SUPPORT TO IMPROVE YOUR NHRI'S INDEPENDENCE, IMPARTIALITY OR PLURALISM					
C	GENERAL SUPPORT FOR HUMAN RIGHTS CAPACITY OF COMMISSIONERS					
D	GENERAL SUPPORT FOR HUMAN RIGHTS CAPACITY OF STAFF					
E	GENERAL SUPPORT FOR ORGNISATIONAL INFRASTRUCTURE					
F	GENERAL SUPPORT FOR SENSITISATION OF BUSINESS SECTOR AND STATE AUTHORITIES ON HUMAN RIGHTS AND BUSINESS					
G	GENERAL TRAINING IN HUMAN RIGHTS AND BUSINESS ISSUES					
H	HARD COPY HR& BTRAINING MATERIALS					
I	ONLINE HR & B TRAINING MATERIALS					
J	TRAINING IN UN GUIDING PRINCIPLES AND THE "PROTECT, RESPECT AND REMEDY" FRAMEWORK					
K	TRAINING ON OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES					
L	PEER LEARNING / TWINNING WITH OTHER NHRIS					
M	SUB-REGIONAL EVENTS OR NETWORKS					
N	THEMATIC REGIONAL WORKING GROUPS					
O	SUPPERT FOR INTEGRATING BUSINESS INTO STRATEGIC PLANNING					

46. PLEASE INDICATE TO WHICH EXTENT TRAINING AND SUPPORT TO USE THE FOLLOWING SPECIFIC TECHNIQUES WOULD BE USEFUL TO YOUR NHRI (PLEASE USE "X")		1. TO A HIGH EXTENT	2. TO SOME EXTENT	3. TO A LIMITED EXTENT	4. NOT AT ALL	5. DON'T KNOW
GENERAL HR TECHNIQUES						
A	HOW TO CONDUCT FORMAL INVESTIGATIONS					
B	HOW TO UNDERTAKE COMPLAINTS HANDLING					
C	HOW TO APPROACH AND CONDUCT DIALOGUE WITH BUSINESS AND BUSINESS PEOPLE					
D	HOW TO DO STRATEGIC PLANNING					
E	HOW TO DO AN INTERNAL ORGANISATIONAL ASSESSMENT					
F	HOW TO DEVELOP PERFORMANCE AND RESULT INDICATORS FOR YOUR ACTIVITIES					
G	HOW TO DO HUMAN RIGHTS MONITORING					
H	HOW TO DOCUMENT HUMAN RIGHTS ABUSES					
I	HOW TO DO HUMAN RIGHTS REPORTING (NATIONAL AND INTERNATIONAL)					
J	HOW TO ADVOCATE / PROMOTE RESPECT OF HUMAN RIGHTS RELATED TO BUSINESS					
K	HOW TO CONVENE AND CONDUCT MULTISTAKEHOLDERS ROUNDTABLES					
SPECIFIC HR & B TECHNIQUES						
L	HOW TO PRODUCE GUIDANCE FOR BUSINESS ON RESPECT FOR HUMAN RIGHTS					
M	HOW TO CONDUCT HUMAN RIGHTS IMPACT ASSESSEMENT OF BUSINESS ACTIVITIES					
N	HOW TO USE UN OR OTHER INTERNATIONAL PROCEDURES TO ADDRESS BUSINESS ISSUES					
O	HOW TO USE AFRICAN REGIONAL PROCESSES AND MECHANISMS TO ADDRESS BUSINESS ISSUES					

47. PLEASE INDICATE TO WHICH EXTENT TRAINING RELATING TO SPECIFIC HR & BUSINESS SECTORS / ISSUES WOULD BE USEFUL TO YOUR NHRI (PLEASE USE "X")		1. TO A HIGH EXTENT	2. TO SOME EXTENT	3. TO A LIMITED EXTENT	4. NOT AT ALL	5. DON'T KNOW
A	EXTRACTIVE SECTOR					
B	LABOUR RIGHTS					
C	LAND-RELATED RIGHTS					
D	ENVIRONMENT-RELATED RIGHTS					

48. PLEASE INDICATE TO WHICH EXTENT YOUR NHRI NEEDS THE DIFFERENT TYPES OF HR & B CAPACITY BUILDING (PLEASE USE "X")		1. TO A HIGH EXTENT	2. TO SOME EXTENT	3. TO A LIMITED EXTENT	4. NOT AT ALL	5. DON'T KNOW
LABOUR RIGHTS & WORKING CONDITIONS						
A	HUMAN RIGHTS EDUCATION					
B	INSTITUTIONAL CAPACITY BUILDING					
C	STRATEGIC PLANNING					
LAND-RELATED HUMAN RIGHTS						
D	HUMAN RIGHTS EDUCATION					
E	INSTITUTIONAL CAPACITY BUILDING					
F	STRATEGIC PLANNING					

ENVIRONMENT-RELATED HUMAN RIGHTS					
G	HUMAN RIGHTS EDUCATION				
H	INSTITUTIONAL CAPACITY BUILDING				
I	STRATEGIC PLANNING				

49. PLEASE INDICATE TO WHICH EXTENT YOUR NHRI REQUIRES CAPACITY DEVELOPMENT RELATING TO THE FOLLOWING SPECIFIC HUMAN RIGHTS AND BUSINESS ISSUES (PLEASE USE "X")		1. TO A VERY HIGH EXTENT	2. TO A HIGH EXTENT	3. TO SOME EXTENT	4. TO A LIMITED EXTENT	5. NOT AT ALL
LABOUR						
A	FORCED LABOUR/ BONDED LABOUR/INDENTURED LABOUR					
B	DISCRIMINATION IN EMPLOYMENT / WORKPLACE					
C	CHILD LABOUR					
D	UNSAFE OR UNHEALTHY WORKING CONDITIONS					
E	FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING					
F	EXCESSIVE WORKING HOURS					
G	PROBLEMS WITH PAY (LOW PAY, LATE PAYMENT, NON-PAYMENT OF WAGES, DEDUCTIONS FROM WAGES)					
H	SOCIAL DUMPING (LOW PAID FOREIGN WORKERS)					
I	IMPACTS OF LARGE INFLUX OF WORKERS (E.G. PROSTITUTION, CRIMINALITY, HOUSE PRICE INFLATION, ENERGY SCARCITY)					
J	HUMAN TRAFFICKING					
K	ABUSES OF WORKERS BY PRIVATE OR PUBLIC SECURITY GUARDS					

ENVIRONMENT					
L	WATER POLLUTION BY BUSINESS				
M	AIR POLLUTION BY BUSINESS				
N	OTHER WASTE E.G. REFUSE				
O	CHEMICAL HAZARDS SUCH AS SPILLS				
P	OTHER ENVIRONMENTAL HAZARDS				
Q	SAFETY RISKS FROM TRANSPORTATION				
R	NOISE POLLUTION				
LAND					
S	LAND GRAB				
T	ABUSE OF INDIGENOUS PEOPLES' RIGHTS CONNECTED TO LAND				
U	PROBLEMS WITH PUBLIC OR PRIVATE SECURITY GUARDS PROTECTING BUSINESS SITES, EQUIPMENT OR BUSINESS PERSONNEL				
OTHER ISSUES					
V	ANTI-CORRUPTION IN AND CONNECTED TO BUSINESS SECTOR				

50. DO YOU HAVE FURTHER OBSERVATIONS / IDEAS ON HOW CAPACITIES OF NHRIS IN AFRICA COULD BE STRENGTHENED IN RELATION TO HANDLING HUMAN RIGHTS AND BUSINESS ISSUES ?

51. ANY OTHER REMARKS:



NETWORK OF AFRICAN NATIONAL HUMAN RIGHTS INSTITUTIONS
