

FEEDBACK FORM

**ICC Working Group on Business and Human Rights
Request for Input by National Human Rights Institutions
to the 8 December 2011 ICC Submission
to the United Nations Working Group on Transnational Corporations and Other Business Enterprises**

Two questions are presented for consideration and input to leah.winsor@chrc-ccdp.gc.ca by **30 November 2011**:

I- First, to complement the ICC baseline survey results that you may have previously contributed to on the subject of business and human rights (currently being finalized), we wish to obtain any additional information on the experience your national human rights institution wishes to bring to the attention of the UN Working Group.

We propose for consistency that institutions provide a one page description, at most, and if you wish appendices demonstrating actual case studies or cases that illustrate the real challenges and obstacles you face and navigate on the ground; in other words that demonstrate how NHRIs do or may handle the actual application of the UN framework and guiding principles.

Comments of NHRC India

The NHRC is not expressly entrusted with the task of dealing with corporate human rights abuses. However, in actual practice, it has intervened in some business and human rights matters. For example, in the Vedanta case, a U.K. based subsidiary mining company, which began its mining and refinery operations in India in 2006, it was observed by the Commission that the mining operation were causing air and water pollution threatening the human rights of the indigenous communities settled there.

The Commission has also intervened in another case where the farmers land were being acquired forcibly by the district authorities for a private company which was building an expressway and townships.

NHRC has also been trying to create awareness among public functionaries and other various section of society regarding the need for protecting the rights of people especially those living in remote rural areas which are being violated by individuals or companies for their selfish gains.

With a view to evolve country-specific code of conduct for the corporate sector, NHRC-India has commissioned a research project for the same.

II- We propose that national human rights institutions provide observations and comments relating to the ten elements of the UN Working Group Mandate using the table below as a guideline for greater coherence in the ICC Submission.

UN Working Group-Mandate Area	General Observations (Comments of NHRC India)	Obstacles and Challenges (Comments of NHRC India)	Opportunities and Recommendations (Comments of NHRC India) car ployan	Resources / References (Comments of NHRC India)
a. To promote the effective and comprehensive dissemination and implementation of the Guiding Principles	Yes, we agree.	NHRIs further need to develop country-specific implementable Guidelines based on the local conditions.	NHRIs can play an important role in developing country-specific implementable Guidelines including its dissemination and monitoring.	_____
b. To identify, exchange and promote good practices and lessons learned on the implementation of the Guiding Principles and to assess and make recommendations thereon and, in that context, to seek and receive	There is a strong need to identifying, exchange share best practices for building-up the capacities of all relevant stakeholders including Transnational Corporations (TNCs), other business enterprises, civil society and NHRIs.	Making the TNCs and other business enterprises understand about risks of human rights violations in their business endeavours.	NHRIs can act as a bridge between the TNCs and Government. It can also function as a monitoring mechanism in reminding the TNCs of its social responsibility and duty of the State to protect respectively.	_____

information from all relevant sources, including Governments, transnational corporations and other business enterprises, national human rights institutions, civil society and rights-holders				
c. To provide support for efforts to promote capacity-building and the use of the Guiding Principles, as well as, upon request, to provide advice and recommendations regarding the development of domestic legislation and policies relating to business and human rights	Yes, we agree that there is a need to promote capacity building in general and of NHRIs in particular.	Development of domestic legislation and policies is a challenge because of the need for harmonization of business interest with human rights.	Advocacy by NHRI's could act as catalyst to ensure this harmonization.	_____
d. To conduct country visits and to respond promptly to invitations from States;	Yes, we agree.	_____	Visit to a State by Working Group would be useful to appreciate the best practices and understanding the local business practices to develop implementable guidelines and sharing of best practices.	_____
e. To continue to explore options and make recommendations at the national, regional and international levels for enhancing access to effective remedies available to those whose	Yes, we agree.	_____	The Guiding Principle must focus on tackling the issue of separate 'Legal Personality'. The principle of 'Absolute Liability' developed by Courts in India could be used as a tool to provide legal	_____

human rights are affected by corporate activities, including those in conflict areas			remedy to the victims of violation of human rights by the TNCs.	
f. To integrate a gender perspective throughout the work of the mandate and to give special attention to persons living in vulnerable situations, in particular children	Yes, we agree.	Age old practices, customs and tradition act as a barrier.	_____	_____
g. To work in close cooperation and coordination with other relevant special procedures of the Human Rights Council, relevant United Nations and other international bodies, the treaty bodies, and regional human rights organizations	Yes, we agree.	_____	_____	_____
h. To develop a regular dialogue and discuss possible areas of cooperation with Governments and all relevant actors, including relevant United Nations bodies, specialized agencies, funds and programmes, in particular the Office of the United Nations High Commissioner for Human Rights, the Global Compact, the International Labour Organization, the	Yes, we agree.	_____	_____	_____

World Bank and its International Finance Corporation, the United Nations Development Programme and the International Organization for Migration, as well as transnational corporations and other business enterprises, national human rights institutions, representatives of indigenous peoples, civil society organizations and other regional and subregional international organizations				
i. To guide the work of the Forum on business and Human Rights	Yes, we agree.	_____	_____	_____
j. To report annually to the Human Rights Council and the General Assembly	Yes, we agree.	_____	_____	_____

Submission by (Institution and Region):

National Human Rights Commission of India

Contact name and information:

J.S. Kochher, Joint Secretary (Training), NHRC, e-mail: jst.nhrc@nic.in