

## **Business and Human Rights Implementation Group**

### **Minutes of Fifth Meeting**

**Tuesday, 30 June 2020**

#### **Attendance:**

*Breege O'Donoghue (Chair), Sonja Hyland (Political Director, DFAT), Martina Feeney (DFAT), Pdraig MacCoscair (DFAT), Ciaran Potter (DFAT), Ellen Swan (DFAT), Holger Dreiseitl (German Federal Foreign Ministry), Andrew Colgan (Department of Business, Enterprise and Innovation), Deborah Dignam (Department of Business, Enterprise and Innovation), Ann Marie O'Brien (Irish Exporters), Simon McKeever (Irish Exporters), David Joyce (ICTU), Emma Jane Joyce (Irish Strategic Investment Fund), Fiona Crowley (Amnesty International), John Geary (UCD), Lydia Rogers (Enterprise Ireland), Alexa Toomey (Enterprise Ireland), Mairead Keigher (Shift International), Mairead Moriarty (University of Limerick), Martha O'Hagan (Trinity College Dublin), Michaela Reilly (Chambers Ireland), Niamh Garvey (Trócaire), Orlagh Collison (Department of Finance), Shane Darcy (NUI Galway), Tomás Sercovich (Business in the Community), Vittorio Bufacchi (University College Cork), Sorley McCaughey (Christian Aid), Rosie Valentine (Primark), Brian Gray (ESB).*

**Apologies:** IDA, DJE

#### **1. Welcome by Chair**

**Ms Breege O'Donoghue** welcomed the Implementation Group, and in particular new members from Primark, ESB, the Irish Strategic Investment Fund and Shift International.

#### **2. Agree previous minutes, apologies and matters arising**

**Ms O'Donoghue** gave members the opportunity to comment on the minutes of the previous meeting which took place on 29 January 2020. The minutes were adopted.

**Ms O'Donoghue** then handed over to **Ms Martina Feeney, Department of Foreign Affairs (DFAT)**, to give an update on the composition of the subgroups. On the issue of the chair of the first subgroup, which has yet to be appointed, clarification is awaited in relation to the trade function which has been transferred to the new Department. Once the process has been formalised the Department will be contacted to nominate a chair. It is expected that this process would move quite quickly.

#### **3. Presentations by:**

In advance of the two scheduled presentations, **Ms Sonja Hyland, Political Director DFAT**, was invited to give a few words. **Ms Hyland** described the ideal timing of the meeting given the focus on Business and Human Rights in the new Programme for Government. **Ms Hyland** noted that it is positive to have cross party support for Ireland taking an important role on this, and great to learn from other EU states on how they're managing the file.

**Ms Hyland** further drew attention to the current session of the Human Rights Council, at which another Irish mandate holder will be appointed, namely Professor Siobhán Mullally as the Special Rapporteur on trafficking in persons, especially women and children.

**i. Mr Holger Dreiseitl, Deputy Director of the Business and Human Rights Division of the German Federal Foreign Ministry**

**Mr Dreiseitl** gave a presentation on efforts to advance implementation of the UN Guiding Principles on Business and Human Rights in Germany, as well as plans for the German Presidency of the EU which began 1 June 2020.

**Mr Dreiseitl** gave an overview of the German National Action Plan 2016-2020 (NAP), and spoke of the need for better coordination among EUMS and their National Action Plans. In this regard, better coordination would be welcomed in providing more coherence, which is important as many measures in this field have an impact on the way businesses can do their business, for example within the single market.

**Mr Dreiseitl** continued by describing the governance structure created by the NAP, which includes an Inter-Ministerial Committee on Business and Human Rights, as well as a Multi-Stakeholder Working Group on Business and Human Rights. **Mr Dreiseitl** also outlined sectoral dialogues on the NAP which are facilitated by the German Government.

In summarising, **Mr Dreiseitl** spoke of deficits on the European level in relation to Business and Human Rights, and encouraged the EEAS and European Commission to develop EU Action Plan, which Germany would be ready to facilitate during its EU presidency.

**Mr Simon McKeever, Irish Exporters**, expressed an interest in the sectoral approach taken to implementation of the NAP, and queried whether there was a deliberate approach to choosing the automotive industry as the first to take part due to its global reach and complex supply chains.

**Mr Dreiseitl** described that this was not deliberate approach, and that each sector was given the option to opt in. The German automotive sector took the initiative and was the first to volunteer.

**Mr Tomás Sercovich, Business in the Community**, asked, in the context of large business and implementation of NAP, what businesses are finding most difficult to apply and implement.

In response, **Mr Dreiseitl** explained that the greatest challenge has been to find a common approach on issue of mandatory obligations, and whether these should be voluntary or binding. Additionally, how to involve and engage constructively with Small/Medium sized enterprises(SMEs) is one of the most difficult issues.

**ii. Mr Andrew Colgan, OECD National Contact Point (NCP) on Responsible Business Conduct**

**Mr Colgan** gave a presentation on the OECD Guidelines for Multinational Enterprises and how they relate to human rights, and gave an overview of role of NCP as well as its upcoming OECD peer review.

**Mr Colgan** gave an overview of the human rights aspects of the guidelines, explaining that they are voluntary for businesses but adhering countries are bound to implement them. Importantly, the guidelines harness what is already out there rather than duplicate existing instruments. The guidelines were updated in 2011 to include a dedicated section on human rights.

In relation to the OECD peer review of the NCP, **Mr Colgan** described that an onsite visit is planned for February 2021. The objective of the review is to assess the function and operation of NCP, and identify any gaps and possibilities for improvements. The review will include significant stakeholder engagement, and will include questionnaires across business units and civil society.

**David Joyce, ICTU**, queried how many cases are currently before the NCP.

**Ms O'Donoghue** further asked what human rights issues frequently arose in complaints.

**Mr Colgan** described that there are currently two cases ongoing, which can't be commented on. Complaints in the past involved various issues, including investments made in materials company operating in Israel/Palestine.

In response to a question by **Mr McKeever**, **Mr Colgan** described the resources of the NCP, explaining that it is a part time role with limited resources. Some NCPs in other countries have full time staff, and some have offices with legislation underpinning them.

#### **4. Update on Access to Remedy Research**

**Ms Niamh Garvey, Trócaire**, gave an update on the access to remedy research project, describing that the terms of reference went out to tender and an assessment panel was established to review the applications received. Ms Rachel Widdis of Trinity College Dublin was the successful tenderer, and will be conducting research with a time frame to conclude in mid-August. The result will be a study of approximately 30 pages to come before the group once the project is completed.

#### **5. Views of Concept Note on Toolkit**

**Mr Pádraig MacCoscair, DFAT**, gave an overview of the concept note on the toolkit which was circulated to the Implementation Group, explaining that the concept note looks at the audiences the toolkit should be addressed to and the content it should contain, such as case studies.

The baseline study published in 2019 suggested that much can be learnt from the Corporate Social Responsibility hub in this respect, which is a website bringing together resources on corporate social responsibility.

**Mr Sercovich** opined that the DFAT website is not the most appropriate place for the information to be hosted, and further indicated that Business in the Community is happy to help in dissemination, highlighting that the most important aspect is the visibility. This is particularly true for SMEs which need to be made aware of the resources that are available.

#### **6. Future Work Programme**

**Ms O'Donoghue** described that the immediate priority for the Implementation Group to advance is the completion of the toolkit. A further priority is the completion of the access to remedy research.

**Ms Garvey** asked about plans for a review of the current National Plan. In response, **Ms Feeney** explained that some specific action points in Programme for Government relate to Business and Human Rights, one of which is to complete a review of the implementation of the National Plan, and ensure that the Plan is further developed. **Ms Feeney** indicated that at the next meeting there would exist a better idea of how to take this action point forward.

**Ms Fiona Crowley, Amnesty**, explained that it would be useful to have clarity on the review of the Plan and plans to further develop the Plan. **Mr Sorely McCaughey, Christian Aid**, further sought to clarify the terminology of the 'Implementation Group' and whether there is an expectation that civil society has a role to play in implementation.

**Mr MacCoscair** described that the National Plan runs from 2017-2020, however not all of the tools provided for within the plan have been exhausted. The idea is that implementation of the National Plan will be reviewed at the next NGO Forum which is due to take place in January 2021.

#### **7. Date of next meeting**

**Ms O'Donoghue** noted that the next plenary meeting will take place on **13 October 2020**.

#### **8. Any Other Businesses**

**Mr Sercovich** recommended that attendance and apologies be recorded in minutes of the meetings of the Implementation Group. Further, it was requested that as much notice as possible be given for meetings of the subgroups to allow for full attendance.

There were no further matters raised under any other business.