**Questionnaire**

**Policy coherence in government action to protect against business-related human rights abuse**

**Ireland’s Response**

**May 2019**

**1. Has your Government made an explicit political commitment (e.g. in government programmes, strategic documents) to ensure policy coherence across government departments in line with the Guiding Principles? If yes, please provide information.**

Ireland’s National Plan on Business and Human Rights (2017- 2020)[[1]](#footnote-1) was launched to give effect to the Guiding Principles and thus promote responsible business conduct at home and overseas. Section 3 of the National Plan includes a list of 8 key commitments to ensure policy coherence across Government:

1. Commission a study to conduct a comprehensive baseline assessment of the legislative and regulatory framework pertaining to business and human rights as it applies in Ireland
2. Establish a ‘Business and Human Rights Implementation Group’, which will consist of representatives from government, the business community and civil society, and will meet twice a year to review the implementation of the National Plan over the first three years
3. Convene a forum on Business and Human Rights within two years of the adoption of the National Plan. This will bring together stakeholders including government, the business community and civil society and will facilitate the exchange of views on progress in delivering on the National Plan
4. Amend the terms of reference of the Interdepartmental Committee on Human Rights to include the monitoring of the National Plan
5. Include Business and Human Rights as a regular item on the agenda of the Department of Foreign Affairs and Trade’s (DFAT) Non-Governmental Organisations

(NGO) Standing Committee on Human Rights (renamed ‘DFAT Human Rights Committee’)

1. Ensure coherence between the National Plan on Corporate Social Responsibility and the National Plan on Business and Human Rights, including by promoting cooperation between the Business and Human Rights Implementation Group (BHRIG) and the Corporate Social Responsibility (CSR) Stakeholder Forum
2. Ensure coherence between the implementation of the National Plan on Business and Human Rights and Ireland’s National Action Plan on Women, Peace and security
3. Ensure coherence between Ireland’s new trading strategy: ‘Ireland Connected: Trading and Investing in a Dynamic World’, and the National Plan on Business and Human Rights

**2. Has your government operationalised the political commitment into a policy and institutional framework to promote business respect for human rights (e.g. National Action Plan on Business and Human Rights or a chapter on business and human rights in a human rights action plan, or any other policy frameworks to promote responsible business conduct in line with the Guiding Principles)? If so, please indicate:**

1. **Areas identified requiring specific attention to strengthen coordination;**

See response to Q1 above. The Government is committed to ensuring policy coherence between the National Plan on Business and Human Rights and the following plans/strategies:

* National Plan on Corporate Social Responsibility
* National Action Plan on Women, Peace and Security
* Ireland Connected: Trading and Investing in A Dynamic World

1. **Specific mechanisms/structures to facilitate coordination and align actions of different ministries and policy areas to promote responsible business conduct (e.g. inter-ministerial groups, multi-stakeholder thematic working groups, inter-agency entities, etc.)?**

See response to Q1. Pursuant to the National Plan, the Government amended the terms of reference of the Inter-Departmental Committee on Human Rights (IDC) to include the monitoring of the National Plan. Business and Human Rights is also a regular item on the agenda of the DFAT Human Rights Committee, which comprises representatives from the Department of Foreign Affairs and Trade, human rights experts and civil society organisations.

**3. Does the National Action Plan or other policy framework address the need for State-owned enterprises, trade and investment promotion entities (e.g. export credit agencies, special economic zones, etc.) and public procurement agencies to integrate respect for human rights specifically and promote responsible business conduct generally in relevant policies and operations? If yes, please provide information.**

In 2018, the Department of Foreign Affairs and Trade established the Business and Human Rights Implementation Group to oversee the execution of the National Plan. Its initial priorities include the following action points:

* Develop a practical toolkit on business and human rights for public and private entities within 12 months to assist them in their human rights due diligence.
* Encourage and support awareness of effective human rights due diligence by state owned or controlled companies.
* Encourage and support effective human rights due diligence in the context of state support to business and NGOs.

The National Plan (Annex 1) also lists a number of additional and ongoing actions to be carried out across Government. In relation to trade and investment, the National Plan provides as follows:

* Ensure that state agencies and staff involved in promoting two-way trade and investment have received briefing and guidance on the purpose and implementation of the UN Guiding Principles.
* Encourage Irish companies operating abroad to adopt good practice with regards to consultation with human rights defenders and civil society in local communities, particularly on environmental and labour conditions.
* Under the aegis of the Office of Government Procurement, continue to follow good practice on procurement and human rights standards in all Requests for Tenders, in line with EU law.

**4. Where a coordination mechanism/structure exists, please describe the composition, role(s) and assigned responsibilities of the entities involved. What are some main experiences and lessons learned from this mechanism, including specific examples of how it has helped improve policy coherence to strengthen government action to promote responsible business conduct in line with the Guiding Principles.**

The IDC was established with a view to facilitating coordination across Government on the promotion and protection of human rights and improving the coherence between Ireland’s foreign policy and the domestic situation. As mentioned in the response to Q1, the IDC also monitors the implementation of the National Plan, now a standing item on its agenda. The IDC comprises focal points from each Government Department and meets two to three times per year.

IDC members have in the past provided feedback to the Department of Foreign Affairs, recommending, for example, that the membership of the Business and Human Rights Implementation Group be reinforced by adding additional representatives.

**5. Does the coordination mechanism/structure allow for the participation of representatives of other stakeholders, including business and civil society organisations? If so, please explain the** **modalities of such participation.**

While the IDC meetings are not open to the public, civil society organisations, human rights experts and the business community are represented on the Business and Human Rights Implementation Group, where they sit alongside representatives from Government Departments.[[2]](#footnote-2)

Furthermore, the DFAT Human Rights Committee provides a formal framework for a regular exchange of views on human rights aspects of Irish foreign policy. The Committee makes a valuable contribution to the formulation of policy and assists in enhancing the role that Ireland can play internationally in this critical area. The implementation of the National Plan on Business and Human Rights is a regular item of the agenda and officials from other Government Departments are often invited to brief the members of the Committee on initiatives with a human rights impact.

**6. What is the role of the coordination mechanism/structure in monitoring the implementation and effectiveness of the policy framework to promote responsible business conduct and to ensure policy coherence across monitoring and evaluation efforts?**

As mentioned above, in response to Q4, the IDC regularly receives updates on the implementation of the National Plan and makes recommendations to the Department of Foreign Affairs and Trade, which provides the Secretariat to the Implementation Group.

**7. Does the Parliament play any role in overseeing the implementation of the policy framework/action plan to promote responsible business conduct? If yes, please explain how.**

Teachtaí Dála (Members of Parliament), can put oral and written questions to the Government. Responses to these questions are published online and can be accessed here: <https://www.oireachtas.ie/en/debates/questions/>.

A number of parliamentary questions have been submitted in relation to the implementation of the National Plan, as well as business and human rights more broadly.

Ministers of the Government also appear before Oireachtas (Parliament) committees to answer questions concerning all policy, expenditure and governance matters regarding their Departments.

**8. Does your Government build the capacity of staff working in governmental departments and agencies in charge of business and human rights-related issues? If yes, please clarify any relevant aspects, including training curricula, how often and by whom they are conducted.**

There are currently no training programmes in place focusing on business and human rights. The Department of Foreign Affairs and Trade regularly holds lunchtime talks and seminars, including with regard to human rights in foreign policy, which are open to all members of staff.

**9. Please indicate if any coordination mechanisms exist to promote implementation of the 2030 Sustainable Development Agenda. If so, is there any linkages made to encourage policy coherence in promoting responsible business conduct in line with the Guiding Principles as part of the efforts to engage the corporate sector to contribute towards the Sustainable Development Goals?**

The Department of Communications, Climate Action and Environment (DCCAE) is responsible for coordinating the implementation of the 2030 Sustainable Development Agenda. That Department is also represented on the BHRIG and it is envisaged that it will feed into its discussions with a view to ensuring coherence between the SDGs and BHR in the that Group’s actions and recommendations.

**10. Can you give examples of lessons learned from other areas that have helped enhance coherence between social or environmental policy implementation and policies focused on shaping business practice?**

The Government established the CSR Stakeholder Forum in the first half of 2014 in order to drive the objectives of the 1st National Plan on CSR, to inform the further development of the CSR policy framework in Ireland, and ensure that the Plan remains relevant to evolving international best practice and thinking.

The CSR Stakeholder Forum comprises representatives of the business sector, key Government Departments and Agencies, and the wider community. DCCAE, which as mentioned above is responsible for coordinating the implementation of the SDGs, is also represented on the CSR Stakeholder Forum. Issues relating to environmental policy and climate action also fall within the remit of the Department.

The role of the Stakeholder Forum is to assist with achieving the objectives identified in the National Plan on CSR which include:

* Monitoring best practices and evolving trends in CSR and benchmarking activity through relevant tools and studies
* Continuing to increase awareness of CSR, its value to businesses and to society as a whole
* Encouraging more micro, small, and medium-sized enterprises to raise their competitiveness through CSR engagement
* Working to increase recognition among large business of the value of sustainable business practices in boosting employment, attracting and retaining talent as well as their impact on wider society
* Encouraging businesses to report their CSR activity in their annual reports and other publications

1. https://www.dfa.ie/media/dfa/alldfawebsitemedia/National-Plan-on-Business-and-Human-Rights-2017-2020.pdf [↑](#footnote-ref-1)
2. Membership list: [↑](#footnote-ref-2)