**Request for contributions to a Survey on the implementation of the *Guiding Principles on Business and Human Rights: National Action Plans on Business and Human Rights* from the from the Working Group on the issue of human rights and transnational corporations and other business enterprises**

**Submission of Ireland**

***10 November 2016***

Ireland is committed to the implementation of the United Nations Guiding Principles on Business and Human Rights through the development of our first National Plan on Business and Human Rights. A Working Outline of Ireland’s National Plan was published on 10 December 2015[[1]](#footnote-1) and this has provided a basis for further consultations on the development of the National Plan.

The Working Outline sets out the current state of play in relation to initiatives and policies which can be deemed to already assist in the implementation of the UNGPs. It also contains a framework of ‘Action Points’ for the National Plan which, subject to approval, will further the implementation of the UN Guiding Principles (UNGPs). These will form the basis of a sustained commitment to the Plan by the State over the subsequent 2-3 years. The Plan will address all business enterprises, including companies operating in Ireland and Irish companies operating overseas, and provide them with guidance on how to ensure respect for human rights in their activities.

A number of these Action Points are pertinent to the survey questions and are addressed in detail in the responses below.

***1. Where a State has developed, or started the process of developing, a National Action Plan (or another specific Government-lead plan to promote responsible business practice in line with the UN Guiding Principles), please share experiences on whether and how the NAP/NAP process has –***

1. ***helped identify gaps in State and business implementation of the Guiding Principles***
2. ***led to concrete steps e.g. new laws, policies, regulations to address gaps identified***

* It is noted in the Working Outline that a comprehensive review of relevant legislation is necessary. Therefore, a study comprising a baseline assessment of the legislative and regulatory framework pertaining to business and human rights is to be commissioned.
* The Plan will provide all business enterprises, as well as State owned companies, with knowledge and understanding of the UNGPs. A practical toolkit on business and human rights for all public and private entities is to be developed. This will contain specific guidance on the UNGPs, highlight actions staff can take overseas to promote respect for human rights.
* Follow-up is a key component of the Working Outline which is to be undertaken principally through the establishment of the ‘Business and Human Rights Implementation Group’. This will consist of representatives from Government, the business community and civil society.

1. ***helped improve policy coherence in the areas of business and human rights***

Ireland’s Foreign Policy Review, The Global Island: Ireland’s Foreign Policy for a Changing World (2015)[[2]](#footnote-2) established an Inter-Departmental Committee on Human Rights tasked to ‘improve the coherence of the promotion and protection of human rights in our foreign policy’. It is proposed that the terms of reference of the Committee be amended to include monitoring of the National Plan.[[3]](#footnote-3)

Business and Human Rights is also to be included as a regular item on the agenda of the Department of Foreign Affairs & Trade NGO Standing Committee on Human Rights. A forum on Business and Human Rights is to be held two years after the adoption of the National Plan.

1. ***addressed the role of the States vis-à-vis companies that are owned or controlled by the State (in line with recommendation set out in A/HRC/32/45)***

Ireland is committed to encouraging all state owned companies and agencies, in particular those with a significant overseas presence demonstrate the highest possible attention to human rights. The Working Outline contains a number of Action Points in this area including to promote awareness of effective human rights due diligence by State owned or controlled companies and to promote awareness of relevant multilateral initiatives.

1. ***led to new initiatives to encourage companies to discharge their responsibility to respect human rights (such as mandatory human rights due diligence requirements)***

The Working Outline outlines the main elements of an effective human rights due diligence policy. A risk-based approach is highlighted, allowing companies to tailor human rights efforts accordingly. The Working Outline contains an Action Point whereby the Business and Human Rights Implementation Group will have on its agenda the need to work towards establishing principles governing human rights due diligence.

1. ***helped to develop a strategy for improving accountability and access to remedy (in line with HRC resolution A/HRC/32/l.19)***

N/A

***2. Where a State has consulted the Working Group's Guidance on National Actions Plans on Business and Human Rights, please comment on:***

1. ***How the Guidance has informed the NAP process***
2. ***which elements are seen as particularly useful***
3. ***how the document could be further improved***

Recommendations relating to the first three phases of the NAP process as set out in the Working Group’s Guidance (initiation; assessment and consultation; drafting of an initial NAP) have been informative. A range of elements from the Guidance have been drawn upon as part of the ongoing development of the first National Plan, including in relation to roles and responsibilities of Government Departments, engagement with relevant non-governmental stakeholders, as well as on the substance and structure of NAP’s according to the three pillars of the UNGPs.

***3. Where a State has not consulted the working Group's Guidance on National Action Plans on Business and Human Rights, please comment on why this was the case.***

N/A

***4. Where a*** ***State has already adopted and started to implement a National Action Plan, what progress has been made and what lessons have been learned from its implementation?***

N/A

1. <https://www.dfa.ie/media/dfa/alldfawebsitemedia/ourrolesandpolicies/int-priorities/humanrights/Working-Outline-of-Irelands-National-Plan-on-Business-and-Human-Rights-2016---2019.pdf> [↑](#footnote-ref-1)
2. Government of Ireland, The Global Island: Ireland’s Foreign Policy for a Changing World (2015), 36. Available at: <https://www.dfa.ie/media/dfa/alldfawebsitemedia/ourrolesandpolicies/ourwork/global-island/the-global-island-irelands-foreign-policy.pdf> [↑](#footnote-ref-2)
3. See generally for the Inter-Departmental Committee on Human Rights: <https://www.dfa.ie/news-and-media/press-releases/press-release-archive/2015/march/minister-chairs-human-rights-committee/> [↑](#footnote-ref-3)