

NATIONAL PLAN
ON BUSINESS AND
HUMAN RIGHTS
2017 - 2020



RIALTAS NA hÉIREANN
GOVERNMENT OF IRELAND

Contents

Foreword	5
Mission Statement	6
Introduction	7
Section 1: International Context and Domestic Consultative Process	8
The UN Guiding Principles on Business and Human Rights – Protect, Respect & Remedy	8
UN Forum on Business and Human Rights	8
EU Council Conclusions	9
Other international initiatives	10
Development of the National Plan	11
Section 2: Current Legislative and Regulatory Framework	13
Workers' Rights	13
Anti-corruption	13
Equality	14
Anti-trafficking	14
Data Protection	14
Environment	14
Supply Chain	15
Procurement	15
Non-financial reporting	15
Section 3: Actions	16
I Key commitments to ensure policy coherence across Government	16
II Initial priorities for the Business and Human Rights Implementation Group	18
The State Duty to Protect Human Rights	18
The Corporate Responsibility to Respect Human Rights	18
Access to Remedy	19
Annexes	20
Annex 1 – List of additional and ongoing actions to be carried out across Government	20
Annex 2 – Terms of Reference of the Business and Human Rights Implementation Group	22

Promoting Ireland's Values



Foreword



The Irish people have long valued and championed human rights and this is reflected in our foreign policy which reaffirms our commitment to the universality, indivisibility and interrelatedness of all human rights. We believe that everyone is entitled to enjoy them fully and this brings with it a responsibility to promote and protect the human rights of others. We all have a part to play and this extends beyond the institutions of State to other sectors of society.

The impact of business activity on the enjoyment of human rights is increasingly recognised. For employees and customers this can be direct and immediate, but other persons may be affected indirectly, for example by supply chain decisions. A number of initiatives have sought to address this issue and to promote responsible business conduct most notably through the adoption by the Human Rights Council in 2011 of the *UN Guiding Principles on Business and Human Rights*.

I am delighted to launch this National Plan on Business and Human Rights to give effect to the *UN Guiding Principles*. It demonstrates in a clear, tangible way this Government's commitment to promoting responsible business practice at home and overseas and was developed by my Department in close cooperation with other Government Departments, State agencies, business enterprises and civil society organisations.

I believe that the protection of human rights and the promotion of economic growth, trade and investment should be complementary and mutually reinforcing. We can put respect for human rights at the heart of all our business practices as we work towards meeting the Sustainable Development Goals set out in Agenda 2030 at national, regional and global levels.

The implementation of the actions identified in this National Plan will be a collective endeavour of government, business and civil society. I look forward to working with everyone as we each play our part in promoting responsible business practices at home and overseas and reaffirming Ireland's leading role as an advocate for human rights globally.

Simon Coveney T.D.
Minister for Foreign Affairs and Trade



An Roinn Gnóthaí Eachtracha agus Trádála
Department of Foreign Affairs and Trade



Mission Statement

‘To promote responsible business practices at home and overseas by all Irish business enterprises in line with Ireland’s commitment to the promotion and protection of human rights globally and to being one of the best countries in the world in which to do business’



RIALTAS NA hÉIREANN
GOVERNMENT OF IRELAND

Introduction

The promotion and protection of human rights is a cornerstone of Ireland’s foreign policy and we have a long and proud track record of effective engagement on human rights issues, both through our membership of international organisations and in our bilateral relations with other countries. While primary responsibility will always rest with State institutions, it is increasingly accepted that business enterprises are also key actors when it comes to safeguarding the human rights of individuals.

Recognising the role that business can play, the UN Human Rights Council endorsed the UN Guiding Principles on Business and Human Rights in 2011. These principles are not legally binding but countries have been encouraged to give effect to them through the adoption of national plans.

This National Plan has been developed on foot of a Government Decision in June 2014 and follows an extensive consultation process. Its aim is to promote responsible business practice at home and overseas.

A key element of the Plan is the establishment of a Business and Human Rights Implementation Group which will bring together representatives of government, business and civil society.

The Plan is divided into three Sections:

Section One sets out the international context and domestic consultative process which has informed the development of the National Plan.

Section Two summarises the current legislative and regulatory framework in Ireland.

Section Three contains the actions to be taken under this Plan. A number of actions focus on policy coherence across all Government Departments and agencies while others are initial priority actions for the Business and Human Rights Implementation Group.

Additional information is contained in a number of *Annexes* at the end of the Plan.

This Plan is designed to be a living document and it will be updated regularly to take account of developments. Progress on implementation will also be the subject of a multi-stakeholder forum to be held two years after adoption of the Plan.

Section 1:

International Context and Domestic Consultative Process

The UN Guiding Principles on Business and Human Rights – Protect, Respect & Remedy

On 16 June 2011, the UN Human Rights Council unanimously endorsed the Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework¹. The aim of these Guiding Principles is to enhance standards and practices with regard to business and human rights so as to achieve tangible results for individuals and communities. They are intended to apply to all business enterprises, both transnational and local, regardless of size, sector, location and ownership or structure.

The 31 UN Guiding Principles are structured into three pillars:

1. The State Duty to Protect Human Rights

States’ existing obligations to respect, protect and fulfil human rights and fundamental freedoms.

2. The Corporate Responsibility to Respect Human Rights

The role of business enterprises as organs of society performing various functions, required to comply with all applicable laws and to respect human rights.

3. Access to Remedy

The need for rights and obligations to be matched to appropriate and effective remedies when breached.

While the UN Guiding Principles do not by themselves constitute a legally binding document, they elaborate on the implications of existing standards and practices for States and business enterprises and include points covered in international and domestic law. Both the United Nations and the European Union have called on all States to develop National Plans to implement the Principles.

UN Forum on Business and Human Rights

The implementation of the Guiding Principles on Business and Human Rights is discussed at the annual meeting of the UN Forum on Business and Human Rights in Geneva. It promotes

¹ United Nations Guiding Principles on Business and Human Rights:
http://www.ohchr.org/documents/Publications/guidingPrinciplesBusinessHR_eN.pdf

dialogue and cooperation on issues linked to business and human rights, including challenges faced in particular sectors, operational environments or in relation to specific rights or groups, as well as identifying good practices. The Forum is open to all relevant stakeholder groups, including States, the wider United Nations system, intergovernmental and regional organisations, businesses, labour unions, national human rights institutions, non-governmental organisations, and affected stakeholders.

EU Council Conclusions

In June 2016, on the fifth anniversary of the UN Guiding Principles, the Council of the EU adopted Conclusions² which reaffirmed the EU’s strong and active engagement to prevent abuses and ensure remedy worldwide, and to ensure the implementation of the UN Guiding Principles. The Council recalled EU Member States’ commitment to developing and adopting National Action Plans and emphasised the significant role that business should play in helping to achieve the implementation of the 2030 Agenda for Sustainable Development, recognising that corporate respect for human rights is indispensable to sustainable development.



UN Human Rights Council, Geneva. Photo: Jean-Marc Ferré /UN Photo

² EU Council Conclusions:
<http://www.consilium.europa.eu/en/press/press-releases/2016/06/20-fac-business-human-rights-conclusions/>

Other international initiatives

The **2030 Agenda for Sustainable Development** (“the 2030 Agenda”) adopted at a special UN Summit in September 2015 sets a global framework for action for poverty eradication and sustainable development and will determine priorities and help guide allocation of resources world-wide over the coming 15 years. The 2030 Agenda is universal and all countries will need to implement it, both internally and in their external action. The 17 Sustainable Development Goals (SDGs) and 169 associated targets at the heart of the Agenda provide an integrated framework to achieve sustainable development globally. The SDGs of most relevance to the issue of Business and Human Rights are:



SDG 1 End poverty in all its forms everywhere

SDG 5 Achieve gender equality and empower all women and girls

SDG 8 Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all

The Addis Ababa Action Agenda forms an integral part of the 2030 Agenda. Together with the means of implementation under each SDG and Goal 17 (Means of Implementation and Global Partnership), it sets out the full range of means of implementation – financial and non-financial, public and private, domestic and international, actions and enabling policies – to be mobilised in the context of the Global Partnership to achieve the Agenda.

In March 2016, the **Council of Europe**³ adopted a Recommendation to assist Member States in preventing and remedying human rights violations by business enterprises. The Recommendation elaborates on access to judicial remedy, drawing on Council of Europe expertise and legal standards and puts special emphasis on the additional protection needs of workers, children, indigenous people and human rights defenders. It also recommends a review of implementation of the Recommendation by the Member States within five years of its adoption, with the participation of relevant stakeholders.

³ Council of Europe Recommendation:

https://search.coe.int/cm/Pages/result_details.aspx?objectid=09000016805c1ad4

The **Organisation for Economic Cooperation and Development (OECD)** has developed Guidelines for Multinational Enterprises⁴ which are addressed to multinational enterprises operating in or from adhering countries. They provide non-binding principles and standards for responsible business conduct in a global context consistent with applicable laws and internationally recognised standards.

The **International Labour Organisation (ILO)** Tripartite Declaration on Multinational Enterprises and Social Policy⁵ provides direct guidance to enterprises on social policy and inclusive, responsible and sustainable workplace practices. This global instrument was elaborated and adopted by governments, employers and workers from around the world in 1977 and revised in March 2017. Its principles are addressed to multinational enterprises, governments, and employers' and workers' organisations and cover areas such as employment, training, conditions of work and life, and industrial relations as well as general policies.

Development of the National Plan

On 24 June 2014, the Government decided to develop a National Plan for the implementation of the UN Guiding Principles on Business and Human Rights. While the coordinating role for developing the Plan was assigned to the Department of Foreign Affairs and Trade (DFAT), it was agreed that all Government Departments and Agencies would contribute and engage fully in the process.

DFAT adopted an inclusive and open approach and has worked closely with Government Departments, State Agencies, business enterprises and civil society to develop a Plan that is practical yet ambitious. To ensure a whole of Government approach, an Inter-Departmental Committee was also established.

In November 2014, Business and Human Rights was the theme of the annual NGO Forum on Human Rights. The Minister for Foreign Affairs and Trade, Charlie Flanagan, TD, led discussion on the priorities for the National Plan with human rights organisations, business leaders, and civil society representatives.

In February 2015, DFAT hosted a workshop with business and civil society representatives to discuss priorities for the Plan and initiated a public consultation which received over 30 submissions.

⁴ OECD Guidelines for Multinational Enterprises:

<http://dx.doi.org/10.1787/9789264115415-en>

⁵ ILO Tripartite Declaration:

http://www.ilo.org/empent/Publications/WCMS_094386/lang--en/index.htm

A Working Outline of the National Plan on Business and Human Rights was published in December 2015 following which DFAT hosted further consultations. The Working Outline is a comprehensive summary of the information compiled and the issues considered during the consultative process and can be viewed on the DFAT website together with all written submissions received⁶.

This National Plan brings together the key issues identified in the Working Outline and sets out a roadmap for the implementation of a number of actions over a three year period that will enable Ireland to realise the objectives of the UN Guiding Principles. It is designed to be a living document which will be updated on a regular basis to reflect developments. It is also intended to convene a multi-stakeholder forum to look at progress on the plan within the first two years.



The 2014 DFAT NGO Forum discusses Business and Human Rights, Dublin Castle ©Maxwell Photography

⁶ Working Outline:
<https://www.dfa.ie/our-role-policies/international-priorities/human-rights/human-rights-in-ireland/national-plan-on-business-and-human-rights/>

Section 2:

Current Legislative and Regulatory Framework

Business and human rights touch on the policy areas of most Government Departments. There is a commitment across the whole of government to recognise and meet our commitments to ensure responsible and competitive business practice both in Ireland and internationally.

Internationally, Ireland is held in high regard as a strong and active partner in defending and promoting human rights. In terms of promoting business and human rights, we have taken a forward role at both UN and EU level and we are among the first group of EU Member States to put in place a National Plan. Throughout the term of this Plan, we will continue to engage with our EU partners to promote consideration of business and human rights in EU decision making. We will also continue to be an active partner at the UN level, including through annual participation in the UN Forum on Business and Human Rights in Geneva.

Workers' Rights

Ireland is strongly committed to the protection and promotion of both domestic and migrant workers' rights through national and international legislation, with a robust body of employment rights legislation which provides employees with a means for redress in cases where their employment rights have been breached. In 2017, Ireland has taken up, for the first time, a Titulaire Seat on the Governing Body of the International Labour Organisation (ILO). During its term, Ireland will maintain and promote its commitment to human rights and will work to enhance the profile of business and human rights in the framework of the ILO.

Anti-corruption

In recent years, United Nations and regional organisations have increasingly recognised the negative impacts of corruption on the enjoyment of human rights. Moreover, the treaty bodies and special procedures of the United Nations human rights system have regularly identified corruption as a critical factor contributing to the failure of States to satisfy their human rights obligations.

The most recent peer review of Ireland's implementation of the OECD Anti-Bribery Convention made a number of specific recommendations around awareness raising and reporting. Since that report, the Government has introduced the Protected Disclosures Act 2014 which provides a robust statutory framework within which workers can raise concerns regarding potential wrongdoing in the workplace. Ireland will continue to follow up the recommendations of the report to ensure that we fulfil our Convention commitments.

Equality

The Government is committed to promoting equality in all aspects of Irish society. The statutory-based Irish Human Rights and Equality Commission works towards the elimination of discrimination and the promotion of equal opportunities. It is tasked with providing information and advice to persons who consider themselves discriminated against on any of the nine grounds in employment or non-employment situations.

Recent positive developments on equality issues include the introduction of statutory paternity benefit in 2016 and the launch of a new National Strategy for Women and Girls in May 2017. Work is also progressing on a new Equality/Disability (Miscellaneous Provisions) Bill.

Ireland has been elected, for the first time, to serve on the United Nations Commission on the Status of Women for the term 2017-21. This will provide an opportunity to build on Ireland's international engagement on the full realisation of the rights of women and girls. The Government has pledged to work to strengthen the voice and functioning of the Commission and to promote the participation of civil society in its work.

Anti-trafficking

Combatting human trafficking is an important and fundamental part of the business and human rights agenda. The Government is committed to ensuring that people are not exploited or forced to work against their will either in Ireland or by Irish companies operating overseas. In October 2016, the Government launched the second National Action Plan to Prevent and Combat Human Trafficking. The plan contains 65 actions designed to crackdown on individuals and gangs involved in the crime, to support victims, to raise public awareness, and to enhance training for those likely to encounter victims.

Data Protection

The Office of the Data Protection Commissioner (DPC) is responsible for upholding the general principle that individuals should be in a position to control how data relating to them is used. The Commissioner is also responsible for enforcing obligations upon data controllers. Owing to the significant number of multinational tech companies based in Ireland, Ireland's Data Protection Commissioner has responsibility for oversight of a large amount of data and has been involved in some high profile cases. The Government is committed to supporting the Data Commissioner in their role and, over recent years, has provided a fourfold increase in the funding for the work of the Commission.

Environment

The Government prioritises the right of citizens to enjoy a safe environment and the responsibility of businesses to comply with environmental protection legislation. Ireland has transposed key EU Directives, such as EU Directive 2004/35/EC which deals with environmental liability with regard to the prevention and remedying of environmental damage. Consistent with the Government's priority of ensuring inclusive and open participation in policy making, Ireland has also ratified the Aarhus Convention which is designed to promote the involvement of citizens in environmental matters and improve enforcement of environmental law.

Supply Chain

Exploitation or corruption along the supply chain can have major negative reputational impacts for companies and States. The Government supports the proposal by the European Commission for an EU Council Regulation which provides for the establishment of an EU-wide system for supply chain due diligence of responsible importers of tin, tantalum and tungsten, their ores, and gold originating in conflict-affected and high-risk areas. The main objective of this proposal is to help reduce the financing of armed groups and security forces through mineral proceeds in conflict-affected and high-risk areas by supporting and further promoting responsible sourcing practices of EU companies. Of course, supply chain diligence is not limited to the extractive industries and areas of conflict.

Irish expertise has also been commissioned by multi-national corporations and technical cooperation programmes to undertake third party audits in the context of supply chain due diligence on factory standards. The design and implementation of a long-term building inspection and enforcement regime for all buildings in Bangladesh has, for example, been greatly assisted by Irish engineering expertise. Where possible, including through our Overseas Development Assistance, the Government will look to support such initiatives.

Procurement

Public procurement in Ireland is governed by EU and National Law and National Guidelines. The Office of Government Procurement is committed to ensuring that human rights related matters are reflected in public procurement and embedded in national public procurement policy. The EU Treaty principles of equal treatment and non-discrimination, transparency, mutual recognition, proportionality, free movement of goods and services and the right of establishment must be observed in all tenders.

Most recently, the 2014 EU Directives on Public Procurement⁷, which have been transposed into Irish Law contain specific provisions excluding tenderers who are guilty of certain human rights infringements from participation in public procurement.

Extensive general guidance on legal procurement requirements is available to public authorities on the Irish portal for public procurement⁸.

Non-financial reporting

The EU Directive on disclosure of non-financial and diversity information (2014/95/EU)⁹ entered into force in December 2014. It requires certain companies known as 'public interest entities' to include a declaration in their annual management report containing information stating material data related to the environment, social affairs, human rights, and prevention of corruption. This Directive will shortly be transposed into Irish law.

⁷ Directives 2014/23/EU, 2014/24/EU and 2014/25/EU, S.I. No. 284 and No. 286 of 2016.

⁸ Irish Portal for Public Procurement: <http://etenders.gov.ie>

⁹ EU directive on disclosure of non-financial and diversity information: <http://eur-lex.europa.eu/eli/dir/2014/95/oj>

Section 3:

Actions

The actions contained in the Plan are structured into two categories:

I. Key commitments to ensure policy coherence across Government

II. Initial priorities for the Business and Human Rights Implementation Group

Responsibility for ensuring delivery on the actions outlined in the first section is mostly held by the Human Rights Unit of the Department of Foreign Affairs and Trade. This Unit will continue to act as the lead unit and will provide the Secretariat for the Business and Human Rights Implementation Group.

The initial priorities for the Business and Human Rights Implementation Group are elaborated in part II. These actions have been prioritised on the basis of discussions and feedback received during the elaboration of the Working Outline. The Implementation Group will be responsible for developing timeframes for delivering and reporting on each of the actions which have been assigned to it.

I. Key commitments to ensure policy coherence across Government

As demonstrated in the previous section, there is already a considerable and continuous effort across Government to promote human rights and to encourage or enforce positive action from the private sector. The following commitments form a central part of formalising and consolidating these efforts.

Commitment	Time frame	Responsible Government Department
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	To be completed within six months of publication of the National Plan	Foreign Affairs and Trade
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	Membership to be announced within three months of publication of the National Plan	Foreign Affairs and Trade

Commitment	Time frame	Responsible Government Department
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	Within two years of publication of the National Plan	Foreign Affairs and Trade
Amend the terms of reference of the Inter-Departmental Committee on Human Rights to include the monitoring of the National Plan	Concurrent with the publication of the National Plan	Foreign Affairs and Trade
Include Business and Human Rights as a regular item on the agenda of the DFAT NGO Standing Committee on Human Rights	Concurrent with the publication of the National Plan	Foreign Affairs and Trade
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 Working Group and the Corporate Social Responsibility Stakeholder Forum	The CSR Plan was launched on 26 June 2017	Foreign Affairs and Trade, Enterprise and Innovation
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	Current Action Plan runs until 2018	Foreign Affairs and Trade
Ensure coherence between Ireland's new Trading Strategy: 'Ireland Connected: Trading and Investing in a Dynamic World' ¹⁰ , and the National Plan on Business and Human Rights	Concurrent with the publication of the National Plan	Foreign Affairs and Trade, Enterprise and Innovation, Education and Skills, Transport, Tourism and Sport, Community and Rural Affairs, Arts, Heritage & the Gaeltacht, Agriculture, Fisheries and Marine

¹⁰ Ireland Connected: Trading and Investing in a Dynamic World:
http://www.merriestreet.ie/merriestreet/en/imagelibrary/20170308_ireland_Connected.pdf

II. Initial priorities for the Business and Human Rights Implementation Group

The Business and Human Rights Implementation Group will focus their efforts on delivering the following key commitments. In addition, Government Departments and Agencies will continue their ongoing actions to further the implementation of the UN Guiding Principles which have been identified in the Working Outline and are contained here in Annex 1.

The State Duty to Protect Human Rights

- i. 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.
- ii. Ensure that relevant public servants are made aware of their obligation to report suspected cases of bribery under the OECD Convention on Foreign Bribery.
- iii. Encourage and support awareness of effective human rights due diligence by State owned or controlled companies.
- iv. Encourage and support effective human rights due diligence in the context of State support to business and NGOs.
- v. Encourage civil society and business representative bodies to engage with the United Nations Forum on Business and Human Rights.
- vi. Provide clarity to relevant stakeholders on the applicable Irish law, reporting channels and protections for whistle-blowers/protected disclosures.
- vii. Promote awareness of relevant multi-stakeholder and multilateral initiatives such as the UN Global Compact, the Principles for Responsible Investment and the Children's Rights and Business Principles among State owned or controlled companies.

The Corporate Responsibility to Respect Human Rights

- viii. Encourage business representative bodies to provide examples, templates and case studies to help support companies in their efforts to develop human rights focused policies and reporting initiatives.
- ix. Encourage companies and NGOs funded by the State to carry out human rights due diligence as appropriate to their size, the nature and context of operations and the severity of the risk of adverse human rights impacts.
- x. Encourage engagement with human rights reporting standards, such as the UN Guiding Principles Reporting Framework, the Global Reporting Initiative or the Business Working Responsibly Mark.
- xi. Encourage and facilitate the sharing of best practice on human rights due diligence, including effective supply chain audits.

- xii. Create a fact sheet on the OECD Anti-Bribery Convention, the criminal offences in Irish law on bribery, the reporting systems in place for reporting suspicions of foreign corruption and the protections provided by the Protected Disclosures Act to be distributed by Enterprise Ireland to all Irish companies engaged in trade missions.

Access to Remedy

- xiii. Engage with business representative bodies to promote and strengthen mediation as a viable option when businesses and their stakeholders are engaged in disputes.
- xiv. Introduce a standing agenda item to explore international best practice and principles governing the development of operational level grievance mechanisms for individuals and communities who may be adversely impacted to make it possible for grievances to be addressed early and remediated directly.
- xv. Review how best to ensure remedy for potential victims overseas of human rights abuses by Irish companies, with a focus on barriers to justice, including legal, procedural or financial barriers.



Minister Charlie Flanagan addressed a meeting of over 50 local companies and 35 Irish companies at an Enterprise Ireland networking event in Abu Dhabi, United Arab Emirates, as part of a trade mission to the Gulf region in November 2016.

Annexes:

Annex 1 – List of additional and ongoing actions to be carried out across Government

Throughout the process of compiling the National Plan, the following actions were identified as being important for furthering the promotion of business and human rights across Government. The majority of these actions are ongoing rather than new and, as such, it is not considered that they necessarily need to be prioritised by the Implementation Group. The Implementation Group may, however, consider the progress that has been made in terms of achieving these actions and look to include them on their agenda if considered necessary.

Domestic Framework

1. Transpose the EU Directive on Disclosure of Non-financial and Diversity Information (2014/95/EU) into Irish law.
2. Enact the Mediation Bill.
3. Facilitate mediation where appropriate in the OECD National Contact Point grievance procedures for cases arising under the OECD Multinational Guidelines following the publication of national procedures to give effect to the Guidelines¹¹.

EU and Multilateral Efforts

4. Promote business and human rights issues in global policy processes within the framework of the 2030 Agenda for Sustainable Development, in particular through Sustainable Development Goals 8, 1 and 5.
5. Continue to participate in the Kimberley Process Certification Scheme and support the Scheme's stewardship by the European Commission.
6. Support the implementation of the Regulation establishing an EU-wide system for supply chain due diligence of responsible importers of tin, tantalum and tungsten, their ores, and gold originating in conflict-affected and high-risk areas.
7. Continue to take account of the human rights elements of European Commission Impact Assessments when providing input in the course of Free Trade Agreement (FTA) negotiations and support the appropriate implementation of human rights clauses in FTAs as they arise in EU Agreements.
8. Participate actively in the United Nations Forum on Business and Human Rights.
9. Share information about challenges and good practices on business and human rights with partners in the EU and the UN, including promoting coherence in the implementation of the EU's Action Plan on Human Rights and Democracy (2015-2019) and the EU's Gender Action Plan (2016-2020).

10. Use the Universal Periodic Review to encourage States to implement the UN Guiding Principles and to report on their progress.

Trade and Investment

11. Provide information to participants in overseas trade missions led by Government representatives on human rights issues in the destination countries.
12. 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.
13. 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.
14. 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.
15. Provide up to date guidance on the protection of human rights defenders working in the area of business and human rights through the circulation of Human Rights Defenders Guidelines to all Embassies.
16. Provide information from Embassies, working in cooperation with state agencies as appropriate, to Irish companies on business and human rights issues in their host countries.
17. Enhance awareness of human rights commitments, ethical business practice and development policy in international business promotion events, as appropriate.
18. Provide advice to business enterprises of the possible risks of human rights situations when operating in conflict affected areas.
19. Ensure awareness of the International Finance Corporation (IFC) performance standards among state owned companies that invest in or manage projects, outside of OECD high income countries, which exceed the euro equivalent of US\$10 million.

Development Cooperation

20. Promote the Inclusive Economic Growth policy priority set out in "One World, One Future: Ireland's Policy for International Development", by encouraging and supporting partner governments to ensure that business and economic regulation and legislation implements national and international commitments to human rights such as those relating to gender equality - in particular promoting women's access to formal employment, decent work, and the rights of marginalised groups.
21. Support developing countries to improve their business and investment environment and continue to promote transparent, accountable and effective governance systems, rule of law, and equitable and inclusive economic growth, including transforming economic opportunities and outcomes for women and girls.

¹¹ OECD Guidelines for Multinational Enterprises: <http://www.oecd.org/daf/inv/mne/>

Annex 2 – Terms of Reference of the Business and Human Rights Implementation Group

- The Implementation Group will be appointed by the Minister for Foreign Affairs and Trade for a three-year period. It will have an independent Chair and its members will be drawn from government, business and civil society.
- The Implementation Group will meet in full formation at least twice per year.
- Three subgroups will be established to focus on implementation of action points under each of the pillars of the UN Guiding Principles. The Chairs of these sub-groups will be as follows:
 1. State Duty to Protect- Government Representative
 2. Corporate Responsibility- Business Representative
 3. Access to Remedy- Academia/Civil Society Representative
- The Secretariat of the Implementation Group will be provided by the Human Rights Unit of the Department of Foreign Affairs and Trade with support from other relevant Units of the Department and in cooperation with other relevant Government Departments.
- The Implementation Group will review/update their work plan after 18 months and present this to the Business and Human Rights Forum as a basis for discussions.

