



Submission to the Department of Foreign Affairs and Trade on the development of a national plan on business and human rights.

March 2015

The Clean Clothes Campaign Ireland is a coalition organisation and the Irish partner of an international network of trade unions, worker's groups and NGO's campaigning for the recognition and protection of human rights in the global garment industry. This submission was prepared by Kate Nolan & Rosie O'Reilly, founders of Re-dress The Better Fashion Initiative and coordinators of the Clean Clothes Campaign Ireland.

Summary of Submission

1. The government should assess effectiveness and failings of existing laws and regulations.
2. The government must itself report on risks to human rights both by industry and geographic location to ensure standardised interpretation and understanding of areas of risk.
3. The action plan should include mandatory due diligence reporting by public and private businesses.
4. In the case of public procurement the government must set the standard of supply chain due diligence, non-financial reporting and remedial action on the human rights impacts of companies with which it conducts commercial transactions.
5. The Irish Government's plan of implementation must recognise and address the effect of Irish companies' trading activities on human rights wherever they operate.
6. The Irish action plan must recognise the need for corporate responsibility to respect human rights over and above compliance with national laws and regulations.
7. Supply chain transparency should be a core reporting requirement of Irish businesses.
8. Where human rights infringements have been identified within a business's operations, the State must require that business embark on immediate remediation in line with internationally accepted standards.
9. The Irish government should pursue an internationally binding treaty on transnational corporations and other business enterprises with respect to human rights.
10. Our national action plan needs to pursue *all three* pillars of the Ruggie framework with equal vigour.
11. Our national action plan must be clear, concrete and actionable by all businesses, whether State or privately owned.
12. There must be a definite plan of implementation and monitoring for all actions.

Pillar I: The State's duty to protect human rights

The Guiding Principles call on States to “set out clearly the expectation that all business enterprises domiciled in their territory and/or jurisdiction respect human rights throughout their operations”¹ However, without a baseline knowledge of where, how and who's human rights may be at risk by the activities of any given business it is impossible to recognise where the government needs to focus attention. As such the government should consider a baseline investigation into the effectiveness of existing laws and regulations to identify areas that need more robust monitoring or increased regulation to ensure a meaningful improvement.

The framework recognises the States responsibility “to take appropriate steps to prevent, investigate, punish and redress private actors' abuse of human rights”². Recognising the considerable gaps in business's current knowledge or consideration of human rights impacts within their activities both home and abroad, we call for the introduction of an annual publication by the State to identify high-risk areas both by industry and geographic location where human rights abuses or infringements have been reported³. This should be considered with the intention of standardising acceptable levels of oversight and preventative and remedial actions to address human rights risks with a view to making due diligence reporting a mandatory requirement for all companies either owned by or domiciled in the State.

In the instance of public procurement, the State must set the standard in human rights due diligence requirements and reporting, ensuring the protection and respect of human rights from business enterprises with which they conduct commercial transactions.⁴

Pillar II: A corporation's duty to respect human rights

The Guiding Principles set out the corporate responsibility to respect human rights, as a “global standard of expected conduct for all business enterprises wherever they operate.”⁵ This recognition of extraterritorial responsibility in an increasingly globalised marketplace is essential to the effectiveness of an Irish action plan.

Through the research and activities of the Clean Clothes Campaign network we cannot stress strongly enough the vital need for the Irish action plan to recognise the corporate responsibility to respect human rights over and above compliance with national laws and regulations.⁶ The majority of human rights abuses and infringements found within the supply chains of Irish companies researched by the Clean Clothes Campaign have occurred in developing countries with weak government laws and regulation^{7,8,9} – particularly in newly industrialised and developing countries.

¹ UNGP Pg 3

² UNGP Pg 3

³ In line with the UNGP operational principles 3.(c) Pg. 4

⁴ In line with the UNGP 5 & 6. Pg 8

⁵ UNGP Pg 13

⁶ CCCIreland Tailored Wages Report 2013 <http://cleanclothescampaignireland.org/living-wage/tailored-wages-report/>

⁷ CCCIreland Flawed Fabrics Report 2014 <http://cleanclothescampaignireland.org/2014/11/forced-labour-scheme-found-in-highstreet-retailers-supply-chains/>

⁸ Human Rights Watch Report on Cambodian Garment Industry 2015 http://www.hrw.org/sites/default/files/reports/cambodia0315_ForUpload.pdf

Recognising the responsibility of businesses to respect human rights and “address adverse human rights impacts with which they are involved”¹⁰ a regularised and monitored requirement to report on human rights impacts, risks and remedy activities in line with Principles 17 – 21 of the framework is essential to promoting respect for human rights in the business environment. As the ability or willingness of a national government to protect the rights of its citizens varies from country to country we call on the government to include geographic supply-chain transparency as a requirement of this reporting – this transparency, combined with a government publication of business in human rights risk-assessments will work to promote and strengthen a more focused due diligence by Irish businesses operating in high risk countries.

Pillar III: Access to Remedy

The government must address the gap in cross-jurisdictional accountability of businesses found to be either directly or indirectly complicit in human rights abuses. The government should pursue a binding treaty on transnational corporations and other business enterprises with respect to human rights. However, we would hope that our State will not depend on and wait for the actions of others to address this issue and in the meantime where, through due diligence reporting or other methods, adverse impacts on human rights are identified within a business’s operations – regardless of where in the world they occurred - the government must require businesses to embark on remediation in line with internationally accepted standards either by themselves or in cooperation with others.¹¹

The Irish Government has endorsed The Guiding Principles on Business and Human Rights and must now take this opportunity to implement its principles in a robust and practical manner. The State must pursue *all three* pillars of the framework with equal vigour and represent the interconnectedness of cross-departmental responsibilities in its effective implementation. The plan must be clear, concrete and actionable by all businesses, whether State or privately owned and must have a time-defined plan of implementation, monitoring and review.

⁹ CCCireland Urgent Appeal – Jan 2014 – 4 striking Cambodian garment workers shot dead and 23 arrested.

¹⁰ Pg 13

¹¹ <http://cleanclothescampaignireland.org/bangladesh-factory-collapse/rana-plaza-demands-action/compensation-for-the-victims/>