



Community Work Ireland is the new name for the  
Community Workers' Co-operative  
which exists to support and promote community work  
to address poverty, social exclusion and inequality and  
to promote and protect human rights

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## Community Work Ireland Submission

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## Department of Foreign Affairs and Trade Working Outline of Ireland's National Plan on Business and Human Rights

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# Community Work Ireland

Established in 1981, the Community Work Ireland (CWI; formerly the Community Workers' Co-operative) is a national organization that promotes and supports community work as a means of addressing poverty, social exclusion and inequality and ultimately as a means of achieving social change that will contribute to the creation of a more just, sustainable and equal society.

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## Submission

This submission focuses on a number of areas which we consider to be essential to the creation of a robust business and human rights framework which protects rights holders and supports good governance, including an independent civil society, both in Ireland and internationally.

### *1.1 Negative effect on rights from procurement model in the community sector*

The EU procurement directive<sup>1</sup> requires 'appropriate integration of environmental, social and labour requirements into public procurement procedures'. CWI is concerned that the plan must address the preliminary question of whether a procurement and competitive tendering approach is appropriate, in human rights terms, for the community sector. Research carried out by CWI<sup>2</sup> has shown that a competitive tendering process can leave community organisations unaccountable to rights holders and ultimately undermine the ability of the community sector to support rights-holders to act for the full realisation of their rights.

Furthermore we are concerned that there are clear issues with regard to oversight, in human rights terms, of commissioned and outsourced sensitive services like direct provision, child protection and drugs services. There is a need for a robust human rights framework for the commissioning of such services that will place the rights of those engaging with the service at the centre of the commissioning process.

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<sup>1</sup> European Directive on Public Procurement 2014/24/EU.

<sup>2</sup> Community Work Ireland (2015) *In Whose Interest? Exploring the Impact of Competitive Tendering and Procurement on Social Inclusion and Community Development in Ireland*. Available online at: <http://communityworkireland.ie/in-whose-interests/>

### *1.2 Mandatory compliance of the public sector*

We believe that there is a need for mandatory compliance with the plan by State departments, bodies and agencies and local authorities. All public bodies should have a positive duty to promote human rights through their procurement processes and all engagements with the private sector. This should be augmented by a clear “carrot /stick approach” with private sector interests, where business and human rights requirements are ultimately mainstreamed into government procurement, trade mission participation and stock exchange listing, for example.

### *1.3 Protection of Irish civil society*

We welcome that the plan recognises the vital role of civil society in the realising of human rights and draws attention to the UN Human Rights Council resolution on civil society space. The international focus of the plan can be built on to address how civil society space in Ireland will be protected and maintained. As already discussed, the implementation of a procurement approach on the community sector poses a serious threat to the protection and promotion of human rights. It further threatens the maintenance of a pluralistic civil society which supports the meaningful participation of all with particular focus on the rights of the most marginalised and disadvantaged groups.

### *1.4 Protection of Irish human rights defenders*

The plan makes a commendable effort to address the issue of human rights defenders internationally and the focus on human rights defenders should be extended to address how the state will ensure the protection of human rights defenders in Ireland. It is important for example to recognise that human rights concerns can often arise around large infrastructure projects and that the State has a duty to address those concerns, in particular through by upholding its commitments to the Aarhus Convention on Access to Environmental Information.

### *1.5 Human rights in business & corporate social responsibility*

The plan acknowledges that business and human rights goes beyond simply corporate social responsibility (CSR). It is essential that the plan is clear that companies cannot chose a “softer” CSR approach instead of serious engagement with human rights. This can be achieved by adopting mandatory compliance by public sector bodies and the introduction of clear business and human rights requirements as outlined in 2.2 above.

### *1.6 Mainstreaming human rights in business education*

There is a need for human rights education to be mainstreamed across all business degrees and diplomas including for engineers, construction workers. The State should work with business schools and other education and training providers to support initiatives in this area. Attention should be given to both domestic human rights issues, including trafficking and forced labour, and human rights issues internationally.