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Northern Ireland Human Rights Commission - Business and Human Rights Work

This document highlights progress in the promotion of a human rights-based approach to public procurement, as well as the Northern Ireland business and human rights forum's National Action Plan.

PUBLIC PROCUREMENT

The Northern Ireland Human Rights Commission (NIHRC) has been active in the field of business and human rights since 2012. The NIHRC initially published a report in March 2012 on the human rights of older people in nursing homes, entitled 'In Defence of Dignity',¹ which found that there was a need for clarity on human rights issues in service procurement in Northern Ireland.

In 2013, the NIHRC published a report: 'Public Procurement and Human Rights in Northern Ireland',² which was produced with the assistance of the Danish Institute for Human Rights. The purpose of the report was to engage government departments, other relevant public authorities and private companies, to promote awareness of the important relationship between business and human rights in Northern Ireland. The report advises on the applicable human rights

standards in the context of procurement and, crucially, identifies third-party contractors as public authorities for the purposes of the UK Human Rights Act (1998).

Since the report's publication, the NIHRC has worked with the Northern Ireland Department of Finance's Construction & Procurement Delivery team to promote a human rights-based approach to public procurement. In 2018, the NIHRC delivered human rights capacity-building seminars to staff at the Northern Ireland Department of Finance.

The most notable outcome from the NIHRC's engagement with the Department of Finance has been the production of a Procurement Guidance Note: 'Human Rights in Public Procurement'.³ This is a ground-breaking document, and was endorsed by the Procurement Board and launched in January 2019. The Procurement Guidance Note

¹ Northern Ireland Human Rights Commission (2012), In Defense of Dignity: The Human Rights of Older People in Nursing Homes. <http://www.nihrc.org/uploads/publications/in-defence-of-dignity-investigation-report-March-2012.pdf>

² Northern Ireland Human Rights Commission (2013), Public Procurement and Human Rights in Northern Ireland.

http://www.nihrc.org/uploads/publications/NIHRC_Public_Procurement_and_Human_Rights.pdf

³ Northern Ireland Department of Finance (2018), PGN 03/18 Human Rights in Public Procurement. <https://www.finance-ni.gov.uk/sites/default/files/publications/dfp/PGN-03-18-Human-Rights-in-Public-Procurement.PDF>

recognises that decisions made in public procurement processes can have consequences on the enjoyment of human rights, and establishes guidance for the adoption of a human rights-based approach. It also sets out the legal obligations for contractors to consider human rights when conducting procurement processes, and includes measures to prevent and mitigate human rights violations. The NIHRC continues to work in partnership with the Department of Finance to implement the Guidance Note.

NORTHERN IRELAND BUSINESS AND HUMAN RIGHTS FORUM

The NIHRC established the Northern Ireland Business and Human Rights Forum (the Forum) in 2015.⁴ The Forum is a multi-stakeholder platform to enable Government, businesses and civil society to engage on business and human rights issues in Northern Ireland.

The Forum bases its work on the UN Guiding Principles on Business and Human Rights, and facilitates the exchange of knowledge, experience and good practice among members. The Forum has developed a human rights policy statement which reflects its values.⁵

The NIHRC has sought to ensure members take ownership of the Forum, therefore it is chaired by business representatives, and its meetings are hosted by members. Meetings

take place three times a year, and feature presentations by visiting experts and guest speakers, as well as providing the opportunity for members to showcase best practice from their own businesses. To date, themes covered by the Forum have included: modern slavery, sport and human rights, National Action Plans, transparency in supply chains, responsible procurement, the impact of Brexit on equality, human rights and business, ethical trade and sustainable business, in-work poverty, and participation of persons with disabilities.

Members of the Forum have carried out several pieces of work, including the submission of evidence to the Human Rights and Business Inquiry, conducted by the Joint Committee on Human Rights.⁶



Photo: NIHRC. Forum Chair, Glenn Bradley, is pictured with Permanent Secretary for the Northern Ireland Department of Finance, Sue Gray; and NIHRC Chief Commissioner, Les Allamby, at the launch of the Procurement Guidance Note in January 2019.

⁴ Northern Ireland Human Rights Commission (2015), Business & Human Rights: Northern Ireland Business & Human Rights Forum. <http://www.nihrc.org/business-human-rights-forum>

⁵ Northern Ireland Business and Human Rights Forum (n.d.), NI Business and Human Rights Forum Policy Statement. http://www.nihrc.org/uploads/general/NIBHRF_Policy_Statement.pdf

⁶ Northern Ireland Business and Human Rights Forum (2016), Submission from the Northern Ireland Business and Human Rights Forum to the Joint Committee's Inquiry on Human Rights and Business. http://www.nihrc.org/uploads/general/Northern_Ireland_Business_and_Human_Rights_Forum_-_Letter_to_JCHR_Business_and_Human_Rights_Inquiry_4th_July_2016.pdf

The Forum holds annual events in conjunction with the Northern Ireland Human Rights Festival, centred on Human Rights Day in December. To date, the Forum has held an event on Sport and Human Rights - with key speakers including the Commonwealth Games Federation and FIFA (International Federation of Association Football) - and a debate with university students on the motion: 'Human rights are good for business'. In 2018, the Forum hosted an event with the Belfast School of Art on ethical and sustainable fashion, which involved input into students' learning module, a seminar and public event.

Engaging with universities in Northern Ireland has been extremely valuable and has resulted in a new partnership between the Forum and Queen's University Belfast. The Queen's University Management School is a member of the Forum, and the two have worked together to develop an innovative new programme called the 'Business and Human Rights Student Ambassador Programme'. This programme is open to students at any level across the university and will equip them with the knowledge and skills to act as ambassadors to promote ethics and human rights within business, during both their academic studies and future professional careers.

NORTHERN IRELAND ACTION PLAN ON BUSINESS AND HUMAN RIGHTS

The Forum follows the progress and implementation of both the UK and Ireland's National Action Plans on Business and Human

Rights. The UK Government launched its first NAP in 2013, with an updated document in 2016, while Ireland launched its NAP in late-2017. The NIHRC has engaged with the Irish Government in the implementation of its NAP, presenting its work on procurement and the Forum to the Business and Human Rights Implementation Group (established by the Irish NAP) in October 2019.

The UK NAP gives recognition to the Northern Ireland Business and Human Rights Forum, and states that devolved administrations (Scotland, Wales and Northern Ireland) may develop their own action plans in support of the NAP. As such, the Forum committed to developing an action plan for Northern Ireland in its 2018-19 Work Plan.⁷ In the context of the absence of the NI Executive and NI Assembly, the Forum drafted an action plan that could be implemented by members rather than the State. The action plan is framed within the three pillars of the UN Guiding Principles on Business and Human Rights and is available online.⁸ It was adopted by Forum members in March 2019 and will be reviewed in March 2020.

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⁷ Commonwealth Forum of National Human Rights Institutions (2018, pg. 32), A Guide to Business and Human Rights for Commonwealth Forum National Human Rights Institutions. http://cfnhri.org/uploads/files/Guide_to_BHR_for_CFNHRIs_final.pdf

⁸ Northern Ireland Business and Human Rights Forum (2019), Northern Ireland Action Plan on Business and Human Rights. http://www.nihrc.org/uploads/general/Northern_Ireland_Action_Plan_on_Business_and_Human_Rights.pdf