

Oral Statement submitted by the Northern Ireland Human Rights Commission (A Status NHRI).

35th Session of UN Human Rights Council

Agenda item 5: Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises.

The three UK National Human Rights Institutions welcome the Working Group's Report on the challenges and opportunities for SMEs in the implementation of the UN Guiding Principles in practice.

This reflects our own experience, including through the Northern Ireland Business and Human Rights Forum.

A need for a tailored approach for SMEs is also reflected in the Equality and Human Rights Commission's guidance for board directors, managers, and on handling and resolving complaints.

SME's limited capacity to engage reinforces the importance of supporting their participation. We highlight that the process of updating the UK's National Action Plan provided limited opportunities for stakeholder consultation, and no consultation in the devolved jurisdictions. This had a direct impact on SME involvement.

The Scottish Human Rights Commission, in progressing a National Action Plan on Business and Human Rights has adopted a participatory approach, supported by the Scottish Government and civil society. A national baseline assessment has been produced for consultation, and a drafting and implementation stage will follow.

We highlight the progress made in Northern Ireland towards ensuring human rights requirements are contained within public procurement contracts by the Department of Finance. Similarly, public bodies in Scotland have been provided with best-practice recommendations contained in Guidance on the Procurement of Care and Support Services.

The UK's NHRIs welcome the Working Group's Report on public procurement and reiterate the potential to utilise procurement to strengthen human rights protections.

The Equality and Human Rights Commission's report on the employment practices and working conditions in the cleaning sector, and the Northern Ireland Commission's investigation into care within nursing homes, both highlighted some of the risks of privatisation.

Our view is that States must address the human rights implications of privatising and contracting out public services.