

Dear members of the OECD Working Party on Responsible Business Conduct,

The MVO Platform welcomes the public consultation on gaps in the OECD Guidelines for Multinational Enterprises (Guidelines). The MVO Platform is the Dutch civil society coalition on corporate accountability. Our 23 members work with communities adversely impacted by business activity across various sectors, geographies, and victim groups. Many of us have been involved in supporting communities filing complaints to the Dutch and other National Contact Points (NCPs). We also use the Guidelines in direct advocacy with corporations to encourage responsible business conduct (RBC) and in conversation with the Dutch government to advocate for improved RBC policies.

The Guidelines have been an important tool to advance RBC, but in the ten years since their last revision, the standards have not kept pace with new challenges or expectations for corporate conduct. In our view, it is critical that the Working Party and Investment Committee take the opportunity to close gaps<sup>1</sup> in both the RBC standards for corporations and implementation expectations for NCPs in the Guidelines.

One reason for a revision is that the Guidelines standards' fall short of current expectations for RBC on the following themes: **Gender, Caste-based discrimination, Children's rights, Human rights defenders, Climate change and environmental degradation, Land rights, Labour rights, Taxation, Digitalisation, Disclosure, Animal welfare and the Scope of application of the Guidelines, Conflict-affected Areas**. We kindly refer you to our [position paper](#) on the revision of the Guidelines, which provides our analysis of concerning gaps on these topics and refers to the Dutch context. Although we believe all of these themes deserve equal attention in the Guidelines, we would like to refer to the specific commitments the Dutch government has already made on improving the position of animal welfare and land rights in the OECD Guidelines.<sup>2</sup>

A second reason is that the Dutch government and European Commission, among other governmental bodies, are currently working on the development of RBC legislation in which the OECD Guidelines are expected to play a pivotal role. We have recently supported development of a Dutch Bill on mandatory human rights due diligence<sup>3</sup> which has the Guidelines at its heart. It is therefore of the utmost importance that the Guidelines reflect the latest and highest standards on various RBC themes, making clear to all stakeholders what exactly is expected of companies, and improving the grounds on which states can help facilitate access to justice for victims.

The Netherlands, among other countries, has taken steps in recent years to raise specific RBC standards for companies, often at a sectoral or thematic level. We expect the Dutch government to play a lead role in ensuring that OECD member states establish an updated set of criteria for RBC, by promoting a progressive revision of the Guidelines. In light of these concerns, we respectfully request that you:

1. Ensure the final stocktaking report reflects and responds to the gap topics we have identified in our position paper and each of the gaps identified by other members of civil society, and
2. Initiate an inclusive process, following conclusion of the stocktaking, to revise the Guidelines to ensure they remain fit for purpose.

We thank you for your consideration and stand ready to support future revision discussions.

Sincerely,

G. ten Kate, coordinator MVO Platform

*ActionAid \* Amnesty International \* Arisa \* Both ENDS \* CNV Internationaal \* Cordaid \* Fairfood \* Fairtrade Netherlands \* Fair Wear Foundation \* FNV \* GoedeWaar.nl \* Hivos \* Milieudefensie \* Oxfam Novib \* PAX \* Save the Children Netherlands \* Schone Kleren Campagne \* Stichting Onderzoek Multinationale Ondernemingen (SOMO) \* Tax Justice NL \* Terre des Hommes \* UNICEF Nederland \* Vereniging van Beleggers voor Duurzame Ontwikkeling (VBDO) \* World Animal Protection*

<sup>1</sup> See OECD Watch's paper for gaps of concern to civil society: [Get Fit: closing gaps in the Guidelines to make them fit for purpose](#)

<sup>2</sup> [Dutch Banking Sector Agreement](#), p. 16 and [Letter of the Dutch government](#) from 2018

<sup>3</sup> English translation of the Dutch [Bill for Responsible and Sustainable International Business Conduct](#)