



Exploring access to remedy in the bank sector

Parallel session

29 November

10:00-13:00

Part 1: Banks and access to remedy under the Dutch banking sector agreement

10:00-11:25

Organized by Pax

Part 2: Public-private partnerships for effective remedy: a case study on human trafficking

11:35-13:00

Organized by ABN Amro

Part 1: Banks and access to remedy under the Dutch banking sector agreement

Brief outline: This session organized by Pax will address the role that commercial banks can play in relation to access to remedy taken from the individual perspectives of the speakers, most of which are members in the remedy working group set up under the Dutch Banking Sector Agreement. The discussion will focus both on what efforts are being undertaken under the Dutch Banking Sector Agreement to ensure access to remedy and on the participants experiences of the added value of a multistakeholder approach in responding to these issue. The perspectives come from individuals involved in the banking sector, government and civil society, but, in the spirit of fostering constructive dialogue and having different stakeholders ‘get out of their trenches’ in the discussions, the participants will not be representing the official perspectives or positions of the organizations.

Session objectives: Share the outcomes of the Remedy working group of the Dutch Banking Sector Agreement, get feedback from the audience and exchange on ways to use these outcomes in the international debate on the role financial institutions and specifically banks can play in the provision of good remedy for human rights violations.

Key discussion questions: The panel will discuss the unique roles banks can play in relation to access to remedy, the Agreement's working group on enabling remediation, how consensus is fostered between the parties, practical steps as to how the banks should ensure access to remedy, and next steps in this area. The discussion will then open the floor to questions from the audience.

Speakers:

- **Rachel Davis**, Managing Director, Shift (**Moderator**)
- **Ruben Zandvliet**, ESE Risk Advisor, ABN Amro
- **Tessel van Westen**, Senior Policy Advisor CSR, Ministry of Foreign Affairs
- **Benjamin Thompson**, Programme Officer B&HR, Pax for Peace (representing the three CSOs party to the Agreement: Pax, Amnesty International Netherlands and Oxfam Novib)
- **Pablo Lumerman**, Board director, ACCESS Facility, Dialogue facilitators community of practice

Format: The moderator will set the stage with briefly embedding the panel's topic in the current international debate, sharing her unique insights in the various contributions to that debate. The panel will share their individual perspectives on banks' actual and potential role in relation to access to remedy, their experiences and perspectives in relation to the multistakeholder dialogue in the WG, and any aims and objectives they have moving forward. The floor will then be opened for discussion with the audience. These discussions should offer the audience insights into different perspectives into the role of banks in relation to realizing access to effective remedy.

Background: The Dutch Banking Sector Agreement on international responsible business conduct regarding human rights is a multistakeholder initiative between the Dutch Banking Sector Association, the Dutch government, three civil society organisations, and two trade unions. The Agreement stipulates that adhering banks meet their responsibility to respect human rights under the UNGPs and under the OECD Guidelines for Multinational Enterprises. The Agreement was concluded in 2016 and was first presented at last year's forum. There are 13 banks in the Netherlands which have signed a declaration of adherence with respect to the Agreement. For the text of the Agreement, please see:

https://www.ser.nl/~media/files/internet/publicaties/overige/2010_2019/2016/dutch-banking-sector-agreement.ashx

As part of the Agreement, the Parties have jointly established a working group which will further explore when banks are deemed to be 'linked to', 'contributing' or 'causing' adverse impacts following their financing activities in specific cases and how the adverse impact in these instances could be addressed or remediated in conformity with the OECD Guidelines and the UNGPs. The working group will discuss what roles banks could and should play in the process of enabling remediation for victims of human rights violations.

Part 2: Public-private partnerships for effective remedy: a case study on human trafficking

Brief outline: The session has two objectives. First, it will present a case study on cooperation between the Dutch Public Prosecution Service (government), ABN AMRO (business) and CoMensha (victims organization) in providing effective remedy for victims of human trafficking. Remedy for this crime is normally provided through State-based judicial processes (criminal and civil law). However, this does not always lead to effective remedy. For example, financial illiteracy is an important problem. Victims who are awarded damages often need assistance in the form of practical tools or formal trustees. By working together, banks and victims organizations can make sure that damages help victims to integrate into society.

Key discussion questions of proposed session:

- Why should banks be involved in the fight against human trafficking?
- What are the obstacles in providing effective remedy to victims of human trafficking, and how can these be resolved by tripartite cooperation?
- How has tripartite cooperation on human trafficking changed our understanding of what the UNGPs mean for financial institutions?
- What are the broader lessons to be learned from this case study, in terms of creative cooperation between governments, companies and victims organizations?

Speakers:¹

- **Shawn MacDonald**, CEO, Verité (**Moderator**)
- **Eefje de Volder**, Researcher and Advisor, Combatting Human Trafficking at the Dutch Coordination Center Against Human Trafficking (CoMensha)
- **Maria Anne van Dijk**, Head of Environmental Social & Ethical Risk & Policy, ABN AMRO
- **Martin Witteveen**, Appeals Prosecutor Amsterdam, specialized in Human Trafficking & International Crimes, Public Prosecution Service the Netherlands
- **Justine Nolan**, Associate Professor, Faculty of Law at UNSW Sydney

Format of the session: After the moderator has set the stage concerning the broader picture of why and how the financial sector plays a role in the fight against human trafficking, the Dutch Public Prosecution Service, ABN AMRO and CoMensha will elaborate on their respective roles in the fight against human trafficking as well as lessons for cooperation. This is the result of a more extensive collaboration on the subject. After that, Mrs. Nolan will draw lessons from the broader debates on providing remedy to victims of human trafficking and the implications for other types of companies, when they decide to contribute to providing effective remedy based on their capacity, rather than their responsibility. After the panel discussion, the floor will be opened for questions and discussion.

¹ Further information on speakers provided in Annex

ANNEX. SPEAKERS SHORT BIOS.

Shawn MacDonald

CEO, Verité

Shawn MacDonald is CEO of Verité, a civil society organization that promotes workers' rights in global supply chains through research, consulting, training, assessments, and policy advocacy. Shawn has broad experience in labor rights, corporate social responsibility, social entrepreneurship, workplace health, and multi-sector partnerships. Before joining Verité, he was Director of Accreditation at the Fair Labor Association, Vice President of Ashoka: Innovators for the Public, Senior Advisor at Meridian Group International, and co-founder of the Development and Employment Policy Project. He holds a Ph.D. from George Mason University's School for Conflict Analysis and Resolution and an AB in History from Harvard University.

@veritenews

Maria Anne van Dijk

Head of Environmental Social & Ethical Risk & Policy, ABN AMRO

Maria Anne van Dijk is Head of Environmental Social & Ethical Risk & Policy at ABN AMRO. In 2016 ABN AMRO became the first bank to publish a Human Rights Report in line with the UN Guiding Principles Reporting Framework. Human trafficking is an important component within the bank's human rights programme. Maria Anne coordinates these efforts in cooperation with ABN AMRO's financial crime unit.

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Martin Witteveen

Appeals Prosecutor Amsterdam, specialized in Human Trafficking & International Crimes, Public Prosecution Service the Netherlands

Martin Witteveen is an expert in international criminal justice, [international] criminal investigations, especially into international crimes and human trafficking, and building the rule of law abroad. Martin had an international career as teamleader investigations in the International Criminal Court, as investigation magistrate for international crimes in his domestic court and as advisor to the Palestinian authorities and in Rwanda. Apart from his work, Martin serves on the board of International Justice Mission, an anti-slavery ngo, on an expert panel of the American Bar Association and served on an expert group that drafted the Principles for prosecuting human rights violations by corporations for Amnesty International and ICAR.

Eefje de Volder

Researcher and Advisor Combatting Human Trafficking, Dutch Coordination Center Against Human Trafficking, CoMensha

Eefje de Volder is researcher and Advisor Combatting Human Trafficking at the Dutch Coordination Center Against Human Trafficking (CoMensha). CoMensha is responsible for registering victims of human trafficking in the Netherlands and coordinating their shelter and assistance. CoMensha plays a central role in the chain of stakeholders involved in combatting human trafficking all for the sake of the better protection of victims of trafficking. Eefje is particularly responsible for the coordination of shelter and assistance to victims of labour exploitation and ensuring that the cooperation among all stakeholders continues to be improved. Website: <http://www.mensenhandel.nl>

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Justine Nolan

Associate Professor, UNSW Sydney, Faculty of Law

Justine Nolan is an Associate Professor in the Faculty of Law at UNSW Sydney and Associate Dean (Academic). She is a Visiting Professorial Scholar at NYU's Stern Center for Business and Human Rights. Justine's research focuses on the intersection of business and human rights, in particular, accountability for corporate violations of human rights.

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