

Final statement by the German National Contact Point for the OECD Guidelines for Multinational Enterprises on a complaint by European Center for Constitutional and Human Rights (ECCHR), Reporters without borders, Bahrain Center for Human Rights, Bahrain Watch, and Privacy International against trovicor GmbH, Munich about violations of the OECD Guidelines for Multinational Enterprises

On 6 February 2013, ECCHR, Reporters without borders, Bahrain Center for Human Rights, Bahrain Watch, and Privacy International (hereinafter referred to as “the complainants”) submitted a complaint to the German National Contact Point for the OECD Guidelines for Multinational Enterprises (NCP) against trovicor GmbH, Munich.

The complainants argued that in 2009, trovicor GmbH had assumed maintenance responsibilities for surveillance technology for the Bahraini government and had thereby contributed to human rights violations through the prosecution and government authorities in Bahrain.

The OECD Guidelines for Multinational Enterprises, as part of the OECD Declaration on International Investment and Multinational Enterprises, present recommendations for responsible corporate conduct in the case of investment abroad and function on a voluntary basis. The governments of the OECD Member Countries and other participating countries have committed themselves by way of their respective National Contact Points to promoting the use of this voluntary code of conduct and to helping to arrive at solutions to complaints via confidential mediation involving relevant partners.

In line with the Procedural Guidance for the OECD Guidelines for Multinational Enterprises, the NCP conducted a first thorough evaluation, which was partly based on a statement by trovicor GmbH, to examine whether the questions raised in the context of the complaint justified an in-depth investigation. The NCP concluded this evaluation in November 2013, making the decision to accept parts of the complaint and to offer help with resolving the questions raised in the context of the allegation that trovicor GmbH did not operate a management system to analyse the risk of any possible negative effects of its business activities on human rights. The NCP rejected the complaint as far as it alleged that trovicor GmbH was partly responsible for the violations of human rights in Bahrain. In order to protect commercial secrets, trovicor GmbH had not provided information on business relations meaning that it was impossible to determine whether the company had any business relations with Bahrain.

The partial acceptance of the complaint for closer examination does not mean that the NCP has identified any violation of the OECD Guidelines for Multinational Enterprises. It merely shows that the NCP believes that the complaint deals with issues which refer to the implementation of the OECD Guidelines for Multinational Enterprises and justify further examination. In the next stage of the proceedings, the NCP was to provide a neutral discussion forum in order to help work towards finding an amicable solution to the questions raised.

In their letter of 19 November 2013, the complainants addressed the partial rejection and argued that they believed they had provided sufficient evidence of the existence of business relations between trovicor GmbH and Bahrain. After the NCP confirmed the stance it had already taken, the complainants wrote a letter dated 30 January 2014 informing of their decision not to take part in such arbitration proceedings.

The NCP regrets the decision taken by the complainants not to take part in this process. The proceedings can therefore not be pursued any further and have been terminated.

Berlin, 21 May 2014

For the National Contact Point
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