

Global Compact Human Rights Working Group Summary Report

Anglo American, London
12 December 2007, 9 am – 2 pm

Summary:

- HRWG members were invited to consider pledging their support for the Universal Declaration of Human Rights (UDHR) at Everyhumanhasrights.org and to encourage others (such as employees and customers) to consider doing so. Links to the website for the campaign are encouraged.
- Following on from the positive response to the letter co-signed by the UN High Commissioner for Human Rights and the Global Compact Office Executive Director, a follow up letter will be sent to all Global Compact participants with further ideas for what could be done to help mark the occasion of the 60th anniversary of the Universal Declaration of Human Rights.
- Methodologies such as learning (especially through case studies, dilemmas, and real-life scenarios) and training were seen important in helping to improve corporate performance on human rights.
- The HRWG was seen as an appropriate forum to play a legitimizing role for what is good practice in the context of the Global Compact. The OHCHR will revise its note on the Global Compact as a legitimizing space.
- A concept note on an idea for the first dilemma discussion will be circulated.
- The Global Compact Office will reach out to Local Networks on human rights.
- The implications of the SRSG John Ruggie process should stay on the HRWG's agenda.
- Helping to foster coherence of business and human rights tools was seen as an important function of the Global Compact and HRWG.

OPENING & WELCOME

Mary Robinson opened the meeting and thanked Anglo American for their hospitality in hosting this HRWG meeting.

I. THE 60TH ANNIVERSARY OF THE UNIVERSAL DECLARATION ON HUMAN RIGHTS AND THE ROLE OF THE HRWG

Mary Robinson explained the role of The Elders (theElders.org) and their recently launched campaign “Every Human Has Rights” (Everyhumanhasrights.org). The campaign is inspired by the fact that the UDHR calls on “every individual and every organ of society” to strive to promote respect for human rights and provides the opportunity for individuals to pledge their support for the UDHR. The UDHR is the most translated document on earth (see <http://www.unhchr.ch/udhr/navigate/alpha.htm> for the UDHR is 369 languages). The goal is to achieve one billion signatories and thereby help raise awareness and reassert the importance of human rights. The campaign has a different human rights theme each month as follows (from February to November):

Responsibility to Protect
Women's Rights are Human Rights
Right to Health and Children's Right to Survival
Freedom of Expression
Freedom from Fear
Freedom from Hunger
Youth Realizing Rights
Right to Decent Work
Freedom from Want
Freedom from Discrimination.

It was suggested that the September theme – Right to Decent Work – might have particular resonance with business given that it is widely believed that the most sustainable way to tackle poverty is through decent job opportunities. Please consult the website for more information about the campaign or contact Scott Jerbi: scott.jerbi@eginitiative.org.

Discussion:

- A question was asked about the government dimension of the campaign. Mary Robinson mentioned that this is currently under consideration. One idea that is being considered is sending the package of information on the campaign to all Governments.
- There is standard language for the pledge on the website.
- There will be a major International Seminar on Business and Human Rights in Paris on 4-5 December 2008 to commemorate the 60th anniversary. It will be open to participation from people all over the world. The GC has been invited to play a role. The seminar aims to bring together 200 senior representatives from business, government and civil society to discuss the role of business in respecting and promoting human rights and the significant developments on integrating human rights issues into the heart of business practice. It will look back at the emergence of the imperative for business engagement in these issues and debate the way forward, focusing in particular on the involvement of BRIC countries. The Seminar will host plenary and interactive sessions and special events with the contribution of internationally distinguished specialists. More information on the event can be obtained from Kathryn Dovey (kd@anniversaryseminar.org or +33 6 07 74 97 11).
- Other ideas suggested for promoting the anniversary and pledge opportunity were: social marketing; links on company intranet and websites; a text-based campaign to raise awareness (given the higher proportion of people with access to a mobile phone rather than the Internet); reaching out to customers as well as staff; involving sporting figures or other celebrities; and harnessing channels like Internet search engines to promote links. Google Earth is a partner of the campaign and people can post their personal human rights stories as well as see stories that others have submitted.
- The need not only for quantity, but also quality of pledges, in terms of their wide geographic distribution, was mentioned. In this context, the importance of participation from BRIC and other emerging economies was emphasized; it is important to combat the false notion of human rights as Western values. On the other

- hand, it was noted that with the Stand Up Against Poverty campaign the real challenge was to reach people in Northern markets.
- Mary Robinson mentioned that the CEO of a major company had informed her that they would send a message to all their employees encouraging them to consider pledging to the UDHR. Some corporate HRWG participants also stated their intention to promote the anniversary within their own company (including by encouraging employees to consider making the pledge) and through their Local Network. Another mentioned that their company would focus on a particular human right of most relevance to their business. Another idea would be to focus on one of the themed months.
 - The idea of engaging with Local Networks further around the commemoration was raised.
 - The question of responsibilities as well as rights was raised. In this context, it was pointed out that the UDHR speaks of duties too.

Action point:

- HRWG members were invited to consider pledging their support for the UDHR at [Everyhumanhasrights.org](http://www.everyhumanhasrights.org) and to encourage others (such as employees and customers) to consider doing so. Links to the webpage are encouraged.

The Global Compact Office (GCO) thanked the HRWG members that are part of the task group on the 60th commemoration. One output thus far has been a letter to all GC participants, co-signed by the UN High Commissioner for Human Rights and the GCO Executive Director, inviting them to help mark the anniversary by scaling up human rights implementation and promotion efforts. The letter and other ideas that have been submitted for what companies can do to help mark the anniversary are available at http://www.unglobalcompact.org/Issues/human_rights/UDHR_60th.html Even though the letter did not seek a reply, around 100 companies from all over the world responded via email, requesting the guidance materials that were offered and indicating their intention to take action during the year on human rights. Further analysis on the aggregated replies will be made available in due course. Local networks have also been briefed on the letter.

Discussion:

- The idea of how to track activities being undertaken in support of the commemoration was raised. The letter to GC participants asked that activities be included in their communications on progress. Beyond that, it was suggested that participants could be informed of the opportunity to publicize their activities on business-humanrights.org.

Action point:

- It was agreed to send a follow up letter to all GC participants with further details on what guidance materials are available and where to find them; where to get more information about other activities being undertaken to commemorate the anniversary and other places to submit information about their activities; and inviting participants to encourage

employees and others to consider making the pledge in support of the UDHR on Everyhumanhasrights.org. Kathryn Dovey and Ron Popper volunteered to help with the draft letter. Other ideas for what the letter could address included: a list of actions that could be taken/how to get involved; a list of questions that you could ask of your CEO (e.g. do we have a human rights policy; do we participate in our Local Network etc).

- The GCO will also reach out to Local Networks about the anniversary and the opportunity it brings.
- The next edition of the Compact Quarterly will spotlight human rights.

The Office of the UN High Commissioner for Human Rights (OHCHR) provided further information about what that office is planning this year in the lead up to the anniversary. Some copies of the OHCHR's information package on the commemoration were circulated. The information kit, which includes a poster, is available at: <http://www.ohchr.org/EN/UDHR/Pages/60UDHRIntroduction.aspx>.

Discussion:

- The idea of sending a commemorative poster of the UDHR to each GC participant was raised.

Action point:

- OHCHR will investigate the possibility of making available sufficient copies of the posters to mail to all Global Compact participants.

II. UPDATE BY THE TEAM OF THE SRSG ON BUSINESS AND HUMAN RIGHTS

The OHCHR provided an update on the current phase of the SRSG's work, which is focused on making recommendations. The fast pace of the SRSG's work has been maintained. Recent activities included a consultation in Geneva that looked at both conceptual and practical aspects of business responsibilities with regard to human rights (report available at <http://www.reports-and-materials.org/Ruggie-Geneva-4-5-Dec-2007.pdf>). Of particular relevance to the GC, is the work on clarifying the implications of concepts such as sphere of influence and complicity, terms popularized in the business context by the GC. It is important to note that the SRSG's work has been focusing on the responsibility to respect/to do no harm, whereas the GC is broader and encompasses situations where companies go beyond doing no harm to support and even promote human rights. As an example, with reference to the concept of "sphere of influence", the SRSG has concluded that in the context of the duty to respect human rights, having "influence" alone is not sufficient in attributing responsibility (whether legal or moral) to companies. However, having "influence" plays a key role in activities aimed at promoting human rights.

The SRSG's final report will be presented to the UN Human Rights Council in June 2008.

Discussion:

- The potential relevance of the SRSG's work for the HRWG and the GC was emphasized by a number of HRWG members.

- One function that the HRWG can play is to consider the implications of the SRSG's work for the GC.
- The definitions of complicity used by the GCO and OHCHR in publications were referred to and the question of whether these need to be revised in light of the work in this area undertaken by FAFO and the ICJ was raised.
- A question was asked about the attitude of NGOs to the work. The OHCHR explained that the SRSG has paid a lot of attention to constructive engagement with all categories of societal actors, including NGOs. This is not synonymous with obtaining their agreement. One of the HRWG members in the coordinated NGO group engaging on the mandate noted that not everyone has been happy with the work's direction, but felt that the work has entailed a dynamic tension that has been helpful.
- The fact that "sphere of influence" is a phrase in the GC that applies across the principles and not just to the human rights principles was noted.
- It was noted that the Business and Human Rights Resource Centre website has a section devoted to the SRSG process and critiques at:
<http://www.business-humanrights.org/Gettingstarted/UNSpecialRepresentative>

Action point:

- The question of how the GC can best be aware of how the SRSG work is unfolding and the possible implications for GC participants should be on the agenda of the next meeting.

III. BUSINESS AND HUMAN RIGHTS TOOLS

John Morrison introduced a diagram (which was in the meeting background materials) that seeks to map some of the major business and human rights tools and how they fit together. A more nuanced approach could be developed and he hopes that the HRWG could play a role in this. It could help address the confusion that some companies feel when they are confronted with the many more business and human rights tools and guidance materials that exist when compared with a few years ago. Many companies already have management systems and are looking for tools to supplement these rather than to adopt entirely new management systems.

Novartis and the International Finance Corporation have, over the past few years convened a meeting on business and human rights tools with a view to helping to set a common agenda. A question that surfaced there is whether it is better to have tool proliferation or consolidation. This seems to be an open question. One project arising out of the last meeting was an exploration of how the different impact assessment tools could be made more coherent and how they could fit better with existing impact assessment processes. The question of how to raise awareness of existing tools and secure better update of them to aid systematic treatment of human rights issues within business management remains a challenge.

The guide *Integrating Human Rights into Business Management*, which the Business Leaders Initiative on Human Rights developed with the GCO and OHCHR, will be revised during 2008. Consultation will be conducted on the revised draft.

Discussion:

- It was suggested that training could help companies to improve their implementation of human rights. The OHCHR and GCO have an e-learning training tool. Perhaps a module could be added to this online course (which is available at <http://www.unssc.org/web/hrb/Default2.asp>)?
- The importance of recognizing that companies are a composition of different kinds of functions was noted. It was suggested that what was needed was a coherent package that caters more to companies' needs.
- Some HRWG members mentioned other work that they are involved in or that they were aware of that could be relevant to the question of tools and the training idea. These included work with HEC (a French International business school) and the United Nations Environment Program Finance Initiative tool for lenders on human rights. The Danish Institute for Human Rights is also involved in a mapping of the different human rights impact assessment tools and is developing a best practice guide on how to use the Human Rights Compliance Assessment Guide.
- The Business and Human Rights Resource Centre is also planning, subject to the availability of funding, two new portals on how to get started and tools and resources.
- It was suggested that there is a need to encourage the development of a network of people that could engage in peer to peer learning and not just the development of tools. The proposal for the establishment of a Human Rights Institute (see more below) was mentioned in this context.
- The need for tool developers to collaborate more at the outset was emphasized as there has tended to be a degree of competition. However, it is also true that there are different perceptions of what the gaps are.
- The value of case studies was stressed to help socialize learning. CEO involvement was also seen as highly valuable in making change occur in an expeditious and sustainable fashion.
- It was suggested that checklists and guidance can only go so far and that dilemma discussions have an important role to play.
- Mary Robinson made a plea for coherence and encouraged that different actors work together as much as possible. She also stressed the need to keep things simple and accessible. She raised the question of whether the Human Rights Institute and/or Danish Institute for Human Rights and the Global Compact could work together given the huge body of work involved. She also suggested that the HRWG could be a vehicle for tool providers to collaborate more at the outset and that fostering coherence could be an important function of the HRWG.

Action point:

- Feedback on the diagram is welcome and should be sent directly to John Morrison: john.morrison@blihr.org

The GCO sought feedback on a slide headed “A way to use the tools and guidance materials” (which was in the meeting background materials) that sought to summarize on one page how some of the business and human rights tools and guidance materials available could be used and

for what purposes. It was developed following a training that the GCO and OHCHR delivered for a group of companies that wanted more guidance on what tools and guidance materials to use. The page could be part of the follow up letter (referred to above) that goes to participants.

Discussion:

- The Danish Institute for Human Rights suggested inclusion of their country risk assessment tool, the executive summaries of which are available for free
- International Alert asked that the GCO continue to help disseminate and raise awareness of Conflict Sensitive Business Practices – Guidance for Extractive Industries
- It was suggested that the slide be put on the Global Compact website where the business and human rights tools and guidance materials are described and links are available.
- It was seen as appropriate that the GCO recommend or encourage the use of guidance materials, but it should not imply that use of any one or more tools was required.

Action point:

- The GCO will revise the slide and put it on the GC's website.

IV. Codification of good practices to resolve recurrent dilemmas

Further to the clearing house idea proposed at the last meeting, the OHCHR circulated a draft note outlining different models that could be used for the HRWG to recognize good practices. The rationale underlying the concept is that a multi-stakeholder group of experts, like the HRWG, has a certain degree of legitimacy to say what is a good practice in the context of the Global Compact. The OHCHR suggested that there may be a range of ways to identify what is a good practice rather than only one way, but that some key conditions would need to be present before a practice could be legitimized as a good practice. These include: multi-stakeholder involvement in the process and transparency. It was acknowledged that in some cases it may be fruitful to begin a process with companies only, provided that the multi-stakeholder component is brought in later on.

Discussion:

- The note was welcomed. Mary Robinson raised the key question of resources: human, financial and time. Other HRWG members also expressed a strong preference for models that are less time and work intensive. It is important that the role ascribed to the HRWG be realistic.
- It was noted that building confidence and trust was essential in order to encourage a willingness to share.
- It was suggested that the criteria for what is a good practice should include reference to outcomes and impact.
- The idea of Local Networks playing an important role in this area was raised. Model 3 was seen as particularly conducive for that.

- Chris Marsden presented an update on the plans for the establishment of a Human Rights Institute and circulated a one-page description. Some seed funding has been raised. Other consultations are upcoming. It is hoped to launch the Institute by the end of the year for the 60th anniversary of the UDHR. He also welcomes Model 3, which was developed as a result of discussions between the Global Compact Office and himself.
- Model 3 was thus the model preferred by the working group.
- It was suggested that one way of making the work load more reasonable was for the HRWG to be a filter or legitimator of good practices developed by others, such as BLIHR, Global Compact Local Networks, the Human Rights Institute, IBLF etc. Given the expert nature of the group and the UN character of the GC, the HRWG could help legitimize such practices and give them a wider audience through giving the GC imprimatur to the practices.
- The HRWG could help form the common agenda, priorities etc and then the dilemmas could be worked on elsewhere and the results brought back for the HRWG's consideration in a quality control capacity.
- Rather than clearing house, the term legitimizing space was preferred.
- An idea for the first dilemma has been raised as a collaboration of the GC and the Human Rights Institute. Building on earlier work carried out in the context of the GC on supply chain, it could be on the apparel sector and focus on persistent challenges from both the corporate customer and supplier sides.

Action point:

- The OHCHR will revise the note to reflect the feedback received and represent it at the next HRWG meeting.
- A concept note on the first dilemma for consideration is in development and will be presented at the next HRWG.

V. Global Compact Local Networks and human rights

The GCO presented an overview of the status of Global Compact Local Networks. There are around 60 country networks that are fully operational. Approximately 30 others are in the making. Thus, by the end of 2008, it is expected that there will be around 80-90 Local Networks. When they start out, Local Networks typically focus on awareness raising, namely getting corporate citizenship on the agenda, and getting the Local Network up and running. The more established ones then move into substantive engagement. A number of Local Networks look for guidance as to what activities they could undertake. Some Local Networks are planning to focus on human rights in 2008.

Discussion:

- Mary Robinson suggested that Local Networks might be helpful in spreading the message about the www.everyhumanhasrights.org campaign to make the Universal Declaration of Human Rights more personal. She also referred to the follow up letter that will be sent to GC participants and suggested that it encourage deeper engagement in Local Networks, and that Local Networks should be offered practical

- guidance with a view to developing more shared responsibility for human rights implementation.
- The hope was expressed that Local Networks could also play a role when the Human Rights Institute is set up and that their local company participants would be willing to share their learning on human rights.
 - The GCO explained that many Local Networks are constrained in their resources.
 - In order to make Local Networks more effective and meaningful, it was suggested that they emphasize learning, including through examining real life dilemmas and that they offer a safe space for companies and critics alike to look for solutions.
 - The Human Rights Institute consultation in Bangalore was mentioned and the idea of the GC Indian Network participating was raised. The GCO indicated that the Indian Network might well be interested and encouraged contact directly with the Network. Mary Robinson also mentioned the Indian member of the Global Compact Board (B. Murthuraman, CEO of Tata Steel) as a possible contact.

Action point:

- The GCO will reach out to Local Networks about the 60th anniversary of the UDHR and the opportunity it brings to raise awareness of human rights, including the www.everyhumanhasrights.org campaign.

Ravi Fernando shared the plans for the UNGC Sri Lanka Network/CIMA sustainability awards. After a scan of the market place for such awards, they found few that took a triple bottom line approach and that were linked with the Global Compact, hence they are launching their own award. The award will focus on projects demonstrating economic sustainability and will include criteria relating to each of the issue areas of the GC, including human rights. The award will be open to all Sri Lanka companies and multinationals in Sri Lanka that are participants in the Global Compact. The award ceremony will be 25 August 2008 in Sri Lanka.

Discussion:

- Some members of the HRWG suggested that the award be for good practices and/or projects or the individuals/the team within the firm responsible for them, rather than being tied to the brand of the company or recognizing the company as a good company. Awards are more credible when what is being celebrated is specific.

VI. Communication on progress and human rights

The GCO introduced a draft publication *Guide to Communicating Progress* (extracts of which were included in the meeting background materials) offering guidance for GC participants on how to do their COP. The feedback of the HRWG was sought on the portions of the publication that deal with reporting on human rights. The text uses examples taken from real COPs. More good examples from developing countries are needed.

Discussion:

- A question was asked about how many GC participants are explicitly referencing the GRI indicators in their COPs. The rate is currently 24% and rising.
- There was discussion of the fact that the GRI indicators were divided between principles 1 and 2 in the draft text and that the division was not ideal. The Global Compact Office had tried to collapse these, but kept them separate at the expense of repetition and because the companies that were consulted in the development of the revised text indicated that they approached their COPs on a per principle basis and use the COP guidance as an implementation guide. The indicators were selected based on a process started with the GRI to produce the publication and involving stakeholders. The draft was sent to 200 companies at COP workshops as well as to all Local Networks. Further ideas for how to reorganize the material are welcome. A more elegant solution could perhaps be produced in an online version.
- Some HRWG members offered to try to comment further before the deadline.
- It was noted that the draft text refers to “outcomes”, but what is really meant is outputs. Outcomes should be about impact and changes in peoples’ lives.

Action point:

- The Global Compact Office will consider the feedback provided.
- Further comments are welcome before the deadline of 15 January 2008.

A project that the GCO is planning to undertake with Realizing Rights: The Ethical Globalization Initiative and the Global Reporting Initiative to result in better guidance for companies on how to report on human rights implementation efforts was also mentioned. Further information about the project will be provided for the next meeting.

Other business

The Global Compact Annual Review survey

In 2007, the GCO initiated an annual survey of participants on the status of their implementation efforts. A team from Wharton helped to design the 2007 survey and is currently working on the 2008 survey questions. The first draft questions on human rights for GC participants were circulated to the HRWG for their input.

Action point:

- Comments are still welcome on the survey, which will not be finalized until mid 2008.

Next meeting of the HRWG

The next meeting of the Human Rights Working Group had been scheduled for 9 May in Amsterdam, but has been changed and is now scheduled for **29 April 2008** in Boston, USA, the

day after the US Global Compact Network meeting on business and human rights. HRWG members are warmly encouraged to participate in this network event, which will explore a number of critical areas including: Understanding business risks regarding human rights; Setting policy and addressing stakeholder expectations; Monitoring and reporting progress; through a variety of panels and an interactive case study discussion on business and human rights. Mary Robinson and John Ruggie, UN Special Representative on Human Rights and Transnational Corporations, will deliver keynote presentations at the network event. If you wish to participate in the US network meeting, please RSVP no later than **31 March** to Ms. Rhett Holdorf at rmh2@case.edu. A detailed agenda will be sent to registered participants in due course. As a number of HRWG members are anticipated to be participating at the GRI event in May, we plan to create an opportunity during that event for those HRWG members who will otherwise be present at the event to meet at least informally over a meal.

HRWG Participants List, 12 December 2007, London

Mary Robinson (Chair)	Realizing Rights: The Ethical Globalization Initiative
Lucy Amis	IBLF
Christopher Avery	Business and Human Rights Resource Centre
Benjamin Beth	Suez
Marie Busck	Danish Institute for Human Rights
Frances Darton	Achilles
Kathryn Dovey	BLIHR
Ravi Fernando (virtual)	MAS Holdings
Jitesh Gadhia	ABN Amro
Jeremy Hobbs	Oxfam International
Gabrielle Iwanov	Rio Tinto
Christina Leal	Scott Wilson
York Lunau	Novartis
Chris Marsden	Business and Human Rights Resource Centre
Francoise Torchiana	Realizing Rights: The Ethical Globalization Initiative
John Morrison	BLIHR
Fraser Paterson	Scott Wilson
Soren Petersen (virtual)	UN Global Compact Office
Ron Popper	ABB
Soraya Ramoul	Novo Nordisk
Jonathan Samuel	Anglo American
Jeff Senne (virtual)	UN Global Compact Office
François Tribot-Laspierre	Total
Stiaan Wandrag (virtual)	Sasol
Lene Wendland	Office of the UN High Commissioner for Human Rights
Michelle Wolfe	Aviva / UK Global Compact Network
Ursula Wynhoven	UN Global Compact Office