



Human Rights

at the core of Corporate Social Responsibility



DELEGATION FOR PEACE,
DEMOCRACY
AND HUMAN RIGHTS

ENGLISH  FRENCH

ORGANISATION
INTERNATIONALE DE
la francophonie



“Democracy and development cannot be dissociated: these are the factors promoting lasting peace.”

(Excerpt from the Bamako Declaration, November 3, 2000.)

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→ Foreword

By Hugo Sada

Delegate for Peace, Democracy and Human Rights - OIF

Within the framework of the Bamako Declaration on Democracy, Rights and Freedoms of November 3, 2000, and the Saint Boniface Declaration on Conflict Prevention and Human Security of May 14, 2006, La Francophonie is mobilizing its political agenda and its programs to support the promotion of human rights. These actions find new resonance today with the development of international standards on corporate social responsibility (CSR).

During their 12th Summit in October 2008 in Quebec City, the OIF Member States and governments formally undertook to “*promote social/societal and environmental corporate responsibility, in particular by encouraging the companies from La Francophonie Member States to adhere to the relevant instruments and international standards and principles, as well as by promoting their harmonization.*”

These provisions were reinforced by the adoption of the Resolution on the Bamako Declaration, 10 years later, in October 2010 at the 13th Summit of La Francophonie in Montreux, thus confirming the commitment of the La Francophonie Member States to ensure the effectiveness of mechanisms for the respect of human rights by corporations, which have social and societal responsibilities.

It is against this background as well as within the framework of UN activities in this sphere that the International Organization of La Francophonie (OIF) has undertaken to contribute to “*building the capacity of all actors to better manage challenges in the area of business and Human Rights,*” as set out in Resolution 17/4 of the United Nations Human Rights Council in June 2011.

The OIF Delegation for Peace, Democracy and Human Rights is dedicated in particular to building the capacities of civil society and national human rights institutions through various activities, as described in this document.

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The commitment of La Francophonie

- Human rights at the core of CSR
- The Francophone approach and contribution

→ Human rights at the core of CSR

Human rights and business

Between 1998 and 2003, a group of experts from the United Nations Commission on Human Rights worked on a project to establish standards for the responsibilities of international corporations and other businesses with regard to human rights. The project's recommendations were never adopted, but since then, many stakeholders—both private and public, economic and political—have debated this specific responsibility of businesses in various forums, both local and international. A number of initiatives have emerged from these debates, including the following:

- ➡ In 2010, the ISO 26000 standard was created, which emphasizes the fundamental role of human rights in its Guidelines on the Social Responsibility of Organizations;
- ➡ In 2011, the United Nations Human Rights Council adopted the Guiding Principles for Businesses and Human Rights, drafted by the Special Representative of the UN Secretary-General on the basis of the conceptual framework he had presented in 2008;
- ➡ In 2011, the OECD added a Human Rights chapter to its Guidelines for Multinational Businesses.

Human Rights: the cornerstone of corporate responsibility

Originally conceived, and still largely perceived as a voluntary undertaking on the part of corporations, CSR appears above all as a form of self-regulation, which can operate in a flexible manner. Corporations are therefore free to adopt social responsibility in all or part of their entities (parent corporation, subsidiaries, sub-contractors or suppliers). The voluntary nature of most CSR initiatives also allows corporations to choose, often without any real consultation with stakeholders, the benchmarks towards which they will work. Finally, there are rarely adequate facilities for victims of corporate human-rights abuses to access recourse or redress mechanisms.

However, the approach to corporate responsibility from a human-rights perspective directly connects it to a body of universal principles. International human rights law provides a solid legal framework. By applying these texts, national governments can act to prevent violations of human rights by third parties (including corporations), and can sanction offenders, thus assuring that effective remedy mechanisms are in place for victims.

Moreover, nearly all CSR themes are rooted in human rights, which make them a cornerstone for legal frameworks. There can therefore be a virtuous link between voluntary regulation mechanisms (which stimulates the implementation of CSR) and human rights (which roots CSR into a bedrock of fundamental values). This virtuous link can be created by strengthening the quality and the effectiveness of voluntary and legal mechanisms, while maintaining the overall consistency of the system. The ISO 26000 standard is an example of this, since it emphasizes human rights as a mainstreaming principle of overall corporate responsibility.

→ The approach and contribution of La Francophonie

Respect for human rights, aligned with the desire to implement sustainable development, makes regulation a top issue at the international level, in order to ensure the universality of human rights and also to avoid competition between national governments or businesses.

At the national level, only the rule of law has legitimacy and the political and administrative means to ensure broad solidarity, to preserve global public property and to treat it in accordance with the general interest. It is therefore up to national governments to directly control or ensure the appropriate oversight of what is called a “due diligence process”. This due diligence is defined in the ISO 26000 standard as a “*comprehensive, proactive process to identify the actual and potential negative social, environmental and economic impacts of an organization's decisions and activities over the entire life cycle of a project or organizational activity, with the aim of avoiding and mitigating negative impacts.*”

Intervention by La Francophonie: a two-level strategic objective

In cooperation with the Francophone Energy and Environment Institute (*Institut de l'énergie et de l'environnement de la Francophonie - IEPPF*) and the Directorate of Sustainable Development and Solidarity (DDS), the OIF Delegation for Peace, Democracy and Human Rights (DDHDP) is participating in implementing the OIF mandate on CSR by making an original contribution. The DDHDP has taken into consideration recent developments in CSR, in particular its human rights perspective. As a consequence, its strategic objective is to support the regulatory role of national governments and their institutions in the effective implementation of CSR, in order to protect the public interest and reinforce its capacity as a defender of human rights. This strategic objective has two levels:

- ➔ Promoting the universal principles and the international legal framework of CSR.
- ➔ Raising awareness among La Francophonie stakeholders by informing and training them on CSR and corporate human rights accountability.

An original contribution based on the OIF's capacity to mobilize institutional and civil society stakeholders

The OIF DDHDP is thus committed to supporting the unique role and the specific competencies of public institutions (particularly national human rights institutions, economic and social councils, personal data protection authorities, etc.) that are able to promote the development and implementation of CSR, alongside the voluntary undertakings of corporations. In order to do this, the DDHDP is relying on the institutional networks within La Francophonie, which were consulted on this issue in 2011.

This also involves promoting the concept of CSR among professionals in the fields of law and justice, human rights, regulation and mediation, with whom the OIF works on a daily basis. At the same time, the OIF puts an emphasis on the role played by civil society organizations (CSOs) in promoting CSR. These stakeholders, particularly rights defenders, guarantee compliance with universal principles. CSOs are also excellent agents for the social anchoring of these principles in their countries, through CSR. They can, for instance, take action to raise awareness and disseminate information in their country. It is therefore important to secure their participation at the various stages of development, implementation, monitoring and communication of the policies introduced by public authorities or corporations. The effectiveness of CSR and the respect for human rights by corporations depends in large part on the collective definition of the interests at stake and the creation of the social compromises that are the most widely acceptable.

A more specific objective: the problems associated with the exploitation of natural resources

The Saint Boniface Declaration on Conflict Prevention and Human Security (May 2006) clearly stated the risks linked to the exploitation of natural resources, and encouraged national governments *"to ensure more responsibility and transparency among those involved in importing or exporting natural resources originating in conflict zones."*

The Quebec Summit Declaration (October 2008) stressed the need for the OIF Member States governments to *"promote transparency, responsibility and good governance in the mining industry sector, particularly to take account of the importance of natural resources in armed conflicts and in emerging from crises" and to "encourage in this regard more participation in the Transparency Initiative for Mining Industries (Initiative pour la transparence des industries extractives or "ITIE").*

The ITIE is a partnership between national governments, businesses and civil societies and will lead to better governance, thanks to more transparent management and a real promotion of natural resources. The ITIE is a major action supported by a direct contribution from the OIF. Since February 2010, the OIF has had observer status at the meetings of the ITIE's board of directors. The OIF Secretary-General, His Excellency Mr Abdou Diouf attended the 5th World Conference on the ITIE in Paris in March 2011, where he stressed the importance of the ITIE for the OIF Member States which had joined it.

→ What is the ITIE?

The Transparency Initiative for Mining Industries (*Initiative pour la Transparence des Industries Extractives or ITIE in French*) is a process that promotes revenue transparency in the mining sector. Its objective is to strengthen governance in the exploitation of natural resources by verifying and publishing the payments made by businesses and the government revenues derived from oil, gas and minerals.

The national governments who adhere to the principles of the ITIE have benefited from the setting up of a standardised procedure on transparency in the management of natural resources that is recognised worldwide. The procedure is supervised by a tripartite group which includes representatives of government, business and civil society. Businesses benefit from an improved investment climate and from their engagement in a constructive discussion with citizens and civil society.

→ ITIE membership

Countries must meet four requirements before they can become candidate signatories of the ITIE. During the two-year probationary period, they must produce a report showing that they comply with the 16 criteria for signatories. These reports are then assessed by an independent panel, which makes recommendations on how the signatories can improve their implementation of the ITIE principles. Signatories are required to publish

regular reports on their management of the resources generated by the mining industries.

→ Which countries are ITIE signatories?

In March 2011, 33 countries had signed the ITIE, including 17 OIF Member States or Observers.



For more information, visit www.eiti.org

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Promoting the universal principles and the international legal framework for CSR

- The International legal framework for CSR
- Actions carried out with OIF support
- Perspectives

→ The International legal framework for CSR

The OIF Member States' and governments' commitment to promoting CSR is part of the consolidation process of the international CSR corpus. Recent developments in CSR have placed human rights at its core.

While CSR takes form within the framework of voluntary commitments made by business stakeholders, it also relies on prescriptive international standards, as well as on universal rights, starting with the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights.

La Francophonie intends to fully promote these standards and principles, by encouraging the signing and ratification of the relevant instruments (for example, the optional protocol to the International Covenant on Economic, Social and Cultural Rights) and the transposition of these instruments into national law. Following-up the recommendations made by the Universal Periodic Review (UPR) would also support this approach.

The work of John Ruggie and the United Nations Human Rights Council

In 2008, OIF Member States and governments adopted the conceptual framework developed by Professor John Ruggie, the UN Secretary-General's Special Representative for Business and Human Rights, which is based on the following three pillars:

- ➔ the duty of national governments to protect their citizens from human-rights abuses by third parties, including businesses;
- ➔ the responsibility of businesses to respect human rights;
- ➔ the need for better access to remedies for victims of human-rights abuses.

The UN Human Rights Council adopted a series of guiding principles in June 2011 to implement this framework.

The OIF will promote the expertise of its Member States' governments and businesses in implementing these guiding principles. In particular, it will encourage the implementation of Principles 26 and 27 on the access to legal remedies by victims of human-rights abuses:

➔ *"States should take appropriate steps to ensure the effectiveness of domestic judicial mechanisms when addressing business-related human rights abuses, including considering ways to reduce legal, practical and other relevant barriers that could lead to a denial of access to remedy."*

➔ *"States should provide effective and appropriate non-judicial grievance mechanisms, alongside judicial mechanisms, as part of a comprehensive State-based system for the remedy of business-related human rights abuse."*

As pointed out by the commentary following Principle 27, in order to ensure effectiveness, these mechanisms should be legitimate, accessible, predictable, equitable, transparent and compatible with human rights. The OIF shares the UN Human Rights Council's view on national institutions for the protection of human rights which have to play an outstanding role in these matters.

On November 1, 2011, the UN Human Rights Council set up a working group on human rights and international businesses and other businesses, made up of five independent experts appointed for a three-year term, on the basis of a balanced geographical representation. Its mission is to promote the guiding principles on businesses and human rights and to oversee their implementation and improvement.

→ Reports adopted by the United Nations Human Rights Council

➔ *"Protect, Respect and Remedy,"* a framework for businesses and human rights, 2008.*

➔ *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework*, 2011.*



For more information, visit
www.business-humanrights.org

*Reports by John Ruggie, the UN Secretary-General's Special Representative for Business and Human Rights.

In resolution 17/4 (June 16, 2011), the United Nations Human Rights Council states that it is *"Concerned that weak national legislation and implementation cannot effectively mitigate the negative impact of globalization on vulnerable economies, fully realize the benefits of globalization or derive maximally the benefits of activities of transnational corporations and other business enterprises, and that further efforts to bridge governance gaps at the national, regional and international levels are necessary."*

Further, it *"Recognizes the role of the Guiding Principles for the implementation of the Framework, on which further progress can be made, as well as guidance that will contribute to enhancing standards and practices with regard to business and human rights, and thereby contribute to a socially sustainable globalization, without foreclosing any other long-term development, including further enhancement of standards."*

International Labour Organization (ILO) standards

Three major ILO texts reflect its commitment to human rights and the social blueprint embodied therein:

- ➔ The Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy was adopted in 1977 and revised in 2000. Its key objective is to *"encourage the positive contribution which multinational enterprises can make to economic and social progress and to minimize and resolve the difficulties to which their various operations may give rise."* The provisions of the Declaration address employment, training, working and living conditions, and industrial relations;
- ➔ The Declaration on Fundamental Principles and Rights at Work, adopted in 1998, compels the ILO Member States to respect and promote eight fundamental conventions, regardless of whether or not they have ratified them. It stipulates that these rights are universal and that they apply to all people in all countries;
- ➔ The Declaration on Social Justice for a Fair Globalization, adopted in 2008, provides a contemporary vision of the ILO's mission and objectives. The concept of decent work is central to this mission and the resulting agenda: *"Decent work sums up the aspirations of people in their working lives. [...] [It is a] key element in reducing poverty and achieving equitable, inclusive and sustainable development."*

➔ The eight fundamental conventions of the ILO

These eight conventions address the freedom of association, the recognition of the right to collective bargaining, the elimination of forced or compulsory labour, the abolition of child labour and the elimination of discrimination in employment and occupation.

In 1995, the ILO launched a campaign aimed at achieving universal ratification of these eight fundamental conventions.

- ➔ Convention No. 87, Freedom of Association and Protection of the Right to Organize (1948)
- ➔ Convention No. 98, Right to Organize and Collective Bargaining (1949)
- ➔ Convention No. 29, Forced Labour (1930)

Review of the OECD Guidelines for Multinational Enterprises

Initially adopted in 1977, the OECD Guidelines for Multinational Enterprises were revised for the fifth time on May 25, 2011, by delegates representing the 42 OECD member governments during the organization's Ministerial Meeting. As a part of this review, a chapter on human rights was included in the initial text.

These Guidelines are only recommendations made by the OECD member governments to multinational corporations, and are not legally binding. Despite this, they constitute a recognized international initiative and include proposals that could be the basis for more protective rules.

The mission of National Contact Points (NCPs) is to contribute to the implementation of the Guidelines while fulfilling the criteria on visibility, accessibility, transparency and responsibility. The 2011 review urges the NCPs to establish an institutional structure and operate in a fair and impartial manner by *"seeking the active support of social partners, including the business community, employee organisations, and other interested parties, which includes non-governmental organisations."*

- ➔ Convention No. 105, Abolition of Forced Labour (1957)
- ➔ Convention No. 138, Minimum Age (1973)
- ➔ Convention No. 182, Worst Forms of Child Labour (1999)
- ➔ Convention No. 100, Equal Remuneration (1951)
- ➔ Convention No. 111, Discrimination (Employment and Occupation) (1958)



View the status of ratification
by the ILO member States at
www.ilo.org

→ The Chapter on Human Rights in the OECD's Guidelines

“States have the duty to protect human rights. Enterprises should, within the framework of internationally recognized human rights, the international human rights obligations of the countries in which they operate, as well as relevant domestic laws and regulations:

- ➔ Respect human rights, which means they should avoid infringing the human rights of others and should address human rights infringements in which they are involved.
- ➔ Within the context of their own activities, avoid causing or contributing to human rights infringements and address such infringements when they occur.
- ➔ Seek ways to prevent or mitigate human rights infringements that are directly linked to their business operations, products or services by a business relationship, even if they do not contribute to those infringements.
- ➔ Have a policy commitment to respect human rights.
- ➔ Carry out human rights due diligence as appropriate to their size, the nature and context of operations and the severity of the risks of human rights infringements.
- ➔ Provide for or co-operate through legitimate processes in remedying human rights infringements where they identify that they have caused them or contributed to them.”



For more information, visit
www.oecd.org

Adoption of the ISO 26000 standard on the social responsibility of organizations

On November 1, 2010, ISO 26000, “*which provides guidance to both business and public-sector organizations on social responsibility*” was launched. These organizations include private-sector businesses, public-sector organizations, civil-society organizations, etc. This initiative, which emerged from an extensive international cooperation process, is voluntary. Moreover, the ISO 26000 standard is not certifiable; there are no external checks where businesses choose to implement it.

Nonetheless, this standard represents an opportunity, because a large number of national standardization organizations have adopted it, and because it turns human rights into a mainstreaming principle of corporate responsibility.

→ What does the ISO 26000 standard on social responsibility say?

“The principle is: an organization should respect human rights and recognize both their importance and their universality. An organization should:

- ➔ Respect, and, where possible, promote the rights set out in the International Bill of Human Rights;
- ➔ Respect the universality of these rights, that is, that they are indivisibly applicable in all countries, cultures and situations;

➔ In situations where human rights are not protected, take steps to respect human rights and avoid taking advantage of these situations;

➔ In situations where the law or its implementation does not provide for adequate protection of human rights, adhere to the principle of respect for international standards of behaviour.”



For more information, visit
www.afnor.org

→ OIF supported activities

Support for the seminar on CSR in French-speaking countries

The seminar was organized by the Francophone Association of National Human Rights Institutions (*Association francophone des commissions nationales des droits de l'Homme - AFCNDH*) and was held in February 2008 in Rabat, Morocco. It brought together more than 50 delegates (representatives from multinational corporations and civil society organizations, legal experts, economists, academics, representatives of national governments and of international and regional organizations).

Their work was an important contribution to CSR issues particularly since it succeeded in bringing together various authorities concerned by political, legal and economic CSR issues.

The findings of the seminar clearly point to the place of human rights in CSR and their universal scope, and this even before the UN Human Rights Council had adopted Professor John Reggie's first report.

In addition to establishing the universal nature of the principles, the Rabat seminar affirmed the need for a legal framework for CSR alongside voluntary initiatives.

Diplomatic action to promote the universal principles and the international legal framework for CSR

➔ The OIF organized a CSR Awareness Seminar for the Geneva Group of Francophone Ambassadors (December 2008) as a follow-up to the La Francophonie Summit (Quebec City, October 2008) and the AFCNDH CSR Seminar (Rabat, February 2008).

➔ The OIF supported the participation of Francophone delegates in the 10th International Conference of National Human Rights Institutions (NHRIs) organized in October 2010 in Edinburgh by the International Coordinating Committee (ICC) of NHRIs, in partnership with the Office of the UN High Commissioner for Human Rights, on the theme “*Business and Human Rights: the Role of NHRIs.*”

The OIF's objective was to encourage, together with the AFCNDH, a more effective involvement of NHRIs in the raising of businesses' awareness of their human rights obligations.

NHRIs are also encouraged to participate in the implementation of the “*Protect, Respect, Remedy*” framework for Corporate Responsibility for Human Rights (CRHR) approved by the UN Human Rights Council.

→ Perspectives



Jean Chartier

President of the Francophone Association of Personal Information Protection Authorities (AFAPDP), President of the Quebec Access to Information Commission (Canada)

In your view, why do businesses have a responsibility to uphold human rights?

We realize today that, given their size and their importance for the economy, businesses have become fundamental stakeholders in society, on a par with national governments. In a globalized society where information knows no boundaries and can circulate everywhere, even in countries where there are no human rights regulations, businesses should make efforts to incorporate these rights into the guidelines for their internal and external activities and procedures. Corporate leaders must define corporate policies and directives to ensure the privacy and protection of personal information, and verify that they are properly enforced.

What role can an independent authority for the protection of personal information play?

The right to the protection of personal information is relatively new (it was recognised just over 30 years in some French-speaking countries). It is connected to ongoing development in the use of computer equipment and information technology in all activity sectors. This right is formally incorporated in the constitutions of a number of our Member States; it recognizes a fundamental personal right and protects citizens against the risks of abuse of their personal information. Oversight authorities are therefore fundamental and indispensable for the respect of human rights in the processing of personal information.

The independent oversight authorities responsible for ensuring the respect of national and international rules for the protection of personal information can guide businesses, particularly in terms of file management. They can issue recommendations and help them implement tools which integrate the protection of personal information with their procedures, through audits, impact assessments, systems of checks and the integration of privacy protection

principles from the outset. Moreover, these authorities can receive complaints from individuals concerning non-compliance with the legislation, perform audits and sanction non-compliant businesses.

This issue was discussed by our members at the annual AFAPDP conference held in Mexico City in October 2011.



Albert Tevoedjre

Ombudsman of the Republic of Benin, former Assistant Director-General of the International Labour Office (ILO)

In your view, why do businesses have a responsibility to uphold human rights and what role can the Ombudsman of the Republic play?

The concept of CSR emerged in the United States; it developed over time and finally became necessary for our very survival, considering the scope and the consequences of human activities on our environment, especially those of the multinationals. A desire to preserve mankind and all forms of life on earth was at the root of this concept. However, its parameters still need to be defined clearly and the resulting obligations must be made legally enforceable. This calls for a regulatory framework. In most African countries, CSR regulations are generally poor and businesses from countries from the North operating in Africa take advantage of the situation to act with impunity, and in some cases, with the complicity of national governments. As CSR is a matter of national governance, the Ombudsman of the Republic cannot exclude himself from this area of action where opposing points of view need to be reconciled. The Ombudsman of the Republic is clearly implicated, from both an active and reactive perspective in actively drawing the attention of the national governments to their dysfunctional CSR policy, and reactively striving to resolve disputes as they arise between communities. In this regard, I must stress the paramount and proactive role played by national governments in CSR. However, it is national governments that are responsible for anticipating and implementing appropriate policies which take into consideration the preservation of mankind and its environment, and for imposing these policies from the very beginning on all businesses operating in their countries.

3

Raising awareness, informing and training Francophone stakeholders in CSR with regard to human rights

- **Background and issues**
- **Actions carried out with OIF support**
- **Perspectives**

→ Background and issues

One of the major achievements of the ILO Declarations and of the two John Ruggie reports adopted by the UN Human Rights Council as well as of the ISO 26000 standard is the promotion of dialogue between the stakeholders concerned.

All of these documents encourage a multipartite dialogue to improve the standards framework, the implementation of CSR and the respect of human rights by businesses, if necessary, under the auspices of national governments. In order to be productive and innovative, dialogue must be mutually recognised by the stakeholders, who must understand the issues. For this reason, the OIF supports three levels of action to promote constructive dialogue and agreement between the parties:

- ➔ Raising the awareness of the stakeholders involved in CSR issues and corporate responsibility for human rights (CRHR);
- ➔ Informing each stakeholder of their respective rights and duties related to the respect of human rights by businesses;
- ➔ Promoting training to enhance respect for human rights through public policies and corporate management.

In order to raise awareness, inform and train, it is important to adopt an approach that takes into account the multidisciplinary dimension of CSR issues and the diversity of stakeholders, particularly the most vulnerable individuals and groups. This is why La Francophonie encourages networking among the stakeholders and the coordination of grassroots projects.

→ Actions carried out with OIF support

Activities carried out with OIF support which aim to reinforce the capacities of legal professionals

The educational files developed by Sherpa for legal professionals cover nine themes:

- Social responsibility of international corporations
- International corporations and their sphere of influence
- ILO tripartite declaration for international corporations
- OECD guidelines for international corporations
- Self-regulation through codes of conduct
- Social and environmental data from international corporations
- The U.S. *Alien Tort Claim Act*
- Civil responsibility and international corporations
- Criminal liability of international corporations

By addressing the relationship between the law and CSR, these files provide information about, and analyses of, the legal basis for CSR.

 View document at:
<http://asso-sherpa.org>

Raising awareness among stakeholders about respect for human rights in businesses



Koffi Kounté

President of the National Human Rights Commission of Togo (NHRC), President of the Francophone Association of national human rights institutions (AFCNDH)

The AFCNDH attaches a great deal of importance to CSR and has recommended that, as part of future networking activities, training sessions on CSR and CRHR should be organised for members and staff of NHRIs and also national awareness seminars for public-sector and private-sector stakeholders and civil society organisations. Togo was one of several African countries tasked with implementing these activities in 2011, and the NHRC organized two seminars, on September 20 and 21, 2011 in Togo, in partnership with the AFCNDH and with financial support from the OIF, on “CRHR in Togo.”

You organized the first awareness seminar for NHRI staff and members. What were the key results?

After working on the context, definitions and issues of CRHR, the participants examined the role that the NHRC could play, particularly in raising awareness and training. The seminar showed us the importance of compiling both national and international benchmarks for CRHR and of organizing promotional activities to ensure a better understanding of the concepts involved. The NHRC is also responsible for ensuring that businesses abide by the rules, and so it is training two CSR and CRHR specialists, who will act as focal points for NHRC staff and members.

The participants in the seminar noted with satisfaction that a report on the status of human rights in businesses in Togo's foreign trade zone was produced in 2011. This report contained useful information for Togo's report to the Universal Periodic Review. The seminar participants encouraged the Commission to continue its visits to businesses.

What was the outcome of the second seminar you organized in September?

The objective of this seminar was to raise awareness about CRHR among public-sector and private-sector stakeholders who guarantee respect for human rights. There were around 100 participants. At the end of the seminar, the following needs were identified:

- ➔ to raise the status of human rights in businesses;
- ➔ to analyze the texts and make recommendations on public purchasing, specifically corresponding codes;
- ➔ to develop an information guide for employees on rights and working conditions in businesses;
- ➔ to conduct an environmental analysis (for the industries) of the impact of pollution on the environment.

In order to begin a multi-stakeholder dialogue, the NHRC has been asked to identify all of the stakeholders involved (representatives of national governments, businesses, civil society organizations, unions, experts and NHRC representatives) to create a permanent cooperation framework, which could help national governments to define obligations by category of business (public, para-public, private, etc.) regarding CRHR.

Support for initiatives to implement corporate social responsibility in Africa

The OIF chaired a workshop on implementing CSR in Africa on June 30 and July 1, 2011, in Geneva, as part of the Second Global Ethics Forum, organised by Globethics.net (a Swiss foundation whose members include public-sector and private-sector organisations, academics and civil society experts). The seminar was entitled “The Value of Values in Business: Global Perspectives, Practical Solutions.”

The Global Ethics Forum is a partner of the Francophone Network for Integrity and Sustainable Development (*Réseau francophone pour l'intégrité et le développement durable - REFID*), whose members include the Francophone sections of Transparency International and other anti-corruption NGOs.

Networking among the stakeholders in civil society



Aurélien Atidegla

Co-ordinator at Dynamics OSCAF and President of the Research and Action Group for Promoting Agriculture and Development (GRAPAD), Cotonou (Benin)

What was the objective of the regional Francophone CSR workshop organized in Cotonou (Benin) in June 2011?

The workshop brought together representatives of civil society organizations (CSOs) from 14 Francophone countries in Africa. The purpose was to foster consultation and training dynamics on the issue of “CSR and human rights in Francophone Africa: strategies for civil society”. More concretely, it had three objectives:

- ➔ provide the national delegations with an opportunity to present progress reports on CSR and CRHR in their countries;
- ➔ develop a regional agenda and national action plans for CSR and CRHR based on situation analyses, documentary resources and available tools;
- ➔ prepare the contribution of the CSOs of French-speaking Africa to the Fourth High Level Forum on Aid Effectiveness in Busan (South Korea) in November 2011.

In your view, what were the highlights of the workshop?

The Francophone regional workshop was part of the capacity-building activities of civil society organizations and Francophone organizations for the protection of human rights. Its work enabled the presentation and debate of CSR concepts, actions and initiatives at the international level, as well as the establishment of links between CSR and human rights. Faced with the challenges that arise at the OIF level, sharing experiences, working groups and plenary sessions have helped identify a stream of focus for each country and resulted in the adoption of the Cotonou Declaration. In order to respond effectively to the need to protect and defend economic, social and cultural rights, the CSOs argued for CSR initiatives that are more than voluntary, that are supported by existing or future international and national legal instruments.

The strategic partnership between the Network of Civil Society Organisations of Francophone Africa (OSCAF) and the OIF needs to be improved to strengthen joint work by the NGOs, trade unions, political and economic stakeholders, experts and media in national and international CSR and CRHR initiatives.

→ Towards a CSR and CRHR resource centre in Francophone Africa

Informing, supporting and organising networking events for stakeholders involved in CSR is the objective of *Responsible Africa*, a program implemented in partnership with Dynamics OSCAF. Part of this program is a project to set up a free, online resource centre for all internet users, which will include an online directory, a bibliographical database

and an observatory of best practice (country files, media articles, reports, case studies, etc.).

Responsible Africa has targeted national governments, businesses and civil society stakeholders in Francophone Africa. Its objective is to contribute to the development of skills and competences related to the CSR of economic stakeholders, based on respecting human rights.

This is why, by associating economic and social progress, businesses can also affirm that they support the human rights values of the OIF. This is the objective of the Ethical Charter of Francophone Businesses; its provisions indicate a need to link business development to good working conditions for employees and to the preservation of the environment.

How does the Charter contribute to the respect of human rights by businesses?

By describing the best practices of stakeholders, it contributes to the respect of human rights by Francophone businesses that share the spirit (values) and letter (language) of La Francophonie. Small or large, operating on a domestic market or internationally, created in a highly industrialized country or in a developing region, as varied as they are, Francophone businesses express their confidence in operational rules that respect people at work. Economic performance and social harmony go hand in hand. Numerous business leaders are familiar with the rules of “good conduct” and ensure that they are followed, not only because of ethics, but also because they are the key factors of success.



View document at:

www.ffa-int.org/charte-ethique-des-entreprises-francophones — in French only

→ Perspectives



Steve Gentili

President of the Francophone Business Forum (FFA)

What is the objective of the Ethical Charter of Francophone Businesses that was reviewed in 2010?

Francophone economic stakeholders do not only have the French language in common but also share an understanding of how to exercise their activities, based on the place people should occupy in business in particular and in the economic world in general. The Ethical Charter of Francophone Businesses represents a frame of reference for businesses in Francophone countries. It forms a repository of the various rules and regulations businesses must respect regarding the legal instruments on which the concept of corporate social responsibility is based. If the first objective of business is development, then it must not be carried out to the detriment of human rights.



Souhayr Belhassen

President of the International Federation for Human Rights (FIDH)

In your view, how is support from La Francophonie important to civil society organizations working to ensure the respect of human rights by businesses?

Businesses have an impact on human rights and responsibility for them. The work of John Ruggie, the UN Secretary-General's Special Representative for Business and Human Rights, offers a view of the roles of national governments and businesses in terms of human rights. It is now time to put into practice the obligations of national governments, the responsibilities of businesses and the rights of victims. The OIF can play a driving role in raising awareness among Francophone stakeholders about their respective responsibilities, primarily national governments and businesses, and encourage them to become a model of best practice. Now that consumers, civil society and investors demand exemplary conduct from businesses, the access to markets and resources cannot be gained at the expense of responsibility.

We know that the multiple pressures exercised by civil society are often instruments for the improvement of human rights, not only as practised by governments but by private-sector stakeholders as well. The capacities of Francophone countries to document the impact of business activities, to engage in dialogue with businesses and public authorities, and to assist people whose rights have been abused are not always all they could be. Moreover, civil society organizations are often excluded from international debates dominated by Anglophone stakeholders. In order to make recent standards developments effective on the ground, we need a strong civil society which is well-trained, inventive and organized into international multidisciplinary networks. The OIF can contribute to this.



Visit www.fidh.org to view “Corporate Accountability for Human Rights Abuses: A Guide for Victims and NGOs on Recourse Mechanisms,” by the FIDH.



Philippe Barry

Co-ordinator of the CSR Senegal Initiative

In your view, what were the highlights of the 3rd International Forum on CSR, held in Dakar in March 2011?

The International Forum on CSR was organized by the RSE Senegal network as part of its CSR initiative. It is consistent with the objectives set out by the Heads of State and Government at the Quebec OIF Summit in 2008: to promote a better understanding of the concepts of sustainable development and CSR in the French-speaking world

The Forum contributed to turn the initiative into a major event on the CSR agenda in Senegal and West Africa. In addition to the high level of mobilization of local businesses and some of their stakeholders, the Forum was open as well to international participants and delegates from numerous OIF member countries (Burkina Faso, Ivory Coast, Guinea, Mali, Senegal, Canada, France), in addition to a large number of public-sector stakeholders committing to promoting CSR:

- ➔ locally: the Permanent Secretariat for Accelerated Growth Strategy (Primature), the Senegalese Ministries of Mining, Industry, Agriculture and SMEs, the Canadian Embassy in Dakar, the regional office of the French Overseas Development Agency and the German Regional Office for Technical Co-Operation (GTZ).
- ➔ internationally: representatives from the Western African Economic and

Monetary Union, the OIF and the Francophone Standardization Network, of which RSE Senegal is a member.

How is the presence of the OIF important at this type of event?

The OIF's participation in the Forum was much appreciated by the organizers and the other participants, as it gave credibility to CSR awareness actions in Senegal and in Francophone West Africa, and its presence helped to inform debates, particularly those on human rights.



Mamadou Diallo

International Trade Union Co-Operation
and Training Manager at the International
Trade Union Confederation (ITUC)

You attended the February 2008 CSR OIF seminar in Rabat and the regional Francophone CSR workshop in Cotonou. What is your view of these Francophone actions and their follow-up?

The debate on CSR had mostly been left to the larger Anglophone multinationals, but now it is beginning to take shape in Francophone countries, where an increasing number of stakeholders are taking an interest in the issue. Those who appear to be the most active in this debate are, without doubt, the members of civil society and the representatives of trade unions, although employers' representatives have also made substantial contributions. The meetings in Rabat (2008) and Cotonou (2011) provided opportunities for plenty of discussion and exchange of views. They marked the beginning of an understanding of CSR issues in the business world of Francophone Africa, but much work remains to be done. Corporate governance, the overall quality of procurement procedures, sub-contracting, employee wellness and the voluntary integration of businesses' social, environmental and economic roles into sustainable development, which is central to CSR have yet to materialize in Francophone countries. This can be explained in part by the insufficient awareness about this issue by businesses in Francophone Africa, the absence of genuine commitment from national governments and by the lack of sustained social dialogue frameworks in Francophone African countries.

What developments do you think are a priority for fairer globalization, and what role can the OIF play?

From a trade union perspective, basing CSR only on a voluntary approach minimizes its chances of success, particularly in countries where a lack of sound governance and a fragile industrial sector are evident. In the context of globalization, it is no longer possible to remain indifferent to CSR, but to ensure that Francophone countries and people can benefit from it, more effective cooperation frameworks have to be implemented, involving all stakeholders, which will reinforce the regulatory role of national governments and implement relevant CSR training and information programs. CSR remains a major challenge for Francophone countries.



Madeleine Andeka Olongo

Member of the Board of Directors of the Democratic Republic of Congo's Confederation of SMEs (Copemeco) and a member of the Follow-Up Committee of the DRC's National Civil Society Symposium

You are involved in the small and medium enterprise (SME) sector and in structuring Congolese society. What is your view of the CSR issues that concern human rights?

The complex and changing context in this country is such that CSR issues receive little visibility. The DRC should make it a priority in establishing the rule of law. It is common knowledge that the illegal exploitation of our mining and natural resources is the source of numerous conflicts that continue to sow desolation and cause bereavement among our people. However, the weakness of the national government's authority does not allow it to enforce the few existing standards on CSR. This makes the DRC an El Dorado for multinationals who exploit its resources as they see fit, with no consideration for the socio-economic environment in the communities or for their workers. Although the country is a member of the EITI and a signatory of other agreements, results have yet to be seen in terms of transparency in societal and financial corporate obligations. As a result of corruption, the multinationals often fail to abide by international CSR standards. Congolese citizens are not equipped to challenge this state of affairs. Civil society organisations are trying to raise collective awareness of these issues. As far as their meagre means permit, these organisations have mobilized people to protect their rights. The issues are substantial, the challenges are huge, but the battle continues.

What concrete actions has Copemeco taken regarding CSR?

At its 2008 General Assembly, Copemeco amended some articles of its statutes, making sustainable development the key objective to be achieved through what it defined as its mission: to become the key partner of SMEs in dealing with authorities. We have organized SME awareness activities in compliance with standards, in cooperation with the Ministry of Trade and Industry. Copemeco is also a partner of the Ministry of Employment and a member of the National Employment Council; as such, it argues for the implementation of an Employment Court. It also participates in ILO activities linked to workers' rights. Our next action plan, which we will discuss at our next general assembly, will contain specific CSR activities to provide a better understanding of the concept.



Olivier Maurel

Associate Professor at IAE Gustave-Eiffel (UPEC) and Co-ordinator of the *Responsible Africa* program

What will the issues be in coming years regarding CSR and CRHR?

First, the issues are political, economic and social. Since late 2010, citizens have been mobilizing in numerous developed, emerging and developing countries. They demand respect for human dignity and justice when faced with phenomena that have become global: the double weight of the financial crisis and public debt, the increase in social inequalities, persistent unemployment despite stock market booms, the absence of skilled jobs for young graduates, the increase in the number of the working poor, the deterioration of working conditions, reductions in certain government revenues, the abuse of power and corruption, declining public services, etc. Other demographic pressures and environmental issues like climate change, the weakening of biodiversity, desertification, and the scarcity of water and the overexploitation of natural resources must also be taken into consideration.

Businesses play a decisive role in all of these issues. They can help address them or make them worse. Their challenge is a managerial issue: they have to analyze the impacts of their activities and management decisions to prevent the risks societies face as well as the environment in which they work; moreover they should take opportunities to harmonize their development with the living conditions or wellness of the populations. This crucial anticipatory work is precisely the essence of the due diligence process defined in the ISO 26000 standard and by John Ruggie for the United Nations.

■ What role do you believe the OIF can play?

The fact that the OIF has placed human rights at the core of CSR is a strong signal. Addressing CSR through the prism of human rights makes CSR a cornerstone of fundamental principles, legally recognized and confirmed internationally through the United Nations. Human rights form a global project for societies without imposing a specific organizational approach: therefore they can enable national governments to design CSR framework and policies which:

- ➔ collectively build the public interest;
- ➔ appropriately value the common goods of humanity;
- ➔ implement balances anchored in local action but whose reference and scope are universal.

By supporting the strengthening of the legal framework for CSR in the name of human rights, and by reinforcing the stakeholders' capacities and encouraging multi-stakeholder dialogue, the OIF can make a concrete contribution to overcoming the issues described above.

→ Study conducted for the French National Consultative Commission on Human Rights

Conducted by O. Maurel:
La Responsabilité des entreprises en matière de droits de l'Homme, 2 vols. Paris, 2008–09, La Documentation française, "Les études de la CNCDH" coll.



Volume I: Nouveaux enjeux, nouveaux rôles. View document at: www.cncdh.fr



Volume II: État des lieux et perspectives d'action pour la France. View document at www.cncdh.fr



Two sites for more information:

On CSR in emerging and developing countries: www.rse-et-ped.info

On human rights and businesses: www.business-humanrights.org/International/Francais

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Mobilized for sustainable development, solidarity and more democratic governance in French-speaking countries, the International Organization of La Francophonie (OIF) naturally addresses the political, legal and economic challenges of corporate social responsibility (CSR).

Alongside the Francophone Institute for Energy and the Environment and the OIF Solidarity and Sustainable Development team, the OIF Delegation for Peace, Democracy and Human Rights (DDHDP) participates in the implementation of this mandate by making an original contribution.

Clarify. CSR is not only embodied in voluntary corporate commitments, it also relies on a restrictive international legal framework in which human rights are addressed. La Francophonie intends to promote these standards and principles, and raise awareness among the national stakeholders involved. Therefore, this document highlights key written standards and international debates on corporate responsibility for human rights.

Testify and mobilize. Within a specific framework of activities in support of the respect of universal and indivisible human rights, La Francophonie promotes a demanding vision of CSR and has undertaken a series of concrete measures as described in this document. Seconded by the Francophone Association of National Human Rights Institutions (AFCNDH) which underlines the role of national human rights commissions in building awareness and monitoring respect of fundamental rights by businesses, La Francophonie consults other institutional networks dealing with these issues. Dynamics are thus generated, with regard to civil society, highlighting the added value of the Francophone contribution.

Reinforce the Francophone presence and ensure visibility of Francophone literature on CSR issues. La Francophonie is committed to supporting Francophone expression in international forums and valuing Francophone positions. The challenge of cultural and linguistic diversity is inevitably part of CSR issues.

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