

International Code of Conduct – Steering Committee Working Groups
Working Group 1B – Briefing Call
Wednesday 24th August
Monitoring Human Rights Standards and Performance in the Field.

On the call:

Jason Pielemeier, U.S. Department of State (chair)

Rachelle Jackson, Specialized Technology Resources (speaker)

Carrie George, U.S. Department of State (speaker)

Doug Allisson, U.S. Department of State

Jamie Williamson, ICRC

Mark de Witt, Triple Canopy

Sylvia White, Aegis

Glynne Evans, ADS SCEG

Faiza Patel, Brennan Center for Justice

Rémy Friedmann, Swiss Federal Department of Foreign Affairs

André du Plessis, DCAF

Thomas Haueter, DCAF

Start of Call: 11 a.m. DC time / 4 p.m. London time / 5 p.m. Geneva time.

The Chair explained that there were two different types of human rights impact assessment (HRIA) referenced in the Code: the certification of a company's systems and policy, and a periodic review of a company's impact on human rights in the field. This second type of HRIA could involve initially a "remote audit" (information company will provide from itself, information that is public, media reports, NGO reports, local government information, that information will be reviewed how the company is performing) and then both an assessment carried out by the company, and also an external group of auditors/experts visiting the company on-site to ask further questions and talk with local government and community groups to establish the performance of the company. This briefing would be focused on this second type of HRIA.

Rachelle Jackson and Carrie George both spoke during the call, and raised the following points:

- Rachelle explained how her organization conducted field visits in 150 countries, typically for companies producing household items, to ensure they are in compliance with the standards expected of them.
- Carrie explained that her work had principally been on managing monitoring programs and conducting "remote audits" at corporate headquarters.
- There was discussion on the degree to which national certification would actually provide reassurance that standards were being applied on the field, and it was explained that the audits carried-out were risks-based assessments, not certification-based. Frequently what a company

records on paper as having done is very different from what actually happens in the field, and there are significant questions as to whether a company's certified standards are actually translating into real practice.

- The question of the cost of these on-site visits was raised, and it was explained that not every site was visited, with sampling playing a significant role. Maybe 30% of sites could be visited, but for companies with very few sites, this would be higher. The location of the field visit would also have costs implications: higher risk visits were more expensive.
- There was some discussion on comparing this type of audit with the "Better Work Programme" audits carried-out by the ILO. It was noted that the ILO's programmes worked closely with the government and were also mandatory. This was different from the kind of work that Specialized Technology Resources carried out, which was where companies voluntarily agreed to be monitored. It was pointed-out that the ILO may not consider carrying out such work in "complex environments".
- The question was raised on conflict with international or national standards, and it was clarified that the higher standard was always applied.
- The ownership of the final report was raised. It was explained that although the general rule was that whoever paid for the report received the report, there were many exceptions to this, where the report could go to an auditor/company/grievance mechanism, for example.
- A question was raised on the experiences with host governments, and whether there were any hostile reactions. It was explained that as this was a private initiative with private companies, host governments were often not aware of an audit taking place. When host governments are informed, they are generally receptive, especially when they are informed that it is an initiative carried out globally.
- Another question was raised on how teams were composed, and associated logistical details. It was clear that the skill set for the particular issue in question would dictate the composition of the team. On logistics, it was raised that it would be preferable to get independent security protection for the team investigating as there would be serious conflict of interest and security concerns if the security team itself was under investigation and yet also providing the security.
- It was noted that the teams generally tried to meet local groups that they had identified independently, but that on occasion they would meet with local groups identified by the company being monitored. This was not ideal, but was preferable to meeting no local groups.
- There was also reference to the use of the word "auditors" that was used to describe the team's work, noting that other terms had been considered, such as "investigators".

End of Call: 12 p.m. DC time / 5 p.m. London time / 6 p.m. Geneva time.