

Constructive Campaigning

Applying the UN Guiding Principles on Business and Human Rights to civil society campaigning

A guide for civil society organisations in addressing adverse impacts on human rights related to business.

*Published December 2013 by:
International Commission of Jurists –
The Danish Section and Reprise*

*With the kind assistance of:
Dreyer Fonden and GLOBAL CSR*

Colophon

Constructive Campaigning – applying the UN Guiding Principles on Business and Human Rights to civil society campaigning December 2013

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About the International Commission of Jurists (ICJ):

The ICJ is a non-profit global organisation that works towards the implementation of international covenants on human rights, and undertakes activities to enable this on an international and a national level. The ICJ has active sections in several countries, including Denmark, aimed at contributing to the incremental process of respect for the authority of international standards on human rights.

About Reprieve:

Reprieve is a group of international charities dedicated to: assisting in the provision of effective legal representation and humanitarian assistance to impoverished people facing the death penalty at the hands of the state; and producing and publishing information about the use of the death penalty and to raising awareness more generally concerning human rights.

About the authors – GLOBAL CSR:

GLOBAL CSR is a consultancy that specialises in creating solutions for private companies, public authorities and other organisations to take responsibility for social, environmental and economic development. With a point of departure in UN Global Compact and the UN Guiding Principles on Business and Human Rights, GLOBAL CSR focuses primarily on the social dimensions of CSR. GLOBAL CSR offers courses on a variety of CSR issues including: Strategic CSR, CSR Compliance (UNGPs), Human Rights, Responsible Supply Chain Management and CSR Communication. Since 1996, GLOBAL CSR has carried out assignments in more than 70 countries around the world. The contribution to this guide is part of fulfilling GLOBAL CSR's strategic objective to improve the fulfilment of the right to education.

Acknowledgements

We would like to express our special thanks to the external reviewers who kindly agreed to review a draft version of this guide, offering comments and assistance in editing, proofreading, and developing the design. Your comments and criticism proved invaluable to the development of the guide as it looks today. Specifically, we would like to thank Maya Foa (Reprieve), Anders Schroll (Lundbeck Pharma A/S), Ida Søholm (The International Commission of Jurists – ICJ, The Danish Section), Mariette van Huijstee (SOMO) and Else-Marie Arli.

Furthermore, we would like to express our deepest appreciation to Dreyers Fond for their monetary contribution, which made the publication and presentation of this guide possible.

Lastly, we extend our sincere thanks to all the colleagues at GLOBAL CSR, as this guide could not have been completed without the support and encouragement from you.

We note that the content of the guide can in no means be interpreted to reflect any of the reviewers' opinions, nor should their inputs to the process be taken as an endorsement of the final product.



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Introduction and scope



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This guide has been developed as part of the project 'Constructive Campaigning' under the auspices of the Danish Division of the International Commission of Jurists. The project revolves around the UN Guiding Principles on Business and Human Rights (UNGPs)¹ and the Lundbeck Case (see below). The Lundbeck Case demonstrated in practice how the UNGPs can be used as campaign leverage and to achieve results that further the interests of both the society and the business subject to the campaign: thus, the term 'Constructive Campaigning'.²

In six practical steps, this guide will explain how Non-Governmental Organisations (NGOs) around the world can apply the UNGPs when engaging with businesses, potentially resulting in the mutual satisfaction of both parties, as well as for any person(s) impacted. In addition, this guide seeks to allude to the role of the financial sector. The UN Principles for Responsible Investment (UNPRI)³ establish the expectation that investors demonstrate active ownership with their investments, to ensure that adverse impacts on sustainable development and human rights are avoided. Such efforts must be based on constructive dialogue between the investor and the object of the investment. Thus, some of the steps in this Constructive Campaigning guide can inform Socially Responsible Investors' practices in demonstrating active ownership.

Therefore, this guide primarily targets the following stakeholders:

1. **NGOs** – by laying out the concept of constructive campaigning and illustrating how NGOs can benefit from basing campaigns aimed at corporate companies on the UNGPs.

¹ United Nations Office of the High Commissioner for Human Rights, 'Guiding Principles on Business and Human Rights. Implementing the United Nations "Protect, Respect and Remedy" Framework', 2011, available at www.ohchr.org

² NGOs can also apply other campaigning strategies and engage in alternative interactions with companies. This guide merely illustrates the unique opportunity provided by the UNGPs.

³ United Nations Principles for Responsible Investment, full text of the Six Principles available at www.unpri.org

2. **Investors** – by stressing the importance of UNGPs as a tool to implement the expectation of active ownership enshrined in Principle 2 of UNPRI. As the UNGPs represent the new authoritative reference point for how business should conduct itself when dealing with adverse impacts on human rights, it is hoped that this guide could also become a useful tool for pension funds, banks and other responsible investors.

In addition, the guide is intended as a guidance-tool to be used not only by the above mentioned groups, but in general by businesses and advisors that are keen to understand the effect the UNGPs will have on NGOs and investors' behaviour in years to come.

Disclaimer

This document is not intended to provide a comprehensive guide on the interpretation and implementation of the UNGPs, nor does it include guidance on legal actions in relation to the more egregious human rights impacts caused or contributed to by business activities, i.e., those that can be termed human rights 'violations' by business. Whilst the Guiding Principle 23(c) states: 'In all contexts, business enterprises should treat the risk of causing or contributing to gross human rights abuses as a legal compliance issue wherever they operate', this is excluded from the scope of this guide.

In passages, the guide itself builds on 'naming-and-shaming' strategies used to enable a dialogue between a business and an NGO to be established.

The Lundbeck Case

In spring 2011, the pharmaceutical drug Nembutal[®] (also referred to as pentobarbital), sold in the US by the Danish pharmaceutical company Lundbeck, was found to be used to sedate prisoners prior to their execution by lethal injection. Reprieve, an NGO that focuses on the abolition of death penalty, criticised Lundbeck for distribution of the substance to prisons. The Danish Section of the ICJ became involved in the case through Justice, their associate organisation in England, and suggested to Reprieve that the UNGPs could be used as a reference point for further engagement with Lundbeck. According to the UNGPs, Lundbeck, like any other business, has a responsibility to respect human rights. As a member of the UN Global Compact⁴, Lundbeck was aware of the importance of human rights in its business; however, the UN Global Compact does not completely address the practical questions regarding human rights in a case such as that of Nembutal[®]. However, the UNGPs do. Therefore, due to a determined intervention by Reprieve centred around the UN Guiding Principles, Lundbeck eventually applied the processes described in the UNGPs framework, which enabled them not only to deal with this particular case, but also to prepare for similar challenges in the future. In more specific terms, Reprieve's intervention enabled Lundbeck to change the distribution model of Nembutal[®] in the US, and hereby recognise its responsibility to respect human rights as outlined by the UNGPs. Lundbeck was among the first businesses in the world to acknowledge this and actively implement the UNGPs. In doing so, Lundbeck builds a system to avoid future criticism, by avoiding adverse impacts on human rights – or in other words, by respecting human rights.

Constructive Campaigning

The success story of Reprieve's dialogue with Lundbeck has brought about room for a change in the way civil society organisations target corporate actors. Previously, when an NGO discovered that a business enterprise was responsible for an adverse impact on human rights, it would often use the tactics of 'naming and shaming' or 'bashing' to approach the problem – using customer/public pressure to push for a change in corporate behaviour. In fact, these tactics were used at the beginning of the Lundbeck case. In 2011, when Reprieve picked up on the adverse impact on human rights for which Lundbeck was later found responsible, Reprieve publicly 'named and shamed' Lundbeck. This approach created distance and distrust between the parties instead of leading to cooperation. However, when Reprieve began using the UNGPs as a point of reference in their communication with Lundbeck, things changed. The UNGPs, which were endorsed in 2011, laid the foundation for a paradigm shift in the way NGOs can approach situations where a business causes, contributes to or is linked to adverse human rights impacts. This change is actualised by NGOs choosing to enter into constructive dialogue with a company, in order for the business to achieve the objective of respecting human rights, rather than 'naming and shaming' or 'bashing'. Thus, it creates a space whereby NGOs may increasingly cooperate with businesses. The Lundbeck case not only demonstrates this paradigm shift, but also the successful application of the UNGPs. For that reason, this guide uses the Lundbeck case as its point of reference to illustrate how NGOs all over the world can be guided and inspired by the UNGPs in similar endeavours. That said, it should be emphasised that NGOs have for many years sought and executed constructive collaboration



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⁴The ten principles of the United Nations Global Compact can be found at www.unglobalcompact.org

⁵United Nations Universal Declaration of Human Rights (UDHR); full text available at www.un.org

⁶International Covenant on Civil and Political Rights (ICCPR), full text available at www.ohchr.org

⁷International Covenant on Economic, Social and Cultural Rights (ICESCR), full text available at www.ohchr.org

⁸International Labour Organisation, Fundamental Conventions: Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), Right to Organise and Collective Bargaining Convention, 1949 (No. 98), Forced Labour Convention, 1930 (No. 29), Abolition of Forced Labour Convention, 1957 (No. 105), Minimum Age Convention, 1973 (No. 138), Worst Forms of Child Labour Convention, 1999 (No. 182), Equal Remuneration Convention, 1951 (No. 100), Discrimination (Employment and Occupation) Convention, 1958 (No. 111). Full texts available at www.ilo.org

with companies. The UNGPs form a strong basis for initiation of such collaboration.

Short background information on human rights

The UN Guiding Principles are based on the fundamental normative values of human rights, concepts which NGOs, businesses and other stakeholders need to gain appreciation of in order to apply the UNGPs. Human rights are considered legal entitlements universally applicable to every human being and are not granted by the grace or at the discretion of others. Thus, the international human rights instruments speak of 'recognising' rights, not creating them. The human rights regime was built on this principle.

The International Bill of Human Rights consists of the Universal Declaration of Human Rights (UDHR)⁵ and the main instruments through which it has been codified: the International Covenant on Civil and Political Rights (ICCPR)⁶ and the International Covenant on Economic, Social and Cultural Rights (ICESCR)⁷. The first Covenant addresses rights such as the right to: life, liberty and security of person, not to be subjected to slavery, servitude or forced labour, freedom of movement, freedom of thought, conscience and religion, freedom of assembly, privacy, protection of the family life and the right to marry. The latter Covenant addresses rights such as the right to: work, form and join trade unions and the right to strike, social security including social insurance; and an adequate standard of living, health and education. The International Bill of Human Rights has further been supplemented by the eight core International Labour Organization Conventions⁸ on labour standards. Illustrations of each of the distinct 48 human rights established with-

in the two International Covenants are found throughout this guide, and on the very last page you will find the complete list of human rights. In the Tools Section you can find references to other documents which contain more in-depth explanations of the rights.

Brief introduction on how human rights and businesses are connected

Human rights conventions place the principle duty and responsibility on governments to protect their citizens, and are aimed at regulating relations between the state and the individual(s) on its territory. However, in recent decades the increasing role of corporate actors in relation to social sustainability and their responsibility towards human rights has been recognised. Companies have significant influence on their surroundings and a large number operate across borders. The issue of business' impact on human rights was therefore placed on the agenda of the United Nations. Over the past decades, the United Nations human rights organs have been considering the scope of business' human rights responsibilities by exploring ways to encourage corporate actors to take responsibility for the impact their activities can/might have on human rights. As a result of this process, there is now greater clarity about the respective roles and responsibilities of governments and businesses with regard to human rights. On 16 June 2011, the UN Human Rights Council endorsed the Guiding Principles on Business and Human Rights, providing – for the first time in history – a global standard for businesses to govern their impact on human rights, and an interpretation on how the existing legal human rights obligations for states should be fulfilled when dealing with business activities.

Respecting human rights has therefore become increasingly important for businesses on a number of levels. A corporate responsibility to respect human rights means that the corporation has in place a governance structure which allows it to continuously: identify, prevent and mitigate potential adverse impacts; remediate actual adverse impacts in line with the UNGPs. This responsibility is extended to cover the full value chain of the corporation. All businesses have the potential to directly or indirectly cause or contribute to adverse impacts on human rights. The UNGPs use the term 'adverse impact' to reference an act that has or can have a consequence on anyone's ability to enjoy their legitimate rights as established within instruments of international law, as per the section above. Only states can 'violate' international human rights. Corporations are therefore seen as 'infringing' on or having an 'adverse impact' on human rights. The only exception is adverse impacts that amount to gross abuses of human rights, i.e. 'egregious human rights violations', where companies are seen as 'violating' human rights⁹.

Adverse impacts on human rights can occur even in cases where a state has demonstrated good governance in relation to human rights, and where the adverse impact itself does not necessarily constitute a breach of national law. Such adverse impacts can occur in all sectors of business, defined in this context as acts by businesses that remove or reduce the ability of an individual to enjoy his or her human rights. The Lundbeck case involved an actual human rights impact, i.e. an adverse impact that has already occurred or is occurring. This should be distinguished from a potential human rights impact - which is an impact that may occur but

has not yet done so. As civil society organisations or investors, you will most likely be involved with actual adverse impacts; although, with time, you may contribute to identifying potential adverse impacts as well.

A business that respects human rights means the business has established a system in line with the UNGPs in order to avoid infringing on human rights, and that it actively addresses any adverse human rights impacts with which it is involved¹⁰. Thus, it is important to note that a business can be seen to respect human rights; whilst at the same time being the cause of, contributing to, or being directly linked to an adverse human rights impact. Conversely, if a business does not act with due diligence to avoid and address its adverse human rights impacts as outlined by the UNGPs, it is considered as not respecting human rights.

The corporate responsibility to respect human rights applies fully and equally to all enterprises, regardless of size, sector, operational context, ownership and structure. However, the means of meeting this responsibility will again depend on those factors – i.e. it is not a one-size-fits-all requirement.¹¹ In any case, all businesses need to have the basics in place.

With the endorsement of the UNGPs, NGOs have increased legitimacy in expecting all businesses around the world to respect human rights. This requirement is also included in the 2011 revision of the OECD Guidelines for Multinational Enterprises¹² and the EU Strategy 2011-2014 for Corporate Social Responsibility¹³, adding further strength to the expectation.



⁹Such gross abuses/violations include e.g. crimes of torture, war crimes and genocide, covered under international criminal law. See Guiding Principle 23 (c).

¹⁰Guiding Principle 11

¹¹Guiding Principle 14

¹²OECD Guidelines for Multinational Enterprises, 2011 Edition, full text available at www.oecd.org

¹³A renewed EU strategy 2011-14 for Corporate Social Responsibility, full text available at <http://ec.europa.eu>

Human Rights - Definitions



Office of the High Commissioner for Human Rights OHCHR

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.

Universal human rights are often expressed and guaranteed by law in the form of treaties, customary international law, general principles and other sources of international law. International human rights law lays down the obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.

The meaning of human rights for business in the UNGPs

Business enterprises all over the world are expected to respect human rights whilst conducting their activities. Although the UN Guiding Principles (UNGPs) do not establish legal obligations, this new global standard of conduct alongside international law exists as an instrument over and above national laws and regulations intended to protect human rights.

According to the UNGPs, respecting human rights means that all corporations should have a human rights policy, act with due diligence and enable access to remedy for victims.

Human rights due diligence includes identifying, preventing/mitigating, and accounting for actual and potential adverse human rights impacts, which a company either causes, contributes to, or is linked to via a business relation.

How to use this guide



The guide is divided into three columns.

The first column offers concrete guidance for NGOs in cases where actual adverse human rights impacts related to businesses have been identified. It is meant to guide and accompany NGOs throughout the six main steps of constructive campaigning – from the time of identification to the time of follow-up on a business' implementation of the UNGPs.

The second column offers specific reference to the Lundbeck case, which systematically (and chronologically) follows the tool offered in the left column. In this way, the reader can combine theory with practice.

Occasionally throughout the guide, margin columns named 'investor' will appear on the far right (third column). These are intended for socially responsible investors. and may provide useful information and guidance on an investors' commitment to exercise 'active ownership'¹⁴. Investors need to consider how to establish constructive engagement with companies that they invest in. The application of the UNGPs as described for civil society in the guide can inspire the actions of investors.



Six main steps:

1. Identifying an adverse impact on human rights connected to a business.
2. Determining practical actions that can be taken by the business in order to mitigate their adverse impact on human rights.
3. Notifying the specific business responsible for the adverse impact on human rights.
4. Responding to the reaction of the business, whether it be positive or negative.
5. Cooperating with the business on the implementation of practical actions to mitigate adverse impact on human rights – as suggested either by have a human rights policy, – as suggested by either yourself, by the business, or jointly.
6. Following up on the entire process and evaluating the effectiveness of the implementation of practical actions.

¹⁴ See the United Nations Principles for Responsible Investments, Principle 2, full text available at www.unpri.org

Step one: Identify an adverse impact on human rights

Investors would typically not be directly involved in identifying any adverse human rights impacts that businesses cause, contribute to, or are linked to. It is more likely for investors to become aware of an adverse impact through the intervention of NGOs or journalists.

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All human rights can be adversely impacted by a company. Before you, as a non-governmental organisation (NGO), can identify an adverse human rights impact, you must understand what an adverse impact is. An adverse human rights impact can be defined as an action by a business that removes or reduces the ability of an individual or group to enjoy certain human rights. An adverse human rights impact caused by a business seldom amounts to a 'violation' of human rights. Under international human rights law only states can 'violate' human rights. Only very severe business impacts can be termed 'violations'.

A few examples of adverse impacts are listed in the table in Box 1 (B1) below.

Once an adverse impact on human rights is discovered, you should establish whether or not it is connected to a business entity. A connection exists if a business causes, directly or indirectly, the adverse impact through its operations, products, or services and/or by its business relationships. If the adverse impact is indeed connected to a business, the UNGPs can be applied.

The UNGPs establish an authoritative global standard on the respective roles of businesses and governments in ensuring that businesses respect human rights, both in their own operations and throughout their business relationships. They provide a blueprint for businesses on how to 'know and show' their respect for human rights (see Boxes 2 (B2) and 3 (B3) below and refer to 'The Corporate Responsibility to Respect Human Rights – and Interpretive Guide'.)¹⁵

In spring 2011, Reprieve discovered that the drug Nembutal® (pentobarbital) was being used in the United States to sedate prisoners before lethal injection.

Reprieve, a legal action charity that campaigns globally for the abolition of the death penalty, identified the (mis)use. Nembutal® was developed and tested for use by patients suffering from epilepsy; the drug was not intended for death row prisoners. Thus the medical effect of this drug on prisoners had not been tested and thus was unknown.



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Strategy consideration: Consider how you want to spend your resources, e.g. whether to aim at making the government act and/or direct your campaign towards the business involved with the adverse impact.

If it is decided to initially address the business and the adverse impact connected to it, it is essential to consider before proceeding whether:

- You can represent the person(s) impacted by the adverse impact (victim(s)). Also be aware that you may jeopardise the health, security or job situation of the person(s) involved, including in certain cases their immediate family.
- You have or are able to gain access to relevant documentation sustaining or verifying the claim, as well as the relationship between the impact and the business you intend to approach.

Subsequently, you should proceed to initiate a background check on the business to get a better understanding of whom you are dealing with. A background check can, for example, include the principal area of business, core activities, corporate structure, and whether they have a policy commitment as stated in UNGP 16 (Box 4 (B4)). Having completed the above, you are now ready to proceed to Step 2.

This incident linked the producer of Nembutal® to adverse human rights impacts of death row prisoners, such as the:

- **Right to life:** Nembutal® was used during executions and thus was directly involved in taking the prisoners' lives.
- **The right not to be subjected to torture:** Apart from the fact that capital punishment, in itself, constitutes an adverse human rights impact, the use of the drug that was not tested for this purpose. As such, the use on prisoners could amount to degrading and inhumane treatment. Were the prisoners actually conscious when the lethal injection was administered? Nobody knew - the drug was not tested for such use.
- **Right to health:** The right to health is defined by the United Nations through availability, accessibility, acceptability and quality. Using non-tested drugs amounts to an adverse impact in respect of quality.

Reprieve conducted a background check, initially to determine whether the adverse impact was connected to a business. Reprieve discovered that the Danish pharmaceutical company, Lundbeck, was the producer of the drug.

Reprieve subsequently looked into Lundbeck's principal areas of business, as well as its core activities and CSR commitment and performance. Knowing that drugs are carefully regulated in the US, Reprieve also looked at the Food and Drug Administration, the organisation mandated with the regulation and approval of drug suppliers within the US market.



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Examples of a business' adverse impacts on human rights

Human right	An adverse impact
Right to work	A company refuses to use contracts or letters of employment with newly hired employees.
Right not to be subjected to torture, cruel, inhumane and /or degrading treatment or punishment	An office manager systematically harasses her employees, e.g. by calling them derogatory names whenever she is dissatisfied with their work related performance.
Right to a fair trial	A company uses a distributor for its products. During a dinner the CEO of the distributor brags about having 'convinced' a judge to dismiss a lawsuit from a former employee.
Right to equality before the law, equal protection of the law, and rights of non-discrimination	A company takes advantage of the fact that migrant workers are not equally protected under the national labour laws by offering them working conditions that are below national standards.
Rights of protection of the family and the right to marry	A company strongly encourages an employee to postpone her wedding for one year to avoid unnecessary distractions during a busy period. She is told that there might not be room for her in the company if she carries out the wedding plans.

For examples on adverse impacts in relation to all human rights contained in the International Bill of Human Rights, see 'Human Rights Explained – For Business' at www.global-csr.com

B1

UNGPs in short
 To meet the responsibility to respect human rights, business enterprises should have in place policies and processes that demonstrate that they 'know' their potential and actual adverse impacts on human rights and 'show' what they are doing to prevent, mitigate or provide remedy of such impacts. In short, the system expected by any business includes:

1. Policy Commitment
2. Human Rights Due-Diligence Process
3. Process for Remediation

B2

Implications of the Corporate Responsibility to Respect Human Rights
 Business enterprises are required to avoid causing or contributing to adverse human rights impacts, and to address them when they occur through their own activities (UNGPs 13(a)).
 The responsibility extends to seeking to prevent or mitigate adverse human right impacts directly linked to business enterprise operations, products or services by their business relationships, even if the business enterprise has not itself contributed to those impacts (UNGPs 13(b)).

B3

UNGP 16: Policy Commitment
 As the basis for embedding their responsibility to respect human rights, business enterprises should express their commitment to meet this responsibility through a statement of policy that:

- (a) Is approved at the most senior level of the business enterprise.
- (b) Is informed by relevant internal and/or external expertise.
- (c) Stipulates the enterprise's human rights expectations of personnel, business partners and other parties directly linked to its operations, products or services.
- (d) Is publicly available and communicated internally and externally to all personnel, business partners and other relevant parties.
- (e) Is reflected in operational policies and procedures necessary to embed it throughout the business enterprise.

A policy commitment is a high-level and public statement by an enterprise to set out its commitment to meet its responsibility to respect human rights. It makes this commitment a clear, overarching policy that will determine its actions.

B4

Step two: Determine practical actions to be taken by the business

After identifying an adverse human rights impact, and before contacting the business, you may prepare and outline possible practical actions for the business to adopt. These actions must be in line with the main objective and purpose of the UNGPs, so that the business, by implementing these measures, can adequately address its adverse impact on human rights.

Your identification of an adverse human rights impact should be approached by a business on two levels:

1. Firstly, the business should address the concrete and actual adverse impact at hand, and seek to ensure that victims receive redress. This is mandated by the UNGPs, but may not prevent future adverse impacts from happening.
2. Secondly, the business should demonstrate that it has implemented, or is taking genuine steps towards implementation of, the UNGPs framework across all its business operations. This goes beyond addressing the actual adverse impact 'here-and-now', it establishes a process by which, if applied properly, the business will hopefully be able to prevent future adverse impacts on human rights. The creation and execution of such a process will bring the business towards compliance with the new global standard for CSR and good governance on human rights: the UNGPs.

In addressing adverse human rights impacts, it is important that you undertake both tasks when drafting and designing the possible practical actions. Ideally, your proposed practical actions should therefore go beyond addressing the 'here-and-now' adverse

After establishing that Lundbeck was the producer of Nembutal®, Reprieve developed a list of possible practical actions that Lundbeck could adopt to address its adverse human rights impact.

The overall goal of Reprieve's proposed actions was a restriction of Lundbeck's distribution chain.

The specific actions proposed by Reprieve included:

1. End-user clauses: clauses to be included in Lundbeck's contracts with their wholesalers, establishing the buyer's right to use the drug.
2. Specialty pharmacy: the most obvious solution which entailed a more tailored distribution system, delivering only to hospitals/ doctors/patients of the manufacturer's choosing and offering inventory tracking.
3. Drop-ship: retaining control over the product all the way through the value chain; the product being delivered directly to hospitals so no third parties who could sell the product for illegitimate purposes were involved.
4. The use of advanced technologies: to identify and electronically track the whereabouts of the drugs.

Initially, Reprieve proposed only end-user clauses (1) as a possible practical action for Lundbeck to adopt. However, as Lundbeck did not agree with Reprieve that this suggestion would suffice in stopping the misuse of Nembutal®, Reprieve developed further practical actions and proposed them to Lundbeck (points 2-4).

There is relatively little activity for investors in this step – investors will not normally be the ones suggesting possible practical actions for the business to adopt. Instead, as an investor, you might want to consider approaching a local NGO (or an NGO specialising in or which has experience in addressing the kind of adverse impact in question) in order to ask them to identify ways to deal with the adverse impact at hand.

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impact, and also motivate the business to implement proper human rights due diligence processes into its operations. Box 5 (B5) further illustrates this distinction.

Either way, in order to identify possible practical actions, you should ask yourself the following two questions:

1. 'What would I have done if I were in the same situation as the business?' (Imagine the position in which the business will find itself when it discovers the adverse impact.)
2. 'What can I, as an NGO, realistically expect of this business in the present situation?'

Constructive campaigning aims to assist the business. Other strategies are also valid and useful – however, they are not the focus of this guide. The business may not know that it is connected to an adverse impact, and therefore is responsible for the impact. Once the business is made aware of this responsibility, it should be given a reasonable chance to independently respond to and improve the situation. You as an NGO can assist the business to do this appropriately. Keep in mind that when giving the business an opportunity to take responsibility for its adverse impact and/or coming up with possible practical actions, a business will have multiple factors that it needs to take into consideration before changing internal strategies and procedures. This can be a lengthy process, but does not necessarily mean that the business is not actively addressing the adverse impact(s) it is responsible for.

Furthermore, while the business is interested in avoiding bad

In addition to this, Reprive urged Lundbeck to submit testimony to a US court opposing the use of Nembutal® in executions, claiming that such use was untested and not recommended.

As this case was exceptionally urgent, (prisoners were being executed on a regular basis), Reprive aimed at disclosing their findings and contacting Lundbeck as soon as possible.



8



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publicity, it will generally want to invest in the most cost-effective solution.

It is of utmost importance that the possible practical actions suggested do not in themselves create adverse impacts on human rights. For example, it is not compatible with the UNGPs to cause an adverse impact on the right to privacy in order to address potential adverse impacts on child labour. At its 10th anniversary in June 2013, a member of the Business for Social Compliance Initiative accounted for how his/her company would pressure home workers against their will into having a dentist establish their age. Even less intrusive measures, such as gaining access to employees' health records or employment contracts and other private papers, may amount to an adverse impact on the right to privacy.

Next, you should consider how you contact and communicate with the business that is responsible for the adverse impact on human rights. These considerations include:

1. How do you approach the business in the most effective and constructive manner?
2. What will your arguments be and how do you plan to support them?
3. What kind of business are you dealing with and which purpose does it serve? Does it aim to generate profit only? Is it concerned with its brand? Is it already aligning its policies and practices with the UNGPs?

It is essential that you acquire basic knowledge regarding the spe-

cific business' landscape. Also, you are encouraged to learn to use and speak the language of business; it will improve your ability to communicate successfully. This knowledge can help you in Step 3, which is the point in time where you notify the business. You should pitch the message in the right way and with the right terminology. It is important that you have in place a clear objective, and a plan of the interactions with the business.

To sum up: At this point you have discovered an adverse human rights impact linked to a business or its operations. Additionally, you have identified possible, relevant and pragmatic, practical actions for the business to apply. You are now ready to notify the business of your findings. Please go to Step 3.

Ex ante actions

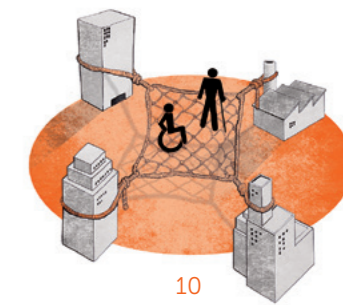
Before another adverse impact occurs - diligence should take place: A policy should be in place to take active action to prevent or mitigate similar adverse impacts from occurring and to demonstrate the effects of such actions. The policy should also enable the company to know exactly how to proceed should another adverse impact occur.

B5

Ex post actions

After an adverse impact has taken place: The UNGPs expect business to act or use its leverage to ensure that business relationships act in concrete ways to put an end to such impacts.

B6



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Step three: Notify the business of its adverse impact on human rights

This is an important step where an investor can really make a difference. The company which is causing or contributing to an adverse impact is much more likely to engage in a dialogue with an investor. This means that it is unlikely that you, as an investor, will have to turn to alternative strategies of approaching the business, or will have to increase your leverage.

INVESTOR

When you have identified possible practical actions for the business to apply, you are ready to notify the business of your findings and propose practical actions. The procedure of notification should start by establishing 'who' within the business would be the best first point of contact. Within multinational corporations it may be difficult to establish who is responsible for what.

A good way to proceed is by asking the top management of the business: 'Are you aware that your business is responsible for an adverse impact on human rights?'

At this stage the dialogue between you and the business can begin. However, whether this is possible will depend on the way the business responds to your notification. The response can either be positive or negative. You should be prepared for both outcomes.

If the business responds **positively**, a constructive dialogue can begin during which you present your possible practical actions from Step 2. If, however, the business responds **negatively**, you must resort to alternative measures (Step 4) in order to establish a constructive dialogue with the business that will provide for results.

There is a risk that the business will deny its responsibility and involvement in the adverse impact. That said, this should not discourage you from continuing the constructive campaigning process. For an overview of different plausible business reactions, see page 17.

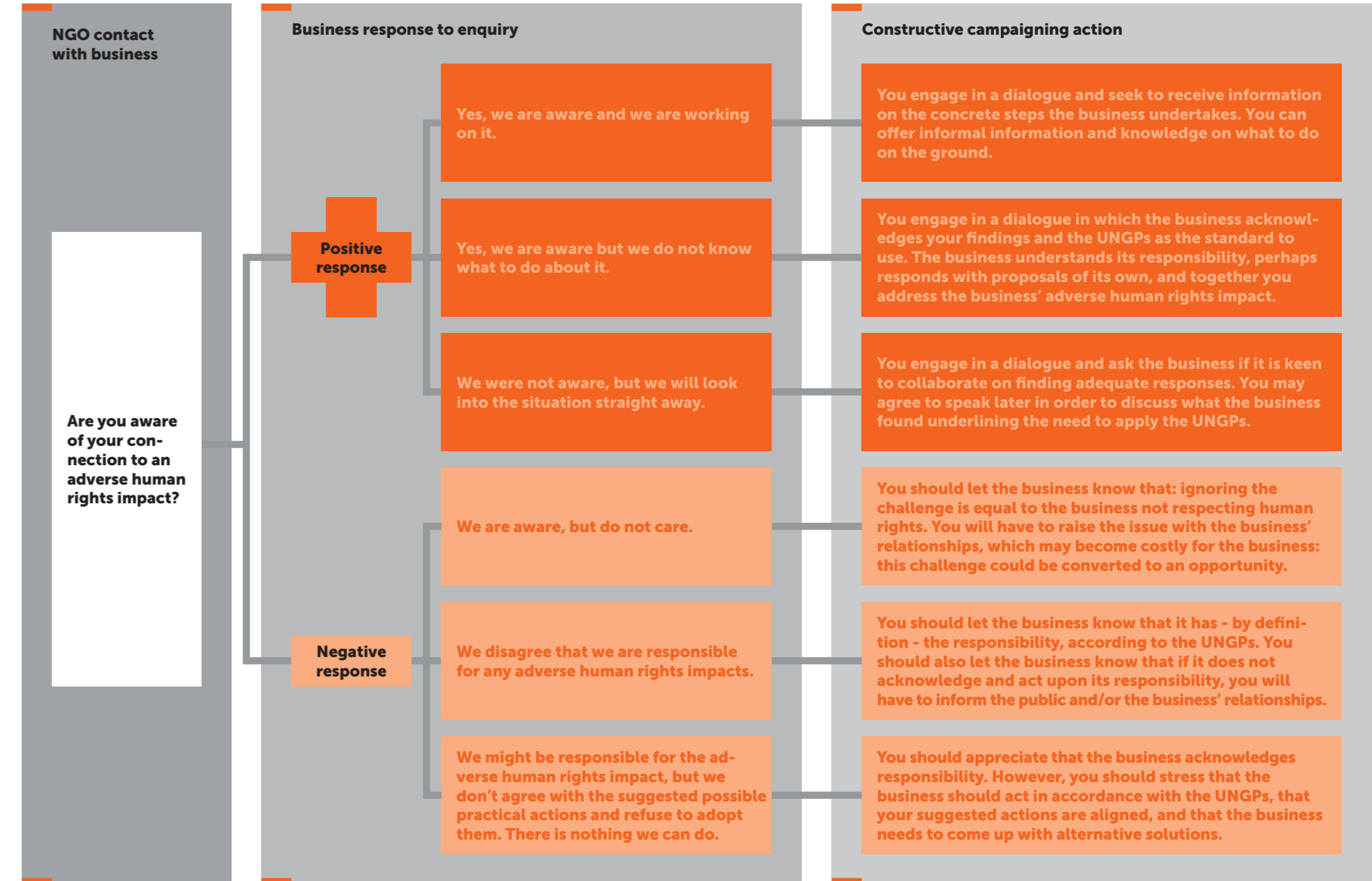
After identifying a list of possible practical actions for Lundbeck to adopt, Reprieve notified Lundbeck of their findings; namely, that Lundbeck was responsible for an adverse impact on the human rights of death row prisoners in the US. Reprieve went on to ask the top management of Lundbeck whether they were aware of this.

While Lundbeck acknowledged the findings presented by Reprieve, their initial response to the implementation of end-user clauses was negative.

Although Lundbeck were against the misuse of their pharmaceutical drug Nembutal®, they found that they could not be held responsible for the adverse impact. According to Lundbeck, there was nothing they could do to effectively stop prisons gaining access to the pharmaceutical drug, as Lundbeck did not distribute Numbutal directly to the end-users. The sales were executed by three American wholesalers, and it was at the end of this distribution chain that the adverse human rights impact took place.

Lundbeck refused to discuss the possibility of withdrawing Nembutal® from the US market, arguing that such withdrawal would harm the patients suffering from epilepsy for which the drug was intended, and paradoxically result in an adverse impact on the patients' right to health.

Reprieve continued its campaign and eventually made their proposed actions public. In their ambition to prevent Nembutal® from ending up in American prisons, they suggested a change in Lundbeck's distribution chain system.



Step four: Respond to the business' reaction

It is highly unlikely that a business would refuse to engage in a dialogue with an investor. However, should this happen, you can reach out to other investors that have also invested in the specific business in question. By doing this, you will be increasing your leverage. As you can see from the Guidance column, NGOs are advised to use investors as a way to increase leverage towards the company.

INVESTOR

As an NGO, you should respond according to the reaction of the business, with the purpose of encouraging the business to apply and comply with the UNGPs. You must remind the business that the responsibility to adhere to the UNGPs is incumbent upon it.

In order to respect human rights, the business needs to have:

- a policy commitment in place that fulfils the minimum criteria outlined in UNGP 16.
- a process that, as a minimum, answers the expectations in UNGPs 17-21 (Human Rights Due Diligence).
- a grievance mechanism that provides for access to remedy where the business causes or contributes to actual adverse human rights impacts.

There are two primary ways of responding to a business' reaction:

1. If the business reacts positively in regards to your findings and is willing to engage in a dialogue with you, you can proceed to Step 5.
2. If you and the business cannot successfully enter into a dialogue, there are ways in which you can increase your leverage towards the business. This can be done by involving other external actors. Examples of such actors are:

Media

Relevant media actors cover television, newspapers, radio, and internet/social media. The media spreads and disseminates information to a wide audience and is an important mechanism because it can have a considerable impact on the reputation of the business. You can therefore utilise the media in order to apply pressure

Given that Lundbeck and Reprise initially did not agree on the way Lundbeck should address their adverse impact on human rights, Reprise turned to external actors to emphasise the urgency of the issue and increase their leverage towards Lundbeck. These actors included:



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Media

Reprise used the media in several ways to increase their leverage towards Lundbeck, e.g. by reporting all developments of the case to the media. Whenever an execution took place where Nembutal® was involved, Reprise would have articles on the subject published on their website. These articles would again and

aimed at persuading the business to address the occurrence of an adverse impact adequately.

Dos & Don'ts (from an NGO perspective):

- Alerting the media comes with risks: the media may not understand the subject, may be inclined to make headlines, omit disclosing important nuances, and thereby further distance the company. Therefore, ask yourself whether alerting the media is likely to improve your chances of engaging in a constructive dialogue with the business.
- If you do decide to contact the media, you should be strategic in choosing which mediums and how to present your case. You may for instance wish to create a media stunt to attract as much attention to your cause as possible. The objective of media stunts is simply to provide a visual illustration, which can be easily described in a sentence or understood in one glance at a photo. Alternatively, you might find it important to publish the case in a well-respected newspaper or journal, in order to make your case appear as substantiated as possible. In some instances it could be worth using a number of channels simultaneously, to maximise exposure and reach a wider audience.

Government

The government covers all governmental bodies consisting of ministries, departments, commissions, possible complaint mechanisms etc. Government support is vital for the existence of any profitable

again portray Lundbeck as responsible for the impact, not having done enough to address its responsibility to respect human rights. Lundbeck considered this an unjust portrayal, as they had the intention of stopping and preventing the misuse of Nembutal®. Another way Reprise attracted media attention was by presenting a live lizard during a press conference. With reference to this reptile, Reprise pointed to a report stating that lizards receive more protection under Texas Euthanasia Law than human beings. The report revealed that the method by which Texas executed human beings, using Nembutal® to first sedate prisoners, was riskier, less transparent, and had less oversight than the euthanasia of cats, dogs, birds, and lizards.

With this striking and untraditional comparison, Reprise managed to create a publicity stunt. The use of a live animal at a press conference is unusual in itself, but the impression made by an unappealing lizard and not, say, a cute puppy, produced a strong effect. Furthermore, by convincing the Council of Europe Goodwill Ambassador Bianca Jagger to advocate for their case, both Reprise and the case itself gained more media coverage. The multifaceted and relatively broad media coverage continually strengthened the credibility and appearance of Reprise as a strong advocate that could not be ignored.

Government

Additionally, the extensive media coverage made the case a national issue in Denmark, Lundbeck's home country. Some members of the Danish parliament posed questions to various Ministers, who in



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business, and therefore it can strengthen the impact of your message if you gain their interest in your cause. Note that both the government in the home country of the business you are constructively campaigning and the government that has jurisdiction where the adverse impact occurs can be of value to your campaign. If and when you approach either government, make sure to underline 'the state duty to protect human rights' as described by the first pillar of the UNGPs and established within instruments of international law. Of course, in some instances approaching a government may be in vain if the adverse impact is already condoned by the government, or if the government itself is linked to such an impact.

Investors

Investors are important because the business relies upon their financial contribution. Socially responsible investments (SRI) have increased exponentially over the past decade. For example, 99 percent of pension funds in Denmark have SRI policies. If a corporation is dependent on third party financing, investors can become a very strong voice in persuading the business to behave responsibly. As noted in the introduction to this guide, elements from 'constructive campaigning' can be used by investors as guidance to fulfil the expectations of 'active ownership', outlined by the UN the UN Principles for Responsible Investment. In the worst-case scenario, investors take their investments elsewhere and blacklist the company, making it difficult to obtain reasonably priced financing elsewhere.

turn became obliged to address the issue.

Reprieve also approached the Danish government directly by: addressing the Ministry of Foreign Affairs, Ministry of Health, Ministry of Trade, and Ministry of Justice; as well as meeting up with various government officials in Denmark; and indirectly via the Council of Europe Goodwill Ambassador Bianca Jagger who called for the government of Denmark to assist in preventing the Nembutal® drug from facilitating capital punishment.

Investors

When Lundbeck refused to require their distributors to stop the misuse of Nembutal®, Reprieve further addressed Lundbeck's investors, hoping that added pressure from the investor side would help spur a change in Lundbeck's stance. Several of Lundbeck's investors asked the company (publicly as well as privately) to be more transparent about the issues at hand and what actions were being taken. One such investor, Unipension, eventually divested. Unipension sold millions of Euros worth of shares in Lundbeck due to lack of sufficient information. Unipension's chief investment officer explained:

'We did not receive sufficient information to evaluate whether Lundbeck was violating our ethical rules for socially responsible investing, so we decided from a purely risk-return perspective to sell our shares.'

Experts

It is always worth considering whether you can have renowned experts support your constructive campaign. The company that you campaign will be more hesitant to rebut the arguments of experts who enjoy general credibility. In addition, local and/or subject expertise can enable you to paint a relevant and nuanced picture of what is possible and not possible, should you manage to gain the attention of the company.

In the event that a business reacts in a positive way, the possible practical actions you have come up with in Step 2 should be presented to the business. A positive attitude from the business invites constructive dialogue and cooperation in reaching a stage of UNGPs compliance. If the opposite is the case, you will have to seek to increase your leverage, possibly also partnering with other stakeholders than those mentioned above.

Experts

Due to the scientific nature of this case, medical professionals were approached by Reprieve for external review of the case. As they too considered this case to be of critical importance, they among other things signed a petition calling on Lundbeck to stop supplying Nembutal®. The results of this petition were presented at the Lundbeck-sponsored 15th International Congress of Parkinson's Disease and Movement Disorders in Toronto. Reprieve collaborated with the organisations: Justice (United Kingdom) and the International Commission of Jurists (Danish Section), to bring further human rights expertise to the table, in particular with respect to business.

The above illustrates the steps Reprieve took in order to increase its leverage towards Lundbeck. By strategically using these different channels to approach Lundbeck with increased strength, Reprieve and others were able to move the dialogue with Lundbeck forward.

In fact, Reprieve's strategy to include external actors led to Lundbeck fully acknowledging their responsibility, communicating their interest in effecting change, and ultimately admitting that they were in fact able to change the distribution of the drug. Lundbeck took notice of the practical actions proposed by Reprieve, and eventually made the requested changes to their distribution chain.



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Step five: Cooperation on the implementation of practical actions

Presumably, the investor is in compliance with the UNGPs in his/her own operation, i.e. has a system in place to identify and address potential adverse human rights impacts. This knowledge obtained from your own implementation of the UNGPs can be used to help a business set up its own compliance process / UNGPs-based system. The interaction / cooperation from the investor's side should be in the form of good advice from your own UNGPs implementation. Interestingly, in the Lundbeck case, Unipension had not themselves adopted a UNGPs system.

INVESTOR

If you have successfully reached this stage, the business has responded positively to your notification, and you have engaged in a constructive dialogue with them. At this point the business should begin implementing practical actions to address its adverse human rights impact as proposed by you in Step 2, or in other effective ways. Regardless of whether the practical action(s) are suggested by you or the business itself, the main objective of their implementation is to bring the business into compliance with the UNGPs. This will help the company to prevent any similar situations occurring in the future.

The overall process of complying with the UNGPs is two-dimensional:

1. Firstly, the business is required to handle the concrete case, i.e. adopt and enforce the practical actions.
2. Secondly, the business must establish a UNGPs compliance system within the company, whereby they create or align business policies, develop ongoing human rights due diligence process and have in place adequate grievance mechanism(s). The framework enables the business to prevent, mitigate and react appropriately to similar, and other, adverse impacts in the future (for more information on the practical implementation of UNGPs see 'The Corporate Responsibility To Respect Human Rights – An Interpretive Guide').

Please note that addressing both the actual adverse impact and establishing an appropriate system may take considerable time. For instance, the UNGPs require that the entity causing or

After another round of meetings between Reprieve, other NGOs, and Lundbeck where alternative ways of solving the issue were presented, Lundbeck became ready to cooperate.

By July 2011, Lundbeck had revised their strategy and announced their plan; blocking the supply of Nembutal® to prisons for use in executions, as suggested by Reprieve. Through a combination of specialty pharmacy, drop-ship distribution, and end-user agreements with buyers, Lundbeck planned to effectively control who would be able to purchase the drug.

Specialty pharmacy would provide Lundbeck the opportunity to retain control over the product all the way through the supply chain, until the product was drop-shipped - meaning the point in time where the product was delivered directly to hospitals. This would eliminate the possibility of third parties becoming involved.

The end-user agreements further stipulated that end-users were not authorised to sell the product to prisons.

Through these actions Lundbeck could be certain that there was no way Nembutal® could be purchased for the purpose of capital punishment.

In addition Lundbeck publicly committed itself to work in alignment with the UNGPs to avoid similar situations from arising. Much of this action was inspired by the proposed action from Reprieve, who commended Lundbeck for their efforts.

contributing to an adverse impact must establish both quantitative and qualitative indicators, which can measure the effectiveness of actions taken to prevent, mitigate and provide for remedy. If the business you are campaigning did not cause or contribute directly to the impact concerned, it will need to establish leverage to ensure that the relevant business unit acts in accordance with the UNGPs.

Once the implementation strategy and adequate tracking indicators have been enforced, and your possible participation in delivering results has been finalised, please move to Step 6 below.



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Step six: Follow-up

As an investor, you should ask the business during the follow-up on the adverse impact:

- What is the status on the adverse impact? What has changed?
- How far are you in the implementation process of the UNGPs?

INVESTOR

To ensure that the business successfully implemented a system in accordance with the UNGPs, you can at a later point in time conduct a follow-up on how the business dealt with the actual adverse impact, and in which ways the business changed its overall policies and frameworks towards compliance with the expectations outlined in the UNGPs.

NGOs often act as a sort of guarantor for the public and not least those impacted – as an NGO you enjoy higher credibility and you will be held accountable to make sure that the wrongs have been corrected for those impacted. If the business' efforts are genuine, the business can also positively thrive on the credibility you have when assessing the effectiveness of its required responses. As an NGO you can provide feedback 'from the ground', helping the business constructively in validating their actions and further improving their efforts.

You should be aware that as part of the due diligence process the business is required to communicate on what it does to prevent and mitigate re-occurrence of adverse impacts, and track the effectiveness of its response. You can assist in establishing adequate quantitative and qualitative indicators; an exercise that most NGOs are familiar with following their work with governments and development agencies.

As part of this, effort should be made to establish indicators that are already used by the business e.g. in relation to safe and healthy working conditions, staff performance reviews, staff surveys, as well as consumer, customer or supplier surveys.

In the Lundbeck case, Reprieve closely monitored Lundbeck's actions in the period following the company's announcement to implement and comply with the UNGPs.

In March 2012 Lundbeck became the first company to sign up to the 'Pharmaceutical Hippocratic Oath', and the first recipient of Reprieve's new 'Corporate Social Responsibility Award for Ethical Leadership in the Pharmaceutical Industry'.

In its 2011 Communication on Progress Lundbeck looked back on the Nembutal® case with these words:

'Lundbeck is dedicated to improving the quality of life of people suffering from brain disorders. Therefore, it was very disturbing to us when we learned in 2011 that one of our products, Nembutal® (pentobarbital), was used off-label by US prisons to carry out capital punishment. Nembutal® was developed for the treatment of severe and life threatening epilepsy, and in 2011 was distributed in the US by Lundbeck. Therefore, Lundbeck has strongly protested against this severe misuse, and after a thorough investigation, we established a new distribution system, which ensures access to medication for only the patients in need according to the approved labeling, while restricting prisons' access to the drug. In December 2011, Lundbeck divested a portfolio of products in the US, including Nembutal®, as part of our long-term strategy. However, the terms of the transaction include continued enforcement of the restricted distribution program for Nembutal®.'

When establishing the adequate responses, it is of utmost importance that the individuals or groups impacted participate in the work. With your positive presence 'on the ground' you may become a crucial vehicle for facilitating such stakeholder dialogue. However, you should note that no response should in itself create adverse impacts on any human rights. This poses a limitation to responses that may be favoured by any impacted individual or group anywhere in the world.

Your primary focus and the duration of your engagement may be limited to handling the concrete adverse impact that was identified in Step 1 – as it can be difficult for you to allocate resources to assess the general implementation of the UNGPs by the business. If proper implementation is not initiated, or in other words if the business shows no endeavors to 'respect human rights' beyond handling the concrete issue, you should be very wary of publicly supporting the business or only do so with an explicit reservation hereof.

If the business does not succeed in implementing or adopting effective actions, it may be necessary to revert to earlier steps, i.e. to identify alternative practical actions (Step 2), or find another way to approach the business and engage in a dialogue (Step 3).



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Conclusion



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In six practical steps this guide seeks to explain how NGOs worldwide can use the globally endorsed authoritative reference point, the UN Guiding Principles on Business and Human Rights (UNGPs), for pragmatic interactions with businesses, in order to achieve social sustainability and best practices on human rights. Furthermore, the guide also aims to allude to investors, who should strive to actively interact with businesses as part of the responsible investors' active ownership.

The six steps are:

1. Identifying an adverse impact on human rights connected to a business.
2. Determining practical actions that can be taken by the business in order to mitigate their adverse impact on human rights.
3. Notifying the specific business responsible for the adverse impact on human rights.
4. Responding to the reaction of the business, whether it is positive or negative.
5. Cooperating with the business on the implementation of practical actions to mitigate adverse impact on human rights – as suggested either by yourself, by the business, or jointly.
6. Following up on the entire process and evaluating the effectiveness of the implementation of practical actions.

These steps were developed based on key learning from an incident in Lundbeck, where the company became the centre of a focused campaign carried out by Reprieve. The interaction between Reprieve and Lundbeck demonstrates how the UNGPs can be used

as campaign leverage, and to achieve results that further the interests of both the society and the business that is subject to the campaign. Constructive Campaigning, in other words, is the key to a new form of interaction between NGOs and businesses - a form that has the potential to enable a fast and focused uptake and implementation of the corporate responsibility to respect human rights.



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Tools

The users of this guide may find the following reference documents, guides and tools helpful in both understanding the UN Guiding Principles and in applying the methodology of Constructive Campaigning.

This list is not exhaustive.

Key tools

- United Nations Human Rights Office of the High Commissioner: Guiding Principles on Business and Human Rights. Implementing the United Nations "Protect, Respect and Remedy", 2011. www.ohchr.org
- United Nations Human Rights Office of the High Commissioner: The Corporate Responsibility to Respect Human Rights – An Interpretive Guide. www.ohchr.org
- The Core International Human Rights Instruments. www.ohchr.org

Further tools

- SOMO: How to Use UN Guiding Principles on Business and Human Rights in Company Research and Advocacy - A Guide for Civil Society Organisations. www.somo.nl
- GLOBAL CSR, BBI International: My Business and Human Rights - A Guide to Human Rights for Small and Medium-Sized Enterprises (published by the European Commission). www.ec.europa.eu
- United Nations Human Rights Office of the High Commissioner: Universal Periodic Review / Country reports. www.ohchr.org

- Business Leaders Initiative on Human Rights: A Guide for Integrating Human Rights into Business Management www.integrating-humanrights.org
- UN Global Compact, Castan Centre for Human Rights Law, International Business Leaders Forum, and Office of the United Nations High Commissioner for Human Rights: Human Rights Translated – A Business Reference Guide. www.unglobalcompact.org
- GLOBAL CSR: Free e-learning module on the UN Global compact – LEARN CSR. www.learncsr.com
- GLOBAL CSR: Human Rights Explained – e-learning and www.global-csr.com



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Relevant centres and organisations



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- **International Commission of Jurists (ICJ)**
www.icj.org

- **Reprive**
www.reprive.org.uk

- **SOMO**
www.somo.nl

- **Business & Human Rights Resource Centre**
www.business-humanrights.org

- **Danish Institute for Human Rights**
www.humanrightsbusiness.org

- **International Federation for Human Rights (FIDH)**
www.fidh.org

- **OECD Watch**
www.oecdwatch.org

- **The Office of the High Commissioner for Human Rights**
www.ohchr.org

- **UN Global Compact**
www.unglobalcompact.org

- **Human Rights First**
www.humanrightsfirst.org

- **Human Rights Watch**
www.hrw.org

- **Global Business Initiative on Human Rights**
www.global-business-initiative.org

- **Amnesty**
www.amnesty.org

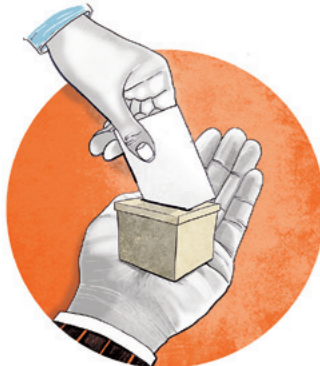
- **SHIFT**
www.shiftproject.org

- **Institute for Human Rights and Business**
www.ihrb.org

- **IMPA-ACT**
www.impa-act.org

- **GLOBAL CSR**
www.global-csr.com

- **learnCSR**
www.learnCSR.com



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Glossary & Acronyms

United Nations Guiding Principles on Business and Human Rights (UNGPs) - the global standard of practice that is expected of all States and businesses with regard to business and human rights. The UNGPs were unanimously endorsed by the UN Human Rights Council in June 2011. They reflect and build on the three-pillar structure (protect, respect and remedy) and comprise 31 principles. The Guiding Principles outline steps for States to foster business respect for human rights; provide a blueprint for companies to manage the risk of having an adverse impact on human rights; and offer a set of benchmarks for stakeholders to assess business' respect for human rights.

Constructive Campaigning - the methodology NGOs can apply, on the basis of the UN Guiding Principles on Human Rights and Business, after having identified an adverse impact on human rights related to business, thus interacting constructively with the business in question assisting in establishing an adequate response to the actual adverse impact, in addition to minimising adverse impacts on all human rights in future business operations.

Socially Responsible Investment - investors, like businesses, have the responsibility to respect human rights and not to contribute to adverse human rights impacts. This can be done through the exercise of active ownership and by working in line with the principles endorsed by the UN in the Principles on Responsible Investment (UNPRI) and the UNGPs.

Adverse human rights impact - an action by business that removes or reduces the ability of an individual to enjoy his or her human rights.

Non-governmental Organisation (NGO) - legally constituted corporations created by natural or legal people that operate independently from any form of government.

Lundbeck - H. Lundbeck A/S (LUN.CO, LUN DC, HLUKY) is an international pharmaceutical company highly committed to improving the quality of life for people suffering from central nervous system (CNS) disorders. For this purpose, Lundbeck is engaged in the research and development, production, marketing and sale of pharmaceuticals across the world, targeted at disorders such as depression and anxiety, schizophrenia, insomnia, Huntington's, Alzheimer's and Parkinson's diseases. Lundbeck was founded by Hans Lundbeck in 1915 in Copenhagen, Denmark, and today employs 5,900 people worldwide. Lundbeck is one of the world's leading pharmaceutical companies working with CNS disorders.

Reprive - a legal action charity that uses the law to enforce the human rights of prisoners, from death row to Guantánamo Bay. Reprive investigates, litigates and educates, working on the front-line, to provide legal support to prisoners unable to pay for it themselves. Reprive promotes the rule of law around the world, securing each person's right to a fair trial and saving lives. Reprive assists prisoners on death rows around the world and represents a large number of prisoners who have been rendered and abused in the so-called 'War on Terror'.



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- 48 RIGHTS OF MINORITIES
- 47 RIGHT TO EQUALITY BEFORE THE LAW, EQUAL PROTECTION OF THE LAW, AND RIGHTS OF NON-DISCRIMINATION
- 46 RIGHT TO PARTICIPATE IN PUBLIC AFFAIRS
- 45 RIGHT TO PROTECTION OF THE CHILD AND RIGHT TO ACQUIRE A NATIONALITY
- 44 RIGHT TO PROTECTION OF THE FAMILY AND THE RIGHT TO MARRY
- 43 RIGHT TO FREEDOM OF ASSOCIATION
- 42 RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY
- 41 RIGHT TO FREEDOM FROM INCITEMENT OF RACIAL, RELIGIOUS OR NATIONAL HATRED
- 40 RIGHT TO FREEDOM FROM WAR PROPAGANDA
- 39 RIGHT TO FREEDOM OF INFORMATION
- 38 RIGHT TO FREEDOM OF EXPRESSION
- 37 RIGHT TO FREEDOM OF OPINION
- 36 RIGHT TO FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION
- 35 RIGHT TO PRIVACY
- 34 RIGHT TO RECOGNITION AS A PERSON BEFORE THE LAW
- 33 RIGHT TO BE FREE FROM RETROACTIVE CRIMINAL LAW
- 32 RIGHT TO A FAIR TRIAL
- 31 RIGHT OF ALIENS TO DUE PROCESS WHEN FACING EXPULSION
- 30 RIGHT TO FREEDOM OF MOVEMENT
- 29 RIGHT NOT TO BE SUBJECTED TO IMPRISONMENT FOR AN INABILITY TO FULFIL A CONTRACT
- 28 RIGHTS OF DETAINED PERSONS TO HUMANE TREATMENT
- 27 RIGHT TO LIBERTY AND SECURITY OF PERSON
- 26 RIGHT NOT TO BE SUBJECTED TO SLAVERY, SERVITUDE OR FORCED LABOUR
- 25 RIGHT TO FREE, PRIOR AND INFORMED CONSENT TO MEDICAL OR SCIENTIFIC EXPERIMENTATION
- 24 RIGHT NOT TO BE SUBJECTED TO TORTURE, CRUEL, INHUMAN AND/OR DEGRADING TREATMENT OR PUNISHMENT
- 23 RIGHT TO LIFE
- 22 MORAL RIGHTS OF AUTHORS
- 21 RIGHT TO MATERIAL GAINS FROM INVENTIONS
- 20 RIGHT TO BENEFIT FROM SCIENTIFIC PROGRESS
- 19 RIGHT TO TAKE PART IN CULTURAL LIFE
- 18 RIGHT TO EDUCATION
- 17 RIGHT TO HEALTH
- 16 RIGHT TO WATER AND SANITATION
- 15 RIGHT TO ADEQUATE HOUSING
- 14 RIGHT TO ADEQUATE CLOTHING
- 13 RIGHT TO ADEQUATE FOOD AND ITS FAIR DISTRIBUTION
- 12 RIGHT TO CHILDREN'S & YOUNG PEOPLE'S PROTECTION FROM EXPLOITATION
- 11 RIGHT TO PROTECTION OF MOTHERS BEFORE AND AFTER CHILDBIRTH
- 10 RIGHT TO SOCIAL SECURITY, INCLUDING SOCIAL INSURANCE
- 9 RIGHT TO FORM AND JOIN TRADE UNIONS AND THE RIGHT TO STRIKE
- 8 RIGHT TO REST, LEISURE AND PAID HOLIDAYS
- 7 RIGHT TO EQUAL OPPORTUNITY FOR EVERYONE TO BE PROMOTED
- 6 RIGHT TO SAFE AND HEALTHY WORKING CONDITIONS
- 5 RIGHT TO A LIVING WAGE
- 4 RIGHT TO EQUAL PAY FOR EQUAL WORK
- 3 RIGHT TO WORK
- 2 RIGHT TO NON-DISCRIMINATION
- 1 RIGHT TO SELF-DETERMINATION