



# Menschenrechtliche Verantwortung von Unternehmen

## Die Herausforderung des operativen Managens

Dr. York Lunau, Novartis Foundation for Sustainable Development  
Schweizer Sektion der Internationalen Juristenkommission, Bern 31.3.2011

# Unternehmen und Menschenrechte

*Nur neues Label für “gesellschaftliche Unternehmensverantwortung”?*

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- Zwar gibt es genügend Beispiele dafür...
  - NGOs: bekannte Claims werden nun als „Menschenrecht“ eingefordert
  - Wirtschaft: Menschenrechte als Gegenstand von Spendenaktivitäten
- ...doch setzt sich eine aufgeklärte Sicht langsam durch
  - Unternehmen als ‚organs of society‘ mit spezifischer Verantwortung
  - Minimumstandards im Kerngeschäft, nicht an dessen Rand



Debatte stark fortschreitend, aber noch relativ jung (Experimentierstadium)

MULTINATIONALS  
ABUSE  
HUMAN RIGHTS



December 10, 1948...





# Creating value through responsible business



## Patients

From laboratory to market, patient needs come first. Our unique healthcare portfolio, our patient-centric approach to R&D and our innovative access programs all benefit patients worldwide. »

## People and communities

Our associates and communities are key to our success. That's why we ensure living wages for all Novartis associates, and give back through philanthropy and volunteerism. »

## Business conduct

Ethical considerations inform all dimensions of our business: research and development, manufacturing and distribution, marketing and sales. »

## Environmental care

We believe environmental stewardship makes good business sense, and we want to be a leader in environmental sustainability. »

### Top links

- Diversity and inclusion
- Rankings and awards
- Video stories

### Top downloads

- Corporate citizenship fact sheet (160 KB)
- Connecting with patients (1.2 MB)
- Corporate citizenship in our Annual Report (9.4 MB)



Annual Report 2010 >

### Novartis country websites:

Select by country

### Novartis business websites:

Select by business: Menschenrechte, Bern | Y. Lunau | 31. März 2011

### Worldwide offices



Select an office

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- Subscribe to feature stories RSS feed



search

- Corporate citizenship home
- Patients
- Business conduct
- > People and communities**
  - > Human rights**
  - Our people
  - Community involvement
- Environmental care

Share Print

## Human rights

Human rights issues affect all areas of our business, from the research and development of medicines to manufacturing, distribution and administration. Novartis has a longstanding **commitment to human rights** and was among the first signatories of the United Nations Global Compact in 2000.

We adopt a proactive approach to human rights across all of our businesses. Through the think-tank work of the **Novartis Foundation for Sustainable Development**, we are helping to define the **role business can play** in promoting human rights, especially the right to health.

### Our workforce

Novartis was among the first international companies to make a voluntary commitment to **define and pay living wages** to employees around the world. By paying a living wage, we endorse the right to an appropriate standard of living that guarantees health and well-being for a family.

### Our patients

The right to health is of core importance to the pharmaceutical industry, particularly in the developing world. We work to address healthcare-related human rights issues – including patient safety, privacy and informed consent in clinical trials.

[Learn more about our commitment to human rights on our corporate citizenship website](#)

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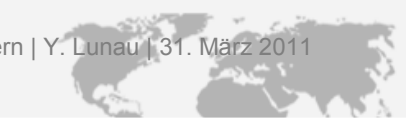
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Select by country  [GO](#)

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# Implizite Menschenrechtsaktivitäten

*Viele bekannte "CSR"-Aktivitäten haben menschenrechtliche Relevanz*

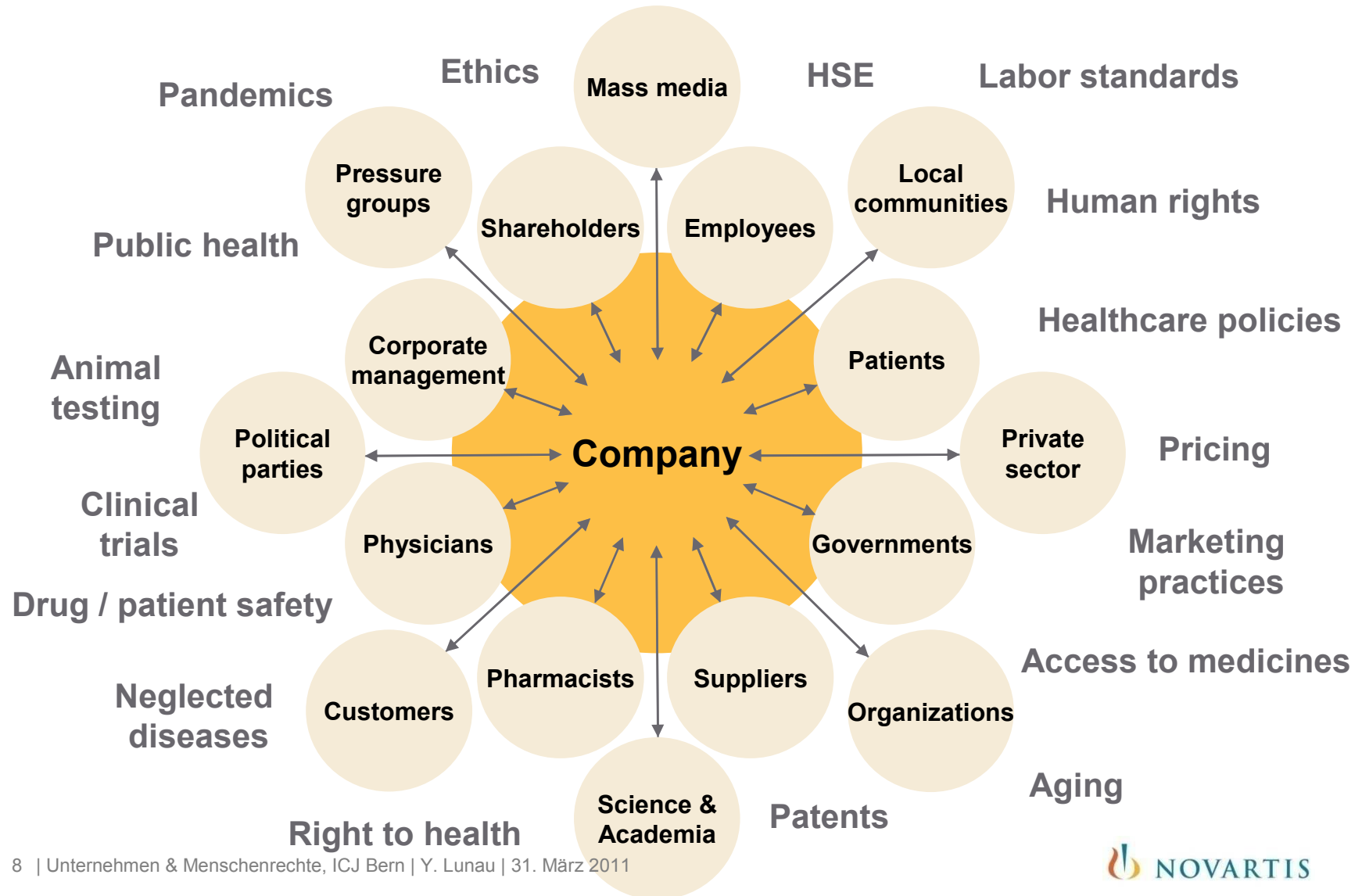
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- Grundsätze des ehrbaren Kaufmanns
- ...
- Fairness
- ...
- Verantwortung gegenüber der (restlichen) Gesellschaft
  - Corporate Sustainability
  - Corporate Social Responsibility
  - Corporate Citizenship
  - ...

} Weniger der Begriff ist wichtig  
als das inhaltliche Ausbuchstabieren,  
was er für das Unternehmen bedeutet

# Implizite Menschenrechtsaktivitäten

*Viele bekannte "CSR"-Aktivitäten haben menschenrechtliche Relevanz*





# Implizite Menschenrechtsaktivitäten

*Viele bekannte “CSR”-Aktivitäten haben menschenrechtliche Relevanz*

...creating value through responsible business while taking on societal challenges related to the core business strategy and core competencies

## Challenges

Neglected diseases	Clinical trials	Quality	Loss of trust	Access to medicines
Epidemics	Bio-ethics	Supply chain	Marketing practices	H/c infrastructure
Aging	Transparency	Labor standards	Patient group & clinician funding	Drug / patient safety
Lifestyle change	Patents	Human rights	Pricing	Transparency
Right to health	Rare diseases	HSE	Anti-bribery	
	Animal testing	Diversity		



## Stakeholders

Governments	Universities	Community	Competitors	Hospitals
Patients	Investors	Regulators	Clients	Doctors
Society/NGOs	Employees	Suppliers	Media	Patient groups

# Beispiel: Code of Conduct

*Viele bekannte “CSR”-Aktivitäten haben menschenrechtliche Relevanz*

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6

## Bribes, Business Entertainment, Gifts

**No employee shall make any payment, or kickback, or offer improper financial advantage to an official of a government or a government-controlled entity for the purpose of obtaining business or other services, as set out in the OECD Convention on Combating Bribery of Foreign Public Officials.**

Legislation translating this Convention into national law has to be strictly observed.

Business entertainment and business gifts to government officials, if permitted, must be in compliance with Novartis' general business expense policy and with the rules and regulations of the government agency or legislative body concerned.

Third parties must not be used to circumvent any of the policies mentioned above.

# Beispiel: Corporate Citizenship Guidelines

*Viele bekannte “CSR”-Aktivitäten haben menschenrechtliche Relevanz*

## Corporate Citizenship Guideline # 3

### Business Ethics – Bribes, Gifts & Entertainment

#### 1. Purpose

This guideline is intended to give guidance with respect to certain aspects of business ethics in accordance with the Policy on Corporate Citizenship (CC) and rules stipulated in Article 6 of the Novartis Code of Conduct (CoC).

Additional aspects of business ethics, including conflicts of interest, or insider trading, are regulated separately.

#### 2. Basic principles

Novartis will not engage in any form of bribery. In plain language bribery means money or favor given or promised in order to influence the judgment or conduct of a private person or public official in a position of trust.

All associates and managers of Novartis and its affiliates (“Novartis”) shall at all times comply with the law. They have the duty to inform themselves about the national and international laws relating to their business activities. Activities that would violate local or international criminal law may under no circumstances be carried out even if they may seem permissible under this policy.

#### 3. Scope and responsibilities

This guideline applies to all associates and managers of Novartis.

It is the responsibility of each associate and manager to follow the principles, rules

# Beispiel: IT-basierte Genehmigungsprozesse

*Viele bekannte "CSR"-Aktivitäten haben menschenrechtliche Relevanz*

## NOVARTIS Pharma Promotional Practices Policy NP<sup>4</sup>

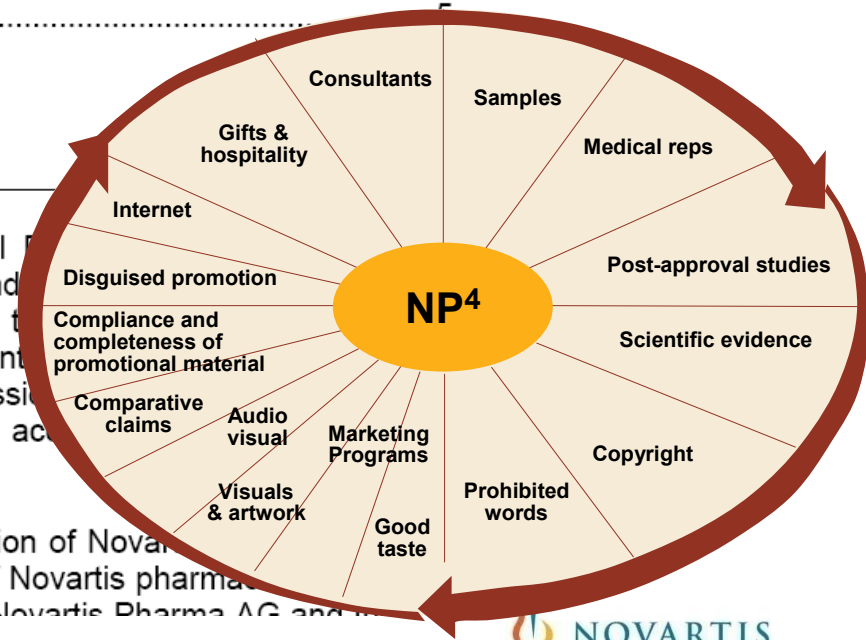


I.	INTRODUCTION.....	3
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V.	MONITORING PROCEDURE.....	5

### FOREWORD

The primary objective of the Novartis Pharma Promotional Practices Policy (referred to as „NP<sup>4</sup>“) is to strive for consistently high standards throughout Novartis Pharma, whilst remaining competitive in the market. The intent behind NP<sup>4</sup> is to secure the credibility and integrity of Novartis in the healthcare by ensuring that promotion to healthcare professionals is conducted in an ethical and balanced manner, supported by accurate data and in accordance with local regulations.

The policy and guidelines delineated in NP<sup>4</sup> reflect the position of Novartis as a CPO on all aspects of promotion related to the marketing of Novartis pharmaceuticals. Compliance with NP<sup>4</sup> is not intended to, nor should, prohibit Novartis Pharma AG and its subsidiaries from engaging in promotional activities that are in compliance with applicable laws and regulations. | Unternehmen & Menschenrechte, ICJ Bern | Y. Lunau | 31. März 2011



# Beispiel: Ziele / Verhalten in Leistungsbewertung

*Viele bekannte "CSR"-Aktivitäten haben menschenrechtliche Relevanz*

OBJECTIVES ↑	<b>Exceeded Expectations</b>	<b>3.1</b> Superior Results, Unsatisfactory Behaviors	<b>3.2</b> Superior Results, Good Behaviors	<b>3.3</b> Superior Results and Behaviors
	<b>Fully Met Expectations</b>	<b>2.1</b> Good Results, Unsatisfactory Behaviors	<b>2.2</b> Good Results and Behaviors	<b>2.3</b> Good Results, Superior Behaviors
	<b>Partially Met Expectations</b>	<b>1.1</b> Unsatisfactory Results and Behaviors	<b>1.2</b> Unsatisfactory Results, Good Behaviors	<b>1.3</b> Unsatisfactory Results, Superior Behaviors
		<b>Partially Met Expectations</b>	<b>Fully Met Expectations</b>	<b>Exceeded Expectations</b>
		NOVARTIS VALUES/BEHAVIORS →		

# Beispiel: Plattformen zugunsten ‚speak-up culture‘

Viele bekannte „CSR“-Aktivitäten haben menschenrechtliche Relevanz

Welcome to **ECCConnect!**  
Your direct link to the Novartis Vaccines and Diagnostics Executive Committee  
[ask a question or make a comment](#)  
We value you and your feedback

[Click on an EC member to review their Q&As](#)

### Featured Q&A

**Q** What is our strategy for becoming a top 3 player?

**A**

**Joerg Reinhardt**  
Chief Executive Officer

**SANDOZ**  
A healthy decision

Novartis Group | Sandoz Country

News Company **Departments** Tools & Services Employee Life

## Open Door

**Q&A** Speak up! Have your voice heard! Tell us what's on your mind! Ask management a question.

Name (optional)

Subject (optional)

Question

**Management Corner**

**Q 4 2006 Results**  
Rummelt comments on performance [Read more](#)

# Beispiel: BPO-Hotlines in allen Sprachen

Viele bekannte “CSR”-Aktivitäten haben menschenrechtliche Relevanz

## ENFORCE Integrity Standards



Adherence to our standards of integrity is crucial for Novartis. To ensure that these standards are enforced, we support an open culture in which associates can speak up and challenge peers and supervisors.

The Business Practices Office (BPO) enables associates to report actual or suspected cases of misconduct. Integrity telephone lines are operating in 70 countries, providing associates with the possibility of reporting allegations in 51 languages in confidence, without fear of retaliation. All complaints are investigated responsibly and substantiated cases result in

disciplinary action, including dismissal.

All associates are obliged to report actual and suspected incidents of misconduct. It is strongly recommended that all reports be made directly to the office of the Business Practices Officer (BPO) either by email: [business.practicesofficer@novartis.com](mailto:business.practicesofficer@novartis.com) or by phone (Click [here](#) to see a list of dedicated phone numbers outside the USA. Click [here](#) to see a list of dedicated phone numbers in the USA).

Incidents may also be reported by letter or in person, and in any language. A global network of telephone helplines is available to allow all associates to report incidents of misconduct locally in their native language on an entirely confidential basis. All such reports will be passed directly to the BPO and only to the BPO. The relevant country 'freephone' telephone numbers are depicted in the attached BPO SOP. Please note that at this time certain EU country Helplines are not yet active. Please use the alternate number: +41 61 324 4050.

- [Read the full letter from Daniel Vasella on the BPO](#)
- [Download the SOP on BPO Reporting and Management of Misconduct](#)

➤ [Examples of inappropriate behavior](#)

➤ [Statistics](#)

## NEW TOOL FOR REPORTING CASES OF MISCONDUCT



NEW! Download a form, fill it in and submit it directly to the Business Practices officer.

Select the language below.

[English](#) - [German](#) - [French](#) - [Spanish](#) - [Arabic](#) - [Chinese](#) - [Japanese](#) - [Russian](#)

## CONTACT THE BUSINESS PRACTICES OFFICER



[Send an e-mail to the business practices officer](#)

# Beispiel: Obligatorische E-learning-Module

*Viele bekannte "CSR"-Aktivitäten haben menschenrechtliche Relevanz*

**Code of Conduct Menu** Code of Conduct [Back](#)

Click on Instructions. Then complete all menu items. A checkmark will appear beside each m

- Integrity at Work**  
Chris offers Richard a consultancy contract
- The Code of Conduct**  
Alice tells Richard it would be a conflict of interest
- Compliance Organisation**  
Richard refuses to reconsider
- Your Responsibility**  
Alice decides not to tell anyone
- Financial Fraud**  
Mary gets in on the act
- Conclusion**  
Review, Test, Certificate

[Instructions](#)



# Beispiel: Supply Chain Management

*Viele bekannte "CSR"-Aktivitäten haben menschenrechtliche Relevanz*

## Pharmaceutical Supply Chain Initiative

[Home](#) [Principles](#) [Documents](#) [About](#) [Contact](#) [Member Login](#)

Supporting suppliers to operate consistent with industry expectations for labor, health and safety, environment, ethics and management systems

The Pharmaceutical Supply Chain Initiative (PSCI) is a group of major pharmaceutical companies who share a vision of better social, economic and environmental outcomes for all those involved in the pharmaceutical supply chain. This includes improved working conditions for workers, economic development and a cleaner environment for local communities.

As a first step, the PSCI created the Pharmaceutical Industry Principles for Responsible Supply Chain Management ("the Principles"). These Principles address five areas of responsible business practices: ethics, labor, health and safety, environment and related management systems.



### What's New

PSCI Principles and Guidelines documents **now in Spanish, Portuguese, and Chinese**

### Novartis Third Party Code of Conduct

Novartis wants to be known for being a responsible corporate citizen. We do everything that we can to operate in a manner that is sustainable – economically, socially and environmentally – in the best interests of the long-term success of our enterprise and its stakeholders.

In support of this goal, Novartis firmly supports the principles of the United Nations Global Compact and the Pharmaceutical Industry Principles for Responsible Supply Chain Management, and we are committed to reflecting these in our business principles and practices.

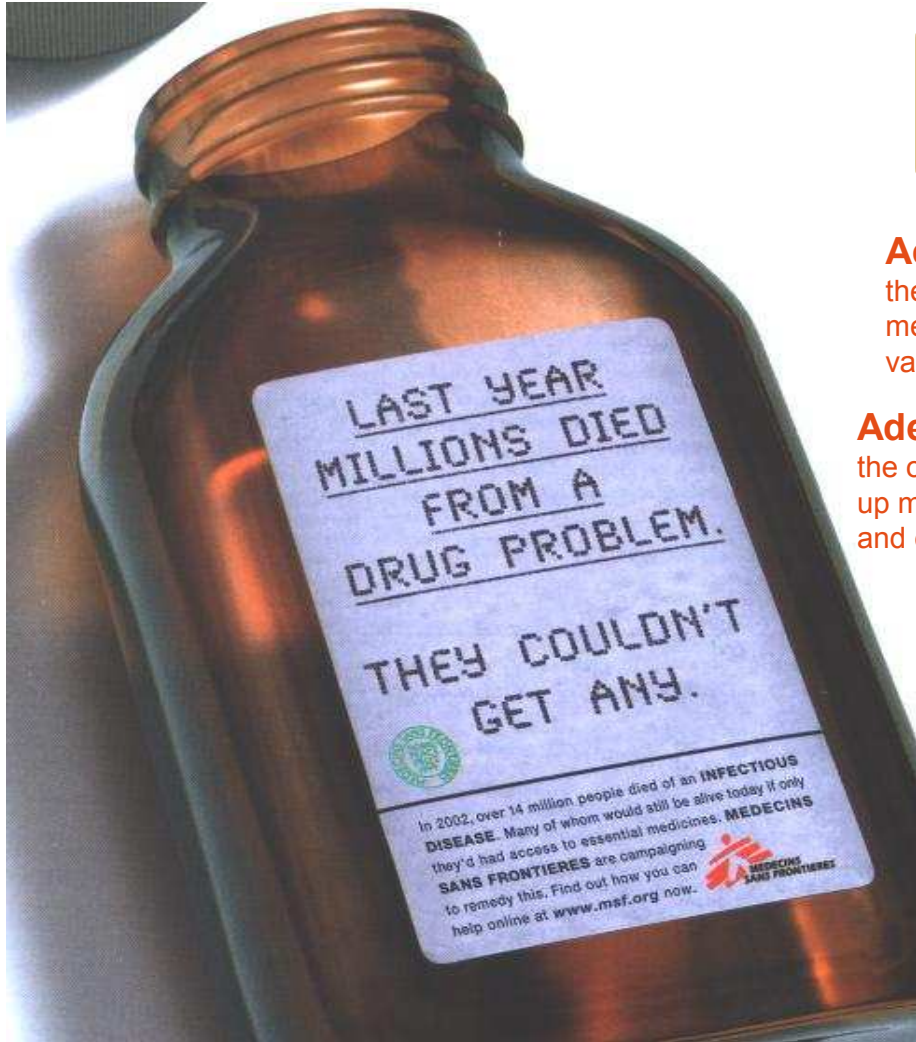
[www.novartis.com/supplier](http://www.novartis.com/supplier)



Version 2.0, April 2007

# Beispiel: Issue-Management ‚Access to Medicine‘

Viele bekannte „CSR“-Aktivitäten haben menschenrechtliche Relevanz



## HEALTH SYSTEM FACTORS

Health Facilities, Private Practice, Drug Shops, Traditional Healers, and Others

**Acceptability:** Does the information and treatment provided take local values into account?

**Availability:** Are there enough points of care to serve the population? Do drug supplies suffice?

**Adequacy:** Does the organisational set up meet patients' needs and expectations?

ACCESS

**Accessibility:** Geographical distance between points of care and homes of intended users?

**Affordability:** Do the prices of services match patients' ability to pay?

## HOUSEHOLD FACTORS

Physical Capital

Social Capital

Human Capital

Natural Capital

Financial Capital

# Beispiel: Regulärer Chancen-Check ‚Neglected Diseases‘

*Viele bekannte “CSR”-Aktivitäten haben menschenrechtliche Relevanz*

	Malaria	TB	Infectious Diarrhea	Dengue Fever	Typhoid Fever	Chagas Disease
<b>Incidence</b>	250 million (Tropics, mostly Africa)	9 million (Developing World)	2.5 billion children (Dev World)	50 million (Tropics & Subtropics)	16-33 million (Developing World)	10 million (mostly Latin America)
<b>Mortality (per year)</b>	1 million (mostly children)	1.3 million (often AIDS patients)	1.6 million children (3-5 million total)	>100,000 (mostly children)	>200,000 (mostly children)	>10,000
<b>Organism</b>	Plasmodium	Myco-bacterium	GI bacteria (incl. cholera)	Flavivirus	Salmonella	Trypano-soma
<b>Medical need/issue</b>	Drug resistance (incl. Coartem)	Multi /extensive drug resistance; treatment length; HIV co-infection	Drug resistance; rapid dehydration	No effective treatment for hemorrhagic fever	Drug resistance; no pediatric vaccine (<2yrs)	No available treatment for chronic disease
<b>Collaboration</b>	NITD, GNF & two European Research Centers	NITD, GNF & TB Alliance, NIAID Grand Challenges in Global Health (GC11) grantees	NIBR (RESP) & OneWorld Health	Singapore Dengue Consortium (incl. NITD)	NVGH	NIBR (ID), NITD and GNF
<b>Outside Funding</b>	MMV, Wellcome Trust & Singapore Gov	Gates Foundation & GC11 Grant	Gates Foundation	Singapore Government & Novartis Foundation	Wellcome Trust, Gates Foundation, Local Gov & Siena Foundation	NIH & Drugs for Neglected Disease initiative
<b>Research Status</b>	Drug candidate NITD609 entering clinic	Compound discovery	Lead optimization	Compound discovery	Vaccine vi-CRM197 in Phase II trials	Screening & biomarker discovery

# Beispiel: Bottom-of-the-Pyramid-Marktentwicklung

*Viele bekannte "CSR"-Aktivitäten haben menschenrechtliche Relevanz*



Disease awareness  
trainings



# Beispiel: Anschub für IT-Infrastrukturverbesserung

## Viele bekannte "CSR"-Aktivitäten haben menschenrechtliche Relevanz

**1** Pokea SMS unaoitisha habari za Akiba ya madawa



**2** Hesabu Akiba ya Madawa



**3** Andika matokeo na tuma SMS kwenya nambari: 15009



**4** Pokea muda wa maongezi wa bure



Ujumbe unalingia katika hifadhi data



Habari za akiba ya dawa zinaonekana katika Romani ya Google Maps



Hatua inayotakiwa imechukuliwa



**SMS for Life**

**Supplies**

Y	B	R	G	Q	YBRG	All
<ul style="list-style-type: none"> <li>At least one dose of quinine injectables</li> <li>Out of stock in quinine injectables</li> <li>Data missing for quinine injectables</li> </ul>						

**Districts**

	Y	B	R	G	Q	A
All districts	121	7	11	13		
Kigoma Rural	48	3	10	6		
Lindi Rural	48	0	0			
Ulanga	25	4	1	3		

**Facilities**

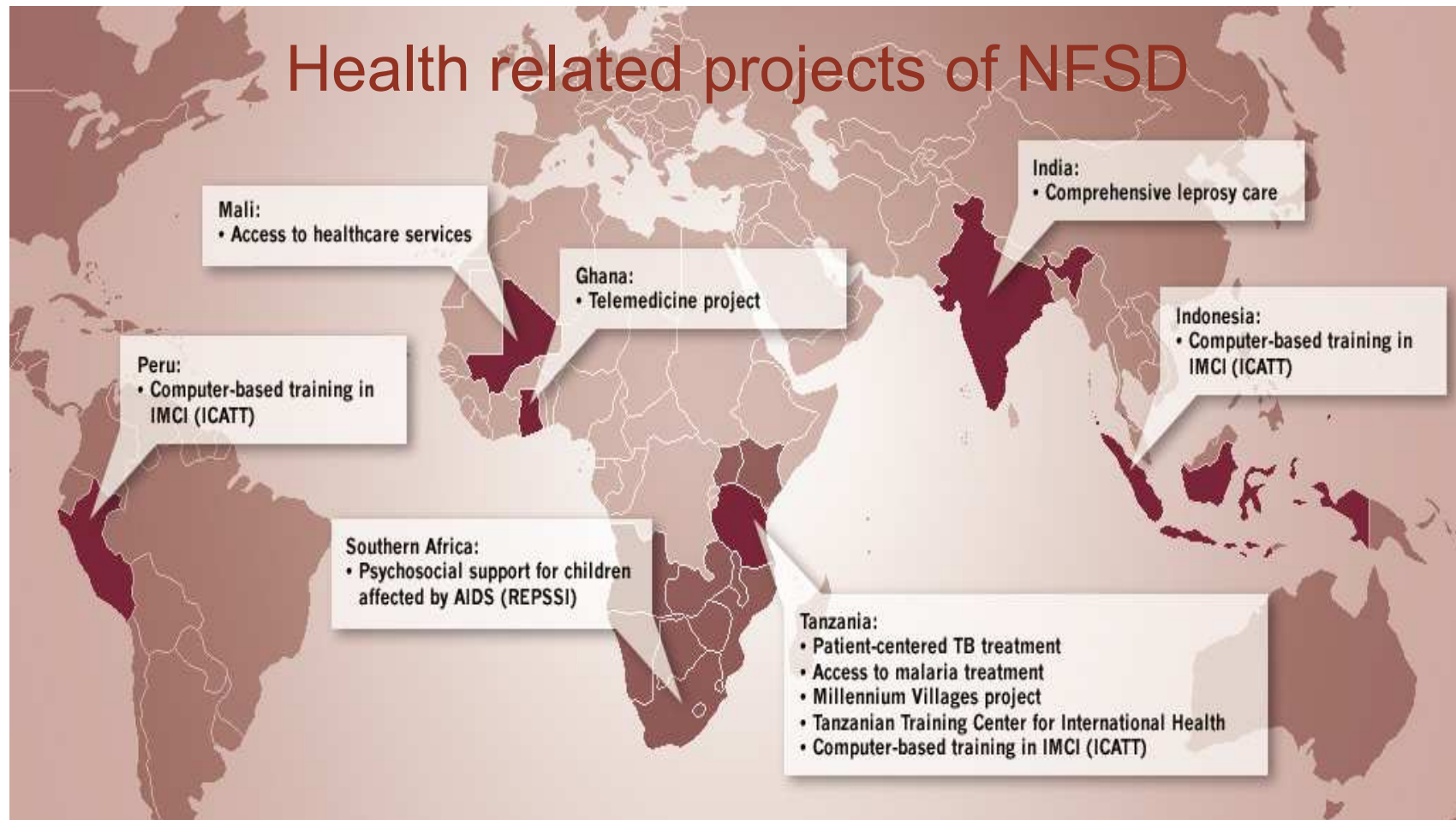
	Y	B	R	G	Q
Chikonji	10	2	3	4	80
Chiuta	8	6	2	0	60
Dimba	6	14	5	5	40
Hingawale	3	4	4	2	124
Kijweni	4	8	4	2	157
Kiangala	11	11	2	0	312
Klimahewa	3	5	10	2	380
Kitolambwani	8	16	3	2	209
Kinourundundwa	6	19	12	0	360





# Beispiel: Entwicklungszusammenarbeit

*Viele bekannte “CSR”-Aktivitäten haben menschenrechtliche Relevanz*



# Beispiel: Spendenprogramme

Viele bekannte “CSR”-Aktivitäten haben menschenrechtliche Relevanz

## Coartem<sup>®</sup> subsidized

> 82 million treatments shipped – cumulatively delivered > 380 million treatments, helping to save about 950,000 lives of mostly children under 5 years

## Leprosy medication free of charge

> 5 million patients cured since 2000

## Tuberculosis medicine donations

500,000 treatments committed, 50% delivered

## Glivec<sup>®</sup> patient assistance

Free to >37,000 patients in about 80 countries

## NITD<sup>1</sup> in Singapore

Focus on tuberculosis, dengue fever and malaria

## NVGH<sup>2</sup> in Siena, Italy

Vaccines research institute for neglected diseases

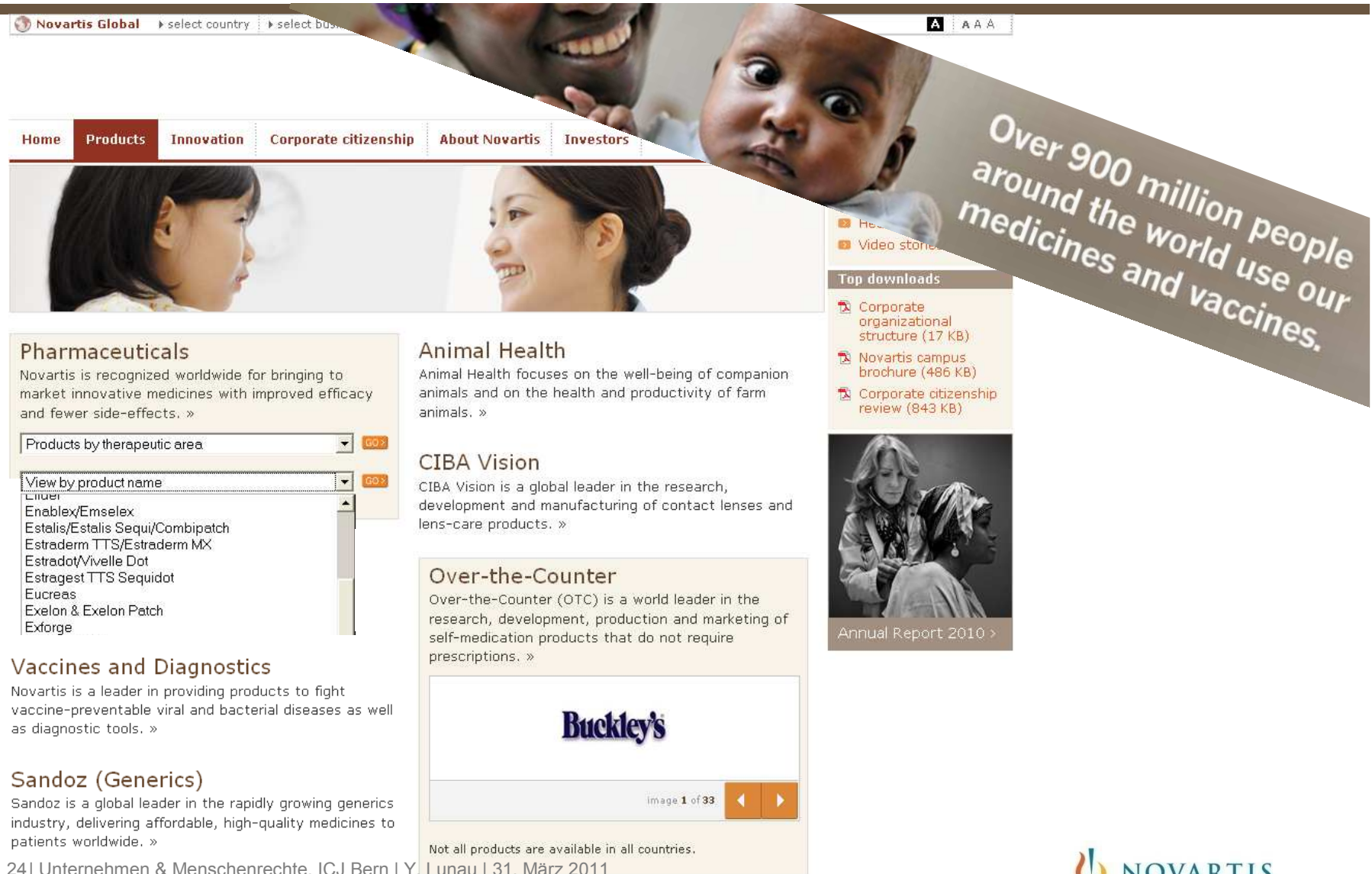
**In 2010  
Novartis  
supported more  
than 85 million  
patients**

(access-to-  
medicine  
programs and  
research valued  
at USD 1.5 bn)

<sup>1</sup>Novartis Institute for Tropical Diseases; <sup>2</sup>Novartis Vaccines Institute for Global Health; <sup>3</sup>Based on approximate market value

# Beispiel: „Normalgeschäft“

Viele Unternehmensaktivitäten haben menschenrechtliche Relevanz



The screenshot shows the Novartis Global website interface. At the top, there is a navigation bar with links for Home, Products, Innovation, Corporate citizenship, About Novartis, and Investors. Below this is a large banner image featuring a smiling woman and a baby. A diagonal banner is overlaid on the right side of the page, containing the text: "Over 900 million people around the world use our medicines and vaccines." The main content area is divided into several sections: "Pharmaceuticals" with a dropdown menu for "Products by therapeutic area" and "View by product name"; "Animal Health" with a description of focus on companion and farm animals; "CIBA Vision" with a description of research and development; and "Over-the-Counter" featuring a "Buckley's" product image. On the right side, there is a "Top downloads" section listing documents like "Corporate organizational structure" and "Novartis campus brochure". At the bottom, there is a footer with the text "24 | Unternehmen & Menschenrechte, ICJ Bern | Y. Lunau | 31. März 2011" and the Novartis logo.

Novartis Global | select country | select business

Home Products Innovation Corporate citizenship About Novartis Investors

Over 900 million people around the world use our medicines and vaccines.

Pharmaceuticals  
Novartis is recognized worldwide for bringing to market innovative medicines with improved efficacy and fewer side-effects. »

Products by therapeutic area GO »

View by product name GO »

- Chimer
- Enablex/Emselex
- Estalis/Estalis Sequi/Combipatch
- Estraderm TTS/Estraderm MX
- Estradot/Vivelle Dot
- Estragest TTS Sequidot
- Eucreas
- Exelon & Exelon Patch
- Exforge

Animal Health  
Animal Health focuses on the well-being of companion animals and on the health and productivity of farm animals. »

CIBA Vision  
CIBA Vision is a global leader in the research, development and manufacturing of contact lenses and lens-care products. »

Over-the-Counter  
Over-the-Counter (OTC) is a world leader in the research, development, production and marketing of self-medication products that do not require prescriptions. »

Buckley's  
image 1 of 33

Not all products are available in all countries.

Top downloads

- Corporate organizational structure (17 KB)
- Novartis campus brochure (486 KB)
- Corporate citizenship review (843 KB)

Annual Report 2010 >

24 | Unternehmen & Menschenrechte, ICJ Bern | Y. Lunau | 31. März 2011

NOVARTIS



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**Foreword** 4  
Kofi Annan, former Secretary-General of the United Nations

**Preface** 6  
Daniel Vasella, Chairman of the Board of Novartis

**Chapter 1 Being a world leader and a good corporate citizen** 10  
How Novartis used the UN Global Compact as a catalyst for action

**Chapter 2 Implementing the principles of the UN Global Compact** 22  
How Novartis creates a culture of continuous progress

**Human rights** 24  
Towards a 360° view of human rights

**Labor standards**  
Blazing the trail for a living wage

**Environment**  
Taking action on climate change

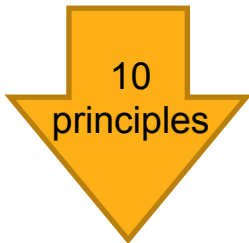
**Anti-corruption**  
Going beyond compliance

**Chapter 3 Building partnerships for the poor**  
How Novartis is helping to achieve the Millennium Development Goals

**Voluntary action in line with the MDGs**  
Helping to tackle neglected diseases

**Beyond markets**  
Innovative philanthropy for better health

**the Global Compact**  
A guide to implementing the commitment



*gedanklicher Ausgangspunkt = bestehende, im Kern erfolgreiche Geschäftsstrukturen und -prozesse*

*gedanklicher Ausgangspunkt = 2.5 mio Menschen mit Einkommen von weniger als 2 \$ am Tag*

# Systematische Bearbeitung?

*Ruggie-Mandat = Spiegel des rasanten Lernprozesses der letzten 10 Jahre*

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- Business Leaders Initiative on Human Rights
  - **gegründet in 2003:**  
„find practical ways of implementing the UDHR in a business context”
  - **kurz danach:** ↗ [www.humanrights-matrix.net](http://www.humanrights-matrix.net)  
“road-test the Draft Norms” (Tool-Entwicklung: BLIHR-Matrix)
  - **planmässig beendet 2009:**  
“our next challenge is to implement these practices in our own organizations, sectors and value chains around the world”
- 2008: erster Ruggie-Report „unanimously welcomed“
  - Unternehmen haben eine „do no harm“-Verantwortung für *alle* MeRe
  - Due-diligence-Einschätzung erfordert positive Massnahmen
- 2011: zweiter Ruggie-Report mit „guiding principles“

# Special Representative on Business & Human Rights

*UN-Framework: nicht nur ausgewählte MeRe, aber anders als Staaten*

---

- there are few if any internationally recognized rights business cannot impact - or be perceived to impact - in some manner. Therefore, companies should **consider all such rights**. (...)

The more difficult question of what precise responsibilities companies have in relation to rights has received far less attention. While corporations may be considered “**organs of society**”, they are specialized economic organs, not democratic public interest institutions. As such, their responsibilities cannot and should **not simply mirror the duties of States**.

# Special Representative on Business & Human Rights

*Guiding Principles: proaktive Due Diligence (≠ Unterlassung)*

---

- In order to meet their responsibility to respect human rights, business enterprises should have in place policies and processes appropriate to their size and circumstances, incl.:
  - (a) A **policy commitment** to meet their responsibility to respect human rights;
  - (b) A human rights **due-diligence** process to identify, prevent, mitigate and account for how they address their impacts on human rights;
  - (c) Processes to enable the remediation of any adverse human rights impacts they cause or to which they contribute.



# Business & Human Rights Resource Centre

Tracking the positive and negative impacts of over 5100 companies worldwide

Centro de Información sobre Empresas y Derechos Humanos

Centre de Ressources sur les Entreprises et les Droits de l'Homme



## UN Secretary-General's Special Representative on business & human rights

Welcome to the portal about the work of the Special Representative of the United Nations Secretary-General on business & human rights, John Ruggie.

Español

Français



### Mandate

of Special Representative

### Complete list

of documents prepared by Special Representative & his team [PDF]

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### Latest News

"Les entreprises ne peuvent plus ignorer les droits de l'homme" (Stéphane Brabant, cabinet Herbert Smith)

Interfaith Center on Corporate Responsibility welcomes UN Guiding Principles on business & human rights

New UN Guiding Principles on business & human rights - "business briefing" by TwentyFifty

ICJ Bern | Y. Lunau | 31. März 2011  
[More](#)

### Latest additions to portal

Guiding Principles submitted by Special Representative Ruggie for consideration by UN Human Rights Council:

- Announcement [PDF]
- Report to Council with text of Guiding Principles [PDF]

Applications of "Protect, Respect and Remedy" Framework identified by Ruggie - latest addition: Intl. Business Leaders Forum, IFC, UN Global Compact [PDF]

European Lawyer interview with Ruggie [PDF]

### Featured item

**BASESwiki** - online resource on non-judicial grievance mechanisms

### Search



searches our entire site

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### The "Protect, Respect and Remedy" Framework > Guiding Principles > Submissions

On 22 November 2010, Special Representative Ruggie proposed draft "Guiding Principles for the Implementation of the United Nations 'Protect, Respect and Remedy' Framework".

- [Announcement \[PDF\]](#)

- [Draft report by Special Representative Ruggie with full text of Guiding Principles & commentaries \[PDF\]](#)

The draft Guiding Principles were open for comment, by email submission to this page or at Special Representative Ruggie's [online consultation forum](#), from their launch until 31 January 2011. The full online consultation forum and all comments that were posted to it are archived in [this document \[PDF\]](#).

Following the end of the consultation, Special Representative Ruggie issued this release: ["Public consultation on draft U.N. Guiding Principles for Business and Human Rights attracts input from 120 countries" \[PDF\]](#), 2 Feb 2011

Below are all submissions to the Special Representative that Business & Human Rights Resource Centre is aware of. We invite anyone making comments on the draft Guiding Principles to also send the comments to [regaignon@business-humanrights.org](mailto:regaignon@business-humanrights.org) for inclusion here. See also [Commentaries](#) on the Guiding Principles (published comments, articles, briefings and other statements not formally submitted as feedback to the Special Representative).

*[Comments posted on Special Representative's online consultation forum, [srsgconsultation.org](http://srsgconsultation.org), appear at the bottom of the relevant page - please scroll down after clicking on the links below.]*

#### Latest submissions

**Robert C. Thompson**, retired partner, LeBoeuf, Lamb, Greene & MacRae law firm (now Dewey & LeBoeuf); **Dr. Daniel Schydlofsky**, Center for Business & Government at **Harvard Kennedy School**, CENTRUM Business School at Catholic University of Peru, Boston Institute for

[Portal homepage](#)

[View materials by topic](#)

#### Latest additions to portal

Latest comments on draft Guiding Principles:

- [Submission on draft Guiding Principles by Robert C.](#)

[Thompson & Dr. Daniel Schydlofsky \[DOC\]](#)

- ["Better Safe than Sorry" - Susan Aaronson & Ian Higham, Elliott School of Intl. Affairs, George Washington Univ. \[USA\]](#)

Applications of the "Protect, Respect & Remedy" Framework [\[PDF\]](#) identified by Special Representative Ruggie - latest additions: UK Equality & Human Rights Commission; Corporate Responsibility (CORE) Coalition (UK); European Coalition for Corporate Justice; GE; Goldcorp



# Vorgeschichte: UNGC-Engagement seit 1999

## Expliziter Einbezug von Menschenrechten in Policies und Guidelines

The Global Compact asks companies to embrace, support and enact, within their sphere of influence, a set of core values in the areas of...

### ...Human Rights

- \* Principle 1: Businesses should support and respect the protection of internationally proclaimed human rights; and
- \* Principle 2: make sure that they are not complicit in human rights abuses.



## Code of Conduct

## Corporate Citizenship Policy

Corporate Citizenship  
Guideline #4



# Vorgeschichte: UNGC-Engagement seit 1999

## Expliziter Einbezug von Menschenrechten in Policies und Guidelines

The diagram illustrates the relationship between different corporate policies. On the left, a grid of boxes represents various policies. A yellow box labeled 'Code of Conduct' is highlighted at the top. Below it, a box labeled 'Corporate Citizenship Policy' is shown, and further down, a box labeled 'Corporate Citizenship Guideline #4' is highlighted. A yellow arrow points from the 'Code of Conduct' box to the right, where a large image of the 'Novartis Code of Conduct' document is displayed. The document features the Novartis logo at the top left and the title 'Novartis Code of Conduct' in a black box. The main text of the document is in a white box with a blue background, and the bottom right corner contains the text 'Issued by Novartis International AG', 'Approved by the Novartis Board of Directors on August 26, 1999', and 'Revised June 2001'.

### 1 Why a Code of Conduct?

Novartis has adopted this Code of Conduct in order to describe the standards its employees must meet.

*The standards are based on:*

- Support of and respect for the protection of internationally proclaimed human rights
- Ethical and legal behavior
- Loyalty to Novartis
- Fair, courteous and respectful treatment of fellow employees
- Fair and appropriate consideration of the interests of other stakeholders (customers, other commercial partners, government authorities and the public) and of the environment
- Professionalism and good business practice
- Our commitment to the Global Compact

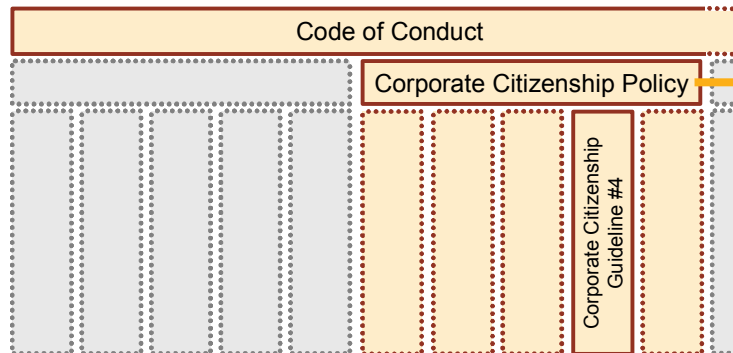
Issued by Novartis International AG

Approved by the Novartis Board of Directors on August 26, 1999

Revised June 2001

# Vorgeschichte: UNGC-Engagement seit 1999

## Expliziter Einbezug von Menschenrechten in Policies und Guidelines



### Policy on Corporate Citizenship

Novartis wants to be known for being a responsible corporate citizen. We do everything we can to operate in a manner that is sustainable: economically, socially, and environmentally – in the best interest of long-term success for our enterprise.

The Novartis core values are based on the fundamental rights of every individual, such as the protection of privacy, freedom of opinion and expression, freedom of association, nondiscrimination, and the right to be heard.

We seek to promote and protect the rights defined in the Universal Declaration of Human Rights of the United Nations within our sphere of influence. We do not tolerate human rights abuses within our own business operations.

Our associates are key to our success. We base our human resources policies and practices on fairness, openness, and mutual respect.

- We recognize and respect the cultural differences found in the worldwide marketplace. We strive to build and sustain diversity by attracting, developing, promoting and retaining the best people from all cultures.
- We do not tolerate forced labor and other forms of exploitative labor. We support programs to abolish child labor in a manner consistent with the basic interests of the child.
- We believe in constructive dialogue between employer and employees and support the principle of freedom of association.

We want to be a leader in Health, Safety

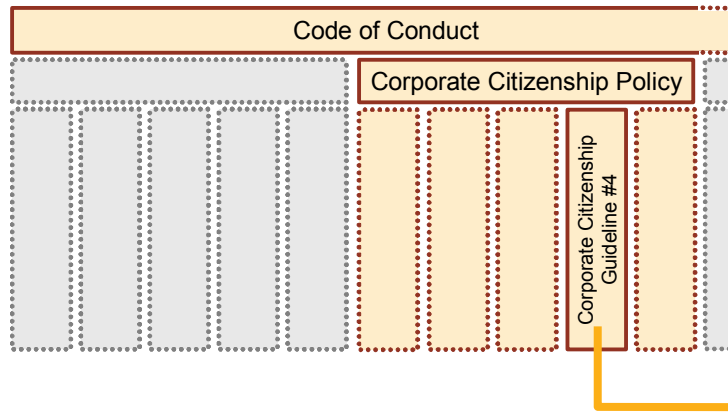
cy, freedom of opinion and expression, freedom of association, nondiscrimination, and the right to be heard.

- We seek to promote and protect the rights defined in the Universal Declaration of Human Rights of the United Nations within our sphere of influence. We do not tolerate human rights abuses within our own business operations.

Our associates are key to our success. We base our human resources policies

# Vorgeschichte: UNGC-Engagement seit 1999

## Expliziter Einbezug von Menschenrechten in Policies und Guidelines



**Corporate Citizenship Guideline # 4**

### Human Rights

1. Purpose of this guideline

**Purpose and References**  
 Novartis recognizes that the inherent dignity and the equal and inalienable rights of all members of the human family are the foundation of freedom, justice and peace. It therefore respects and supports the protection of human rights, as enshrined in the Universal Declaration of Human Rights (UDHR) issued by the General Assembly of the United Nations on December 10, 1948.  
 This guideline was issued by the Novartis Executive Committee on November 17<sup>th</sup>, 2003. It explains how Novartis interprets the two human rights-related pledges in the UN Global Compact – that is, to “support and respect the protection of internationally

sure that they are not  
 ternal processes and  
 nts made.

CC) at Novartis. CC  
 ates the scope and  
 responsibilities, rules  
 this guideline.

text of a fair societal  
 on Human Rights is

4. Civil and political human rights obligations related to Human Resources / Relationship with CC Guideline # 2

**Civil and political rights**  
 In the sphere of influence of Novartis, respecting and supporting *civil and political human rights* translate above all into the obligations related to the human resources employed by Novartis. Corporate obligations related to human resources are regulated in detail in CC Guideline # 2 (Fair Working Conditions). As, however, all important internationally accepted *human rights and business declarations* deal explicitly with issues of labor conditions and labor rights, these issues are also taken up here.

5. Right to equal opportunity and non-discriminatory

**Right to equal opportunity and non-discriminatory treatment**  
 All policies of Novartis, including but not limited to those relating to recruitment, hiring, discharge, pay, promotion and training, are non-discriminatory. Novartis

# Prüfungswerte “Issues”

*Aber was ist jenseits dessen, was sich “selbstverständlich” aufdrängt?*

---

- Marketing practices
- Labor standards
- Clinical trials in developing countries
- Organ transplantation medicine
- Handling of intellectual property
- Environmental stewardship



# Human Rights Compliance Assessment

## A Tool for Better Business Practice

**Question 21**  
Does the company refrain from retaining the identity cards, travel documents, and other important personal papers of its employees?

YES NO F/A N/A UNKNOWN

Relevant links  
Sources of international law

Indicators

Indicator	True	False	F/A	N/A	Unknown
01 Those in the company responsible for collecting personal data from employees are instructed not to retain travel documents and identity cards.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
02 Company managers do not possess worker's personal travel or identity documents.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
03 To safeguard documents against loss, damage or misplacement, the company photocopies (or hand copies) the information from employees ID cards and travel documents and doesn't retain the originals for even a short amount of time.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
04 Company records demonstrate that the company immediately grants letters of release whenever the letter is needed for an employee to retain a job elsewhere.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**HRCA Resultsheet Quick Check**

Check	RED LIGHT	YELLOW LIGHT	GREEN LIGHT	UNKNOWN	Questions in total
Quick Check	6	6	12	4	28
<b>TOTAL</b>	<b>6</b>	<b>6</b>	<b>12</b>	<b>4</b>	<b>28</b>

Buttons: Open worksheet, Generate PDF

- Check compliance with universal human rights standards
- Based on UDHR, dual covenants, ILO core conventions, plus 80 other human rights instruments.
- The only tool that provides the material content of the (possible) human rights obligations for companies
- Testing and consultation with 70 companies, 50 HR organizations, 35 int'l experts, from 1999-2005
- Indicators cover policies, procedures and performance
- Check by functional area, topic or individual right



[www.humanrightsbusiness.org](http://www.humanrightsbusiness.org)

# Human Rights Compliance (Self-)Assessment

*Die einfachen Antworten eines Compliance-Tools: Ampeln...*

**A.1.2 Does the company refrain from retaining the identity cards, travel documents, and other important personal papers of its employees?**

YES		NO		F/A		N/A		NO INFO	
-----	--	----	--	-----	--	-----	--	---------	--

**Relates to the right to freedom from forced labour and servitudes and the right to freedom of movement.**

**Suggested Indicators**

	TRUE	FALSE	F/A	N/A	NO INFO
1 Those in the company responsible for collecting personal data from employees are instructed not to retain travel documents and identity cards.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 Company managers do not possess workers' personal travel or identity documents.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 To safeguard documents against loss, damage or misplacement, the company photocopies (or hand copies) the information from employee ID cards and travel documents and doesn't retain the originals for even a short amount of time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

# HRCAs Anwendungsprozess

## *Vor und nach der „core application week“*

---

### **Preparation**

- ❖ Decision on date for core application week
- ❖ General briefing of main contact person regarding process and organisational needs
- ❖ Provide DIHR with organisational data to allow definition of number of functional teams as well as country-/company-specific selection of questions from the full data-base
- ❖ Detailed briefing of the main contact person around three weeks before application phase
- ❖ Final questionnaires are sent to main contact person a few days before application phase for forwarding to participants

### **Core application week**

- ❖ Kick-off meeting and general corporate citizenship training (optional: external side-events)
- ❖ Meetings of 2-3 participants from a functional area, facilitated by NFSD
- ❖ Wrap-up meeting

### **Report creation**

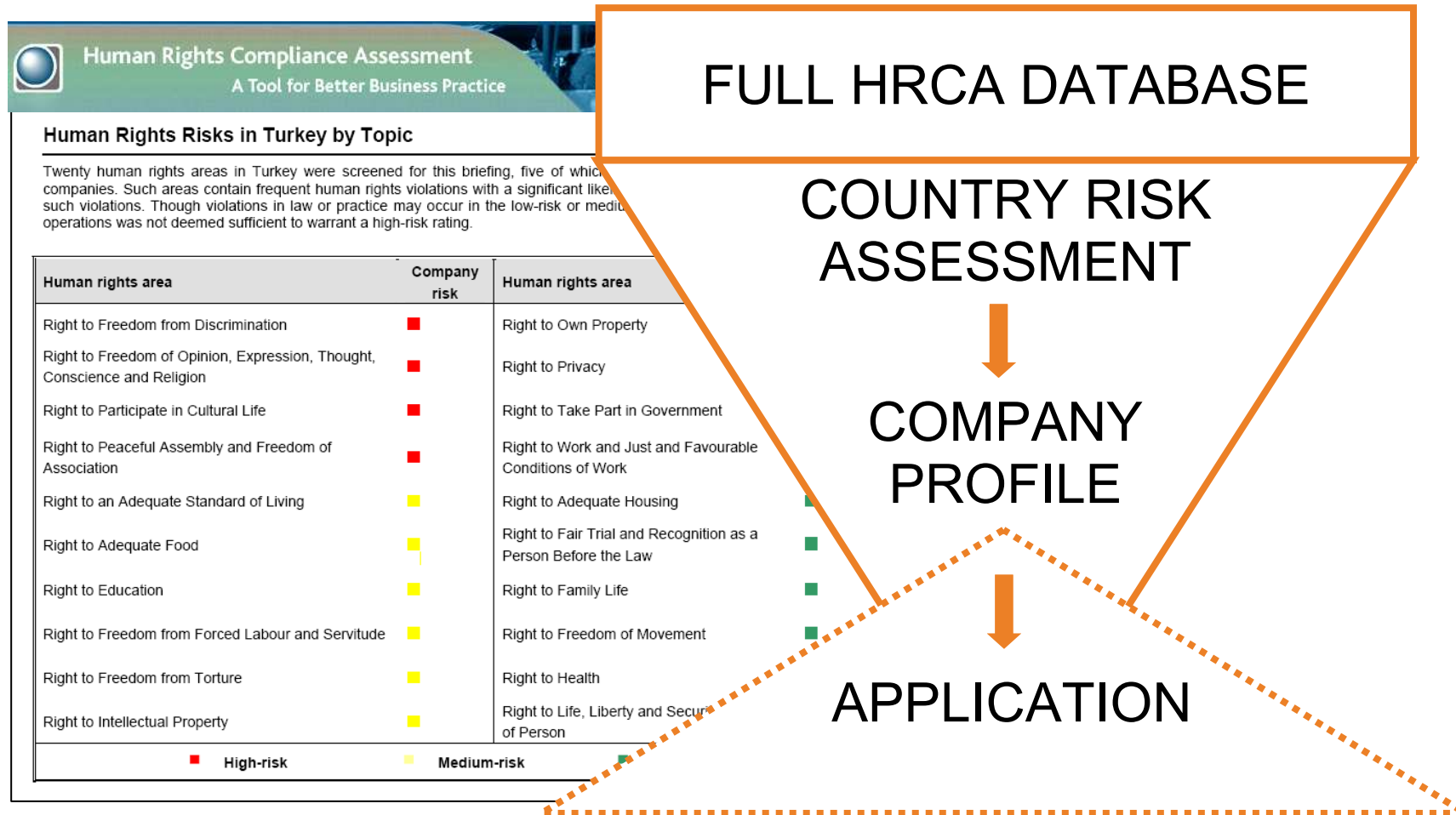
- ❖ Based on the completed questionnaires and notes of the NFSD facilitator DIHR will create a draft report with findings, explanations and recommendations
- ❖ DIHR's final report will be provided a couple of weeks later, after each person responsible for a functional area had the opportunity to comment the draft report section separately

### **Follow-up workshop**

- ❖ Several weeks later a workshop lead by DIHR will help decide on follow-up actions and get a deeper understanding of some of the identified human rights risks and lessons learned

# HRCA Anwendungsprozess

*Reduktion der Anzahl von Fragen und Indikatoren*







# Human Rights Compliance Assessment

## A Tool for Better Business Practice

[Checklists](#)
[Special Features](#)
[Company Files](#)
[Your account](#)

 Logged in as: **hrcauser** ([log out](#))

### HRCA Resultsheet

#### Full Check



[What to do in cases of potential non-compliance](#)

Department	RED LIGHT	YELLOW LIGHT	GREEN LIGHT	UNKNOWN	Questions in total
Community impact	0	2	31	0	33
Company products and marketing services	0	0	5	0	5
Employment practices	2	8	131	0	141
Land management	0	0	5	0	5
Providing utilities/services	0	0	1	0	1
Research and development activities	0	0	9	0	9
<b>TOTAL</b>	<b>2</b>	<b>10</b>	<b>182</b>	<b>0</b>	<b>194</b>



The findings: 2 red lights, 10 yellow lights

# Lessons learned (Inhalt)

*HRCA-Nutzung von Novartis Türkei, Taiwan, Südafrika, Indonesien, China*

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- ✳ No equal benefits for “non-traditional” families  
→ peripheral issue, but: leading role in diversity management = ?
  - ✳ Privacy in 3rd party hiring procedures (marital status)  
→ risk of undermining our human resource policies
  - ✳ 3rd party staff in permanent positions  
→ risk of undermining our human resource policies
  - ✳ Limitations on cultural dress and religious practices  
→ treating with caution (political situation), but courage = ?
  - ✳ Access for disabled people
  - ✳ Compensation for clinical trials participants
  - ✳ (...)
- ➡ **No bad surprises**, but strongly increased **attention** for relevant issues and better **understanding** for a human rights aware approach

# Lessons learned (Methodologie)

*HRCA-Nutzung von Novartis Türkei, Taiwan, Südafrika, Indonesien, China*

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## ■ Increasing the **efficiency**

- Country Risks Assessments = **indispensable first step** of adaptation
- **Quick Check** would have detected only 50% of the issues
- Better organize the balance between **checking boxes and discussing**
- Ask participants to more distinguish “naturally yes!”-questions from **questions worth to be considered in-depth**

## ■ Improving the **sustainability**

- Involvement already in the **preparation phase**
- Standardized **follow-up workshop**
- Avoid misunderstanding of self-assessment being hard audit exercise by **early and continuous involvement** of a local project leader

# Pilotanwendungen mit je veränderten Parametern

*HRCA-Nutzung von Novartis Türkei, Taiwan, Südafrika, Indonesien, China*

	Turkey	Taiwan	SouthAfrica	Indonesia	China
Style	Interview	Bigger groups	Small groups	Small groups	Small groups
Functions involved	HR HSE Product safety R&D Sales & mkt. Legal & gov. rel's	HR HSE Product safety R&D Sales & mkt. Legal & gov. rel's	HR (2x) HSE Products & mkt. R&D Legal BBBEE Access to med.	(the whole exercise has been repeated in all three divisions)	(the whole exercise needs to be repeated in two locations)
Questions (of 335)	194 (60%)	106 (30%)	84 (25%)	???	???
Man hours	60 + 60 + 15	60 + 130 + 15	60 + 45 + 15	55 + 140 + 10	???
People involved	20+	30+	25+	40+	???

# HRAPC: Human Rights Assessment for Pharmaceutical Companies

View By:   



Question	Priority	Complete
----------	----------	----------

Employment Practices - HRAPC (40 Questions)

Product, Sales & Marketing - HRAPC (9 Questions)

Product Safety. (4 Questions)

41	<input type="checkbox"/>	Does the company have mechanisms in place to adequately feed into and support the pharmacovigilance system in which it operates?	<input type="checkbox"/>
42	<input type="checkbox"/>	Does the company guard against harmful or dangerous misuse of its products?	<input type="checkbox"/>
43	<input type="checkbox"/>	Does the company ensure that its packaging and labelling provide all relevant information about the product and appropriate instructions in how to use it?	<input type="checkbox"/>
44	<input type="checkbox"/>	Does the company adopt appropriate measures to contribute to elimination of counterfeiting of products?	<input type="checkbox"/>

[About this Question](#)  
[Question References](#)

**Answer**  
 Yes  
 No  
 Further Attention  
 Not Applicable

**Explanation**

**Priority**

**Indicators**

		<b>Answer</b>	<b>Explanation</b>
1	The company uses visible and invisible devices to help protect its products against counterfeiting.  Verification:	<input type="radio"/> True <input type="radio"/> False <input type="radio"/> Further Attention <input type="radio"/> Not Applicable	<input type="text"/>
2	Wherever relevant the company engages in different anti-counterfeit activities, such as lobbying for stronger anti-counterfeit regulation and awareness-raising among law enforcement and regulatory agencies.  Verification:	<input type="radio"/> True <input type="radio"/> False <input type="radio"/> Further Attention <input type="radio"/> Not Applicable	<input type="text"/>
3	Wherever relevant, the company participates in collaborations that explore effective means of countering counterfeit products.  Verification:	<input type="radio"/> True <input type="radio"/> False <input type="radio"/> Further Attention <input type="radio"/> Not Applicable	<input type="text"/>

Sales, Advertising and Marketing. (5 Questions)

Research and Development - HRAPC (12 Questions)

Community Impact - HRAPC (10 Questions)

Environmental and social impact - HRAPC (3 Questions)

Workplace health and safety - HRAPC (6 Questions)

Procurement - HRAPC (3 Questions)

Access to health care - HRAPC (9 Questions)

# The “State of Play” of Human Rights Due Diligence: Anticipating the Next Five Years



“الوضع الراهن”  
لحقوق الإنسان الواجبة:  
توقعات للسنتين الخمس القادمة

人权尽职调查义务  
“履行现状”：  
未来五年的预测

L'état des lieux de la vigilance  
en matière des droits de l'homme ;  
anticipation des cinq prochaines années

Рассмотрение состояния  
дел в области прав человека:  
ожидания на ближайшие пять лет

“La situación actual” de los procedimientos de diligencia  
debida con respecto a los derechos humanos:  
previsión para los próximos cinco años

## Being prepared for “human rights”

---

- Is there a reason to be **afraid** of this puzzling theme?  
→ Not at all !
- Is there a reason to take it **serious**?  
→ By all means, yes !
- Are the issues **new**?  
→ Not really, just they are looked at through a slightly different lens!

 HRAPC exercise = according insights and learnings



# Menschenrechtliche Verantwortung von Unternehmen

## Die Herausforderung des operativen Managens

Dr. York Lunau, Novartis Foundation for Sustainable Development  
Schweizer Sektion der Internationalen Juristenkommission, Bern 31.3.2011



