

# Press Statement



## Implementation of Guiding Principles on Business and Human Rights by law firms

**14 November 2011, London:** The charity Advocates for International Development (A4ID) today released a new report that considers how the new UN Guiding Principles on Business and Human Rights should be implemented by law firms.

Recommendations in the report include:

- The need for law firms to integrate high level human rights policy commitments into corporate governance structures.
- The need to fill gaps in law firms' human rights due diligence processes.
- The need for guidance to ensure firms are not deemed complicit in the adverse human rights impacts of suppliers and clients.
- The need to address the relationship between the Guiding Principles and the professional legal standards of conduct.

Law firms played an active role in developing the Guiding Principles on Business and Human Rights and are already advising their clients on their application. However, A4ID recognised the need for analysis of how the Guiding Principles apply to law firms as businesses.

This new report summarises the discussions amongst Partners and CSR Managers from eight City law firms at a meeting convened by A4ID and chaired by John Sherman in September 2011. This meeting drew out recommendations for how firms can ensure they know, and can show, that their business practices respect human rights.

Like all other businesses, law firms have a responsibility to 'respect' human rights under the **'Protect, Respect and Remedy Framework'** and not to infringe on human rights through their operations and business relationships. Despite this, it appears that no law firm has a publicly available, high level policy committing it to respect human rights in the management of its business and only two firms publish corporate responsibility reports in accordance with the Global Reporting Initiative (GRI) Guidelines that contain key performance indicators on human rights.

A4ID's new paper **'Law firms' implementation of the Guiding Principles on Business & Human Rights'** considers law firms' practices with respect to clients, supply chains and employees and suggests best practice and ways forward by answering the question 'what do we expect of the legal profession in these areas?'

**Employment issues:** Under Guiding Principle 12, law firms must respect the human rights of employees as expressed in the International Bill of Human Rights. The meeting highlighted that many policies implemented by firms may already address human rights but that there was no high level commitment to ensure these are aligned in the same direction and to ensure buy-in throughout the entire organisation.

**Supply chains:** Law firms have lengthy supply chains that can have human rights impacts. If a law firm's supply is found to have infringed on human rights, under the Guiding Principles the firm should use its leverage to mitigate

remaining impact. If this is not possible, the firm should take steps to terminate the relationship, taking into account credible assessments of the potential harm to human rights from termination.

However, to prevent against external suppliers from infringing on human rights from the start, law firms must engage in human rights due diligence processes for their entire supply chains.

**Client issues:** Increasingly law firms are being 'named and shamed' as a result of who they represent and advise. And under Guiding Principle 17 business enterprises – including law firms – may be perceived as being complicit in the acts of another party where, for example, they are seen to benefit from an abuse by that party.

The discussions at the meeting focussed on when law firms should choose not to represent a client, when they should use leverage to prevent a client's actions that infringes on human rights, and when to consider terminating a relationship with a client.

**John Sherman, Secretary, General Counsel and Senior Advisor to Shift** said, "Under the recently-endorsed UN Guiding Principles for Business and Human Rights, a law firm must "know and show" that it is respecting human rights throughout its operations. This is more than pro bono work. A firm should pay close attention to, and address, its actual and potential involvement in negative human rights impacts in its workplace, in its supply chain, and in the services it renders to clients."

**Yasmin Batliwala, Chief Executive of A4ID** said, "A4ID's legal partners have committed to using their skills to meeting the aims of the Millennium Development Goals and many have also publicly supported the Guiding Principles. But together we recognised that as leaders in the area of corporate responsibility there was a need for a robust discussion to ensure their own operations are in line with this important new framework."

"A4ID hopes this new paper will ensure law firms are able to lead the way as responsible businesses. By bringing together representatives from many of the world's leading law firms A4ID initiated the first in-depth discussion into how law firms can meet their responsibility to respect human rights, and thus protect development, while recognising the unique challenges that law firms face."

The Guiding Principles were developed by **Professor John Ruggie, the United Nations' Secretary General's Special Representative on Business and Human Rights** and were unanimously endorsed earlier this year by the UN's Human Rights Council. They represent the minimum global standards of conduct for governments and all businesses whatever size and wherever they are based.

The Protect, Respect and Remedy Framework is based on the principles that states have the duty to protect against human rights abuses including by businesses; businesses have a responsibility to respect human rights by 'knowing and showing' that they are addressing human rights impacts in which they may be involved; and thirdly, the need for greater access to remedy by affected communities and individuals.

**Professor John Ruggie, the UN Secretary General's Special Representative on Business and Human Rights** said, "Law firms can have significant impacts on human rights through their operations and the services they render. Like all other business enterprises, firms should respect human rights in alignment with the UN Guiding Principles on Business and Human Rights. This creates both challenges and opportunities for firms."

To read the full report please visit: <http://a4id.org/resource/report/guidingprinciples>

To arrange an interview with John Sherman or for further information about the report please contact Helen Mould on +44 (0)203 116 2799 or [helen.mould@a4id.org](mailto:helen.mould@a4id.org)

#### Notes to editors

1. Copies of the report can be downloaded from: <http://a4id.org/resource/report/guidingprinciples>

2. Law firms that took part in the meeting on 16 September 2011 in London were: Allen & Overy, Clifford Chance, Herbert Smith, Hogan Lovells, Kirkland & Ellis, Reed Smith, Simmons & Simmons, and White & Case.
3. An interview with John Sherman after the event can be accessed via – <http://a4id.org/resource/talk/un-guiding-principles-business-and-human-rights>
4. A4ID brings together the legal and development professions to maximise progress towards meeting the aims of the Millennium Development Goals. We do this by ensuring all those working towards the eradication of poverty have access to free legal support, while also raising awareness of how the law and lawyers can play a role in ending extreme poverty. A4ID's legal projects have impacted on 114 countries around the world, providing over £12 million worth of free legal advice to 350 development organisations.
5. For more information about our work visit [www.a4id.org](http://www.a4id.org)