



## ***Implementing the UNGPs through government policy and regulation – Trends and case studies***

*Parallel session*

*27 November*

*15:00-18:00*

<p><b><i>Part 1: Where is government regulation heading?</i></b></p>
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<p><i>15:00-15:15</i></p>
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<p><i>Introduction by the UN Working Group on Business and Human Rights</i></p>
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<p><b><i>Part 2: The French duty of vigilance law – companies and stakeholder perspectives</i></b></p>
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<p><i>15:15-16:40</i></p>
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<p><i>Organised by Association Entreprises pour les droits de l'homme (EDH)</i></p>
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<p><b><i>Part 3: Rule of Law Reform in the Indonesian Fishing Industry: Ensuring Company Responsibility to Respect Human Rights through Implementation of Human Rights Management System and Mandatory Certification</i></b></p>
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<p><i>16:50-18:00</i></p>
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<p><i>Organized by Ministry of Marine Affairs and Fisheries of Republic of Indonesia and Foundation for International Human Rights Reporting Standards (FIHRRST)</i></p>
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### **Part 1: Where is government regulation heading?**

Brief introduction by the UN Working Group on Business and Human Rights.

### **Part 2: The French duty of vigilance law – companies and stakeholder perspectives**

**Brief description:** This session organized by EDH will focus on the French duty of vigilance law (enacted in March 2017). Based on the UN Guiding Principles on Business and Human rights, this law is a national legal transposition of the obligation of human rights due diligence for companies.

**Background:** A French “corporate duty of vigilance” Law, supported by the Government and the parliamentary majority, has been enacted in March 2017. It establishes a legally binding obligation for parent companies (the 150-200 largest French companies) to identify and prevent adverse human rights and environmental impacts resulting from their own activities, from activities of companies they

control, and from activities of their subcontractors and suppliers, with whom they have an established commercial relationship. To fulfill this new obligation, companies have to establish vigilance plans and to report annually on their implementation.

The French law is based on the UN Guiding Principles on Business and Human rights and is a national legal transposition of the obligation of human rights due diligence for companies. The session will focus on the practical ways to implementation a legal obligation of due diligence.

**Session objectives:** Explain the French law and give stakeholders perspectives: French government / civil society consulted by companies on due diligence plans Show how French large companies meet the legal requirement to have a human rights due diligence process (affiliates and suppliers)

**Key discussion questions:**

- Presentation of the French law on the duty of vigilance of parent and ordering companies which create a new binding obligation for large French companies to identify and prevent adverse human rights impacts resulting from their own activities, from activities of companies they control, and from activities of their subcontractors and suppliers, with whom they have an established commercial relationship.
- Illustrations of “vigilance plans” which must include: risk mapping; regular assessment of subsidiaries and business relationships; risk management actions; alert mechanism; and performance monitoring system.
- Ways to involve key stakeholders in the formalization of the human rights approach

**Speakers:<sup>1</sup>**

- **Moderator: *Gérald Pachoud***, Managing Partner at Pluto Associates
- ***Françoise GUICHARD***, President of Entreprises pour les Droits de l’Homme
- ***Genevieve JEAN-VAN ROSSUM***, Special Representative for Bioethics and Corporate Social Responsibility, Government of France
- ***Emmanuelle BRU***, Head of stakeholder Dialogue & Human Rights, BNP Paribas
- ***Laurent LHOPITALLIER***, Head of CSR France, Sanofi
- ***Pierre MAZEAU***, Head of CSR, EDF
- ***Maddalena NEGLIA***, Director of Globalisation and Human Rights Desk, FIDH (International Federation for Human Rights)

**Format:** Multi-stakeholder panel including practical testimonies of companies and case-studies illustrating steps of the implementation of a vigilance plan.

**Background material:**

- <https://www.legifrance.gouv.fr/eli/loi/2017/3/27/2017-399/jo/texte> (in French only)
- Association Entreprises pour les droits de l'homme - edh ([www.e-dh.org](http://www.e-dh.org))

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<sup>1</sup> Further information on speakers provided in Annex

## Part 3: Rule of Law Reform in the Indonesian Fishing Industry: Ensuring Company Responsibility to Respect Human Rights through Implementation of Human Rights Management System and Mandatory Certification

**Background:** Minister of Marine Affairs and Fisheries of Indonesia Susi Pudjiastuti has issued regulations that require fishing companies to obtain certification on their compliance with human rights standards - as a prerequisite to receiving their license to operate in Indonesian waters as a response to the finding of human rights violations in the Indonesian fishing industry, particularly in Benjina, Maluku. Under the regulations, fishing companies are obliged to establish human rights management system and to undertake a mandatory certification of their compliance with the regulations. The fisheries human rights management system consists of human rights policy, human rights due diligence and remediation mechanism.

**Brief description:** The parallel session will discuss how the issuance of such regulations ensures that companies meet their responsibility to respect for human rights.

### Session objectives:

1. Presenting the concept of human rights management system and certification in the Indonesian Fishing industry.
2. Focus on the areas covered in the due diligence process.
3. Remediation mechanism and access to justice for victims.

### Key discussion questions:

- How does the Ministry of Marine Affairs and Fisheries ensure that fishing companies comply with the regulation?
- What challenges do the fishing companies face in implementing the human rights system and complying with the criteria?
- How does the remediation mechanism work under the regulation?
- Which remediation mechanisms have mostly been used as models for implementation of the regulation?
- What lessons have been learned from the pilot field test on company compliance with the regulation?

### Speakers:

- **Moderator: James Kallman**, Co-founder of FIHRRST
- **Susi Pudjastuti**, Indonesian Minister of Marine Affairs and Fisheries
- **Hasan Kleib**, Permanent Representative of Indonesia to the United Nations Office in Geneva
- **Syarief Widjaja**, Directorate General of Capture Fisheries of the Ministry of Marine Affairs and Fisheries (MMAF)
- **Mas Achmad Santosa**, Head of Indonesia's Task Force on the Prevention and Eradication of IUU Fishing, MMAF
- **Marzuki Darusman**, Chair of UN Fact-finding Mission on Myanmar, Chair of FIHRRST, former UN Special Rapporteur for Human Rights in North Korea
- **Makarim Wibisono**, former UN Special Rapporteur for Human Rights in the Occupied Palestinian territories, Chairperson of the Second UN Forum on Business and Human Rights in 2013 and Co-founder of FIHRRST.

**Format:** Panel discussion and Q&A session.

**Background material:**

<http://djpsdkp.kkp.go.id/rule/file/27/permen-kp-nomor-35-tahun-2015-tentang-sistem-dan-sertifikasi-ham-.pdf/>

## **ANNEX. SPEAKERS SHORT BIOS.**

### **PART 2.**

#### **Françoise Guichard**

##### ***President, Entreprises pour les droits de l'homme (EDH)***

Françoise Guichard is the President of the association EDH since 2013 and Director of the Development of FACE ("Fondation Agir contre l'Exclusion).

Specialized in ethics and CSR, she was Group Ethics & Compliance Senior VP and Group Sustainable Development Senior VP of ENGIE. She is a graduate from the French business school HEC.

#### **Pierre Mazeau**

##### ***Head of CSR, EDF***

Pierre Mazeau is Head of CSR at Electricité de France. He is currently the vice-chair of the association EDH and a member of the French CSR national platform. He has been involved in many CSR projects such as GRI, ISO 26000 and UN Global Compact. He is a graduate from the French business school ESCP Europe and from University Paris Dauphine (Master in Human Resources).

@pierremazeau

#### **Laurent Lhopitallier**

##### ***Head of CSR France, Sanofi***

Laurent holds both an Agronomy degree from AgroParistech and a Geography degree from the Paris X Nanterre University. Previously a consultant, Laurent has led assignments in designing sustainability strategies, in embedding Human Rights in business processes and in conducting ESG due diligences. Laurent joined Sanofi in 2013 and coordinates the internal working group on third party oversight in the field of Human Rights, Environment, Health and Safety.

## **Maddalena Neglia**

### ***Head of Globalisation and Human Rights Desk, FIDH***

Maddalena Neglia is the head of the Globalisation and Human Rights desk of the FIDH, where she oversees the organisations' strategic priority on « Promoting Respect of Human Rights by Economic Players » and she coordinates the Federation' activities on strengthening the international and European regulatory framework on corporate accountability and on improving access to justice for victims of corporate related human rights abuses. Maddalena holds a joint Ph.D. in Public Comparative Law and prior to join FIDH was postdoctoral research fellow at the Center for Ethics and Law of the University College of London, Business and human rights specialist at Fairfood International in Amsterdam, Judicial clerk at the Milan Court of Appeal and lawyer at Latham and Watkins LLP in Milan.

@MaddalenaNeglia

## **Geneviève Jean-Van Rossum**

### ***Special representative for bioethics and corporate social responsibility, French Ministry for Europe and foreign affairs***

Geneviève Jean-van Rossum, has been appointed in September 2016 as Special representative for bioethics and corporate social responsibility for the French Ministry for Europe and foreign affairs. A French diplomat for over thirty years, she had both bilateral and multilateral positions abroad (Haiti, Jordan, Austria, Burundi) and in Paris. She holds degrees in languages and political science (Institut d'études politiques de Paris).

@rossum\_g

## **Gérald Pachoud**

### ***Managing Partner, Pluto & Associates***

Gerald is a global public policy expert with significant experience of the landscape and the trends in business and society that affect the corporate responsibility and sustainable investment agendas. He has advised various corporations, governments, international organizations and CSOs directly and through the various positions, he has held in the United Nations and the Swiss administration. He notably initiated and led the program on business and human security in the Swiss Ministry of Foreign Affairs. From 2005 to 2011, Gerald had the honor and the pleasure of serving as the Special Adviser to the Secretary General's Special Representative on business and human rights, Professor John Ruggie. Gerald Pachoud is a member of the Advisory Board of the Global Business Initiative on Human Rights.