Mandate of the Special Representative of the United Nations' Secretary-General (SRSG) on the Issue of Human Rights and Transnational Corporations and other Business Enterprises

SURVEY OF STATE CORPORATE SOCIAL RESPONSIBILITY POLICIES SUMMARY OF KEY TRENDS

JUNE 2010

This report was prepared in conjunction with a survey sent to all UN Member States in April 2009 by the Office of the UN High Commissioner for Human Rights (OHCHR) on behalf of the Special Representative of the UN Secretary-General on Business and Human Rights (SRSG). A reminder was sent in August 2009 and 29 responses were received in total. The SRSG is grateful to OHCHR for facilitating the survey, and extends his thanks to all States that responded.

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I. INTRODUCTION

In June 2008, the United Nations Human Rights Council (Council) was unanimous in welcoming the "Protect, Respect and Remedy" policy framework the Special Representative of the UN Secretary-General (SRSG) on Business and Human Rights had proposed for better managing business and human rights challenges.[1] Now widely referred to as the UN Framework, it rests on three pillars: the State duty to protect against human rights abuses by third parties, including business, through appropriate policies, regulation, and adjudication; the corporate responsibility to respect human rights, which means to act with due diligence to avoid infringing on the rights of others; and greater access by victims to effective remedy, judicial and non-judicial.

The Council extended the SRSG's mandate to 2011, with two main tasks: "operationalizing" the Framework—that is, providing concrete guidance and recommendations to States, businesses and other actors on the practical meaning and implications of the three pillars and their interrelationships; and "promoting" the Framework, through coordinating with relevant international and regional organizations as well as other stakeholders.

As the SRSG noted in his 2009 report to the Council, and reiterated in his recently released 2010 report, most States have already adopted policies and implemented regulation in core areas of business and human rights, including labor rights and workplace non-discrimination. However, they have been slow to address the more systemic challenge of fostering rights-respecting corporate cultures and practices. In fact, overall State practices exhibit substantial legal and policy incoherence as well as gaps, often with significant consequences for victims, companies and States themselves. The most widespread gap is not enforcing existing laws. The most prevalent cause of legal and policy incoherence is that departments and agencies which directly shape business practices—including corporate law and securities regulation, investment, export credit and insurance, and trade—typically work in isolation from, and uninformed by, their government's own human rights obligations and agencies.[2]

One avenue for States to increase policy coherence in this area as well to highlight their expectations of business can be through the creation and implementation of national corporate social responsibility (CSR) policies or guidelines which include a focus on human rights.

The SRSG noted in his 2009 report that:

> … a growing number of States are adopting CSR policies. They vary in content and form, but generally encourage responsible business practices, including fostering business understanding of and respect for human rights. In some cases, access to official assistance, such as export credit or investment insurance, may be linked to companies having a CSR policy, participating in the United Nations Global Compact, or confirming their awareness of the OECD Guidelines.[3]

Recent examples of such policies include those from Canada, China, Denmark, India, the Netherlands and Norway. Released in 2009, Canada's "Building the Canadian Advantage: A Corporate Social Responsibility Strategy for the Canadian International Extractive Sector" has four main elements: host government resource capacity building; promotion of voluntary CSR performance guidelines (comprising of the International Finance Corporation's Performance Standards on Social and Environmental Sustainability; the Voluntary Principles on Security and Human Rights; and the Global Reporting Initiative); the development of a CSR Centre for Excellence; and the appointment of an Extractive Sector CSR Counsellor. The Counsellor will report directly to the Minister of International

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[1] A/HRC/8/5; A/HRC/RES/8/7. All of the SRSG's official reports, as well as submissions to the mandate, are available at: http://www.business-humanrights.org/SpecialRepPortal/Home.
[2] See A/HRC/11/13, at para. 18; as well as A/HRC/14/27, at para. 18.
[3] See A/HRC/11/13, at para 21.

Trade and will be tasked with reviewing the CSR practices of Canadian extractive sector companies operating outside Canada and advising stakeholders on implementing performance guidelines.[4]

In 2008 China issued guidance to its State-owned enterprises, recommending systems for CSR reporting and protecting labor rights.[5] The Government is also currently considering draft "Guidelines on Corporate Social Responsibility Compliance by Foreign Invested Enterprises."[6] The draft Guidelines explain that CSR is relevant for all companies and comprises three levels: legal compliance; actively balancing stakeholders' interests while pursuing growth; and voluntary acts which further social progress, economic growth and environmental protection. Among the expectations on companies regarding their employees are the elimination of child labor, forced labor, and workplace discrimination. Companies are also recommended to establish a CSR reporting system and to use "reasonable influence to encourage and urge upstream and downstream enterprises to improve CSR standards."

Denmark's 2008 Action Plan on CSR identifies the important role that can be played by State agencies such as export credit agencies, pension funds and development agencies in promoting responsible corporate behavior.[7] It also explains how companies can help to avoid human rights-related abuses, including through ensuring that suppliers observe human rights. The Dutch "Government Vision on Corporate Social Responsibility" was initially drafted in December 2007 but has been supplemented by numerous policy statements and multi-stakeholder consultations since then, including on issues such as State-owned enterprises and procurement.[8] In late 2009 India issued guidelines for companies to protect workers' rights, implement respect for human rights, and avoid complicity in human rights abuses.[9]

Norway's 2009 CSR White Paper outlines the government's expectation that Norwegian companies operating abroad will respect human rights, and explicitly includes respect for human rights as being one of the central areas "to corporate social responsibility in international relations".[10] It also guides companies on relevant international human rights standards, suggests resources for addressing human rights-related dilemmas, and recommends that companies adopt the UN Framework's due diligence process under the second pillar of the corporate responsibility to respect human rights.[11]

As part of operationalizing the UN Framework, particularly the first pillar of the State duty to protect, the SRSG considered it important to learn more about such developments and how they may contribute to greater policy coherence in business and human rights. Accordingly, at the SRSG's request, OHCHR sent a survey on State CSR policies (Survey) to all UN Member States on 22 April 2009. A copy of the Survey is provided in Appendix 1. The extended deadline was 15 September 2009, and the SRSG ultimately received responses from 29 states: 16 from Europe; 5 from Latin America; 3 from Africa and the Middle East; 2 from North America; and 3 from Asia. The SRSG thanks all respondent States for their efforts in completing the Survey.

The Survey is a follow up to an earlier survey sent to all UN Member States in 2006.[12] The 2006 survey asked States to identify the entire range of tools they use to prevent and address corporate-

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[4] Available at: http://www.international.gc.ca/trade-agreements-accords-commerciaux/ds/csr-strategy-rse-stategie.aspx.
[5] "Instructing opinions about central State-owned enterprises fulfilling social responsibility", issued by China's State-owned Asset Supervision and Administration Commission of the State Council, 4 January 2008.
[6] The draft Guidelines were issued by the Chinese Academy of International Trade and Economic Cooperation, a subsidiary of the Ministry of Commerce. More information is available at:
http://www.dlapiper.com/foreign_enterprises_csr_compliance/.
[7] Available at: http://www.eogs.dk/graphics/Samfundsansvar.dk/Dokumenter/Action_plan_CSR.pdf.
[8] Available at: http://www.ez.nl/pv_obj_cache/pv_obj_id_B59B146F96381B829D44823EFC4B519F2D7A0200.
[9] Available at: http://www.mca.gov.in/Ministry/latestnews/CSR_Voluntary_Guidelines_24dec2009.pdf.
[10] "Corporate social responsibility in a global economy," (2009) available at
http://www.regjeringen.no/en/dep/ud/Documents/Propositions-and-reports/Reports-to-the-Storting/2008-2009/report-no-10-2008-2009-to-the-storting.html?id=565907.
[11] For a description of the elements of the due diligence process, see para. 49 of A/HRC/11/13.
[12] A/HRC/4/35/Add. 3 (28 February 2007).

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related human rights abuse. Many of those tools are being considered in other aspects of the SRSG's work on the State duty to protect, but the present survey was intended to delve into the role of State CSR policies in more detail.[13]

This paper discusses the Survey's main themes. It does not attribute answers to specific respondents. However, the SRSG encourages all States to make their Survey responses publically available to the extent appropriate.

Care should be taken in interpreting the results of this Survey. The low overall response rate, as well as the unequal geographic and regional distribution of the responding countries, makes the sample size very small and not necessarily representative of practices around the world. Also, some countries only responded to a few questions, or did not answer questions directly, instead providing their views more generally on CSR or business and human rights.

II. OVERVIEW OF RESPONSES

States were asked whether their national government, or any local governments, had adopted a comprehensive CSR policy or policies. They were told that the phrase "CSR policy":

> *not only relates to official policy statements but also to less formal action plans, strategies, position statements, guidelines, white papers, work programs etc dealing with responsible business conduct vis-à-vis social issues, including human rights.*

In total, ten of the respondents indicated that they had or were in the process of drafting, a CSR policy. Eight States, from the Asia-Pacific, Europe and North America, said that they already have a CSR policy. Two States, one from the Asia-Pacific and one from Europe, suggested that they are currently drafting a CSR policy.

The policies already adopted or currently being considered take on a variety of forms, ranging from action-plans that include expectations for State agencies as well as companies, to those that simply provide guidance to companies. Moreover, some policies specifically target certain sectors, or particular types of companies, such as State-owned enterprises or listed companies. Several respondents said that their policies ask State agencies and companies to act consistently with international standards in this area, such as the OECD Guidelines for Multi-National Enterprises (OECD Guidelines) and the Global Reporting Initiative (GRI) G3 Guideline on sustainable reporting. While these standards do include human rights elements, most respondents said that their policies do not expressly reference international human rights instruments.

Most of the respondents without a comprehensive CSR policy said that they had adopted other measures to promote responsible corporate behavior. They included establishing offices within government departments as well as regulators to promote CSR; supporting non-governmental agencies working in the CSR area; participating in the development of international CSR standards such as the draft ISO 26000 Standard on Social Responsibility; and implementing socially responsible public procurement practices. Such programmes and initiatives may contribute to facilitating dialogue on business and human rights and are explored in other aspects of the SRSG's work, but are not the focus of this paper.

IV. STATES' EXISTING AND PENDING CSR POLICIES

As noted above, ten states indicated that they had, or were drafting, some form of national CSR policy. This section summarizes the answers to the Survey questions dealing with drafting and administration of such policies; the policies' aims; practical guidance contained in the policies; and any references to international instruments and frameworks.

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[13] Information about other work under the State duty to protect, as well as the rest of the UN Framework, can be found at the SRSG's website: http://www.business-humanrights.org/SpecialRepPortal/Home.

A. Drafting and administration

1. How was the policy developed? Which department(s) drafted the policy and was there a government/public consultation about the policy? Is the policy publicly available?

Most respondents appeared to have followed similar procedures in drafting their CSR policies. Generally, even where interdepartmental committees were involved, a single department, or ministry, tended to take a central role in the drafting process. Core departments leading the drafting process ranged from departments of foreign affairs, trade, and industry to social welfare. In five cases, social development or labor departments led the process or part of a process; in three cases, it was economics or business departments; and in two cases, it was the foreign affairs departments. Three respondents indicated that their policies required cabinet approval before they could be finalised. And most respondents said that the drafting process for their policy involved some form of stakeholder consultation with business and civil society.

For instance, one country established a centre for the promotion of CSR, charged with formulating a national policy. The centre conducted research, and stakeholder representatives from business, civil society and local authorities participated in brainstorming sessions. The proposals were submitted to regional level workshops, and then to a national meeting. The policy then needed to be approved by the minister in charge of social welfare, and thereafter by the cabinet.

In another country, the foreign affairs ministry had the primary responsibility for drafting the policy. However, numerous other ministries also contributed, including those with responsibility for trade, environment, finance, labor, social welfare, children, equality, justice and police, government reform, agriculture, food, fishery and coastal affairs. State secretaries from the most involved ministries met regularly to discuss content. Key stakeholders and international experts were consulted, and the public was able to provide written submissions through an open, web-based portal.

One respondent explained that the national standards institute – multi-stakeholder in nature – is working on its draft policy, with the text likely to closely align with the draft ISO 26000 Standard on Social Responsibility.

Of the ten respondents with a CSR policy or currently drafting one, six respondents said that their policies are publically available, with another suggesting that its policy might soon be made available. The remaining respondents did not specify whether or not their policies were, or would become, publicly available.

2. Which government department(s) administers the policy and, where applicable, has overall responsibility? What steps have been taken or are being planned to inform other government departments about the policy and coordinate implementation?

The general pattern from the responses was that those ministries or departments responsible for drafting national CSR policies were also tasked with their implementation, which may include more than one ministry or department. For instance, in one State, three departments are cooperating to implement the policy: foreign affairs and trade, natural resources, and development.

There was variation in the procedures for raising awareness amongst other government departments of the policy's existence and implementation. For instance, in one case, an interdepartmental steering committee has been charged with educating relevant ministries. In another, the policy has been sent to the ministries responsible for environment, business and trade, and copies will be distributed to institutions of central and local public administration. And one respondent said that it had held seminars, workshops, roundtable meetings and training programs to inform relevant departments of the policy.

3. Is the policy a stand-alone policy or is it part of another policy?

It is acknowledged that this question may have caused some confusion amongst the respondents because of misunderstandings of the term "stand-alone". This was intended to convey that the policy, while potentially linked to broader agendas, was not amalgamated into another policy, such as an overarching governance plan or, more narrowly, an environmental policy. Nevertheless, three respondents said that their CSR policies are "stand-alone" policies. Other respondents provided more ambiguous answers, from which it was possible to infer that such policies may not be easily classifiable as stand-alone given the wider context in which they are drafted and implemented.

4. Does the policy include a review process in the near or long-term future?

Five respondents said that their policies involve or have involved a review process, with only one of these respondents saying that there is an annual review. In the remaining cases, a single review has been scheduled to occur after a set period (for example, five years after adoption). In one of these examples, the review is only of certain parts of the policy - such as guidance on company reporting. Some respondents indicated that these reviews are carried out by inter-departmental committees rather than single departments, but the Survey did not specifically ask about the reviewer's characteristics and therefore most respondents did not provide such details.

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B. Substance: aims and guidance

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5. What are the policy's stated aims and main elements?

There was great variety in this area of responses. Five respondents indicated that the policy aimed to increase or improve the level of business adoption of CSR practices. For instance, one respondent said that its policy aims to encourage companies to follow international CSR standards. Another respondent explained that its policy was designed to help "businesses reap more benefits from being at the global vanguard of CSR" and ensuring that business is associated with responsible growth.

Five respondents said that their policies aim to organize the government's response, and/or define the government's role in this domain. One of these respondents explained that its policy therefore expressly provided guidance on the ways that different government agencies may mandate, facilitate and endorse CSR. Another said that its policy aimed to showcase the government's CSR initiatives and provide a means to evaluate them.

The second part of the question, asking about policies' "main elements", appeared to cause some confusion amongst the respondents. It was intended to gather general information about the main areas of guidance within each policy as well the policy's structure. Some respondents did provide information along these lines and notable examples include the following:

- One policy is divided into three parts – promoting CSR; supporting CSR and guidance on transparency.

- One policy identifies "four key areas", which centre on improving social and climate responsibility, including through government activities, as well as marketing the country for responsible growth.

- One policy's main elements are the (1) role and responsibilities of State agencies; (2) the role and responsibilities of the private sector; (3) the challenges and dilemmas in international operations; (4) CSR in a development perspective; (5) international frameworks for CSR; (6) international initiatives and processes for CSR; and (5) evaluation of supporting legal instruments.

The general information sought from this question was often provided through answers to other Survey questions, in particular questions 6 – 12 below.

6. Does the policy apply to all types of companies (i.e. listed v private; state owned enterprises)?

Seven of the respondents with or drafting CSR policies said that they had at least one policy that was directed to all types of companies. Two of these States also have other policies focused on particular types of companies, including one State that is drafting a policy for small and medium sized enterprises, and another State that has separate policies for listed companies as well as the manufacturing industry. One respondent's policy is directed solely towards international extractive companies, thus there were a total of two industry-specific policies in the response pool. One respondent indicated that a single section of its policy addresses State-owned enterprises, although the rest of the policy applies more broadly.

7. Which departments and other state or quasi-state agencies (i.e. export credit agencies; development agencies) does the policy mention and how? For example, does it discuss steps state or quasi-state agencies could take to encourage CSR, i.e. through trade/investment, state purchasing/procurement, state owned enterprises?

Five respondents said that their policies set expectations for government ministries including those with responsibility for labor, commerce and the economy, industry, natural resources and the environment, social development (social security), education, and science. Three respondents said that their policies provide guidance on the role of export credit agencies. One of these respondents explained that its policy directs the State's export credit agency to draw up its own plan for social responsibility. The same respondent said that its policy also requires the State's development agency to consistently integrate social responsibility in the administration of aid, including imposing environmental requirements on suppliers in connection with tenders for aid-funded projects, and using respect for workers rights as a criterion for the use of funds. And the policy asks all central government agencies to follow an action plan in terms of public procurement. Another respondent said that its policy encourages the incorporation of CSR into free trade agreements.

8. Does the policy expressly mention human rights, including international human rights and labor standards? If so, in what way?

Four of the ten respondents with existing or forthcoming policies said that their policies expressly mention human rights standards. The first respondent explained that its policy includes a chapter on human and labor rights, while the second said that its policy sets out the government's expectation that companies will respect fundamental human rights, including those of children, women and indigenous peoples, in their operations. A third respondent said that its policy explicitly mentions the preservation of human rights and of the ILO core labor standards as an element of CSR. And the fourth respondent highlighted that human rights and labor standards will be the main focus and foundation of the country's pending national policy. Indeed, two of these four respondents said that their policies reference the SRSG's work, and support the operationalization of the UN Framework.

Most of the remaining respondents with existing or forthcoming national CSR policies indicated that their policies *indirectly* incorporate consideration of human rights through references to various international instruments which integrate human rights standards. These instruments include:

- OECD Guidelines (four policies);
- UN Global Compact (three policies);
- ILO core Conventions on Labor Rights (three policies);
- Various GRI guidance (two policies);
- Draft ISO 26000 Standard on Social Responsibility (two policies);
- Voluntary Principles on Security and Human Rights (one policy);
- UN Principles for Responsible investment (one policy).

Some respondents also indicated that their policies more generally reference international standards without specifying them. For instance, one respondent said that its policy references the work of the UN but does not specify which UN instruments it is relying on.

9. Does the policy provide guidance on the activities abroad of companies incorporated in your state?

Five of the respondents said that their policies provide guidance on the activities abroad of companies incorporated in their jurisdiction. Indeed, one policy only applies to extractive companies operating abroad. Two of the policies recommend that companies operating abroad comply with international standards - one policy recommends that companies, and their overseas subsidiaries, follow the OECD Guidelines, while the other recommends companies operating and investing abroad respect both local laws and international norms and values, as well as follow the home State's expectations. One respondent explained that its policy specifically addresses doing business in conflict-affected areas.

10. Does the policy provide guidance related to the activities of subsidiaries/suppliers or other business partners of companies incorporated in your state?

Four of the respondents indicated that their policies do address the activities of subsidiaries / suppliers, and one said that its policies implicitly addressed these issues through the incorporation of the OECD Guidelines and GRI's G3 Guideline.

Two responses elaborated on how their policies deal with supply chains. One response indicated that supply chain issues are considered a "key factor" for companies operating in a global market, and guidance is provided through existing and planned web tools and handbooks. Another respondent said that its policy recognizes that companies can play a role in creating sustainable production within the full life cycle of a product, and can require their suppliers to implement basic ILO standards. This policy also recommends that companies promote the OECD Guidelines to their subsidiaries, subcontractors and other partners. Additionally, one respondent said in answering question 11 below that its policy recommends that companies use human rights due diligence to avoid complicity in human rights violations.

11. Does the policy provide guidance on how companies may integrate CSR or more specifically, human rights considerations, into their operations?

Six of the respondents said that their policies include some form of guidance on how companies can integrate CSR into their operations. One respondent said that its policy aims to provide advice in this regard. Another said that its policy encourages companies to undertake social audits as a form of bringing CSR considerations into the company's business. Three other respondents indicated that their policies provide such guidance implicitly, by recommending the use of existing tools such as the GRI's G3 Guideline; UN Global Compact; UN Principles for Responsible Investment; OECD Guidelines; IFC Performance Standards; and Voluntary Principles on Security and Human Rights. One respondent said that it has published a number of CSR manuals under the umbrella of its CSR policies, including one that focuses on practical examples of companies instituting responsible business practices, and a manual on integrating CSR into a company's operations.

As noted above, one respondent said that its policy recommends that companies undertake human rights due diligence to gain awareness of, prevent and address the negative consequences of their operations, referring to the SRSG's 2008 Report to the Council. In doing so it points to various tools companies may consider to assist them in undertaking due diligence, including the Human Rights Compliance Assessment Tool developed by the Danish Institute for Human Rights. This was the only respondent that said its policy expressly refers to human rights due diligence.

12. Does the policy refer to binding legal obligations on companies (such as the development of mandatory sustainability reporting laws etc)?

Three respondents indicated that expectations for business regarding integrated sustainability reporting flow from their policies. For instance, one response highlighted that the government had adopted mandatory reporting on CSR for the largest companies, in accordance with the State's CSR policy. Another respondent noted that companies are expected to publicly disclose whether they follow the State's CSR guidelines. A third respondent said that its policy highlights the need for further debate on increased disclosure duties regarding social and environmental issues.

Two responses specifically said that their policies are voluntary and do not incorporate or contemplate any legally binding obligations. Other respondents tended not to answer this question directly and thus it is unclear if the respondents generally consider their policies to be wholly voluntary or to combine a mix of voluntary and mandatory elements.

C. Substance: international frameworks

13. Does the policy refer to international CSR standards (e.g. the OECD Guidelines on Multinational Enterprises) or initiatives (i.e. the UN Global Compact)?

Please see the answers to questions 8 above for details on which international CSR standards tend to be referenced in the respondents' policies.

14. Does the policy discuss collaboration/capacity building with other states or international institutions on CSR related issues, including human rights?

Three respondents indicated that their CSR policies reference collaboration or capacity building with other States, with some policies also expressing the State's goal to show global leadership with respect to CSR. Additionally, one respondent explained that a consultative meeting had been held on international CSR collaborative networks, and the results of that meeting are to be incorporated into the forthcoming national policy.

Only one of these three responses stated that its policy encourages capacity building within relevant international institutions. The policy acknowledges that further progress in improving CSR performance should be encouraged through the country's involvement with the regional and multilateral development bank boards.

Another of the three responses highlighted that its policy discusses international collaboration on training and transfer of expertise on CSR. The respondent explained that its policy provides that the government will raise CSR issues in negotiations and dialogues on trade-related issues with other countries, and stress the importance of CSR in bilateral trade agreements.

V. STATES WITHOUT CSR POLICIES

Thirteen of the responding States indicated that they do not have a CSR policy. Most of these States did not say whether or not they intended to draft such a policy in the future. Many responses simply referenced other initiatives that the State had undertaken to support CSR.

Only two respondents explicitly said that they do not have any intention to draft a policy. Both explained that their approach is generally to incorporate social, ethical and environmental aspects into existing government strategies and programmes, rather than have a stand-alone policy.

VI. CONCLUDING REMARKS

It is difficult to identify concrete trends from this Survey given the small number of respondents as well as the ambiguity in some of the responses. Nevertheless, there are some common patterns that emerge. First, while it is clear that State CSR policies come in all shapes and sizes, it does not seem

unusual for such policies to have been drafted following consultation with a multitude of government departments as well as key non-government stakeholders. Second, it appears to be quite common that governments have a variety of CSR type initiatives on the go at any one time, which are not always referenced in the CSR policy, or run by the same department that is responsible for implementing the CSR policy. Third, the respondents' policies frequently refer to internationally recognized initiatives and principles such as the OECD Guidelines and the UN Global Compact. However, relatively few refer explicitly to international human rights standards, relying instead on implicit inclusion through other principles which touch on human rights.

The differences between the responses were also of interest. For instance, there is significant variation as to whether policies set expectations for State agencies or companies or both, and which actor is the main focus in the event that both are referenced. There are also differences in the types of State agencies discussed, and in particular where companies are the focus of a policy, the extent to which they are guided on *how* to integrate CSR, including respect for human rights, within their operations at home and abroad.

As this paper's introduction suggests, there is increasing movement by some States to include express guidance on human rights in their CSR policies. The SRSG looks forward to continuing to monitor these developments and hopes that the UN Framework may prove a source of support in drafting such guidance.

As with other aspects of the business and human rights domain, there is no right way to draft an effective CSR policy, no one size fits all model. In designing such policies, States will need to consider issues such as which State agencies to reference and how; which international standards to support; and the type of guidance they wish to give to companies directly. Issues regarding process throw up further questions, including which agencies should be involved in drafting and implementation, and the extent to which drafts as well as final versions are made publicly available.

It is States themselves, together with consultation with other stakeholders as appropriate, which must make these difficult balancing decisions in designing relevant policies. Nevertheless, as the SRSG notes in his recently released 2010 report to the Council, such policies, even where intended to be purely voluntary should at the very least have certain general characteristics to meet their intended aims. Indeed, he explains that 'to merit the term "policy," even voluntary approaches by States should indicate expected outcomes, advise on appropriate methods, and help disseminate best practices.'[14]

The SRSG aims to continue to consult with States, business and other stakeholders as to the challenges and opportunities in relation to State CSR policies, in the hope of providing practical guidance on this issue in his final recommendations to the Council in 2011.

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[14] A/HRC/14/27, at para. 35.

Annexure – The Survey

A. Has your national government or any local governments adopted a corporate social responsibility (CSR) policy or policies*?

*Note that the phrase corporate social responsibility policy not only relates to official policy statements but also to less formal action plans, strategies, position statements, guidelines, white papers, work programs etc dealing with responsible business conduct vis-à-vis social issues, including human rights.

IF YES TO QUESTION A:
Drafting and administration
1. How was the policy developed? Which department(s) drafted the policy and was there a government/public consultation about the policy? Is the policy publicly available?
1. Which government department(s) administers the policy and, where applicable, has overall responsibility? What steps have been taken or are being planned to inform other government departments about the policy and coordinate implementation?
2. Is the policy a stand-alone policy or is it part of another policy?
3. Does the policy include a review process in the near or long-term future?

Substance: aims and guidance
4. What are the policy's stated aims and main elements?
5. Does the policy apply to all types of companies (i.e. listed v private; state owned enterprises)?
6. Which departments and other state or quasi-state agencies (i.e. export credit agencies; development agencies) does the policy mention and how? For example, does it discuss steps state or quasi-state agencies could take to encourage CSR, i.e. through trade/investment, state purchasing/procurement, state owned enterprises?
7. Does the policy expressly mention human rights, including international human rights and labor standards, and if so, in what way?
8. Does the policy provide guidance on the activities abroad of companies incorporated in your state?
9. Does the policy provide guidance related to the activities of subsidiaries/suppliers or other business partners of companies incorporated in your state?
10. Does the policy provide guidance on how companies may integrate CSR or more specifically, human rights considerations, into their operations?
11. Does the policy refer to binding legal obligations on companies (such as the development of mandatory sustainability reporting laws etc)?

Substance: international frameworks
12. Does the policy refer to international CSR standards (e.g. the OECD Guidelines on Multinational Enterprises) or initiatives (i.e. the UN Global Compact)?
13. Does the policy discuss collaboration/capacity building with other states or international institutions on CSR related issues, including human rights?

IF NO TO QUESTION 1:
14. Is your state considering drafting such a policy? If yes:
15. What will be the likely process – which department(s) will have authority over the drafting process? Is multi-departmental collaboration envisaged; a government or public consultation?
16. Do you expect any forthcoming policy to reference international human rights, labor or CSR standards?

The Survey is also available **online** at: http://www.reports-and-materials.org/Ruggie-survey-re-state-CSR-policies.pdf (English); http://www.reports-and-materials.org/Encuesta-Ruggie-sobre-politicas-de-estado-en-temas-RSE.pdf (Spanish); and http://www.reports-and-materials.org/Questionnaire-Ruggie-politiques-RSE.pdf (French).