michela cocchi
studio legale

Communication On Progress
UNGC (United Nations Global Compact)

Gratuitousness vs Business Or Gratuitousness & Business?

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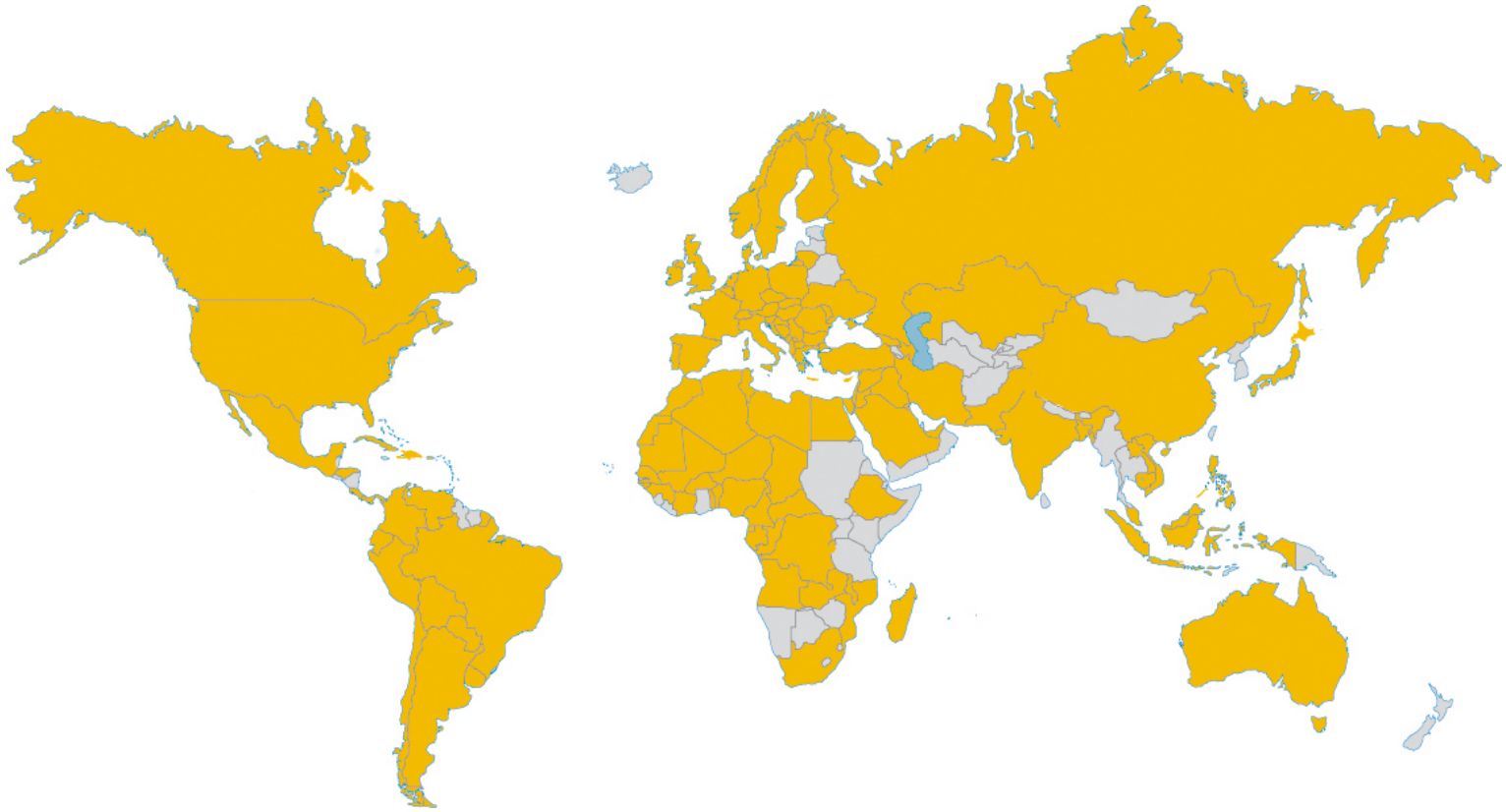
Preamble

Avvocato Michela Cocchi – Studio Legale was founded in 1994 in Bologna, Italy where it is still headquartered, growing geographically across national and international marketplace as well as expanding its services focused upon lawyers practice.
Independence is its key word.
Today, it operates in over 110 countries, counting hundreds relationships with local law firms, bar associations, organizations, and federations, and representing any sized business entities from all areas of the world and economic sectors.
Since 2009, the firm has participated in United Nations Global Compact – UNGC.

We around the world:



Foreword

As lawyers, through our practice, we are called to actions, that have a positive impact on the people and communities associated with our activities. We have a significant role to play in advocating and building awareness of the concept of corporate citizenship.

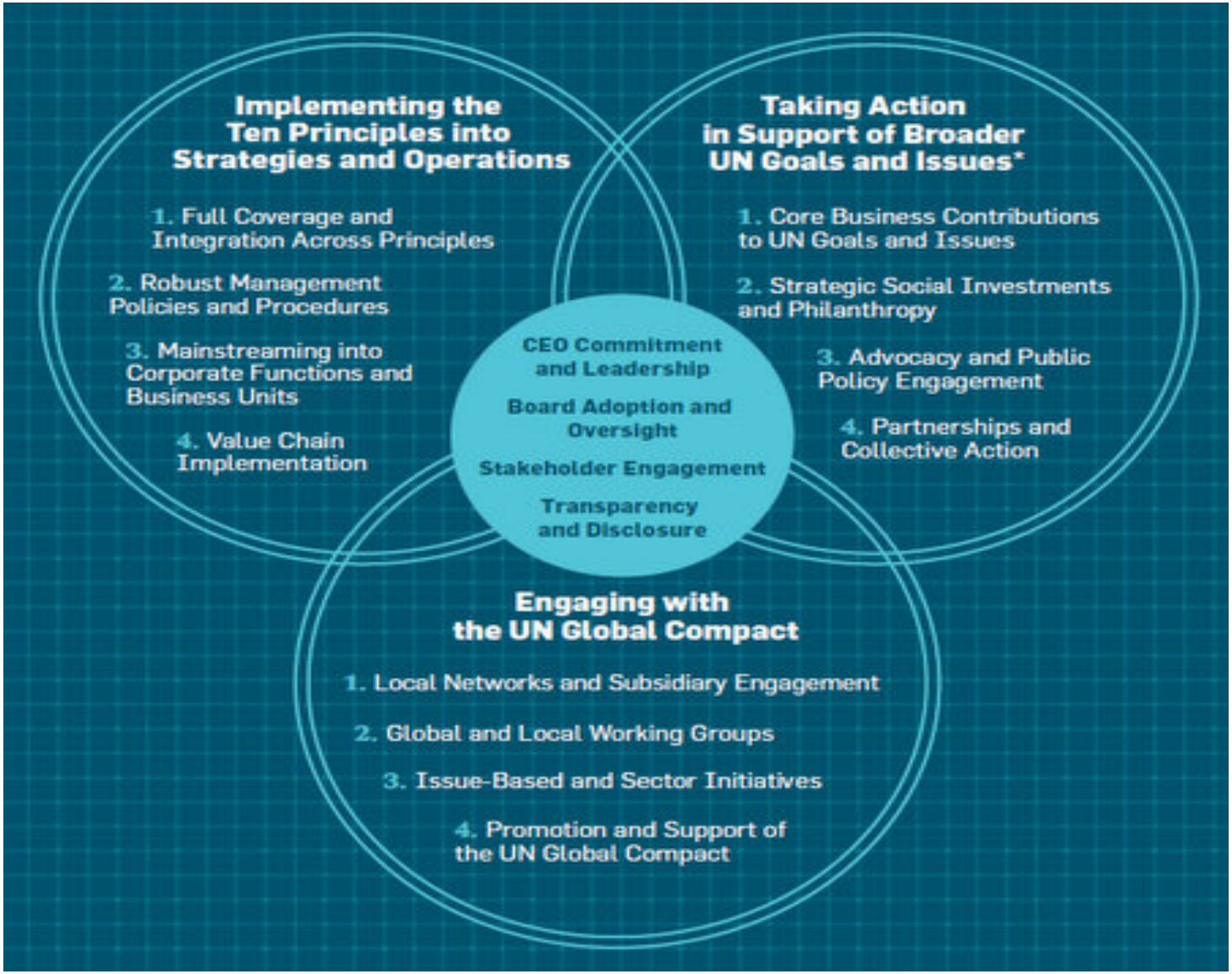
We want to count: it is the difference between being involved and being committed.

We are called to aspire not just to be wise counselors but wise leaders: let us emphasizing the concept of “lawyer” to include “lawyer as leader.”

Our societies are suffering from a leadership deficit. We need lawyers who are able to ask and answer “what ought to be” questions, not only “what is” questions.

It is not an imposition of Law,
it is Love that demands it

UNGC Blueprint For Corporate Sustainability Leadership



We adopted it

CEO statement

Law is an arena in which fundamental questions about the nature of rights and justice confront the realities of the social world. It is the challenge of bringing rights and realities together that draws us to the practice of law and to the study of law in action.

How can we devise a system of justice that better realizes the ideals of the rule of law?

The real measure of our success is the impact we have in advancing the understanding and improvement of the legal system.

During 2014-2015 period, I have felt proud we have once again fulfilled the requirements of meeting the Criteria for the Advanced Level. This has involved focusing upon the power related to our lawyer's activity, our calling, as lawyers, to do good works.

It is a part of our responsibility to address UNGC Principles issue.

So, we express our continued support for the Global Compact, renewing our ongoing commitment to the initiative and its principles.

Our COP reflects our story, our vision.

As a private business, not traded on any stock exchange, with no requirement to disclose data and not scrutinized on a regular basis by analysts and investors, this report is a statement of our quality, our transparency and our leading position in the market.

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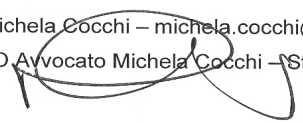
Founder and CEO Avvocato Michela Cocchi – Studio Legale



CEO Declaration of Commitment on the Development and Promotion of the Field of Business and Human Rights within the Legal Profession

According to the joint Declaration of Commitment on the Development and Promotion of the field of Business and Human Rights within the Legal Profession signed on 2015, June 9° in Geneva, Switzerland, among others by American Bar Association, Union Internationale des Avocats, Law Society of England and Wales

RECOGNIZING that protection of, and respect for, human rights and the rule of law, and effective remedies for human rights violations, are fundamental to well-ordered societies and to the realization of human potential;
WELCOMING the development of frameworks on business and human rights, in particular, the United Nations Guiding Principles on Business and Human Rights (UNGPs), to ensure human rights are protected and respected in the conduct of business activities;
EMBRACING the integral role of lawyers in promoting and defending human rights and the rule of law in all contexts;
THEREFORE DO COMMIT to undertaking the following activities:
1. PROMOTING the realization of human rights in the business context, including through dissemination and implementation of the UNGPs and other frameworks on business and human rights locally, regionally, nationally, and globally;
2. EDUCATING lawyers about human rights in the business context, including about the UNGPs and other frameworks on business and human rights and their relevance to legal practice and counseling;
3. DEVELOPING AND IMPLEMENTING further policy initiatives, including industry standards and metrics, that build upon the UNGPs and other frameworks on business and human rights and promoting the realization of human rights in the business context across diverse sectors and industries,

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Fulfilment of the Requirements of the 21 Criteria for the Advanced Level

Criterion 1:

The COP describes mainstreaming into corporate functions and business units

For us, embedding human rights and UNGC Principles in business is no more an optional policy choice or a gesture of charity: it has become an instrument to give legitimacy to the investments of our clients and ours, and protect them.

Our programmes emphasise UNGC Principles, that within their sphere of influence, businesses should support and respect.

Within these programmes and services, the inclusion of media, government and NGOs creates a network not only for support, but also for constructive critique and improvement, that differentiates the strategic use of corporate social responsibility from general philantropy.

Traditional grid of our Business and Human Rights Department provided services comply with the UNGC Framework, according to a step-by-step path:

I - Getting Started

II - Strategy

III - Policy

IV - Processes & Procedures

V - Communications

VI - Training

VII - Measuring Impact & Auditing

VIII – Reporting

The questions and issues we have explored include:

• What is the business case for adopting a proactive approach indealing with UNGC Principles?

• How can companies formulate comprehensive UNGC Principles policies, and what are the benefits of doing so?

• What are the boundaries of a company's UNGC Principles responsibilities?

• What are the success factors for integration of UNGC Principles into business practices?

• What methodologies are available to decide if and how operating in a country with weak governance and/or serious UNGC Principles concerns?

• What are the risks, challenges and opportunities in engaging in multi-stakeholder dialogue?

• What are examples of strategies for more effectively tackling UNGC Principles issues in the supply chain?

Strengthening Sustainability by Raising Competitiveness

and

Strengthening Competitiveness by Raising Sustainability

Sustained structural reforms aimed at enhancing competitiveness are and will be necessary for each organization to stabilize its economic growth and ensure its rising prosperity going into the future.

We have chosen to improve those reforms inside our entity, embedding both the sustainability perspective in competitiveness framework and competitiveness perspective in sustainability framework.

DEFINING and MEASURING SUSTAINABLE COMPETITIVENESS

We define competitiveness as the set of organizations, policies, and factors that determine the level of productivity of an entity.

We define sustainable competitiveness as the set of organizations, policies, and factors that make an entity remain productive over the longer term while ensuring social and environmental sustainability.

Fundamental to this concept is the notion that, while competitiveness can be equated with productivity and economic performance, sustainable competitiveness can be linked to a broader concept that focuses on aspects that go beyond mere economic performance to include other important elements that render entities sustainable by ensuring high-quality growth.

Criterion 2:

The COP describes value chain implementation

To the Future

Between global challenges, trends, shifts, and alternative worlds:

which will our best be?

Since our foundation in the mid-1990s, our governance has been modeled after the CND (Cluster and Network Development).

According to UNIDO (United Nations Industrial Development Organization) definition,

Clusters are sectoral and geographical concentrations of enterprises that produce and sell a range of related or complementary products and, thus, face common challenges and opportunities. These concentrations can give rise to external economies such as emergence of specialized suppliers of raw materials and components or growth of a pool of sector-specific skills and foster development of specialized services in technical, managerial and financial matters.

Networks are groups of firms that cooperate on a joint development project complementing each other and specializing in order to overcome common problems, achieve collective efficiency and penetrate markets beyond their individual reach. Networks can be developed within or independently of clusters.

Our approach is based on the assumption that MSMEs (Micro-, Small and Medium Enterprises) play a key role in terms of employment and income generation, and that their development is often hampered by their isolation.

Accordingly to UNIDO Clusters & Networks Development Programme, to achieve this aim, two main elements:

(a) Technical cooperation in formulating and implementing CND initiatives that generates pilot projects in the territories we operate;

(b) Upscaling CND efforts through institutional capacity-building and policy advice with a view to fostering the dissemination of CND policies on the regional or national scales.

An additional noteworthy feature of our CND projects is their heavy reliance on local expertise, with international expertise involvement invoked primarily in the startup phase and gradually reduced over time.

Focus of our CND projects

is on

forming *social capital*

that can provide

the *glue*
between groups of entrepreneurs in clusters,

while later serving as a *lubricant*
to stimulate development
of new business relationships in value chains

Our CND programme is characterized by a continuous effort to develop and refine intervention methods, grounded in theories pertaining to business linkages but, equally important, in a detailed understanding of *what works* based on field-level project experience.

Accordingly UNIDO methodology, ours is based on the following steps:
-Cluster selection, which entails the identification of the cluster(s) to be assisted;
-Diagnostic study, an action-oriented analysis of strengths, weaknesses, opportunities and threats of the cluster(s);
-Vision building and action planning, which refers to the formulation of a vision and a corresponding development strategy shared by the entire cluster;
-Implementation, i.e. the management and coordination of the activities outlined in the action plan, including the establishment of horizontal and vertical networks;
-Monitoring & Evaluation (M&E) of the qualitative and quantitative outcomes of the project.

This methodology helps trigger the process of cluster development. To make it sustainable over time, we work with local institutions strengthening their capacity to assume leadership of the process and support cluster firms in their future endeavors.

Through networking, individual local firms can address the problems related to their size and improve their competitiveness, being in the best position to help each other.

Through horizontal cooperation (i.e with other firms occupying the same position in the value chain), firms can collectively achieve scale economies beyond the reach of individual firms.

Through vertical cooperation (with other SMEs as well as with large-scale enterprises along the value chain), firms can specialize on their core business and give way to an external division of labour.

Inter-firm cooperation also gives rise to a collective learning space, an '*invisible college*', where ideas are exchanged and developed and knowledge shared in a collective attempt to improve product quality and occupy more profitable market segments.

Lastly, networking among firms, local policy makers can help to shape a shared local development vision and give strength to collective actions to enhance entrepreneurial strategies.

Lessons Learned

The experiences gained during the years of our involvement in network/cluster-related projects permit certain conclusions to be drawn.
The following six '*lessons learned*' represent a selection of some observations that may prove useful in designing future projects:

1. **Demand Orientation**. In our experience, project strategies must be flexible and vary from network to network and from cluster to cluster. One important requirement is that the intervention must be designed after a thorough analysis of the needs of the initiative and the surrounding economic environment from which resources can be tapped to satisfy those needs. Demand orientation is not passive but proactive.

Three principles guide our work with respect to networks, namely, they need to be:

a) business oriented,
b) production-grounded,
c) targeted at SMEs.

2. **Business Oriented**. Business orientation refers essentially to two components: firstly, networking must aim at visible improvements in the economic situation and prospects of participating firms; and, secondly, it must grant the group a new competitive advantage which they alone could not reach. **Production Grounded**. The second principle points to the importance of process and product innovation and structural improvement. Supporting a network, therefore, should involve not only the search for new market opportunities, but also provide the assistance required to restructure the network's production organization to respond to new markets in a timely manner, with the right quantities and quality. **Targeted at SMEs**. The third principle refers to the fact that, even though networks may involve other partners, the primary beneficiaries need to be the Small and/or Medium firms.

3. **Multidimension**. Networking is a multidimensional concept and does not apply only to business. Institutional networking, networking between the private and public sectors, and country networking are equally important concepts in our activities. The idea is to specialize and cooperate to the maximum extent, so that each actor in the economic system can dedicate itself to core functions and perform them to the best of his or her abilities. In practice, this principle translates into the natural evolution of the networking units which specialize into strategic functions, decentralizing the implementation functions, after an initial period, when they centralize them.

4. **People Involved**. The key resource in networking initiatives is the people involved. With this in mind, it is important to distinguish four factors that can increase the likelihood of project success: people's ownership, empowerment, skills, and incentives. At all levels, the project actors must: a) own the project, and feel it is in their interest to execute it. To this end, it is important to invest adequately in raising awareness at all levels, to involve local actors in project design, and encourage their continual feedback for improving project implementation; b) be empowered to act. In other words, all the actors involved must have the leverage, credibility and resources to play their role; c) have the right skills to act. In addition to an appropriate academic and professional background, the skills of network participants must encompass such invaluable '*extracurricular*' skills such as the capacity to build teams, deep knowledge of local social rules and an openness to establish contacts; d) have the right motivation and incentives. Our experience indicates that appropriate incentive schemes can enhance participants' motivation and channel their efforts into projects that hold the possibility of higher impact and longer-term gains for the networks. The incentives must be anchored not only to financial performance of the networks but to more comprehensive criteria involving qualitative assessment, being made based on the achievement of the objectives indicated in the agreed work plans.

5. **Training and Exposure to Best Practices**. In our experience, the kind of training that has emerged as valuable and effective in transferring knowledge on the *'nuts and bolts'* of networking, is to rely heavily on concrete cases of successful networks and clusters and let networking agents hear directly from other agents who have implemented successful networking projects. To this end, accordingly to UNIDO framework, we have developed the concept of "Joint Learning Programmes" aimed at giving first-hand exposure to cluster and network agents to successful experiences. In addition to this specific training, a series of working tools have also been systematized to facilitate the work of the network participants and accelerate the transfer of knowledge to new networking agents. Other instruments heve been developed such as a practical manual for network members and a set of monitoring and evaluation indicators for networking projects. All these instruments are constantly evolving and are meant to stimulate creative thinking rather than impose rigid boundaries.

6. **No Single and Pre-Defined Path**. Lastly, there is no single and pre-defined path to be followed in the implementation of cluster/network promotion initiatives that can be effortlessly replicated across countries and/or regions. These initiatives need to be flexible and in tune with the characteristics of the environment where we operate. A bottom-up approach, centred on fostering an entrepreneurial vision and supporting local actors' initiatives to realize it, appears to be the best in our experience.

Within our international structure, centered on a cluster/network framework, complying with UNIDO Programme for Development of Clusters and Networks of SMEs, and being consistent with OECD June 2000 “Bologna Charter for SME Policies”, we apply and enforce:

the UIA - Union Internationale des Avocats
Turin Principles of Professional Conduct
for the Legal Profession
in the 21st Century

according to the Resolution adopted by the General Assembly of the UIA - Union Internationale des Avocats held in Sydney, on October 27th, 2002.

The Principles state as follows:

“Whereas there is a diversity of views of the Lawyer's role in a wide range of political, social and cultural contexts

Whereas, although economic development and advances in communication and information technology have required those who render services in related areas to work together and cooperate in new ways, they must still follow the basic principles which govern them in advising and defending their clients, both in their own countries and on an international level

Whereas, regardless of differing geographic and economic contexts, the Lawyer continues to play a fundamental role in the defence of human rights, be they civil, political, economic, social or cultural in nature.

Whereas, that role is played not only in the courts, but also privately, as an advisor, in order to:

- ensure that, despite the complexity of modern legal systems, the rules of law are more widely known, thereby ensuring that they will be respected and observed;

- limit recourse to the courts by discouraging frivolous suits and helping settle disputes by first referring the parties to mediation or conciliation;

- maintain stability in legal relationships despite an increasing trend toward self-regulation, deregulation and globalisation.

Whereas, it is necessary to ensure the recognition and continued significance of the Lawyer’ role, even in the face of pressure from authorities, be they executive, legislative or judicial

Whereas, in order to attain this goal, it is essential that all States recognise the basic principles underlying the legal profession through which, despite differences in culture and development, its fundamental characteristics can be distilled and rules can be developed to protect and preserve them

Whereas the fundamental principles of the legal profession are set forth in the Bylaws and Codes of the UIA and in the Basic Principles on the Role of Lawyers endorsed by the UN General Assembly in 1990, according to which:

- the Lawyer plays an essential role in defending individuals in the courts, by guaranteeing them an absolute right to the effective assistance of counsel and a defence without prejudice or discrimination, in complete independence and freedom, including but not limited to freedom of association, religion, speech and opinion;

- the Lawyer has both the right and the duty to ensure the spread of the rule of law and toparticipate in its development;

- the Lawyer must practice the profession in a spirit of service and humanism, in accordance with the code of legal ethics and professional responsibility, especially the attorney-client privilege;

- the fundamental task of professional associations of lawyers is to ensure compliance with the standards and norms governing the practice of law, to defend their members against any unwarranted interference or restraint, to ensure free access by all to legal services and to cooperate with all other institutions which serve the cause of justice

Whereas, the corollary to the Lawyer's role and rights is the obligation to perform the corresponding duties, as the said rights and duties are an essential condition of the protection of both the public interest and the interests of individuals

Whereas, these principles of professional conduct are subject to the laws and rules of ethics governing the legal profession

The Lawyer's Role

It is the Lawyer's role to ensure the protection of all persons before the law.
Lawyers have the right and the duty to practice their profession in a manner that furthers knowledge, understanding and application of the law, whilst protecting the interests entrusted to their care.

Recognition of the Lawyer's Role

Lawyers are entitled to recognition and protection of their role by society and any authority, be it legislative, executive or judicial, as their role must be considered an essential instrument in the administration of justice and the organisation of Society.
Lawyers have the duty to do everything in their power to ensure that such recognition is preserved by maintaining quality and fairness in rendering their services, whilst acting in accordance with the highest ethical standards and cultural norms.
Lawyers must therefore be allowed access by all authorities and governmental agencies, in each and every case, to the clients and documents they need to defend the interests entrusted to their care.

Independence

Lawyers have the right to practise their profession freely and independently, without being subjected to pressure or discrimination of any kind whatsoever.
Lawyers have the duty to preserve their independence by avoiding any situation in which their actions could be compromised by interests inconsistent with those of their client.

Immunity and right to a fair trial

Lawyers have the right to practice their profession without prejudice or restraint, shielded by total professional immunity, which precludes any unlawful search of the Lawyer's office.

Lawyers have the duty to do everything in their power to ensure that their clients' rights are protected and that their clients receive a fair trial in any court or before any other authority.

Relations with Judges

Lawyers are entitled to recognition by Judges of the importance of their role in judicial proceedings, for they are actors in those proceedings whose presence ensures a fair trial.

Lawyers have the duty to act in an honourable and dignified manner towards Judges and to fight to ensure the independence of the judiciary.

Freedom to choose clients

Lawyers have the right freely to agree or refuse to represent any client according to the Lawyer's own conscience, and if the Lawyer agrees, the decision shall not be interpreted to mean that the Lawyer identifies with the client's cause.

Lawyers have the duty to refuse to represent any client whom they believe they cannot represent in a competent, independent and diligent manner.

Attorney-client privilege

A Lawyer has the right, in the context of the above recitals, to recognition and respect of the attorney-client privilege by any person before the law and any authority. This privilege is an intangible principle designed, under a government of laws, to provide the foundation for the relationship between the Lawyer and the client, and to ensure that the legal rights of citizens are protected.

A Lawyer has the duty to keep confidential any fact or information the Lawyer learns in representing a client.

No duty to report

Lawyers should not be compelled to report facts which they discover in practising their profession.

Where a Lawyer learns of an activity that could endanger human life, he or she must take all precautions to protect that life, as permitted by the attorney-client privilege.

Whenever a Lawyer discovers a criminal or unlawful activity, he or she must of course refuse to take part in it. Even then, the Lawyer should be under no obligation to report it to the authorities, but rather has the duty to withdraw from the matter as soon as the Lawyer has grave suspicions that the activity described may conceal unlawful acts, and that the client does not intend to refrain from that activity.

Role of and representation by the Bar

Depending on the country, a Lawyer has the duty or the right to be a member of a Bar or Law Society and to ensure that the profession is governed by rules laid down by the representative bodies of which he or she is a member, and that they are observed.

Provided that the Bar observes the principles set out in the Basic Principles on the Role of Lawyers endorsed by the UN, Lawyers have the duty to recognise the Bar's right to establish such rules and to ensure compliance by conforming their conduct to the rules laid down by their own Bar and those of the other jurisdictions in which they practise.

The representatives of the legal profession must be able to contribute to the development of legislation,case law and jurisprudence.

Regulation of the Practice of Law

Lawyers have the right to practise their profession in the form they deem most appropriate, either individually or in partnership, in accordance with the laws of their own country and those of the country in which they provide their services.

Lawyers have the duty to preserve the personal and exclusive nature of their representation of their client, even when they practice in a larger entity.

Internet and Other Communication Technologies

A Lawyer's Web site forms part of the Lawyer's office.

The content of the firm's Web site may be freely developed subject to observance of the fundamental principles which govern the legal profession.

Lawyers should avail themselves of communication technologies which are available at reasonable cost in order to improve service to their clients. In doing so, Lawyers should take care
to maintain the confidentiality of Lawyer-client communications.

Fees

A Lawyer has the right to a fair fee for services rendered.

The Lawyer's fee may either be fixed or based on the services provided. The fee may take into account the result obtained, provided that the client consents.

The Lawyer has the duty to practice in a spirit of service, in accordance with the rules of the profession, without allowing economic or financial considerations to take precedence.

Pro bono representation

A Lawyer has the duty to work to provide the indigent with the best possible defence.

The Lawyer has the duty to request that the authorities make available the necessary physical and financial resources, it being understood that any failure to provide a quality defence is a violation of the individual's fundamental rights.

Cooperation

A Lawyer has the right to work with and the duty to maintain solidarity with his or her Colleagues, regardless of national boundaries, in obtaining recognition of the Lawyer's role and in affirming the principles of the profession and observance of its ethical rules.

Lawyers may defend clients outside of their own country in accordance with the principles of the International Convention on Safeguarding the Right of Defence and the Code of Defence adoptedby the UIA.

* * *

The principles laid down in these Principles of Professional Conduct may be supplemented by rules governing the legal profession in force in any State when those rules provide better conditions for the practise of law and greater respect for the legal profession."

Respect human rights,
which in essence means to manage the risk of
damaging human rights
with a view to avoiding it

Criterion 3:

The COP describes robust commitments, strategies or policies in the area of Human Rights

Our commitment to comply with all applicable laws and respect internationally recognized human rights, wherever we operate (e.g., the Universal Declaration of Human Rights, Guiding Principles on Human Rights), including the commitment to treat the risk of causing or contributing to gross human rights abuses is realized through our action consisting of a structured partnership, built on a broad network of development partners such as other Law Firms, Financial Institutions, International Organizations, Government Agencies, Judiciaries, Universities, Think-tanks and Civil Society Organizations.

Reference to relevant international conventions and other international instruments

The UDHR (Universal Declaration of Human Rights) adopted on 10 December 1948 - together with the 1966 International Covenant on Civil and Political Rights (and its two Optional Protocols) and International Covenant on Economic, Social and Cultural Rights, forming the so-called International Bill of Human Rights - is the instrument to which we refer as the fundamental norms of human rights that everyone should respect and protect.

In addition to the International Bill of Rights and the core human rights treaties, there are many other universal instruments relating to human rights, that are relevant to our practice. A non-exhaustive selection is listed below.

- WORLD CONFERENCE ON HUMAN RIGHTS AND MILLENNIUM ASSEMBLY
Vienna Declaration and Programme of Action
United Nations Millennium Declaration

- RIGHT OF SELF-DETERMINATION
United Nations Declaration on the Granting of Independence
to Colonial Countries and Peoples
General Assembly resolution 1803 (XVII) of 14 December 1962,
"Permanent sovereignty over natural resources”

- RIGHTS OF INDIGENOUS PEOPLES AND MINORITIES
Declaration on the Rights of Indigenous Peoples
Indigenous and Tribal Peoples Convention, 1989 (No. 169)
Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

- PREVENTION OF DISCRIMINATION

Equal Remuneration Convention, 1951 (No. 100)

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

International Convention on the Elimination of all Forms of Racial Discrimination (ICERD)

Declaration on Race and Racial Prejudice

Convention against Discrimination in Education

Protocol Instituting a Conciliation and Good Offices Commission to be responsible for seeking a settlement of any disputes which may arise between States Parties to the Convention against Discrimination in Education

Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

World Conference against Racism, 2001 (Durban Declaration and Programme of Action)

- RIGHTS OF WOMEN

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW-OP)

Declaration on the Protection of Women and Children in Emergency and Armed Conflict

Declaration on the Elimination of Violence against Women

- RIGHTS OF THE CHILD

Convention on the Rights of the Child (CRC)

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC-OPSC)

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OPAC)

Minimum Age Convention, 1973 (No. 138)

Worst Forms of Child Labour Convention, 1999 (No. 182)

- RIGHTS OF OLDER PERSONS

United Nations Principles for Older Persons

- RIGHTS OF PERSONS WITH DISABILITIES

Convention on the Rights of Persons with Disabilities

Declaration on the Rights of Mentally Retarded Persons

Declaration on the Rights of Disabled Persons

Principles for the protection of persons with mental illness and the improvement of mental health care

Standard Rules on the Equalization of Opportunities for Persons with Disabilities

-HUMAN RIGHTS IN THE ADMINISTRATION OF JUSTICE: PROTECTION OF PERSONS SUBJECTED TO DETENTION OR IMPRISONMENT

Standard Minimum Rules for the Treatment of Prisoners

Basic Principles for the Treatment of Prisoners

Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

United Nations Rules for the Protection of Juveniles Deprived of their Liberty

Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)

Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Safeguards guaranteeing protection of the rights of those facing the death penalty

-HUMAN RIGHTS IN THE ADMINISTRATION OF JUSTICE: PROTECTION OF PERSONS SUBJECTED TO DETENTION OR IMPRISONMENT

Code of Conduct for Law Enforcement Officials

Basic Principles on the Use of Force and Firearms by Law Enforcement Officials

United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules)

United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)

Guidelines for Action on Children in the Criminal Justice System

United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)

Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

Basic Principles on the Independence of the Judiciary

Basic Principles on the Role of Lawyers

Guidelines on the Role of Prosecutors

Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions

Declaration on the Protection of All Persons from Enforced Disappearance

Basic Principles and Guidelines on the Right to a Remedy and Reparation

International Convention for the Protection of All Persons from Enforced Disappearance

- SOCIAL WELFARE, PROGRESS AND DEVELOPMENT

Declaration on Social Progress and Development

Universal Declaration on the Eradication of Hunger and Malnutrition

Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind

Declaration on the Right of Peoples to Peace

Declaration on the Right to Development

Universal Declaration on the Human Genome and Human Rights

Universal Declaration on Cultural Diversity

- MARRIAGE

Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages

Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages

- RIGHT TO HEALTH

Declaration of Commitment on HIV/AIDS

- RIGHT TO WORK AND TO FAIR CONDITIONS OF EMPLOYMENT

Employment Policy Convention, 1964 (No. 122)

- FREEDOM OF ASSOCIATION

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

- SLAVERY, SLAVERY-LIKE PRACTICES AND FORCED LABOUR

Slavery Convention

Protocol amending the Slavery Convention signed at Geneva on 25 September 1926

Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery

Forced Labour Convention, 1930 (No. 29)

Abolition of Forced Labour Convention, 1957 (No. 105)

Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

- RIGHTS OF MIGRANTS

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICPMW)

Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations

Convention against Transnational Organized Crime

- NATIONALITY, STATELESSNESS, ASYLUM AND REFUGEES

Convention on the Reduction of Statelessness

Convention relating to the Status of Stateless Persons

Convention relating to the Status of Refugees

Protocol relating to the Status of Refugees

Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live

- WAR CRIMES AND CRIMES AGAINST HUMANITY, INCLUDING GENOCIDE

Convention on the Prevention and Punishment of the Crime of Genocide

Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity

Principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity

Statute of the International Tribunal for the Former Yugoslavia

Statute of the International Tribunal for Rwanda

Rome Statute of the International Criminal Court

- HUMANITARIAN LAW

Geneva Convention relative to the Treatment of Prisoners of War

Geneva Convention relative to the Protection of Civilian Persons in Time of War

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)

Criterion 4:

The COP describes effective management systems to integrate the human rights principles

Our Human Rights Due Diligence Action, including an assessment of actual and potential human rights impacts

The “Why” in Summary

Why respect human rights?

• We have a responsibility to respect human rights, which means to avoid infringing on the human rights of others.
• To gain commercial benefits associated with good human rights practice.

Why develop a human rights policy?

• To provide a basis for embedding the responsibility to respect human rights through all business functions.
• To respond to relevant stakeholder expectations.
• To identify policy gaps and initiate a process that alerts our company to new areas of human rights risk.
• To elaborate on the commitment of ours to support human rights.
• To build increased trust with external stakeholders and to start to understand and address their concerns.
• To foster the development of in-house learning, management capacity and leadership on human rights issues.
• To demonstrate international good business practice.

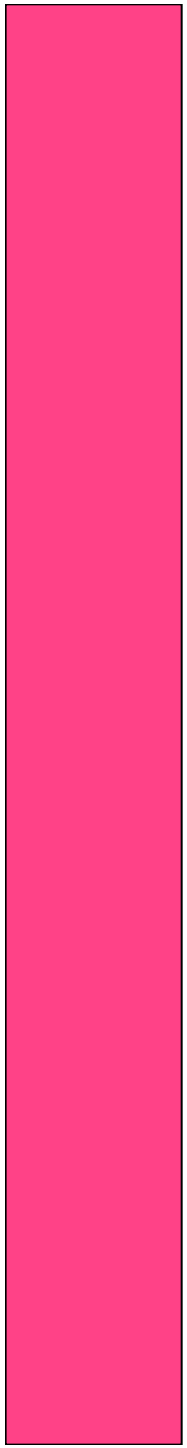
The “How” in Summary

Getting started - the process behind the policy

• Developing a human rights policy is a dynamic, though not always a predictable process.
• Assigning senior management responsibility to drive the process.
• Involving all business operations in policy development, implementation and reviews.
• Mapping existing company policies to identify human rights coverage and gaps.
• Involving cross-functional personnel in the process to build understanding, know-how and a sense of common purpose.
• Consulting internal and external stakeholders to identify and respond to their expectations.

What are the key ingredients of a human rights policy?

All policies – whether stand-alone or integrated – at a minimum comprise:
• An explicit commitment to respect all human rights which refers to international human rights standards, including the Universal Declaration of Human Rights.
• Provisions on labour/workplace rights.
• Provisions on non-labour rights. These will reflect human rights priorities and are likely to be particular to our industry/areas of operation.



The “What” in Summary

Path to implementation

- Assessing our human rights impacts and risk areas, including country analyses, new operation assessments and stakeholder consultation.
- Integrating human rights throughout the company, looking at training, communication, management systems, etc.
- Tracking and communicating on performance, including by identifying progress measurement indicators.
- Providing for or cooperating in remedying an adverse human rights situation that a company has caused or contributed to through legitimate processes.
- Establishing or participating in effective operational-level grievance mechanisms for individuals and communities that may be adversely affected by the company's activities.

Questions that are asked

-Do we already have systems on which we may build as we develop our human rights due diligence processes?

-Are these systems effective and fit for the purpose of addressing human rights risks?

-What changes may be needed to make them fit for this purpose?

-Are there circumstances in which we will need separate processes for human rights?

-Who should lead on human rights due diligence? Who needs to have oversight?

-What departments will most likely need to be involved in aspects of human rights due diligence? How could we involve them in the development of the processes? How could we structure and motivate collaboration?

The “Action” in Summary

Human rights due diligence is at the core of our internal movement for corporate accountability. Thus, this standard is increasingly looked to for implementing the corporate responsibility to respect human rights.

We have commissioned an internal Expert Team to formulate us legal and policy recommendations on ways to promote due diligence to prevent, remedy and mitigate adverse human rights impacts.

The Expert Team will develop a survey methodology (“Survey”) that has been sent to our various operational entities from around the world. Throughout this research process, private consultations have been held in various jurisdictions for our experts to meet with local experts, other legal practitioners and civil society leaders. These consultations has enabled us to gain valuable inputs into our project, to promote the findings and to aide in bringing together diverse legal practitioners with local NGOs.

In doing so, they chose to specify the precise due diligence steps that have to be taken.

The Action’s final recommendations has encouraged the adoption of “best practices” in current use.

The recommendations has also taken into account differences among legal systems and cultures, varying levels of economic development, and other distinguishing factors identified in the survey responses.

Action Timeline

§ July – December:

Monitoring and Assessing phase

§ January – May:

Drafting phase

§ June:

Report Release

Criterion 5:

The COP describes effective monitoring and evaluation mechanisms of human rights integration

Outcomes of due diligence process

One of the key challenges of sustainable development is that it demands new and innovative choices and ways of thinking.

While developments in knowledge and technology are contributing to economic development, they also have the potential to help resolve the risks and threats to the sustainability of our social relations, environment, and economies.

New knowledge and innovations in technology, management, and public policy are challenging us - like other organizations - to make new choices in the way our operations, services, and activities impact the earth, people, and economies.

The urgency and magnitude of the risks and threats to our collective sustainability, alongside increasing choice and opportunities, will make transparency about economic, environmental, and social impacts a fundamental component in effective stakeholder relations, investment decisions, and other market relations.

To support this expectation, and to communicate clearly and openly about sustainability, we needed a globally shared framework of concepts, consistent language, and metrics. Consequently, we chose the Global Reporting Initiative's (GRI), the mission of which is to fulfil this need by providing a trusted and credible framework for sustainability reporting.

Making the connection with GRI4

GRI Disclosures

Indicators Human Rights

Aspect Investment:
G4-HR2: TOTAL HOURS OF EMPLOYEE TRAINING ON HUMAN RIGHTS POLICIES OR PROCEDURES CONCERNING ASPECTS OF HUMAN RIGHTS THAT ARE RELEVANT TO OPERATIONS, INCLUDING THE PERCENTAGE OF EMPLOYEES TRAINED

600 hours _ 100%

Aspect Assessment:
G4-HR9: PERCENTAGE OF OPERATIONS THAT HAVE BEEN SUBJECT TO HUMAN RIGHTS REVIEWS OR IMPACT ASSESSMENTS

100%

Society

Aspect Local Communities:
G4-SO1: PERCENTAGE OF OPERATIONS WITH IMPLEMENTED LOCAL COMMUNITY ENGAGEMENT, IMPACT ASSESSMENTS, AND DEVELOPMENT PROGRAMS

80%

GRI Disclosures

Indicators Human Rights

Aspect Investment:
G4-HR1: TOTAL PERCENTAGE OF SIGNIFICANT INVESTMENT AGREEMENTS AND CONTRACTS THAT INCLUDE HUMAN RIGHTS CLAUSES OR THAT UNDERWENT HUMAN RIGHTS SCREENING

100%

Aspect Supplier Human Rights Assessment:
G4-HR10: PERCENTAGE OF NEW SUPPLIERS THAT WERE SCREENED USING HUMAN RIGHTS CRITERIA

100%

Criterion 6:

The COP describes robust commitments, strategies or policies in the area of labour

The challenges of globalization
have made international labour standards more relevant than ever.

Reference to principles of relevant international labour standards (ILO Conventions) and other normative international instruments

ILO Declaration
on Fundamental Principles and Rights at Work
(in particular the eight core Conventions of the ILO consisting of Conventions 100, 111, 87, 98, 138, 182, 29, 105)

ILO Declarations

Declarations are resolutions of the International Labour Conference used to make a formal and authoritative statement and reaffirm the importance which the constituents attach to certain principles and values. Although declarations are not subject to ratification, they are intended to have a wide application and contain symbolic and political undertakings by the member States.

§ILO Declaration on Social Justice for a Fair Globalization (2008)

§ILO Declaration on Fundamental Principles and Rights at Work (1998)

§Declaration on Gender Equality, adopted by the International Labour Conference in 1975 on the occasion of International Women's Year. The Conference issued other resolutions concerning gender equality in 1981, 1985, 1991, 2004, and 2009.

§Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration)

Criterion 7:

The COP describes effective management systems to integrate the labour principles

Risk and impact assessments in the area of labour

Our internal so called ‘Social Sustainability Framework’ articulates our strategic commitment to social sustainable development, and is an integral part of our internal approach to risk management.

The Social Sustainability Framework comprises our Policy and Performance Standards on Social Sustainability, and Access to Information Policy. The Policy on Social Sustainability describes our commitments, roles, and responsibilities related to social sustainability. The Access to Information Policy reflects our commitment to transparency and good governance on our operations.

We use the Social Sustainability Framework along with other strategies, policies, and initiatives to direct our business activities in order to achieve our overall development objectives.

The specific “Labour and Working Conditions” Performance Standard provides guidance on how to identify risks and impacts, and is designed to help avoid, mitigate, and manage risks and impacts as a way of doing business in a sustainable way.

The Performance Standard establishes standards that we are to meet throughout the life of our initiatives and activities as to:

Labour and Working Conditions

The “Labour and Working Conditions” Performance Standard recognizes that the pursuit of economic growth through employment creation and income generation should be accompanied by protection of the fundamental rights of workers.

For any business, the workforce is a valuable asset, and a sound worker-management relationship is a key ingredient in the sustainability of a company.

Failure to establish and foster a sound worker-management relationship can undermine worker commitment and retention, and can jeopardize a project.

Conversely, through a constructive worker-management relationship, and by treating the workers fairly and providing them with safe and healthy working conditions, we may create tangible benefits, such as enhancement of the efficiency and productivity of their operations.

The requirements set out in the Performance Standard have been in part guided by a number of international conventions and instruments, including those of the International Labour Organization (ILO) and the United Nations (UN).

These conventions are:
ILO Convention 87 on Freedom of Association and Protection of the Right to Organize;
ILO Convention 98 on the Right to Organize and Collective Bargaining;
ILO Convention 29 on Forced Labour;
ILO Convention 105 on the Abolition of Forced Labour;
ILO Convention 138 on Minimum Age (of Employment);
ILO Convention 182 on the Worst Forms of Child Labour;
ILO Convention 100 on Equal Remuneration;
ILO Convention 111 on Discrimination (Employment and Occupation);
UN Convention on the Rights of the Child, Article 32.1;
UN Convention on the Protection of the Rights of all Migrant Workers and Members of their Families.

Objectives

§ To promote the fair treatment, non-discrimination, and equal opportunity of workers.

§ To establish, maintain, and improve the worker-management relationship.

§ To promote compliance with national employment and labour laws.

§ To protect workers, including vulnerable categories of workers.

§ To promote safe and healthy working conditions, and the health of workers.

We implement the “Labour and Working Conditions” Performance Standard within our

Social Assessment and Management System - SAMS

The SAMS incorporates the following elements:

(i) policy;
(ii) identification of risks and impacts;
(iii) management programs;
(iv) organizational capacity and competency;
(v) emergency preparedness and response;
(vi) stakeholder engagement;
(vii) monitoring and review.

Criterion 8:

The COP describes monitoring and evaluation mechanisms of labour principles integration

Key outcomes of integration of the labour principles

GRI Disclosures

Indicators Human Rights

Aspect Freedom of Association and Collective Bargaining:
G4-HR4: OPERATIONS AND SUPPLIERS IDENTIFIED IN WHICH THE RIGHT TO EXERCISE FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING MAY BE VIOLATED OR AT SIGNIFICANT RISK, AND MEASURES TAKEN TO SUPPORT THESE RIGHTS

0

Indicators Labor

Aspect Labor/Management Relations:
G4-LA4: MINIMUM NOTICE PERIODS REGARDING OPERATIONAL CHANGES, INCLUDING WHETHER THESE ARE SPECIFIED IN COLLECTIVE AGREEMENTS

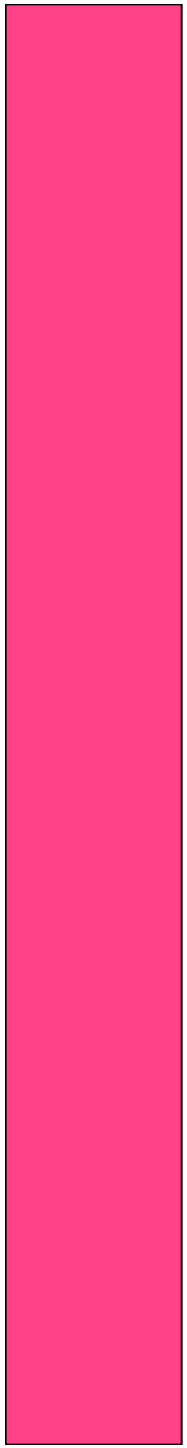
6 months

It is up to us to decide what our life will be tomorrow.
Every second is a second chance to change the world.
Let us create, love and live.

Criterion 9:

The COP describes robust commitments, strategies or policies in the area of environmental stewardship

Reference to relevant international conventions and other international instruments



1972 Stockholm UN Conference on Human Environment

1989 Agenda 21

1992 Rio 92

1993 Biodiversity Convention

1997 Kyoto Protocol

Rio+5

2000 Earth Charter

2002 Rio+10

2009 COP15 Copenhagen

2012 Rio+20

Other Major Agreements

§ The Universal Declaration of Human Rights

§ Convention on the Elimination of All Forms of Discrimination Against Women

§ UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage

§ Convention on the Rights of the Child

§ Convention on Environmental Impact Assessment in a Transboundary Context

§ The Beijing Declaration and Platform of Action

§ Gender, Equality, Development and Peace for the 21st century - 23rd Special Session of the General Assembly (A/RES/S-23/2)

Criterion 10:

The COP describes effective management systems to integrate the environmental principles

With the conclusion of the Rio+20 Conference on 22 June 2012, the two-year process - and the efforts of hundreds of thousands of people globally - produced an outcome text which exceeded expectations in many respects.

We appreciate the efforts to reach this landmark agreement.

"The Future We Want" renewed political commitment to sustainable development and confirmed the consensus regarding the challenges to future prosperity.

At the same time, however, it left questions unanswered and, for many people, it did not do enough to define a clear, collective path toward future sustainability and prosperity.

In the end, the Rio+20 process was a step forward, and it provides a foundation for all stakeholder groups to build on.

Moving forward, it is important to highlight the level of commitment demonstrated by business and industry to sustainable development in Rio.

We will continue to support the ‘offspring’ of Rio+20 and other international processes.

We recognize that tremendous effort will be required to deliver on the promise of Rio 1992 and Rio+20 and to put us on a collective path to a sustainable future.

We look to these new efforts to establish a new standard for engagement between the United Nations and the private sector.

To make progress, three areas have been prioritized for our action to ensure that the Rio+20 'offspring' flourish and generate meaningful progress toward sustainable development on a broad scale:

Innovate

Lead

Invest

Innovate:

collaborate to develop and deploy new solutions for sustainable development

We have an obligation to broaden and deepen our engagement, to explore new means of partnering and addressing a wide range of challenges, and to work with government to support the enabling environment, in order to address the sustainability challenges at the scale necessary.

Lead:

engage to build trust and deliver progress at scale

The challenge of sustainable development is complex, global, and interconnected.

We must continue to engage with global leaders to act together as positive forces for global sustainability.

Continued efforts across multiple levels of government are needed to encourage market-based approaches to solving sustainability challenges.

We - as business community - are uniquely positioned in terms of the expertise and agility needed to scale innovation in order to deliver sustainable solutions.

Good governance and supportive enabling environments at the international, national and local level help to spur investment and foster the research and expertise sharing needed.

Invest:

encourage and facilitate private investment in sustainable development

With most of the world facing fiscal crises or related contagion, private capital likely is the primary driver of investment in sustainable development.

The effective combination of private and public capital requires a range of incentives, partnerships, policy frameworks, and risk sharing - across levels of government - to achieve the necessary returns in pace, scale, and impact of these investments.

Key messages

We recognize the need for urgent action to address sustainability challenges and urges government to engage with the private sector to address this need.

We are actively moving forward to promote both corporate sustainability and sustainable development in general.

Collectively, we face an implementation gap. Collaboration between business and government, particularly at the local level, provides the best hope for an accelerated transition to a sustainable future.

We must increase the level, depth and complexity of Engagement.

No one stakeholder group can do this on their own.

We are all in this together

Nurturing

Focus on

- as a Vision, in its various and different meanings
- between now and 2030
- in the view that nothing in this world is indifferent to us

Taking into consideration the so called 5Ps track:

People

Planet

Prosperity

Peace Partnership

Starting point:

On 2015 September 24th

The Right to Adequate Food
A talk on the related issues

WHAT IS THE RIGHT TO FOOD?

A. Key aspects of the right to food
B. Common misconceptions about the right to food
C. The link between the right to food and other human rights
D. The right to food in international law

HOW DOES THE RIGHT TO FOOD APPLY TO SPECIFIC GROUPS?

A. The rural and urban poor
B. Indigenous peoples
C. Women
D. Children

WHAT ARE THE OBLIGATIONS ON STATES AND THE RESPONSIBILITIES OF OTHERS?

A. Types of obligations
B. Progressive and immediate obligations
C. Obligations with international dimensions
D. The responsibilities of others

IV. HOW CAN THE RIGHT TO FOOD BE IMPLEMENTED?

A. National implementation
B. Regional and international monitoring and accountability

At the same time as Expo Milano 2015, we are preparing to welcome an audience of law, justice and development professionals, private sector, organizations, financial institutions, governments, academia, think-tanks, civil society, media, for an occasion that will call all to have a hand at the achievement of sustainable development and peace.

We will be hosting a talk, also involving participants in a packed programme covering conversations and debates, exhibitions, performances, video projects and a closing party in the same venue of Palazzo Grassi, present seat of Officers' Club, one of the few surviving Bologna examples of Medieval urban configuration.

The full programme is coming soon

...stay tuned

Criterion 11:

The COP describes effective monitoring and evaluation mechanisms for environmental stewardship

Outcomes of integration of the environmental principles

Disclosure of no environmental incidents

We had no environmental incidents in the past year

“Here is your country.
Cherish these natural wonders,
cherish the natural resources, cherish the history and romance as a sacred heritage,
for your children and your children's children.
Do not let selfish men or greedy interests skin your country of its beauty,
its riches or its romance.”
(Theodore Roosevelt)

Criterion 12:

The COP describes robust commitments, strategies or policies in the area of anti- corruption

Statement of support for international and regional legal frameworks

We support:

Inter-American Convention against Corruption

Council of Europe Conventions on Corruption

OECD-Convention on Combating Bribery of Foreign Public Officials in International Business Transactions

AU-African Union Convention on Preventing and Combating Corruption

GRECO

UNCAC-United Nations Convention against Corruption

“It is not power that corrupts but fear”
(Aung San Suu Kyi)

Criterion 13:

The COP describes effective management systems to integrate the anti-corruption principle

Actions taken to encourage business partners to implement anti-corruption commitments

Our Anti-Corruption Action

Description of Action

-Identify how the private sector can share best practices, training materials, education and resources to support the implementation of integrity programmes, control procedures and raise awareness in both the public and private sectors

-Have business reciprocally call on governments to share their programmes with the private sector environment

Relevance

When considering the present corruption/anti-corruption situation, one arrives at the conclusion that our most important priority should not be to add new international conventions or other legal instruments. Rather, priority should be on further awareness raising of the need to fight corruption and the promotion of more effective implementaion anti-corruption compliance measures by companies through concrete and down-to-earth training and education programmes within companies

Criteria for Success

Increased anti-corruption compliance

Main Beneficiaries

-MNEs and SMEs
-International business organizations
-International organizations
-Governments

Activities

Develop training materials on anti-corruption compliance

Timeline

-Materials developed

-A third train-the-trainers programme for compliance officers delivered by 2016, June 30th

Leadership review of monitoring and improvement results

Description of Action

-Encourage the adoption of business Codes of Conduct

Expected Impacts

-Higher standards of business integrity
-Integrity becomes winning proposition

Criteria for Success

-More anti-corruption materials and resources available
-Greater understanding of the business case for anti-corruption

Activities

-Implementation of the 2013 developed model Code of Conduct

since 2014

From Regulation

Through De-Regulation

To Re-Regulation

Criterion 14:

The COP describes effective management systems to integrate the anti-corruption principle

Outcomes of integration of the anti-corruption principle

Disclosure of no incidents

We had no incidents related to alleged corruption in the past year

GRI Disclosures

Indicators Society

Aspect Anti-Corruption:

G4-SO3: TOTAL NUMBER AND PERCENTAGE OF OPERATIONS ASSESSED FOR RISKS RELATED TO CORRUPTION AND THE SIGNIFICANT RISKS IDENTIFIED

100%

G4-SO4: COMMUNICATION AND TRAINING ON ANTI-CORRUPTION POLICIES AND PROCEDURES _ Percentage of employees trained in organization's anti-corruption policies and procedures

100%

Taking Action in Support of Broader UN Goals and Issues

Criteria 15-18

*“Trovo **una regula universalissima**,*
la qual mi par valer circa questo
in tutte le cose umane che si facciano o dicano più che alcun altra:
e cioè fuggir quanto più si po,
e come un asperissimo e pericoloso scoglio,
la affettazione;
e, per dir forse una nova parola, usar in ogni cosa una certa sprezzatura,
che nasconda l’arte e dimostri ciò, che si fa e dice,
venir fatto senza fatica e quasi senza pensarvi…
Da questo credo io che derivi assai la grazia:
perché delle cose rare e ben fatte ognun sa la difficultà,
onde in esse la facilità genera grandissima maraviglia;
e per lo contrario il sforzare e, come si dice, tirar per i capegli
dà somma disgrazia e fa estimar poco ogni cosa,
per grande ch’ella si sia.
Però si po dire quella essere vera arte, che non pare essere arte;
né più in altro si ha da poner studio che nella nasconderla:
perché, se è scoperta, leva in tutto il credito e fa l’omo poco estimato”

(Baldassare Castiglione, Il Cortegiano, 1528)

We have tackled priority areas that are central to corporate leadership today and essential for the transformation to sustainable markets.

Within the international framework, very few economic sectors have revealed as much economic potential as the Cultural and Creative Industries-CCIs have over the past few years.

Cerisier en Fleur - Cherry Blossom Law Initiative is an expression we coined to refer to our activities devoted to CCIs

CCIs sector presents huge opportunities:

- The global demand for cultural content needs to be satisfied.

- The development of a creative economy demands the adoption of appropriate support policies for CCSMEs that should be commensurate with their significant contribution to the economy.

- CCIs development at international level serves the promotion of cultural diversity in a globalised world, promoting the intercultural dialogue and mutual understanding.

There is no consensus on what CCIs field encompasses.

We refer to the so called **F.A.M.E.** industries:

F - Fashion
A - Art
M - Music
E - Entertainment

focus being on:

- Visual Arts
- Crafts
- Performing Arts (including Sport)
- Heritage
- Film and Video (including Cartoon)
- Television and Radio
- Online Games and New Media
- Music
- Publishing
- Fashion
- Design
- Architecture
- Advertising

Nations are reexamining the relationship between law and creativity, within which Intellectual Property-IP and Gender Parity issues gain characteristic momentum on the global stage.

The most important determinant of a country's competitiveness is its human talent - the skills, education and productivity of its workforce. And women account for one-half of the potential talent base throughout the world. While closing gender gaps is a matter of human rights and equity, it is also one of efficiency. There is new research on the growing 'power of the purse' and how this will be among the drivers of growth in the post-crisis economy. The combined impact of growing gender equality, the emerging middle class and women's spending priorities will lead to rising household savings rates and shifting spending patterns that are likely to benefit sectors such as, among others, CCIs.

IP as a Power Tool for Economic Growth

The continuum

from

problem➔knowledge➔imagination➔innovation➔intellectual property➔the solution

in the form of improved products and new technologies

continues to be a powerful driver for economic development

under the following headings:

-Social Impact Assessment

-Economic Impact Assessment of Copyright

-Economic Mapping of Creativity

-Social Impact Indicators for the Cultural Sector

-Cultural Impact Indicators for the Cultural Sector

-Impact Analysis in International Development

Our Three Major Objectives

that together form a Strategy

Promotion of cultural diversity and intercultural dialogue

Promotion of culture as a catalyst for creativity

Promotion of culture as a vital element in the international relations

Our Purpose

§ Identify the trade and development opportunities open to developing countries through their creative industries and the challenges they face in building dynamic competitiveness and increasing the benefits generated from these industries

§ Identify a set of national and international policy recommendations to help shape the development and competitiveness of creative industries in developing countries and countries in transition

§ Exchange views and share experiences on best practices in the development of creative industries on the basis of case studies

§ Pave the way toward future initiatives

Our Strategy Plan

- Inform and seek engagement of CCIs: gathering and identifying stakeholders interested in the development of CSR actions and initiatives

- Involve public authorities in charge of implementing policies for CCIs

- Identify areas of research and studies

- Organise networks between CCIs stakeholders, NGOs, and policy makers to discuss the conditions needed to foster CSR action

- Disseminate information

Our Platform

- Supporting the development of culturally-different expressions

- Recognising the specific nature of cultural goods deserving specific treatments as different from other merchandises

- Being engaged in a policy process that mainstreams culture in other policy areas (to support creativity at industry level, to promote mutual understanding at diplomatic and social levels for instance)

- Confronting the globalisation progress with local and national cultures

- Developing trade opportunities between CCIs and developing policies targeting cultural and creative SMEs

- Believing in copyright enforcement and IP licensing as a tool to foster content creation and reward creators.

Within Ours

as above mentioned

Lady Lawyer (*)

and

HERS

(*) a vision, a project, an initiative, an action supported by
Avvocato Michela Cocchi - Studio Legale

What does *Lady Lawyer** mean? During these extraordinary years, the problem of false equal opportunities is still unsolved, even in the practice of law. '*Lady Lawyer*' in American world of legal profession is an expression that is often used by lawyers, mostly male, to refer to women in the profession. Yet lawyers who happen to be men are almost never referred to 'male lawyers'. It was the challenge of the beginning of *Lady Lawyer* that simply has met us during our professional journey, accompanying us on the way, sharing our dreams, our values, our targets and helping us to achieve them, assert them and reach them.

* *Lady Lawyer* is a registered trade mark

“That’s what I thought: the most common event becomes an adventure simply narrating it”

(*Lady Lawyer* magazine, 2006, Issue 0, ©avvocatomichelacocchi)

During narration, an event is turned into an adventure due to the creative power of words and the temporal sequence of narration - which does not start from the beginning, as it seems, but from the end - giving words the emphasis and value of a beginning.
During narration, in fact, the events are ordered in the inverted sense compared to their occurrence, imposing a beginning and an end, upsetting reality.

You have to choose between living and narrating: *Lady Lawyer* lives.

Starting from 2006, *Lady Lawyer* has established a dialogue on lawyer's life and work, an intimate and relentless dialogue taking root in the fertile and rich ground of our professional life.

Meaning

Framing

Connecting

Engaging

Energizing

Lady Lawyer **Village**

The Map at 2015:

Lady Lawyer **foundation**

Lady Lawyer **practice** *Lady Lawyer* **media**

being characterized by the line of the creation of shared value

Lady Lawyer testimonial

Clotilde I. Dolci(*)

a Voice for the Pursuit of Happiness

(*) Clotilde I. Dolci, her tales, any related contents, elements and works are protected by copyright. ©avvocatomichelacocchi. All rights reserved 2012-2015

It is about

Vision
Creativity
Innovation
Business
Development
Culture
Education
Women
Environment
Confidence
Integrity
Reputation

One of the oldest critiques of economic thinking has been
its perceived disregard of the deeper and more sacred aspects of life.
The recent United Nations (UN) 65/309
Resolution “Happiness: towards a holistic approach to development”,
“bearing in mind the purposes and principles of the United Nations,
as set forth in the Charter of the United Nations,
which include the promotion of the economic advancement
and social progress of all peoples,
conscious that the pursuit of happiness is a fundamental human goal,
cognizant that happiness as a universal goal and aspiration
embodies the spirit of the Millennium Development Goals”,
recognizes that “the gross domestic product indicator by nature
was not designed to and does not adequately reflect the happiness
and well-being of people in a country”,
inviting Member States to pursue the elaboration of additional measures
that better capture the importance of the pursuit of happiness and well-being in
development with a view to guiding their public policies.

GDP & Happiness
or
GDP vs Happiness
?

Law for Creativity(*)

Creating law to break the rules

The link between F. A. M. E. industries and legal frameworks around the world

(*) a vision, a project, an initiative, an action supported by
Avvocato Michela Cocchi - Studio Legale
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Key Events

July 2011
United Nations (UN) 65/309 resolution
*Happiness: towards a holistic approach to developmen*t

October 2011
Cherry Blossom Law initiatives http://bit.ly/1Lk7mFc
(pag. 96)

2012
Action plan for *Cerisier en Fleurs* initiatives
http://bit.ly/1zSFOhQ
(pag. 120)

May 2013
First position paper on *Law For Creativity*

Content in Brief

In the fall of 2011 - in the path of our commitment in the Global Compact and of our CSV (Creation of Shared Value) policy - we have decided to establish Law For Creativity, a comparative study referred to various territories and their legal systems, focusing on CCIs (Cultural and Creative Industries).

The objective of our project is to try and identify the set of rules fostering creativity as an asset between investment, innovation and competitiveness. In other words: what could be the content of a law able to produce the best possible support and promotion of creativity? And what socio-economical effects may this law bring along?

The comparative study is now in progress, and it is based on **eight creative clusters**: Italy, European Union, United States of America and Japan as *case histories;* Asia, Middle East, Far East as *case studies;* Africa: *challenges*

During our work we have faced a peculiar challenge: the indexes commonly used to measure the economic growth were not giving a full picture, and we had to identify further indicators - embracing the call made by United Nations (UN) 65/309 resolution “Happiness: towards a holistic approach to development” - to consider the value of what could not be calculated (i.e. the so called *intangibles* and others).

State of the Art

We are currently on the drafting phase, and we expect to publish the first results of our research on December 20th, 2015, during a firm event organised to celebrate the tenth UN International Human Solidarity Day.

Corporate Sustainability Governance and Leadership

Criteria 19 - 21

We and UNGC Engagement Opportunities

- Women's Empowerment Principles

- CEO Water Mandate

- Green Industry Platform

- Anti-Corruption and the Global Development Agenda call to action

- Business For Peace platform

ANNEX: Business & Peace

War and Fashion(*)

The link between fashion, its industry, Human Rights and development

(*) a vision, a project, an initiative, an action
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Vision

In an interconnected world where the private sector, Governments and society have differentiated responsibilities but a shared interest in stability and prosperity, peace and development – business can be a powerful agent of change.

The role of business in contributing to peace has been identified in Forbes as one of the five areas defining the future of CSR by leveraging business influence on the workplace, marketplace and local communities.

Conducting responsible business operations in all areas of the world and taking action to advance peace is in everyone's interest. Conflict and instability not only impact people and the environment; they also pose risk to all parts of the business sector. Responsible behaviour requires proactive action to ensure business not only does no harm, but, where possible, contributes to development and assists society to overcome challenges to stability.

Toward the vision of a more sustainable and inclusive global economy, we focus on pursuing two main objectives:

- Implementing the ten Global Compact principles into business strategies and operations everywhere, and
- Taking action to support UN goals and issues including through partnership with others, peace being a core priority.

Objectives

Being business active and collaborative engagement at the local level essential to advancing peace,

- Enhance understanding of business impacts on and contributions to peace;
- Catalyze action and partnerships – individually or in collaboration with others to support peace in the workplace, marketplace and in local communities;
- Facilitate business participation in multi-stakeholder and policy dialogue on issues that are critical to peace;
- Foster transparency to inspire further business engagement in support of peace and promote accountability.

Why focusing on Fashion?

Fashion is a universal human multicultural phenomenon and has an international vocation, being found in every part of the world and in every age of the history of mankind. Everyone wears clothing and inevitably participates in fashion to some degree, performing its characteristic double nature of both innovation and continuity, that represents a leading topic of social, economic and cultural sciences.

Fashion is a big deal. The fashion industry brings many benefits to everyday lives across the globe. Fashion goes beyond simple clothing to express identity, create wellbeing, embrace creativity and connect global communities. But like all industries there's a negative side, characterised at its worst by factories exploiting workers, generating throwaway fashion, wasting resources and encouraging unsustainable consumption.

The twentieth century saw the effective end of haute couture, the rise of prêt-a-porter and, finally, the triumph of street fashion.

Transformation fashion and its industry has had in the last twenty years, if, on one hand, has brought a deep democratization of fashion product, on the other hand, has made emerge as central the theme of Human Rights, specifically with reference to protection of workers, environment, IP, complex and globalised supply chains.
These conditions have been largely attributed to the separation of apparel branding from production.
Within the illustrated framework, fashion industry can play a vital role in delivering sustainable development.

In the words of John Anderson, CEO of Levis Strauss & Co., “the future holds many challenges for the global fashion industry. Resource shortages, climate change, demographic change, new technologies, and seismic shifts in the global economy will affect our businesses, our customers and our world in ways we find hard to anticipate, let alone prepare for. All areas of this vibrant industry in every region will be affected, from suppliers of raw materials, designers and manufacturers, right through to big brands and niche retail outlets, and these profound changes will call into question the business models we’re all familiar with. But these changes hold exciting opportunities as well as risks. If we understand what the future may hold we can prepare for it, spot promising new ventures and even help shape the direction it takes. Visionary brands have a huge opportunity to lead the way with their values and position themselves for success in the marketplace”.

A call to B4P action for fashion system

- Considering the international vocation of fashion system and its globalised supply chains, also throughout business in conflict-affected/high-risk areas

WHAT IS A CONFLICT-AFFECTED OR HIGH-RISK AREA? There is no single definition. According to our experience, we mean: •violent conflict including war or insurrection; •elevated political & social risk or instability; •concerns about human rights abuses; •transition out of conflict.

- Aiming to catalyze collaborative action to advance peace in the workplace, marketplace and local communities

the initiative will inform and seek engagement of fashion industry, - identifying areas of research and action

WHAT ARE B4P ACTION AREAS? Sources of instability vary according to the context and companies have vastly different roles to play in different situations Some of the issue areas identified include: • Infrastructure development projects; • Providing for basic needs, including water, shelter and food; • Training programmes to increase human capital; • Promoting fair land rights and acquisition; • Natural resource management, including water; • Encouraging entrepreneurship and job creation; • Helping to foster inter-religious and inter-cultural understanding.

-organising networks -disseminating information

being based on Italy, EU, US, and Japan as case histories, Euro-Asia, Asia, Middle East, and Far East as case studies Africa as challenges

Starting from 2015 May 21st

Celebrating the World Day for Cultural Diversity for Dialogue and Development, we have welcomed an international audience of fashion, law, justice and development professionals, organizations, financial institutions, governments, academia, think-tanks, civil society, media, for an occasion that has called all to have a hand at the achievement of sustainable development and peace.

We have opened

a consultation

inviting all the interested stakeholders to submit spontaneous and free contributions.

The consultation is on the issue of Fashion, Human Rights and Development, and, in particular, on Fashion and - Human Rights; - Protection of Workers; - Environment; - Corruption; - Ethics and transparency on the use of Animals, Natural and Mining Resources and on the relationships with Designers and Models; - Audit.

Consultation Timeline

§ 2015, May – June:

Consultation phase

§ 2015, July – October:

Monitoring and Assessing phase

§ 2015, November – 2016, February:

Drafting phase

§ 2016, March:

Report Release

Beyond 2015