

United Nations Global Compact Communication on Engagement (COE)

From March 2018 to February 2023



AMERICAN**BAR**ASSOCIATION

<https://www.americanbar.org/>

About the American Bar Association

The American Bar Association (ABA) is an independent, voluntary, non-governmental organization of lawyers and judges. The ABA is one of the world's largest voluntary professional organizations, with over 400,000 individual members and more than 3,500 entity members. Founded in 1878, the ABA is committed to advancing the rule of law across the United States and beyond by providing practical resources for legal professionals, law school accreditation, model ethics codes and more. The ABA mission is to serve its members, advocate for the legal profession, improve the administration of justice, eliminate bias and enhance diversity, and advance the rule of law throughout the United States and around the world. As an advocate for the legal profession, the ABA promotes competence, ethical conduct and professionalism, and pro bono and public service by the legal profession.

The ABA regards human rights and the rule of law as cornerstones of a free and just society and is committed to strengthening them in the United States and internationally. This commitment is expressed as one of the fundamental goals of the ABA. Within the goal to advance the rule of law, the ABA's objectives are to: (1) Increase public understanding of and respect for the rule of law, the legal process, and the role of the legal profession at home and throughout the world; (2) hold governments accountable under law; (3) work for just laws, including human rights, and a fair legal process; (4) assure meaningful access to justice for all persons; and (5) preserve the independence of the legal profession and the judiciary.

American Bar Fund for Justice and Education

The American Bar Fund for Justice and Education (FJE) is the 501(c)(3) charitable fund that supports the public service, policy, and education work of the American Bar Association.

I. DESCRIPTION OF ACTIONS (COE)

As a signatory member of the UN Global Compact member, the American Bar Association (ABA) pledged to participate in and engage with UN Global Compact in a variety of ways, such as to help advance best practices, public awareness, research, and implementation by businesses. This Communication on Engagement (COE) report contains a description of practical actions that the ABA has taken to promote and advance the implementation of the UN Global Compact and its ten principles in the areas of human rights, labor, environment, and anti-corruption.

The ABA's ongoing work on corporate sustainability covers a wide range of activities to encourage and expand awareness by lawyers on how the UN Global Compact and its ten principles can be utilized effectively in their legal practices, by their corporate clients, and through collaborations with governments, nonprofits, academia, and civil society.

Our activities help build sustainable corporations, institutions, and societies that deliver justice, foster economic opportunity, ensure respect for human dignity, and promote the rule of law. The ABA shares the strong commitment to action and progress on advancing corporate strategies and operations in accordance with international standards and the global aims of inclusive, responsible, and sustainable growth.

During this reporting period, the ABA achieved progress that:

SUPPORT AND ENGAGEMENT

- Supported UN Global Compact business participants in their own sustainability implementation and disclosure efforts.
- Engaged with United Nations entities and in global and local events.
- Engaged in partnership projects to build capacity through global and local networks.

APPLIED RESEARCH AND THOUGHT LEADERSHIP

- Conducted applied research and thought leadership in relation to the Global Compact.
- Published commentaries on developments relevant to corporate sustainability.

EDUCATION AND OUTREACH

- Delivered education on topics related to the UN Global Compact to broad audiences.
- Disseminated the UN Global Compact principles to the legal community and the public.

MEASUREMENT OF OUTCOMES

- Incorporated the UN Global Compact principles into our activities.

In this report, we identify our achieved progress on these actions in relation to the areas of human rights, labor, the environment, and anti-corruption. The actions in this report are representative of our considerable array of policies, programs, publications, and projects taken in support of the UN Global Compact and its principles.

Visit our website, www.americanbar.org, for more details about our activities and to further explore and expand your knowledge of our research, educational programming, resources tools, partnerships, and community engagements on access to justice, sustainability, human rights, environment, diversity and inclusion, and the rule of law.

A. Engaging the Legal Profession

The ABA is committed to promoting lawyers' awareness and understanding of the UN Global Compact and its principles related to human rights, labor, environment, and anti-corruption. From initiatives working to shape the face of the legal profession to continuing legal education courses keeping lawyers informed of the latest legal developments, the ABA's activities are helping to inform and guide UN Global Compact business participants, the legal profession, institutions, and the public in the United States and internationally. Notably, the ABA has institutionalized its overall involvement with the United Nations in its United Nations Representatives and Observers Committee, in which our volunteer lawyers and judges participate in UN sessions of its various components. In addition, other of the ABA's fora, sections and committees actively participate by sending credentialed delegates to various UN conferences, including for example, most recently, COP27. Another signature event that engages the legal profession with the UN is the ABA's annual UN Day in April each year, in which ABA senior leadership meets with selected UN representatives to focus on core issues of concern to both.

The ABA regularly provides educational programs, workshops, guidance commentaries, toolkits, and technical assistance to keep leaders in the legal profession and their corporate clients abreast of the latest developments, such as related to commercial and legal frameworks, reporting standards, assessments, and governance best practices. Through training and programs, the ABA encourages lawyers to provide advice on human rights risks to clients consistent with their ethical and professional responsibilities. Our publications and outreach programs enhance understanding by lawyers and the public of laws, institutions, and processes needed to empower companies to meet their obligations in their operations and supply chains to respect human rights, fair and inclusive labor practices, and the environment; to uphold transparency and accountability; and to combat bribery and corruption.

The ABA supported UN Global Compact business participants in their own sustainability implementation and disclosure efforts by developing and sharing training programs, educational materials, innovative tools, model contract clauses, methodologies, and assessment frameworks. Indeed, the ABA's Section of Environment, Energy and Resources has a Climate Change, Sustainable Development, and Ecosystems Committee that focuses on the regulatory and legal aspects of climate change, raising awareness of sustainability concepts and their relevance to law and corporate governance and to integrate sustainability thinking across all environmental practice areas, and addressing ecosystem-based approaches to environmental protection and regulation.

The ABA House of Delegates, which is the governing body of the ABA and responsible for establishing of ABA policy, has adopted more than 30 policy resolutions during the 2018-2022 period in support of the work of the United Nations, including the Sustainable Development Goals (SDGs). These policy resolutions relate to sustainability, human rights, the rule of law, nondiscrimination, ending sexual harassment, climate change, peace, access to justice, good governance, inclusive societies, and UN treaties.¹

¹ 2022

1. 510A DEI in IP, legal employment
2. 704A data protection
3. 503 Equity Offices
4. 606A eliminate racism
5. 605M UNSC – peace/crimes
6. 606M kleptocracy
7. 501M workplace/lactating individuals

In addition to committing to promote and engage with the UN Global Compact, the ABA has supported initiatives at the United Nations in such matters as the SDGs, the UN Basic Principles on the Independence of the Judiciary, the UN Basic Principles on the Role of Lawyers, the UN General Assembly Declaration on the Rule of Law, human rights, and global environmental issues, such as the multistakeholder Global Alliance to Eliminate Lead Paint co-led by the UN Environmental Programme (UNEP) and the World Health Organization (WHO).² The ABA in 2021 became a Board Member of the Law Societies' Compact and Forum

2021

1. 21A513 Env. Justice
2. 102A DEI volunteer
3. 101CM animal rights
4. 100M arbitration in B2B

2020

1. 301C Peaceful demonstrations, media | SDG16
2. 300B Access to info, voting | SDG 16
3. 117 Asylum
4. 116C nondiscrimination
5. 115 Access to Justice | SDG 16
6. 114 ICC / UNSC
7. 113C Gender Law Enforcement WPS
8. 113 Human Trafficking
9. 111B Criminal Justice | SDG16
10. 11B child searches
11. 102C - Cameroon
12. 104A (M) Singapore Convention on - United Nations Convention on International Settlement Agreements Resulting from Mediation
13. 102A – Shark Fins (but inconsistent with CITES)
14. 10M115 Violence against women
15. 100B nondiscrimination
16. 10E – Hong Kong

2019

17. 120 Rohingya UNSC
18. 115H Basic Income | UN Women
19. 115E Law enforcement gender/sexual orientation training
20. 115B Gender Pay Equity
21. 113B Human Dignity
22. 113A Business and Human Rights
23. 111 Climate Change

2018

24. 302 Inclusive
25. 301 Street Children
26. 300 Sexual Harassment (ILO)
27. 112 OEWG Aging
28. 106B Human Rights Defenders
29. 106A
30. 105 IDR diversity inclusion
31. 100A UNCITRAL E-Commerce

² Global Alliance to Eliminate Lead Paint, Partner, ABA Rule of Law Initiative (2018-present).

for SDG 16, an innovative initiative founded by the World Bank Legal Vice-Presidency in partnership with international and national bar associations and focused on promoting the rule of law, access to justice, and good governance.³

Among our engagement in UN fora, the ABA promoted awareness of the UN Global Compact and its principles during our side events on “Business and Human Rights: Advancing Safe and Inclusive Workplaces” and “Women’s Empowerment for Climate Empowerment” during the annual UN Commission on the Status of Women (CSW) in 2022; a side event on “Gender-Lens Investing Strategies” at CSW in 2021; a side event on “Advancing the Role of Women in Peace, Justice, and Strong Institutions” hosted by the US Mission to the UN and co-sponsored by the International Development Law Organization (ILDO) during the High-Level Political Forum on Sustainable Development” in 2019; and panels on the role and responsibilities of lawyers during the UN Forum on Business and Human Rights in 2019.

The ABA acknowledges the contributions made by the UN Global Compact to provide resources aligned with the UN *Protect, Respect and Remedy: A Framework for Business and Human Rights* and its companion, the *UN Guiding Principles on Business and Human Rights* (UNGPs). The ABA shares the aim of fostering greater awareness and understanding of these and urges governments, the private sector, and the legal community to integrate the UNGPs, as well as the Organization for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises, into their respective operations and practices.⁴ The ABA International Law Section co-sponsored a one-day conference on “Ten Years On: What the UNGPs Mean for the Legal Profession” to commemorate the tenth anniversary of the UNGPs in 2021, during which panels explored the role of lawyers in effectuating the implementation of the UNGPs, the UN Global Compact’s Ten Principles and Women’s Empowerment Principles, and the SDGs.

B. Advancing the Human Rights Principles

UN Global Compact Principles

Principle 1: Businesses should support and respect the protection of internationally proclaimed human rights; and

Principle 2: make sure that they are not complicit in human rights abuses.

The ABA has a longstanding and abiding commitment to advancing human rights and the rule of law both in the United States and worldwide, and policy regarding the same. ABA policy expressly acknowledges that respect for the rule of law is foundational to the effective protection and promotion of human rights. The ABA also believes that human dignity, the inherent, equal and inalienable worth of every person, is foundational to achieving a just and sustainable rule of law. As such, the ABA has urged governments to ensure that dignity rights be reflected in laws, regulations, and policies, as well as in their enforcement.⁵ The Dignity Rights Initiative of the ABA Center for Human Rights advances applied research and innovations in the area of dignity rights, including as related to environmental harms, sustainability, and empowerment of citizen engagement in the justice system.⁶

³ Law Societies’ Compact and Forum for SDG 16, Board Member, ABA (2021-present).

⁴ ABA Resolution 109M (2012).

⁵ ABA Resolution 113BA (2019).

⁶ ABA Center for Human Rights, Dignity Rights Initiative.

Through our advocacy to promote respect for human rights and the rule of law, the ABA strives to ensure that governments implement policies, legislation, and regulations that help prevent, investigate, punish, and redress human rights abuses by third parties.

The ABA recognizes the important role of non-lawyer human rights defenders, workers' rights activists, and others in protecting justice and the rule of law, and condemns attacks on those individuals, aimed at silencing or intimidating them.⁷ The ABA regularly issues Presidential statements condemning the actions of governments for the targeted intimidation of these rights defenders, activists, and civil society leaders.

The ABA has urged businesses to implement the analytical and operational framework set forth in *Shared Space Under Pressure: Business Support for Civic Freedoms and Human Rights Defenders Guidance for Companies*, published jointly by the Business and Human Rights Resource Centre and the International Service for Human Rights in 2018.⁸

Notably, the ABA seeks opportunities to partner with other bar associations to expand the support for human rights, and helped lead the important virtual conference in 2021 on business and human rights on the 10th anniversary of the UN Guiding Principles on business and human rights, in participation with the New York City Bar Association, the International Bar Association, and the International Association of Lawyers. As testament to the importance of the conference and the ABA's commitment, the ABA president personally participated.

The **ABA Rule of Law Initiative** supported education, training, technical assistance programs, legal reform efforts, and rule of law activities of the ABA in more than 60 countries in Africa, Asia, Europe and Eurasia, Latin America and the Caribbean, and the Middle East and North Africa. The Initiative provided analytical tools and publications, including legislative assessments, research studies, and concept papers to advance progress and support for initiatives focused on legal education reform, judicial reform, access to justice, women's rights and empowerment programs, citizens' rights advocacy, anti-human trafficking, and anti-corruption.⁹

The **ABA Center for Human Rights** has a broad mandate for addressing human rights issues around the world and has conducted educational programs, innovative research, and special initiatives in order to promote a greater understanding of and belief in the importance of human rights. The Center mobilizes lawyers to defend threatened advocates, protect vulnerable communities, and hold governments accountable under law. The Center's Business and Human Rights Initiative leverages the creative potential of the private sector to advance human rights globally. Other special initiatives focus on combating modern slavery, expanding human trafficking survivors' access to justice, addressing the human rights dimensions of public health, and supporting human rights defenders worldwide. Since 2019, the Center has been a proud implementing partner of the Clooney Foundation for Justice TrialWatch initiative, which monitors criminal trials against those who are most vulnerable, to strengthen global compliance with international fair trial standards.¹⁰

The **United Nations Representatives and Observers Committee** has at its mission to promote and support the ABA, an accredited NGO with the United Nations, by advancing ABA policy; foster communication and coordination between the United Nations and ABA entities and members; promote within the United Nations ABA Goal IV to advance the Rule of Law abroad and to defend our profession,

⁷ ABA Resolution 106B (2018).

⁸ ABA Resolution 113A (2019).

⁹ ABA Rule of Law Initiative.

¹⁰ ABA Center for Human Rights.

liberty, human rights and access to justice; enhance globally the reputation of the ABA as a trusted partner of the United Nations and advocate for the Rule of Law, access to justice, defender of human rights, and implementation of the UN's Sustainable Development Goals.

The **Afghan Asylum Pro Se+ Project** is a partnership between the ABA Commission on Immigration and the refugee resettlement agency HAIS, providing limited scope pro bono legal assistance to people from Afghanistan seeking asylum in the United States. Volunteer attorneys received training and mentorship, as well as a toolkit with written materials and FAQs for guidance. Attorneys assisted with drafting asylum applications, preparing affidavits, gathering evidence, and preparing applicants for the asylum interview process. The project engaged lawyers in law firms and in legal departments at corporations and financial institutions, including some UN Global Compact business participants who implemented this pro bono opportunity as part of their own sustainability implementation and commitment to strengthening human rights and access to justice.¹¹

The **Access to Remedy Institute** of the ABA Center for Human Rights is an enabling forum to advance the creation of effective grievance and remedy mechanisms to resolve and deter human rights, environmental, and social harms from business activities. The Institute provides good-practices information for companies to operationalize procedures for achieving fast, fair, and culturally sensitive remedies for harms resulting from business activities. The Institute also convenes experts and stakeholders for dialogues, provides assistance and referrals in specific contexts, and provides financial support to enable participation by affected communities in a promising process to achieve a remedy.¹²

The **Justice Defenders Program**, a global initiative of the ABA Center for Human Rights, investigates reports about workers, union leaders, human rights defenders, environmental defenders, land activists, climate activists, and indigenous leaders who are facing retaliation for exposing human rights abuses, labor violations, environmental harms, and corrupt practices by corporations and governments. The different forms of retaliation can include restrictions on their ability to form associations, frivolous criminal charges, and violent threats. The ABA Center for Human Rights works with local partners facing such threats to develop innovative strategies to document abuses, form cross-sectoral coalitions, build public support, and engage key stakeholders to increase respect for human rights in business operations. The ABA Center for Human Rights also monitors trials for compliance with international standards and publishes reports on the situation of human rights defenders in countries and regions around the world.¹³

The **Lawyer's Guide to Key Business and Human Rights Documents**, created and regularly updated by the Business and Human Rights Initiative of the ABA Center for Human Rights, provides a curated list of important resources. Related commentaries, written by an Editorial Board, help lawyers better understand the resources and the application of international human rights norms to business conduct. Commentaries cover the relevancy of UN principles for corporate legal officers and external law firms assisting their clients with human rights due diligence in their operations and supply chains. Commentaries also examine the arguments for and against the use of third-party beneficiary provisions in supply contracts, as well as the advantages, disadvantages, and obstacles to their enforcement.¹⁴

The **legal practitioner toolkits for human rights due diligence in international supply chains**, developed by the ABA Business Law Section and the ABA Center for Human Rights, provided a practical set of

¹¹ ABA Afghanistan Response Project.

¹² ABA Center for Human Rights, Business and Human Rights Initiative, Access to Remedy Institute.

¹³ ABA Center for Human Rights, Justice Defenders Program.

¹⁴ Lawyer's Guide to Key Business and Human Rights Documents (2021).

contractual clauses, guidance, and resources for lawyers advising clients on human rights due diligence in business contracting. The Model Contract Clauses, originally developed in 2018 and updated in 2021, help lawyers and companies implement corporate policies in ways that are legally effective and operationally likely.¹⁵ The ABA Center for Human Rights also conducted original research and published guidance specific to defense exporters to assist them with preventing the misuse of their products and services in the commission of human rights abuses.¹⁶ In furtherance of empowering lawyers to better understand how to deliver effective legal advice to clients, the ABA International Law Section in 2020-2021 conducted a multi-part series of virtual training sessions for lawyers on conducting corporate human rights due diligence and related key issues.

Case studies on corporate social responsibility discussed during a panel at the ABA International Law Section Annual Conference in 2020 explored the linkages of the SDGs with the implementation of sustainability principles, such as those of the UN Global Compact and the UNGPs. The panel built on a project of the ABA Representatives and Observers to the United Nations and the ABA International Law Section. The case studies provided insights on strategies used by lawyers at corporations and external law firms to ensure integral engagement, funding, and the pro bono component of sustainability efforts in both legal and non-legal departments of multinational companies.¹⁷

The ABA's **publications on human rights and the rule of law** included newsletters, meeting papers, conference materials, books, and user-friendly materials for the general public. Articles raising awareness of the UN Global Compact and its principles appeared in publications of the Business Law Section and the International Law and in the educational materials supporting their conference programs and webinars. The ABA also published several books and guidelines to assist lawyers in advising their clients on implementing the UN Global Compact Ten Principles and the UNGPs, including "Human Rights Due Diligence for Lawyers" (forthcoming 2022); "Business and Human Rights: Advising Clients on Respecting and Fulfilling Human Rights" (2020); "The Lawyers Corporate Social Responsibility Deskbook: Practical Guidance for Corporate Counsel and Law Firms" (2019); and "Designing an Effective Anti-Bribery Compliance Program: A Practical Guide for Business" (2018).

C. Advancing the Labor Principles

UN Global Compact Principles

- Principle 3: Businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining;
- Principle 4: the elimination of all forms of forced and compulsory labor;
- Principle 5: the effective abolition of child labor; and
- Principle 6: the elimination of discrimination in respect of employment and occupation.

The ABA provided guidance, spearheaded projects, and enhanced collaboration and communications to advance upholding workers' rights, including the elimination of forced and compulsory labor, child

¹⁵ ABA Business Law Section and ABA Center for Human Rights. Model Contract Clauses to Protect Workers in International Supply Chains (2018, updated 2021).

¹⁶ ABA Center for Human Rights, Defense Industry Human Rights Due Diligence Guidance (2022).

¹⁷ ABA International Law Section, Annual Conference, *The Missing Link: In House Counsel, Corporate Social Responsibility: Winning Case Studies in Achieving the UN Sustainability Goals* (2020).

labor, and unlawful discrimination. Among the ABA's four core goals, Goal III is to eliminate bias and enhance diversity, equity, and inclusion (DEI) in the association, legal profession, and justice system.

Combatting **human trafficking** is a complex global issue that requires a well-coordinated and well-informed response, particularly in conflict settings. The ABA remains steadfast in its commitment to prevent human trafficking while also ensuring that survivors of trafficking have access to high-quality, survivor-centered, and trauma-informed protection services. The ABA Rule of Law Initiative leverages over a decade's experience implementing anti-trafficking projects in the Middle East and North Africa (MENA) region. During a panel discussion on "Recognizing Human Trafficking as a Common Occurrence during Conflict and Building Protection and Anti-Trafficking Strategies into Global Responses" at the ABA International Law Section's Fall Conference 2022 in Madrid, speakers from the ABA, USAID, a global legal services corporation, and academia shared their experiences working on human trafficking and identified how building resilience is key to deterring and preventing human trafficking.

The **Model Business and Supplier Policies on Labor Trafficking and Child Labor**, developed by the ABA Business Law Section, are a recognized set of voluntary business conduct standards and principles with guidance and commentary for companies to use and adapt when creating corporate policies or codes appropriate to their operating environments and circumstances. These Model Policies have been used by businesses, including UN Global Compact business participants. The ABA advocates for businesses to adopt and implement their own business and supplier policies on labor trafficking and child labor that are consistent with the Model Principles.¹⁸

To mark the 2021 World Day Against **Child Labor**, the ABA Rule of Law Initiative partnered with World Vision to host a public presentation for 155 individuals from government, civil society, attorneys in the private sector, and members of academia for the launch of its report titled: *National-level Legal and Policy Analysis of Minimum Standards for Occupational Safety and Health and the Worst Forms of Child Labor in the Philippines*. The ABA Rule of Law Initiative distributed 200 printed copies to government offices, the local bar association, and other stakeholders for their use. The ABA Rule of Law also held virtual capacity building activities with more than 160 labor inspectors, social service providers, and major stakeholders and distributed training materials, which included a compendium of local laws and international guidelines for the protection of children.

The **Model Contract Clauses to Protect Workers in International Supply Chains**, developed by the ABA Business Law Section and the ABA Center for Human Rights through a highly consultative multi-stakeholder process, are designed as a practical tool to help buyers and suppliers protect the human rights of workers in international supply chains and to operationalize their human rights due diligence processes into their supply contracts. The clauses reflect input from commercial lawyers, human rights lawyers, civil society, and businesses, including both buyers and suppliers. The clauses aim to align closely with the UNGPs and the OECD Guidelines for Multinational Enterprises, as well as the OECD Due Diligence Guidance for Responsible Business Conduct. First developed in 2018 and published in 2019, the updated version released in 2021 confers a shared responsibility approach by buyers and suppliers and a regime of human rights due diligence, requiring the parties to take appropriate steps to identify and mitigate human rights risks and to address adverse human rights impacts.¹⁹ This is a very practical way in which

¹⁸ ABA Resolution 102B (2014).

¹⁹ ABA Business Law Section and ABA Center for Human Rights. Model Contract Clauses to Protect Workers in International Supply Chains (2018, updated 2021).

the ABA’s lawyers have designed tools that seek to implement the UN Guiding Principles on Business and Human Rights.

The ABA **advocates for diversity in law firms and corporate boards** and for public companies to include board diversity information in their public disclosure materials.²⁰ The ABA urges providers of domestic and international dispute resolution to expand their rosters with minorities, women, persons with disabilities, and persons of differing sexual orientations and gender identities (“diverse neutrals”) and to encourage the selection of diverse neutrals.²¹ To assist with good governance and inclusive institutions, the ABA urges the expansion and creation of opportunities for diverse attorneys at all levels of responsibility in the courts and the public disclosure of aggregated diversity data.²² The ABA Commission on Women in the Profession published research reports, such as the 2018 report on *You Can’t Change What You Can’t See: Interrupting Racial and Gender Bias in the Legal Profession* in partnership with the Minority Corporate Counsel Association.²³ The Commission also created new toolkits, such as the 2020 report on *This Talk Isn’t Cheap*, to guide dialogue and actions to combating barriers to racial equity, diversity, and inclusion in law firms and legal departments in businesses.²⁴ The ABA Civil Rights and Social Justice Section, in collaboration with a corporate sponsor, conducted virtual training sessions covering diversity, equity, and inclusion in the workplace throughout 2021-2022.²⁵

The **Model Diversity Survey**, created and managed by the ABA Diversity and Inclusion Center, is a tool to measure, monitor, validate, and hold law firms accountable for reaching diversity, equality, and inclusion (DEI) goals. The survey offers transparency to companies and uses the power of the law firm client to send a message to the legal community that corporations are looking to hire firms with shared values. By engaging law firms to report their diversity metrics and using data-driven strategies, the ABA is helping ensure the hiring, advancement, and opportunities for DEI in the legal profession. The survey is free of charge for corporate signatories and stakeholders. By participating in this effort, the law firms and corporations have the ability to use the survey results as a benchmarking tool. The ABA Model Diversity Survey was initially distributed for the three years of 2017, 2018, and 2019, with the data reported as a baseline in the 2020 report.²⁶

More than 375 law firms, accounting for more than 100,000 attorneys, participated in the recent survey, with participation increasing more than 40% since 2019.

The **Law Firm Diversity Pledge**, spearheaded by the ABA Diversity and Inclusion Center, urges all providers of legal services, including corporations and law firms, to expand and create opportunities at all levels of responsibility for diverse attorneys. Buyers of legal resources can help drive changes to improve diversity by assessing and using diversity as a factor in determining what law firms to use for legal services. The ABA urges clients to direct a greater percentage of the legal services they purchase to those with diverse

²⁰ ABA Resolution 116 (2016).

²¹ ABA Resolution 105 (2018).

²² ABA Resolution 605 (2021).

²³ ABA Commission on Women in the Profession, *You Can’t Change What You Can’t See: Interrupting Racial and Gender Bias in the Legal Profession* (2018).

²⁴ ABA Commission on Women in the Profession, *This Talk Isn’t Cheap: the Report* (2020).

²⁵ ABA Civil Rights and Social Justice Section.

²⁶ Model Diversity Survey (2018-present).

attorneys.²⁷ Our diversity pledges use the power of the client to send a message to the legal community that businesses are looking to hire firms with shared values.²⁸

Nearly 160 corporations have signed the **Model Diversity Survey Pledge** to affirm their commitment to increasing inclusivity in their law firms, corporations, and throughout the legal field.

More than 350 law firms, corporations, courts, bar associations, law schools, and other legal employers have signed the **Pledge for Change: Disability Diversity in the Legal Profession** to affirm their commitment to enhancing inclusion and opportunities for lawyers with disabilities.

The **Women and Girls Empowered (WAGE)** initiative is a global consortium to advance the status of women and girls, launched in 2018 by the ABA Rule of Law Initiative in close partnership with the Center for International Private Enterprise (CIPE), the Grameen Foundation, and Search for Common Ground (Search). WAGE works to improve the prevention of and response to gender-based violence (GBV) and advance the women, peace, and security agenda (WPS). WAGE also supports women's economic empowerment by strengthening the capacity of civil society and private sector organizations in fifteen target countries through ten initiatives. In addition to technical assistance, WAGE provides direct assistance to women and girls, including the information, resources, and services they need to succeed as active and equal participants in the global economy and public life. To expand and share WAGE's body of knowledge, in 2021, WAGE launched an Advisory Group and Network of academics and practitioners across the globe. The Advisory Group will engage in collaborative research to build a body of promising practices in integrated approaches to gender-based violence, women in peace and security, and women's economic empowerment. Similar to the Women's Empowerment Principles of the UN Global Compact, the aim of WAGE is to implement enterprise development, promote equality through community initiatives, and empower women in the workplace and community.

The **Workers' Rights and Global Programs Division** in the ABA Rule of Law Initiative expanded our global and regional engagement and programming to address rule of law challenges in key thematic areas, drawing on universally applicable lessons learned and building sustainable networks across borders. The initiative promoted labor rule of law through technical assistance and capacity building, addressed the most critical environmental rule of law problems, advanced the status of women and girls worldwide, and strengthened the rule of law to protect lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons globally. The initiative strengthened labor laws and labor law enforcement systems and institutions, conducted know-your-rights trainings and education for at-risk workers, and increased pro bono legal labor representation.²⁹

Promoting **accountability for labor rights' violations** is part of the mission of the ABA. Our work against criminal harassment of trade unions and worker rights' advocates covered both in-country and international level action. The ABA's programs contributed legal and professional expertise to support labor and related advocacy organizations in combatting impunity fueled by deficits in the rule of law. In response to recurring requests from workers' rights groups in cases of criminal harassment, the ABA Center for Human Rights supported trade unions, their members, and other advocates facing arrest, detention and prosecution on unfounded criminal allegations, and strengthened local efforts for reforms in law and practice. Among its labor-related activities, through its global pro bono network, the ABA

²⁷ ABA Resolution 113 (2016).

²⁸ Law Firm Diversity Pledge.

²⁹

Center for Human Rights helped achieve greater adherence to fair trial standards by conducting trial observations. The Center assisted labor activists, lawyers, and local legal associations in documenting violations and engaging transnational companies to press suppliers to drop frivolous charges against workers. The ABA Center for Human Rights also worked with governments to reform their national laws and practices to ensure respect for fundamental rights, including laws on freedom of association and assembly.³⁰

A diverse range of **publications and training on labor and employment law** by the ABA Labor and Employment Law Section provided educational programs, conference proceedings, discussion papers, case studies, and resources on current developments and recent decisions, as developed and presented by legal experts in their respective fields. The Section's diverse membership of 20,000 lawyers and judges represents all perspectives of labor and employment law, bringing together lawyers representing employers, employees, unions, and government agencies, as well as neutrals, in-house corporate counsel, and academics, in formal and informal settings. The Section has committed to a balanced discussion of employment issues throughout the world. The Section held more than 200 panels during 2018-2022, covering hot topics, such as diversity, equity, and inclusion initiatives; newer methods of union organizing; alternative dispute resolution; retaliation investigations; and corporate accountability for labor rights in global supply chains.³¹

D. Advancing the Environment Principles

UN Global Compact Principles

Principle 7: Businesses should support a precautionary approach to environmental challenges;
Principle 8: undertake initiatives to promote greater environmental responsibility; and
Principle 9: encourage the development and diffusion of environmentally friendly technologies.

Multi-dimensional challenges such as climate change, environmental degradation, poor public health, and socially irresponsible business practices threaten to interfere with human development and undermine the basic human rights of entire populations. These problems often have a distinct legal aspect, and solutions require laws and legal institutions that ensure the effective and fair delivery of social services, the equitable distribution of resources, and the efficient and just resolution of disputes.

The ABA advocated for businesses, governments, nongovernmental organizations, and other organizations to consider and integrate rule of law initiatives with global environmental issues.³²

Promoting **improved land and natural resource governance** was among the accomplishments of our ABA Global Programs. In one region, we worked with local partners to improve land and natural resource governance and to reduce high social, environmental, and economic costs often associated with large-scale extractive exploitation, by enabling mining communities to become informed and active stakeholders. In Southern Africa, we undertook capacity trainings focused on ensuring land tenure and access to land. Our workshops on women's customary lands rights and indigenous peoples' rights trained

³⁰ ABA Center for Human Rights.

³¹ ABA Labor and Employment Law Section.

³² ABA Resolution 110A (2007).

51 participants, equipping them with increased knowledge of international human rights mechanisms and approaches for planning and managing strategic litigation.

An online collection of **model laws for energy conservation and decarbonization** is available for use and adaption by elected officials, corporations, industry trade associations, and nonprofits. The ABA Section of Environment, Energy, and Resources partnered with the Legal Pathways to Deep Decarbonization Project to advance the drafting of model laws and other legal documents that can be adopted by all levels of government and the private sector to reduce fossil fuel use and greenhouse gas emissions. Leveraging the pro bono contributions of law firms and individual attorneys, the project has produced more than 50 model laws. The team has also compiled a list of more than 2000 resources related to sustainable greenhouse gas reduction, energy efficiency, conservation, commercial and residential building codes, fuel switching in transportation, carbon capture, and decarbonization.

As a partner of the **Global Alliance to Eliminate Lead Paint**, the ABA collaborated with other stakeholders in this multi-year initiative to assist two-thirds of the countries worldwide lacking legal constraints on lead paint to adopt laws to phase out and eliminate lead paint. The ABA provided pro bono support, educational initiatives, and consultations on actions towards adopting lead paint laws. The initiative is co- led by the UN Environmental Programme (UNEP) and the World Health Organization (WHO). The multi-stakeholder engagement includes the U.S. Environmental Protection Agency, the International Paint and Printing Ink Council, the International POPs Elimination Network, and other international and local stakeholders. Through this project, ABA Global Programs and our partners helped mitigate the debilitating public health and economic impacts of lead pain, which cost developing countries up to 4 percent in lost GDP due to lead’s negative effects on children’s cognitive development. Every year, lead exposure costs an estimated \$977 billion loss of productivity in low- and middle-income countries as a result of the health impacts of toxic lead. With the support of pro bono contributions, the ABA provided legal drafting support, policymaking expertise, and legal research and analysis to countries developing lead paint limits. To help mobilize action, the ABA adopted and announced in 2017 an official policy position in support of strengthening and enacting lead paint laws to phase out the manufacture, import, and sale of lead paint by 2020.³³ The ABA also participated in the Lead Paint Alliance webinars for the paint industry and policymakers on eliminating lead paint and published blogs and articles distributed to our members, the legal community, and the public to help raise awareness.

The ABA adopted a **climate change** policy urging governments at all levels to reduce U.S. greenhouse gas emissions to “net zero or below as soon as possible, consistent with the latest peer-reviewed science” and to “contribute the U.S. fair share to holding the increase in the global average temperature to the lowest possible increase above pre-industrial levels.”³⁴ The term “net zero” derives from the UN Framework Convention on Climate Change (UNFCCC), which created an international framework to address climate change. The ABA policy calls for enacting market-based legal mechanisms to remove barriers to reduce greenhouse gas emissions.

The ABA participated in the NGO processes at the **UN Climate Change Conference** in 2021 and will be co-sponsoring a side event on “The Role of the Legal Profession in the Climate Crisis” in collaboration with other international and national bar associations at the UN Climate Change Conference in 2022.

The **ABA Environmental Summit of the Americas** in Mexico City in 2020, co-sponsored by the ABA Section of Environment, Energy, and Resources, brought together thought leaders throughout the American to

³³ ABA Resolution 109B (2017).

³⁴ ABA Resolutions 111 (2019).

discuss regional efforts to address mitigation, adaptation, and resilience, as well as the role of anti-corruption and social integrity policies in mitigating potential risks of energy, mining, and infrastructure projects.

E. Advancing the Anti-Corruption Principle

UN Global Compact Principles

Principle 10: Businesses should work against corruption in all its forms, including extortion and bribery.

Corruption is a profound impediment to sustainable development and is strongly correlated with poverty, hunger, disease, political instability, and violent extremism. Corruption facilitates a wide range of domestic and transnational criminal activity; undermines public trust in government; and harms legitimate, law-abiding businesses.

Laws and public institutions that can promote accountability and transparency, combat corruption, and protect local populations are critical to fostering sustainable and inclusive development. The ABA promotes appreciation for human rights, labor, environment, rule of law, and development challenges among corporations and local businesses, by encouraging them to design corporate social responsibility programs and anti-bribery and anti-corruption compliance strategies in accordance with international standards.

The ABA adopted an official policy to urge U.S. companies engaged in business operations in kleptocracies to conduct due diligence pursuant to internationally recognized anti-corruption standards.³⁵ The ABA also called upon the global community to prioritize efforts to combat kleptocracy in countries where government institutions have been captured by corrupt actors, including supporting the efforts of national justice sectors and anti-corruption personnel and using existing sanction authorities against those who threaten justice-sector personnel.

Judicial independence is necessary to ensure human rights and the rule of law are respected. Judicial independence means that judges are not subject to pressure and influence and are free to make impartial decisions based solely on fact and law. The ABA Rule of Law Initiative carried out initiatives to strengthen judicial systems, including training in ethics, judicial independence, and judicial administration and advising on evaluation criteria and processes for judicial appointments. In 2021, the ABA Rule of Law Initiative launched the JusTRAC+ Knowledge Portal as a hub for communities of practice focused on justice sector measurement and on the nexus of transnational organized crime and corruption.³⁶

The **Court Performance Measurement: A Practice Note for Justice Sector Practitioners**, available through the JusTRAC+ Program, features assessment tools and describes when and how to use the assessment tools based on context, conditions, or requirements; tips for implementing the tools; what types of analysis could be or was applied in using the assessment tool (including examples); and what approaches were used to translate evidence/analyses into actual strategies, plans and program objectives.

The **Measuring Success in Judicial Reform Initiatives: A Practice Note for Justice Sector Practitioners**, available through the JusTRAC+ Program, addresses key questions like: what does success mean in this

³⁵ ABA Resolution 606 (2022).

³⁶ JusTRAC+ Program Resources.

topical area; what tools and approaches have been used to measure success in this area; what tools and approaches have been used to identify factors that commonly affect the extent to which success is achieved; how have others used the tools and approaches mentioned; what are the common tools for data collection in the identified approaches; and FATAA and application of relevant guidance for measuring and reporting success.

Training of prosecutors and judges is key to maintaining a stable legal system, with courts and judges capable of interpreting and enforcing the law in an informed, open, and predictable manner. The professionalism of justice actors is crucial to achieving confidence of both domestic and foreign investors. The ABA has long been involved in enhancing the capacity of prosecutors and judges to prosecute and adjudicate cases involving corruption and bribery. The ABA Rule of Law Initiative led 17 programs and activities in 11 countries in Asia and the Pacific in 2019. Through the International Justice Sector Education and Training (IJET) Program, which began in 2015 and ended in 2021, the ABA Rule of Law Initiative trained 47 fellows across 16 countries.

The **Regional Anti-Corruption Advisor Program** of the ABA Rule of Law Initiative worked with governments, civil society, and international organizations to strengthen cooperation to improve the implementation of domestic, regional, and international anti-corruption commitments in the Asia-Pacific region. The program concentrates its work on private sector anti-bribery, law enforcement integrity, youth integrity, open source intelligence, and intelligence-led case-based financial investigation. The Program codified and shared practical strategies; developed checklist and assessment mechanisms; and delivered training courses, workshops, and seminars. The anti-bribery element of the program promoted international experiences and best practices in developing guidance to tackle private sector bribery. The program cooperated closely with national anti-corruption commissions and civil society organizations to support national and regional networks. The Program's outcomes influenced government reforms in the region, and the program has helped to encourage and disseminate effective initiatives and reforms, leading to tangible contributions to the anti-bribery area.

The interdisciplinary **Research, Evaluation, and Learning** office of the ABA Rule of Law Initiative supported in-depth learning in democracy, human rights, and governance for the Initiative and its partners by undertaking legal and empirical research, engaging in program monitoring and evaluation, and assessing evidence-based gaps, challenges, and successes in the rule of law and development sector. The team conducted international evaluations that build evidence for program effectiveness, sustainability, and efficiency. The team developed internal and external knowledge on approaches and strategies for issues ranging from access to justice to legal empowerment to internet freedom and commercial law.

The ABA is also presently reviewing and developing proposals for presentation to the House of Delegates addressing the issue of beneficial ownership.

II. MEASUREMENT OF OUTCOMES

In this section, we describe how the ABA incorporated the UN Global Compact principles of human rights, inclusive and safe workplaces, environment, and anti-corruption in our day-to-day operations. Through our work in the United States and around the world, the ABA and our partners have sought to strengthen legal institutions, to support legal professionals, to foster respect for human rights, and to advance public understanding of the law and of citizen rights. Further, we have helped lawyers perform quality legal work

with the highest ethical standards, strengthen relationships with clients, and be productive and financially viable. These are at the core of our work and the legal profession. As such, we also expect our employees, members, and contractors to lead by example in responsible and ethical business conduct.

The ABA has a long history of urging the legal community and others to think and act in a more environmentally responsible manner. Starting with policies dating back to 1991, the ABA has long believed that climate change must be addressed in the context of sustainable development. Heeding its own advice, the ABA has sought out environmentally sound buildings for its headquarter offices in Chicago and Washington, DC, which are designated by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) as Gold- and Silver-certified buildings, respectively.

For more information about the ABA's policies that relate to our Business Conduct Standards, Employment Policies, and announcements, see:

- Newsroom³⁷
- Financial Statements³⁸
- Business Conduct Standards³⁹ (inclusive and safe workplace, prohibitions against workplace violence and intimidation, anti-corruption, and anti-bribery policies)
- ABA Ethics Line⁴⁰
- Employment Policies⁴¹
- Member Diversity, Equity, and Inclusion Plan⁴²
- Model Rules of Professional Conduct⁴³

Perhaps one of the strongest measurement of business conduct standards is found in the ABA Rules of Professional Conduct. While not binding in themselves, they become binding on all lawyers licensed to practice in the United States when they are adopted, in whole or in part, by the respective licensing entities. Significantly, Model Rule 8.4 addresses misconduct and maintaining integrity in the profession. Also of note is ABA Model Rule 2.1, which addresses the lawyer's role as counselor, and states that "[i]n representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social and political factors, that may be relevant to the client's situation."

IV. CONCLUSION

As the preeminent national voice of the legal profession in the United States, the ABA is a quintessential member of the UN Global Compact, for it is through lawyers functioning as legislators,

³⁷ <https://www.americanbar.org/news/>

³⁸ https://www.americanbar.org/about_the_aba/financial_reports/

³⁹ <https://www.americanbar.org/content/dam/aba/administrative/aba-business-conduct-standards.pdf>

⁴⁰ <http://www.ethicslineaba.org/>

⁴¹ https://www.americanbar.org/about_the_aba/employment_at_the_aba/

⁴² <https://www.americanbar.org/content/dam/aba/administrative/diversity-inclusion-center/new-bog-approved-member-dei-plan.pdf>

⁴³ https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/

advocates and judges that the goals of the UN Global Compact are often implemented. We respectfully request the application be granted.

If you require further information regarding this Communication on Engagement, please contact the ABA's Representative to the United Nations:

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