



**International Learning Lab**  
on Public Procurement and Human Rights

## **International Learning Lab on Public Procurement and Human Rights**

### **Second International Workshop Report**

This is a summary of the Second International Workshop of the Learning Lab on Public Procurement and Human Rights (“Learning Lab”), which took place on 17 November 2016 in Geneva, Switzerland.<sup>1</sup>

#### *Opening Session*

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In opening remarks, speakers emphasised the need to scale up efforts to integrate human rights into public procurement. It was highlighted that the UN Guiding Principles on Business and Human Rights (UNGPs) explicitly refer to public procurement and that the UN Working Group on Business and Human Rights (UNWG) is currently focusing its work on the state-business nexus. For example, a UNWG report “unpacking” UNGP 4 was presented in June 2016.<sup>2</sup>

In addition, it was noted that the 12<sup>th</sup> goal of the UN Sustainable Development Goals (SDGs) focuses on sustainable production and consumption, and target 12.7 specifically deals with public procurement. It was suggested however that, in the green procurement context, governments are still focused on procuring at lowest cost, availability of greener goods can be a challenge, and verification of goods’ environmental quality can be difficult. Proposed solutions included lifecycle costing as it can stimulate governments to purchase greener goods. Lifecycle costing involves taking into account other costs associated with goods in addition to the acquisition cost (e.g. maintenance cost, cost of disposal, etc.). It was suggested that securing social sustainability through public procurement may be more complex, and

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<sup>1</sup> The views expressed in this summary are the sole responsibility of the speakers and participants and do not necessarily reflect the view of meeting organisers or staff. Where this summary refers or reports statements made by speakers, every effort has been made to provide a fair representation of their views and opinions. If any extract of this summary is used, the author(s)/speakers and the Learning Lab should be credited, preferably with the date of publication and details of the event.

<sup>2</sup> *Leading by Example – The State, State-owned Enterprises, and Human Rights*, Report of the Working Group on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, A/HRC/32/45, available at <http://www.ohchr.org/EN/Issues/Business/Pages/Reports.aspx>

that public buyers could benefit from learning from innovative buyers in commerce and industry.

The need for practical tools and case studies on incorporating human rights into public purchasing was underlined. Specifically, there is a need for a clear set of techniques that could be put into practice by public purchasers that could address, amongst other issues, how to map supply chains and how to engage with suppliers to identify human rights risks and develop remedial action plans. Such an approach is preferable to merely relying on contract terms providing for termination in the event human rights abuses emerge, which encourages suppliers to hide abuses in their supply chains, instead of notifying public purchasers and rectifying underlying issues. The potential impact of collaboration among public procurers, locally and internationally, for instance by sharing expertise, good practice, and innovation, was noted.

Public purchasers reported that they had learned that they can draw support from NGOs and academia when working to integrate human rights into their purchasing decisions. The Learning Lab, which could function as an “international academy for public purchasers,” with NGOs and academics providing practical tools and guidance, thus provided a valuable development opportunity for public authorities.

### *Using Transparency to Protect Human Rights in Government Supply Chains*

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Speakers discussed the different elements of transparency, dividing this into four components: 1) disclosure of human rights policies; 2) supply chain transparency (i.e. disclosure of names and locations of entities in the supply chain); 3) disclosing results of monitoring & compliance activities; and 4) capacity and resources dedicated to addressing human rights in supply chains, including, for example, company purchasing terms and supply chain leverage. It was noted that of the four types, supply chain transparency provides the connection between the other elements of transparency. Without this supply chain information, there is no way to know if human rights policies are actually being implemented and hence no accountability.

Case studies were presented detailing how two government bodies are taking steps towards transparency.

#### **Swedish County Councils**

There are 21 County Councils in Sweden. The County Councils are responsible for the delivery of health care, dental care, and public transport, and procure goods and services in the amount of EUR13 billion annually. Since 2010, the County Councils have cooperated in

addressing human rights risks in eight areas, including food, information and communications technology (ICT), textiles, and pharmaceuticals, amongst others.

The County Councils' approach relies on five steps. First, each County Council applies a common Code of Conduct to their suppliers. Second, this Code of Conduct is included in the County Council's purchasing contracts, along with an obligation on suppliers to undertake human rights due diligence. Third, the County Councils request suppliers to respond to questions related to their internal policies and working practices. Fourth, a more in-depth desk-based review is conducted, during which the County Council analyses supplier documentation, such as audit reports. Finally, in some cases the County Council will conduct on-site audits as a fifth step. In relation to monitoring, the Stockholm County Council has joined Electronics Watch in order to increase capacity for independent monitoring of factories in their ICT hardware supply chains. Electronics Watch's monitoring reports will also be accessible to the other County Councils.

In 2013, Danwatch, a Danish NGO, published a report that documented human rights abuses in four electronics factories in China. At that time, the Stockholm County Council had a contract with Dell (during this engagement that contract term ended and a new contract was entered into with Atea, a reseller that provided Dell computers), which was using some of the factories in question to produce items it sold to the Stockholm County Council. The conditions at the factories clearly breached the terms of the purchase contract. When approached by the Stockholm County Council, Dell initially refused to provide relevant documentation, such as audit reports, as evidence of corrective action. Following adverse media coverage, however, the Stockholm County Council imposed a standstill period. The Council requested that the reseller Atea cease to use Dell as a supplier under contracts with the Stockholm County until Dell could prove it had rectified the breaches identified in the Danwatch report.

In response, Dell agreed to permit the Stockholm County Council to monitor, via a third party, two planned audits conducted by the Electronics Industry Citizenship Coalition of Chinese factories producing for Dell. Additionally, Dell disclosed all the documents the Stockholm County Council initially requested under a non-disclosure agreement. For more information on this please see the case study written by Electronics Watch.<sup>3</sup>

Restrictions on public resources were highlighted as a challenge in supporting the integration of human rights into public procurement. In the context of Swedish County Councils, it was noted that this work is funded through contributions from each County Council, based on the population of each County. Additional funding models were explored with participants highlighting the potential to draw from funding models currently applied in combatting

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<sup>3</sup> ELECTRONICS WATCH, PUBLIC PROCUREMENT AND HUMAN RIGHTS DUE DILIGENCE TO ACHIEVE RESPECT FOR LABOUR RIGHTS STANDARDS IN ELECTRONICS FACTORIES: A CASE STUDY OF THE SWEDISH COUNTY COUNCIL AND THE DELL COMPUTER CORPORATION (Feb. 2016) available at [http://electronicswatch.org/en/public-procurement-human-rights-due-diligence-a-case-study-of-the-swedish-county-councils-and-the-dell-computer-corporation-february-2016\\_2456642.pdf](http://electronicswatch.org/en/public-procurement-human-rights-due-diligence-a-case-study-of-the-swedish-county-councils-and-the-dell-computer-corporation-february-2016_2456642.pdf)

corruption. For example, the Siemens Integrity Initiative supports collective action, education, and training projects and is linked with the debarment process, in that companies that have engaged in corruption can avoid debarment by paying into the initiative. While a similar funding model could be contemplated to support efforts to address human rights issues, it was cautioned that this type of approach may be most useful for large companies, given that small and medium sized enterprises (SMEs) may lack resources needed to avoid debarment through contributions to a fund.

Another question arising was whether it may be more effective and cost efficient to rely on workers and worker organisations or civil society organisations for information on conditions in government supply chains, than on social auditors or industry associations, given, for example, the potential for conflicts of interest.

Finally, it was noted that the human rights approach adopted by the Swedish County Councils to date relies on contract clauses, rather than qualification or evaluation criteria, which does not permit evaluation or selection of bids on human rights grounds. However, the use of qualification criteria is now being tested for ICT purchases.

### **Madison, Wisconsin, U.S.A**

In 2005, Madison's City Council adopted a sweatfree ordinance (city level legislation) for apparel purchases. The ordinance requires apparel suppliers and entities in their supply chain producing for the city to pay a living wage; to comply with ILO Core Labour Standards; to comply with laws in the country of production on wages, hours, and working conditions; and to respect women's rights. Subject to certain threshold requirements, the ordinance also requires bidders to disclose factory locations, managers, wages, benefits, normal hours, and actual hours for the past three months. Finally, it authorizes the city to work with an independent monitoring agency to ensure suppliers' compliance with its terms.

From 2005 to 2013, the city's various agencies were purchasing apparel separately, but in 2014 uniform purchases by three agencies (fire, transit, and police) were combined. In the request for proposals (RFP) for the uniform contract, prior to being permitted to submit a proposal, bidders were required to disclose information on factory locations and wages for 60% of the supply chain, subject to certain limitations. The winning bidder would be required to increase this disclosure by 10% each year. Additionally, the winning bidder would have to disclose compliance plans for all manufacturers with \$25,000 or more in annual purchases within the first year of the contract. Monitoring activities are financed by a rebate to the city, which ranges between 1% and 2% depending on the overall procurement volume under the contract. When the total volume of purchases ranges between \$100,001 and \$200,000 the rebate is 1%, when it ranges from \$200,001 to \$300,000 the rebate is 1.5%, and when it is at or above \$300,001 the rebate is 2%. Additionally, under the RFP, the contract is a cooperative contract, which means that other public entities in the United States can join the contract on the same terms.

In response, Madison received the required 60% disclosure from all four bidders for the contract, which was ultimately awarded to Galls and signed in 2015. The factory location information provided by Galls is publicly available.<sup>4</sup>

From this process, Madison derived several lessons: 1) vendors do respond to increased purchasing power, in this case achieved by combining apparel purchases across public agencies; 2) buyers need to work with suppliers to create a joint vision, and to demonstrate that social clauses also have value to vendors; and 3) collaboration towards compliance, rather than a punitive approach, delivers impact. Amongst challenges Madison encountered, on the other hand, were that: 1) as of yet, no additional public bodies have joined the cooperative contract; and 2) Madison was unable to do all that was necessary on its own, but rather had to rely on the Sweatfree Purchasing Consortium for additional support.

In discussion, it was asked whether public bodies could join cooperative contracts in other states within the United States. It was noted that this is explicitly permitted in about half of sub-national jurisdictions, while the rest are either silent on the matter or prohibit it.

### *Other Recent Developments*

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The Inter-American Network on Government Procurement, launched in 2003, is a mechanism for regional technical cooperation among procurement bodies. The network's objectives are to encourage the sharing of experiences and best practices, to disseminate knowledge, and to promote cooperation, coordination, and harmonisation of key aspects of national procurement systems. The network holds workshops on specific topics, for example, sustainability in public procurement, women's inclusion, and open contracting. It was noted that transparency of public contracts is an important topic in the region; Chile, for example, has taken steps to make information about public purchases available in a user-friendly format via the internet.

While focused primarily on the private sector, the UK's Modern Slavery Act (MSA) also encompasses universities within its definition of a commercial organisation, since they charge fees for their services. At the same time, as public bodies, universities are subject to public procurement regulations, putting them in a unique position: under the MSA, universities are now required to report on their efforts, if any, to combat slavery in their supply chains, while other government agencies are not required to do so. It was highlighted, however, that there is room for improvement in universities' initial MSA reports in relation to substantive content regarding their institutional policies or practices designed to address risks of modern slavery.

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<sup>4</sup> Sweatfree Purchasing Consortium, Sweatfree LinkUp!, <http://buysweatfree.org/linkup> (last visited 26 Jan. 2017).

It was also noted that a Private Member's Bill was currently before the UK Parliament that would apply the MSA's reporting requirements to all public bodies.

An "SFtool" developed by the United States Government Services Administration was presented.<sup>5</sup> This is a webpage that provides guidance to contracting officers on identifying human rights risks by sector and by country; it enables them to notify contractors of those risks. It also provides sample contract language for use in relation to high-risk purchases and guidance on post-award measures. Feedback on the tool is welcomed, as it will be revised and improved iteratively. A number of other legislative and policy measures were noted, including the recent closing of the "consumptive demand" loophole in the prohibition on importing goods made with forced labour. The loophole had exempted goods from the prohibition if U.S. production of the good was insufficient to meet U.S. demand. Other recent progress includes Executive Order 13627 "Strengthening Protections Against Trafficking in Persons in Federal Contracts," related statutory law, and federal guidance for contractors on how to implement the requirements of the prohibition on human trafficking.

A recent report, "Agents for Change: How public procurers can influence labour conditions in global supply chains," by the Swedish NGO Swedwatch was presented.<sup>6</sup> The report focuses on three case studies. The first of these, concerning the purchasing of surgical instruments produced in Pakistan, highlights the positive impact on working conditions of human rights clauses in public procurement contracts. An investigation in 2007 revealed many human rights and labour rights abuses in factories supplying to public buyers. However, a follow-up investigation, in 2015, after human rights criteria had been introduced, identified improvements in relation to the incidence of child labour, wages, and excessive overtime in workshops covered by the contract clauses. Neighbouring workshops that were not covered by the human rights clauses however showed little change in labour conditions. The second case study shows that contracting authorities in Sweden were unaware of the human rights risks connected to the production of processed chicken meat in Thailand. Food items were in general not viewed as a risk category. The third case study examines the procurement of coffee from Brazil. The production of coffee in Brazil includes exploitation of migrant workers and the use of toxic pesticides often banned within the EU. A sample survey indicates that contracting authorities within Sweden commonly use independent certification standards as a tool to include environmental and human rights criteria in their contracts.

The report identified the following factors as influential on the success of human rights measures in public contracting: risk assessments and monitoring; adequate resources, including time, competence, and political support; exploitation of new possibilities offered by the 2014 EU public procurement Directives; and increased leverage through collaboration between public buyers in order to enhance incentives for suppliers. Participants highlighted the potential value to public authorities of a standard code of conduct and operational

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<sup>5</sup> To view the tool, visit <https://sftool.gov/plan/545/social-sustainability>

<sup>6</sup> SWEDWATCH, AGENTS FOR CHANGE: HOW PUBLIC PROCURERS CAN INFLUENCE LABOUR CONDITIONS IN GLOBAL SUPPLY CHAINS (Nov. 2016), available at <http://www.swedwatch.org/en/reports/public-authorities-agents-positive-change>

approach, to create economies of scale, which individual public buyers could decide to adopt on a voluntary basis.

### *Introducing the Learning Lab's Work and Network*

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Within the Learning Lab's network, there are four thematic research and advocacy networks, called "hubs." Currently, these focus on procurement of apparel, private security, electronics and procurement by international financial institutions.

#### **Apparel Hub**

The Apparel Hub, led by the International Corporate Accountability Roundtable (ICAR) and the Harrison Institute for Public Law at Georgetown University Law Center, is presently engaged in writing "contractor profiles," which will include general information and the human rights records for several apparel contractors for United States federal agencies. As part of this work, the Apparel Hub is using publicly available information to map the supply chains of these apparel contractors to the extent possible, and identifying human rights risks associated with the country of production and documented evidence of human rights abuses in the supply chains of these apparel contractors. The purpose of this work is to demonstrate the concrete connections between government purchases and high-risk supply chains. Additionally, the hub is researching what legal authority may already exist for U.S. agencies to require supply chain disclosures by contractors, and areas where legal reform may be needed. While the Apparel Hub has so far focused this work on the United States, it is now actively seeking partner organisations in Europe. The knowledge and experience acquired through this research will be incorporated into two reports to be published in early 2017, respectively focusing on effective practices in the areas of risk assessment and transparency.

#### **Private Security Hub**

The Private Security Hub, led by the Geneva Centre for the Democratic Control of Armed Forces (DCAF), is developing a Contract Guidance Tool for Private Military and Security Services. Once finalised, this tool will provide practical guidance to contracting authorities and procurement officers on how to structure their contracts and contracting processes for private military and security services to promote accountability and respect for human rights and international humanitarian law. Part I of the tool covers the bidding and selection process, while Part II provides guidance on the drafting of the contract itself and contains a model contract. The tool adopts a practical approach, for example, providing a model for the weight to be given to criteria for the evaluation of bids. The draft is currently under consultation and will be published in 2017.

#### **International Financial Institutions (IFIs) Hub**

The IFI's hub is led by the Public Procurement Research Group at the University of Nottingham. In developing countries, procurement accounts for about 15-18% of GDP, and in

some cases more, most of which is financed by development aid. At the same time, IFIs drive the agenda for capacity building and procurement reforms in developing countries, giving them critical influence. While most IFI policies to date have failed to address environmental and social considerations in procurement, there are some signs of change: for example, the World Bank's new procurement guidelines, adopted in July 2016, permit consideration of social and environmental factors. The IFI Hub is developing a report analysing IFI procurement policies and comparing these with their responsibilities to respect human rights.

### **Electronics Hub**

The Electronics Hub, which is led by the Business, Human Rights and the Environment Research Group at the University of Greenwich, is currently involved in the following research and activities:

- 1) Conducting research related to the ways in which human rights standards are being integrated in the public procurement of electronics;
- 2) Researching the nature and role of regulatory frameworks in driving transparency of the supply chain, with specific emphasis on the current practice under the UK Modern Slavery Act (2015) and its relevance for public buyers;
- 3) Considering the ways in which it is possible to continuously demand reform in the electronics supply chain in a project between civil society actors and academics;
- 4) Advancing research on current social auditing and monitoring processes and alternatives to them, including supporting worker-driven monitoring in partnership with international and local civil society organisations; and
- 5) Bringing public procurers, academics, and civil society, including from the global south, together in participatory events, to disseminate learnings and questions for engagement going forward. On 8 December 2016, Greenwich held its third Symposium – focusing on human trafficking and modern slavery.

### **Learning Lab Report & Internet Portal**

In July 2016, the Learning Lab published its first report, "Public Procurement and Human Rights: A Survey of Twenty Jurisdictions." This study provides: 1) an overview of standards, issues, and initiatives related to public procurement and human rights; 2) findings from a 20-jurisdiction survey of law, policy, and practice on public procurement and human rights conducted in collaboration with local partners; and 3) recommendations on measures needed to bring public procurement into alignment with human rights and sustainable development.

This report can be found on the Learning Lab's website, [www.hrprocurementlab.org](http://www.hrprocurementlab.org), which also includes information on Lab events, e-learnings, links to relevant tools, legal and policy documents, and the Learning Lab's Public Procurement and Human Rights Blog.

## Roundtable Learning Sessions

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During the roundtable learning sessions, participants broke into groups to discuss specific topics related to public procurement and human rights, to learn about existing projects, and to explore opportunities for collaboration.

### **EU Procurement Directives**

During this breakout session, the EU Procurement Directives and their implications for incorporating human rights into public procurement were discussed. The relevant EU Directives comprise: 1) the Public Procurement Directive; 2) the Utilities Directive; 3) the Concessions Directive; 4) the Defence and Sensitive Security Procurement Directive; and 5) the Remedies Directive.

It was noted that the European procurement regime is well developed, and that its primary goal is to support the EU's single market and encourage free movement of goods and services across borders, rather than to guard against human rights abuses in government supply chains. Recently, EU procurement rules have changed to permit a slightly enhanced focus on social value (e.g. by allowing the use of procurement to benefit a disadvantaged community) however they still address human rights to a strictly limited extent. It was highlighted that the 2014 EU Procurement Directives move decisively beyond "lowest price", instead counselling selection of the "most economically advantageous tender" (or "MEAT").

There are two principal ways that human rights factors can be incorporated into the procurement process under the EU Directives. First, at the selection stage, Member States *must* exclude bidders under certain circumstances, such as following a final conviction for child labour or offences related to trafficking in human beings. Member States *may* also exclude bidders under other circumstances, such as when the bidder is "guilty of grave professional misconduct, which renders its integrity questionable," which might potentially be interpreted to encompass additional human rights-related criteria. Secondly, at the evaluation stage, criteria on human rights can be included if these are "linked to the subject matter" of the tender.

Challenges to the use of such new measures in practice were identified, including a lack of resources on the part of procuring bodies; a persisting focus on acquisition costs to the exclusion of other factors; risk aversion; and reluctance to innovate. Finally, it was highlighted that while mandatory elements of the new Directives will be integrated at the national level across all Member States, there is a risk of inconsistency as regards the Directives' voluntary elements.

## **Apparel**

It was highlighted that in most countries, there are significant gaps in human rights protections across all stages of apparel procurement, while buyers, government contractors, and policy-makers often do not know “where to start” in closing such gaps.

The Apparel Hub is therefore engaging in a project focused on securing transparency of government supply chains for apparel, as the initial step needed to facilitate risk assessment and risk management measures. While this project has focused on the United States so far, it will be expanded into other jurisdictions, including Germany and the Netherlands. The first stage in this project has been to identify the total amount spent on apparel each year for several U.S. Federal agencies. Next, a list of apparel suppliers has been compiled for each of these agencies, ranked by purchase volume. Thirdly, the Hub is working on using publicly available customs data to map the agencies’ apparel supply chains and to collect information on the human rights records of key apparel suppliers. The overall objectives of the Hub’s research include: 1) demonstrating how apparel supply chain transparency can be achieved using existing data; 2) identifying gaps in apparel supply chain information; and 3) informing U.S. agencies when they use high-risk supply chains for apparel purchasing.

Regarding the latter, it was suggested that if, for example, it can be demonstrated that government buying is linked to child labour in a country where the government is at the same time using tax revenues to support development projects intended to combat child labour, this might encourage governments to improve their procurement practices.

## **Electronics**

Electronics Watch presented on public procurement of electronics, and described the Electronics Watch model. Electronics Watch is an initiative that aims to integrate human rights considerations in public procurement of electronics hardware and to support monitoring of their implementation in the first and second tier of the supply chain. Public sector buyers who affiliate with Electronics Watch incorporate human rights-related clauses that are provided by Electronics Watch into their electronics purchase contracts, and Electronics Watch subsequently monitors labour conditions in the supply chain to evaluate compliance with those contractual requirements. Electronics Watch’s approach to monitoring is worker-driven: the goal is to strengthen workers’ voices to report concerns and develop solutions, and local civil society organisations are engaged to undertake monitoring rather than social auditing firms. Moreover, Electronics Watch enhances leverage over suppliers through collaboration amongst affiliates.

Participants discussed the importance of transparency, noting that a publicly accessible repository of monitoring reports would provide useful information to guide award decisions. Supply chain mapping and disclosure would be important steps towards increased accountability. It was noted that according to brands, however, there are barriers to disclosure of this type of information which include: 1) mapping the supply chain is not

possible or is too resource-intensive; while 2) supply chain information is commercially sensitive.

Further challenges in incorporating human rights into electronics procurement were noted, including repression of worker organisations and the lack of strong traditions of worker organisation in the electronics industry.

### **Private Security**

The session emphasised the need for oversight of public contracting for security services, given the high risk of the use of force and hence human rights abuses in the security context. Despite this need for oversight, there were many weaknesses affecting public contracting processes in this area. First, public tenders usually need to be approved by government departments responsible for procurement, such as finance departments, which may be hesitant to include human rights criteria, and which may lack resources and expertise to monitor compliance with such criteria, if introduced. Second, as many suppliers are currently unable to meet human rights criteria, public buyers may find few, if any companies, qualified to meet the terms of a tender. Third, requirements included in contracts should be audited, however, public buyers were presently ill prepared for this task.

A draft public contracting tool for private security services has been developed by DCAF. Its objectives are to provide concrete guidance for public buyers, organized into two main stages: 1) the bidding process and award of the contract; and 2) the drafting of the contract itself. It was noted that one challenge in developing the tool has been how to balance human rights concerns with other considerations, so as to avoid, for example, making the monitoring of contract terms too burdensome.

A number of challenges unique to the private security sector were raised and cautions were made around establishing 'blanket-criteria' for procuring these services. For example, exclusion from tenders of operators or personnel with a criminal conviction may be unfair in post-conflict contexts where persons might have been convicted for political crimes under a former regime. On the other hand, former combatants, child soldiers, or others whose background makes them unsuitable as private security providers may have no criminal record as a result of disarmament, demobilization, and reintegration (DDR) programs. It was therefore vital to apply such criteria according to the local context.

### **Human Trafficking**

The OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings presented work undertaken through the "Prevention of Trafficking in Human Beings in Supply Chains through Government Measures, especially in Public Procurement" project (funded by the governments of Austria, Germany, the Netherlands and Switzerland). Promising practices to leverage public procurement as a way of preventing trafficking in supply chains (USA, Sweden, Norway), where governments are working with their contractors to exclude forced labour from the procurement process were discussed.

Participants also explored the licencing of labour suppliers model in the UK. During the discussion, participants welcomed the OSCE's intention to develop flexible model guidelines, and noted the need for guidance for public purchasers in relation to human trafficking. Participants agreed that additional guidance should:

- 1) Provide practical steps for public buyers to incorporate human rights and anti-trafficking as a human rights concern into the procurement process, including promising practices;
- 2) Work to avoid fragmentation of public procurement across many different government bodies, and different rules across and between countries, and to promote sharing of performance information across governments internally on contractors – to prevent rewarding bad actors;
- 3) Involve the sub-national, regional, and municipal levels and ensure enough resources for them to be able to remain compliant with legislative and policy measures;
- 4) Include solutions that recognize that most public buyers lack resources to engage in independent supply chain monitoring;
- 5) Recognize that while voluntary measures are a good step, measures that are enforceable are most effective;
- 6) Provide specific measures to protect the rights of at-risk populations, such as migrant workers and children, where due diligence, corrective action, and remediation measures may require modification;
- 7) Address best practices on engaging with civil society, trade unions, and workers for monitoring purposes;
- 8) Create risk assessment tools, including guidance on how to recognize an “abnormally-low” bid;
- 9) Provide guidance on awarding points for green and socially responsible commitments from bidders, including regarding codes of conduct and labour standards in supply chains;
- 10) Assist on steps to take where abuses of workers' rights are identified, especially concerning recruitment of workers; and
- 11) Address how to link existing initiatives and integrate anti-trafficking efforts into other relevant initiatives, such as in the next update of the United Nations Commission on International Trade Law's (UNCITRAL) model law, into National Action Plans on Business and Human Rights, anti-corruption, environmental, labour and social standards, etc.

Participants also noted that beyond the public sector, financial institutions and investors have an important role to play in requiring decent working conditions, eradicating forced labour, and preventing modern slavery.

## Close

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In the closing session, speakers and participants reflected on the main themes raised during the day. The persisting need for practical guidance for procurement officers and policymakers on how to incorporate human rights considerations at each stage of the procurement cycle was underscored. The value of case studies, such as those relating to the Swedish County Councils and Madison, Wisconsin was emphasised, as was the role of transparency as a first step towards accountability. Challenges concerning the reliability of audits and certifications, and the need to consider alternatives monitoring models, were also discussed.

Participants touched on the crucial need for wider and sustained collaboration to address the public procurement and human rights agenda. Such collaboration should focus on: 1) the consolidation and dissemination of knowledge and experiences; 2) the extension of joint purchasing, to increase leverage; 3) the development of guidance, which should include sector-specific components; 4) higher policy profile for human rights issues in public procurement; and 5) expansion of the Learning Lab network beyond North America and Europe.

Finally, information was shared on the Public Procurement Global Revolution VIII Conference to be held 12–13 June 2017 at the University of Nottingham, UK, which will include dedicated sessions on human rights and public procurement. Following the conference, the Learning Lab will hold a workshop on 14 June 2017 at the University of Nottingham. Proposals for session themes for the Learning Lab Workshop were invited from participants.

Additional resources from the Second International Learning Lab Workshop, including presentation slides, are available at [www.hrprocurementlab.org/blog/events/second-workshop-of-the-international-learning-lab/](http://www.hrprocurementlab.org/blog/events/second-workshop-of-the-international-learning-lab/).