

ANNUAL REPORT

CORPORATE
ACCOUNTABILITY
LAB

20
20

AT A GLANCE

4

New team
members
hired

10+

Design
days

2,260

Cups of
coffee
consumed

Director's Note

Writing a retrospective on 2020 is a thankless task. Did 2020 ever end? With the Delta variant spreading, our emergence from the pandemic feels stalled. But unlike in mid-2020, today we know that we can survive, and even thrive, in this reality.

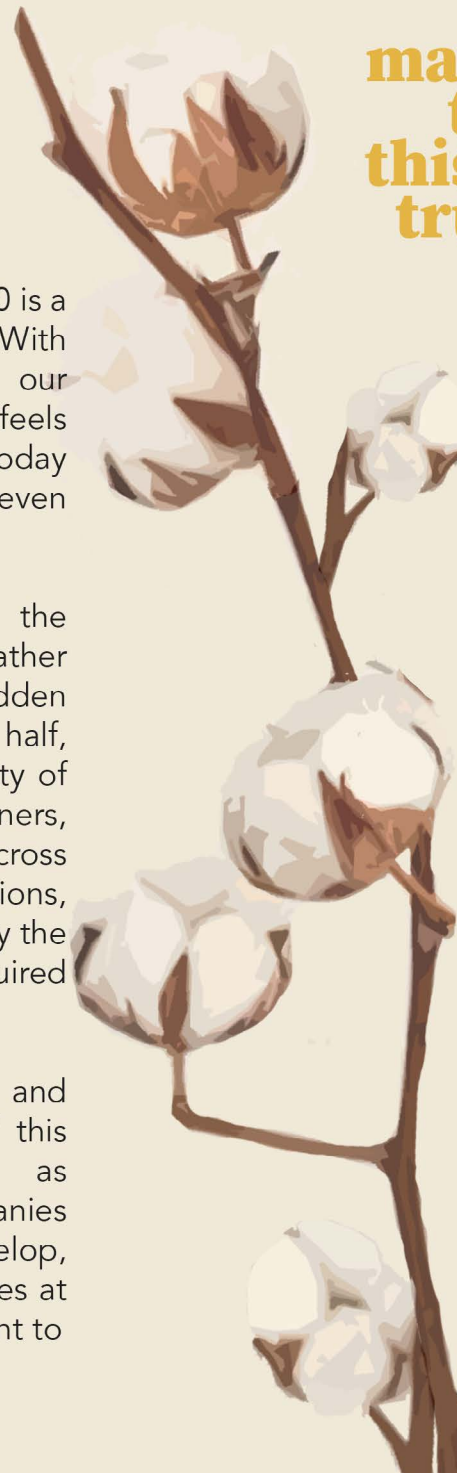
This period has presented the opportunity to test how well we weather adversity and to discover hidden strengths. Over the past year and a half, I have seen the extraordinary ability of my staff, our colleagues and partners, and workers and communities across the globe to rethink our assumptions, adapt and innovate, and to embody the creativity, resilience, and grace required of us now more than ever.

Our ability to adapt to change and innovate are defining features of this season. We watched closely as scientists, governments, and companies raced against the clock to develop, manufacture, and distribute vaccines at unprecedented speed -- a testament to

“Our resilience manifests in our ability to find our footing in this landscape, to build trust despite distance, and to create in the midst of loss.”

the importance of creative thinking and solving hard problems under difficult conditions. But as the pandemic drags on, the disparate impacts of the crisis on various communities are increasingly apparent. The inequitable distribution of life-saving technologies mirrors the unfairness of our global economy.

While unequal access to vaccines and personal protective equipment among our partners in Africa, Latin America, Europe, and Asia is apparent, we also see how each community finds its own ways to make do with what it has. Extraordinary resilience surrounds us. This does not mean we do not have dark moments alone and together or that we ignore our own suffering or that of others. Our resilience manifests in our ability to find our footing in this landscape, to build trust despite distance, & to create in the midst of loss.



In 2020, CAL continued to grow and create. We found new funding, added new members to our team, and built new ways of working transnationally in a suddenly highly-localized world. The next page includes a few highlights that I'm particularly proud of.

How did we do all of this in such a chaotic year? It blows my mind, and I was there. What is even more incredible is all the work we did but cannot yet reveal. But once our prototypes become tests and our tests become public, we will be thrilled to let you in on all of our secrets. Until then, we are forever grateful to each of you for the many ways you have supported us and shown confidence in our work. We wish you connection, health, calm, and resilience in 2021 and beyond.

Charity Ryerson,



Executive Director
and Founder



2020 Highlights



We built an “Idea Bank”, an online, password-protected platform for the human rights legal community, allowing better collaboration between advocates & new opportunities to share and scale up innovations.



We formed a new partnership with the Ethical Source Movement and the Omidyar Network to scale up our work around providing human rights terms in software licenses.



We hosted a civil litigation skillshare with Colombian and Global North attorneys to explore new avenues for redress for victims of the Colombian armed conflict.



We submitted two amicus briefs to the Supreme Court in support of formerly-trafficked plaintiffs in the *Nestlé USA v. Doe* case on behalf of 19 cocoa and chocolate companies.



Along with partners, we filed two petitions with Customs and Border Protection (CBP), challenging the importation of goods produced with forced labor. These petitions put major pressure on companies sourcing cocoa from West Africa and cotton from Xinjiang, China, and resulted in CBP issuing several Withhold Release Orders to stop tainted imports.



We provided technical support to the Colombian peace tribunal, the Jurisdicción Especial para la Paz, to promote victim participation & corporate accountability.

01

projects



legal

Design thinking

is a creative, iterative, and human-centered approach to problem solving.

The Legal Design Lab is our space to collaborate, experiment, and test different strategies that can combat global corporate impunity.

We apply design thinking processes and mindsets to develop new and under-utilized legal tools to advance corporate accountability for human rights and environmental abuses around the world. Our innovations are not meant to stay in the Lab; they are most useful when brought to the field, the factory, and the courtroom.

In 2020, with the help of legal interns and members of our Brain Trust, CAL's Design Lab staff researched a broader range of potential legal tools for corporate accountability than ever before. Below are just a few areas of our research.

Worker-enforceable supplier codes of conduct

How to make human rights and environmental legal clauses in buyer-supplier supply chain contracts expressly enforceable by workers.

Foreign Corrupt Practices Act (FCPA)

How to leverage the FCPA against a US company's infringement on cultural, religious, & human rights of Indigenous people globally.

Social auditor liability

How to hold auditing and certifying companies legally accountable for flawed and inaccurate social audits that allow companies to violate workers' rights with impunity.



CAL's Legal Design Process

5. Test

Test our most promising prototype(s) in the real world, assessing and refining along the way. We amplify the strategies that work and scrap the ones that fail, using those stories to inform our future work.

4. Prototype

Reign in the ideas we generated & run our most promising strategies through scaled-down tests where we investigate & analyze how a particular legal strategy might play out in the real world.

1. Understand the system

Research, identify, articulate, and map the systems, processes, and actors involved in corporate abuse of human rights and empathize with communities directly affected.

Strategically frame & reframe the problem until we clearly articulate the problem we want to solve in a way that is human-centered and can be addressed by leveraging legal tools.

2. Define the problem

Take a playful & creative approach to what we've learned and defined, suspending practical constraints and generating legal strategies -- no matter how far-fetched -- to address the corporate impunity problem we defined.

3. Ideate

Design Days & Community Building

We hosted internal virtual "design days" to apply design thinking mindsets and processes to our current corporate accountability projects. We also facilitated external design days with partner organizations and academic institutions.

We led community building calls for the corporate accountability community in partnership with the International Corporate Accountability Roundtable. These informal conversations sparked connections between members of the corporate accountability community and led to collaboration to stop corporate impunity.

Petitioning Against Child Labor in Cocoa Supply Chains

We filed two amicus briefs with the U.S. Supreme Court in the Nestlé USA v. Doe case, which was brought on behalf of former child laborers in the Ivorian cocoa industry. We filed amicus briefs on behalf of 19 small and mid-size cocoa and chocolate companies, arguing that these companies are at an unfair disadvantage to multinational companies that source cocoa produced with forced child labor. These companies argued that corporate liability for human rights abuses in supply chains is essential for a fair and equitable economy.



The Idea Bank:

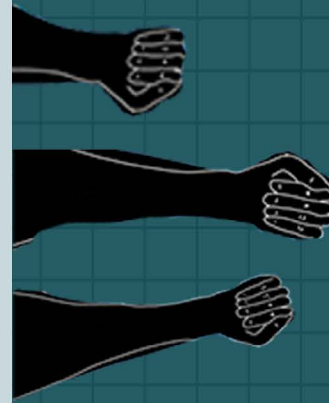
Our new, innovative hub for CAL's Design Lab & members of the corporate accountability community.

The Idea Bank is an online platform that serves as a tool to enable, foster, and supplement in-person and online connections between colleagues in the corporate accountability community worldwide.

It's also a working space: corporate accountability lawyers and activists can share knowledge, including novel ideas and lessons learned.

We believe that much-needed innovation in the corporate accountability field will come from collaboration across various experiences, perspectives, and jurisdictions. This is why the Idea Bank includes a repository of legal research. Our aim is to provide a dynamic space not just for polished publications, but for memos, notes, and musings on ideas that are shared for input with trusted members of our community.

In September 2020, we presented the Idea Bank at a "soft launch" and engaged beta-testers. The Idea Bank formally launched in February 2021.



Addressing Corporate Accountability in Transitional Justice in Colombia & Beyond

Colombia entered into a transitional justice process in 2016 after decades of conflict. In 2020, CAL continued to work with partners Dejusticia and the Comisión Intereclesial de Justicia y Paz to design innovative strategies to address the role of economic actors (such as corporations and individual private actors) in the Colombian conflict. The project examines the failure of other transitional processes to address the role of economic actors in conflict and uses this analysis to challenge the Colombian transitional justice mechanisms and relevant institutions to adopt meaningful measures for accountability, including through complementary and parallel accountability mechanisms.

In 2020, we developed and facilitated a civil litigation skillshare where Colombian and Global North attorneys came together to discuss challenges and design strategies to hold corporate actors accountable for their actions during the conflict. This unique space advanced an ongoing strategic collaboration among all participants, which now aims to develop an unprecedented toolbox necessary to advance efforts to hold corporations liable for benefiting from or actively contributing to the conflict.



Transitional Justice refers to the ways in which countries address the atrocities that occurred during periods of civil conflict and repression. It consists of formal and informal processes for both legal justice & social reckoning.



A social lab is a social, experimental, and systemic space that consists of a diverse group of stakeholders who share experiences and test strategies aimed at addressing root causes of social injustices.

CLASP LAB: Advancing Post-Conflict Corporate Accountability Around the World

In 2020, we worked with our Colombian partners and the African Coalition for Corporate Accountability to develop the Corporate Liability and Sustainable Peace Lab (CLASP Lab), a social lab that brings together a diverse group of legal practitioners and community advocates to share experiences and create replicable strategies to hold corporations accountable for human rights and environmental abuses committed during conflict.

The CLASP Lab consists of members from over 20 countries, mainly in Africa and Latin America. The Lab will meet throughout 2021.




Leveraging Trade Law to Deter Abuses in Supply Chains

Creative Legal Strategies

Trade law is often seen as a tool to protect corporate interests, but it can also be used to hold international corporations accountable for human rights abuses in their supply chains. We develop creative trade law strategies to

incentivize companies to clean up their supply chains. This includes eradicating exploitative labor practices such as forced and child labor in supply chains by targeting the entry of goods made with forced labor into U.S. markets.



307

Section 307 of the Tariff Act prohibits the importation of all goods produced even in part with forced or prison labor. Under Section 307, non-governmental organizations can provide evidence of forced labor in supply chains to Customs and Border Protection (CBP), the U.S. government agency that enforces the statute. In 2020, we filed two 307 petitions, one on forced child labor in the Ivorian cocoa industry and one on forced and prison labor in the Xinjiang cotton industry.

On February 14, 2020, we filed a 307 petition focused on the cocoa industry in Côte d'Ivoire, which is notoriously rife with child labor. We worked with local investigators to collect evidence of forced child labor in the Ivorian cocoa sector, and included this evidence in the petition in collaboration with International Rights Advocates and UC Irvine Human Rights Clinic.

Separately, we joined nine labor and human rights organizations to file a 307 petition asking CBP to stop the importation of all cotton and cotton-made products produced in the Xinjiang region in China. Forced labor in Xinjiang is part of a government-run mass internment system, resulting in persecution, crimes against humanity, and genocide against the Uyghur people. In January 2021, CBP issued a Withhold Release Order against all cotton and tomato products produced in any part in the region. This is a huge step towards forcing companies to eradicate forced and prison labor in their supply chains.





Using Intellectual Property Law to Deter Human Rights Abuses

Intellectual Property (IP)

law governs the rights creators have over their creations. IP law protects a creator's physical property and the ideas that brought the creation to life. Unfortunately, IP is not always used as its creators intend--

especially in the tech industry, where creators' work can be used by companies in ways that harm people and the planet. We use an ethical IP model to deter human rights abuses by equipping developers with tools to protect their work from being used to do harm.

Creating Partnerships with the Open Source Community

In 2020, we partnered with the Ethical Source Working Group to promote cultural and institutional change within the open source community. The Ethical Source Working Group consists of 150 experts from around the globe representing open source maintainers and contributors, legal specialists, non-profit leaders, activists, philosophers, writers, human rights workers, and technology industry leaders. We also received funding and support to hire an Ethical IP Staff Attorney and helped to create the Organization for Ethical Source (OES), an organization dedicated to empowering open source software developers to exercise their rights in order to ensure their software is used for social good and to promote human rights.

Ethical Licensing

Software licensing is commonplace in the open source community. Developers who are concerned that their software is being used for human rights abuses have begun to modify their software licenses to prevent future harms. Developers can find a variety of ethical open source software licenses on CAL's website and on OES's website, each with its own approach to standards and human rights concerns.

Financial Report

Corporate Accountability Lab is a registered 501(c)(3) tax-exempt organization. **CAL does not accept money from corporations, including law firms or small businesses.** We accept grants from foundations, including family foundations and corporate foundations, based on stringent criteria including a determination that a company does not exercise control over the foundation.

Corporate Accountability Lab is committed to pay equity and just allocation of resources. Our current policy ensures that the highest paid staff member may not earn more than 200% the salary of the lowest paid staff member. In 2020, our highest paid staff earned 133% of the salary of our lowest paid staff.

Some of our funders have chosen to give anonymously. We are grateful to these donors, as well as to the Bertha Foundation, Michael and Alice Kuhn Foundation, Wheaton Franciscans, the Omidyar Network, and Justice Catalyst for their support of our work.

We rely on individual and foundation support to conduct this important work. Thank you for your generosity and dedication!



Finance

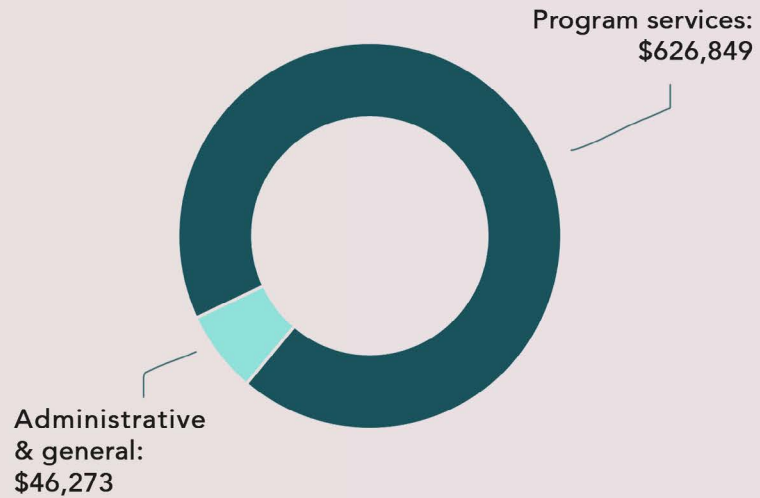
Income

Grants	\$553,549
Donations	\$31,948
PPP Loan	\$45,800*
Interest Income	\$3,246
Services	\$425

TOTAL **\$634,968**

*The federal Paycheck Protection Program is a U.S. government program to assist small businesses and non-profit organizations during the pandemic. This loan was forgiven.

Expenses



TOTAL **\$673,122**

Our Team



Our Team

Advisors

Bill Quigley
Brad Goldstein
Chris Byrnes
Jamie Underwood
Katherine McDonnell
Dr. Maha Hilal
Marco Simons
Terry Collingsworth
Zobaida Khan

Board

Liz Deligio, Chair
Ed Vogel
Jenna McElroy
Kierra Jackson
Lupita Aguila Arteaga
Laura Vilim
Micah Bales
Chris Eagan

Staff

Charity Ryerson, Executive Director
Allie Brudney, Staff Attorney
Avery Kelly, Staff Attorney
Tatiana Devia, Staff Attorney
Bettina Braun, Legal Fellow
Isabella Ariza, Legal Fellow
Laynie Barringer, Office Coordinator

THANK YOU



We want to extend a sincere thank you to all of our partners, donors, and supporters. We wouldn't be here without you! Thank you for making Corporate Accountability Lab's work possible.

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