

## SECOND PART: APPLICATION FORM IN WORD FORMAT

### Working Group on the issue of human rights and transnational corporations and other business enterprises, member from Western European and other States

Appointment to be made by the Human Rights Council at its 50th session

#### **APPLICATION DEADLINE: 6 APRIL 2022 AT 12 NOON GENEVA TIME**

- The application process consists of two compulsory parts:  
**(1) online survey<sup>1</sup>** (<https://ohchr-survey.unog.ch/index.php/893271>)  
and  
**(2) application form in Word format<sup>2</sup>** (to be downloaded from <https://www.ohchr.org/EN/HRBodies/HRC/SP/Pages/HRC50.aspx>)
- Once fully completed, in English or French only, the Word application form should be submitted by email to [ohchr-hrcspecialprocedures@un.org](mailto:ohchr-hrcspecialprocedures@un.org)
- [mailto:](mailto:ohchr-hrcspecialprocedures@un.org)A maximum of up to three optional reference letters may be attached to the email (in Word or PDF format).
- No additional documents (e.g. CVs, resumes or additional reference letters) will be accepted.
- Applicants will receive an acknowledgment email when both parts of the application process, i.e. the data submitted through the online survey and the Word application form, have been received by the Secretariat.
- Applications will only be considered if both parts and all sections of the Word application form have been completed and received by the Secretariat before the expiration of the deadline. **No incomplete or late applications will be accepted.**
- Eligible for Working Group mandates are only nationals of the States belonging to the [regional groups](#) for which specific vacancies have been advertised.
- General description of the selection process and answers to frequently asked questions are available at <https://www.ohchr.org/EN/HRBodies/HRC/SP/Pages/Nominations.aspx> and <https://www.ohchr.org/EN/HRBodies/HRC/SP/Pages/BasicInformationSelectionIndependentExperts.aspx>
- In case of technical difficulties or problems with accessing or completing the forms, you may contact the Secretariat by email ([ohchr-hrcspecialprocedures@un.org](mailto:ohchr-hrcspecialprocedures@un.org)) or fax (+41 22 917 9008).

#### I. PERSONAL DATA

<b>1. Family (last) name:</b> Spears	<b>5. Year of birth:</b> 1972
<b>2. First (given) name:</b> Suzanne	<b>6. Place of birth:</b> USA
<b>3. Other name, if any:</b>	<b>7. Nationality (please indicate the nationality that will appear on the public list of candidates):</b> USA
<b>4. Gender:</b> Female	<b>8. Any other nationality:</b>

<sup>1</sup> The short **online survey** is used to collect information for statistical purposes such as personal data (i.e. name, gender, nationality), contact details, mandate applying for and, if appropriate, nominating entity. The same name, gender and nationality must be used both in the online survey and in the Word application form.

<sup>2</sup> The **application form in Word format** includes a motivation letter of maximum 600 words (section III of the form). The application form should be completed in English or French only, the two working languages of the United Nations Secretariat. The application form will be used as received to prepare the public list of eligible candidates who applied for the vacancy. The application forms of eligible candidates will also be posted as received on the OHCHR public web page for the selection process.

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## II. MANDATE-SPECIFIC COMPETENCE / QUALIFICATIONS / KNOWLEDGE

**NOTE: Please describe why the candidate's competence / qualifications / knowledge is relevant in relation to the specific mandate:**

### 1. QUALIFICATIONS (200 words limit)

**Relevant educational qualifications or equivalent professional experience in the field of human rights; good communication skills (i.e. orally and in writing) in one of the six official languages of the United Nations (i.e. Arabic, Chinese, English, French, Russian, Spanish.)**

I have two degrees in International Relations with a focus on human rights and a law degree focused on international economic law. I am a graduate of the Inter-American Institute of Human Rights course in human rights. My career began in international affairs and human rights organisations, including with the UN, the Inter-American Institute of Human Rights and the Council on Foreign Relations (1994-2000); continued in international law firms, where I have focused on disputes between and amongst companies, States and communities and developed two leading Business and Human Rights Practices (2002-2022); and in the coming months I am founding an independent specialist international human rights law firm. I have advised dozens of companies, including some of the world's largest (Facebook / Meta, Associated British Foods / Primark, Barrick Gold / Acacia, Marathon Oil, Shell, Walmart, among others) and a number of States on business and human rights matters. I have represented companies in transnational tort litigation (including in cases involving child labour and excessive use of force by State security forces); built operational level grievance mechanisms (including for Acacia Mining in Tanzania); and represented States and foreign investors in arbitrations involving human rights matters (including Peru in the Renco PCA arbitrations). I am a native English speaker and fluent Spanish speaker.

### 2. RELEVANT EXPERTISE (200 words limit)

**Knowledge of international human rights instruments, norms and principles. (Please state how this was acquired.)**

**Knowledge of institutional mandates related to the United Nations or other international or regional organizations' work in the area of human rights and particularly in the area of the mandate. (Please state how this was acquired.)**

**Proven work experience in the field of human rights and particularly in the area of the mandate. (Please state years of experience.)**

My knowledge of international human rights instruments stems from my academic background and work experience in both the UN and Inter-American human rights systems. As examples of my expertise, on behalf of the Inter-American Institute of Human Rights I advised the delegations from Latin America and the Caribbean during the drafting of the Optional Protocol to CEDAW; and I drafted a guide to international instruments on women's human rights for the OHCHR in Colombia. I provided pro bono legal advice to the UN Secretary General's Special Representative on Business and Human Rights during his mandate, advising him on international investment law. I have headed the Business and Human Rights Practice at a boutique public international law firm, Volterra Fietta, as well as at one of the world's largest global law firms, Allen & Overy. I have maintained a pro bono human rights practice

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throughout my twenty years in private practice, including heading the Political Asylum Practice at Debevoise & Plimpton and as a leader of the Human Rights Working Group at Allen & Overy.

#### **3. ESTABLISHED COMPETENCE** (200 words limit)

**Nationally, regionally or internationally recognized competence related to human rights. (Please explain how such competence was acquired.)**

Chambers and Partners Global lists me as one of the leading Business and Human Rights Law lawyers globally (Band 2), and one of the leading Public International Law layers (Band 3). Legal 500 lists me as a leading Public International Law lawyer.

Highlighted as "one of the leading people in this area," she assists multinational clients with supply chain management, which involves human rights due diligence. The London-based lawyer also advises parent companies on the potential liability of its overseas subsidiaries. A source claims: "She is bright, intelligent and able to work out ways forward in any difficult situation." Chambers Global 2022, BHR Law

A source commends her 'strong expertise,' adding: 'She is particularly good at maintaining clarity of the legal issues in the face of quite difficult corporate responses.' Chambers Global 2021, BHR Law

"The best corporate lawyer on business and human rights –exceptionally talented and engaging; she is also highly efficient and has relevant legal knowledge based on her involvement in other cases of a similar nature." Legal 500 2022, PIL

"... She is also a noted specialist in the area of business and human rights." "Suzanne is very astute and has good foresight of upcoming legal risks." "She has given us very practical and business-oriented advice, coming up with a very creative solution for us." Chambers UK 2022, PIL

#### **4. PUBLICATIONS OR PUBLIC STATEMENTS**

**Please list significant and relevant published books, articles, journals and reports that the candidate has written or public statements, or pronouncements that the candidate has made or events participated in relation to the mandate.**

##### **4.1 Enter three publications in relation to the mandate applied for, in the order of relevance:**

**1. Title of publication:** "Corporate Responsibility and National and International Legal Frameworks"

**Journal/Publisher:** Corporate Social Responsibility – Sustainable Business: Environmental, Social and Governance Frameworks for the 21st Century (R. Lindsay & R. Martella eds.)

**Date of publication:** 2020

**Web link, if available:** <https://law-store.wolterskluwer.com/s/product/corporate-social-responsibility-corp-governance-21st-century-3e/01t4R00000NqkFs>

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**2. Title of publication:** “Environmental and social issues bring litigation risks home to multinationals”

**Journal/Publisher:** Corporate Disputes Magazine

**Date of publication:** (July – September 2019)

**Web link, if available:** <https://www.corporatedisputesmagazine.com/environmental-and-social-issues-bring-litigation-risks-home-to-multinationals>

**3. Title of publication:** Out of the Conflict Zone: The Case for Community Consent Processes in the Extractive Sector

**Journal/Publisher:** YALE HUMAN RIGHTS & DEVELOPMENT LAW JOURNAL

**Date of publication:** 2008

**Web link, if available:**

[https://openyls.law.yale.edu/bitstream/handle/20.500.13051/5731/08\\_11YaleHumRts\\_DevLJ117\\_2008\\_.pdf?sequence=2](https://openyls.law.yale.edu/bitstream/handle/20.500.13051/5731/08_11YaleHumRts_DevLJ117_2008_.pdf?sequence=2)

**If more than three publications, kindly summarize** (200 words limit): I am on the editorial board of the Allen & Overy Business and Human Rights Review.

<https://www.allenoverly.com/en-gb/global/news-and-insights/the-business-and-human-rights-review-archive> I have a book deal with Elgar to edit a book on the law and practice of Business and Human Rights, which is due out in 2024. The above are just a very small sample of my publications in the area of human rights and business and human rights. Other examples include: “Empresas y Derechos Humanos en el Litigio” in Retos y desafíos de las empresas y derechos humanos (Pontificia Universidad Javeriana & Grupo Editorial Ibáñez, 2019); “UK multinationals will face greater scrutiny after the Vedanta decision” in Ethical Corporation (10 May 2019) “Foreign liabilities can come home to roost”, Petroleum Review (2016); “Energy Companies Beware!”, Energy, Oil & Gas (2016); “Making Way for the Public Interest in International Investment Agreements” in Evolution in Investment Treaty Law and Arbitration, pages 271-297 (C. Brown & K. Miles eds.) (2011); “The Quest for Policy Space in a New Generation of International Investment Agreements”, 13 Journal of International Economic Law 1037 (2010). Prior publications focused on women's human rights, the Optional Protocol to CEDAW and the UDHR at 50. Please ask for a full list of publications.

#### **4.2 Enter three public statements or pronouncements made or events that the candidate may have participated in relation to the mandate applied for, in the order of relevance:**

##### **1. Platform/occasion/event on which public statement/pronouncement made:**

Keynote address speaker, “Ensuring A Just Energy Transition” (focusing on the BHR implications of the transition)

**Event organizer:** Thun Group AGM

**Date on which public statement/pronouncement made:** 9 July 2021

**Web link, if available:**

##### **2. Platform/occasion/event on which public statement/pronouncement made:**

Business responsibility for Human Rights

**Event organizer:** Brick Court Chambers

**Date on which public statement/pronouncement made:** 25 Nov 2020

**Web link, if available:** <https://www.youtube.com/watch?v=Rbf2imlIBYM>

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#### **3. Platform/occasion/event on which public statement/pronouncement made:**

"Planetary Justice and Accountability"

**Event organizer:** International Bar Association

**Date on which public statement/pronouncement made:** 26 August 2021

**Web link, if available:**

**If more than three, kindly summarize** (200 words limit): I give a conference presentation or presentation to a large group of clients on business and human rights matters regularly. For example, this week I will speak at the Annual Meeting of the American Society of International Law on a panel addressing Operational Level Grievance Mechanisms. Last week I chaired and spoke on a panel to 100 clients on Business and Human Rights Litigation in Europe and two weeks earlier I did the same on Business and Human Rights Regulation in Europe. I have spoken at the Annual UN Forum on Business and Human Rights (on Human Rights Defenders) and an a regular speaker at conference organised by leading international affairs organisations, including the Chatham House, the Council on Foreign Relations, the IBA, ASIL. Please ask for the full list of my speaking engagements.

**5. FLEXIBILITY/READINESS AND AVAILABILITY OF TIME** (200 words limit) **to perform effectively the functions of the mandate and to respond to its requirements, including participating in Human Rights Council (HRC) sessions in Geneva and General Assembly sessions in New York, travelling on two country visits per year, drafting reports according to established deadlines, organizing and participating in consultations and meetings, addressing allegations of human rights violations with all concerned, providing advice to States and other stakeholders on issues related to their mandate and engaging with a variety of stakeholders. Kindly indicate whether the candidate can dedicate an estimated time of four to six months per year to the work of a mandate depending on its workload.**

**Please note that the work of mandate holders is unpaid. Those appointed as mandate holders serve in their personal capacities. They are not United Nations staff members, they are not based in United Nations offices in Geneva or at another United Nations location, and they do not receive salary or other financial compensation, except for travel expenses and daily subsistence allowance of "experts on mission".**

I am flexible and prepared to dedicate the time and attention to fulfilling the mandate. I am retiring from a global law firm at the end of April after two decades in practice with global firms. Prior to my retirement, I would not have been able to take up this mandate due to the conflicts of interest generated by my law firm and my own work. I will be establishing my own independent human rights law firm with a team of outstanding lawyers. I am prepared to undertake country missions and undertake all of the tasks listed above with dedication and energy.

#### **6. NOMINATION FOR THE MANDATE**

**Indicate whether the candidate has been nominated by (check all that apply):**

- Individual nominations (indicate this if the candidate is self-nominating)**
- Governments**
- Regional groups operating within the United Nations human rights systems**

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- International organizations or their offices**
- Non-governmental organizations**
- National human rights institutions**
- Other human rights bodies**

**Name of the nominating entity and additional information about the nomination (use if applicable, for third-party nominations only) (200 words limit):**

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#### **III. MOTIVATION LETTER, INCLUDING YOUR VISION OF THE MANDATE**

(600 word limit. Must be typed in the space below; cannot be sent in a separate email or as an attachment. To be written by the candidates themselves even if nominated by another entity.)

Professor Ruggie once commented that, “[t]he Guiding Principles have begun to function like a pebble thrown into a pond, setting off rippling effects in a variety of directions.” I have seen those ripple effects and how the UNGPs have induced systematic change, as private actors incorporate them into their best practice standards and governments incorporate them into law. I have advised some of the world largest companies, several States (including their development finance agencies) and international organisations (including the IFC and EBRD) on implementation of the UNGPs since they were endorsed by the Council in 2011. I have also represented clients in international arbitrations, OECD NCP processes, transnational tort litigation before US and UK courts, before UN treaty bodies (the HRC and CEDAW) and all three of the regional human rights systems. I have also built operational level grievance mechanisms and advised the IFC on its accountability before the CAO. Based on these experiences, I believe that there are three important next steps for the UNWG to take forward the UNGPs.

First, there is the continuing need for capacity building among all stakeholder groups. Many corporate actors still need to be educated about international human rights law and learn how to translate that law for the corporate context. To give just two examples: social media companies need to be educated about permissible restraints on freedom of expression so that they can design their content moderation policies accordingly; while mining companies need to be educated about use of force principles so that they can design their security policies accordingly. I would like to see the UNWG do more to delineate the responsibilities of corporations, including during country visits, and thereby educate corporate actors.

Governments also require further guidance in relation to business and human rights. For example, ministries charged with negotiating international investment agreements need advice on ways to preserve their policy space and impose human rights related obligations on investors; while ministries of energy and mines need advice on ways to attract foreign investment without compromising human rights standards. Rights-holders also require further guidance on how to access judicial and non-judicial remedy mechanisms at both the domestic and international levels.

Second, all stakeholder groups need advice on corporate law and securities regulation that promotes respect for human rights. There have been dramatic shifts in regulation since 2011, including in France, Germany, the Netherlands and with the EU’s draft Corporate Sustainability directive. These initiatives impose a general duty on the business community to address adverse human rights and environmental impact throughout their value chains. Companies are facing complex challenges in responding to these legislative initiatives, which require them to integrate systems for conducting human rights due diligence and managing the resulting information flows into their daily processes. Rights-holders are still learning to use these emerging regulatory systems strategically to effect change in corporate conduct. Each of these stakeholders would benefit from UNWG guidance on the subject.

Finally, I would like to see the UNWG play a more significant role in identifying and developing the different corporate liability standards that apply across borders. These too have developed significantly since 2011, particularly in the UK, Canada, France and the Netherlands.

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However, many rights-holders still lack access to remedy processes for cross-borders human rights impacts, and some processes are less than effective (for example, OECD National Contact Points often fail to act). I would engage with the UNWG's remedy project and serve as a resource for the group as it makes recommendations at the national, regional and international levels for enhancing access to effective remedies.



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**IV. LANGUAGES (READ / WRITTEN / SPOKEN)**

**Please indicate all language skills below.**

**1. Mother tongue: English**

**2. Knowledge of the official languages of the United Nations:**

**Arabic:** Yes or no: **no** If yes,

**Read:** Easily or Not easily:

**Write:** Easily or Not easily:

**Speak:** Easily or Not easily:

**Chinese:** Yes or no: **no** If yes,

**Read:** Easily or not easily:

**Write:** Easily or not easily:

**Speak:** Easily or not easily:

**English:** Yes or no: **yes** If yes,

**Read:** Easily or not easily: **yes**

**Write:** Easily or not easily: **yes**

**Speak:** Easily or not easily: **yes**

**French:** Yes or no: **no** If yes,

**Read:** Easily or not easily:

**Write:** Easily or not easily:

**Speak:** Easily or not easily:

**Russian:** Yes or no: **no** If yes,

**Read:** Easily or not easily:

**Write:** Easily or not easily:

**Speak:** Easily or not easily:

**Spanish:** Yes or no: **yes** If yes,

**Read:** Easily or not easily: **yes**

**Write:** Easily or not easily: **yes**

**Speak:** Easily or not easily: **yes**

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**V. EDUCATIONAL RECORD**

**NOTE: Please list the candidate’s academic qualifications (university level and higher, indicating the type of degree and field of study, and whether full- or part-time; for example, *Masters in Law, University of XXX, part-time, 1975-1977, city and country*). If space in the table is insufficient, more than one degree may be listed in a single cell below, separating them by a blank line.**

<b>Name of degree, field of study and name of academic institution, full or part-time:</b>	<b>Years of attendance</b> (provide a range from-to, for example 1999-2003; for ongoing education, please put e.g. 2018-present):	<b>Place and country:</b>
COLUMBIA UNIVERSITY SCHOOL OF LAW Juris Doctor (focus on International Economic Law) • James Kent Scholar; Parker School Cert. in Int’l and Comp. Law; Human Rts. Law Review; Human Rts. Clinic.	1999-2002	New York, USA
COLUMBIA UNIVERSITY SCHOOL OF INTERNATIONAL AND PUBLIC AFFAIRS Master in Int'l Affairs (Human Rights and Humanitarian Affairs) •Int’l Fellow; Dean’s List; Amnesty Int’l-Patrick Stewart Scholar; Pavry Award in Int’l Peace and Understanding	1996-1998	New York, USA
INTER-AMERICAN INSTITUTE OF HUMAN RIGHTS Graduate of the Inter-Disciplinary Course in Human Rights  U.S. FULBRIGHT SCHOLAR Book project on women’s role in the Spanish Civil War and Franco’s regime. Doctoral studies Univ de Barcelona.	1997  1995-1996	San Jose, Costa Rica  Barcelona, Spain
UNIVERSIDAD AUTÓNOMA DE MADRID Tufts University Junior Year Abroad.	1992-1993	Madrid, Spain
TUFTS UNIVERSITY (FLETCHER SCHOOL OF LAW AND DIPLOMACY) Bachelor of Arts in Int'l Relations (focus on	1990-1994	Massachusetts, USA

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Nationalism, Culture and Identity) Highest Honors in major; Cum Laude; Dean's List EPIIC Scholar.		
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**VI. EMPLOYMENT RECORD**

**NOTE: Please briefly list ALL RELEVANT professional positions held in the area of human rights, beginning with the candidate's current (most recent) occupation. Also, indicate whether positions held were full-time or part-time. If space in the table is insufficient, more than one position may be listed in a single cell below, separating them by a blank line.**

Name of employer, functional title, main functions of position, full- or part-time:	Years of work (provide a range from-to, for example 1999-2005; for ongoing activities, please put e.g. 2018-present):	Place and country:
ALLEN & OVERY LLP Partner, International Arbitration Group; Co-Head Global Business and Human Rights Practice.	2018-2022	London, UK
VOLTERRA FIEETA LLP Partner, Public Interational Law Firm; Head of Business and Human Rights Practice	2015-2018	London, UK
NOTRE DAME LAW SCHOOL (LONDON CAMPUS) Associate Professor of Law (adjunct)	2015-present	London, UK
WILMER CUTLER PICKERING HALE AND DORR LLP Counsel, International Dispute Resolution Group	2006-2015	London, UK
DEBEVOISE & PLIMPTON LLP Associate, International Dispute Resolution Group	2002-2006	New York, USA / London / UK
THOMAS J. DODD RESEARCH CENTER AT THE UNIVERSITY OF CONNECTICUT Fellow on Business and Human Rights	2012-2014	Non-resident / Connecticut USA
OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS Intern / Consultant	2000	Bogota, Colombia
UNITED NATIONS DEVELOPMENT FUND FOR WOMEN Consultant	1999-2000	UNHQ, USA
UNITED NATIONS DIVISION FOR THE ADVANCEMENT	1999-2000	UNHQ, USA

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OF WOMEN Consultant		
INTER-AMERICAN INSTITUTE OF HUMAN RIGHTS (IIHR) Consultant to the Gender and Human Rights program and IIHR's representative at United Nations HQ	1997-2000	San José, Costa Rica and UN HQ
COUNCIL ON FOREIGN RELATIONS Research Associate for International Law and Organizations	1998-1999	New York, USA
UNITED NATIONS ASSOCIATION OF THE USA Staff writer	1996-1997	UNHQ, USA
AMNESTY INTERNATIONAL National Refugee Program Assistant	1995	San Francisco, USA

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**VII. COMPLIANCE WITH ETHICS AND INTEGRITY PROVISIONS  
(of Human Rights Council resolution 5/1)**

*To be completed by the candidate or by the nominating entity on the candidate's behalf.*

**1. To your knowledge, does the candidate have any official, professional, personal, or financial relationships that might cause the candidate to limit the extent of inquiries, to limit disclosure, or to weaken or slant findings in any way? If yes, please explain.**

No

**2. Are there any factors that could either directly or indirectly influence, pressure, threaten, or otherwise affect the candidate's ability to act independently in discharging the mandate? If yes, please explain:**

No

**3. Is there any reason, currently or in the past, that could call into question the candidate's moral authority and credibility or does the candidate hold any views or opinions that could prejudice the manner in which the candidate discharges the mandate? If yes, please explain:**

No

**4. Does the candidate comply with the provisions in paragraph 44 and 46 of the annex to Human Rights Council resolution 5/1? (Please answer YES if the candidate complies, NO if the candidate does not comply, together with an explanation.)**

*Para. 44: The principle of non-accumulation of human rights functions at a time shall be respected.*

*Para. 46: Individuals holding decision-making positions in Government or in any other organization or entity which may give rise to a conflict of interest with the responsibilities inherent to the mandate shall be excluded. Mandate holders will act in their personal capacity.*

Yes

**5. Should the candidate be appointed as a mandate holder, the candidate will have to take measures to comply with paragraphs 44 and 46 of the annex to Council resolution 5/1. In the event that the current occupation or activity, even if unpaid, of the candidate may give rise to a conflict of interest (e.g. if a candidate holds a decision-making position in Government) and/or there is an accumulation of human rights functions (e.g. as a member of another human rights mechanism at the international, regional or national level), necessary measures could include relinquishing positions, occupations or activities. If applicable, please indicate the measures the candidate will take.**

Not applicable

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**VIII. CERTIFY AND SUBMIT APPLICATION**

***To be completed by the candidate. The candidate's name below should match how it is entered on the first page of the form and in the online survey.***

**I hereby certify that all of the statements made in this application are true, complete and are made in good faith. I understand that falsifying or intentionally withholding information will be grounds for not being selected or appointed or the withdrawal of any proposed appointment or, if an appointment has been made and accepted, for its immediate cancellation or termination.**

**Kindly note that whilst no changes can be made after this application form has been submitted and the deadline for applications has expired, any relevant change of current occupation, employment, or position, or any other relevant fact or circumstance should be brought to the attention of the secretariat by email ([ohchr-hrcspecialprocedures@un.org](mailto:ohchr-hrcspecialprocedures@un.org)).**

**Please review the application before you insert your name and date to indicate your agreement.**

**Name:** Suzanne Spears

**Date:** 6 April 2022

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