

Call for input

The Working Group would like to invite States, business, civil society and other stakeholders to submit suggestions for the 2013 United Nations Forum on Business and Human Rights. The Working Group welcomes in particular suggestions on:

- **Specific topics/panels for the Forum, including names of potential speakers**

It would be beneficial to include the following topics;

1. The specific role a small to medium sized business as well as multi-national corporations can play in the contribution towards and protection of Human Rights.
2. How businesses can participate in the promotion of Human Rights.
3. Challenges businesses face in the implementation and promotion of Human Rights.

Panels for the forum could include;

4. Local Chamber of Commerce.
5. Representatives from Business Association leaders.
6. Business Regulatory Authorities

I could not nominate any specific individuals by name; I would feel privileged to speak at such an event. In my view it would be useful to have representatives of multi-national corporations to speak on the topics that I suggested earlier. I have specifically indicated multi-national corporations as they face numerous challenges in terms of meeting the basic human rights standards, implementation and protection of human rights not only for their own staff in various locations around the world but also for the public at large in the areas that they conduct business or operate in.

- **Specific industry sectors to inquire on how the intersection between pillars one, two and three of the Guiding Principles (the State Duty to Protect, the Corporate Responsibility to Respect and Access to Remedy) play out in such sectors across the globe**

1. It is my understanding that each government has the responsibility to maintain a department specifically to deal with Human Rights issues and to provide a periodic report consisting of the various facets of its work in progress to the United Nations Human Rights Council.
2. In this particular regard each state's Human Rights Council would be required to raise all concerns about violations of the Human Rights

standards to the necessary regulatory authorities or watch dogs for various industry sectors as and when a complaint is received.

3. The communication between the regulatory authorities or watch dog and the specific state's Human Rights Council would ultimately prove the effectiveness of how well functioning a pluralistic society the state maintains and how well individual human rights are respected or abused.
 4. It would be the duty of the state's Human Rights Council to ensure that the regulatory authority or the watch dog takes necessary steps towards addressing each and every area of the complaint that it received from an individual.
 5. The state's human rights council would need to act as honest mediator between the corporate watch dog or regulatory authority and the complainant must ensure maximum transparency in communication is maintained at all times.
 6. A state's Human Rights Council being the last resort for a complainant to express his or her grievance would mean that it is the last point of contact before a complainant can pursue a complaint against the state itself at the United Nations Human Rights Council.
 7. In this regard it is important for the state's Human Rights Council to take complete responsibility to address a compliant and see to it that it is resolved to the satisfaction of the complainant.
 8. This responsibility would be a guiding force for the state's Human Rights Council to ensure that the Corporate watch dog or regulatory authority fulfill its obligation in ensuring that the particular business or organization that is named as the defendant in a complaint, complies with investigation in a timely manner and providing appropriate remedies to the complainant.
 9. The state's Human Rights Council has the responsibility to supervise, communicate and guide the parties involved until the complaint has been resolved.
- **Regional dynamics in the implementation of the Guiding Principles, including the interaction between regional bodies and individual States and companies**

One the key aspects of the protection and promotion of human rights principles in my view would be to make the people and in particular the victims of abuse know their rights. In this regard business community can play a vital role. I point out these specifics for your consideration;

1. Regional business forums such as local Chamber of Commerce, regional business net work groups and associations have significant input towards spreading awareness in the business community.
 2. Often these regional bodies communicate and interact between local businesses and the state with regard to the state of affairs and the challenges faced by the local businesses.
 3. Governments in turn review such feedback to get a better understanding and coordinate policy implementation.
 4. During these regular communications, regional bodies would be able to contribute significantly towards the protection and promotion of human rights by the businesses when it communicates with government by raising the issues and challenges as and when required.
 5. Often these are misunderstood perceptions in that regional bodies would assume that they are there simply to protect the local businesses and not to provide a critical evaluation on upholding human rights in the conduct of its business.
- **Examples of Guiding Principles implementation practice by States, business enterprises or other stakeholders on all or certain aspects of the Guiding**

Governments;

1. Each state must have its own established Human Rights Council that conducts its business with extreme vigilance and prudence.
2. Such council must include staff and supervisors of minority backgrounds and should be an inclusive organization.
3. Each government has the responsibility to exchange ideas with the people to get their view on the situation.
4. Often victims are scared from coming forward due to further abuse of their rights and in this regard governments must obtain feedback from community regarding the breaches of their rights using covert means if necessary to protect the victim's identity to avoid further abuse of the victim.
5. Its also necessary to obtain the conduct of businesses and their standard applied in terms of protection and promotion of human rights again by use of covert means if necessary as it would be profitable for businesses to conceal any transgressions bearing in mind that law suits can not only turn out to be expensive for the abusers but also can pose public relations nightmare.

6. Each state's Human Rights Council must provide appropriate periodic report to the United Nations Human Rights Council with the authority provided in each state's legislation.
7. The state must make amendments to its legislation and review policies relating to the protection and promotion of human rights with periodic reviews.
8. Full participation from individual states at the United Nations Human Rights Council whenever called upon and whenever required.

Business Enterprises;

9. Businesses must provide guidelines to management (at both executive and senior and junior level), relevant to existing government legislation with regard to adherence for the protection and promotion of human rights in the everyday conduct of its business including for its employees and the public at large.
 10. Multi-national corporations must carefully examine the human rights standards practiced by the each state that they operate in and make prudent assessment as to any conflict with their own domestic domiciled human rights guiding principles and legislation.
 11. Businesses must adhere to comply with regulatory authority guidelines that often go hand in hand with protection and promotion of human rights.
 12. Breach of regulatory guidelines or transgressions of any type could inadvertently result in violations of human rights.
 13. Whenever possible information about the significance of the promotion and protection of human rights must be widely disseminated among staff and management at all levels.
 14. Businesses must have ethical standards when it comes to the protection and promotion of human rights and this to a large extent must be voluntary outside the scope of regulatory authority guidelines and legal statutes.
- **Principles, for example, the issue of transparency measures such reporting requirements**

I would like to stipulate the following with regard to transparency in reporting on protection and promotion of human rights;

State;

1. Often state's developed, developing or underdeveloped have a tendency to conceal all issues regarding the protection and promotion of human rights.
2. There is a stigma attached to the issue of breach of human rights in that if revealed would result in the state being ostracized from the international community of nations.
3. This false notion often leads to the dangerous precedent of state's often going to extreme lengths to conceal any breaches.
4. Its unhelpful to sweep problems under the rug as they tend to surface only in a matter of time with even worse outcomes as it surfaces each time.
5. States must accept that its possible human rights violations occur in developed, developing as well in under developed countries of the world.
6. Only with acknowledgment steps can be taken to ensure that repeat incidences of abuses of human rights do not occur.
7. In this regard states must bring to surface voluntarily all abuses of human rights at the appropriate legislative forum in consultation with its Human Rights Council.
8. This process would not only prevent any repeat abuses but also would prove to be a valuable public relations exercise for the state with respect to it transparency and standards that it maintains in the protection and promotion of human rights.
9. States must encourage and protect whistleblowers to expose abuses of human rights by businesses.
10. States must provide protection for victims that are willing to reveal abuses.

Businesses and compliance authorities;

11. I have combined the businesses and regulatory authorities to demonstrate an inextricable link between the two in the promotion and protection of human rights.
12. Any state without appropriate regulatory authority framework or without strict compliance requirements would let businesses conduct themselves and operate any way they choose.
13. Such a situation could inadvertently contribute or directly cause abuse of human rights.
14. Even though regulatory authorities are entrusted with legal compliance requirements for the most part they deal with consumer protection and adherence to law, it has a significant impact in preventing abuses of human rights with the simple notion that any ethical business that

adheres to law and treats its customers and staff fairly and ethically would not contribute to any abuse of human rights.

15. Stigma attached with abuse of human rights is biggest obstacle in lack of transparency in the reporting of abuses of human rights.
16. Often abuses of human rights are perceived as a negative image for any business and could result in prosecution by the state when revealed.
17. The misconceived notion can only exacerbate the problem rather than solve anything in that when abuses are concealed more abuses may occur as the perpetrators already felt comfort of previous impunity.
18. In this regard it is advisable to perceive transparency as a useful public relations exercise rather than as an impediment to regular business function.

- **Specific examples of strategic incentives that can shape State and business uptake of the Guiding Principles**

Its worthwhile to provide incentives in the shaping of protection and promotion of human rights and I would make the following suggestions;

Governments;

1. United Nations Human Rights Council could publish records of abuses of human rights by individual states and provide a comparable statistical data at its sessions.
2. During such sessions specific states could be named, recognized and rewarded for outstanding accomplishments and achievement in its significant contribution towards the protection and promotion of human rights.
3. UN Human Rights Council could recommend to the international community to offer such nations with favorable international trade status.
4. UN Human Rights Council could recognize individual accomplishment for their specific contribution towards the protection and promotion human rights and extend invitation to such persons to actively participate in discussion forums at the UN Human Rights Council in Geneva.

Businesses;

5. UN Human Rights Council could recognize businesses that have made significant contribution for the protection and promotion of human rights.

6. The businesses could be awarded with such recognition at the sessions held in Geneva.
 7. UN Human Rights Council could recommend such businesses to obtain favorable trade status in the international trade arena.
- **Modalities that may be conducive to engaging key stakeholders and promoting multi-stakeholder dialogue**

Engaging key stakeholders would be a significant challenge for the UN Human Rights Council and I would suggest the following;

Key stakeholders;

1. Its useful to acknowledge the difficulty in cutting through the false perceptions, assumptions and negative stereo type image associated with the abuse of human rights.
 2. Ubiquitously the term human rights and protection or violations are perceived to be a taboo topic.
 3. Often states and businesses would put up a lot of resistance in addressing the issue of protection and promotion of human rights in their country due to fear of repercussions including negative international image, international trade issues, influx of law suits for remedy etc.
 4. Appropriate communication from the UN Human Rights Council with clearly set out guidelines can help to cut through the resistance by individual states.
 5. Consultation and effective communication between UN Human Rights Council and representatives of governments that attend the sessions in Geneva are key aspects of engaging.
 6. Follow up of such communications and consultations would encourage the government representatives to pursue the topics of discussions when they communicate with their domestic domicile.
- **How to enhance the geographical balance and participation by key stakeholders from all regions, including business enterprises and affected individuals and communities.**

Its important for the United Nations Forum on Business and Human Rights to reflect inclusive global discussion forum with participants from all across the globe. I would submit the following for your consideration;

1. Representatives from multi-national corporations would provide a comprehensive view on issues faced by businesses that operate in multiple countries.
2. These businesses have the capability to make assessment with regard to comparable standards with respect to protection and promotion of human rights as they would often do business with local counter parts.
3. Protection and promotion of human rights can only pass the litmus test when we are able to delve deep into the community and its efforts or lack of effort thereof to promote and protect human rights.
4. For a balanced global participation it may be useful to invite via the International Chamber of Commerce, local chambers of commerce from all continents.
5. United Nations Human Rights Council may wish to verify its records of all complaints received from grieving parties or victims with respect to abuse of human rights (those who have been received help) to come forward and share their stories at the forum.
6. It may be helpful to look at reports submitted from each state's Human Rights Council and depending upon the active and cooperative feedback from such councils, they could be invited to participate in the forum for discussions of topics including challenges faced by them in their domestic domicile.

In conclusion I feel that it's a brilliant project to have such a forum as the platform for businesses and governments to represent to collectively demonstrate their role in the participation for the protection and promotion of human rights.

I thank you for the opportunity to provide the aforementioned suggestions. If you have any questions or comments regarding my submission, please feel free to contact me on joelkrose@myself.com.

Wishing you every success in your future endeavors in the field of protection and promotion of human rights.

Yours Sincerely

Joel Krose