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Three practical points for advising American corporate clients concerning Human Rights (HR) compliance overseas

- 1) Educate on the more expansive views towards Human Rights globally as compared to the American perspective;
- 2) Advise corporate clients on risk reduction measures and investigations when operating overseas to avoid Human Rights pitfalls; and
- 3) Implement thoughtful, comprehensive and culturally sound plan to defend against nefarious actors' false or exaggerated accusations of Human Rights violations

Educate on the more expansive views towards Human Rights globally as compared to the American perspective

- 1) Human Rights are less culturally familiar to Americans than to most of the rest of the world.
- 2) The global view of HR is broader than that of most Americans. Globally, HR encompasses:
 - 1) Civil and Political HR (1st category)
 - 2) Economic, Social and Cultural HR (2nd category)
 - 3) Collective or Group HR (3rd category)

Advise corporate clients on risk reduction measures and investigations when operating overseas to avoid Human Rights pitfalls

- 1) Familiarize the client with the HR culture of the host nation before beginning operations overseas.
- 2) Help the client develop, implement and enforce a robust HR program that respects the three categories of HR.
- 3) Perform due diligence reviews on senior local hires, vendors and contractors to ensure no history of HR violations and investigate credible allegations of HR violations.

Implement thoughtful, comprehensive and culturally sound plan to defend against nefarious actors' false or exaggerated accusations of Human Rights violations

- 1) Competitors, NGOs, government officials, criminal organizations, and minority groups with nefarious purpose sometimes use HR laws as weapons to illegally extort economic or political concessions from American companies overseas.
- 2) Expert investigations into the nefarious actors can result in uncovering the financial or political objectives behind the false or exaggerated HR violations allegations.
- 3) Use the intelligence gained from investigations to effectively defend against the nefarious actors.

SUMMARY:

- 1) Human Rights compliance should be a core value for all American companies because it is the right thing to do. However, important to also communicate the risk to the client in terms that will resonate: the economic cost of disregarding HR concerns.
- 2) If the HR law was not technically broken but the local cultural view of HR was violated, the conduct in question may still produce severe harm to the company.
- 3) Beware of nefarious actors using HR laws and norms to gain economic or political advantage.



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