

SUMMER COURSE ON “BUSINESS AND HUMAN RIGHTS”

New Delhi (20 June-2 July 2016)

Background

The Human Rights and Business Academy (HURBA) in collaboration with the Indian Law Institute Delhi (ILI) will organise an intensive summer course on “business and human rights” (BHR) from 20 June to 2 July 2016. This inaugural course will be held at the ILI in New Delhi.

ILI is a premier institution established in 1956 with the objective of promoting and conducting legal research to meet the social, economic and other needs of the Indian people. ILI, which was granted a Deemed University status in 2004, also offers a range of law courses.

HURBA seeks to build capacity of diverse stakeholders – especially of marginalised, disadvantaged and vulnerable sections of society – to respond effectively with challenges that arise with the intersection of human rights with business. HURBA will collaborate with like-minded institutions and organisations in all parts of the world to offer short transformative courses and conduct victim-oriented research on BHR issues.

Target audience

This BHR course should be of interest to (i) law/business/management students having an interest in BHR or corporate social responsibility (CSR); and (ii) civil society representatives, business executives, policy makers, and government officials aspiring to learn more about international and comparative developments in the fields of BHR and CSR.

Upon a successful completion of the course, a certificate will be issued by the ILI.

Course aims

The course aims to expose law/business/management students, civil society representatives, policy makers, corporate executives and government officials to international and comparative perspectives in the field of BHR. After completing this 2-week intensive course, participants should be able to have an informed understanding about:

- 1) the nature and extent of the human rights responsibilities of business enterprises;
- 2) how business enterprises should and could discharge their human rights responsibilities (including in their supply chains) and resolve dilemmas in their day-to-day business operations;
- 3) the current regulatory interplay in the area of BHR at corporate, domestic, regional and international levels; and
- 4) various remedial tools available to victims to hold business enterprises accountable for human rights abuses, the barriers that affected communities experience in seeking access to justice against businesses, and potential means to overcome such barriers.

Teaching and learning

The course will be conducted in the form of interactive seminars: twenty 2-hour seminars in total (two seminars each day from Monday to Friday). The seminars will draw heavily on comparative and international perspectives. In addition to focusing on theoretical underpinnings, special attention will be given to practical dimensions of BHR issues. Students will be expected to read beforehand the prescribed reading materials and actively participate in class activities such as hypothetical scenarios and role plays.

The course will be taught, on a *pro bono* basis, by a team of leading scholars and practitioners from all over the world (see the faculty bios for their profile). In addition to regular seminars, a few guest lectures by experts may also be organised. Moreover, students would have an opportunity to deepen their understanding of BHR issues by participating in an international conference on “Human Rights Responsibilities of Business: Emerging Regulatory Trends” to be held at the ILI on Saturday, 25 June 2016.

Syllabus

The course will cover the following topics:

- The changing role of corporations in society: from Bhopal to Bangladesh; why should companies have human rights obligations/responsibilities
- Locating BHR within international human rights law; evolution of BHR and its relationship with CSR and others such concepts
- BHR and economic development: relationship with sustainable development goals (SDGs)
- BHR/CSR and corporate laws: case of Indian Companies Act 2013
- Nature of the human rights responsibilities of business: context of socio-economic rights
- Extraterritorial obligations of states (including of regional bodies like the European Union)
- Tools to protect human rights in global supply chains, e.g., human rights due diligence; safeguarding rights of migrant workers (e.g., from Asia to the Middle East)
- Role of financial and non-financial reporting regulations in promoting business respect for human rights (e.g., in situations involving conflict minerals, forced labour and human trafficking); ranking/benchmarking of corporate human rights performance
- Critical review of selective regulatory initiatives: corporate codes; multi-stakeholder initiatives; Global Compact; Guiding Principles on Business and Human Rights; OECD Guidelines for Multinational Enterprises; proposed binding international treaty
- Current avenues for seeking access to remedies: National Contact Point (NCP) complaint system, parent company’s direct duty of care, mandatory human rights due diligence, resort to National Human Rights Institutions (NHRIs) and international financial institutions (IFIs) accountability mechanisms, social movements
- Overcoming barriers in holding corporations accountable, e.g., doctrine of *forum non conveniens*, piercing of the corporate veil, lack of information and legal aid, corruption, judicial delays, complicity

Reading material

Students will be provided a recommended list of reading materials for each seminar. They should also self-explore the relevant materials available at the Business & Human Rights Resource Centre’s website: <http://business-humanrights.org/en>

Assessment

The assessment will comprise (i) class participations in various learning activities during seminars, and (ii) a take-home examination at the end of the course.

Coordinators' contact details

For matters related to admission or logistics details, please contact the ILI Registrar, Mr Shreenibas Chandra Prusty (registrar@ili.ac.in). For academic issues, please contact the Course Coordinator, Prof Surya Deva (suryad@cityu.edu.hk).

Bios of the Teaching Team

Jernej Letnar Čerňič is an Associate Professor of Human Rights Law at the Graduate School of Government and European Studies in Kranj (Slovenia), where he serves as a Vice-Dean. He graduated from University of Ljubljana with the France Prešeren award. He also holds Diploma in Human Rights Law from the European University Institute and Diplome de droit international et de Droit compare des Droits de l'Homme (merit) from René Cassin Institut International des droits de l'homme. He completed his PhD in Human Rights Law in 2009 at the University of Aberdeen. Jernej also serves on the management board of the European Union Fundamental Rights Agency. Jernej Letnar Čerňič is also a co-author of a commentary of the Constitution of the Republic of Slovenia. Jernej is fluent in five languages and he has written extensively on human rights law and international law in Slovene, English, Italian, Spanish and Swedish and has been active in civil society in Slovenia and worldwide.



Surya Deva is an Associate Professor at the School of Law of City University of Hong Kong, and a Member of the UN Working Group on Business and Human Rights. Deva's primary research interests lie in Business and Human Rights, Corporate Social Responsibility, India-China Constitutional Law, and International Human Rights. He has published extensively in these areas, and has advised the UN bodies, states, multinational corporations and civil society organisation on matters related to 'business and human rights'. His books include *Human Rights Obligations of Business: Beyond the Corporate Responsibility to Respect?* (co-editor with David Bilchitz) (CUP, 2013); and *Regulating Corporate Human Rights Violations: Humanizing Business* (Routledge, 2012). Deva has also prepared two major reports on *Access to Justice: Human Rights Abuses Involving Corporations* (concerning India and China) for the International Commission of Jurists. Deva is one of the founding Editors-in-Chief of the *Business and Human Rights Journal* (CUP), and sits on the Editorial/Advisory Board of the *Netherlands Quarterly of Human Rights*, and the *Vienna Journal on International Constitutional Law*. In 2014, he was elected a Member of the Executive Committee of the International Association of Constitutional Law.

Erika R George is Professor of Law at the University of Utah's SJ Quinney College of Law where she teaches constitutional law, international human rights law, international environmental law and seminars in corporate citizenship. She earned her BA with honors at the University of Chicago and her JD at Harvard Law School, where she served as Articles Editor of the *Harvard Civil Rights-Civil Liberties Law Review*. She also holds an MA in International Relations from the University of Chicago. Her recent scholarship has appeared in the *California Law Review*, the *Michigan Journal of International Law*, the *New York Journal of International Law* and



Policy, and the *Annual Proceedings of the American Society of International Law*. Her current research explores the responsibilities of multinational corporations to respect international human rights and various efforts to hold corporations accountable for alleged rights violations. Prior to joining the Utah faculty, Professor George served as a fellow and later consultant to Human Rights Watch. In addition to her experience as an academic and human rights advocate, Professor George has extensive practical experience in private practice, from her work as a litigation associate for the corporate law firms of Jenner & Block in Chicago and later Coudert Brothers LLP in New York City.



Justine Nolan is an Associate Professor in the Faculty of Law at UNSW Australia and Deputy Director of the Australian Human Rights Centre. She is a Visiting Scholar at the NYU Stern Center for Business and Human Rights. She is an editor of *Business and Human Rights: From Principles to Practice* (2016) and has published widely in the area of business and human rights. Prior to her appointment at UNSW in 2004 she was the Director of the Business and Human Rights Program at the Lawyers Committee for Human Rights (now Human Rights First) in the US. She is an editor of the *Australian Journal of Human Rights* and a member of the Editorial Board of the *Business and Human Rights Journal*.

Komala Ramachandra is the South Asia Director of Accountability Counsel. For the last five years, Komala has been an attorney with Accountability Counsel, a non-profit organization that supports communities around the world to defend their human rights and environment. She works with communities to hold international companies and banks accountable for their actions, and ensure that national laws and institutional policies support transparency, accountability, and access to remedy. In her first year at Accountability Counsel, she worked with indigenous communities in the Peruvian Amazon harmed by petroleum projects and on behalf of clients in Oaxaca, Mexico, impacted by a US-supported hydropower project. She now heads Accountability Counsel's work in South Asia, working with communities in indigenous communities in Nepal and tea workers in India. Komala holds a JD from Harvard Law School and a BA in economics and political science from Northwestern University.



Manoj Kumar Sinha is Director of the Indian Law Institute. He did his doctorate in international law from Jawaharlal Nehru University, LLM from the University of Nottingham and LLB from the University of Delhi. His areas of specialisations are Human Rights, Constitutional Law, International Humanitarian and Refugee Law, International Criminal Law, International Law, and International Institutions. He has published extensively in these fields in reputed national and international law journals. His recent authored, edited and co-edited books include: *Business and Human Rights* (2013); *International Criminal Law and Human Rights* (2010); *International Law: Issues*

and Challenges (2009); *International Criminal Law: Issues and Challenges* (2009); *Global Governance, Human Rights and Development* (2009); *Human Rights and Good Governance: National and International Perspectives* (2008); *Right to Health in the Context of HIV/AIDS in India and Africa* (2007); *Enforcement of Economic, Social and Cultural Rights: International and National Perspectives* (2006); *Humanitarian Intervention by the United Nations* (2002); *Implementation of Basic Human Rights* (2001); and *Basic Documents on International Human Rights & Refugee Laws* (2001).

Prior to joining the Indian Law Institute, Sinha was Professor of Law (currently on leave) at the West Bengal National University of Juridical Sciences, Kolkata. He was Director of the Indian Society of International Law (2006-2009) and a visiting Professor at the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, Sweden (2004-2005). He is also serving as the member of editorial boards of various law journals.