



Business and Human Rights (45h)

Objective:

To offer an overview of the intersection of business, law and public policy addressing the responsibilities of business and the means to achieve justice for victims of human rights abuse, corporate accountability for human rights violations, and the adoption of human rights-protective business practices

Overview:

This course examines the emergence, institutionalization, and influence, of global environmental social governance ESG, defined as multilevel, multistakeholder, interdependent articulations to deliberate, and identify, appropriate social environmental policies and behaviors.” Our primary focus is to understand better how companies can and must contribute to social and environmental policies and politics globally. Some core issues: legal aspects of corporate responsibilities; universal human rights standards; role of non-state actors in the protection of human rights; globalization of business operations and markets at a time when technology makes information about corporate practices and human rights conditions worldwide immediately accessible.

Methodology:

The course will generally emphasize both “historical” and “forward looking” thinking that requires careful attention to concept building, theorizing, and empirical research about complex, interactive processes. The class’s format will combine seminar-style discussion and lecturing with occasional unconventional formats, such as role-plays, small group exercises and webinars.



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Topics:

1. INTRODUCTION

History: from labor conditions in global supply chains and corporate complicity with repressive states, to examine human rights conditions in industries as diverse as agriculture, healthcare and technology. Broadening the human rights definitions and the tools for holding companies accountable for their human rights impacts. Consumer boycotts, shareholder activism and civil litigation.

2. PRINCIPLES

United Nations Guiding Principles on Business and Human Rights endorsed unanimously by the UN Human Rights Council and the working consensus among business and human rights actors on the elements defining a corporate responsibility to respect human rights. Brazilian Decree on Business and Human Rights. Zero Draft

3. CORPORATE RESPONSIBILITY

Reputation, standards and labels. Corporate Governance. Environmental Social Governance. Corporations "101"

4. AGENDA 2030

Sustainable Development Goals. Human Rights Due Diligence. Human Rights Impact Assessment. Grievance Mechanisms. Transparency. Human Rights Reporting

5. REPORTING, MEASURING AND COMPARING

Mandatory Human Rights Reporting. Global Compact. Indexes. National Action Plans. OECD National Contact Point Complaints



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6. GLOBAL SUPPLY CHAIN

Globalization of business operations and markets. Labor force exploitation. Policy, governance and the role business sector play in ensuring corporate responsibility in the era of globalization, emotivism, super wicked problems and tragedy of commons.

7. FINANCING, MARKETING AND SPONSORING

Indirect corporate responsibility. Addis Ababa Action

8. STAKEHOLDER ENGAGEMENT

Governments, civil society and individuals. Advocacy. Investors. Litigation. Jurisprudence. Duty of Care. Multi-stakeholder Initiatives

9. COMPETITIVENESS

Market access. Fair play. Dumping. World Trade Organization. Trade Agreements and Human Rights

10. GREEN ECONOMY

New paradigms. Companies as part of the solution not of the problem. Access to Capital. Access to Water. Banks and Human Rights. Business and Development. Labor Rights. Land Rights. Mega-Sporting Events and Human Rights. Rights of Indigenous Peoples. Shared Value and Human Rights.

11. BIG DATA AND BLOCKCHAIN

Human rights due diligence requirements of business enterprises that constitute the big data industry. Risk of discriminatory behavior and arbitrary unequal treatment. Due diligence, artificial intelligence, big data and distributed ledgers. Freedom of Expression and the Right to Privacy



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Webinar lecturers:

Nina L. Gardner

Director of Strategy International, a consulting firm she founded specializing in Corporate Social Responsibility, sustainability and climate change.

Stéphane Brabant

Paris-based partner of global law firm Herbert Smith Freehills and co-Chair of the firm's Africa practice group, co-Head of the Crisis Management practice, co-Head of Global Mining and co-Head of the firm's Business and Human Rights group.

Bibliography:

1. DOORLEY, John; GARCIA, Helio Fred. **Reputation Management: The Key to Successful Public Relations and Corporate Communication**. 3 edition ed. New York, NY: Routledge, 2015.
2. HRC, HUMAN RIGHTS COUNCIL. **Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework**, 2011.
3. LABOWITZ, Sarah; O'CONNOR, Casey. **Putting the "S" in ESG: Measuring Human Rights Performance for Investors**. [s.l.] : NYU Stern Center for Business and Human Rights, 2017. Disponível em: <<https://static1.squarespace.com/static/547df270e4b0ba184dfc490e/t/58cad912e58c6274180b58b6/1489688854754/Metrics-Report-final-1.pdf>>.



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4. POGGE, Thomas W. **World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms**. 1 edition ed. Cambridge ; Malden, MA: Polity, 2002.
5. RUGGIE, John Gerard; SHERMAN, John F. **The Concept of “Due Diligence” in the UN Guiding Principles on Business and Human Rights: Reply to Professors Bonnitcha and Mccorquodale**. Rochester, NY: Social Science Research Network, 2017. Disponível em: <<https://papers.ssrn.com/abstract=2997128>>. Acesso em: 9 nov. 2017.
6. SANTOS, Boaventura de Sousa. **Toward a New Legal Common Sense: Second Edition**. 2 edition ed. London: Northwestern University Press, 2003.
7. THORSTENSEN, Vera Helena; VIEIRA, Andreia Costa. Private standards or market standards: in search for legitimacy and accountability in the international trading system. [s. l.], 2015. Disponível em: <<http://bibliotecadigital.fgv.br/dspace/handle/10438/16370>>. Acesso em: 11 jun. 2017.
8. UN, United Nations. **Addis Ababa Action Agenda of the Third International Conference on Financing for Development.**, 2015. Disponível em: <http://www.un.org/esa/ffd/wp-content/uploads/2015/08/AAAA_Outcome.pdf>
9. UN, United Nations. **Agenda 2030**, 2015. Disponível em: http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E



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Evaluation: Participation in class, seminars and final paper.

Lowest grade for approval: 0 (zero)

Higher grade for approval: 10 (ten)

Minimum grade for approval: 5 (five)

Minimum attendance for approval: 75%

Assignments:

Participation in class (20%)

Attend class and actively participate in class discussion. Ask questions, make comments, and challenge the assumptions presented in the readings, by the instructors, and your classmates. Attendance and participation in discussion groups is mandatory.

Seminar (10%)

Write in Portuguese or English, two to three page overview of an international organization: origin, function, influence and its policy regarding Human Rights. Present the main ideas in class.



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Final paper (70%)

Choose a topic that interests you. Try to find some aspect of the reading that you can critically engage with – an argument to be clarified or refuted, an ambiguity to be resolved, an objection to be rebutted, a target of the author's to be defended against her/his attack, etc. Be clear about your main idea. State your central claim clearly at the beginning and/or end; and try to make clear how each section, paragraph and sentence is relevant to your topic and contributes to supporting your thesis. Always ask why other reasonable people might not see it your way. The strength of your paper depends in good part on the quality of the intellectual resistance it can overcome. If you take any text from someone else, you must make it clear the text is being quoted and where the text comes from. The use of Zotero as a reference management tool is highly recommended. Write in Portuguese or English and structure your paper in a way it is possible to submit it to publication after the final term correction. Two Brazilian journals that would welcome Business and Human Rights papers are Revista de Direito Econômico e Socioambiental and Direito GV Law Review. For more details about submission rules please go to:

<https://periodicos.pucpr.br/index.php/direitoeconomicoesocioambiental>

<http://www.scielo.br/revistas/rdgv/iinstruc.htm>