

**INTENSIVE COURSE ON “BUSINESS AND HUMAN RIGHTS”  
8 – 12 JULY 2019: INDIAN LAW INSTITUTE, NEW DELHI**

**Background**

The Indian Law Institute Delhi (ILI) in collaboration with Human Rights and Business Academy (HURBA) and Oxfam (India) is organising an intensive course on “business and human rights” (BHR), starting from July 8 – 12, 2019. The 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 or vulnerable sections of society – to respond effectively with challenges that arise with the intersection of human rights with business. HURBA collaborates with like-minded institutions and organisations in all parts of the world to offer short transformative courses and conducts victim-oriented research on BHR issues.

Oxfam India is an Indian non-profit organisation that works to address extreme inequality and poverty. Oxfam believes that private sector has an important role in addressing inequality and poverty by adopting the idea of a human economy, which creates decent jobs, pays living wages, respects human rights and treats women and girls with equal rights to everyone else.

**Target audience**

This BHR course should be of interest to (i) law, business or management students having an interest in BHR or corporate social responsibility (CSR); (ii) academics or lawyers interested in developing specialisation in the BHR field; and (iii) 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, lawyers, civil society representatives, policy makers, corporate executives and government officials to international and comparative perspectives in the field of BHR. After completing this one-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 remedy against businesses, and potential means to overcome such barriers.

## Teaching and learning

The course will be conducted in the form of 35 hours of interactive seminars (*three 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 using selected case studies. 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 (*see the faculty bios for their profile*).

## Syllabus

The course will cover the topics such as the following:

- Setting the context: Understanding business and human rights and why companies should have human rights responsibilities and obligations
- Evolution of BHR and its relationship with CSR and others such concepts; BHR and sustainable development goals (SDGs)
- Role of investors and consumers in promoting responsible business
- Development trajectory of BHR/CSR in India
- Understanding the Gender dimension of BHR
- Extent of corporate human rights responsibilities, including for abuses within global supply chains
- Innovative tools to protect business respect for human rights, e.g., non-financial reporting, mandatory human rights due diligence, ranking/benchmarking of corporate performance
- Introduction and critical review of selective regulatory initiatives: corporate codes; UN Guiding Principles on Business and Human Rights; OECD Guidelines for Multinational Enterprises; ILO Tripartite Declaration of Principles concerning Multinational Enterprises; proposed binding international instrument
- Potential avenues for seeking remedies: tort litigation (e.g., the direct duty of care), National Contact Point (NCP) complaint system
- Role of civil societies and human rights defenders
- Linkages: Trade, investment and human rights and Technology, business and human rights



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- Protecting labour rights in global supply chains; Modern slavery legislation in the UK and Australia

### **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 of class participation in various learning activities during seminars.

### **Coordinators' contact details**

For admission-related matters, please contact the ILI Registrar, Mr Shreenibas Chandra Prusty ([registrar@ili.ac.in](mailto:registrar@ili.ac.in)). For other details, please contact Trinanjan Radhakrishnan ([trinanjan@oxfamindia.org](mailto:trinanjan@oxfamindia.org)).

## Biographies of the Teaching Team

Justine Nolan is an Associate Professor and Associate Dean at University of New South Wales (UNSW) Law as well as a Visiting Scholar at New York University (NYU) Stern Center for Business and Human Rights. She has published widely on business and human rights and advises companies, NGOs and governments on these issues. Prior to joining UNSW in 2004, she was the Director of Business and Human Rights 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 on the Editorial Board of the *Business and Human Rights Journal*. Her upcoming book is called *Addressing Modern Slavery* and will be released later this year.



Lara Jesana has been practicing law in Indian courts for the last 10 years and is currently an independent legal practitioner with her primary practice based out of Bombay High Court and National Green Tribunal. She holds a masters in political science with a specialisation in Indian politics and a masters in law (LLM) with a specialisation in criminal law. She was formerly a Litigation Partner in M Mulla Associates until September 2017, and since practicing independently based out of Mumbai. She takes up cases of human rights violations, in particular constitutional, environmental, development and anticorruption matters, death penalty / criminal cases and in defence of HRDs. She is also engaged in public policy and advocacy work for democratic rights and civil liberties issues, and in human rights and legal education. She is an Ad-Hoc Committee member of the Maharashtra unit of People's Union of Civil Liberties (PUCL) and a National Working Committee member of People's Commission for Shrinking Democratic Spaces (PCSDS) and is a part of Human Rights Defenders Alert (HRDA). She also continues to work with several collective efforts/ groups and collaborate with CSOs and intersectional feminist collectives, on issue basis.

Leila Choukroune is Professor of International Law and Director of the University of Portsmouth Thematic Area in Democratic Citizenship. She is regularly solicited as an independent expert on international economic law and business and human rights issues. She has been independent adviser to the International Federation of Human Rights (FIDH) and a Member of the French National Books Commission (CNL). Her research focuses on the interactions between international trade and investment law, human rights, development studies, jurisprudence and social theory.



Professor Leila Choukroune has published numerous scientific articles, book chapters and Journals special issues in English, French, Spanish or Chinese and authored more than 10 books, including recently, *Judging the State in International Trade and Investment Law* (2016), and *Exploring Indian Modernities* (2018). She is the Editor of the Springer book series *International Law and the Global South*; and the Routledge book series in *Human Rights, Citizenship and the Law*. She is currently working on the creation of a new Journal in *International Law and Development with a Global South orientation*. She is Officer of "l'Ordre du mérite" (*Knight of the Order of Merit -conferred by the French government*).

Before joining the University of Portsmouth, she was Director of the Centre for Social Sciences and Humanities (CSH), New Delhi (India); Associate Professor at the Law Faculty of Maastricht University (Netherlands); Deputy Director of the Institute for Globalization and International Regulation (IGIR); and, Director of the Advanced Master in International Economic Law (*Maastricht University*). Professor Leila Choukroune holds a Doctorate in International Law (summa cum laude – highest honour) from the University of Paris I Panthéon Sorbonne and is a qualified lawyer to the Paris Bar.



Manoj Kumar Sinha is currently working as Director of the Indian Law Institute. He did his Doctorate in International Law from Jawaharlal Nehru University, LL.M. from the University of Nottingham and LL.B from University of Delhi. In 1998 he attended the 29th session of the International Institute of Human Rights in Strasbourg, France. His areas of specializations are Human Rights, Constitutional Law, Business and Human Rights, International Humanitarian and Refugee Law, International Criminal Law, International Law and International Institutions. He

has published extensively in the field of international law, international relations, constitutional law, international human rights, humanitarian and refugee laws, in reputed National and International Law journals. He is serving as the member of editorial boards of various reputed national and international journals. He has been regularly delivering lectures at various institutions in India and abroad.



## HURBA

Namit Agarwal works as Lead Specialist – Private Sector Engagement at Oxfam India. He leads Oxfam India’s engagement with private sector on issues of Business & Human Rights, responsible supply chains and responsible finance. He has led the creation of India Responsible Business Forum, India Responsible Business Index, Sustainable Responsible Investments Working Group and Fair Finance India coalition. He is a member of the National Human Rights Commission core group on Business, Environment and Human Rights. He is also the co-convener of Human Rights and Business Network India. Namit has a decade of experience working on business responsibility related issues in India working with organisations such as CARE, Samhita and EDI. He is an MBA (Marketing) from ICFAI University and Bachelor of Commerce from Calcutta University.



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. Prof Deva’s primary research interests lie in Business and Human Rights, India-China Constitutional Law, and Sustainable Development. He has published extensively in these areas, and has advised the UN and EU bodies, states, multinational corporations and civil society organisations on matters related to business and human rights. He is one of the founding Editors-in-Chief of the Business and Human Rights Journal, and sits on the Editorial/Advisory Board of the Netherlands Quarterly of Human Rights, the Vienna Journal on International Constitutional Law and the Australian Journal of Human Rights. Prof Deva is an elected Member of the Executive Committee of the International Association of Constitutional Law. His books include –

- *Building a Treaty on Business and Human Rights: Context and Contours* (co-editor with David Bilchitz) (Cambridge, 2017),
- *Socio-Economic Rights in Emerging Free Markets: Comparative Insights from India and China* (editor) (Routledge, 2015);
- *Human Rights Obligations of Business: Beyond the Corporate Responsibility to Respect?* (co-editor with David Bilchitz) (Cambridge, 2013); and
- *Regulating Corporate Human Rights Violations: Humanizing Business* (Routledge, 2012).



Tara Van Ho is a lecturer and the educational director of the post-graduate programmes in human rights at the University of Essex's School of Law and Human Rights Centre (UK). She is a Vice President of the Global Business and Human Rights Scholars Association ('BR2R') and the Conference Chair for the organization's 2019 annual workshop, which will be held in Essex in September.

A core member of the Essex Business and Human Rights Project, she advises states, international organizations, non-governmental organizations, and occasionally businesses on issues of business, investment and human rights. Her primary research interest is on

the impact of businesses and investment law on situations of armed conflict and transitional justice.

Her most recent publications include:

- *'Investor Obligations in Occupied Territories: A report on the Norwegian Government Pension Fund -Global'*
- *'Assessing the Duty of Care for Social Auditors,' European Review of Private Law*, vol. 27(2),
- *'The Fukushima diaspora: assessing the state-based non-judicial remedies,'* in *Civil and Political Rights in Japan: A Tribute to Sir Nigel Rodley* (Saul Takahashi, ed.),
- *'The Duty to Prosecute and the Role of Victims' Rights,'* in *Beyond the Binary: Securing Peace and Promoting Justice after Conflict* (Nelson Camilo Sanchez and Rodrigo Uprimny, eds.)
- *She also did the drafting of a statement by eminent jurists on legal obligations when supporting reconstruction in Syria (released in September 2018).*

Usha Ramanathan works on the jurisprudence of law, poverty and rights. She writes and speaks on issues that include the nature of law, Bhopal Gas Disaster, mass displacement, eminent domain, civil liberties including the death penalty, beggary, criminal law, custodial institutions, the environment, judicial process. She has been tracking, and engaging with, the Unique Identification (UID) project and has written, and debated extensively, on the subject. She worked closely with the petitioners and their lawyers when the UID project was taken to court. She has continued to work intensively on technology, data, identity and rights. Her work draws heavily upon non-governmental experience in its encounters with the state, a 6 years long stint with a law journal (Supreme Court Cases) as reporter from the Supreme Court, and engaging with matters of public policy. She is a regular lecturer at various universities, and is often called upon by the National Judicial Academy in Bhopal and the Delhi Judicial Academy to address judges on various issues of law and poverty, and on technology and the law. She was a member of the *Expert Group on Privacy* set up in the Planning Commission of India which gave in its report in October 2012. She was a member of a committee (2013-14) set up in the Department of Biotechnology to review the *Draft Human DNA Profiling Bill 2012*. She was a member of the Committee set up by the Prime Minister's Office (2013-14) to study the socio-economic status of tribal communities which gave its report to the government in 2014. She has been on a series of committees on revising the vagrancy law.

