

CERTIFICATE COURSE ON “BUSINESS AND HUMAN RIGHTS”

New Delhi (3-8 July 2017)

Background

The Human Rights and Business Academy (HURBA) in collaboration with the Indian Law Institute Delhi (ILI) will organise the 2nd intensive certificate course on “business and human rights” (BHR) during 3-8 July 2017. 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.

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 30 hours of interactive seminars (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 (see the faculty bios for their profile). We are also exploring the possibility of exposing students enrolled in the course to participating in a conference on “Sustainable Developments Goals and the Role of Business” to be held at the ILI on Saturday, 8 July 2017.

Syllabus

The course will cover the topics such as the following:

- The changing role of corporations in society; 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)
- Locating BHR within international human rights law, and corporate law (e.g., Indian Companies Act 2013)
- Extent of corporate human rights responsibilities, including for abuses within global supply chains
- Extraterritorial human rights obligations of states
- Innovative tools to protect business respect for human rights, e.g., non-financial reporting, mandatory human rights due diligence, ranking/benchmarking of corporate performance
- Critical review of selective regulatory initiatives: corporate codes; 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
- Overcoming barriers in seeking judicial remedies against corporations, e.g., doctrine of *forum non conveniens*, piercing of the corporate veil, lack of information and legal aid, corruption, judicial delays, corporate capture

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 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

Namit Agarwal works as Lead Specialist – Private Sector Engagement at Oxfam India. He leads Oxfam India’s engagement with private sector to advocate for responsible business policies and practices. He led creation of India Responsible Business Forum, a platform to promote adoption of inclusive and responsible business practices by Indian companies. He is also part of the team developing India Responsible Business Index of top 100 companies listed in India on how responsible their policies are. Namit has extensive experience of working on business responsibility related issues in India working with CARE, Samhita and a cluster development project.



Jernej Letnar Čerňič is Associate Professor of Law at the Graduate School of Government and European Studies (Kranj, Slovenia), and Senior Research Fellow at the University Institute of European Studies – IUSE (Turin, Italy). He serves on the management board of the European Union Fundamental Rights Agency. His works have been cited in report by the United Nations, European Parliament, the Council of Europe, judgements by the Constitutional Court of the Republic of Slovenia and by academic studies from around the world.

Leïla Choukroune is Director of the Centre for Social Sciences and Humanities (CSH), New Delhi, the French National Research Centre (CNRS) Unit on South Asia. She is a visiting Professor at the World Trade Institute (Bern), the University Paris II Panthéon-Assas, the Trade Policy Training Centre in Africa (Arusha, Tanzania), the China-EU School of Law (Beijing), and the University of Geneva. She was Deputy Director of the Institute for Globalization and International Regulation (IGIR) and Director of the Advanced Master in international economic law. Her research focuses on the interactions between trade, investment and human rights and is applied to emerging countries, China and India in particular. She has published numerous scientific articles and authored several books. She is the Editor of the Springer book series *International Law and the Global South*, <http://www.springer.com/series/13447> and member of the Editorial Board of *China Perspectives* and *Perspectives Chinoises*. She holds a Doctorate in international law (summa cum laude – highest honor) from the University Paris I Panthéon Sorbonne and is a qualified lawyer to the Paris Bar.



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, India-China Constitutional Law, and Sustainable Development. He has published extensively in these areas, and has advised the UN/EU bodies, states, multinational corporations and civil society organisations on matters related to business and human rights. His most recent book will be published later this year by

Cambridge University Press: *Building a Treaty on Business and Human Rights: Context and Contours* (co-editor with David Bilchitz). He 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*.

Amita Joseph has an educational background in management (PGDM), law (LLB) from Delhi University, and human rights law (PGDM) from the Indian Law Institute. She has worked for 30 years in the corporate, legal and development sectors. She has written on request for magazines and journals including IIC Quarterly, Seminar, Civil society magazine, Outlook, Business Standard, TERI magazine, etc. She has addressed sessions for students at St Stephens College, Kamala Nehru College, Janki Devi College, BIMTECH, Asia Business School, EMPI, ICAI, ICSI, Lady Irwin College, etc. Two of her case studies (co-authored with Prof Amit Gupta) have been published with the Ivey Business School and the third case study in the series is a part of working papers of IIM Bangalore. Amita initiated the first MDP with the Indian Institute of Foreign Trade (IIFT) on CSR in 2008, and with Lady Irwin College a 20 hour module on Business Responsibility. Amita serves on the board of a number of non-profit organisations such as Maximising Employment to Serve the Handicapped (MESH), Centre for Equity & Inclusion (CEQUIN), Family of the Disabled (FOD), Centre for Responsible Business (CRB), Society for Rural & Tribal initiatives (SRUTI), and Business & Community Foundation (BCF). As a consultant, Amita has worked with Action Aid, SCF, EED, GOI, and CASA. As a lawyer Amita has worked on a number of PIL cases for Common Cause, VOICE, and PUCL. She is presently completing her PhD at Deakin University, Australia. She also serves on the ethics Committee of Lady Irwin College.



Harpreet Kaur is the Deputy Director at Genpact Centre for Women's Leadership (GCWL) at Ashoka University. The GCWL is a first-of-its-kind industry academia partnership between Genpact and Ashoka, where it combines the power of academic research with best practices from industry to empower women to become leaders who drive gender inclusive growth. Harpreet is leading various research studies, programs and campaigns to promote diversity and inclusion at workplaces. In her previous capacity as Senior South Asia Researcher & Representative at the Business & Human Rights Resource Centre, Harpreet has conducted research and outreach, highlighting corporations' human rights impacts in South Asia. Harpreet has written extensively on the subject in both national and international media, and has spoken at various national and international forums. Harpreet has previously held senior management positions at Conciliation Resources, BBC Media Action and Panos South Asia, and consulted with Ford Foundation, GiZ, Social Accountability International, Change Alliance, and Partners in Change. Harpreet has a PhD in Anthropology from University of Delhi, and a Post Graduate Diploma in Human Rights Law from National Law School of India University, Bangalore. Harpreet is also an SA 8000 certified auditor.

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, and the projects of corporate and state identification. Her work draws heavily upon non-governmental experience in its encounters with the state, a six year stint with a law journal (Supreme Court Cases) as reporter from the Supreme Court, and engaging with matters of public policy. Since her contribution to ICHRP's *Beyond Voluntarism* (2002), she has been part of the international discourse on business and human rights, including in discussions around the development of the "Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights" (2003) and the many discussions around the work of Prof John Ruggie. 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 also a member of a committee (2013-14) set up in the Department of Biotechnology to review the Draft Human DNA Profiling Bill 2012, and a member of the Committee set up by the Prime Minister's Office (2013-14) to study the socio-economic status of tribal communities.



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 journals. His recent authored, edited and co-edited books include: *Copyright Law in the Digital World: Challenges and Opportunities*; *Environment Law and Enforcement: The Contemporary Challenges* (2017); *Legal Research Methodology* (2016); *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.