

## Business And Human Rights

This book critically evaluates the Ruggie Framework and the Guiding Principles on Business and Human Rights, and investigates the normative foundations as well as the nature, extent and enforcement of corporate obligations for the realisation of human rights.

This is the first book offering a comprehensive historical and contemporary analysis of the emerging business and human rights field.

In *General Principles for Business and Human Rights in International Law* Ludovica Chiussi Curzi offers a critical analysis of the relevance of general principles of law in the multifaceted business and human rights field.

*Corporate Social Responsibility, Human Rights and the Law* examines the responsibilities of business enterprises for human rights from a legal perspective. It analyses the legal status of the 'corporate responsibility to respect human rights' as articulated by the United Nations Guiding Principles on Business and Human Rights (UNGPs). This concept currently reflects an international consensus and is promoted by the UN. The book contemplates the various founding perspectives of the UNGPs, and how the integration of notions such as 'principled pragmatism' and 'polycentric governance' within its framework provides insights into the future course of law and policy, compliance, and corporate respect for human rights. The book thus takes a global focus, examining the interaction of Corporate Social Responsibility (CSR), human rights, and the law in a broader global governance context. Setting out a possible future scenario for the legalization of the corporate responsibility to respect human rights that is informed by the UNGPs' founding perspectives and reflects current realities in the human rights landscape, this book will be of great interest to scholars of business ethics, international human rights law, and CSR more broadly.

"It is an undeniable fact that corporations participate in human rights abuses throughout the world. Yet there is disagreement among scholars, politicians and business actors about the best approaches to preventing and responding to those abuses and whether it would be feasible to adopt a treaty on the matter. This book explores the potential adoption of a treaty on business and human rights, first proposed by Ecuador and South Africa. Would such a treaty be practicable and what should its content be? Should it regulate direct corporate obligations or extraterritorial obligations? How can experiences of other international legal regimes and developments in regional systems inform the global debate on business and human rights?"--Back cover.

Inquisitive and diverse, this innovative Research Handbook explores the ways in which human rights apply to people at work, through national constitutional provisions, judicial decisions and the application of rights expressed in supranational instruments. Key topics include evaluation of the role of the ILO in developing and promoting internationally recognized labour rights, and the examination of the meaning of the obligation of business to respect human rights, considering the evolution from international soft law to incorporation in codes of conduct and the emerging requirement of due diligence.

This authoritative Research Handbook brings together leading international scholars and practitioners to provide in-depth analysis

of some of the most hotly debated topics and issues concerning the interface of human rights and business. Offering critical insights on prominent strands of research within the field of business and human rights, this comprehensive Research Handbook examines key challenges and potential solutions in the field.

This book explores the persistence of the governance gap with respect to the human rights-impacting conduct of transnational extractive corporations operating in zones of weak governance. The authors launch their account with a fascinating case study of Talisman Energy's experience in Sudan, informed by their own experience as members of the 1999 Canadian Assessment Mission to Sudan (Harker Mission). Drawing on new governance, reflexive law and responsive law theories, the authors assess legal and other non-binding governance mechanisms that have emerged since that time, including the UN Guiding Principles on Business and Human Rights. They conclude that such mechanisms are incapable of systematically preventing human rights violating behaviour by transnational corporations, or of assuring accountability of these actors or recompense for victims of such violations. The authors contend that home state regulation, while not a silver bullet, has a crucial role to play in regulating such conduct. They pick up where UN Special Representative John Ruggie's Guiding Principles on Business and Human Rights left off, and propose an innovative, robust and adaptable template for strengthening the regulatory framework of home states. Their model draws insights from the theoretical literature, leverages existing public, private, transnational, national, 'soft' and hard regulatory tools, and harnesses the specific strengths of state-based governance. This book will be of interest to academics, policy makers, students, civil society and business leaders.

"When Business Harms Human Rights" uses reported narrations to discuss and analyze the experiences of individuals and communities from around the world, and examines the impact that business activities has had on their lives. The volume is situated within the broader subject area of business and human rights, and uses various methodologies to share the perspectives of affected individuals and communities. The narratives collected here follow rightsholders in their attempts to secure remedies, and examine the impact of the emerging legal regime of business and human rights.

"This book is about corporate social responsibility and business & human rights. It discusses international law and how the emerging litigation thereof."--

The relationship between business and human rights has emerged in the last two decades as one of the most pressing issues in the field of business ethics. Do corporations have human rights responsibilities? If so, what is that nature of those responsibilities and do they differ in any significant way from those of governments? Is it reasonable or realistic to expect corporations to respect human rights in environments where governments, particularly in the developing and underdeveloped world, need economic development and have a limited capacity and/or interest in enforcing human

rights standards and laws? The contributors to this groundbreaking volume take up these questions, examining them from both theoretical and practical perspectives. Topics discussed include the debates leading to the creation of the ISO 26000 standard and the United Nations human rights framework for business entities, as well as the nature and limits of the human rights responsibilities of business, the roles and responsibilities of international trade bodies like the World Trade Organization in protecting human rights, and the implications of the current debate for international trade agreements and trade with China. The contributors also explore the effectiveness of voluntary human rights standards in the textile and clothing trade, mining, advertising and the pharmaceutical industry. Scholars and students in management, philosophy, political science, sociology and law will find this volume a great resource, as will activists, managers and policy makers.

This account of business-related human rights violations details the barriers victims face when seeking remedies and offers policy solutions.

An innovative textbook setting out a systematic approach to business and human rights.

This book provides a sustained treatment of the politico-legal context and content of a proposed business and human rights treaty.

The spotlight of global scrutiny has shone particularly brightly on corporations; adverse impacts on human rights in recent years. Corporations make up more than two-thirds of the world's top economies today, and so rightly they are being called to account for their impacts on society and the communities in which they operate. The Business of Human Rights demystifies the relevance of human rights for business, explaining how the corporate responsibility to respect human rights under the UN Guiding Principles can be implemented in practice. It provides a straightforward, practical guide that can be easily read and interpreted by managers to help businesses navigate this complex area of legislation and "soft" law to fulfil their responsibilities. It explains the potential legal, financial and reputational implications for corporations and the steps they need to take to address them. The book tracks some of the major global developments in business and human rights, including the emergence of foreign, transnational, and international law and the proliferation of multi-stakeholder initiatives on business and human rights. Case studies from a range of sectors and industries – such as extractives, apparel, fast-moving consumer goods, electronics, and banking and finance – illustrate the enormous risks and opportunities human rights pose for business in practice. The Business of Human Rights will equip corporate executives, sustainability practitioners, academics, students, and anyone interested in business's impacts on society with the essential information and tools they need to quickly come up to speed with the rapidly evolving area of business and human rights.

Business corporations can and do violate human rights all over the world, and they are often not held to account. Emblematic cases and situations such as the state of the Niger Delta and the collapse of the Rana Plaza factory are examples of corporate human rights abuses which are not adequately prevented and remedied. Business and human rights as a field seeks to enhance the accountability of business – companies and businesspeople – in the human rights area, or, to phrase it differently, to bridge the accountability gap. Bridging the accountability gap is to be understood as both setting standards and holding corporations and businesspeople to account if violations occur. Adopting a legal perspective, this book presents the ways in which this dual undertaking has been and could be further carried out in the future, and evaluates the extent to which the various initiatives in the field bridge the corporate accountability gap. It looks at the historical background of the field of business and human rights, and examines salient periods, events and cases. The book then goes on to explore the relevance of international human rights law and international criminal law for global business. International soft law and policy initiatives which have blossomed in recent years are evaluated along with private modes of regulation. The book also examines how domestic law, especially the domestic law of multinational companies' home countries, can be used to prevent and redress corporate related human rights violations. The issue of corporate responsibilities has had a tumultuous history at the United Nations. When the Human Rights Council unanimously endorsed John Ruggie's Guiding Principles in June 2011, it was the first time that the UN stated authoritatively its expectations in the area of business and human rights. This volume captures this special moment in time: a moment of taking stock of a successfully concluded UN Special Representative mandate (2005–2011) and of preparing for the massive task of following up with more operational guidance, effective governance mechanisms and sound theoretical treatments.

This book analyses the accountability of European home States for their failure to secure the human rights of victims from host States against transnational enterprises. It argues for a reconfiguration of the relationship between multinational enterprises and individuals, both of which have been profoundly changed by globalisation. Enterprises are now supranational entities with numerous affiliates all over the world. Likewise, individuals are increasingly part of a global community. Despite this, the relationship between the two is deregulated. Addressing this gap, this study proposes an innovative business and human rights litigation strategy. Human rights advocates could file a test case against a European home State, at the European Court of Human Rights, for its failure to secure the rights of victims vis-à-vis European multinational enterprises. The book illustrates why such a strategy is needed, and points to the lack of effective legal remedies against European multinationals. The goal is to empower victims from developing countries against European States which are failing to hold multinational enterprises accountable for human rights abuses.

This book examines the State's duty to protect human rights in Asia amidst rising concern over the human rights impact of business organisations in the region, a topic which has hitherto been understudied. It analyses a range of interconnected issues: the advent of international standards, the UN Guiding Principles on Business and Human Rights, the challenges inherent in the formulation of National Action Plans on business and human rights, the need for improved legislation and policies, access to remedies, and conflicts with indigenous peoples over business activities. The book also covers innovative themes such as BHR in the era of smart cities, ethical consumer behavior, and a human rights management system, which are emerging areas of enquiry in this field concluding with a range of critical issues to be addressed, including the need for an assessment of COVID-19 pandemic's impact on BHR in Asia and beyond. This book is part of Asia Centre's exploration of the nascent regional human rights architecture that is facing significant obstacles in protecting human rights and showcases the progress achieved and the ongoing challenges across Asia. This book considers the efficacy of transitional justice mechanisms in response to corporate human rights abuses. Corporations and other business enterprises often operate in countries affected by conflict or repressive regimes. As such, they may become involved in human rights violations and crimes under international law ? either as the main perpetrators or as accomplices by aiding and abetting government actors. Transitional justice mechanisms, such as trials, truth commissions, and reparations, have usually focused on abuses by state authorities or by non-state actors directly connected to the state, such as paramilitary groups. Innovative transitional justice mechanisms have, however, now started to address corporate accountability for human rights abuses and crimes under international law and have attempted to provide redress for victims. This book analyzes this development, assessing how transitional justice can provide remedies for corporate human rights abuses and crimes under international law. Canvassing a broad range of literature relating to international criminal law mechanisms, regional human rights systems, domestic courts, truth and reconciliation commissions, and land restitution programmes, this book evaluates the limitations and potential of each mechanism. Acknowledging the limited extent to which transitional justice has been able to effectively tackle the role of corporations in human rights violations and international crimes, this book nevertheless points the way towards greater engagement with corporate accountability as part of transitional justice. A valuable contribution to the literature on transitional justice and on business and human rights, this book will appeal to scholars, researchers and PhD students in these areas, as well as lawyers and other practitioners working on corporate accountability and transitional justice. 'The business and human rights field is burgeoning, and this volume makes a significant contribution by drawing business law scholars into related debates. Rich in empirical detail, individual chapters analyze the challenges faced both at the firm-level and from the perspective of affected stakeholders across a range of sectors and issue areas. Highly

recommended.' - Shareen Hertel, University of Connecticut, US The intersection of business and human rights contains substantial economic, social, and political implications. Global business enterprises and civil society groups must establish a constructive and meaningful dialogue in order to work cooperatively to protect human rights. In this innovative book, the authors explore the role of firms in respecting human rights and explain the need for a better understanding of the human rights of affected stakeholders. The goal is to draw attention to these issues and generate common ground between two potentially disparate and conflicting interests.

Transnational business activities are important drivers of growth for developing and the least developed countries. However, they can also negatively impact the enjoyment of human rights. In some cases, multinational enterprises (MNEs) have even been accused of grave human rights abuses in the territory of the states where their subsidiaries operate. Since the parent companies of many MNEs are incorporated under the law of European states, those countries' domestic law and the European legal framework play a crucial role in establishing how their activities should be conducted – also throughout their supply chains – and which remedies will be available when corporate human rights violations occur. In recent years, the European Union, the Council of Europe and their Member States have been adopting policies and legislation to ensure respect for human rights by businesses and have developed a body of related case law. These legal instruments can be considered the European responses to the challenges posed at international-law level, and they constitute the focus of research of this book. Through its collected chapters – written by scholars and practitioners under the direction of the editor, Angelica Bonfanti – the book identifies the European solutions to the business and human rights international legal issues, provides an overall assessment of their effectiveness, and examines their potential evolution.

The end of the Cold War and the virtual disappearance of communism have completely altered the world economy. The supply chains of supermarkets and consumer goods industries have spread ever more widely and deeply into Asia, Africa and South America, while oil, mining and financial companies, among many others, have invested heavily in countries that were previously denied to them by political or ideological barriers. While companies have seized the opportunities presented by globalisation, they have in many cases been completely unprepared for the risks presented by their headlong rush into these new markets. Companies have found themselves and their business partners operating in countries where corruption, injustice, internal conflict and human rights violations are rife. An increasingly alert and critical world has acted as watchdog, highlighting corporate malpractice and the links between corporations and repressive regimes. It has increasingly been argued that companies have responsibilities for the protection and promotion of human rights. These arguments are, at least to some extent, accepted by companies. Yet, despite the increasing use of human rights language in public policy discourses, the expectations of companies remain unclear. That is, what are the ethical imperatives? What are the legal expectations? How far does responsibility extend? What can companies actually do in practice? The debate is further complicated by the range of actors (companies, governments, international institutions, local communities, non-governmental organisations [NGOs], trade unions, consumers) involved; by debates around free trade versus and fair trade; by the discussion of the specific role of governments; and by questions about the relative merits of regulation and self-regulation. Business and Human Rights provides an analysis of the relationship between companies and human rights in the context of globalisation. The analysis is in two parts. The first maps the reasons (financial, ethical, regulatory) why human rights have become a business issue. However, simply because there are reasons why companies should be concerned about human rights, this

does not say what companies should or could do. Therefore, the second part of the book looks at the practical experiences of companies in responding to specific human rights issues in the context of their own operations, in their supply chains and in specific countries. These case studies, many of which have not been previously published or analysed from the perspective of human rights, provide important insights into questions such as: How do companies organise themselves to respond to human rights challenges? What have the experiences been—positive and negative? How have companies responded to specific situations? What are the roles and responsibilities of other actors: government, trade unions, NGOs? What are the limits to responsibility? In this outstanding collection, Rory Sullivan has drawn together leading thinkers and actors from the debate on business and human rights, to establish how far the business and human rights debate has evolved, and explore the many complex questions around roles, responsibilities and solutions that remain to be answered.

This book investigates how human rights law can be applied to corporate entities. To date there have been insufficient international legal mechanisms to bring corporations to justice for their misconduct abroad. The book argues that rather than trying to solve the problem locally, an international approach to corporate human rights compliance needs to be sought to prevent future corporate human rights abuses.

Implementing effective and enforceable human rights compliance policies at corporate level allows businesses to prevent negative human rights impacts such as loss of revenue, high litigation costs and damage to reputation. By considering human rights to be an inherent part of their business strategy, corporations will be well equipped to meet national and regional business and human rights standards, which will inevitably be implemented in the next few years. This approach, in turn, also furthers the fundamental aim of international human rights law. In a global economy, multinational companies often operate in jurisdictions where governments are either unable or unwilling to uphold even the basic human rights of their citizens. The expectation that companies respect human rights in their own operations and in their business relationships is now a business reality that corporations need to respond to. *Business and Human Rights: From Principles to Practice* is the first comprehensive and interdisciplinary textbook that addresses these issues. It examines the regulatory framework that grounds the business and human rights debate and highlights the business and legal challenges faced by companies and stakeholders in improving respect for human rights, exploring such topics as: the regulatory framework that grounds the business and human rights debate challenges faced by companies and stakeholders in improving human rights industry-specific human rights standards current mechanisms to hold corporations to account future challenges for business and human rights With supporting case studies throughout, this text provides an overview of current themes in the field and guidance on practical implementation, demonstrating that a thorough understanding of the human rights challenges faced by business is now vital in any business context.

"This publication contains the 'Guiding Principles on Business and Human Rights: Implementing the United Nations Protect, Respect and Remedy Framework', which were developed by the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises. The Special Representative annexed the Guiding Principles to his final report to the Human Rights Council (A/HRC/17/31), which also includes an introduction to the Guiding Principles and an overview of the process that led to their development. The Human Rights Council endorsed the Guiding Principles in its resolution 17/4 of 16 June 2011."--P. iv.

The regulation of business in the global economy poses one of the main challenges for governance, as illustrated by the dynamic scholarly and policy debates about the UN Guiding Principles on Business and Human Rights and a possible international treaty on the matter. This book takes on the conceptual and legal underpinnings of global governance approaches to business and human rights, with an emphasis on the Guiding Principles (GPs) and attention to the current treaty process. Analyses of the GPs have tended to focus on their static dimension,

such as the standards they include, rather than on their capacity to change, to push the development of new norms, and practices that might go beyond the initial content of the GPs and improve corporate compliance with human rights. This book engages both the static and dynamic dimensions of the GPs, and considers the issue through the eyes of scholars and practitioners from different parts of the world. Business and human rights has emerged as a distinct field within the corporate governance movement. The endorsement by the United Nations Human Rights Council of a new set of Guiding Principles for Business and Human Rights in 2011 reinforces the State's duty to protect against human rights abuses by third parties, including business; the corporate responsibility to respect human rights; and greater access by victims to effective remedy, both judicial and non-judicial. This book draws on the UN Guiding Principles and recent national plans of action, to provide an overview of relevant developments within the ASEAN region. Bridging theory and practice, the editors have positioned this book at the intersection of human rights risk and its regulation. Chapter authors discuss the implications of key case-studies undertaken across the region and various sectors, with a particular focus on extractive industries, the environment, and infrastructure projects. Topics covered include: due diligence and the role of audits; businesses' responsibilities to women and children; and the mitigation of human rights risks in the region's emerging markets. The book sheds light on how stakeholders currently approach business and human rights, and explores how the role of ASEAN States, and that of the institution itself, may be strengthened. In doing so, the book identifies critical challenges and opportunities that lie ahead for the region in relation to business and human rights. This book will be of excellent use and interest to scholars, practitioners and students of human rights, business and company law, international law, and corporate governance. Despite the continuous addition of regulatory initiatives concerning corporate human rights responsibilities, what we witness more often than not is a situation of corporate impunity for human rights abuses. The Bhopal gas leak – examined as a site of human rights violations rather than as a mass tort or an environmental tragedy – illustrates that the regulatory challenges that the victims experienced in 1984 have not yet been overcome. This book grapples with and offers solutions to three major regulatory challenges to obligating companies to comply with human rights norms whilst doing business, and asks; why companies should adhere to human rights, what these responsibilities are, and how to ensure that companies comply with their responsibilities. Building on literature in the fields of law, human rights, business ethics, management, regulation and philosophy, this book proposes a new 'integrated theory of regulation' to overcome inadequacies of the existing regulatory framework in order to humanize business. This book will be of interest to scholars, students, researchers, policy makers and human rights activists working in the fields of Law, Business and Human Rights.

In the 21st century, one of the most noteworthy changes in the human rights debate relates to the increased recognition of the link between business and human rights. This book is an attempt to explore this relationship and also to look into the obligations of the state and transnational corporations in the promotion of human rights. Business and Human Rights discusses how globalization has affected individuals in the enjoyment of their human rights in relation to the activities of corporations. The book addresses what additional steps the states should take to protect against human rights abuses by business enterprises that are owned or controlled by the state. Moreover, it covers, in depth, the role and contribution of the United Nations in business and human rights. The book includes several real-life case studies to help the readers understand the topics discussed.



"A true master class in the art of making the impossible possible." —Paul Polman One of the most vexing human rights issues of our time has been how to protect the rights of individuals and communities worldwide in an age of globalization and multinational business. Indeed, from Indonesian sweatshops to oil-based violence in Nigeria, the challenges of regulating harmful corporate practices in some of the world's most difficult regions long seemed insurmountable. Human rights groups and businesses were locked in a stalemate, unable to find common ground. In 2005, the United Nations appointed John Gerard Ruggie to the modest task of clarifying the main issues. Six years later, he had accomplished much more than that. Ruggie had developed his now-famous "Guiding Principles on Business and Human Rights," which provided a road map for ensuring responsible global corporate practices. The principles were unanimously endorsed by the UN and embraced and implemented by other international bodies, businesses, governments, workers' organizations, and human rights groups, keying a revolution in corporate social responsibility. Just Business tells the powerful story of how these landmark "Ruggie Rules" came to exist. Ruggie demonstrates how, to solve a seemingly unsolvable problem, he had to abandon many widespread and long-held understandings about the relationships between businesses, governments, rights, and law, and develop fresh ways of viewing the issues. He also takes us through the journey of assembling the right type of team, of witnessing the severity of the problem firsthand, and of pressing through the many obstacles such a daunting endeavor faced. Just Business is an illuminating inside look at one of the most important human rights developments of recent times. It is also an invaluable book for anyone wanting to learn how to navigate the tricky processes of global problem-solving and consensus-building and how to tackle big issues with ambition, pragmatism, perseverance, and creativity.

The capacity to abuse, or in general affect the enjoyment of human, labour and environmental rights has risen with the increased social and economic power that multinational companies wield in the global economy. At the same time, it appears that it is difficult to regulate the activities of multinational companies in such a way that they conform to international human, labour and environmental rights standards. This has partially to do with the organization of companies into groups of separate legal persons, incorporated in different states, as well as with the complexity of the corporate supply chain. Absent a business and human rights treaty, a more coherent legal and policy approach is required. Faced with the challenge of how to effectively access the right to remedy in the European Union for human rights abuses committed by EU companies in non-EU states, a diverse research consortium of academic and legal institutions was formed. The consortium, coordinated by the Globernance Institute for Democratic Governance, became the recipient of a 2013 Civil Justice Action Grant from the European Commission Directorate General for Justice. A mandate was thus issued for research, training and dissemination so as to bring visibility to the challenge posed and moreover, to provide some solutions for the removal of barriers to judicial and non-judicial remedy for victims of business-related human rights abuses in non-EU states. The project commenced in September 2014 and over the course of two years the consortium conducted research along four specific lines in parallel with various training sessions across EU Member States. The research conducted focused primarily on judicial remedies, both jurisdictional barriers and applicable law barriers; non-

judicial remedies, both to company-based grievance. The results of this research endeavour make up the content of this report whose aim is to provide a scholarly foundation for policy proposals by identifying specific challenges relevant to access to justice in the European Union and to provide recommendations on how to remove legal and practical barriers so as to provide access to remedy for victims of business-related human rights abuses in non-EU states.

The spotlight of global scrutiny has shone particularly brightly on corporations' adverse impacts on human rights in recent years. Corporations make up more than two-thirds of the world's top economies today, and so rightly they are being called to account for their impacts on society and the communities in which they operate. The Business of Human Rights demystifies the relevance of human rights for business, explaining how the corporate responsibility to respect human rights under the UN Guiding Principles can be implemented in practice. It provides a straightforward, practical guide that can be easily read and interpreted by managers to help businesses navigate this complex area of legislation and "soft" law to fulfil their responsibilities. It explains the potential legal, financial and reputational implications for corporations and the steps they need to take to address them. The book tracks some of the major global developments in business and human rights, including the emergence of foreign, transnational, and international law and the proliferation of multi-stakeholder initiatives on business and human rights. Case studies from a range of sectors and industries – such as extractives, apparel, fast-moving consumer goods, electronics, and banking and finance – illustrate the enormous risks and opportunities human rights pose for business in practice. The Business of Human Rights will equip corporate executives, sustainability practitioners, academics, students, and anyone interested in business's impacts on society with the essential information and tools they need to quickly come up to speed with the rapidly evolving area of business and human rights.

The intersection of business and human rights contains substantial economic, social, and political implications. Global business enterprises and civil society groups must establish a constructive and meaningful dialogue in order to work cooperatively. Legal Sources in Business and Human Rights takes stock of different aspects of Business and Human Rights practice in order to identify and explore some dynamics that are driving the evolution of the legal sources of international and EU law in the field of B&HRs.

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