

PEOPLES' FRIENDSHIP UNIVERSITY OF RUSSIA

(RUDN University)

Law Institute

Department of International Law

Recommended by methodological council

COURSE PROGRAMME

INTERNATIONAL BUSINESS AND HUMAN RIGHTS

Specialty "Jurisprudence"

40.04.01, Master Degree

"International Protection of Human Rights"

Goals and objectives of course

The main purpose of the present course is to contribute to the students' knowledge about the place role and importance of the human rights law in the sphere of international business.

To introduce the readers to the norms, principles concerning corporate responsibility for human rights violations.

On the basis of the course studied are international human rights law, the mandate of the UN special representative on business and human rights, the activity of the Working Group on business and human rights, initial reports of the UN special representative on business and human rights, lawsuits and complains mechanisms concerning human rights violation in the sphere of international business, other documents adopted by the UN Human Rights Council.

Position of course in curriculum

The course is delivered as subject to be selected in the third semester. The volume of the course is 3 ESTC credits.

№	Competences	Previous disciplines	Subsequent disciplines
Professional competences			
1	the ability to competently apply legal acts in specific areas of legal activities, to implement the norms of substantive and procedural law in professional activities (PC-2)	The Right to Health in International Law International Labour Rights in the Global Economy	African System of Human Rights Indigenous Peoples and Minorities Rights Protection International Humanitarian Law
2	able to carry out a comprehensive legal analysis of legally significant situations of varying degrees of complexity with the development of independent conclusions and practical proposals	The Right to Health in International Law International Labour Rights in the Global Economy	African System of Human Rights Indigenous Peoples and Minorities Rights Protection International Humanitarian Law

	(PC-3)		
3	able to draw up an expert opinion reflecting the progress and results of the study on the issues raised by the initiator of the expert task (PC-4)	The Right to Health in International Law International Labour Rights in the Global Economy	African System of Human Rights Indigenous Peoples and Minorities Rights Protection International Humanitarian Law
4	able to give qualified legal opinions and advice in specific areas of legal activity within the framework of the profile of the educational program (PC-5)	The Right to Health in International Law International Labour Rights in the Global Economy	African System of Human Rights Indigenous Peoples and Minorities Rights Protection International Humanitarian Law

Requirements for the results of the course

The graduate should have the following professional competences (PC):

the ability to competently apply legal acts in specific areas of legal activities, to implement the norms of substantive and procedural law in professional activities (PC-2);

able to carry out a comprehensive legal analysis of legally significant situations of varying degrees of complexity with the development of independent conclusions and practical proposals (PC-3);

able to draw up an expert opinion reflecting the progress and results of the study on the issues raised by the initiator of the expert task (PC-4);

able to give qualified legal opinions and advice in specific areas of legal activity within the framework of the profile of the educational program (PC-5).

As a result, student must:

To know:

- Sources' system of human rights protection in the sphere of international business;
- The role of soft law adopted by the UN Human Rights Council;
- The practical problems of human rights protection in the sphere of international business;

- States cooperation concerning human rights protection in the sphere of international business at regional level (Council of Europe);

To be able to:

- Free to operate the basic categorial apparatus;
- Free to orient in the norms of human rights protection in the sphere of international business;
- To propose concrete steps for the improvements of international norms of transnational corporations' duty to respect human rights;
- Assess modern problems of human rights protection in the sphere of international business.

Be skilled in:

- Work with the system of websites UN, the UN Library, UN University, UN specialized agencies, regional intergovernmental organizations, Business & Human Rights Resource Centre;
- Work with international legal acts adopted on important aspects human rights protection in the sphere of international business;
- Analysis of recent lawsuits against transnational corporations;
- Solving the problems of interpretation or implementation of international obligations of transnational corporations to respect human rights.

The volume of course and types of activities

Type	Total hours	Module	
			III
Total classes workload	18		18
Lectures			
Classes	18		18
Independent work	90		90
Volume, hours	108		108
Volume, credits	3		3

Contents of course

Part 1 The legal nature of human rights protection in the sphere of international business

The modern trends of the human rights development in the sphere of international business. Doctrinal approaches with respect to human rights in the sphere of international business. Amnesty International study relative to human rights protection in the sphere of international business. Positive and negative impacts of historical events relative to transnational corporations duty to respect human rights. Examples of transnational corporations accusation of responsibility for human rights abuses.

Discussion themes for seminars

Analysis the activity of the Business & Human Rights Resource Centre, purposes and reasons of the Business & Human Rights Resource Centre creation. Examination of the UN and International Labour Organization activity concerning human rights protection in international business. Statistics data: historical abuses; killings; environmental health; rape & sexual abuse; torture; child labour; freedom of expression; workplace safety; complicity; discrimination; labour rights; access to water; indigenous peoples & displacement. The work of NGOs and civil society. Evolution of human rights: stages in creation of International Bill of human rights. Is there necessity in creation of mandatory standards for transnational corporations to respect human rights?

International standards concerning human rights protection in international business.

Creation of human rights protection standards in the sphere of international business at international level. The UN role in interpretation and implementation of such standards. Analysis of standards adopted by the UN: UN Global Compact 2000, "Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights" 2003, UN framework "Protect, Respect and Remedy" 2008, Guiding Principles for the implementation of the UN Framework "Protect, Respect and Remedy" 2011. State's impacts on applications of such standards. Russian Federation's participation in human rights protection in the sphere of international business.

Discussion themes for seminars

Ten principles of UN Global Compact. Transnational corporations' participation in UN Global Compact: for and against. The history of Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights" 2003 adoption. Advantages and disadvantages of Guiding Principles for the implementation of the UN

Framework “Protect, Respect and Remedy” 2011. Do the norms in this and other documents provide an adequate legal mechanism for protection?

Participants of human rights protection in the sphere of international business.

Participants' features of human rights protection in the sphere of international business. States and international organizations role in protecting human rights in the sphere of international business. Doctrinal approaches to transnational corporations status in international public law. The role of transnational corporations and multinational enterprises in fostering human rights to the benefit of scientific progress.

Discussion themes for seminars

Are human rights good for business? Securing economic and social rights. Transnational corporations are subjects of the international public law: for and against. The role of international organizations and agencies within United Nations system in the formation of policies and general standards in human rights protection in international business. Transnational corporations: concept, types and personality at modern stage.

Part 2 Human rights protection in international business at universal level

Human rights protection in the sphere of international business within the UN.

The role of international organizations and agencies within United Nations system in the formation of policies and general standards in human rights protection. Business & Human Rights Resource Centre: the history of creation, purposes, objects, main areas of activity. The role of the UN Human Rights Council. Creation special post and groups for human rights protection in the sphere of international business.

Discussion themes for seminars

Overview of the role of various key players in implementing human rights. United Nations system – how to improve machinery for implementation of human rights on a universal level. Analysis the UN Special Representative on human rights and business enterprises activity: his mandate, objects and functions. Why did Human Rights Council decide to establish a working group on the issue of human rights and transnational corporations and other business enterprises? Nomination, selection and appointment of the members of the UN Working Group on human rights and transnational corporations and other business enterprises.

Guiding Principles for the implementation of the UN Framework “Protect, Respect and Remedy” 2011.

The UN Framework “Protect, Respect and Remedy” 2008. Policy framework for managing business and human rights challenge should be based on three pillars: the state 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, judicial and non-judicial. The implementation of three pillars within the Guiding Principles.

Discussion themes for seminars

Analysis the UN Framework “Protect, Respect and Remedy” 2008. Analysis the Guiding Principles in detail: fostering business for human rights; state-business nexus; human rights due diligence; state based judicial mechanisms; state based non-judicial grievance mechanisms.

Reports by John Ruggie to Human Rights Council

Features of the reporting procedure by the Special Representative on human rights and business enterprises to Human Rights Council concerning human rights protection in the sphere of international business.

Discussion themes for seminars

The report 2007 – Business and human rights: mapping international standards of responsibility and accountability for corporate acts. The report 2009 – Business and human rights: Towards operationalizing the “protect, respect and remedy” framework. The report 2010 – Business and human rights: further steps towards operationalizing the “protect, respect and remedy” framework.

Part 3 The UN activity concerning human rights protection in the sphere of international business at regional level.

Consultations, meetings and workshops carried out the UN Secretary-General's Special Representative on business and human rights.

Regional consultations: under 2005-2008 mandate; under 2008-2011 mandate. Sectoral consultations: financial sector; extractive sector. Multi-stakeholders consultations.

Discussion themes for seminars

Analysis Multi-stakeholders consultations: “Consultation on operationalizing the framework for business and human rights presented by the Special Representative” organised by Office of the UN High Commissioner for Human Rights (OHCHR) - Geneva, 5-6 Oct 2009; “Expert Meeting of North American Corporate and External Counsel: Exploring Human Rights Due Diligence” -

held under the mandate of Special Representative Ruggie, at Lovells LLP, New York, 30 Apr 2010. Analysis regional consultations under 2008-2011 mandate: New Delhi, India 5-6 feb 2009; Buenos Aires, Argentina 14-15 may 2009; Moscow, Russia 16 march 2010.

Council of Europe and human rights protection in the sphere of international business.

Council of Europe's role in human rights protection. International business impacts on human rights at regional level. CE member states policy in human rights protection in the sphere of international business.

Discussion themes for seminars

Analysis Committee of Ministers' recommendations. Application of the European Court case law. Ideas of adoption European Convention on human rights protection in the sphere of international business.

Case law on human rights protection in the sphere of international business.

Judicial and non-judicial mechanisms created by the UN on human rights protection in the sphere of international business. Corporate Legal Accountability portal. BASESwiki project.

Discussion themes for seminars

Analysis case law: BP lawsuit (re Colombia); Coca-Cola lawsuit (re India); Indesit lawsuit (re Poland).

Sections of Course and Education forms

Sections	Lectures	Classes	Independent work	Total hours
1		2	10	12
2		2	10	12
3		2	10	12
4		2	10	12
5		2	10	12
6		2	10	12
7		2	10	12
8		2	10	12
9		2	10	12

Technical equipment

Inter-University Resource Center for Human Rights Master Studies (office 354), AU database, ECOEAS database, EAS database, SADC database, UN database, OHCHR database, Oxford Journals database, desktop computers, laptop PCs, a bookbinding machine, a projector with a screen, a magnetic board, a flip chart, a laminating machine and a multifunction device.

Additional resources

UN Audiovisual Library of International Law (<http://legal.un.org/avl/>), The Dag Hammarskjöld Library (<http://digitallibrary.un.org/>), Springer (<https://rd.springer.com/>). Business & Human Rights Resource Centre (<https://www.business-humanrights.org/>).

Literature

1. Guiding Principles on Business and Human Rights. Implementing the United Nations “Protect, Respect and Remedy” Framework. New York and Geneva, 2011. https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf
2. The corporate responsibility to respect human rights. An Interpretive Guide. New York and Geneva, 2012. https://www.ohchr.org/Documents/Publications/HR.PUB.12.2_En.pdf

3. Proceedings of the International Symposium on Human Rights and Business Ethics, Bangkok : Erawan Print., 1999.
4. The new balance sheet: corporate profits and responsibility in the 21st century, Toronto (Ontario): Canadian Democracy and Corporate Accountability Commission, 2002.
5. Buhmann, Karin Corporate social and human rights responsibilities: global legal and management perspectives, New York : Palgrave Macmillan, 2011.
6. Obiora Chinedu Okafor. The African Human Rights System, Activist Forces, and International Institutions. York University, Toronto, 2007.
7. Murray Rachel. Human Rights in Africa: From the OAU to the African Union. 2005.
8. Viljoen Frans. International Human Rights Law in Africa. 2007.
9. ShivjiIssa G.. The Concept of Human Rights in Africa. CODESRIA, Senegal, 1989.
10. Human Rights in Africa. Legal Perspectives on their Protection and Promotion / ed. by Bös 1 Anton, Diescho Joseph. Konrad Adenauer Foundation, 2009.

Guidelines on the organization of the course:

Lectures. Oral systematic and coherent presentation of the material by section discipline. Lectures are held with the support of multimedia and audiovisual and presentation. Classes. The form of training workshops in which students with the assistance of a teacher discussing the reports, reports, essays and other forms of independent work. Seminars are held in the following forms: discussion of lecture material and questions for practical training, analysis and discussion of scientific papers, a list which is contained in this program, and performance with an analytical report on them. Methodological model of the learning process. In framework of classes the following techniques and methods: survey, discussion, interactive. Independent work. In a broad sense, the independent work of master should be understood as the set of all self-employment in the absence of trained teachers and in contact with him in the classroom and beyond (including during the training sessions). Here and also include working with primary sources: note taking, oral presentation with an analysis of the source. Forms of control. Under the two forms of control means in the form of certification testing, writing essays.

Evaluation

Materials for assessing the level of the educational materials of the course (evaluation materials), including questions on the topics of the course, concepts, roles and expected result for each task, examples of test tasks, an example of a hypothetical case, topics of reports / abstracts / term papers are developed in full and are available to students on the course page on system.rudn.ru.

Author

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