**Centre on Human Rights in Conflict**
**Occasional Working Paper Series.**
**Working Paper No. 3**

# BUSINESS AND HUMAN RIGHTS

## Proposals from the Research Group on Private International Law and Human Rights

**Nicolás Zambrana Tévar**

July 2012

This Working Paper was developed in the framework of the Research Group on Private International Law and Human Rights and does not represent the views of the Centre on Human Rights in Conflict. The author would like to thank specially Dr. Olga Martín-Ortega for her useful remarks and insights during the writing of this paper.

# Introduction

By means of Resolution 17/4 of 16 June 2011, the UN Human Rights Council has created a Working Group with the mission of implementing the UN "Protect, Respect and Remedy" Framework and its Guiding Principles. As part of its activities, the Working Group asked for input from stakeholders and convened a meeting with them, which took place in Geneva on 20 January 2012.

The UN Framework and Guiding Principles on business and human rights outline what States and business enterprises should do to make sure that human rights are respected by business, and to ensure that those whose rights have been adversely affected by business activity have access to effective remedies.

By means of different sources of information, mostly from the UN itself, this note analyses the origins of the Framework, the Guiding Principles as well as the Working Group and includes, as the Note's Annex I, the document presented to the Working Group by the *Grupo de Estudios de Derecho Internacional Privado y los Derechos Humanos*[1], whose members are listed below, as input on the lines of work which should be adopted by the Working Group.

This Note will finish with a second annex in which the *Grupo de Estudios de Derecho Internacional Privado y los Derechos Humanos* makes a proposal to the European Commission on the three business sectors on which it would have to focus in the next few years in the development in the matter.

# "External" and "Internal" codes of conduct

From a formal point of view, the Framework "Protect, respect and remedy" and its Guidelines[2] can be assimilated to a set of working standards or code of conduct, rather than to other kinds of mechanisms such as international conventions. Therefore, a brief outline and description of codes of conduct may be made, for a better understanding of these two documents. Still, the Guidelines do not choose the words "code of conduct" in order to define themselves and the Special Representative, John Ruggie, has gone to great lengths in order to show that this is not just another code of conduct to add to the list of existing ones.

[1] The Grupo de Estudios de Derecho Internacional Privado y los Derechos Humanos is an interdisciplinary group of law academics whose purpose is to explore the relationships between human rights and private international law from an academic as well as a practical perspective.

[2] Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie. Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, 21 March 2011, A/HRC/17/31.

Guidelines and codes of conduct[3] are meant to be adopted by States, to inspire their legislation, to be incorporated into collective bargaining agreements or to be taken into account by courts and administrative tribunals in order to interpret national legislation.[4] External codes of conduct may be drafted and approved within international organizations, individual governments[5] or NGOs.[6] They require no ratification and no consensus to be adopted but, on the other hand, they do not create internationally binding obligations on States and much less on MNCs. In order to achieve any effectiveness, they need a lot of publicity of the violations assessed under the codes. In fact, they may even operate as a curtain to disguise further abuses.[7] So far, no initiative of this kind has been completely satisfactory –in the sense that the problem they were trying to solve remains alive- and some of the most ambitious ones have not even come into being.[8]

The observance of the revised OECD Guidelines for Multinational Enterprises is voluntary, limited to OECD countries, plus some other non OECD countries which have also declared that they would observe the Guidelines.[9] The foreseen enforcement mechanism consists of consultations made by member states, companies, employee organisations and NGOs, before National Contact Points, which act as mediators and whose performance before 2000 was clearly disappointing. If the conflict is not resolved, it can be referred to the Committee on International Investment and Multinational Enterprises. Neither body can ultimately issue a pronouncement as to whether a particular firm has or has not respected the Guidelines in a given case.[10] Most National Contact Points cannot reveal firms' names to the public, either.

[3] Horn, Norbert (ed). Legal Problems of Codes of Conduct for Multinational Enterprises. Studies in Transnational Economic Law. Vol. 1. Kluwer, 1980. Pérez-López, Jorge F., Promoting International Respect for Worker Rights Through Business Codes of Conduct, 17 Fordham Int'l L. J. 1 1993-1994.

[4] Fatouros 30 AM. U. L. Rev. 959 1980-1981 On the implementation of codes of conduct.

[5] For instance, President Clinton's Model Business Principles, put forward in order to separate HRs issues from American trade policy. Actually, they were too vague and did not foresee any follow up system or rnforcement mechanism.

[6] Some examples are the Sullivan Principles for US companies operating in Apartheid's South Africa, the McBride Principles for US companies operating in Northern Ireland, the Rugmark Foundation for South Asia, the Apparel Industry Partnership Workplace Code of Conduct.

[7] Hong, Jane C., at 51.

[8] E.g: UN Code of Conduct for Transnational Corporations, UN Commission on Transnational Corporations: A Code of Conduct, Formulations by the Chairman, UN Doc. E/C.10/AC.2/8(1978). See too Development and International Economic Cooperation: Transnational Corporations, UN ESCOR 2d Sesss., Agenda Item 7(d), UN Doc E/1990/94 (1990).

[9] OECD Declaration to which the OECD Guidelines are annexed: OECD Doc. C(76)99 (1976), reprinted in 15 Int'l Legal Materials 967 (revised in 2000).

[10] See Hunter, Jane. The OECD Guidelines and the MAI. In Institutional and Procedural Aspects of Mass Claims Settlement Systems. The International Bureau of the Permanent Court of Arbitration. Kluwer Law International. The Hague, 2000, at 201.

They simply clarify and interpret the Guidelines. Last of all, the Guidelines have lost much of their initial appeal, partly due to the new positive attitude towards foreign investment.

The International Labor Organization (ILO) sets labour standards, which eventually may turn into conventions, provides technical assistance to countries, and disseminates information[11]. Nevertheless, its conventions only bind ratifying states, and the ILO itself has no enforcing power. Some labour rights included in ILO's conventions are the prohibition of forced labour, discrimination, child labour and freedom of association.[12] With the exception of forced labour, which is assimilated to slavery by most scholars, the remaining rights and prohibitions are not part of international customary law, because they lack universal acceptance and are contingent on the specific situation of each country.[13] As with the OECD guidelines, requests for clarification of the ILO's Tripartite Declaration can be made, but the names of the multinationals are not revealed.

The Global Compact[14] was meant to fill the void between binding regulatory regimes and codes of conduct.[15] It addressed HRs, labour and environmental issues. It made a call to promote initiatives such as private-public partnerships, engage in policy dialogues with MNCs and the creation of a learning forum for labour and civil society organisations. Nevertheless, it suffered from unclear implementation measures: it required companies embracing it to submit an annual report to show their commitment, which may just be a public relations exercise.

The Norms on Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights, approved by the Sub-Commission on the Promotion and Protection of Human Rights in August 2003, "still fall short of what is required for evolving and

[11] In 1998, the ILO adopted the Declaration on Fundamental Principles and Rights at Work. The Declaration committed members to respect the principles and rights in four categories, including: freedom of association and collective bargaining, elimination of forced and compulsory labour, elimination of discrimination in respect of forced and compulsory labour, elimination of discrimination in respect of employment and occupation, and abolition of child labour. Each of these areas is supported by two ILO conventions, which together make the eigth ILO Core Labour Standards (The Corporate Responsibility to Respect Human Rights. An Interpretive Guide; Office of the High Commissioner for Human Rights; November 2011, Annex A).

[12] International Labor Organization, Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy, ILO Doc. GN 204/4/2 (1978), reprinted in 17 Int'l Legal Materials 423 1978 and Declaration on Fundamental Principles and Rights at Work 1998, adopted at the ILO's 86th Session, Geneva, June 1998.

[13] Torres, Melisa, Labor Rights and the ATCA: Can the ILO's Fundamental Rights be Supported through ATCA litigation? 37 Colum. J.L. & Soc. Probs. 447, 2003-2004, at 464.

[14] Put forward in 1999 by Kofi Annan and available at http://www.globalcompact.org

[15] Deva, Surya, at 13.

effective international regulatory regime of corporate human rights responsibility".[16] The Norms, which are not and have never been binding, do represent a step forward over their predecessors but, as it is usually the case, lack efficient enforcement mechanisms. These mechanisms basically consist of the obligation to adopt codes of conduct, give appropriate training to managers and workers, ensure that business partners comply with HRs obligations, provide for periodic monitoring by international bodies and an obligation of States to put in place the necessary framework to ensure compliance by the MNCs.

Generally speaking, it can be said that too much emphasis has been put on listing MNCs obligations in the field of HRs, without giving much thought to the way to enforce those obligations.

"Internal codes of conduct" and guidelines can be said to be those drafted and endorsed internally, within one company or group of companies. Standards of protection contained in the aforementioned codes may lack the necessary uniformity and consistency. This lack of precision draws a blurred line between what can and cannot be done, in accordance with the code. They are not compulsory for the corporations that adopt them. The follow up, monitoring, independent audits and report mechanisms that may be set up can be avoided or the reports withheld[17] and effective monitoring entails costs, which is an incentive to monitor minimally or not to adopt the code.[18]

Moreover, monitoring mechanisms may deprive victims of their right to claim directly against the perpetrators, having to put their trust in the honesty and diligence of auditors and members of the follow-up boards, as well as in the corporations, which have to apply the decisions or reports issued by the boards.[19] Inevitably, there are conflicts of interest if MNCs have to do the monitoring themselves or if the auditors are paid by the MNC. Such auditors, on the other hand, may not be experts in HRs, industrial relations or environmental issues.[20]

On the other hand, MNCs may have limited power to stop subcontractors from violating HRs, although this may too often be an excuse, because MNCs may simply not want to strain relationships with them. In this regard, it may be disputed whether MNCs have a moral or legal

[16] Deva, Surya, UN's Human Rights Norms for Transnational Corporations and Other Business Enterprises: an Imperfect Step in the Right Direction?, 10 ILSA J. Int'l & Comp. L., 2003-2004, p. 495.
[17] As was the case with Nike and the report drafted by Ernst & Young; see Lobe, Jim, Labor-U.S.: Nike Brought to Court over False Ads, Inter Press Serv., Apr. 21, 1998.
[18] Anderson, John, id. At 489-490.
[19] Alfredsson, Gudmundur et. al., International Human Rights Monitoring Mechanisms. Essays in Honour of Jakob Th. Möller, Martinus Nijhoff Publishers, 2001.
[20] Hong, Jane, C., at 56.

obligation not to do business with HRs violators. Finally, such codes and reports may simply be used to increase public approval, as well as sales.

Although some authors believe that litigation based on the Alien Tort Claims Act (ATCA)[21] may also provide, in some cases, a mechanism to enforce labour rights contained in codes of conduct,[22] the fact is that codes of conduct remain voluntary and do not provide a completely effective protection for workers of those enterprises, let alone other citizens who may suffer because of the operations of any given enterprise.

## The "Protect, Respect and Remedy" Framework and the UN Guiding Principles on Business and Human Rights

After the failure of the UN Norms on Transnational Corporations and Other Business Enterprises, the UN Commission on Human Rights established a mandate in 2005 for a Special Representative of the Secretary-General. During the first phase of his mandate, the Special Representative –Harvard Professor John Ruggie- identified and clarified existing standards and practices regarding business and human rights worldwide.

In the second phase, Prof. Ruggie presented, and the UN Council for Human Rights endorsed, the "Protect, Respect and Remedy" Framework. "The Framework rests on three pillars: the State duty to protect against human rights abuses by third parties, including business, through appropriate policies, regulation, and adjudication; the corporate responsibility to respect human rights, which in essence means to act with due diligence to avoid infringing on the rights of others; and greater access by victims to effective remedy, judicial and non judicial. The three pillars are complementary in that each supports the others".[23]

In the third phase, the Special Representative was asked to operationalize the Framework, which he did by drafting and proposing the UN Guiding Principles, which were endorsed by the UN Council. As the Special Representative has put it: the Guiding Principles "will mark the end of the beginning: by establishing a common global platform for action, on which cumulative progress can be built, step-by-step, without foreclosing any other promising longer-term developments. The Guiding Principles' normative contribution lies not in the creation of new international law obligations but in elaborating the implications of existing standards and practices for States and businesses; integrating them within a single, logically coherent and

[21] Also known as Alien Tort Statute (ATS).
[22] Hong, Jane C. id. at 67.
[23] Report of 22 April 2009 of the Special Representative of the Secretary-General on the issue of human Rights and transnational corporations and other Business enterprises, A/HRC/11/13.

comprehensive template; and identifying where the current regime falls short and how it should be improved".[24]

## The United Nations Working Group on the issue of human rights and transnational corporations and other business enterprises

The United Nations Working Group for human rights and transnational corporations and other business enterprises was created by the UN Human Rights Council on 16 June 2011.[25] It formally took up its role on 1 November 2011.[26] The Working Group is made of five independent experts of balanced geographic representation. These experts bring diverse skills and experience in order to promote business respect for human rights across a wide range of countries, issues, and sectors.

This new expert body is charged with promoting respect for human rights by businesses of all sizes, in all sectors, and in all countries. The new expert body commenced its activities focusing on the UN Guiding Principles, which provide for the first time a global standard for preventing and addressing the risk of negative human rights impacts connected to business activity.

Besides promoting and disseminating these Guiding Principles, the Working Group must ensure that they are effectively implemented by both governments and business, and that they lead to improved results for individuals and groups around the world whose rights have been endangered by business activity.

The new expert body is also charged by the Human Rights Council with identifying and promoting good practices and lessons learned on the implementation of the Guiding Principles, advise governments on the development of domestic legislation relating to business and human rights, building the capacity of all relevant actors to address business-related human rights impacts, and working to enhance access to effective remedies for those whose human rights have been affected by businesses. They will also conduct country visits and identify and promote good practices.

[24] Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie. Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, 21 March 2011, A/HRC/17/31, pg. 5.
[25] Resolution 17/4 (A/HRC/RES/17/4), 16 June 2011.
[26] Report of the Working Group on the issue of human Rights and transnational corporations and other Business enterprises (A/HRC/20/29), 10 April 2012.

The Working Group will also guide the work of a new annual UN Forum on Business and Human Rights, which will provide an arena for the discussion of trends and challenges in implementing the UN Guiding Principles on human rights and business, including challenges faced in particular sectors, country contexts and in relation to specific human rights and business issues and rights-holding groups.

The UN Working Group on Human Rights and Transnational Corporations and Other Business Enterprises invited governments, companies, trade unions, international agencies, national human rights institutions and NGOs to share their thoughts to help it establish its work programme. The Working Group took into account proposals by all relevant actors before its first session (16-20 January 2012), during which its five independent experts determined the Group's key thematic priorities and activities: global dissemination of the Guiding Principles, promoting their implementation and embedding them in global governance frameworks[27].

[27] Report of the Working Group on the issue of human Rights and transnational corporations and other Business enterprises (A/HRC/20/29), 10 April 2012.

# ANNEX I:

## PROPOSALS MADE BY THE GRUPO DE ESTUDIO SOBRE EL DERECHO INTERNACIONAL PRIVADO Y LOS DERECHOS HUMANOS FOR THE UN WORKING GROUP ON HUMAN RIGHTS AND TRANSNATIONAL CORPORATIONS AND OTHER BUSINESS ENTREPRISES IN ADVANCE OF ITS FIRST SESSION (16-20 January 2012)

**1.- Work towards the creation and adoption of legal and judicial mechanisms, specially in the countries of origin of Transnational Corporations (hereinafter referred to as *TNCs*) –home states- and in those where TNCs operate –host states-. Such mechanisms should allow for proper adjudication of human rights (hereinafter referred to as *HRs*) violations. These mechanisms may include but should not be limited to universal or and/or extra-territorial jurisdiction mechanisms in criminal and non-criminal matters in cases of violations of international *ius cogens* norms by TNCs, their employees or their officials.**

Judicial mechanisms are the mechanisms of first resort for victims because, in many cases, they are the only ones available or the ones whose availability is greater. Therefore, they should be improved in all countries and an effort should be made to ensure that they are adapted to the needs of HRs litigation. Jurisdiction is sometimes the first and most cumbersome hurdle that claimants have to overcome when they believe that, for reasons such as corruption or otherwise inadequate judicial mechanisms, they commence proceedings in another country with which the parties or the cause of action may not have strong jurisdictional links. Some of the other difficulties that traditional judicial mechanisms pose to this kind of transnational litigation are: the lack of adequate notification mechanisms; the lack of adequate mechanisms to join in a single proceedings all the claimants who believe to have been affected by the HRs violation; the lack of adequate compensation; the lack of adequate mechanisms to obtain evidence located abroad, as in all those cases where the claimants believe that the judicial mechanisms of the country where the violations have taken place are not suitable to their needs and they decide to file the claim elsewhere. The drafting and dissemination of model laws which put forward efficient judicial mechanisms of this kind should be fostered, with a view to those model laws being adopted by national legislatures.

**2.- Work towards the strengthening of the judiciary system in developing countries and countries where TNCs are most active.**

A strong judiciary is key towards the enforcement of HRs. Without it, laws or even codes of conduct are useless. Even though HRs litigation seems to be focusing on how to bring proceedings to those jurisdictions where TNCs are incorporated –home states-, it is necessary that those cases can also be tried where the events took place, where most of the victims live and where most of the evidence is to be found.

**3.- Work towards the creation and dissemination of Alternative Dispute Resolution mechanisms (ADR) such as arbitration and mediation for disputes arising out of HRs violations by TNCs and the recognition and enforcement abroad of arbitral awards or agreements reached by the parties to a dispute.**

Court proceedings sometimes lack the flexibility needed for a special type of litigation such as human rights litigation. Furthermore, jurisdiction rules also pose insurmountable difficulties which do not exist in ADR. ADR mechanisms are voluntary, it is necessary therefore to find ways in which the consent of the parties –specially the defendant TNCs- can be extracted. An effort should be made to include Arbitration or Mediation clauses in voluntary codes of conduct, in international investment and free-trade agreements, national legislation, procurement contracts, etc. Other problems that would have to be tackled are the applicable law, the procedural rules that would have to be followed for the proceedings, the recognition and enforcement of arbitration awards and settlement agreements, etc. Investment arbitration has also become a battleground where the rights of countries and TNCs are pitched against each other. Therefore, as cases such as Metalclad show, investment and free-trade treaties should be placed under close surveillance to prevent them from impinging upon countries' rights to regulate environmental matters, labour rights, HRs, etc.

**4.- Work towards the adoption of corporate, criminal and civil law regimes which make TNCs, their employees and their officials not only civil or administrative but also criminally responsible for violations of international *ius cogens* norms.**

Liability regimes should always have victims' redress as one of their main goals. Criminal and non-criminal liability may or may not be available depending of the country where the claim is filed and may achieve different results as far as victims are concerned. Therefore, it is necessary to achieve a situation where the victims do not

have to decide where to file a claim depending on the procedural and legal advantages that jurisdiction offers them (*forum shopping*). To this end, it is necessary that jurisdictions, as a rule, offer the possibility to request civil, criminal and/or administrative liability for those responsible of the HRs violations. In this regard, it should be studied whether countries should adopt statutes allowing for the criminal liability of corporations, which is not a very common principle yet.

**5.- Work to facilitate the recognition and enforcement abroad of judicial and non judicial decisions coming from developing countries and countries where TNCs are most active, in cases of violations of HRs by TNCs.**

A judicial decision or an arbitral award is useless for the victims if it cannot be recognised and enforced in the place where the assets of the defendant TNC are to be found. Therefore, as it has been said before, mechanisms such as the Hague Convention or the New York Convention should be adapted and made applicable to the judicial and non-judicial mechanisms of HRs litigation.

**6.- Work towards the harmonization of existing external codes of conduct and standards of behaviour for TNCs so that the latter have as much certainty as possible concerning what they can and cannot do in their business activities, as far as HRs are concerned.**

A great number of initiatives of this kind has been put up and tried (the UN Code of Conduct for Transnational Corporations, the Global Compact, the UN Norms on the Responsibility of Transnational Corporations and Other Businesses, the ILO Tripartite Agreement, the OCDE Guidelines and other Codes of conduct for specific industrial sectors, among others) and TNCs sometimes feel that they have to comply with too many standards. Therefore, an effort should be made to unify codes of conduct (e.g. by types of industry), making them as clear and as specific as possible and discarding useless or simply academic initiatives. Information on Grievance mechanisms should also be disseminated and unified. The new UN Guiding Principles will definitely act as a harmonizing tool of existing codes of conduct but, nevertheless, codes will continue to exist in specific industries although hopefully inspired by and drafted according to the principles.

**7.- Work towards the dissemination of information on existing codes of conduct and standards of behaviour among Corporations, Professional and Commercial Organisations as well as International Organisations.**

The more a code of conduct is known and the more institutions endorse it, the stronger and more prestigious that code of conduct is and the easier it is to make a TNC understand its need to comply with it.

**8.- Work towards the sharing of resources among international and/or national organisations and agencies, as well as NGOs whose goals are partly or totally related to the protection of HRs from violations by TNCs.**

There is a great number of stakeholders working to prevent and mitigate the risks that TNCs pose to HRs and which sometimes do not work coordinately. They should work together and make pressure together before Governments and institutions, in order to have a stronger impact. Furthermore, NGOs, trade unions and other stakeholders should share resources, personnel, information and know-how in order to maximize their efficiency. Importance should also be given to social networks and the internet as a whole as a means to put members of NGOs, trade unions and all types of stakeholders in touch with each other and maximize their efforts. In this regard, websites or databases where all this information can be accessed by stakeholders might be a useful tool.

**9.- Work towards improving HRs education in both the countries where TNCs operate – specially developing countries- and in the countries of origin of TNCs.**

The more people are conscious of their rights, the more active will they be to demand that those rights are respected. HRs education must be fostered both in the countries where TNCs operate and in the countries of origin of the TNCs. A special effort should be made to grant social leaders (trade union officials, NGO members, church leaders, lawyers, etc) and students access to HRs education, because they will be the HRs promoters of the future.

**10.- Work towards the involvement of mass media in exposing those TNCs which violate HRs, specially in developing countries.**

It is a fact that Governments' foreign policy is to a great extent driven by the interest that the public shows in foreign affairs at any given moment and that interest may be arisen by mass media. It is contended that HRs violations by TNCs are not one of the main concerns of the public, partly because there is not enough information about those violations. Convincing news corporations of their responsibility to inform about

such HRs violations and lobbying in that regard may achieve an increased amount of news dealing with HRs and an increased interest in the public, which will in turn augment the interest of Governments in putting pressure on TNCs based in their countries and/or finding appropriate solutions. To this end, a special data base and web page may be designed to provide mass media with quality information on HRs violations by TNCs.

# ANNEX II:

## IMPLEMENTING THE CORPORATE SOCIAL RESPONSIBILITY TO RESPECT HUMAN RIGHTS WITHIN THE EUROPEAN UNION

In January 2012, the European Commission announced that two institutions, the Institute for Human Rights and Business (IHRB) and Shift, had been selected to support a new project to develop guidance for select industry sectors on implementing the corporate responsibility to respect human rights. Stakeholders were invited to submit their suggestions. What follows are the proposals and suggestions in this regard, by the *Grupo de Estudios de Derecho Internacional Privado y los Derechos Humanos*:

- Extractive industries: There are plenty of human right abuses in these industries (mining, etc), ranging from the health hazard to workers to dangers for the environment. Furthermore, in certain cases, companies in these industries may indirectly cooperate to human rights violations in areas of conflict and violence, with the help of armed or insurgent forces (Congo). There are indeed plenty of codes of conduct for these types of industries but they are not enough because they rarely address corporate responsibility, nor redress for the victims. There is an urgent need for laws and norms which make it possible to bring dangerous companies before justice in the countries where they are incorporated. These industries operate many times in clusters, hiding behind the corporate veil and always obeying orders from some other company up the command chain. Given the importance of this business sector, and the extent to which the violations of human rights in it are being known, enforcement of human rights in it will bring about compliance with human rights norms in other sectors as well.

- Energy sector: These industries (oil, gas) have a potential for committing grave human right abuses, especially in the field of environmental hazard which, in its turn, may bring damage to human health. There have also been cases where protests against pollution by these industries have been brutally checked with the result of activists tortured, imprisoned or killed with the complicity of governments or guerrilla forces (Nigeria). There are also some codes of conduct but, as in the case of mining industries, there are no effective enforcement mechanisms. Given the importance of this business sector, and the extent to which the violations of human rights in it are

being known, enforcement of human rights in it will bring about compliance with human rights norms in other sectors as well.

- Textile industries: In this sector there are typical but outrageous violations of labour rights such as exhausting working hours, semi-forced labour, child labour and other violations of labour rights (e.g. Southeast Asia). The problem here lies many times with subcontractors down the production line. Subcontractors many times profit from deficient labour rights norms in the developing countries where they operate. Many retail Western companies have adhered to codes of conduct, where they promise to investigate abuses committed by their subcontractors, but the subcontractors line may be very long and difficult to investigate. This sector is very influential in a way because the Western companies which sell the final product are very well known and can make a big impact in public opinion.

IHRB and Shift reviewed all the proposals made and decided that the three business sectors chosen for the project would be Employment & Recruitment, Information & Communications Technology and Oil & Gas. It was further stated that "together, the sectors face a wide range of significant human rights challenges that could benefit from detailed guidance focused on the corporate responsibility to respect human rights."

## About the autor:

Nicolás Zambrana Tévar LLM (LSE) PhD (Universidad de Navarra)

## About the Research Group on Private International Law and Human Rights:

This is an interdisciplinary group of legal academics whose purpose is to explore the relationships between human rights and private international law from an academic as well as a practical perspective.

The members of the Group are:

Prof. Henry S. Dahl JD (General Counsel, Inter-American Bar Foundation)

Prof. José Luis Iriarte (Universidad Pública de Navarra)

Dr. Olga Martín-Ortega (University of East London)

Prof. Marta Requejo (Universidad de Santiago de Compostela)

Prof. Juan José Álvarez Rubio (Universidad del País Vasco – Euskal Herriko Unibertsitatea)

Prof. Lorena Sales (Universidad de Castilla la Mancha)

Dr. Alberto Muñoz (Universidad de Navarra)

Dr. Nicolás Zambrana (Universidad de Navarra)

Prof. Francisco Javier Zamora Cabot (Universitat Jaume I)

For more information on the Group and its activities please visit: http://www.uel.ac.uk/chrc/programme/index.htm#BandHR