City University of Hong Kong
Course Syllabus

offered by School of Law
with effect from Semester B 2018/19

Part I   Course Overview

Course Title: Human Rights Responsibilities of Business

Course Code: LW6112E

Course Duration: One Semester

Credit Units: 3

Level: P6

Medium of Instruction: English

Medium of Assessment: English

Prerequisites:
(Course Code and Title)   Nil

Precursors:
(Course Code and Title)   Nil

Equivalent Courses:
(Course Code and Title)   LW5661 Human Rights Responsibilities of Business

Exclusive Courses:
(Course Code and Title)   LW4661 Human Rights Responsibilities of Business

Part II   Course Details

1.   Abstract

With the rise in the power and functions of corporations in a globalised economy, business enterprises are increasingly expected to bear human rights responsibilities beyond the goal of maximising profit for shareholders. The adoption of the UN Guiding Principles on Business and Human Rights and various other regulatory initiatives is reflective of this expectation. Against this background, this course aims to enable students to explore the evolution of business and human rights (BHR) as a specialised field, assess the relationship of BHR with other notions such as corporate social responsibility (CSR), and examine critically various regulatory initiatives that seek to promote socially responsible business conduct. BHR in this course is taken in a broad sense to include both legal and moral/ethical responsibilities of business in the areas of human rights, labour rights, and the environment. After providing background related to the intersection of business with human rights, students will be exposed to various BHR issues falling within the three broad sets of questions: *why* should business enterprises have human rights responsibilities; *what* is the nature and extent of these responsibilities; and *how* could human rights responsibilities be enforced against business enterprises and victims be provided effective remedies for corporate human rights abuses.

After completing this course, students should be able to discover why and how BHR policies should be integrated into day-to-day business decisions and how corporate executives could handle human rights dilemmas that arise during business operations. During the course, students should also be able to internalise the importance of acting in an ethical and socially responsible manner in their normal lives.

2.   Course Intended Learning Outcomes (CILOs)
(CILOs state what the student is expected to be able to do at the end of the course according to a given standard of performance.)

No.	CILOs	Weighting	DEC related learning outcomes		
			A1	*A2*	*A3*
1.	**Explore and explain analytically**: ➢ the concept of BHR and its relation to CSR as well as corporate governance; ➢ the historical evolution of the ideas of BHR and CSR and their intrusion into corporate laws and international investment agreements; and ➢ justifications for the human rights responsibilities of business (including the 'business case' for human rights).	20%	✓	✓	
2.	**Critically evaluate and discover**: ➢ the changing role and place of corporations in society; ➢ the relevance of BHR and CSR in an era of free market economy and globalisation; ➢ the relative efficacy of different BHR initiatives; and ➢ how human rights due diligence could help corporations in discharging their human rights responsibilities.	30%	✓	✓	

3.	**Apply** BHR regulations, principles, practices and initiatives to:
	  ➢ solve innovatively human rights and ethical dilemmas that corporations face when operating in different countries;
	  ➢ integrate human rights policies into day-to-day business decisions;
	  ➢ explore judicial and non-judicial mechanisms available to hold business enterprises accountable for human rights abuses as well as consider ways to overcome barriers in doing so; and
	  ➢ draft and communicate, both orally and in writing, an advice in relation to BHR issues in a clear and coherent manner.
		40%	✓	✓	✓

4.	**Assess the importance** of acting ethically and **develop a sense of curiosity** to distill one's social responsibilities.	10%	✓		
		100%			

A1:   *Attitude: Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.*

A2:   *Ability: Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to self-life problems.*

A3:   *Accomplishments: Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.*

3. Teaching and Learning Activities (TLAs)
(TLAs designed to facilitate students' achievement of the CILOs.)

TLA	Brief Description	CILO No.				Hours/week
		1	2	3	4	(if applicable)
1.	Interactive seminars	✓	✓	✓		3
2.	Hypothetical scenarios			✓	✓	
3.	Case studies and role plays	✓		✓	✓	
4.	Reflective and exploratory readings	✓	✓	✓		

4. Assessment Tasks/Activities (ATs)
(ATs are designed to assess how well the students achieve the CILOs.)

Assessment Tasks/Activities	CILO No.				Weighting	Remarks
	1	2	3	4		
Continuous Assessment: _50_ %						
Assignment 30% (e.g., drafting a BHR policy for a corporation, advising a corporation about its human rights responsibilities, or writing a weekly journal on BHR issues)		✓	✓			
Participation in hypothetical scenarios, case studies and role plays 20%		✓	✓	✓		
Examination: (duration: 2 hours)					50%	
					100%	

To achieve all ILOs of this course, students are strongly encouraged to attend all the teaching and learning activities. In any case, students are required to attend at least 70% of the classes (lectures, seminars, tutorials, presentations etc.). If a student does not meet this requirement, he/she may be barred from taking the examination.

To pass this course, students must obtain an aggregate mark of 40% and a minimum of 40% in each of the assessment tasks (e.g., assignment, class participation and examination). Continuous assessment means all those ways in which students are assessed otherwise than by the end of semester examination.

The overall mark for participating in interactive class activities will be based on the quality of the participation. Specific assessment criteria for class participation will be provided by the course leader.

The examination of this course will be open book and of two hours' duration.

The assessment will be formative to enable students to demonstrate their capacity to understand, analyse and apply rules and principles and summative to assess students' ability to synthesise primary and secondary material to solve novel problems.

5. Assessment Rubrics

(Grading of student achievements is based on student performance in assessment tasks/activities with the following rubrics.)

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Fair (C+, C, C-)	Marginal (D)	Failure (F)
1. Assignment	Ability to identify issues, conduct research, offer reasoned reflections, and use supporting authorities	Excellent identification of issues, evidence of research, and reflection of views supported by authorities	Good identification of issues, evidence of research, and reflection of views supported by authorities	Fair identification of issues, evidence of research, and reflection of views supported by authorities	Barely adequate identification of issues, evidence of research, and reflection of views supported by authorities	Poor identification of issues, evidence of research, and reflection of views supported by authorities
2. Participation in hypothetical scenarios, case studies and role plays	Ability to identify issues, demonstrate an understanding of the relevant principles/regulations, apply principles to real or hypothetical scenarios, and articulate one's views orally	Excellent identification of issues, evidence of understanding principles/regulations and applying them to hypothetical scenarios, and articulation of one's views in a coherent and persuasive manner	Good identification of issues, evidence of understanding principles/regulations and applying them to hypothetical scenarios, and articulation of one's views in somewhat coherent and persuasive manner	Fair identification of issues, evidence of understanding principles/regulations and applying them to hypothetical scenarios, and articulation of one's views	Barely adequate identification of issues, evidence of understanding principles/regulations and applying them to hypothetical scenarios, and articulation of one's views	Poor identification of issues, evidence of understanding principles/regulations and applying them to hypothetical scenarios, and articulation of one's views
3. Examination	Ability to analyse facts, identify relevant issues, apply principles/regulations, and communicate one's reasoned views in writing	Excellent analysis of facts, identification of issues, application of principles/regulations, and communication of one's reasoned views	Good analysis of facts, identification of issues, application of principles/regulations, and communication of one's views	Fair analysis of facts, identification of issues, application of principles/regulations, and communication of one's views	Barely adequate analysis of facts, identification of issues, application of principles/regulations, and communication of one's views	Poor analysis of facts, identification of issues, application of principles/regulations, and communication of one's views

Part III Other Information (more details can be provided separately in the teaching plan)

1. **Keyword Syllabus**
    (An indication of the key topics of the course.)

    1. Historical evolution of the business and human rights (BHR) field against the backdrop of privatisation of state as well as human rights in a globalised economy, extraterritorial human rights obligations of states;
    2. Comparing BHR with concepts such as corporate social responsibility (CSR), responsible corporate citizenship, triple bottom line, and sustainable business;
    3. Relation of BHR/CSR with corporate governance and company law, entry of human rights into international investment agreements, role of business in achieving Sustainable Development Goals;
    4. Justifications for the human rights responsibilities of business, e.g., social license, a risk management tool, the business case for BHR and the prisoner's dilemma, ethical consumerism and green investing, social expectations;
    5. Ascertaining the nature and extent of the human rights responsibilities of business and integrating human rights into business decisions: managing supply chains, conducting human rights due diligence, dealing with local differences, operating in conflict regimes or repressive regimes, and navigating through the web of legal/moral complicity in human rights abuses;
    6. Review of selected BHR regulatory initiatives: corporate codes of conduct, Alien Tort Statute (US), OECD Guidelines for Multinational Enterprises, ILO Tripartite Declaration, UN Global Compact, Guiding Principles on Business and Human Rights, proposal for a legally-binding international instrument;
    7. Corporate accountability and access to effective remedies: judicial and non-judicial remedial mechanisms, role of civil society and human rights defenders, barriers experienced by victims in BHR litigation – the doctrine of *forum non conveniens*, and difficulties in piercing the corporate veil.

2. **Reading List**
2.1 **Compulsory Readings**
    (Compulsory readings can include books, book chapters, or journal/magazine articles. There are also collections of e-books, e-journals available from the CityU Library.)

1.	Surya Deva, *Regulating Corporate Human Rights Violations: Humanizing Business*, paperback edition (London: Routledge, 2013).
2.	Relevant articles published in the *Business and Human Rights Journal* (Cambridge University Press).
3.	Materials updated daily on the website of Business & Human Rights Resource Centre (BHRRC): http://business-humanrights.org/en

2.2 **Additional Readings**
    (Additional references for students to learn to expand their knowledge about the subject.)

1.	Joel Bakan, *The Corporation: The Pathological Pursuit of Profit and Power* (New York: Free Press, 2004).
2.	Committee on Economic, Social and Cultural Rights, "General Comment No. 24 on State Obligations under the International Covenant on Economic, Social and Cultural Rights in the Context of Business Activities", E/C.12/GC/24 (23 June 2017).
3.	Dorothée Baumann-Pauly and Justine Nolan (eds.), *Business and Human Rights: From Principles to Practice* (London: Routledge, 2016).
4.	Jernej Letnar Černič, *Corporate Accountability under Socio-Economic Rights* (London: Routledge, 2018).

5.	Andrew Clapham, *Human Rights Obligations of Non-State Actors* (Oxford: Oxford University Press, 2006).
6.	Surya Deva and David Bilchitz (eds.), *Human Rights Obligations of Business: Beyond the Corporate Responsibility to Respect?* (Cambridge: Cambridge University Press, 2013).
7.	Surya Deva and David Bilchitz (eds.), *Building a Treaty on Business and Human Rights: Context and Contours* (Cambridge: Cambridge University Press, 2017).
8.	Sarah Joseph, *Corporations and Transnational Human Rights Litigation* (Oxford: Hart Publishing, 2004).
9.	David Jason Karp, *Responsibility for Human Rights: Transnational Corporations in Imperfect States* (Cambridge: Cambridge University Press, 2014).
10.	Michael Kerr, Richard Janda & Chip Pitts, *Corporate Social Responsibility: A Legal Analysis* (Markham: LexisNexis, 2009).
11.	Juan José Álvarez Rubio and Katerina Yiannibas (eds.), *Human Rights in Business: Removal of Barriers to Access to Justice in the European Union* (London: Routledge, 2017).
12.	John Ruggie, *Just Business: Multinational Corporations and Human Rights* (New York: WW Norton & Co., 2013).
13.	UN Working Group on Business and Human Rights, "Access to Effective Remedies under the Guiding Principles on Business and Human Rights", A/72/162 (18 July 2017).
14.	UN Working Group on Business and Human Rights, "Corporate Human Rights Due Diligence – Emerging Practices, Challenges and Ways Forward", A/73/163 (16 July 2018).