



Public Law and Human Rights Forum

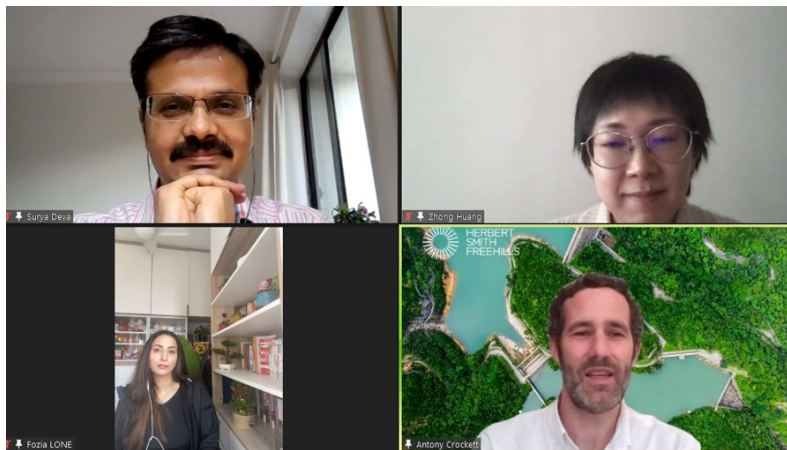
香港城市大學
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Business and Human Rights Standards: Relevance for Law Students

03 March 2022
Christine Wu

The United Nation (UN) Guiding Principles on Business and Human Rights (BHR) was unanimously endorsed by the UN Human Rights Council in June 2011. The principles recognize all business enterprises' obligations to respect all internationally recognised human rights wherever they operate. On 03 March 2022, the Public Law and Human Rights Forum (CPLR) at the School of Law, City University of Hong Kong hosted the titled webinar to discuss the principles' impacts on business enterprises and how it relates to law students' professional careers.



From Left to Right: First Row- Dr. Surya DEVA, Dr. Zhong HUANG
Second Row- Dr. Fozia Nazir LONE, Mr. Antony CROCKETT

The webinar was moderated by **Dr. Fozia Nazir LONE** (Associate Professor, School of Law, City University of Hong Kong; Associate Director, CPLR). She welcomed all participants and introduced the three distinguished panellists: **Dr. Zhong HUANG** (Greater China Researcher and Representative, Business & Human Rights Resource Centre), **Dr. Surya DEVA** (Adjunct Professor, School of Law, City University of Hong Kong; Professor, Macquarie Law School; Member, UN Working Group on Business and Human Rights) and **Mr. Antony CROCKETT** (Partner, Herbert Smith Freehills; Lawyer tri-qualified in Australia (Victoria), England & Wales



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and Hong Kong SAR). **Dr. Fozia Nazir LONE** expressed the great honour to have the three outstanding panellists here and outlined that they will address human rights abuses committed in business operations, influence and implementation of UN Guiding Principles on BHR, and its impact on legal practice respectively. She observed that human rights standards play an important role in legal practice but is often omitted by law students. This webinar is dedicated to expose law students to the relevance of BHR standards to their future careers.

Dr. Zhong HUANG explained the relationship between business development and human rights protection through analysing different industrial supply chains. To reduce production cost, MNCs tend to outsource their mining and manufacturing procedures to developing countries, and buy parts from these countries' factories. They have long been criticised for not taking positive steps to deal with the sweatshop conditions exist in their supplier's factories and labour exploitation in the process of mining raw materials. For instance, in Democratic Republic of Congo, workers were paid less than two dollars per day. The aluminium and nickel value chain were then discussed. She highlighted that making sure industrial supply chains are operating in accordance with the UN Guiding Principles on BHR is the key to assist developing countries in achieving sustainable development. She added in China, there is usually no formal contract between workers and the factory. Some factory even forced the migrant workers to continue to work without sufficient protection under the pandemic by holding their passport. She addressed that the labour's human rights protections are actually guaranteed in the Chinese labour law, but the enforcement of which still needs to be improved.

Dr. Surya DEVA indicated that business enterprises responsibilities are not merely maximizing profits for shareholders, but also safeguarding human rights. Their responsibility exists once their businesses cause, contribute to or be directly linked to adverse impacts. On the other hand, states must ensure that corporations are not violating human rights by taking appropriate steps to investigate and punish corporations that fails to respect human rights within their jurisdiction. Access to effective remedy also needs to be guaranteed. He highlighted that the UN Guiding Principles has influenced countries to adopt measures protecting human rights. For example, the Law on the Corporate Duty of Care in Supply Chains implemented by Germany and the Directive on Corporate Sustainability Due Diligence released by the European Commission last month. He emphasised that law students can only advice their future clients competently if they look beyond hard law and business enterprises' own operations and territories.



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Mr. Antony CROCKETT shared that in the commercial world, nobody really focused on human rights in the past. Nowadays, it is common for business enterprises like the Big Four accountancy firms to seek human rights advice from international law firms. International law firms have been actively recruiting human rights specialists to meet the increasing requests in preparing business enterprises' human rights policy, conducting human rights due diligence and advising on how company's commitments declared to respect human rights can be implemented in a practical sense. He believed that this practice area will continue to grow.

The webinar ended with **Dr. Fozia Nazir LONE**' s closing remarks. On behalf of CPLR, she once again expressed her gratitude to the panellists for giving inspiring presentations and to all the audience for their participations which made the webinar a great success.

