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FACULTY OF
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EUROPEAN STUDIES

Ljubljana Workshop on recent developments in Business and Human Rights



Faculty of Government and European Studies, New University, Ljubljana, Slovenia

Mestni trg 23, Ljubljana 27 September 2021

We live in a time, which is heavily marked by globalisation and our daily lives are very much affected by these phenomenon - from economic, technological, geostrategic, socio-cultural, informational and ecological to political and ethical. This process of widening and deepening interconnectedness and interdependence has brought with it many positive sides like outlooks of greater economic prosperity, access to the global market, more equal opportunities for many, the breaking of local monopolies, the exchange of knowledge and ideas etc. On the other hand, it has also brought some more negative sides like unjust economic exploitation, diminished cultural diversity, lower standards of democratic accountability, etc. (Justinek 2019). Globalisation has changed our lives beyond recognition and, with the development of new technologies, no working practice or job will ever be quite the same again. Regardless of whether you are a plumber, construction worker, CEO, bureaucrat, athlete, logger, pilot or a diplomat, the Internet and “the app revolution” have had a huge impact on our daily routines (Justinek 2018). Over recent decades, globalisation has stirred up a number of positive and negative developments in national and international environments (Letnar Čerňič, 2010).

In this regard also a shift in the business and corporate sector has been on the move. Especially is this the case with multinational companies (MNCs), where often many opportunities to lower the costs of production were implemented down the supply chains and across the world. There is course nothing wrong with optimisation of processes or being more productive, yet the problems occurs, once these cost



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downgrading go hand in hand with HR downgrading. Unfortunately, this has been often exercised. In recent decades, endemic worker rights violations have been documented including wage theft and violations (Anner 2019), gender-based violence (Evans 2017, Selwyn et al. 2019), unsafe working conditions and dangerous levels of productivity (Mezzadri 2017), and infringements on freedom of association (Egels-Zandén and Merk 2014) etc.

Business and human rights has in the last decades reached crossroads where seminal decisions need to be adopted on how to move forward. Participants in the global economic and financial milieu directly affect the day-to-day level of respect and protection of the human rights of vulnerable individuals. On one hand, corporations create jobs, tax revenues and economic growth, while, on the other, some of them attract constant criticism due to their lack of human rights protection. The dilemma that remains unanswered is this: how should transnational and other corporations most effectively respect and protect human rights without compromising their primary business objectives? Several different binding national, regional and international initiatives on how to move forward have been adopted in recent years. However, are they sufficient to protect the dignity of rights-holders and grant them access to effective justice in the case of corporate related-human rights abuses?

Additionally, the year 2020 was heavily marked by the Covid 19 pandemic and the year 2021 will be marked by the economic recovery. Additionally, we have witnessed the return of Keynesianism practically everywhere around the world, even in countries where liberal economic concepts have been in place for decades. What kind of consequences will that have for public policies and public finances in the future, we shall see in the years to come (Justinek 2021)? Yet, the business sector will for sure try to adopt and exercise several activities in order to return to business as usual (business before pandemic) as soon as possible – hopefully not on the account of HR violations around the world. As a result, the Ljubljana Workshop will address some of the most seminal recent developments in business and human rights by providing a forum for exchange of ideas and opinions on how to proceed forward.



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Programme

Monday, 27 September 2021

9h00, Introduction, Jernej Letnar Čerňič, Gorazd Justinek

9h15-11h00, Session 1: Recent developments concerning mandatory human rights due diligence

Moderator: Jernej Letnar Čerňič, New University

Florian Wettstein (University of St. Gallen, Switzerland), The struggle for mandatory human rights due diligence: lessons from the Swiss Responsible Business Initiative

Tara Van Ho, University of Essex (UK), When Due Diligence is not Enough: The Failure of European States to Adequately Address Situations of Conflict and Authoritarianism

Markus Krajewski, Friedrich-Alexander-Universität Erlangen-Nürnberg (FAU) (Germany), The new German Law on Due Diligence in Supply Chains: Prospects and Challenges.

Daniel Augenstein, University of Tilburg (The Netherlands), The envisaged EU HREDD directive: Prospect and Challenges

11h00-11h30 Coffee break



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11h30-13h00, Session 2: UNGPs, Access to remedy, business-related human rights abuses and armed conflict

Moderator: Gorazd Justinek, New University

Carmen Marquez Carrasco, University of Sevilla (Spain), Measuring the impact of the UNGPs and NAPs

Jelena Aparac, Member of the UN Working Group on the use of mercenaries, Business and human rights in armed conflicts

Marco Fasciglione, CNR (Italy), National human rights institution and access to remedies in BHRs

13h00-14h30 Lunch

14h30-16h15, Session 3: Early career researchers and PhD Researchers Panel

Moderator: Anja Strojin Štampar, New University

Nicholas Carrillo Santarelli, University of Monterrey (Mexico), The multi-level transformation of legal culture in the Americas by means of the expressive impact of the Guiding Principles and the Inter-American Commission

Tamara Horbachevska, Yaroslav Mudryi National Law University (Ukraine)/ Wageningen University & Research (The Netherlands), Business, Gender and Religion in Lithuania, Ukraine and the Russian Federation: the role of the private sector in SDGs implementation

Srishti Singh, United Nations University for Peace (Costa Rica), Dark side of Fast fashion- Is soft law the right solution?

Samantha Hopkins, Queen's University Belfast (UK), Corporate self-creation through CSR reporting discourse



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Justin Jos, University of New South Wales (Australia), Contextualizing Legal Waivers
In The Climate Of Corporate-Self Regulation

Commentator: Matej Avbelj

16h15-16h30 Conclusions: Jernej Letnar Čerňič, Gorazd Justinek