

Glothro (ESF) short visit final report

dr. Jernej Letnar Čerňič

University of Antwerpen, 2 – 12 September 2013,

1. Purpose of the visit;

The aim of the short visit was to draft two scientific articles and chapter relevant to the objectives of Glothro network. The results of the project will be published in an international peer reviewed journals and an edited volume.

2. Description of the work carried out during the visit;

The main task evolved around identifying corporate human rights obligations deriving from economic and social rights. Its objective has been to comprehensively demonstrate and analyze the existing scope and nature of corporate human rights obligations deriving from economic and social human rights. The general research question - Do corporations have human rights obligations deriving from economic and social human rights – underpins this article. Economic and social rights include rights to housing, food, education, water and health. Corporations play an important role in the realisation of the economic and social rights of their employees and of society as a whole. For example, they are responsible for guaranteeing adequate labour conditions to their employees, and they may be involved in the provision of water services to communities. They can become violators of economic and social rights, for example where their activities lead to environmental pollution, or where their products are detrimental the health of consumers. Corporations can have a positive or negative impact on the human rights of individuals, wider communities and indigenous peoples. Without doubt, a number of positive human rights initiatives have so far been undertaken by several corporations and a number of them contribute to the creation of jobs, the stimulation of economic growth and the raising of living standards.

3. Description of the main results obtained;

This draft article argues that corporations bear a certain responsibility for the realisation of economic and social rights, which can be derived from international as well as from national (constitutional) law. It is asserted that this responsibility is different and separate from the responsibility of governments and should never undermine the primary governmental responsibility under

these rights. The link was established the corporate human rights obligations concerning economic and social rights with Glothro objective of seeking for overreaching principles in the different fields of human rights obligations of foreign states, corporations and international obligations. The enjoyment of human rights is crucial for the survival and well-being of an individual. Not only states but also corporations are obliged to respect them. They should not infringe upon human rights when they invest and do business. Corporations and human rights are not two mutually exclusive notions. Suggesting that corporations have human rights obligations does not contradict the fundamental notion of corporate enterprise that corporations only exist to make a profit. On the contrary, it reinforces the core objective of corporations. Corporations must be held accountable for the failure to meet their human rights obligations. Yet it appears that those corporate obligations with respect to human rights are more or less without teeth as they do not provide clear sanctions in the event of violations. Therefore, the bottom-up approach could be realized by enabling the participation of civil society in drafting sources on corporate human rights obligations or enabling the participation of workers and victims' organizations in drafting internal policies. All in all, corporations must primarily ensure that they will not violate the human rights of individuals when doing business at home and abroad, with the result that human rights should be considered when already evaluating the economic and also human feasibility of a project.

4. Future collaboration with host institution (if applicable);

Potential future collaboration have been discussed with the coordinator of Glothro project.

5. Projected publications / articles resulting or to result from the grant (ESF must be acknowledged in publications resulting from the grantee's work in relation with the grant):

- Corporate human rights obligations concerning economic and social rights, article to be submitted to a peer-reviewed journal in December 2013.
- Socio-economic rights in times of European economic crisis, article to be submitted to a peer-reviewed journal in November 2013.
- The common interest and *uti possidetis iuris*, chapter submitted for joint publication to be published by and international publisher in 2014.