



## **PLANO DE ENSINO - (Business and Human Rights: Cases and international developments)**

**(02 a 06 de agosto de 2021 – 32 horas)**

### **Equipe do Curso**

#### **Prof<sup>ª</sup>. Dra. Ana Cláudia Ruy Cardia Atchabahian**

PhD and Master in International Law from the Pontifical Catholic University of São Paulo. Professor of Private International Law at Mackenzie Presbyterian University. Advisor, Latin American Academy of Human Rights and Business – Board Member, Global Business and Human Rights Scholars Association. Coordinator of “Mack DH&E: Business and Human Rights” Study Group and Coordinator of the Research Project "Invisible people: prevention and combat of internal and international human trafficking", both from Mackenzie Presbyterian University. Member of the Human Rights Commission at the Brazilian BAR Association, São Paulo Section (OAB/SP). Lawyer and ESG Consultant in São Paulo, Brazil.

#### **Prof. Dr. Humberto Cantú Rivera**

Professor, School of Law, and Executive Director, Institute for Human Rights and Business, Universidad de Monterrey (UEM – Mexico); PhD (Doctorat en droit), Université Panthéon-Assas Paris II. Member, Editorial Board, Business and Human Rights Journal (Cambridge University Press). Director, Latin American Academy of Human Rights and Business; Vice-president, Global Business and Human Rights Scholars Association; Member, Governance Committee, Teaching Business and Human Rights Forum.

#### **Prof<sup>ª</sup>. Dra. Danielle Anne Pamplona**

Post- doc at Washington College of Law, American University, Washington, DC (2015-2016); Visiting Scholar at Max Planck Institute for Comparative Public Law and International Law, Heidelberg (2019); PhD at Federal University of Santa Catarina (UFSC); Master at Pontifical Catholic University of Paraná (PUCPR); Graduada pela Universidade Federal do Parana (UFPR); Full Professor for

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Undergraduate and Graduate Law Program (PPGD) at Pontifical Catholic University of Parana (PUCPR); Director of the Human Rights Clinic (PPGD/PUCPR); Vice-director of the Latin American Academy of Human Rights and Business. Vice-president, Global Business and Human Rights Scholars Association. Attorney. Main research area: Business and Human Rights.

### **Líder do Curso (docente UPM ou estrangeiro):**

#### **Prof<sup>a</sup>. Dra. Ana Cláudia Ruy Cardia Atchabahian (DRT 115005-0)**

PhD and Master in international law from the Pontifical Catholic University of São Paulo. Professor of Private International Law at Mackenzie Presbyterian University. Advisor, Latin American Academy of Human Rights and Business – Board Member, Global Business and Human Rights Scholars Association. Coordinator of “Mack DH&E: Business and Human Rights” Study Group and Coordinator of the Research Project "Invisible people: prevention and combat of internal and international human trafficking", both from Mackenzie Presbyterian University. Member of the Human Rights Commission at the Brazilian BAR Association, São Paulo Section (OAB/SP). Lawyer and ESG Consultant in São Paulo, Brazil.

### **Docente da UPM/estrangeiro:**

#### **Prof. Dr. Humberto Cantú Rivera**

Professor, School of Law, and Executive Director, Institute for Human Rights and Business, Universidad de Monterrey (UEM – Mexico); PhD (Doctorat en droit), Université Panthéon-Assas Paris II. Member, Editorial Board, Business and Human Rights Journal (Cambridge University Press). Director, Latin American Academy of Human Rights and Business; Vice-president, Global Business and Human Rights Scholars Association; Member, Governance Committee, Teaching Business and Human Rights Forum.

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### **Demais participantes:**

#### **Prof<sup>ª</sup>. Dra. Danielle Anne Pamplona**

Post- doc at Washington College of Law, American University, Washington, DC (2015-2016); Visiting Scholar at Max Planck Institute for Comparative Public Law and International Law, Heidelberg (2019); PhD at Federal University of Santa Catarina (UFSC); Master at Pontifical Catholic University of Paraná (PUCPR); Graduada pela Universidade Federal do Parana (UFPR); Full Professor for Undergraduate and Graduate Law Program (PPGD) at Pontifical Catholic University of Parana (PUCPR); Director of the Human Rights Clinic (PPGD/PUCPR); Vice-director of the Latin American Academy of Human Rights and Business; Vice-president, Global Business and Human Rights Scholars Association. Attorney. Main research area: Business and Human Rights.

### **Idioma do curso:**

Inglês

### **Descrição do Curso:**

The course aims to present the evolution of international law vis-à-vis human rights and transnational business activities. Concrete cases (jurisprudence) and studies of national and international doctrines related to Business and Human Rights will be analyzed, which will demonstrate social and normative evolution as well as the new challenges arising from the theme in an expanding international and transnational society.

### **Público Alvo:**

Estudantes, Profissionais do Direito, Administração de Empresas e áreas correlacionadas, membros do setor privado, do setor público e da sociedade civil e demais interessados(as).

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### Certificado de Participação:

Certificado de 32 horas; sendo 17h30 de interação ao vivo; 16h30 de estudo e leitura; 1 ponto nos programas de Mobilidade Acadêmica (COI) para alunos Mackenzistas.

### Cronograma de aula e atividades

#### Aula 01 – 02/08/2021 (Segunda-Feira)

Time	Content	Professor
6pm-7.30pm	<b>Introduction</b>  <b>Part I</b> – The evolution of Business and Human Rights in the United Nations: from the 1970s to the Ruggie Principles.	Prof. Dr. Humberto Cantú Rivera
7.50pm-9.30pm	<b>Case analysis</b> <ul style="list-style-type: none"><li>• <i>Baby Milk Case (Africa)</i></li></ul>	Prof <sup>a</sup> . Dra. Ana Cláudia Ruy Cardia Atchabahian

### Leitura obrigatória

MULLER, Mike. **The baby killer**: A War on Want investigation into the promotion and sale of powdered baby milks in the Third World. Londres: War on Want, 1974. Disponível em:

<<https://waronwant.org/sites/default/files/THE%20BABY%20KILLER%201974.pdf>>. Acesso em: 27 jan. 2021.

### Leitura recomendada

CANTÚ RIVERA, Humberto. **La responsabilidad de las empresas en materia de derechos humanos**. México: CNDH, 2018.

## EXCHANGING HEMISPHERES



DEVA, Surya. BILCHITZ, David (eds.). **Human Rights Obligations of Business: Beyond the Corporate Responsibility to Respect?** Cambridge: Cambridge University Press, 2013.

RODRÍGUEZ GARAVITO, César (ed.). **Business and Human Rights: Beyond the End of the Beginning.** Cambridge: Cambridge University Press, 2017.

TUNCAK, Baskut. Lessons from the Samarco Disaster. **Business and Human Rights Journal.** Vol. 2(1), 2017.

### Cronograma de aula e atividades

#### Aula 02 – 03/08/2021 (Terça - Feira)

Time	Content	Professor
6pm-7.30pm	<b>Part II – The UN Guiding Principles on Business and Human Rights: Protect, Respect and Remedy Framework</b>	Prof <sup>a</sup> . Dra. Ana Cláudia Ruy Cardia Atchabahian
7.50pm-9.30pm	<b>Case analysis</b> <ul style="list-style-type: none"><li>• <i>Chevron Case</i> (Equador)</li></ul>	Prof. Dr. Humberto Cantú Rivera

#### Leitura obrigatória

SUPERIOR TRIBUNAL DE JUSTIÇA. **Sentença Estrangeira Contestada nº 8.542.** Disponível em: [https://scon.stj.jus.br/SCON/GetInteiroTeorDoAcordao?num\\_registro=201300810951&dt\\_publicacao=15/03/2018](https://scon.stj.jus.br/SCON/GetInteiroTeorDoAcordao?num_registro=201300810951&dt_publicacao=15/03/2018)>. Acesso em: 14 dez. 2020.

#### Leitura recomendada

DEVA, Surya. **Regulating Corporate Human Rights Violations.** Londres: Routledge, 2012.

CARDIA, Ana Cláudia Ruy. **Empresas, direitos humanos e gênero: desafios e perspectivas na proteção e no empoderamento da mulher pelas empresas transnacionais.** Porto Alegre: Buqui, 2015.

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MARTIN-CHENUT, Káthia. PERRUSO, Camila. El caso Chevron-Texaco y el aporte de los proyectos de convención sobre crímenes ecológicos y ecocidio a la responsabilidad penal de las empresas transnacionales. CANTÚ RIVERA, Humberto (coord.), **Derechos Humanos y Empresas: Reflexiones desde America Latina**. San José, C.R.: IIDH, 2017, p. 355-369.

MCCORQUODALE, Robert et al. Human Rights Due Diligence in Law and Practice: Good Practices and Challenges for Business Enterprises. **Business and Human Rights Journal**. Vol. 2(2), 2017.

RUGGIE, John Gérard. **Just business: multinational corporations and human rights**. Nova Iorque: W.W. Norton, 2013.

### Cronograma de aula e atividades

#### Aula 03 – 04/08/2021 (Quarta - Feira)

Time	Content	Professor
6pm-7.30pm	<b>Part III – From National Action Plans to Legislative Developments:</b> progress or illusions in the protection of human rights in the context of corporate activity?	Prof. Dr. Humberto Cantú Rivera
7.50pm-9.30pm	<b>Case analysis</b> <ul style="list-style-type: none"><li>• <i>Kiobel et al. v. Royal Dutch Petroleum CO. et al.</i>)</li></ul>	Prof. Dr. Humberto Cantú Rivera

### Leitura obrigatória

SUPREME COURT OF THE UNITED STATES. **Kiobel, Individually and on behalf of her late husband Kiobel et al. v. Royal Dutch Petroleum CO. et al.** 133 S Ct 1659. Decisão de 17 de abril de 2013. Disponível em:

<[https://www.supremecourt.gov/opinions/12pdf/10-1491\\_l6gn.pdf](https://www.supremecourt.gov/opinions/12pdf/10-1491_l6gn.pdf)>. Acesso em 19 out. 2018.

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### Leitura recomendada

CANTÚ RIVERA, Humberto. National Action Plans on Business and Human Rights: Progress or Mirage? **Business and Human Rights Journal**. Vol. 4(2), 2019.

CANTÚ RIVERA, Humberto (coord.). **Derechos humanos y empresas: Reflexiones desde América Latina**. San José: IIDH, 2017.

### Cronograma de aula e atividades

#### Aula 04 – 05/08/2021 (Quinta - Feira)

Time	Content	Professor
6pm-7.30pm	Part IV – Access to Remedy in BHR	Prof <sup>a</sup> . Dra. Ana Cláudia Ruy Cardia Atchabahian
7.50pm-9.30pm	Case analysis <ul style="list-style-type: none"><li>• <i>Jesner et al. v. Arab Bank PLC</i></li><li>• <i>Biocom</i> (Brasil)</li></ul>	Prof. Dr. Humberto Cantú Rivera

### Leitura obrigatória

SUPREME COURT OF THE UNITED STATES. **Jesner et al. v. Arab Bank, PLC**. Decisão de 24 de abril de 2018. Disponível em: <[https://www.supremecourt.gov/opinions/17pdf/16-499\\_1a7d.pdf](https://www.supremecourt.gov/opinions/17pdf/16-499_1a7d.pdf)>. Acesso em: 10 out. 2020.

### Leitura recomendada

CARDIA, Ana Cláudia Ruy. Reparations of victims in light of a Treaty on Business and Human Rights. **Revista de Direito Internacional**, v.15, p. 3-11, 2018.

CARDIA A., Ana Cláudia Ruy. **Transterritorialidade**: uma teoria de responsabilização de empresas por violações aos direitos humanos. Rio de Janeiro: Lumen Juris, 2020.

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### Cronograma de aula e atividades

#### Aula 05 – 06/08/2021 (Sexta - Feira)

Time	Content	Professor
6pm-7.30pm	<b>Part V</b> – Negotiations on a Treaty on Business and Human Rights	Prof. Dr. Humberto Cantú Rivera
7.50pm-9.30pm	<b>Case analysis</b> <ul style="list-style-type: none"><li>• <i>Lungowe and others. v Vedanta Resources Plc and Konkola Copper Mines Plc;</i></li><li>• <i>Nevsun Resources Ltd. V. Araya</i></li></ul> <b>Closure</b>	Prof <sup>a</sup> . Dra. Danielle Anne Pamplona

#### Leitura obrigatória

ENGLAND AND WALES COURT OF APPEAL (CIVIL DIVISION). **Lungowe and others v. Vedanta Resources Plc and Konkola Copper Mines Plc..** [2017] EWCA Civ. 1528. Disponível em:

<<https://www.financialinstitutionslegalsnapshot.com/wp-content/uploads/sites/161/2017/11/Lungowe-Ors-v-Vendata-Resources-Plc-Anor.pdf>>. Acesso em 26 out. 2018.

SUPREME COURT OF CANADA. **Nevsun Resources Ltd. v. Araya.** Case number 37919. Disponível em: <<https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/18169/index.do>>. Acesso em: 04 ago. 2020.

#### Leitura recomendada

DE SCHUTTER, Olivier. Towards a New Treaty on Business and Human Rights. **Business and Human Rights Journal.** Vol. 2(2), 2017.





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MORAES, Patrícia Almeida de. PAMPLONA, Danielle Anne. Os significados dos casos Kiobel e Vedanta para a proteção de direitos humanos. **Revista de Direito Internacional**, v. 16, n. 3, p. 9-22, 2019.