



## **IV INTERNATIONAL SEMINAR ON HUMAN RIGHTS AND BUSINESS**

### **1. ABOUT THE SEMINAR**

The IV Homa - Center for Human Rights and Business ([www.homacdhe.com](http://www.homacdhe.com)) - International Seminar, will be held at the University of São Paulo (USP) Law School, Largo de São Francisco, from August 23<sup>rd</sup> to 25<sup>th</sup>, 2017. This edition is being promoted with the support of USP Department of International and Comparative Law, in the person of its Head, Professor Dr. Paulo Borba Casella, and Professor Dr. André de Carvalho Ramos.

This event takes place two months before the Third Intergovernmental Negotiation Session of the Treaty on Human Rights and Business, when the representative of Ecuador, president of the Intergovernmental Group, has the task, according to Res. 26/9 of the UN Human Rights Council, of presenting a document with the foundations for the binding instrument, thus proceeding to a new stage in which it is expected that the States and other international players will be more involved or resistant to the process. In other words, the agenda around the treaty will be a concrete reality that will test the capacity of qualified incidence of the organized civil society and of research centers in order to express the historical yearnings of those affected by Human Rights violations perpetrated by transnational companies, still protected by a framework of mostly non-binding rules.

At the same time, we observe a movement throughout Latin America, with a significant participation of European Union countries, in order to "sponsor" efforts to elaborate the National Action Plans on Business and Human Rights, whose diffusion and internalization through States is defended by the first report of the Business and Human Rights WG released in 2012, shortly after the consensual approval of John Ruggie's Guiding Principles in 2011. Based on pronouncements by government representatives, it also becomes apparent that this lobby for National Plans has played a role of shifting the efforts that would be invested in the treaty process towards the consecration of the content and logic of the Guiding Principles, that is the corporate capture of Human Rights constraints and their enforceability, as well as their maintenance in a voluntarist plan. In addition to this worrying scenario, there is another of institutional and democratic erosion in the countries on the region, which has resulted in serious



setbacks in Human Rights, and poses an even greater challenge to Human Rights advocates seeking to offer some form of resistance or restraint to this environment, favorable to corporate impunity.

In this context, therefore, knowledge exchange and the evaluation of experiences of resistance on the subject that may offer alternatives to the advancement of the domain of business interests and conservatism in the region become even more urgent. The IV Seminar is thus conceived as one more space, that now has the priority of gathering social players and academics involved in this field in Latin America. In addition, it aims to attract more partners, so that we prepare for both the Third Intergovernmental Session of negotiation of the Binding Treaty and so that we can reflect on long-term mechanisms capable of offering some alternatives to cope with the regional political scenario. It also intends to provide a discussion on the urgent need to reverse the so-called "statecentric logic" of International Law, laying ground for what we call a "Bottom-Up" Law, capable of also representing peoples' aspirations.

## **2. THEME SESSIONS**

**August 23<sup>rd</sup> / 7PM**

**OPENING SESSION: Magna Conference** - Corporate Capture of Democracy: The role of the State and of popular sovereignty in the control of TNCs

**Speakers:** Ambassador Guillaume Jean Sebastien Long (Ecuador's ambassador at the UN in Geneva)

Prof. Rubens Sawaya

Prof. Pedro Rossi

Marlon Alberto Weichert (Federal Public Prosecutors' Office)

**Mediatrice:** Prof<sup>a</sup> Manoela Carneiro Roland



**August 24<sup>th</sup> / 9AM**

**Human Rights and Business: aspects of Public International Law and Private International Law**

**Session 1 - Material legal regulation (09AM to 10:30AM):** The purpose of this session is to discuss material law aspects of the relationship between human rights and business from the standpoint of public and private international law, such as the "lex mercatoria" and the erosion of State control over transnational corporate practices harmful to human rights; international financial and commercial regulation and the protection of human rights by transnational corporations; and models of transnational corporations' accountability for human rights violations in International Law.

**Speakers:** Prof. Fernanda Bragato (Unisinos)  
Prof. Pablo Perel (UBA)  
Dr. Danielle Rached (University of Edinburgh)  
Prof. Nitish Monebhurrin  
**Mediator:** José Augusto Fontoura (USP)

**15 min break: Coffee Break**

**Session 2 - Legal procedural regulation (10:45AM to 12:15PM):** The proposal of this session is to discuss procedural aspects in the relationship between human rights and business from the point of view of public and private international law, such as universal civil jurisdiction and the circulation of judgments in cases of extraterritorial human rights violations by companies; the Brazilian justice system and corporate accountability for transnational damage; as well as the corporate structure and liability of companies for human rights violations.



**Speakers:** Prof. André de Carvalho Ramos (USP)  
Pablo Fajardo (Lawyer / Chevron Ecuador Case)  
Prof.<sup>a</sup> Marilda Rosado (UERJ)  
Prof. Carlos Portugal Gouvêia  
**Mediator:** Wagner Menezes

### **LUNCH BREAK**

#### **National Policy on Human Rights and Business in Latin America (2:30PM to 5:30PM):**

This session will analyze the different internal mechanisms that enable States to effectively hold corporations liable for Human Rights violations. Furthermore, it will be discussed different undergoing initiatives based on articulations within civil society, both Brazilian and international, which oppose to the postulates of National Action Plans recommended by the Human Rights Working Group on Transnational Corporations and Other Business Enterprises, of the United Nations.

**Speakers:** Alberto Vilarreal (REDES - Uruguay)  
Manoela Roland (HOMA)  
Ana Maria Vasquez (CESTA- El Salvador)  
Marlon Alberto Weichert (Federal Public Prosecutors' Office)  
**Mediatrice:** Raphaela Lopes (Global Justice)

**Workshop on human rights violations and the monitoring of companies and development funding agencies. (From 6 p.m. to 7.30 p.m., at Arcada Auditorium, 7th floor - USP)**

**- Registration limited to 40 participants for e-mail [oficinabhr@gmail.com](mailto:oficinabhr@gmail.com)**



The Business & Human Rights Resource Centre (BHHRC) and the International Accountability Project (IAP) invites everyone for a presentation of how these organizations have been monitoring companies and development funding agencies through their databases.

The presentation is targeted at everyone who has interest in getting to know the work methodology and databases of these organizations and want to explore application and cooperation possibilities.

Júlia Mello Neiva will represent the BHRRC, addressing specifically the list of questions created by the DESC & BHRRC network, which has the goal of helping communities to document efficiently human rights violations committed by companies. Soon after, two platforms of governmental and company action will be presented, since they bring initiatives in the human rights and business arena.

Alexandre Andrade Sampaio will represent the IAP and set forth the Early Warning System which is administrated alongside the organization CIEL.

### **August 25<sup>th</sup>**

**Human Rights, Mining and other enterprises (9AM to 11AM):** In this session the mining global economic cycle will be related and problematized, to the logic of insertion and investment of the transnational companies of different sectors in the territories and the increase in Human Rights violations perpetrated by them. It will also highlight the different strategies of resistance and confrontation with violations, judicial or otherwise, employed by the affected people.

**Speakers:** Sérgio Ávila Negri (HOMA / UFJF)  
Fabio Arias Giraldo, Secretary General (CUT / Colombia)  
Raquel Giffoni (POEMAS)  
Tatiana Ribeiro (UFOP)



Dr. Nívia Mônica da Silva (MPMG)

**Mediatrix:** Tchenna Maso (MAB)

### **11AM to 11:30AM: Coffee-Break**

**The Social Construction of Rights: in search of a "bottom-up" International Law (11:30AM to 1PM):** This panel will present some political processes of Law building from below, such as the Permanent Peoples' Courts, as well as the historic consolidation of popular demands by binding instruments for the accountability of transnational corporations for Human Rights violations within the United Nations framework, which culminated in the adoption of Resolution 26/9, of the UN Human Rights Council in 2014.

**Speakers:** Dr. Sergio Suiama (Federal Public Prosecutors' Office)

Daniel Aragão (UFBA)

Ivan Gonzalez (CSA)

**Mediatrix:** Lucia Ortiz (FOEI)

### **LUNCH**

**The Negotiation Process for an International Treaty on Human Rights and Business (3PM to 5:30PM):** This panel aims to provide a discussion on different content proposals for the Human Rights and Business Treaty, whose Third Intergovernmental Session of Negotiations will take place in October 2017, within the UN Human Rights Council. These contributions are based on the existing normative accumulation for Human Rights protection, both at the Global and at the Regional and National levels.

**Speakers:** Minister Luís Espinosa-Salas - Counselor at the Permanent Mission of Ecuador in Geneva

Adoration Guanán (Ecuador)

Carlos Correa (South Center - Geneva)



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DIREITOS HUMANOS  
E EMPRESAS**

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