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Do Corporations Have Human Rights Obligations?

QUASI Seminar Series, Rutgers University

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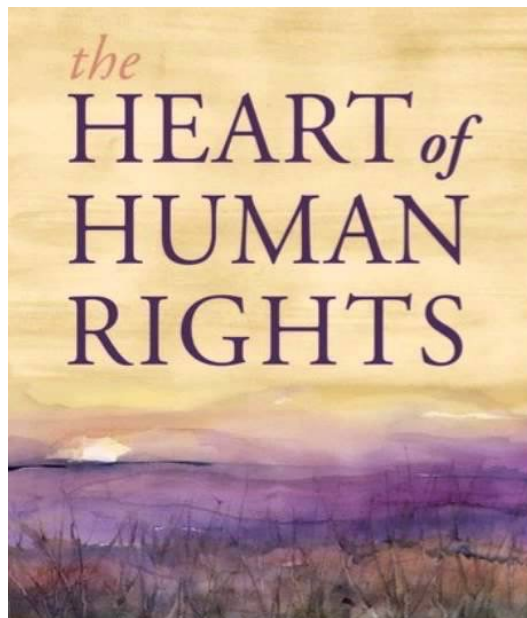
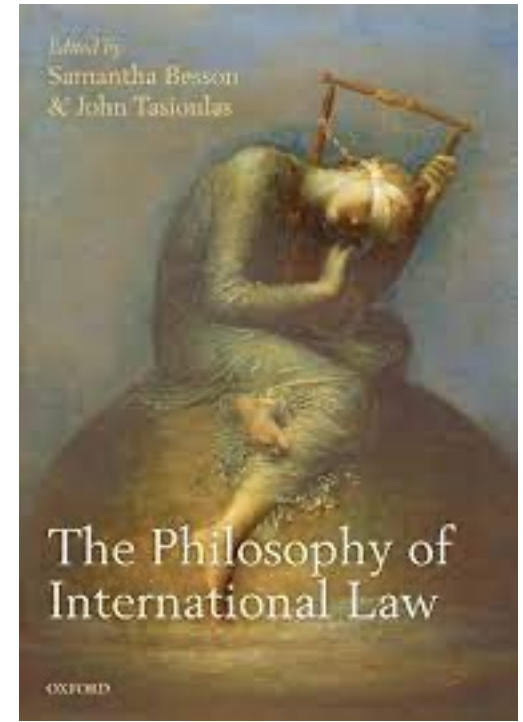
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[Human rights] set limits to the sovereignty of states, in that their actual or anticipated violation is a (defeasible) reason for taking action against the violator in the international arena, even when – in cases not involving violation of either human rights or the commission of other offences – the action would not be permissible, or normatively available on the grounds that it would infringe the sovereignty of the state.

- Joseph Raz, p.328



...because we now take for granted the status egalitarian aspects of decent domestic legal systems, we may fail to notice that the international legal human rights system exhibits a robust commitment to equal basic status.

- Allen Buchanan, p. 31

A woman with short, curly hair, wearing a dark top and a pearl necklace, is shown in profile from the chest up. She is looking down at a large document she is holding. The document is the Universal Declaration of Human Rights, with the title 'THE UNIVERSAL DECLARATION OF Human Rights' clearly visible. The United Nations logo is also present at the top of the document. The background is a soft, out-of-focus light color.


Article 26: *Everyone has the right to education ... Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.*

- In the case of positive rights, is there a correlative obligation to provide the entitlement?

Article 4: *No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.*

- In the case of negative rights, are corporations any more responsible than other actors not to infringe?
- Moreover, when it comes to state enforcement, all rights are positive.¹

¹ Stephen Holmes and Cass Sunstein, *The Costs of Rights* (New York: W.W. Norton, 1999), p. 43.

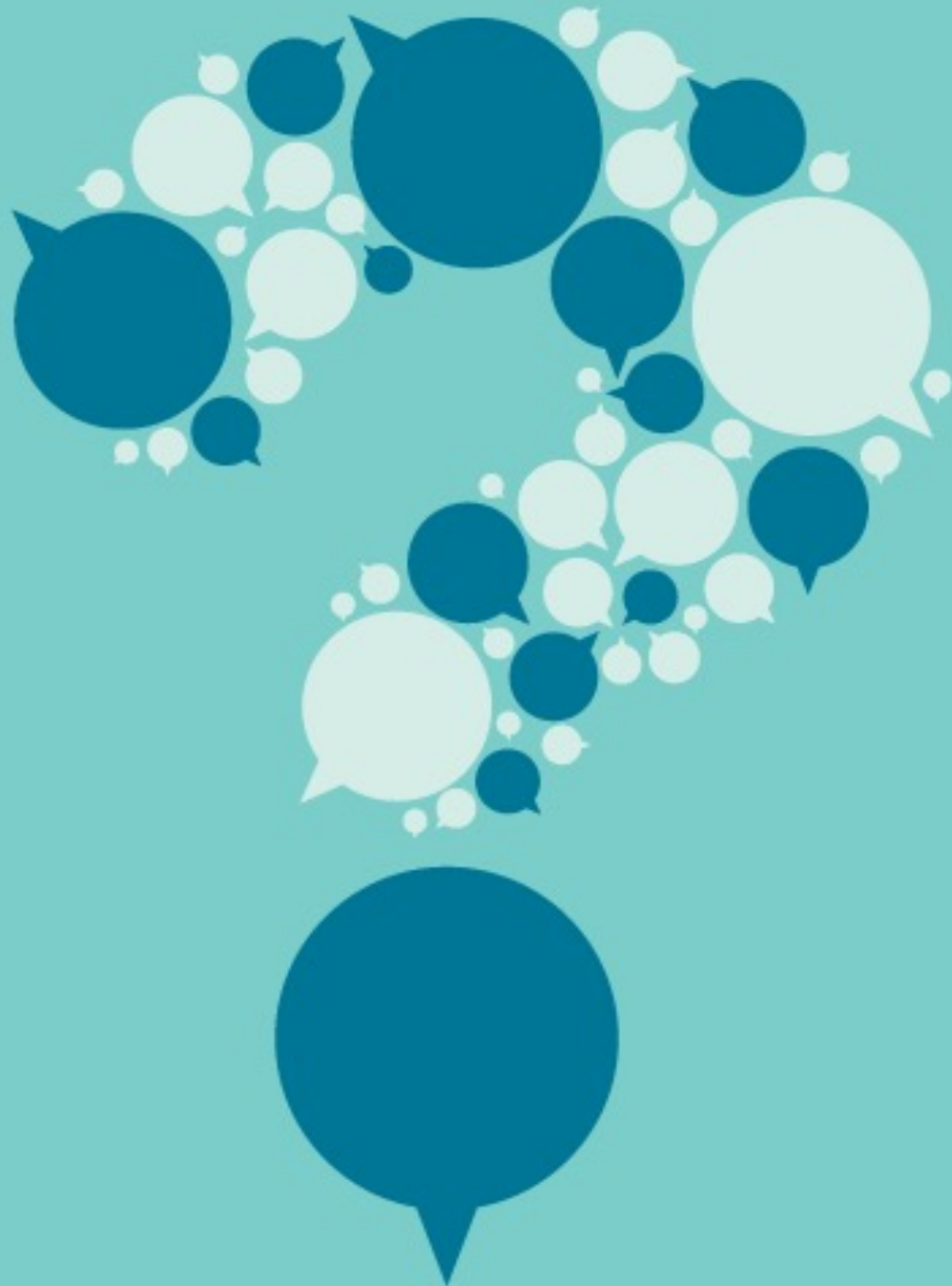
A photograph of John Ruggie, a man with glasses and a dark suit, speaking at a podium. He is looking slightly to his right. A nameplate in front of him reads "John Ruggie". A microphone is positioned in front of him. The background is a blue wall with a faint UN logo.

While corporations may be considered “organs of society”, they are specialized economic organs, not democratic public interest institutions. As such their responsibilities cannot and should not simply mirror the duties of States.²

As a matter of principle, the corporate responsibility to respect human rights must include all internationally recognized rights.³

² *Protect, Respect and Remedy: A Framework for Business and Human Rights*, p. 16.

³ *Just Business* (New York: Norton, 2013), p. 95.



- Theorizing about business and human rights in an **institutional** perspective.
- Theorizing about **complicity** in state violations of human rights.
- Theorizing about **domestic companies** in relation to human rights.