



**UNIVERSITÉ  
DE GENÈVE**

**GENEVA SCHOOL OF ECONOMICS  
AND MANAGEMENT**

**Do corporations have  
human rights obligations?**

**QUASI Seminar Series  
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# What are human rights?

- Human rights are “held to exist prior to, or independently of, any legal or institutional rules” (Feinberg, 1973: 84)
- “Especially urgent and morally justified claim that a person has, simply in virtue of being human and independently of belonging to a specific nation, class, religion or any other group” (Nussbaum, 2002: 135)
- Human rights need to be protected and respected, because any type of human rights violation is a form of humiliation, a form of disregard of a human being’s human quality and dignity.



# Yes, corporations have human rights obligations

1. Corporations have negative human rights obligations, because they are moral agents, complicit in, and socially connected to human rights violations.
2. Corporations have positive human rights obligations because they are an integral part of society and have the leverage to ameliorate a situation.



# 1. Corporations have negative human rights obligations because they are moral agents, complicit in, and socially connected to human rights violations

## 1. *Corporations are moral agents*

- Corporations “have internal decision structures comprised of human agents, including the ethical infrastructure of the firm, corporate intentions understood primarily as plans, and the capacity for reflective assessment of corporate plans and practices” (Arnold, 2016, p. 262; Werhane, 2016).

## 2. *Complicity*

- “A company knowingly contributes to another’s abuse of human rights” (Ruggie, 2008, p.9; Clapham & Jerbi, 2001).

## 3. *Social Connection*

- “Structural injustice exists when social processes put large categories of persons under a systematic threat of domination or deprivation of the means to develop and exercise their capacities, at the same time as these processes enable others to dominate or have a wide range of opportunities for developing and exercising their capacities” (Young, 2006, p. 114; Van Buren, Schrempf-Stirling & Westermann-Behaylo, 2021).



## 2. Corporations have positive human rights obligations because they are an integral part of society and have the leverage to ameliorate a situation.

### 1. *Limits of property rights*

- “The private property system itself can cause severe harm to individuals [...]; in order to avert such harms and to ensure the very legitimacy of their holdings, owners [...] need actively to provide individuals with at least the resources they require to realize their most basic interests in survival and the exercise of their autonomy” (Bilchitz, 2010, p.14).

### 2. *Leverage-based responsibility*

- “The morally significant connection between the company and the rights-holder or rights-infringer and the ability to contribute to improving the rights-holder’s situation generate [...] a positive responsibility to use leverage to enhance the positive social or environmental impacts of other actors” (Wood, 2012, p. 89)

### 3. *Corporations as private political authorities*

- “Of those in positions of authority, we ask more than simply not to violate our rights; what we demand of them is to use their power for the common good, that is to enhance the well-being of those subjected to their power” (Wettstein, 2010, p.281; Kobrin, 2009)



# Let's move from 'whether' & 'if' to 'how'

1. How can corporations implement positive and negative human rights obligations in their operations?
2. How does a rightsholder-perspective of corporate responsibility look like?
3. What are the respective roles of the state and business in accounting for human rights violations and (protecting) human rights?
4. How can business provide meaningful remedy towards victims of human rights violations?



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THANK YOU!

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GRAZIE!

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