



LUND
UNIVERSITY

Faculty of Law

JAMR12, Business and Human Rights, 7.5 credits *Business and Human Rights, 7,5 högskolepoäng* Second Cycle / Avancerad nivå

Details of approval

The syllabus was approved by Faculty of Law Board of education at undergraduate and postgraduate levels on 2016-04-14 and was last revised on 2022-09-07. The revised syllabus applies from 2022-09-07, spring semester 2023.

General Information

The course is an elective course within the Master's Programme in International Human Rights Law at the Faculty of Law. The course is open to students on the programme leading to a Swedish Professional Law degree and to international students participating in exchange programmes with the Faculty of Law.

The course is scheduled to require 5 weeks of full time studies.

Language of instruction: English

Main field of studies

Human Rights

Depth of study relative to the degree requirements

A1F, Second cycle, has second-cycle course/s as entry requirements

Learning outcomes

Knowledge and understanding

To pass examination the student shall be able to show

- correct understanding of the role of states, international organizations, business enterprises and civil society organizations in defining, implementing, promoting and enforcing corporate responsibilities in relation to human rights
- in-depth knowledge of relevant regulations and private governance schemes that shape corporate conduct regarding human rights
- knowledge of the impacts of various industries on human rights and development, and organizational measures to ensure respect for human rights throughout corporate operations

- knowledge about current academic debates around the construction of a polycentric 'business and human rights' governance regime.

Competence and skills

To pass examination the student shall be able to show

- ability, on an advanced level, to identify and critically assess information and knowledge around corporate social responsibilities, and place it against the background of international human rights law
- skills to systematize arguments against the specific theoretical and factual background of protecting human rights in economic exchanges
- ability to participate in informed debates around corporate responsibilities in their global governance and regulatory contexts, ability to work both individually and in groups, and to deliver arguments in an oral and written form.

Judgement and approach

To pass the examination the student shall be able to show

- ability to make an assessment regarding the capacity of law, policy, multistakeholder initiatives and corporate policy plays in ensuring respect for human rights
- insight into various interactions between public and private actors in creating and implementing standards and frameworks for responsible business conduct
- ability to assess the evolution and adaptation of the international human rights regime in times of economic globalization.

Course content

1. The existence, nature and scope of corporate responsibilities regarding human rights: 'soft law' instruments at international level and relevant legal frameworks at national level. Issues addressed include corporate actors as subject and actors of international law; the foundational role of the 2011 UN Guiding Principles of Business and Human Rights, the duties of corporate management under company law; reporting requirements under transparency laws; and transnational litigation.
2. The implementation of CSR and emerging best practices: stages of implementation, available guidelines at each stage and actors involved.
3. Closer look at two industrial sectors: extractive industries and labour intensive industries.
4. Evolution of CSR – emerging issues and challenges: the limits of CSR; mechanisms for the scaling-up of CSR and the relationship between corporate voluntarism (CSR) and law.

Course design

The students obtain knowledge and competences as above by individual study of course literature, by participating in study groups, and by taking an active part in lectures and seminars. Students are expected to critically assess and engage the lecturer and other students on all issues raised by the course, including regulatory, governance, organizational, and ethics-related aspects that appear in CSR. Instruction is given in the form of lectures and seminars. The lectures involve PowerPoint presentations, screening of short video clips, focused discussions, and spontaneous

questioning. The problem-based seminars involve examination of real-life cases and involve role-playing to trigger debates that resemble exchanges among stakeholders.

Assessment

Examination is in the form of an oral exam (80% of the grade) and different tasks in connection with the seminars, such as group preparatory work and in-class discussions/presentations (20% of the grade). Attendance of the seminars is mandatory and attendance of all lectures is strongly encouraged.

The examiner, in consultation with Disability Support Services, may deviate from the regular form of examination in order to provide a permanently disabled student with a form of examination equivalent to that of a student without a disability.

Subcourses that are part of this course can be found in an appendix at the end of this document.

Grades

Marking scale: Fail, Pass, Pass with credit, Pass with distinction.

All grading criteria rest on the baseline set up for the grade B. Criteria for the grade BA are additional to those for the grade B. Criteria for the grade AB are additional to those for the grade BA. Each grading criterion consists of a qualitative and a quantitative dimension. The Quantitative criterion reflects how well read the student is whereas the Qualitative criterion reflects how well the student can use his/her knowledge to make a well structured critical and analytical argument and put it in a proper context. Grading criteria are applied to the dimensions listed as "Learning outcomes" in this syllabus.

B – Basic command

In order to achieve this grade the student must show reasonable knowledge and understanding of the course material. A good understanding of the UN Guiding Principles on Business and Human Rights and the way they relate to other relevant international soft law instruments is required. A correct if basic understanding of managerial duties under company law and the corporate governance system is expected; the same level is expected regarding the types of regulations and policies that states are using to promote and ensure responsible business behaviour. The student should be able to demonstrate an ability to identify and analyze the main human rights impacts of business activities in some industrial sectors as well as the main prudential measures expected from companies to respect human rights. Familiarity with current academic debates surrounding the topic is also expected as per the list of obligatory readings.

BA – Advanced command

In order to achieve this grade the student must show good knowledge and understanding of the course material. A very good understanding of the UN Guiding Principles on Business and Human Rights is required. A good understanding of company law, corporate governance and the regulatory mix to promote responsible

business behaviour is expected. The student should be able to demonstrate a good ability to argue around most types of human rights impacts and prudential measures in diverse industrial settings by drawing on international standards and corporate practice.

AB – Mastery

In order to achieve this grade the student must show excellent knowledge and in-depth understanding on most aspects covered in the course. A nuanced understanding of the regulatory tools that states employ in the current market system and global governance context is expected. The student should be able to demonstrate a compelling ability to persuasively argue around the prudential measures companies should undertake by drawing on international standards, corporate practice and academic literature.

Entry requirements

Passed examination in courses corresponding to the first term of the Master's programme equivalent to 30 credits.

For students on the Professional Law Degree Programme the entry requirements for semesters 7 and 8 are outlined in the Programme syllabus (utbildningsplanen).

Exchange students must have passed at least two and a half years of law studies at university level including basic knowledge of public international law.

Further information

The University views plagiarism as a very serious academic offence, and will take disciplinary actions against students for any kind of attempted malpractice in connection with examinations and assessments. The penalty that may be imposed for this, and other unfair practice in examinations or assessments, includes suspension from the University.

Subcourses in JAMR12, Business and Human Rights

Applies from V08

0701 Business and Human Rights, 7,5 hp
Grading scale: Fail, Pass, Pass with credit, Pass with distinction