



**British Institute of
International and
Comparative Law**



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**Human Rights Due
Diligence Forum**

Human Rights Due Diligence and Systemic Inequalities **25 and 26 October 2021**

The UN Guiding Principles on Business and Human Rights (UNGPs) expect business enterprises to undertake human rights due diligence to identify, prevent, mitigate and account for their adverse human rights impacts, and apply to “all internationally recognised human rights”. Equality lies at the heart of the origins and interrelated nature of human rights, and therefore falls squarely within the ambit envisioned by the UNGPs. Existing equality legislation has often focused on individual abuses of the right to equality, such as discrimination in the workplace, which can be contrasted with systemic inequalities that are built into the wider structures of society.

This conference will focus an intersectional lens on how the UNGPs apply to systemic inequalities, and consider the human rights due diligence responsibilities of companies in relation to systemic inequalities. It will also consider how the concepts of going beyond formal equality to substantive equality and justice apply in this context.

The conference will take place online and in two parts – Theory and Practice - set over two consecutive days.

DAY 1: THEORY

Monday 25 October

Session 1: The UNGPs and Systemic Inequalities

11:30 to 13:00 (UK time)

Speakers will discuss such questions as:

- How does the right to substantive equality fit within the UNGPs framework?
- What are systemic inequalities (as contrasted with individual cases of discrimination or abuse) and how do they fit within the UNGPs framework?
- What is an intersectional approach to substantive equality and how does this fit in with the UNGPs framework?
- What does the concept of human rights due diligence require with respect to systemic inequalities? (Concepts such as identify, assess, mitigate and prevent, leverage, UNGP 23 on conflict between international human rights and local practices or contexts)

Chair: Freya Dinshaw, Human Rights Law Centre, Australia

Speakers:

Michael Addo, University of Notre Dame London

Manel Chibane, Clooney Foundation for Justice

Rachel Davis, Shift

Bonita Meyersfeld, University of Witwatersrand Johannesburg

Krishnendu Mukherjee, Doughty Street Chambers

Session 2: Human Rights Due Diligence and Systemic Inequalities

14:00 to 15:30 (UK time)

This session will take a deeper dive into the concept of human rights due diligence as relevant in contexts of, for example, systemic racism, gender inequality, LGBTQ+ inequality and disability inequality, caste and class, using an intersectional lens. Speakers will consider such questions as:

- What do the UNGPs and specifically the expectations regarding HRDD mean for companies that operate in contexts with systemic racial, gender, LGBTQ+, disability and other forms of inequalities?
- How does an intersectional approach assist with the understanding and application of these expectations?
- Conceptually distinguishing HRDD from corporate social responsibility (CSR), public relations or philanthropy responses.

Chair: Elsa Savourey, UN PRI

Speakers:

Daniel Berezowsky, Shift

Barnali Choudhury, University College London

Erika George, University of Utah

Harpreet Kaur, United Nations Development Programme

Charmika Samaradiwakera-Wijesundara, University of Witwatersrand Johannesburg

James Sinclair, Ethical Innovations

DAY 2: PRACTICE

Tuesday 26 October

Session 1: The Status Quo and Lessons Learnt

11:30 to 13:00 (UK time)

Speakers will consider what we have learnt about the application of the UNGPs to contexts of systemic inequality with reference to practical examples.

- What is the status quo regarding corporate practice around HRDD for systemic inequality?
- What lessons can we learn about how to improve approaches and practices?
- How do these lessons tie in with the three pillars of the UNGPs and the concept of HRDD?
- Practical examples distinguishing HRDD from corporate social responsibility, public relations or philanthropy efforts. (Also practical examples of these concepts not currently being distinguished in practice.)

Chair: Michael Olatokun, Bingham Centre for the Rule of Law

Speakers:

Fola Adeleke, University of Witwatersrand Johannesburg

Sorcha MacLeod, University of Copenhagen and UN Working Group on the Use of Mercenaries

Grace Mutung'u, Centre for Intellectual Property and Information Technology Law at Strathmore University Kenya

Thabisile Phumo, Sibanye Stillwater

Mustafa Qadri, Equidem Research and Consulting

Nelleke van Amstel, Twentyfifty GmbH

Session 2: The Way Forward

14:00 UK time to 15:30 (UK time)

Speakers will consider the way forward for bringing systemic inequality into HRDD practices. Questions will include:

- What will be the impact of changing social expectations around inclusivity?
- What will be the impact of a binding legal standard of care set out in the new wave of mandatory human rights and environmental due diligence legislation? For example, the potential implications for remedy, State obligations and other legal implications.
- Practical examples of how business could meet a legally binding mHERDD or 'duty to prevent' expectation in contexts of systemic inequality.

Chair: Lise Smit, British Institute of International and Comparative Law

Speakers:

Dominique Day, UN Working Group of Experts on People of African Descent

Jaren Dunning, Pepsico

Mary Beth Gallagher, Domini Impact Investments

Sindiso Mnisi Weeks, University of Massachusetts Boston

Andrea Shemberg, Global Business Initiative on Human Rights

Paolo Vargiu, University of Leicester

Conference Organisers

This conference is co-organised by Lise Smit, at the **British Institute of International and Comparative Law (BIICL)**, and Dr Sorcha MacLeod, [Centre for Private Governance \(CEPRI\)](#), at the University of Copenhagen.

Lise Smit is Senior Research Fellow in Business and Human Rights at BIICL. The BIICL business and human rights team undertake research on the law and practice around the UNGPs, including on the regulatory and legal developments around human rights due diligence. This conference forms part of the annual programme of the [BIICL Human Rights Due Diligence Forum](#). For more information on the work of the BIICL business and human rights team please visit: <https://www.biicl.org/categories/business-and-human-rights>

Sorcha MacLeod is a [Marie Curie Fellow and Associate Professor](#) at the University of Copenhagen, and also a member of the [UN Working Group on the use of mercenaries](#). She specialises in business, human rights and security, in particular the human rights impacts and regulation of Private Military and Security Companies (PMSC). This conference forms part of her EU-funded project: RESpECT - Public Actions, Private Rules at the Margins: Ensuring Respect for Human Rights by Private Security Companies.