

HUMAN RIGHTS IN BUSINESS

ACCESS TO JUSTICE IN THE EU FOR VICTIMS OF CORPORATE RELATED HUMAN RIGHTS ABUSE

Biographies

Daniel Augenstein, Tilburg University, The Netherlands

My research focuses on human rights in their national-constitutional, trans-national and international contexts. It inquires the potential and limitations of effective human rights protection in a globalised world where different domestic, European and international human rights regimes become increasingly interconnected. I also have research interests in selected other areas of legal philosophy, constitutional law, and European and international law. My research on human rights can be divided into three main strands. One particular interest pertains to the relationship between multi-layered human rights protection in the European legal space and the political integration process of the European Union.

The first strand of my research on *globalisation and human rights* investigates challenges to state-based paradigms of human rights protection brought about by patterns of (economic) globalisation. It inquires the dissociation of the public and territorial nature of human rights protection from the Westphalian conception of statehood. In this context, I am particularly interested in the 'business and human rights' debate, as well as in notions of 'global law'.

My second major research interest is in the area of *European integration and trans-national human rights jurisprudence*. My research in this area focusses on Europe (EU&ECHR) and inquires the institutional and normative parameters of human rights protection 'beyond' the nation-state.

Finally, I have a long-standing research interest in the relationship between the *concept of tolerance and rights-based liberalism*. My work in this area straddles analytical and continental philosophy to challenge a number of common liberal assumptions about the relationship between tolerance and the liberal legal order committed to state neutrality and equal treatment (i.e. 'liberal tolerance' or 'tolerant liberalism'). It defends an alternative understanding of tolerance that is neither incompatible with, nor reducible to, liberal justice.

Nicola Jägers, Tilburg University, The Netherlands

Over the past ten years Nicola Jägers has worked on the transformations that have occurred in international (human rights) law relating to changes in the relationships between states and markets and changes in the regulatory roles and capacities of NGOs and transnational business corporations. In 2002, Jägers published one of the earlier books on the issue of corporate responsibility for human rights violations *Corporate Human Rights Obligations: in search of accountability*. Ever since, the consequences at the national and international level of the two dominant faces of globalisation: the expansion of trade beyond borders and the universalising effects of the human rights movement have remained Jägers core research interest resulting in (participation in) various research projects and multiple publications on the issue. More recently, she has begun to consider the ways in which regulatory approaches might be useful for the enforcement, socialisation and protection of human rights.

Liesbeth Enneking, Utrecht University, The Netherlands

Liesbeth Enneking is an Assistant Professor at Utrecht Centre for Accountability and Liability Law of Utrecht University. She obtained her doctorate for a PhD on the role that Western society systems of tort law may play in promoting international corporate social responsibility and accountability. The focus of her research has been on the contemporary socio-legal trend towards 'foreign direct liability claims': transnational civil liability claims brought before Western society courts against multinational corporations for the detrimental impacts of their activities on people and planet in developing host countries. Over the past five years, she has published a variety of articles in international and Dutch refereed journals as well as two books on this topical subject. In her capacity as legal expert, Enneking has been actively involved in legal and socio-political debates on corporate social responsibility, fair trade, and business & human rights. She frequently gives presentations at conferences and research seminars in the Netherlands and abroad, and is regularly consulted on legal and policy issues within her field of expertise.

As from January 2015, Liesbeth Enneking will be engaged full-time for a period of two years in four high-profile research projects within her field of expertise, commissioned by the European Commission, the Dutch Ministry of Justice (WODC), the Netherlands Organisation for Scientific Research (NWO) and the insurance company AXA.

Richard Meeran, Leigh day, The United Kingdom

Richard Meeran has been a partner at Leigh Day, London-based human rights law

firm, since 1991 where he has pioneered the firm's multinational litigation practice for over two decades. His work has included landmark cases against: Cape Plc for 7,500 South African asbestos miners; Monterrico Metals for Peruvian torture victims; currently against Anglo American for 5000 South African gold miners.

Channa Samkalden, *Prakkendoliviera, The Netherlands*

Channa Samkalden specializes in liability for human rights violations, both inside and outside the Netherlands. For example, she represents four Nigerian farmers and the foundation Friends of the Earth the Netherlands (*Vereniging Milieudefensie*) in proceedings against Shell concerning oil pollution in Nigeria. Besides multinationals she focuses on violations of fundamental rights in the Netherlands, in particular freedom of expression, freedom of religion and the right to personal privacy. She received her doctorate in Italy on the topic of religious freedom, and the separation of state and religion.

Remo Klinger, *Geulen & Klinger Rechtsanwälte, Germany*

Dr. Remo Klinger is partner of the Berlin based law firm Geulen & Klinger. His main field of business is environmental and planning law. Here, the law office represents government departments and NGO's. Another focus is human rights and the constitutional jurisdiction. He represented a large number of very popular cases in Germany.

Luca Saltalamacchi, *Studio Legale Saltalamacchia, Italy*

Lawyer Luca Saltalamacchia, born in Naples, Italy, on 13/08/73, is a civil lawyer.

After graduation in law, he has attended for a few years the Department of Human Rights at the University of Naples *L'Orientale*, Course of Political Science, as assistant professor and expert on the subject. He has also followed with environmental groups (such as *Friends of the Earth* and *Supranational Environmental Justice Foundation*) or associations involved in the relationship between finance and human rights (such as *CRBM* and *Re:Common*) some cases of human rights violations perpetrated by the Italian multinational against the local population due to projects that have a high environmental impact.

In particular, he has followed:

- The project of construction of the Ilisu Dam (Turkish Kurdistan), funded by a German subsidiary

of UniCredit Bank;

- Bilateral relations between the EU and Morocco about undue invasion of Western Sahara by the latter;
- The project of construction of a hydroelectric plant in Palo Viejo (Guatemala) by a subsidiary of Enel;
- The project of construction of the dam of El Quimbo (Colombia) by a subsidiary of Enel;
- The massive pollution of the Niger Delta (Nigeria) by a subsidiary of ENI

Louise Vytopil, Utrecht University, The Netherlands

Louise Vytopil LLB MA MSc is assistant professor at Utrecht University. After completing a Bachelor's in Liberal Arts from University College Utrecht (2002, cum laude), she gained a MSc-degree in Religion in Contemporary Society from the London School of Economics (2003). She then continued on to study law at Utrecht University and subsequently practiced as a corporate lawyer for four years. She will defend her PhD-dissertation on "Contractual control in the supply chain: on corporate social responsibility, codes of conduct, contracts and (avoiding) liability" on Friday 26 June 2015. Additionally, she teaches courses in – inter alia - (European) Corporate Law and CSR.

Filip Gregor, Frank Bold

Filip Gregor is Head of Responsible Companies Section at Frank Bold, a purpose driven law firm focused on solving social and environmental challenges. Filip represent Frank Bold in the Steering Group of the European Coalition for Corporate Justice (ECCJ), he is a member of Eminent Persons Group that oversees and steers the Human Rights Reporting and Assurance Frameworks Initiative. He authored several publications on development of EU corporate accountability framework, and in 2012 and 2013 he helped to lead the project and global consultations feeding into reports called "Human Rights Due Diligence: The Role of States" and "The Third Pillar: Access to Judicial Remedies for Human Rights Violations by Transnational Business".

Alexandra valkenburg, Ministry of Foreign Affairs, The Netherlands

Head Human Rights and Political and Legal Affairs Division, Multilateral Organizations and Human Rights Department of the Ministry of Foreign Affairs, The Netherlands.

Matthias Kloth, Council of Europe, Strasbourg

Matthias Kloth is Head of Unit in the Directorate General of Human Rights and Rule of Law of the Council of Europe (Strasbourg). He is also Secretary of the Drafting Group on Human Rights and Business (CDDH-CORP). Mr Kloth holds a doctorate in public international law, and has previously worked as legal officer for the United Nations Office of Legal Affairs as well as the Registry of the European Court of Human Rights.

Claire Methven O'Brien, Danish Human Rights Institute, Denmark

Claire Methven O'Brien is Strategic Adviser, Human Rights and Business at the Danish Institute for Human Rights, Denmark's national human rights institution. Claire has led business and human rights projects for multinational companies, international financial institutions, public authorities and NGOs, in Europe, Africa, Asia and the Americas. Claire holds a PhD in Law, entitled "Transnational corporations and human rights: For a multi-level governance approach" from the European University Institute in Florence, an LLM in Public Law from LSE, a BA in Philosophy from the University of Cambridge and a Diploma in Law from City University, London. She completed the Bar Vocational Course and has been called to the Bar of England and Wales. Claire is a Research Fellow at the International Law Department of the University of Groningen, Chair of the Working Group on Business and Human Rights of the European Network of National Human Rights Institutions, and a member of the Expert Working Group on business and human rights of the Council of Europe's Programme for Human Rights Education of Legal Professionals. Amongst recent publications, Claire was lead author of the 2014 DIHR-ICAR report, National Action Plans on Business and Human Rights: A Toolkit for the Development, Implementation and Review of State Commitments to Business and Human Rights.

Willem van Genugten, Tilburg law School, The Netherlands

Willem van Genugten is professor of international law at Tilburg University and at the North-West University in South-Africa (extraordinary chair). Previously he has been, inter alia, a professor of human rights law at Nijmegen University (1991-2006), visiting professor of international criminal law at the University of Minnesota (2000-2014) and chair of the standing Commission on Human Rights of the Dutch government. As of now he is the chair of, inter alia, the Royal Netherlands Society of International Law, the Knowledge Platform Security and the Rule of Law, and the Committee of the Rights of Indigenous Peoples of the International Law Association, and editor-in-chief of the Netherlands Yearbook of International Law. He published widely on a range of topics in the field of international law, especially also in the 'domain' of economic actors and human rights.

His most recent publication is *The World Bank Group, the IMF and Human Rights; a contextualised Way Forward* (Intersentia, 2015). In 2012, he received a South-African honorary doctorate for his work.