

## **HUMAN RIGHTS, ECONOMIC DEVELOPMENT AND GLOBALIZATION (HEDG)**

### **ÉQUIPE PÉDAGOGIQUE 2021-2022**

- **Manon Aubry**, enseignante
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### **PROJETS 2021-2022**

#### **EDH - Association des parties prenantes aux démarches droits humains des grandes entreprises françaises**

L'objectif du projet est de comprendre si et comment les entreprises associent les parties prenantes à leurs démarches droits de l'homme. Le rôle de la clinique serait un état des lieux des attentes des législations en la matière (hard et soft law), des pratiques existantes, des obstacles/difficultés rencontrées par les entreprises. Il s'agit d'accompagner les entreprises dans l'amélioration de leurs pratiques par l'identification des exigences en la matière, des outils et d'exemples de business case des entreprises. Méthodologie proposée ; benchmark des pratiques : recherches documentaires, synthèses et analyse / interviews avec les entreprises et les parties prenantes. Le livrable sera un rapport d'analyse.

- Partenaire : **EDH - Association entreprises pour les droits de l'Homme**
- Tutrice : **Adèle Bourgin**

#### **Human rights, commercialisation and public services**

The Clinic team will work with GI-ESCR to develop an understanding of the meaning(s) of the concepts "commercial" and "public services obligations". The Clinic team will research the understanding of "commercial" and "public services obligations" within a few specific jurisdictions (both civil law and common law jurisdictions). In addition to analysing relevant legislation and case law, the Clinic team will conduct interviews with legal experts.

- Partenaire : **The Global Initiative for Economic, Social and Cultural Rights (GI-ESCR)**
- Tutrice : **Anna Clara Cathalat**

#### **Transparence et accès aux médicaments**

Le projet a pour objectif d'apporter un éclairage sur la façon dont le droit peut être utilisé pour favoriser une plus grande transparence du marché des médicaments en France. En effet, la recherche d'un équilibre entre la protection de la santé publique et les intérêts économiques sous-jacents est complexifiée par le cruel manque de transparence des données tout au long du cycle de vie du médicament. Il s'agira d'effectuer une étude approfondie des différents freins juridiques qui viennent s'opposer à un tel objectif de transparence ainsi qu'une analyse de droit comparé des meilleures pratiques existantes afin de cerner les potentiels leviers juridiques pouvant être introduits et mobilisés en droit français et en droit de l'Union Européenne. Ce travail de recherche a vocation à aboutir à la publication d'un rapport pouvant être utilisé

par l'Observatoire de la transparence dans les politiques du médicament dans le cadre de ses activités de plaidoyer.

- Partenaire : **Observatoire de la transparence dans les politiques du médicament**
- Tutrice : **Alice Dartevelle**

### Poverty impact assessments in economic reforms

The mandate of the UN Special Rapporteur on extreme poverty and human rights is teaming with ATD Fourth World to build an operational tool for poverty impact assessments, that could be used by governments implementing economic reforms and by development banks financing certain projects. The existing tools are unsatisfactory, either because they remain at a high level of generality, or because they use economic modelling techniques that assess impacts on incomes or on inequalities, but do not reflect the lived experiences of people in poverty as identified in the "Hidden Dimensions of Poverty" project co-led by ATD Fourth World and Oxford University (Robert Walker and Rachel Bray). People in poverty describe their experience not only as lack of income, but also as disempowerment, institutional abuse, shame, and non-recognition of their contributions. The challenge in poverty impact assessments should be take into account that experience, and to ensure assessments can be genuinely participatory and empowering -- which also implies that they should be effective in shaping the end content of the economic reform or the development project under consideration.

- Partenaire : **Olivier de Schutter**, Rapporteur spécial sur les droits de l'homme et l'extrême pauvreté
- Tuteur : **Filipe Silva**

### Finding justice : Devising reparation mechanisms for Congo's victims of corruption

Cobalt is present in our everyday lives: it is used in rechargeable batteries and is essential for the energy transition. Most cobalt comes from DR Congo, which produces more than 60% of the world's supply. Congo is one of the poorest countries on earth and ranks among the lowest on Transparency International's Corruption Perception Index.

Some of the biggest companies operating in the country now face international corruption probes over how they acquired their cobalt mines in Congo. In the next years, it is likely that at least either face trial or reach a settlement with judicial authorities, such as the US Department of Justice or the UK Serious Fraud Office. These settlements will involve important sums of fines and damages. However, unless action is undertaken, none of those will go towards direct victims of the corruption, such as employees of DRC's State-mining company that have lost their jobs because of these financial and economic crimes. It is also unlikely that the Democratic Republic of Congo, which has suffered incredibly revenue losses as a result of corruption, will be entitled to part of those damages. How do we ensure that these victims receive compensation for these crimes? And are there pathways for the DRC treasury to make up for some of the losses it incurred? This is what we hope to investigate with this year's clinic team.

During these past years of close collaboration between Resource Matters and the Clinic, students involved have worked on the supply chain of Glencore, a Swiss commodity trader that controls two of Congo's best copper-cobalt mines and is under investigation in the US, the UK and Switzerland for its Congo deals. The students focused on due diligence practices of companies that buy cobalt from Glencore (see for instance the report, "See no evil, hear no evil: Poorly managed corruption risks in the cobalt supply chain"), including the electric scooter industry. Last year, students focused on the source of financing of companies like Glencore. This year, the clinic team will help evaluate mechanisms of reparation available to the direct victims of corruption, the Congolese people and, if time allows, the Congolese state. This will allow the Clinic to complete the work done over the past years and document pathways for victim compensation for the economic crimes allegedly committed by Glencore, Gertler and the Congolese politicians over the last two decades.

- Partenaire : **Resource Matters**
- Tutrice : **Roxane Agon**

## **Inequalities and discriminations in higher education in France (part IV): bringing the issue to the UN (and French State representatives) with a consolidated research on the privatisation of education**

This proposal builds on the three previous projects undertaken with the clinic on the issue of inequalities in higher education: the report drafted in 2018-2019 and completed and published in 2019-2020 together with a policy brief, the webpage on higher education and the testimonies collected by students in 2020-21 on the impacts of the Covid-19 pandemic. There are important opportunities for advocacy in 2021-2022, and it would be great to involve the students one more year as a closing of the project.

An important part of our mission is to empower rights-holder to claim their rights and students as the primary-beneficiary of higher education are best placed to provide information about the issue and advocate for changes.

The objectives for this year are - to raise awareness on the issues highlighted thanks to the students' research at the UNESCO World Higher education Conference - to contribute to the ongoing research on the privatisation issue in France in collaboration with academic researchers from the Network of Francophone Researcher working on the privatization of education - to contribute to the advocacy in France and at the UN.

- Partenaire : **Right to Education Initiative**
- Tuteurs : **Ana Horvatin, Roman Zinigrad**

## **Intermédiaires financiers et prédation sur les fonds souverains, une étude approfondie du cas de la dette cachée du Mozambique**

Dans les pays en développement, la question de la dette publique se pose avec d'autant plus de d'importance que souvent dans ces Etats la plupart des services publics essentiels sont défaillant voire inexistant, maintenant ainsi les populations dans la précarité et alimentant le climat de défiance et de violence politique qui sont autant d'obstacles au développement. Ce contexte est d'autant plus préoccupant que les conditions dans lesquelles sont contractées les dettes publiques externes (celle qui est contractée par les pouvoirs publics à l'égard des créanciers privés et publics étrangers) fragilisent ces Etats et les exposent aux pratiques prédatrices des opérateurs financiers privés dans un contexte de crise mondiale. Dans ce contexte, il semble nécessaire de trouver des moyens juridiques permettant de responsabiliser les marchés financiers dans la mesure où leurs pratiques ont des conséquences dramatiques sur les populations dans un contexte de tension financières graves et généralisée apparues qu'avec la pandémie de COVID-19.

- Partenaire : **Sherpa**
- Tuteur : **Pierre Farcot**

## **The legal, environmental, social and corporate path of banana as GVC**

Global Value Chains are one of the fundamental ways in which goods are produced and distributed around the world, affecting local legal systems, the environment and the distribution of wealth and power across countries. For this reason it is of the utmost importance to study how they work, particularly in the case of agricultural goods. The role of the clinic would be to provide a space to synthesize, analyze and critically evaluate the different steps that are necessary to produce bananas.

- Partenaire : **Clinique de Sciences Po**
- Tuteur : **Helena Alviar**

## **Housing justice**

The project involves work with the UN Special Rapporteur on the Right to Adequate Housing. The focus of the effort is to assist in preparing thematic and country reports to the UN, and to conduct longer term research. Housing is the frontline in the response to Covid-19 and has been one of the central social and economic issues for the most marginalized populations well before the outbreak of Covid-19. Housing justice is the framework used to develop critical analyses of the reasons that lead to housing insecurity as

well as strategies for improving it. The objective is to analyze the diverse legal, social science and planning aspects of housing like tenure arrangements, public finance, impacts of climate change, conflict and humanitarian responses, evictions and displacement, land governance mechanisms anchored in private law, as well as public law strategies for securing access to adequate housing.

- Partenaire : **UN Special Rapporteur Right to Housing / MIT**
- Tuteurs : **Jeremy Perelman, Alexia Katsiginis et Omar Kamel**