

# Human Rights Violations in Global Supply Chains

*Martin Spitzer, Vienna*

[martin.spitzer@wu.ac.at](mailto:martin.spitzer@wu.ac.at)

[www.wu.at/spitzer](http://www.wu.at/spitzer)

## Starting Point

- shifting production to countries with lower costs of production
- abuses of human rights along the supply chain

## Jurisdiction

- Article 4 Para 1 Brussels Ia Regulation: "*Subject to this Regulation, persons domiciled in a Member State shall, whatever their nationality, be sued in the courts of that Member State.*"
- forum of the defendant (*actor sequitur forum rei*)
- conclusion: jurisdiction is easily established under Art 4 of the Brussels Ia Regulation

## Applicable Law

- Article 4 Para (1) Rome II Regulation: "*The law applicable to a non-contractual obligation arising out of a tort/delict shall be the law of the country in which the damage occurs irrespective of the country in which the event giving rise to the damage occurred [...].*"
- lex loci damni
- conclusion: the law of the place of injury is applicable

## **Establishing Liability**

- 1. Piercing the corporate veil?
- 2. Attributing fault by means of vicarious liability?
- 3. Establishing wrongful conduct by the parent itself?

## Cases & Concepts

- *Chandler v Cape* (UK; duty of care)
- *Thompson v Renwick* (UK; no duty of care)
- „Loi Rana Plaza“ (France, mHRDD)
  
- *Royal Dutch Shell* (NL, joint denfendants, common law)
  
- *Kik* (GER, influence, common law)

## Legal Initiatives

- „Loi Rana Plaza“ (France, mHRDD)
- Switzerland (official draft)
- Germany (NGO draft)
  
- UN Guiding Principles on Business and Human Rights
  
- EU Legislation?
  - EU CSR-Directive
  - Competence (Art 114? 81? 50? TFEU)

## Possible Road Ahead

EU Company Law (Art 50 TFEU)  
+ Member States Tort Law  
= Accountability ?



# Human Rights Violations in Global Supply Chains

*Martin Spitzer, Vienna*

[martin.spitzer@wu.ac.at](mailto:martin.spitzer@wu.ac.at)

[www.wu.at/spitzer](http://www.wu.at/spitzer)