

Research note n° 10

Report on the Visiting Scholar Programme

Dr. Rachel Chambers

May 2026

Cláudia Alvarenga Marconi

Co-Director

Rafael de Souza Nascimento Miranda

Co-Director

Maria Júlia Barro Improta

Technical Staff

Funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the European Education and Culture Executive Agency (EACEA). Neither the European Union nor EACEA can be held responsible for them.

Address

Av. da Liberdade, 532 - Liberdade, São Paulo - Brazil

Contact Information

Call: +55 11 32722317

Email: europa@fecap.br

Instagram: [@jeanmonnetfecap](https://www.instagram.com/jeanmonnetfecap)

LinkedIn: <https://www.linkedin.com/company/coe-bhr/>

[www. Bhr.fecap.br](http://www.Bhr.fecap.br)

From May 18–20, 2026, I visited the Jean Monnet Centre at FECAP at the invitation of Cláudia Alvarenga Marconi and Rafael Miranda. The visit gave me the opportunity to engage with faculty from the Centre, students and others. During the visit I gave three lectures, which are briefly summarized in this note.

The Evolving Landscape of Business and Human Rights Litigation

This lecture introduced the *Cambridge Handbook on Litigating Business and Human Rights Violations: Themes, Perspectives, and Prospects*, co-edited with Hassan Ahmad and Ekaterina Aristova and forthcoming from Cambridge University Press. The lecture set out the background and context of the field, explained the aims and methodology of the Handbook, and identified the overarching themes that emerge from its chapters.

The lecture began by tracing the origins of corporate accountability efforts from the mid-twentieth century to the present, noting the particular focus on transnational corporations, harms in the Global South, and impacts on marginalized communities. Litigation emerged as a key accountability strategy in the 1990s, initially through US Alien Tort Statute cases and tort law claims brought in parent company home states, with many claims addressing harms that took place in the Global South. The field has since expanded considerably, with increasing attention to access to justice, power imbalances, and Global North–South dynamics, and a broader understanding of the actors, harms, and strategies involved.

The Handbook examines both the legal and socio-political dimensions of business and human rights litigation, with a focus on civil litigation initiated by affected individuals and communities. Its central question is what role litigation plays in pursuing corporate accountability and redefining the relationship between business, human rights, and the environment. The lecture discussed the Handbook's broad definition of BHR litigation – encompassing legal actions that seek accountability, remedy, and deterrence for harms to people and the environment framed as human rights issues – and its interdisciplinary approach, treating litigation not only as a legal process but also as a social and epistemic practice. Contributors were selected through a combination of invitations to established experts and an open call for underrepresented perspectives, with the aim of producing a global, balanced, and forward-looking volume. A 2025 Oxford roundtable brought contributors together to discuss themes, findings, and conceptual issues.

The lecture illustrated the Handbook's scope through example chapters, including a study of the Samarco dam disaster in Brazil, a chapter on legal activism and the role of civil society organisations in the Democratic Republic of Congo, and an analysis of corporate accountability for occupational harm following the Rana Plaza collapse in Bangladesh. Overarching themes identified across the Handbook include the absence of a binding international treaty and consequent gaps in enforcement; the diversity of legal claims available beyond traditional tort law; ongoing debates about the impact and effectiveness of litigation in changing corporate behaviour; and the uneven landscape of corporate accountability in the Global South. A concerning development noted in the lecture is the shift in some home states towards limiting the role of courts and law more generally in holding corporations accountable for human rights and environmental harms.

Transnational Business and Human Rights Litigation: Cases and Perspectives

This lecture examined transnational business and human rights litigation in depth, focusing on the structural barriers that victims face when seeking justice in foreign courts and the legal doctrines that have developed in response. The lecture introduced the concept of three veils that impede access to remedy: the corporate veil, which enables parent companies to exert influence and control across a corporate group while retaining legal separation from subsidiaries; the contractual veil, which insulates buyers from liability for harms occurring in their supply chains; and the jurisdictional veil, which reflects the territorial sovereignty of states over domestic entities and creates obstacles for claimants seeking to bring cases in the home state of a parent company. The lecture considered arguments in favor of overcoming these veils, including that doing so brings within the frame of judicial consideration the parent company's acts of supervision, management, and control that may have been instrumental in the harm suffered, and that home state litigation offers access to remedy where adjudication or enforcement is unavailable in the host state – a concern reflected in UNGP Principle 26.

The lecture traced the development of the English case law on direct parent company liability, from *Lubbe v. Cape Plc.* (2000) through *Chandler v. Cape Plc.* (2012), which established a four-part test, to the Supreme Court decisions in *Vedanta Resources Plc. v. Lungowe* (2019) and *Okpabi v. Royal Dutch Shell* (2021), which adopted a more flexible, fact-sensitive approach. The doctrine has since extended to value chain cases, including *Hamida Begum v. Maran (UK) Limited* (2020), *Josiya v. British American Tobacco* (2021), and the Court of Appeal's 2024 decision in *Limbu v. Dyson Technology*. The lecture also discussed the spread of direct liability doctrine to other jurisdictions, including the Netherlands, Germany, and Canada, before turning to the rise and decline of the Alien Tort Statute in the United States. The lecture traced the Supreme Court's progressive narrowing of ATS jurisdiction through *Kiobel v. Royal Dutch Petroleum* (2013), *Jesner v. Arab Bank* (2018), and *Doe v. Nestlé USA* (2021), with judgment still awaited in *Doe v. Cisco* on the question of aiding and abetting liability.

The final section of the lecture examined alternatives to tort litigation, including consumer protection and investor cases in the United States and cases brought under human rights due diligence laws in France. Consumer cases discussed included *Myers v. Starbucks*, in which claims that hot cocoa was deceptively marketed as ethically sourced despite child slave labour in the cocoa supply chain were settled in 2022, and *Corporate Accountability Lab v. Hershey and Rainforest Alliance*, which challenged the use of sustainability certification labels and also resulted in settlement. *In re: Vale SA Securities Litigation* illustrated the use of securities fraud claims arising from misleading statements about dam safety management. The lecture concluded with the first damages award under the French Duty of Vigilance Law – *ActionAid France, Sherpa, Petrol-Is and 81 former employees v. Yves Rocher* – concerning the dismissal of workers who sought to unionize in a Turkish subsidiary, and invited participants to weigh the pros and cons of transnational litigation from the perspectives of plaintiffs, home states, host states, and companies.

Business and Human Rights in the United States

This lecture surveyed the landscape of business and human rights law and regulation in the United States, drawing on data from the Business and Human Rights Centre's US Corporate Human Rights Index. The lecture began by noting a significant shift in context under the current administration: the dismantling of federal human rights infrastructure, including the elimination of the State Department's business and human rights team, the removal of USAID programmes, and cuts to Department of Labor international programmes, has left US companies less equipped to navigate supply chain human rights risks. Domestic deregulation – including proposed cuts to over sixty labour rights regulations, the Unleashing American Energy executive order, and the fast-tracking of extractive industry development – has increased risks to workers, communities, and Tribal Nations. The lecture also flagged the chilling effect of legislation criminalising protest at pipeline and infrastructure sites and the AI Action Plan's prioritisation of growth over rights as further dimensions of the shifting context.

The lecture then surveyed the principal US laws currently in force in the BHR field. In the area of disclosure and transparency, these include the California Transparency in Supply Chains Act 2010, sections 1502 and 1504 of the Dodd-Frank Wall Street Reform and Consumer Protection Act 2010 – which require human rights due diligence reporting for companies sourcing conflict minerals from the Democratic Republic of Congo – and the Corporate Transparency Act of 2021, though enforcement of the latter has largely been suspended since March 2025. On import bans, the lecture examined section 307 of the Tariff Act of 1930, which prohibits the importation of goods made wholly or in part using forced labour and has served as a model replicated in Canada, Mexico, and the European Union, and the Uyghur Forced Labor Prevention Act 2021, which creates a rebuttable presumption that goods mined, produced, or manufactured in China's Xinjiang Uyghur Autonomous Region were made with forced labour. Since the UFLPA came into effect, over 41,000 shipments with a collective value of nearly four billion dollars have been detained by US Customs and Border Protection. The lecture also discussed export control regulation and sanctions as additional legal tools, including the use of the Entity List and Global Magnitsky Act authorities.

The lecture concluded by examining proposed US legislation – including New York State's Fashion Sustainability and Social Accountability Act and the Alien Tort Statute Clarification Act, introduced in the Senate in 2022 to reverse the Supreme Court's extraterritoriality holdings in *Kiobel* and *Nestlé* – and the US National Action Plan on Responsible Business Conduct, updated in March 2024. The NAP represents the culmination of significant progress in US engagement with the BHR agenda, with priority areas including advisory committees, procurement, and remedy.

The overall picture, however, is one of a country that made considerable strides as both an instigator of BHR laws and a site for litigation, but now faces a challenging environment marked by legal rollback. The lecture nonetheless noted signs of resilience: major companies are largely maintaining their human rights policies and commitments on paper, and some are actively defending human rights-related regulations against lobbying efforts to roll them back.

ABOUT THE AUTHOR

Dr. Rachel Chambers is an Assistant Professor of Business Law at the University of Connecticut School of Business and Director of the UConn Business and Human Rights Initiative.

Dr. Chambers' research centres on corporate accountability mechanisms. Her doctorate in law from the University of Essex considers the challenges of using extraterritorial solutions to address corporate human rights violations. In current projects, she investigates corporate human rights litigation and the accountability potential of laws mandating human rights disclosure and due diligence by corporations. She is widely published in peer-reviewed journals and is a co-editor of *The Cambridge Handbook on Litigating Business and Human Rights Violations: Themes, Perspectives, and Prospects*. Dr. Chambers' background is in the practice of law as a Barrister (England and Wales). She practiced in employment and discrimination law for a decade at Cloisters Chambers, London. She has worked as a consultant for organisations including the UN Global Compact and Amnesty International. From 2021-2026, she co-directed the Teaching Business and Human Rights Forum. She is Book Reviews Co-editor of the *Business and Human Rights Journal* and she co-edits the Springer book series, *Business, Human Rights and the Environment*.

