

Risk & Resilience Quarterly

Insight on human rights & sustainability strategy

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Welcome to the second edition of Risk & Resilience Quarterly, a collection of insightful publications designed to help organizations navigate the increasingly complex landscape of sustainability and human rights challenges.

This issue highlights pieces on due diligence in **conflict-affected and high-risk areas**; sanctions-related **human rights litigation** in the United States; the implications of recent **OECD National Contact Point** specific instances; business and human rights in the **defense sector**; child rights and **data centers**; the **regulatory landscape** in the EU and UK; and a paper on the uncertain **standard of care** underpinning business and human rights tort litigation.

Recent Publications

The Legal Dimensions of Heightened Human Rights Due Diligence

The spread of conflict and political instability worldwide presents multiple business challenges, including operational, legal, and brand risks. Responsible business in conflict-affected and high-risk areas (CAHRAs) requires heightened human rights due diligence. In addition, CAHRAs pose critical legal nuances for companies to consider in conducting due diligence. This piece focuses on key legal considerations for companies conducting hHRDD, including (i) the substantive law underlying the hHRDD process; (ii) compliance with other legal standards and regulations; (iii) practical integration into risk-management protocols; and (iv) disclosure.

[Read more](#)

Sanctions and Civil Remedies for Human Rights Abuse: Novel US Liability after *Chiquita* and *Kashef*

Over the last decade, corporate human rights litigation against companies has evolved at a rapid pace. In the United States, two recent landmark jury verdicts—*In re Chiquita Brands International* and *Kashef v. BNP Paribas*—suggest an alternate route to corporate human rights liability in US courts drawing on human rights-related sanctions violations. This piece highlights the implications of the two cases for corporate human rights liability, potentially opening the door to an array of civil claims leveraging underlying compliance failures.

[Read more](#)

Intertwining Legal & Voluntary Sustainability Disputes: Implications of SHEIN

OECD National Contact Points (NCPs) have traditionally provided a non-legal forum to resolve sustainability-related disputes with reference to the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct. In the wake of proliferating mandatory sustainability due diligence regulation, however, their findings may have increased legal weight, since NCPs interpret terms—including international human rights and due diligence expectations—that are the wellspring of emerging law. This piece explores the implications of a recent French NCP decision concerning SHEIN regarding the evolving interplay of legal and voluntary sustainability standards.

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Business and Human Rights in the Defense Sector: The Demand for Due Diligence

There is a growing expectation that defense companies conduct human rights due diligence across their operations and supply chains. Increasing regulatory and policy scrutiny—including export controls, arms transfer frameworks, and emerging due diligence laws—requires companies to assess and mitigate risks that their products could contribute to human rights abuses. This piece outlines practical steps companies can take to integrate human rights considerations into compliance systems, including supply chain assessments, customer and end-use screening, and contractual safeguards. These measures can help companies manage legal, regulatory, and reputational risk as oversight of the defense sector continues to expand.

[Read more](#)

AI Data Center Expansion Poses High Risk of Child Labor Issues

This article explains the human rights risks associated with the rapid expansion of AI data centers, particularly the potential for child labor in construction and related supply chains. Large-scale projects often rely on subcontractors, labor brokers, and overnight or hazardous work—conditions that have contributed to a recent rise in child labor violations in the US. Companies should apply robust child-rights due diligence, including contractor oversight, risk assessments, and grievance mechanisms. Taking these steps can help mitigate legal, reputational, and operational risks while ensuring that AI infrastructure development does not come at the expense of children's rights.

[Read more](#)

Defining ‘Human Rights Harm’ in Practice: The Uncertainty Underpinning Business and Human Rights Tort Litigation

Chapter to be published in *The Cambridge Handbook on Litigating Business and Human Rights Violations: Themes, Perspectives, and Prospects*, forthcoming 2026.

This draft chapter examines a central challenge in corporate human rights accountability: the uncertain legal standard of care. While transnational tort litigation—particularly framed as negligent risk management—is increasingly important in holding companies liable for extraterritorial human rights harm, a legal and certain standard of care for the reasonable business remains elusive. This chapter explores the underlying challenge in developing such a standard with reference to the government focus of international human rights law, which makes defining ‘human rights harm’ for corporate risk-management systems a national law exercise. As a result, the remedies offered by business and human rights litigation will remain limited until there is an authoritative method for determining what constitutes a corporate wrong under international human rights law.

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Green Claims: Regulatory and Litigation Focus Intensifies in the EU and UK

Regulators and courts in the EU and UK are increasingly scrutinizing environmental or ‘green’ marketing claims, making 2026 a pivotal year for enforcement against greenwashing. New EU rules, particularly the Empowering Consumers for the Green Transition (ECGT) Directive, will impose stricter requirements for substantiating environmental claims and restrict the use of vague terms, sustainability labels, or product names suggesting environmental benefits without solid evidence. At the same time, enforcement activity and litigation risk are rising in both jurisdictions as regulators and private claimants challenge misleading or insufficiently supported claims. This piece highlights how companies marketing products with environmental attributes should carefully review and substantiate their claims to mitigate regulatory and litigation risks.

[Read more](#)

Regulatory Landscape in the EU and the UK: Key Considerations for 2026

There are major regulatory developments that businesses should monitor in the EU and UK in 2026. Companies will face an increasingly complex regulatory environment as EU initiatives aimed at competitiveness and sustainability evolve while the UK continues to pursue regulatory autonomy following Brexit. Key areas of focus include sanctions and export controls, chemicals and environmental regulation, business and human rights, AI and digital regulation, competition law, and financial crime enforcement. This piece highlights how companies operating across both jurisdictions should closely track these developments to manage compliance risks and take advantage of emerging regulatory opportunities.

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