

Access to Judicial Remedy

Ensuring Redress for Victims of
Corporate Related Human Rights Abuses



European Coalition
for Corporate Justice



Introduction

As corporations have gained increasing power and rights in the global marketplace, they have also been immunized from responsibilities and accountability. Nowhere is this more damaging than in the judicial system where threats to mechanisms that afford legal remedy to victims of corporate related human rights abuses have increased alarmingly.

Regressive developments in the United States, United Kingdom, and European Union countries will make it even more difficult for some of the most vulnerable populations in the world to access justice. In countries where courts are corrupt, biased, other significant barriers to justice exist, or where corporations are heavily aligned with governments, the best and often only available option for attaining remedy is for victims of corporate related human rights to seek redress in corporations' home states.

This Project will affirm that, as part of the State duty to protect human rights, States must ensure that victims have access to judicial remedy in their jurisdictions. The report will further identify feasible opportunities to ensure that such remedy is accessible in the United States, United Kingdom, and European Union.

Objectives

1. Identify achievable and effective solutions and recommendations of how to improve access to judicial remedy in corporate home states.
2. Develop a report that includes analysis and legal argumentation to back such recommendations.
3. Consider options that could inform long term NGO strategy.
4. Facilitate the NGO strategy process.

Timeline

This project will commence in March 2013 and will be completed over a six-month time frame.

March – April: Mapping and Research

May 15: E.U. Consultation, Brussels

TBD: U.K Consultation, London

June 20: U.S. Consultation, Washington D.C.

September: Report Launch

Methodology

This project seeks to build on existing work that exposes common barriers to judicial remedy in home states of corporations for victims of human rights abuses. This project will then identify the most feasible solutions and recommendations to improve access to judicial remedy in the United States, United Kingdom, and certain European countries.

We will:

- Map existing research.
- Convene consultations with subject matter experts in each jurisdiction to learn more about feasible solutions.
- Facilitate meetings with NGOs to discuss long-term strategy, set policy goals, and develop ideas for future collaboration.
- Publish a report that identifies the most feasible policy solutions for each jurisdiction. The report will function both as guidance for States and an advocacy tool.
- Assist partner NGOs in implementation of the report's recommendations.

About our coalitions

The **International Corporate Accountability Roundtable (ICAR)** is a coalition of human rights, environmental, and labor groups that a coalition that creates, promotes and defends legal frameworks to ensure businesses respect human rights in their global operations.

For more information, contact Katie Shay:
Katie@accountabilityroundtable.org

The **European Coalition for Corporate Justice (ECCJ)** promotes corporate accountability by bringing together national platforms of civil society organizations (CSOs) including NGOs, trade unions, consumer advocacy groups and academic institutions from all over Europe.

For more information, contact Filip Gregor:
filip.gregor@eps.cz

The **Corporate Responsibility Coalition (CORE)** is an authoritative and influential network of NGOs, academics, trade unions and legal experts which brings together the widest range of experience and expertise on UK corporate accountability in relation to international development, the environment and human rights. Our aim is to reduce business-related human rights and environmental abuses by making sure companies can be held to account for their impacts both at home and abroad, and to guarantee access to justice for people adversely affected by corporate activity.

For more information, contact Marilyn Croser:
coordinator@corporate-responsibility.org

Experts

Professor Gwynne Skinner, U.S. Expert, directs the International Human Rights Clinic at Willamette University. Professor Skinner has several years' experience litigating human rights cases under the Alien Tort Statute. She and the Clinic recently filed the cases *Hamad v. Gates, et al*, and *Ameur v. Gates, et al*, which allege violations of international law on behalf of two former Guantanamo Bay detainees. She was also counsel in the case of *Corrie et al v. Caterpillar*, an ATS case regarding corporate liability for violations of human rights in the Occupied Palestinian Territory. Her scholarly research primarily focuses on issues related to human rights litigation in U.S. courts and the role of customary international law in domestic courts.

Professor Olivier De Schutter, EU Expert, has been the UN Special Rapporteur on the Right to Food since May 2008. He teaches at the Catholic University of Louvain and at the College of Europe (Natolin). Between 2002 and 2006, he chaired the EU Network of Independent Experts on Fundamental Rights, a high-level group of experts, which advised the European Union institutions on fundamental rights issues. From 2004 -2008, he was the General Secretary of the International Federation of Human Rights (FIDH) on the issue of globalization and human rights. Prof. De Schutter's most recent book is *International Human Rights Law* (Cambridge Univ. Press, 2010).

Professor Robert McCorquodale, U.K. Expert, is the Director of the British Institute of International and Comparative Law in London. He is also Professor of International Human Rights and former Head of the School of Law at the University of Nottingham. Professor McCorquodale's research and teaching interests are in the areas of public international law and human rights law. He was published widely on these areas and has provided advice to governments, corporations, international organizations, non-governmental organizations and peoples concerning international law and human rights issues, including advising on the drafting of new constitutions and conducting human rights training courses.

Andie Lambe, Civil Society Representative, was the founding Director of Reprieve, which provides legal representation to impoverished individuals facing the Death Penalty. She is the former Director of the Ending Impunity program at Global Witness, where she worked to break the link between natural resources, corruption, and conflict. Andie's focus in the Access to Judicial Remedy Project will be to bring context to the recommendations by showing the perspective of individuals who have faced or overcome barriers to judicial remedy for corporate related human rights abuses.