



STRICT EMBARGO: SUNDAY 1 DECEMBER 2013

2259 GMT (1759 EST / 2359 CET)

Justice denied for victims of corporate human rights abuse

-Situation has worsened over last two years, despite international commitments

Victims of human rights abuses caused by multinational companies are unable to access justice, despite government commitments to action made over two years ago, according to a major new report released ahead of the UN Annual Forum on Business and Human Rights in Geneva.

The Third Pillar: Access to Judicial Remedies for Human Rights Violations by Transnational Business, published by NGO coalitions in Europe, the UK and the US shows that despite guarantees set out in human rights law, major barriers remain to bringing court cases against corporates in the countries where they are based.

The report reveals that costs, complex corporate structures and inflexible laws are preventing cases from reaching the courts in Europe and the US, even when it proves impossible to proceed with cases in the country where the abuses occurred.

In 2011, governments agreed in principle that victims should have 'access to remedy' when they suffer human rights abuses at the hands of irresponsible companies. Under the UN Guiding Principles on Business and Human Rights, the onus is on governments to implement this commitment.

Despite widespread allegations of serious corporate misconduct, frequently involving low-paid workers and vulnerable communities, court cases against companies remain rare. The new report surveys France, Germany, The Netherlands, Switzerland, the UK, the US and Canada. In all cases, it shows that governments are failing to act and that in the UK and the US, recent developments have made access to the courts more difficult than ever.

Over the last 20 years, UK law firm Leigh Day has secured settlements for claimants in cases linked to multinational companies concerning torture in Peru, mercury poisoning in South

Africa, environmental damage in Colombia and toxic waste dumping in Cote d'Ivoire. All the cases have involved multiple claimants and extensive overseas investigations.

But changes introduced as part of the 2012 Legal Aid Act have made it far more difficult to cover the costs of this complex litigation, and the firm has found itself forced to turn down a number of potential cases.

At the same time in the US, in a case brought against oil firm Shell by a group of Nigerians, the Supreme Court recently overturned decades of precedent when it ruled that corporations could not be sued for violating international human rights law. Since then, lower US courts have relied on the ruling to dismiss human rights cases against multinationals, including Rio Tinto and private military security firm CACI.

Marilyn Croser from the UK Corporate Responsibility Coalition commented, "This report should be a wake-up call for the UK government. If it wants to show that it's serious about business and human rights, then it must act to improve access to justice and review and reverse the retrograde measures introduced in 2012. Otherwise victims of corporate abuse will simply have nowhere to turn."

Jerome Chaplier from the European Coalition for Corporate Justice said, "The European Commission has made a commitment to implementing the UN Guiding Principles on Business and Human Rights. Central to this must be legislative reforms designed to open courts in the EU to victims of transnational human rights violations who cannot access justice in their own countries."

Katie Shay, Legal and Policy Associate at the US-based International Corporate Accountability Roundtable said: "The global reach and influence of US companies undoubtedly brings benefits for many. However, irresponsible companies must not be allowed to operate with impunity. The US courts have a proud history of delivering justice for Holocaust survivors and torture victims; they must not close the door to victims of corporate abuse."

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