While many multinational companies operate easily across national borders, many people who suffer human rights abuses at the hands of companies struggle to access judicial remedies, allowing those companies to operate with impunity.

Business & Human Rights Resource Centre’s Corporate Legal Accountability Annual Briefing provides an overview of corporate legal accountability for human rights, summarising trends and developments in this field since our first Annual Briefing in June 2012.

The goal of the Annual Briefing is to help a wide audience understand what has been happening in different parts of the world (full briefing is available here). First, it examines global trends in corporate legal accountability such as barriers to accessing judicial remedies; extraterritorial jurisdiction, i.e., whether courts in companies’ home countries can regulate the companies’ impacts abroad; threats faced by human rights advocates; and the role of lawyers in business and human rights. Second, the briefing provides an overview of regional developments in corporate legal accountability. Third, it reviews the current status of Alien Tort Claims Act (ATCA) litigation following the US Supreme Court’s decision in Kiobel v. Shell. Fourth, the briefing looks ahead at emerging issues in corporate legal accountability. Fifth, it concludes with recommendations for companies, governments, lawyers advising companies and victims’ advocates.

Victims of business-related human rights abuses continue to face many barriers when seeking judicial remedies for abuses such as torture & ill-treatment, killings and rape & sexual abuse. These barriers include denial of access to judicial remedy due to ethnic, racial or gender discrimination; difficulty of “piercing the corporate veil” to hold parent companies accountable for subsidiaries’ actions; inadequate resources for prosecutors and investigators; and the lack in many countries of an option to pursue claims as a large group (collective or class actions). The issue of extraterritorial jurisdiction also limits remedies that victims of abuse may seek against companies in their home countries.

The briefing reviews the US Supreme Court’s decision in Kiobel v. Shell. This decision dealt a major blow to ATCA – a statute that has been a vital tool for human rights advocates for three decades. The decision significantly narrows human rights cases that can be brought under ATCA based on abuses outside the United States. The briefing reviews steps by human rights advocates to seek other venues, post-Kiobel, for legal remedy such as courts in other countries where companies are headquartered, e.g., continental Europe, as well as US state courts. They are also turning increasingly to the courts in countries in the global South where many abuses occur, but these courts often are terribly under-resourced and/or lack independence, so are unable to provide adequate remedies for abuses such as torture, dispossession from lands, and pollution causing deadly illness.

Human rights defenders often face threats aimed at silencing their work, such as counter-lawsuits by companies aimed at derailing human rights defenders’ work; threats of death, arrest or physical harm; and technological threats to privacy and confidentiality.
Increasingly bar associations, law societies and individual law firms are starting to address how lawyers can and should incorporate human rights in their advice to business clients. The American Bar Association has endorsed the UN Guiding Principles on Business and Human Rights. The Law Society of England and Wales has established a practitioners’ advisory group to inform the Law Society’s work with regard to business and human rights, with an aim to providing advice to the legal profession. Guidance is already available from Advocates for International Development (A4ID), and Shift has organised “Workshops for Lawyers on the UN Guiding Principles”.

The Annual Briefing also reviews legal developments in particular cases and countries, with links to our case profile and/or further materials about each lawsuit. This overview of regional developments covers lawsuits regarding alleged abuses in the following countries:

**Africa**
- Côte d’Ivoire
- Dem. Rep. of Congo
- Gabon
- Kenya
- Nigeria
- South Africa
- Tanzania

**Americas**
- Argentina
- Brazil
- Chile
- Colombia
- Ecuador
- Guatemala
- USA

**Asia/Pacific**
- Bangladesh
- Cambodia
- China
- India
- Indonesia
- Papua New Guinea
- Philippines

**Europe**
- France
- Russia

**Middle East & North Africa**
- Iraq
- Israel/Palestine
- Libya
- Qatar
- Syria

The companies involved in these lawsuits include:

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Looking ahead, we expect to see further efforts to use criminal law (domestic and international) to hold businesses accountable for human rights abuses. In addition, human rights NGOs and legal groups are paying increasing attention to the role of law and lawyers in tax avoidance, and its impact on human rights.

Advocates working to hold companies accountable for human rights abuses, and victims seeking effective remedies, continue to face tremendous challenges. While some progress has been made in some countries, much remains to be done. The lack of overall progress supports the arguments of many that governments and companies applying the UN Guiding Principles have not prioritised the access to remedy pillar of the “Protect, Respect and Remedy” framework that forms the basis of the Guiding Principles. For the rights of victims of abuses involving companies to be realised, and for all companies to face a level playing field on human rights issues, governments, lawyers, and companies must do more to ensure that these victims have access to enforceable remedies.