



UNIVERSITÀ DEGLI STUDI DI MILANO
FACOLTÀ DI GIURISPRUDENZA

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**ACCESS TO JUSTICE AS A MEANS FOR
PROTECTING HUMAN RIGHTS:
FROM STATE RESPONSIBILITY TO
CORPORATE ACCOUNTABILITY**

ACCESS TO JUSTICE

“The principle whereby a civil claim must be capable of being submitted to a judge ranks as one of the universally recognized fundamental principles of law; the same is true for the principle of international law which forbids the denial of justice”

(ECtHR, Golder v. United Kingdom, 22410/93, 21 Febr. 1975).



EFFECTIVE REMEDY(Art. 2.3 ICCPR)

(a) [..] any person whose rights or freedoms as herein recognized are violated shall have an effective remedy [..]

(b) [..]any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy.



SRSG GUIDING PRINCIPLES:

ACCESS TO REMEDY

- i. STATE-BASED JUDICIAL MECHANISMS
- ii. STATE-BASED NON-JUDICIAL MECHANISMS
- iii. NON-STATE-BASED GRIEVANCE MECHANISMS



ALIEN TORT STATUTE (28 U.S.C.§1350)

“The district courts shall have original jurisdiction of any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States”

Kiobel v. Royal Dutch Shell (621 F.3d 111 - 2d Cir. Sept. 17, 2010)



REGULATION (EC) NO. 44/2001

Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters

Proposal for a Regulation of the European parliament and of the council on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters – European Commission – 14 October 2010



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