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Access to Justice as a Means for Protecting Human Rights: From state responsibility to corporate accountability

Access to justice represents a fundamental means for protecting human rights affected by business activities. The current presentation, carried out from the international law perspective, aims to assess whether access to justice by victims of corporate abuses is efficient at the international level.

According to the UNSRSG Guiding Principles, States must take appropriate steps to ensure that victims have access to effective remedy as part of their duty to protect against business-related human rights abuses. Access to remedy is accomplished through judicial, administrative and legislative measures, judicial, non-judicial, non-compliance, and grievance procedures.

In this framework, the analysis considers the international case-law developed on State responsibility, the recent and evolving US case-law on corporate responsibility, the current review of EC Regulation no. 44/2001 ('Brussels I'), and the new version of the OECD Guidelines. Based on these investigations, an assessment of the available international and domestic remedies follows, with the aim of appraising their pros and cons, and expressing an overall evaluation on access to justice in cases of corporate abuses.