

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Who does the law protect? New book by Amnesty International calls for radical change to ensure corporate accountability and the right to an effective remedy

Amnesty International has today launched [*Injustice Incorporated: Corporate Abuses and the Human Right to Remedy \(Injustice Incorporated\)*](#).¹ The book aims to advance the right to remedy for victims and survivors of corporate human rights abuses. It focuses not just on challenges but on solutions. It provides a manifesto for change; a call to use the law to empower people and to redress the dangerous imbalances that have resulted from the failure to ensure corporate accountability.

Victims of human rights abuses frequently face significant challenges when seeking remedy. These difficulties are even greater when multinational corporations have perpetrated those abuses. The global nature of multinational companies, and their political and financial power, raise very specific challenges for the right to effective remedy. Current law and policy does not adequately address these particular obstacles.

Injustice Incorporated examines what happens when poor communities confront powerful multinational corporations in an effort to secure justice. It focuses on four emblematic cases of corporate abuse to expose how their political and financial power, intertwined with specific legal obstacles, allows companies to evade accountability and deny the right to remedy. It highlights, in particular, the difficulties of seeking remedy in the home State of a multinational for human rights abuses committed by its operations in another State. Through these cases, the book identifies and discusses three key obstacles: legal hurdles to extraterritorial action, lack of information and corporate-State relationships. The book makes specific recommendations to remove each of these obstacles, calling for legal, policy and practical change.

The four cases studies examined in the book are:

- **Trafigura:** The 2006 dumping of toxic waste in Abidjan, Côte d'Ivoire (in violation of Dutch and European Union law).
- **Bhopal:** The 1984 gas leak and continuing environmental contamination.
- **Omai:** The 1995 failure of the waste containment system at the Omai gold mine in Guyana.
- **Ok Tedi:** The 1984 failure of the waste containment system at the Ok Tedi gold and copper mine in Papua New Guinea and continuing environmental contamination.

In these cases, some of the poorest people in the world have taken on some of the most powerful. They have done this despite their health being impaired and their livelihoods being destroyed. No one would contest that they have suffered serious abuses. In none of the cases is there any suggestion that corporate operations were not involved in the harm suffered. And yet, in every case, companies have used legal fictions and political power to evade meaningful accountability and deny people remedy. The heroism of people who have struggled to achieve a remedy is – when examined – overwhelming. The failure of States is stark.

The book concludes that, to address these obstacles, certain widely held legal doctrines and presumptions must be challenged. Greater attention must be paid to how people are enabled and empowered to use the law to achieve justice. More cooperation between States is required. This includes not only sharing of information and technical and financial resources but also cooperation in

¹ www.amnesty.org/en/library/info/POL30/001/2014/en.

terms of ensuring corporate accountability and people's access to remedy. States must also be more transparent in their relationships with corporations.

The majority of what is proposed in the book is an expansion or scaling up of existing models. It is radical but only in that it proposes that what has been shown to work sometimes should be made to work systematically to protect human rights.

Injustice Incorporated makes proposals for change in three core areas: legal hurdles to extraterritorial action, lack of information and corporate-State relationships. It calls for legal and policy change to make it easier to hold parent companies responsible for human rights abuses arising in their global operations. It calls for significant improvements in the disclosure of information about corporations and their human rights impacts, particularly when handling toxic substances. It also addresses some of the more problematic aspects of corporate-State relationships, including by calling for disclosure of all government meetings with companies.

Injustice Incorporated is the start of Amnesty International's long-term focus on securing legal and policy change to significantly improve access to justice for corporate human rights abuses. Within this context, Amnesty International will also engage with the European Union (EU) to ensure measures are taken to address existing hurdles to access to justice (for example in the area of jurisdiction relating to civil and commercial disputes in EU member states' courts); and seek to strengthen and ensure legislation to protect people from corporate human rights abuses.

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