



## **Righting the Wrong: Challenges and opportunities in seeking criminal accountability for corporate human rights abuses in Asia**

**2016 UN BUSINESS AND HUMAN RIGHTS ASIA REGIONAL FORUM SIDE SESSION**

**April 19, 14:30-16:00**

Co-organizers: The International Corporate Accountability Roundtable (ICAR), Amnesty International, the American Bar Association Center for Human Rights (CHR), and the International Commission of Jurists (ICJ)

### **Panelists:**

- Daniel Aquirre (International Commission of Jurists, Myanmar/Burma)
- Monika Mehta (American Bar Association Center for Human Rights, USA)
- Sor Rattanamane Polkla (Community Resource Centre, Thailand)
- Tanzir Mannan (Khandakar Mannan & Associates, Bangladesh)
- Lucy Graham (Amnesty International, UK)
- Sophia Lin (International Corporate Accountability Roundtable, USA) (Moderator)

### **Aims and objectives:**

- Discuss challenges in pursuing criminal accountability for human rights abuses caused or committed by corporate actors (“corporate human rights crime”), including individuals and the corporate entity;
- Discuss challenges and retaliation faced by those pursuing accountability for corporate human rights crimes;
- Share experiences in engagement with government actors, including prosecutors and investigators, concerning corporate human rights crimes;
- Share and explore strategies and criteria to successfully bring about criminal prosecution of corporate actors involved in corporate human rights crimes;
- Share and explore strategies and criteria to successfully bring about judicial reform and enforcement of the rule of law with respect to corporate human rights crimes;
- Present the findings and major outcomes of Amnesty and ICAR’s Commerce, Crime, and Human Rights Project;

- Discuss opportunities for future collaboration in ensuring accountability for corporate human rights crimes.

**Format:** Short remarks by panel followed by a moderated roundtable discussion.

**Key discussion questions/points for presentation:**

- What are the key challenges in investigating, prosecuting, and bringing law enforcement attention to corporate human rights crime cases? What strategies have been employed to achieve criminal accountability? What measures, actions, and resources may be necessary to do so?
- What is required to better ensure protection of victims, whistle-blowers, investigators, prosecutors, and human rights defenders seeking to hold corporate actors criminally accountable?
- How can the international community better collaborate to improve the investigation and prosecution of corporate human rights crimes in Asia?

**Brief background:**

On 26 February 2014, ICAR and Amnesty International launched a joint project entitled “Commerce, Crime, and Human Rights.” The project was launched in recognition of the fact that companies are rarely held legally to account when they engage in illegal acts linked to human rights abuses (“corporate crimes”). The overall objective is to identify and address challenges in prosecuting companies involved in corporate crime. To achieve this, the Project team has been conducting global consultations with civil society groups, legal experts, prosecutors, and investigators to understand their experience and strategy in pursuing corporate actors for corporate crimes. Collectively, these discussions will feed into the development of a set of principles aimed at enabling investigators and prosecutors to improve the investigation and prosecution of corporate crimes. The Principles are expected to be officially launched in September 2016.

The ABA Center for Human Rights has two main projects focused on business and human rights. The [Business and Human Rights Projects](#) focuses on implementing UN Framework and Guiding Principles on Business and Human Rights through the legal profession. [The Justice Defenders \(JD\) Program](#) provides pro bono legal assistance to human rights defenders facing retaliation for their work. Many of the defenders that the Justice Defenders Program works with, are ones facing retaliation for trying to hold corporate actors accountable for human rights violations. The JD Program is able to provide strategic advice, legal analyses, expert declarations, amicus briefs, and trial observations depending on the needs of a particular case.

The ICJ works to promote national and international law, setting standards of acceptable business behaviour; and supports the establishment of accessible justice and accountability mechanisms. In doing so, the ICJ works to ensure that companies meet their obligations, to guarantee justice and remedies for victims of corporate abuse and develop legal standards at the national and international level. To achieve those aims, the ICJ works at two levels: The clarification, or development, of international human rights standards applicable to business and governments in relation to business activity; and the creation, or development, of appropriate mechanisms to afford effective redress to those whose rights have been infringed by harmful business conduct.