



More justice for victims of business-related human rights abuses



While businesses can have an impact on human rights, victims may struggle to find justice despite various initiatives to improve respect for rights. The latest Opinion from the European Union Agency for Fundamental Rights (FRA) examines the various difficulties victims may face when seeking access to justice. It also suggests what the EU can do to increase access to remedies for victims.

Businesses, their subsidiaries and suppliers in what they do or do not do can affect the rights of workers, clients and the public. This can infringe workers' rights, the right to privacy, be discriminatory, can lead to ill-health, or have an impact on many other human rights. Access to justice, a right in itself, can also be jeopardised. This is being increasingly recognised by European and international bodies from the UN to the Council of Europe and the EU who have developed guidance, strategies, policies, and laws.

To explore what more the EU can do, the EU Council asked the Agency to provide its [Opinion on improving access to remedies when it comes to business and human rights](#). Some of the suggestions include:

- **Making judicial remedies more accessible:** Victims often turn to courts when it comes to seeking justice. However, issues such as deciding which court to turn to, costs, the complexity and length of proceedings, can cause obstacles. To make it easier for victims, the EU should create minimum standards for legal aid and improve funding for legal support, particularly for vulnerable people such as children or people with disabilities. The burden of proof should also be shifted from victims to companies with clearer minimum standards on what evidence businesses should make accessible.
- **Supporting cross-border cases better:** As globalisation and the EU's Single Market has made cross-border business more common, it is harder for victims to seek redress from companies based elsewhere or when rights violations happen abroad. To help, the EU should provide guidance so that there is a common understanding across Member States on how to proceed with cross-border cases. This could include drawing on how environmental cases are treated, by allowing exceptions to existing rules. This would ensure high enough EU-level damages are awarded to deter businesses from abuse in countries that can be more lenient towards business.
- **Using criminal justice systems:** Although EU laws cover corporate crime in relation to business and human rights, they are rarely used. The EU should therefore promote the greater use of existing laws. This could include EU-wide data collection on complaints and compensation, training, improving the human and financial resources of law enforcement to tackle

such crime as well as guidance for victims in claiming for damages in criminal procedures.

- **Providing alternatives through non-judicial remedies:** Non-judicial mechanisms can be more accessible, quicker and cheaper. The EU should therefore strengthen such mechanisms by creating minimum standards that also allow collective redress, by establishing well-resourced national contact points to advise victims on remedies and by encouraging companies to create their own grievance mechanisms.
- **Improving transparency and data collection:** Different Member States take different approaches when it comes to access to remedies for business and human rights which makes it difficult for companies to operate and victims to seek justice. National action plans are often lacking and vague. The EU needs to encourage Member States to develop action plans that also include access to remedies and clear indicators to measure achievement. The EU should also provide information on available remedies, how they work and perform, possibly with comparative assessments and coordination across the region. This would provide greater transparency and would aid understanding among the public, legal practitioners and ultimately victims. Establishing EU-wide networks to share knowledge, guidance and best practices would also help. In addition, the EU should publish information from companies which must disclose the impact of their work on rights under EU law. It could also encourage Member States to oblige companies to systematically assess the impact on human rights of new activities as part of their planning.

This Opinion provides a range of advice on how the EU could improve access to remedies for victims of rights abuse by businesses. It aims to contribute to growing awareness of the need for the EU to do more to strengthen access to judicial and non-judicial remedies.

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