

Human Rights Centre Clinic

Understanding the impact and outcomes of strategic litigation in the home state of transnational corporations

Partner: [Amnesty International](#)

About

Amnesty International is an international non-governmental human rights organisation and a movement of over 10 million members, activists and supporters in more than 150 countries and territories. It is independent of any government, political ideology, economic interest, or religion. Amnesty International's mission is to advocate for global compliance with international human rights law, the development of human rights norms, and the effective enjoyment of human rights by all persons. To do so, Amnesty International monitors state compliance with international human rights law and engages in research, advocacy, strategic litigation, and education to prevent and end human rights violations and to demand justice for those whose rights have been violated.

Project overview

This project will examine the impact and outcomes of past and current strategic litigation pursued in the home state of respondent transnational corporations that have sought corporate civil and/or criminal accountability. This will include assessing the impacts of promoting, vindicating and ensuring effective remedies for the litigants and the tangible outcomes of several lawsuits filed against multinational companies in their home states across different jurisdictions.

Background

The Strategic Litigation Unit (SLU), located in the Law and Policy Programme of Amnesty International's International Secretariat organises, executes and manages Amnesty's strategic litigation for optimal quality and lasting impact. The SLU, as the litigation arm of Amnesty

International, brings together various and diverse thematic and geographical teams across the International Secretariat, regional offices, and in the local sections and national entities of Amnesty International to utilise the law and strategic litigation to advance the priorities of the 2022 - 2030 Global Strategy Framework. The litigation work of Amnesty International is intricately, intentionally and strategically connected with Amnesty's research, campaign and advocacy work and outputs. The strategic litigation of Amnesty International adopts common lenses of the Global Strategy Framework including centering individuals and communities at risk, intersectionality, gender-mainstreaming, anti-racism and corporate accountability including for the technological sectors.

Amnesty International's research and experiences have highlighted that often rightsholders face significant challenges when seeking redress for harm caused in part by multinational companies who commit or contribute to human rights abuses. While corporate entities can operate across the world with ease, state borders often present institutional, political, practical, and legal barriers both to corporate accountability and to redress for the plaintiffs in cases of corporate human rights abuses. This is particularly the case in circumstances where multinational corporations domiciled in countries in the Global North contribute to human rights violations in Global South countries.

Frequently, in circumstances where rightsholders do attempt to hold multinational corporations accountable in the state where the company is incorporated or registered ('home states'), they must grapple with the limitations of territorial jurisdiction which impedes their access to justice.

As Amnesty International continues to utilize strategic litigation and develop strategies to achieve its goals, it is eager to learn from the experiences of past and current cases, both civil and criminal, filed against transnational corporations in their home states. Amnesty imagines that its approaches to, development of, and planning for strategic litigation benefits extensively from this learning and assessment. Often Amnesty International's strategic litigation work involves ensuring that the specific court hearing the case against a transnational company is well-informed of the realities of litigating against the same corporation or a similarly placed corporation. It is therefore important for the research to also document the main challenges that have caused poor justice outcomes for litigants seeking to hold transnational corporations accountable in their home states and identify critical case studies that exemplify the challenges as done in a past research project.

Critically, Amnesty International is interested in documenting case studies where courts' decisions overcame these challenges to enable justice and accountability as sought by litigants and develop approaches to strategic litigation that aim to amplify the legal arguments and decisions of such courts across its work.

This research aims to build on Amnesty International's past research reports:

- [Injustice incorporated: Corporate abuses and the human right to remedy](#) (2014)

- [Creating a paradigm shift: Legal solutions to improve access to remedy for corporate human rights abuse](#) (2017)

Project output

The Strategic Litigation Team of the International Secretariat of Amnesty International will work with a project team from Essex Human Rights Centre Clinic to produce a report (totalling approximately 10,000-12,000 words) focused on the following issues:

- what types of litigation (e.g. civil, criminal) have been brought against transnational corporations in the state where they are incorporated or registered that aim to hold accountable multinational corporate entities and/or corporate actors for their contributions to human rights violations;
- what challenges are faced by litigants in bringing these claims;
- the arguments raised by applicants, respondents and/or other third party intervenors, including with respect to remedies sought, and how courts engage with these arguments;
- court decisions noting whether the outcome of the case was influenced by developing practices of other courts in this sphere, both in the home state and beyond, and whether this had a negative, positive or mixed impact on corporate accountability;
- whether the challenges identified were effectively overcome and, if so, how, and the impact they had on the decision;
- whether the decision of the Court hindered or enabled access to justice and accountability in this sphere;
- the timeframe and costs of the litigation if discussed in the case and whether there was a costs order against the litigant rights holders; and
- documenting the lessons that can be learnt in ensuring that litigation against multinational corporations yields impactful outcomes for litigant rights holders (for a consideration of how Amnesty understands impactful litigation, please see some of the initial reading proposed below).

The team will also submit a 1,000-word blog post in May 2025.

The purpose of this research is to update Amnesty International's knowledge and understanding of the challenges experienced by litigants in home state litigation, as well as the ways in which courts have responded to these challenges. The focus is on identifying any barriers to access to justice and innovative and progressive ways that have emerged to promote accountability. The report will aim to collate research available on the scope, nature, and outcome of litigation that has been brought in home states and summarise the patterns

and opportunities that have yielded successful outcomes in litigation against multinational corporations. The research is designed to inform the work of the Strategic Litigation Team in scoping possible primary cases against transnational corporations as well as identifying opportunities for the most impactful interventions. It may also form the basis of future reports or submissions aimed at presenting a comparative analysis on access to justice.

Timeline

Phase 1: November – December 2024:

- Preliminary research, understanding the project and developing the report outline.
- Identifying a list of experts or advocates for interviews and questionnaires.
- Securing ethical approval, if necessary.
- Outline and bibliography to be submitted to the partner organisation for comments.

Phase 2: January – March 2025:

- Carrying out the interviews online.
- Research and data gathering.
- Submission of the first full draft to the partner.

Phase 3: April – June 2025:

- Revision and finalising the report.
- Blog for Amnesty International, on their site or another platform, about the main findings of the project.
- Presentation of project to the partner organisation.

Initial reading

- [Amnesty International, Injustice incorporated: Corporate abuses and the human right to remedy](https://www.amnesty.org/en/documents/pol30/001/2014/en/#:~:text=This%20book%20explores%20the%20challenges,violations%20committed%20by%20State%20actors), 2014, <https://www.amnesty.org/en/documents/pol30/001/2014/en/#:~:text=This%20book%20explores%20the%20challenges,violations%20committed%20by%20State%20actors>
- [Amnesty International, Creating a paradigm shift: Legal solutions to improve access to remedy for corporate human rights abuse](https://www.amnesty.org/en/documents/pol30/7037/2017/en/), 2017, <https://www.amnesty.org/en/documents/pol30/7037/2017/en/>

- Open Society Justice Initiative, Strategic Litigation Impacts, Insights from Global Experience, 2018, [OSJI-Strategic Litigation Impacts-Insights from Global Experience-US-10-04-2018.indd \(justiceinitiative.org\)](#)
- Ebony Birchall, Surya Deva and Justine Nolan, The Impact of Strategic Human Rights Litigation on Corporate Behaviour, November 2023, https://www.freedomfund.org/app/uploads/2024/03/LitigationImpactReport_2023.pdf.
- Rachel Chambers, Is Home State Litigation the Way to Fill the Lacuna in Corporate Legal Accountability for Human Rights Violations Perpetrated in Host States?, Journal of Comparative Law, 10 June 2020, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3491271

Focal point

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