

INTRODUCTION: THE ACCOUNTABILITY AND REMEDY PROJECT ONLINE CONSULTATION

Welcome to the OHCHR's "Open Process" online consultation for the Accountability and Remedy Project.

Please take the time to read this short introductory section, which will help you get started.

This consultation forms part of the research phase for OHCHR's ongoing initiative to contribute to a fairer and more effective system of domestic law remedies, in particular in cases of severe human rights abuses. For more information about this programme of work, please click [here](#).

The Open Process online consultation is a critical part of OHCHR's research and analysis phase for this programme of work. We are grateful to you for taking the time to complete this survey. We value each and every contribution.

Consultation Aims

The aim of this online consultation is to collect information from as many jurisdictions as possible around the world about:

- How courts assess when companies will be legally liable for involvement in human rights abuses and when they will not;
- Ways to overcome the financial obstacles to legal claims;
- Current State practice and trends in relation to criminal and quasi-criminal (or "administrative") penalties;
- Current State practice and trends in relation to private law (or "civil law") remedies; and
- Actual cases involving allegations of business involvement in severe human rights abuses and their outcomes.

Completing the Questionnaire

The consultation has been designed as a simple-to-use questionnaire. Many questions can be answered with "yes" or "no" answers, or by simply clicking on multiple choice answers. Where further information is called for, you have the flexibility to add information.

You do not need to answer all the questions. You may skip sections and questions that are not relevant to you, depending on your own expertise, knowledge and interests.

Some of the questions make use of legal or technical terms. If you are unsure of the meaning of any of these terms, hover your mouse over the highlighted words to access some further guidance.

This consultation tool has been designed to relate to only one jurisdiction at a time. If you wish to provide input for more than one jurisdiction, you will need to complete a separate questionnaire for each. For respondents from federal systems, please note that this tool has been designed for federal law.

We hope that the questions and guidance are self-explanatory. However, if you have any difficulties, please contact us at business-access2remedy@ohchr.org.

Please note that the information submitted will not be attributed to you by name. At the end of the questionnaire, we ask for your contact information for research purposes only; **providing this information is voluntary**.

THANK YOU FOR YOUR CONTRIBUTION TO THIS PROJECT!

SECTION 0: PLEASE TELL US A BIT ABOUT YOUR EXPERIENCE

0.1 Please check the box that best describes you or the organisation you represent:

- Corporate lawyer (in-house or law firm)
- Prosecutor
- Public interest attorney
- Academic
- Non-governmental or civil society organisation
- Government official
- Business representative
- Individual expert
- Other (please specify)

0.2: Which domestic law jurisdiction would you like to tell us about?

0.3: Are you a licensed attorney in the relevant jurisdiction?

Note: this question is for our informational and statistical purposes only. You do not need to be licensed to practice law in the jurisdiction in order to complete this Survey.

- Yes
- No

SECTION 1: TESTS FOR CORPORATE ACCOUNTABILITY

This set of questions relate to domestic law tests for corporate legal accountability under [criminal](#), [quasi-criminal](#) and [private law](#) (also called civil law).

1.0: Do you want to answer questions relating to tests for corporate accountability under [criminal](#), [quasi-criminal](#) and [private law](#) (also called civil law)?

- Yes
- No

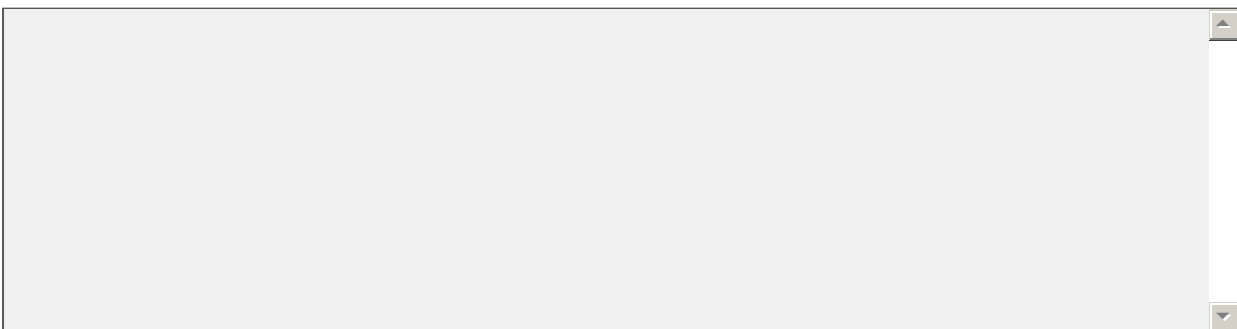
SECTION 1: TESTS FOR CORPORATE ACCOUNTABILITY - CONTINUED

1.1: General information about the extent to which serious human rights abuses are criminalized: Please review the list below and indicate which of these acts are **criminal offences in the jurisdiction.**

Note: For this question, do not be concerned about the scope of the offence or whom it might apply to. The aim is to establish the extent to which the jurisdiction have enacted laws specifically targeting international crimes and other potentially severe human rights abuses. So, for instance, if there is a crime of genocide under the laws of the jurisdiction, then simply mark “genocide” below, whether or not the crime could apply to **corporations in practice. You will be asked more questions about the extent to which these apply to corporations (as opposed to **natural persons**) in Qu. 1.2 below.**

- Murder
- Serious physical assault
- Torture** and other forms of cruel, inhuman or degrading treatment
- War crimes**
- Crimes against humanity**
- Genocide**
- Summary or **arbitrary executions**
- Enforced disappearances**
- Arbitrary and prolonged detention
- Slavery**
- Slavery like practices, including **forced labour** and **human trafficking**
- Worst forms of child labour**
- Grave and systematic abuses of labour rights
- Serious violations of workplace health and safety standards resulting in widespread loss of life or serious injury
- Large-scale environmental pollution and/or damage
- Other (a) grave and systematic and/or (b) large-scale abuses of **economic, social and cultural rights**
- Do not know / Skip

If you would like to make comments about the scope or application of any of these offences in practice, please use the box below.

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1.2: Legal liability of corporations (general): The next set of questions is about the **legal liability of corporations** (as opposed to the liability of **natural persons**) under the laws of the jurisdiction.

Do the laws of the jurisdiction provide for legal liability for corporations for **criminal and/or quasi-criminal offences? Please select the answer that best describes the legal position.**

- Yes, corporate criminal and quasi-criminal liability are always or virtually always possible
- Yes, as a general rule both criminal and quasi-criminal liability are possible, although there are exceptions
- As a general rule criminal liability is possible, but quasi-criminal liability is not
- As a general rule quasi-criminal liability is possible, but criminal liability is not
- No, criminal and quasi-criminal liability are not possible as general rule, although there are exceptions
- No, neither criminal nor quasi-criminal liability is possible
- Do not know/no information

1.3: Do the laws of the jurisdiction provide for legal liability for corporations for a **private claim under **private law** (or “civil law”)? Please tick the answer that best describes the legal position.**

- Yes, (always or virtually always)
- Yes, as a general rule, although there are exceptions
- No, not as a general rule, although there are exceptions
- No, never
- Do not know/skip

1.4: If you would like to give any further information about the legal liability of corporations under the laws of the jurisdiction (whether criminal, quasi-criminal or under private law), please use the box below.

SECTION 2: CRIMINAL AND QUASI-CRIMINAL LIABILITY: PRIMARY LIABILITY

This next set of questions relates to the **criminal** and/or **quasi-criminal** (or “administrative”) liability of corporations under the laws of the jurisdiction in cases of allegations of business involvement in human rights abuses. Note that these questions relate to cases of business involvement in human rights abuses where the corporation is the **primary perpetrator** of the offence. Section 3 relates to the potential “**secondary liability**” of a corporation in cases where the corporation is not the primary perpetrator of the offence but has contributed to the commission of the offence in some way.

2.1: Please review the list below and indicate which of these are offences for which a corporation (as opposed to a natural person) can be held criminally or quasi-criminally liable as a primary perpetrator under the laws of the jurisdiction.

In the left column, please indicate if corporate legal liability is a possibility under criminal or quasi-criminal law.

In the right column, please indicate the minimum threshold that must be met in order to establish liability.

	Is corporate criminal/quasi-criminal liability possible?	What is the minimum threshold that must be established?
Murder	<input type="text"/>	<input type="text"/>
Serious physical assault	<input type="text"/>	<input type="text"/>
Torture and other forms of cruel, inhuman or degrading treatment	<input type="text"/>	<input type="text"/>
War crimes	<input type="text"/>	<input type="text"/>
Crimes against humanity	<input type="text"/>	<input type="text"/>
Genocide	<input type="text"/>	<input type="text"/>
Summary or arbitrary executions	<input type="text"/>	<input type="text"/>
Enforced disappearances	<input type="text"/>	<input type="text"/>
Arbitrary and prolonged detention	<input type="text"/>	<input type="text"/>
Slavery	<input type="text"/>	<input type="text"/>
Slavery like practices, including forced labour and human trafficking	<input type="text"/>	<input type="text"/>
Worst forms of child labour	<input type="text"/>	<input type="text"/>
Grave and systematic abuses of labour rights	<input type="text"/>	<input type="text"/>
Serious violations of workplace health and safety standards resulting in widespread loss of life or serious injury	<input type="text"/>	<input type="text"/>

Large-scale
environmental
pollution and/or
damage

Other (a) grave and
systematic and/or (b)
large-scale abuses of
[economic, social and
cultural rights](#)

2.2: For the offences listed above, what factors are taken into account under the law of the jurisdiction to determine corporate [criminal](#) or [quasi-criminal](#) liability on the basis that the corporation either intended the harm or abuse ([mens rea](#)) or because it occurred as a result of the corporation's [negligence](#)? Please select all that you think apply.

- Intentions and actions of senior managers
- Intentions and actions of employees
- Combined intentions and actions of a group of managers or employees
- Poor corporate culture; poor or negligent supervision and management, poor policies and/or policy implementation
- Do not know/skip
- Other (please specify)

2.3: Is it possible to hold a [corporation criminally](#) or [quasi-criminally](#) liable if it is not possible to prove the criminal or quasi-criminal liability of individual managers or employees for the relevant offences (in other words, does the liability of the corporation depend on establishing the liability of individuals in the company)?

- Yes
- Yes, provided certain criteria are satisfied
- No, not as a general rule
- No, never
- Do not know/skip

2.4: Under the laws of the jurisdiction, which of the below scenarios would establish a sufficiently close relationship between a **corporation and a harm or abuse to justify a finding under **criminal** or **quasi-criminal** law that the **corporation** (as opposed to individual officers or managers or any other entity) has actually committed the harm or abuse? Please select the answer(s) that best apply, or provide alternatives under 'other', below.**

- The harm and/or abuses resulted from the corporation's business activities.
- The harm and/or abuses were associated with the corporation's business activities.
- The harm and/or abuses were a predictable consequence of the corporation's business activities.
- The harm and/or abuses were done to benefit the corporation's business activities (financially or otherwise).
- Other (please specify)

2.5: Will the ability of the corporation to show that it has exercised **human rights due diligence be taken into account in assessing that corporation's legal liability for human rights abuses under criminal or quasi-criminal law?**

- Yes
- No
- Do not know/skip

If you would like to give more information about the relevance of human rights due diligence to corporate criminal or quasi-criminal liability, please use the box below.

SECTION 3: CRIMINAL AND QUASI-CRIMINAL LIABILITY: SECONDARY LIABILITY

This set of questions relates to the potential "**secondary liability**" of a corporation for involvement in human rights abuses in cases where the corporation is not the **primary perpetrator** of the offence but has contributed to the commission of the offence in some way. Note: this kind of case is sometimes referred to as "corporate complicity".

3.1: Please review the list below and indicate the offences for which a corporation could potentially be held **criminally or **quasi-criminally** liable under the laws of the jurisdiction on the basis of that it was “**complicit**” in the offence (by virtue of having been an ‘**accessory**’ or because it had contributed to the commission of the offence in some way), even if some other person, authority or organisation was the primary perpetrator.**

- Murder
- Serious physical assault
- Torture** and other forms of cruel, inhuman or degrading treatment
- War crimes**
- Crimes against humanity**
- Genocide**
- Summary or **arbitrary executions**
- Enforced disappearances**
- Arbitrary and prolonged detention
- Slavery**
- Slavery like practices, including **forced labour** and **human trafficking**
- Worst forms of child labour**
- Grave and systematic abuses of labour rights
- Serious violations of workplace health and safety standards resulting in widespread loss of life or serious injury
- Large-scale environmental pollution and/or damage
- Other (a) grave and systematic and/or (b) large-scale abuses of **economic, social and cultural rights**
- Do not know/skip

3.2: In question 3.1, above, you indicated offences for which a corporation may potentially be criminally or quasi-criminally liable on the basis of **secondary liability. For these offences, what must generally be proved in order to establish the secondary liability of a corporation for the acts of another person, authority or organisation under the laws of the jurisdiction? Please select all that apply.**

- That the corporation (or its managers) intended the offence to occur (“mens rea”).
- That the corporation (or its managers/directors) knew that the offence was a practical certainty as a result of the acts and/or omissions of the corporation (i.e. “actual knowledge”).
- That the corporation (or its managers/directors) knew or should have known that the offence was a practical certainty as a result of the acts and/or omissions of the corporation (i.e. “actual knowledge” OR “imputed knowledge”).
- That the corporation (or its managers/directors) knew or should have known that the offence was a reasonable likelihood as a result of the acts and/or omissions of the corporation.
- That the corporation (or its managers/directors) knew or should have known that there was a reasonable likelihood of harm resulting from the acts and/or omissions of the corporation.
- The corporation (or its managers/directors) showed a reckless disregard as to the risk of harm resulting from the acts and/or omissions of the corporation.
- Other (please specify)

3.3: This question seeks to ascertain the causal relationship (or level of “proximity”) that must exist between the corporation’s business activities and the harm and/or abuse committed by a **primary perpetrator for courts to be able to establish that the corporation should be held legally liable under the private law of the jurisdiction for the harms and/or abuses at 3.1, above.**

Which of the scenarios described below would establish a sufficiently close relationship between a corporation and the harms or abuses committed by the primary perpetrator for the corporation to be held legally liable for those harms or abuses under private law theories of **secondary liability? Please select the answer(s) that you think best apply.**

- The corporation’s acts caused the harm and/or abuse to occur.
- The corporation’s acts substantially assisted the primary perpetrator in the carrying out of the harm and/or abuses.
- The corporation’s acts provided encouragement to the primary perpetrator in the carrying out of the harm and/or abuses.
- The corporation’s acts made it more likely that the harm and/or abuses would occur than otherwise.
- The corporation benefited from the harm and/or abuse (financially or otherwise).
- Other (please specify)

3.4: Will the ability of a corporation to show that it has exercised **human rights due diligence be taken into account in assessing that corporation’s secondary liability for these offences?**

- Yes
- No
- Do not know/skip

If you would like to give more information about the relevance of human rights due diligence to corporate secondary liability for criminal or quasi-criminal offences, please use the box below.

3.5: Can a corporation be liable for the acts of another person, organisation or authority, on the basis of **secondary liability, even where it is not possible to hold the **primary perpetrator criminally or quasi-criminally liable** (e.g. because of a lack of **jurisdiction** over the primary perpetrator or because of rules providing **immunity** from prosecution)?**

- Yes
- No
- Do not know/skip

If you would like to make any further comments, please enter them here

3.6: This question relates to **parent company liability for the actions of subsidiaries.**

Which of the following statements best describes the criminal or quasi-criminal liability of a **parent company for the acts or omissions of its **subsidiaries**? Please select the answer you think best describes the legal position.**

- Parent companies will automatically be liable for the acts and/or omissions of their subsidiaries
- Parent companies will automatically be liable for the acts and/or omissions of their subsidiaries in certain situations and provided certain criteria are satisfied
- The liability of a parent company for the acts and/or omissions of its subsidiaries is governed by general rules and principles of law relating to primary liability and/or secondary liability for criminal or quasi-criminal offences
- The liability of a parent company for the acts and/or omissions of its subsidiaries is governed by a special set of legal rules that apply to specific offences
- Do not know/skip

If you would like to add any further comments about the liability of parent companies for the acts or omissions of their subsidiaries under the criminal law or quasi-criminal law of the jurisdiction, please add them here.

SECTION 4: PRIVATE/CIVIL LAW: PRIMARY LIABILITY

This next set of questions relates to the primary liability of corporations under **private law** (or “civil law”).

4.1: Please review the list below and indicate which of these harms and abuses could potentially result in the legal liability of a corporation under **private law (or “civil law”) under the laws of the jurisdiction.**

In the left column, please indicate whether corporate legal liability is a possibility under private law. In the right column, please indicate what is the minimum threshold that must be met to establish liability.

Note: Causes of action under private law may not exactly reflect the categories of international and domestic crimes listed below. For instance, torture may not be covered by a specific **cause of action. Nevertheless, the acts that amount to torture are likely to be covered by other causes of action such as “assault and battery”. Similarly, “genocide” may be covered by the cause of action of “wrongful death”. Do not worry too much about the terminology. If it seems to you that elements of the behaviour covered by these descriptions could potentially result in legal liability under private law, please indicate this by ticking the relevant category.**

If you wish, you can add further comments in the box below about the extent to which these categories are addressed under the private law of the jurisdiction.

	Is corporate legal liability under private law a possibility?	What is the minimum threshold that must be met?
Murder	<input type="checkbox"/>	<input type="checkbox"/>
Serious physical assault	<input type="checkbox"/>	<input type="checkbox"/>
Torture and other forms of cruel, inhuman or degrading treatment	<input type="checkbox"/>	<input type="checkbox"/>
War crimes	<input type="checkbox"/>	<input type="checkbox"/>
Crimes against humanity	<input type="checkbox"/>	<input type="checkbox"/>
Genocide	<input type="checkbox"/>	<input type="checkbox"/>
Summary or arbitrary executions	<input type="checkbox"/>	<input type="checkbox"/>
Enforced disappearances	<input type="checkbox"/>	<input type="checkbox"/>
Arbitrary and prolonged detention	<input type="checkbox"/>	<input type="checkbox"/>
Slavery	<input type="checkbox"/>	<input type="checkbox"/>
Slavery like practices, including forced labour and human trafficking	<input type="checkbox"/>	<input type="checkbox"/>
Worst forms of child labour	<input type="checkbox"/>	<input type="checkbox"/>

Grave and systematic
abuses of labour
rights

Serious violations of
workplace health and
safety standards
resulting in
widespread loss of
life or serious injury

Large-scale
environmental
pollution and/or
damage

Other (a) grave and
systematic and/or (b)
large-scale abuses of
[economic, social and
cultural rights](#)

If you would like to make any further comments about how the above categories may be addressed under private law of the jurisdiction, please use the box below.

4.2: For the harms and abuses you indicated in question 4.1, above, what kinds of factors are taken into account by the courts to determine whether the corporation should be held liable under [private law](#) on the basis that it either intended the harm or abuse or was [negligent](#)? Please select the answer(s) that best apply.

- Intentions and actions of senior managers
- Intentions and actions of employees
- Combined intentions and actions of a group of managers or employees
- Poor corporate culture; poor or negligent supervision and management, poor policies and/or policy implementation
- Other (please specify)

4.3: Under the laws of the jurisdiction, which of the below scenarios would establish a sufficiently close relationship between a corporation and a harm or abuse for the corporation to be held responsible for those harms and abuses under the private law of the jurisdiction? Please select the answer(s) that you think best apply.

- The harm and/or abuses resulted from the corporation's business activities
- The harm and/or abuses were associated with the corporation's business activities
- The harm and/or abuses were a predictable consequence of the corporation's business activities
- The harm and/or abuses were done to benefit the corporation's business activities (financially or otherwise)
- Other (please specify)

4.4: Will the ability of the corporation to show that it has exercised human rights due diligence be taken into account in assessing that corporation's legal liability under private law for these harms or abuses?

- Yes
- No
- Do not know/skip

If you would like you give more information about the relevance of human rights due diligence to the liability of corporations for human rights abuses under private law (or "civil law"), please use the box below.

SECTION 5: PRIVATE LAW/CIVIL LAW: SECONDARY LIABILITY

This set of questions relates to the potential "secondary liability" of a corporation for involvement in human rights abuses in cases where the corporation is not the primary perpetrator or harm or abuse but has contributed to the commission of the wrong in some way. This kind of case is sometimes referred to as "corporate complicity".

5.1: Please review the list below and indicate the harms or abuses for which a corporation could potentially be held legally liable under the private law of the jurisdiction on the basis that it was “complicit” in the offence (by virtue of having been an “accessory” or because it had contributed to the harm or abuse in some way), even if some other person, authority or organisation was the primary perpetrator.

Note: As noted in the Section 4, above, causes of action under private law may not exactly reflect the categories of international and domestic crimes listed below. For instance, torture may not be covered by a specific cause of action but acts amounting to torture are likely to be covered by other causes of action such as “assault and battery”. Similarly, “genocide” may be covered by the cause of action of “wrongful death”. Do not worry too much about the terminology. If it seems to you that elements of the behaviour covered by these harms below could potentially result in secondary liability under private law, please indicate this by checking the relevant category.

- Murder
- Serious physical assault
- Torture and other forms of cruel, inhuman or degrading treatment
- War crimes
- Crimes against humanity
- Genocide
- Summary or arbitrary executions
- Enforced disappearances
- Arbitrary and prolonged detention
- Slavery
- Slavery like practices, including forced labour and human trafficking
- Worst forms of child labour
- Grave and systematic abuses of labour rights
- Serious violations of workplace health and safety standards resulting in widespread loss of life or serious injury
- Large-scale environmental pollution and/or damage
- Other (a) grave and systematic and/or (b) large-scale abuses of economic, social and cultural rights
- Do not know / Skip

5.2: For the harms and abuses you indicated in question 5.1, above, please indicate what must be proved in order to establish the “secondary liability” of a corporation under the private law of the jurisdiction for the acts of another person, authority or organisation. Please select the response(s) that you think best describe the legal position.

- That the corporation (or its managers/directors) intended the act to occur
- That the corporation (or its managers/directors) knew that the act was a practical certainty as a result of the acts and/or omissions of the corporation (i.e. “actual knowledge”)
- That the corporation (or its managers/directors) knew or should have known that the act was a practical certainty as a result of the acts and/or omissions of the corporation (i.e. “actual knowledge” OR “imputed knowledge”)
- That the corporation (or its managers/directors) knew or should have known that the act was a reasonable likelihood as a result of the acts and/or omissions of the corporation
- That the corporation (or its managers/directors) knew or should have known that there was a reasonable likelihood of harm resulting from the acts and/or omissions of the corporation
- The corporation (or its managers/directors) showed a reckless disregard as to the risk of harm resulting from the acts and/or omissions of the corporation
- Do not know/skip
- Other (please specify)

5.3: This question seeks to ascertain the causal relationship (or level of “proximity”) that must exist between the corporation’s business activities and the harm and/or abuse committed by a **primary perpetrator for courts to be able to establish that the corporation should be held legally liable under the private law of the jurisdiction for those harms and/or abuses.**

Which of the scenarios described below would establish a sufficiently close relationship between a corporation and the harms or abuses committed by the primary perpetrator for the corporation to be held legally liable for those harms or abuses under private law theories of **secondary liability? Please select the answer(s) that you think best apply.**

- The corporation’s acts caused the harm and/or abuse to occur
- The corporation’s acts substantially assisted the primary perpetrator in the carrying out of the harm and/or abuses
- The corporation’s acts provided encouragement to the primary perpetrator in the carrying out of the harm and/or abuses
- The corporation’s acts made it more likely that the harm and/or abuses would occur than otherwise
- The corporation benefited from the harm and/or abuse (financially or otherwise)
- Other (please specify)

5.4: Will the ability of a corporation to show that has exercised **human rights due diligence be taken into account in assessing that corporation’s “**secondary liability**” for these acts under the **private law** of the jurisdiction?**

- Yes
- No
- Do not know/skip

If you would like to give more information about the relevance of human rights due diligence to the secondary liability of corporations for harms or abuses under private law (or “civil law”), please use the box below.

5.5: Can a corporation be liable under private law for the acts of another person, organisation or authority on the basis of **secondary liability even where it is not possible to hold the primary perpetrator liable under private law (e.g. because of a lack of **jurisdiction** over the primary perpetrator or because of rules providing **immunity** from prosecution)?**

- Yes
- No
- Do not know/skip

If you would like to make any further comments, please enter them here.

5.6: Which of the following statements best describes the liability of a **parent company for the acts of its subsidiaries under the private law of the jurisdiction? Please select the answer that best describes the legal position.**

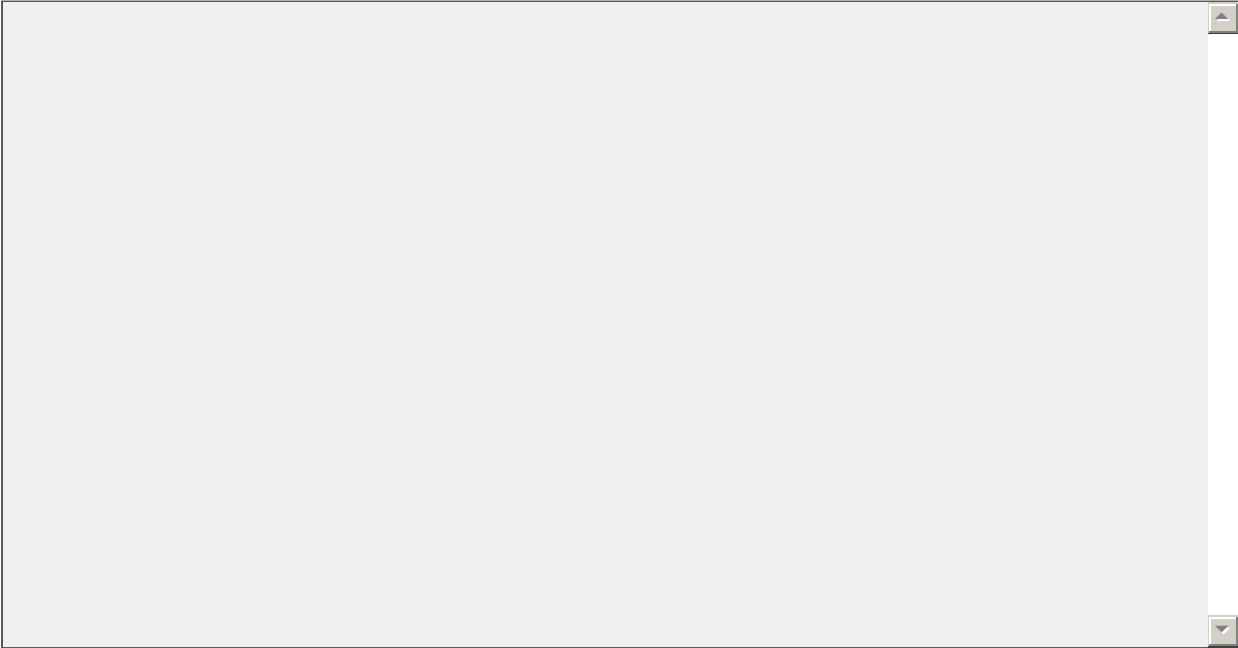
- Parent companies will automatically be liable for the acts and/or omissions of their subsidiaries
- Parent companies will automatically be liable for the acts and/or omissions of their subsidiaries in certain situations and provided certain criteria are satisfied
- The liability of a parent company for the acts and/or omissions of its subsidiaries is governed by general rules and principles of private law relating to primary liability and/or secondary liability
- The liability of a parent company for the acts and/or omissions of its subsidiaries is governed by a special set of legal rules that apply in specific cases
- Do not know/skip

If you would like to add any further comments about the liability of parent companies for the acts or omissions of their subsidiaries under the private law of the jurisdiction, please add them here.

SECTION 6: COMMENTS ABOUT CORPORATE LIABILITY

This section provides an opportunity to make any additional comments, suggestions and recommendations about corporate liability in the jurisdiction.

6.1: Is there anything else you would like to tell us about how the assessment of the criminal, quasi-criminal (or “administrative”) or private law (or “civil”) liability of corporations in the jurisdiction may have a bearing on the outcomes of cases involving allegations of business involvement in human rights abuses? If so, please use the box below.



SECTION 7: OVERCOMING FINANCIAL OBSTACLES TO LITIGATION

This section contains questions relating to available options for reducing the costs of legal claims, and for assisting financially disadvantaged claimants.

7.0: Do you want to answer questions about financial obstacles to litigation and how to overcome them?

- Yes
- No

SECTION 7: OVERCOMING FINANCIAL OBSTACLES TO LITIGATION - CONTINUED

7.1: If a claimant wishes to bring a legal case against a corporation concerning allegations of involvement in serious human rights abuses, what sources of litigation funding, aside from his or her own personal resources, could he or she potentially access? Please select all the answers that are applicable.

Note: For this question, please indicate which of these are theoretically available in the jurisdiction. You can make further comments about the availability of these options in practice in question 7.2 below.

- Before the event insurance
- After the event insurance
- State support (e.g. in the form of [legal aid](#))
- Support from the person's own legal counsel (e.g. in the form of pro bono help, deferred payment of bills, or waiver of fees in the event of failure)
- Funding from NGOs, advocacy organisations, civil society
- Commercial third party litigation funders
- Other (please specify)

7.2: Please add any comments about the availability in practice and usefulness of any of the options listed in question 7.1, above, in the jurisdiction in relation to cases involving allegations of business involvement in serious human rights abuses.


7.3: What methods and features exist in the jurisdiction to help to reduce the costs of litigation to claimants? Please tick all the answers that are applicable.

- "Opt-in" class actions
- "Opt-out" class actions
- Use of specialist courts and tribunals
- Expedited judicial processes
- Non-judicial grievance mechanisms; alternative dispute resolution mechanisms; ombudsman
- Mediation to encourage early settlement
- Use of personnel who are not qualified lawyers (e.g. paralegals) to perform legal and logistical support
- Case management technologies
- Video-conferencing
- Internet; social media
- Electronic court systems
- Do not know/skip
- Other (please specify)

7.4: Would you like to make any further comments about the relevance, availability and/or usefulness of any of the methods or features listed in question 7.3, above, in the context of cases involving allegations of business involvement in human rights abuses? If so, please use the box below.

7.5: What other methods (legal, procedural, practical, technical or technological) might be employed to help improve efficiency of judicial processes and further reduce the costs of litigation in such cases? Please summarise any suggestions you have in the box below.

7.6: Are you aware of any proposals to improve efficiency of judicial processes and further reduce the costs of litigation currently under consideration in the jurisdiction? If so, please use the box below to give further details. If you wish to make any comments about the relevance of these proposals to cases of allegations of business involvement in human rights abuses, please do so.

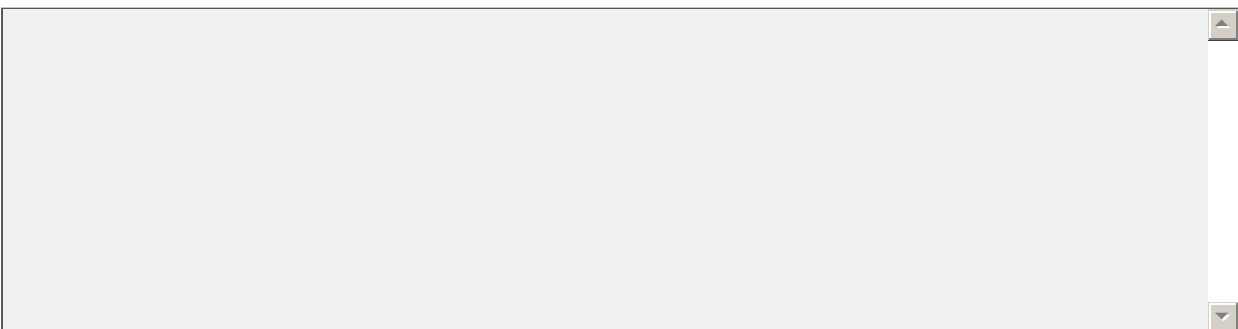


7.7: To what extent can a successful party to litigation proceedings recover his or her legal costs (i.e. lawyers' costs and court costs/fees) from the unsuccessful party (cost shifting)? Please select the answer(s) that best apply.

- Always (to the extent that the losing party has sufficient funds to meet the amounts awarded in the judgment)
- Only in relation to certain types of costs
- Only in relation to certain types of cases
- The successful party can recover costs deemed by the court to have been "reasonable" in the circumstances
- The successful party can recover pre-approved or prescribed costs only
- The successful party can recover reasonable costs subject to adjustments for any misconduct or delays or inconvenience caused to the other party in the way proceedings were conducted
- Never
- Do not know / skip
- Other (please specify)



7.8: Would you like to make any further comments about the operation or effects of cost shifting rules in cases involving allegations of business involvement in human rights abuses? If so, please use the box below.



7.9: May the courts require **security for costs from parties to litigation proceedings?**

- Yes
- No
- Do not know/skip

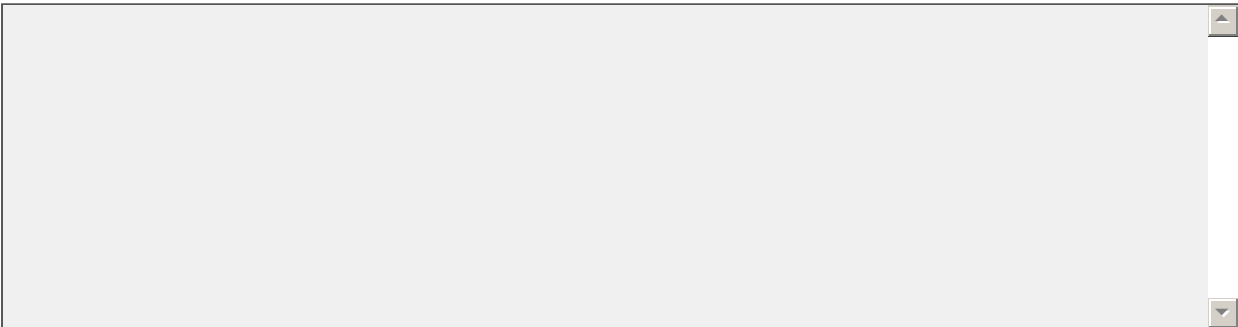
If you would like to make any comments about the application or operation of rules relating to security for costs in the context of cases involving allegations of business involvement in human rights abuses, please use the box below.



7.10: Are the courts, legal profession, other regulatory authorities or public bodies of the jurisdiction subject to any specific public policy statements, constraints or commitments with respect to the cost of litigation and legal funding?

- Yes
- No
- Do not know/skip

If you selected 'yes', please provide further details. It would be helpful if you could focus on aspects and issues most relevant to the context of litigation involving individual claimants and corporate defendants.



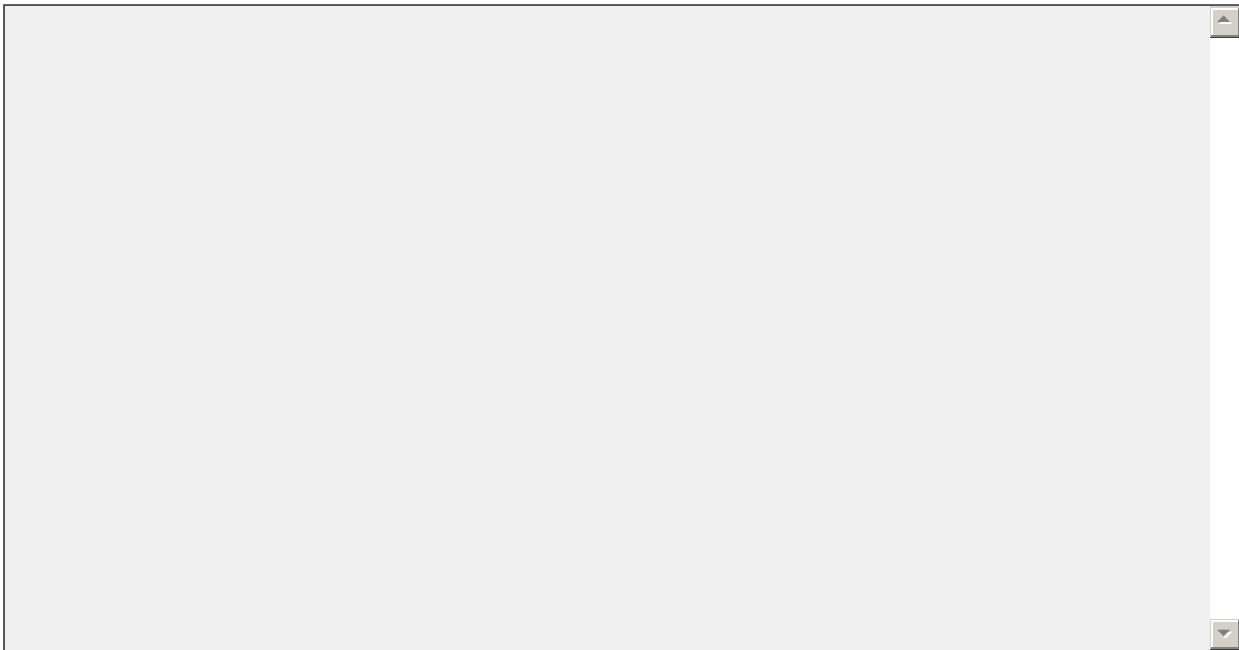
7.11: Are there any [alternative mechanisms for dispute resolution](#) in existence in or accessible from the jurisdiction that would be relevant in cases involving allegations of business involvement in serious human rights abuses?

- Yes
- No
- Do not know/skip

If you selected 'yes', please provide further comments in the box below.



7.12: If you wish to make any further comments about the availability, accessibility, utility, functioning or performance of [alternative mechanisms for dispute resolution](#) in the jurisdiction in relation to cases concerning allegations of business involvement in serious human rights abuses, please use the box below.



SECTION 8: CRIMINAL AND QUASI-CRIMINAL (“ADMINISTRATIVE”) PENALTIES

This section relates to what penalties and sanctions may be imposed on corporations under [criminal](#) and/or [quasi-criminal](#) ("administrative") law in the jurisdiction.

8.0 Do you want to answer questions relating to criminal and quasi-criminal/administrative penalties?

- Yes
- No

SECTION 8: CRIMINAL AND QUASI-CRIMINAL (“ADMINISTRATIVE”) PENALTIES - CONTI...

General information about criminal and/or quasi-criminal (“administrative”) sanctions used in respect of corporations.

8.1: What criminal or quasi-criminal (or “administrative”) sanctions and penalties are used in the jurisdiction in cases of serious corporate wrongdoing? You can check more than one.

Note: This question is **NOT** confined to cases involving allegations of business involvement in human rights abuses. Please indicate all of the sanctions that you are aware of which are currently in use in the jurisdiction across the whole field of criminal and quasi-criminal (or “administrative”) law. Please use the box below to identify any other possibilities not listed.

- Monetary fines
- Other reparations
- Other remedial orders
- Compensatory awards
- Compliance orders
- Supervisory orders
- Confiscation of assets
- Dissolution of the company or companies concerned
- Disqualification from public procurement opportunities
- Disqualification from state investment support
- Adverse publicity
- Requirements to make public apologies
- Other (please specify)

SECTION 8: CRIMINAL AND QUASI-CRIMINAL (“ADMINISTRATIVE”) PENALTIES - CONTI...

8.2: What factor(s) usually determine the level at which a monetary fine is set? Please select the answer(s) that best apply.

- The level of corporate culpability
- The extent of damage and loss suffered by victims
- The defendant's ability to pay
- The value of relevant transactions and assets
- The extent to which the defendant had used due diligence to identify and mitigate the harm or abuse
- The fines are prescribed in advance by law/statute and there is no judicial discretion
- It depends on the criminal or quasi-criminal offence involved
- Do not know/skip
- Other (please specify)

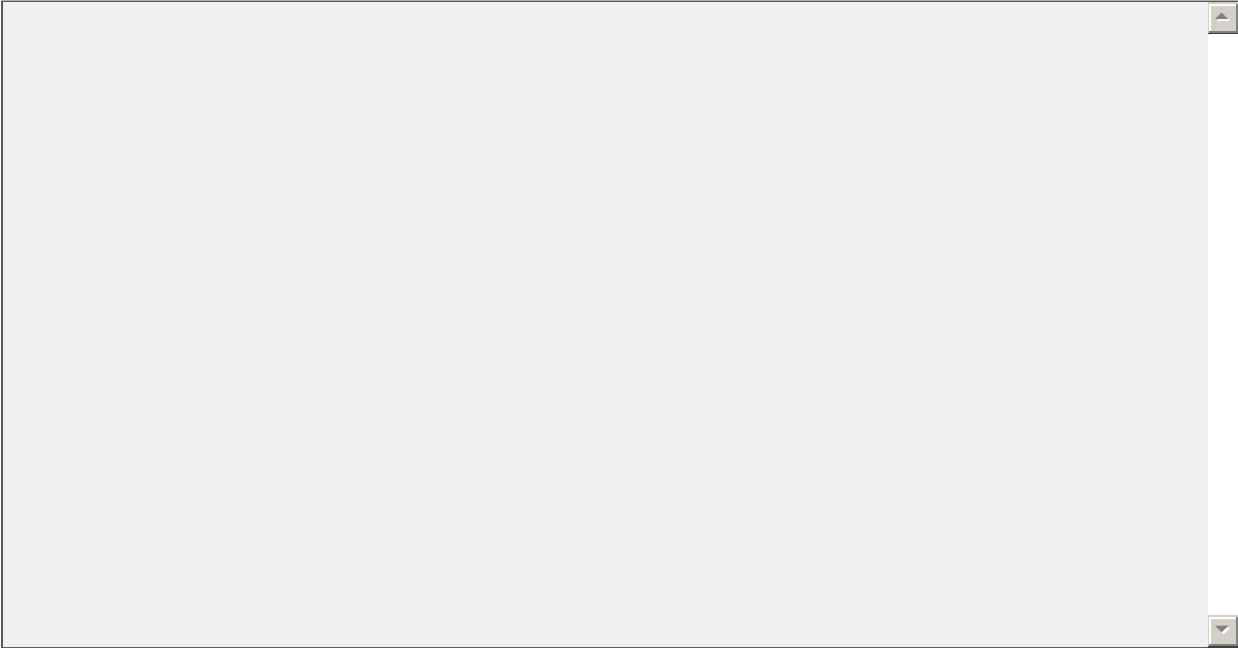
SECTION 8: CRIMINAL AND QUASI-CRIMINAL ("ADMINISTRATIVE") PENALTIES - CONTI...

8.3: Please indicate the penalties that could potentially be imposed in the jurisdiction in the event that a corporation is found guilty of the offences listed below, whether as a primary perpetrator or on the basis of secondary liability. If it is not possible for a corporation to be held liable for that particular offence under the laws of the jurisdiction (e.g. because the law only applies to natural persons), then please tick “not applicable”.

	Monetary fines	Compensatory awards	Compliance orders	Supervisory orders	Confiscation of assets	Dissolution of the company or companies concerned	Disqualification from public procurement opportunities	Disqualification from state investment support	Ac
Murder	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
War crimes, crimes against humanity, genocide	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Slavery and slavery-like practices	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Serious violations of workplace health and safety	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Large-scale environmental pollution and/or damage, or large-scale violations of economic, social and cultural rights	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Please add any comments or other relevant penalties below.

8.4: Would you like to make any further comments about the relevance, availability, applicability, appropriateness or effectiveness of any of the criminal or quasi-criminal (“administrative”) penalties listed above (a) in the context of the law and practice of the jurisdiction and (b) specifically in relation to cases involving allegations of business involvement in human rights abuses? If so, please use the box below.



SECTION 9: PRIVATE/CIVIL LAW REMEDIES

This section relates to the remedies (financial damages and compensation, restitution, etc.) that may be imposed on a corporation in the event that the courts find a corporation liable under a [private \(or civil\) law claim](#).

9.0: Do you want to answer questions about civil law remedies?

- Yes
- No

SECTION 9: PRIVATE/CIVIL LAW REMEDIES - CONTINUED

9.1: In the case of a [private law \(or “civil law”\)](#) claim for remedies following death, personal injury, damage to property, or environmental damage or other conduct with potentially serious impacts on the enjoyment of human rights (e.g. false imprisonment), what remedies could potentially be awarded under the law of the jurisdiction against a corporation following a finding of liability? Please select all that apply.

- [Financial damages \(compensatory\)](#)
- [Financial damages \(punitive\)](#)
- [Community remedies](#)
- [Restitution](#)
- [Compliance orders](#)
- Supervisory orders
- Injunctions
- [Adverse publicity](#)
- Requirements to make public apologies
- Other [reparations](#) (you can add details in the box below)
- Do not know/skip

Please add any further details or comments in the box below.

SECTION 9: PRIVATE/CIVIL LAW REMEDIES - CONTINUED

9.2: If compensatory financial damages are possible, what factors are taken into account to determine the appropriate level of compensation? Please select all that apply.

- Pain and suffering
- Mental distress
- Out of pocket expenses (e.g. for medical and/or subsequent physical care)
- Loss of future earnings
- Loss of property
- Loss of amenity of common resources
- Other (please specify)

9.3: Would you like to make any further comments about the relevance, availability, applicability, appropriateness or effectiveness of the private law (or “civil law”) remedies available in the jurisdiction (a) in the context of the law and practice of the jurisdiction and (b) specifically in relation to cases involving allegations of business involvement in human rights abuses? If so, please use the box below.

SECTION 10: DOMESTIC PROSECUTION BODIES

This section contains questions relating to prosecutions of companies in the jurisdiction for involvement in severe human rights abuses. We also ask you here to list information about relevant cases that you may be aware of in the jurisdiction.

10.0: Do you want to answer questions relating to the work of domestic prosecution bodies?

- Yes
- No

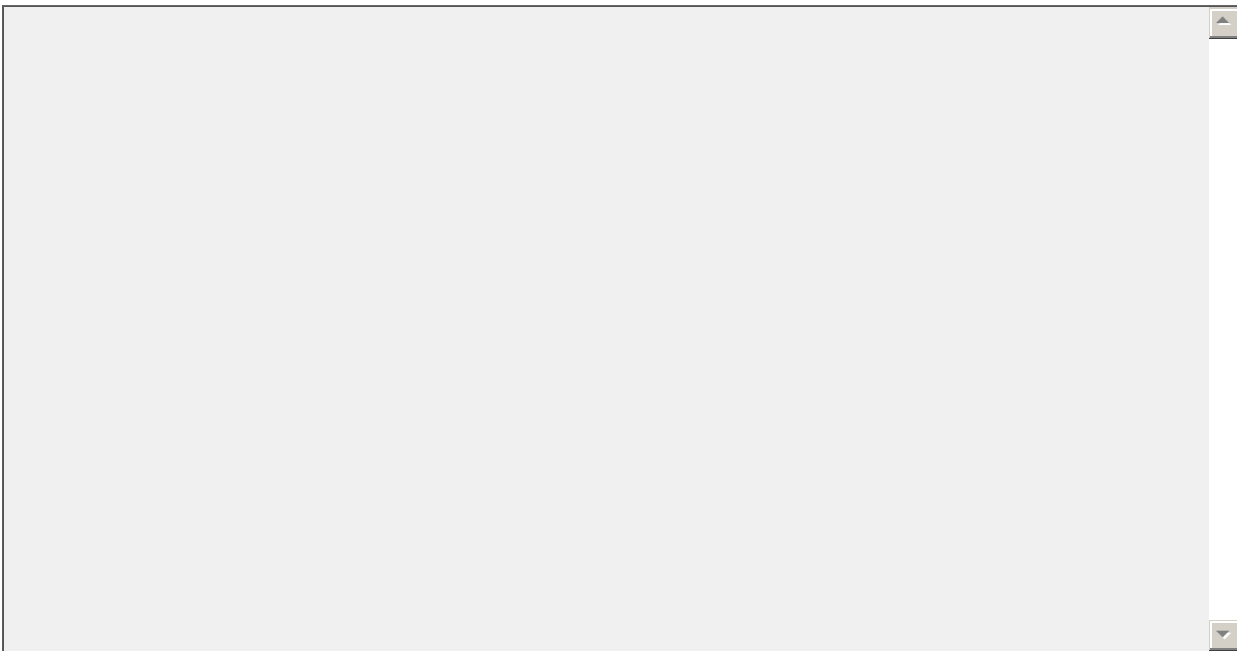
SECTION 5: DOMESTIC PROSECUTION BODIES

10.1: Are you aware of any cases involving allegations of business involvement in severe human rights abuses having been referred to or otherwise brought to the attention of domestic law prosecutors in the jurisdiction?

- No
- Yes

If yes, please provide further details below. Please provide case references and/or web-links if possible. For each case, we would be grateful if you could supply concise information about the event giving rise to the complaint, the location of that event, dates of key milestones in the complaint process, whether the case is ongoing and if completed, the outcome (e.g. what, if any, enforcement action was taken and, if the case was abandoned, the reasons given for this).

If there is any further information or source materials you wish to provide, please email us at business-access2remedy@ohchr.org.



10.2: Are you aware of any cases involving allegations of business involvement in gross human rights abuses taking place in the jurisdiction having been referred to or otherwise brought to the attention of domestic law prosecutors in any other jurisdiction?

- No
- Yes

If yes, please provide brief details below.

Note: please provide case references and/or web-links if possible. For each case, we would be grateful if you could supply concise information about the event giving rise to the complaint, the reason for referring the matter to domestic law prosecutors in another jurisdiction, dates of key milestones in the complaint process, whether the case is ongoing and if completed, the outcome (e.g. what, if any, enforcement action was taken and, if the case was abandoned, the stated reasons given for this).

If there is any further information or source materials you wish to provide, please email us at business-access2remedy@ohchr.org.

THANK YOU

Thank you for completing our Accountability and Remedy Project Open Process survey. We are very grateful for your assistance. As a final step, we would appreciate if you could provide your contact details, in case we would like to follow up on any of the information you have.

Contact information

Name	<input type="text"/>
Organisation	<input type="text"/>
Address	<input type="text"/>
Country	<input type="text"/>
Email Address	<input type="text"/>
Phone Number	<input type="text"/>