



## **Strategic Framework 2017-2020**

### **THE EUROPEAN COALITION FOR CORPORATE JUSTICE**

The European Coalition for Corporate Justice (ECCJ) advocates for European laws that guarantee corporate accountability and transparency, and ensure justice for victims of corporate malpractice.

With 21 member groups representing over 250 organisations from 15 countries, ECCJ is the only European coalition bringing together campaigns and national platforms of NGOs, trade unions, consumer organisations and academics in order to promote corporate accountability.

### **OUR VISION**

We are guided by a vision of a sustainable world in which corporations' drive for profit is balanced with the interests of society at large, and where businesses respect human, social and environmental rights.

### **OUR MISSION**

By working together at the European level, the members of ECCJ aim to develop a common vision of corporate justice and build capacity among civil society organisations to influence policies and regulation to improve corporate accountability.

Our work is motivated by the express need to transform the EU, home to a large number of multinational enterprises, into a global leader in assuring high standards for corporate accountability, both at home and abroad. Although the majority of our activities take place within EU borders, their ultimate beneficiaries are communities and workers affected by corporate abuse both inside and outside the EU.

## TOWARDS A MORE ACCOUNTABLE EUROPEAN BUSINESS

The next four years are marked by uncertainty at both European and international level. The European project is challenged by rising nationalism, the UK leaving the Union, economic insecurity, the migration crisis, political instability and the impending consequences of climate change. The European Union (EU) is therefore at a crossroad, and in this shrinking debate space, ECCJ's mission is to advocate for an improved legal framework that prioritises human rights and the environment.

The amount of power and influence corporations exercise, in and outside of Europe, is not yet balanced by legislation outlining rules to make business accountable for how it affects human rights and the environment. The complex organisation of corporate structures, with myriads of suppliers and subcontractors, makes it difficult to hold parent companies accountable for abuses taking place in their value chains. Companies' ability to evade responsibility is even greater when they operate in developing countries where the legal system is frail or corrupt, and victims have little chance to access justice.

While States have a duty to protect against business-related human rights abuses, companies also have a responsibility to respect human rights. Human rights due diligence (HRDD) is widely recognized as an efficient way to put companies' responsibility to respect human rights into practice. Mandatory HRDD, would make it compulsory for companies to identify, prevent, mitigate and cease human rights violations they are directly or indirectly responsible for – such as those carried out by their business partners or suppliers. Therefore, introducing mandatory HRDD into law will be at the centre of our work for the next years. We will augment our efforts in the area by campaigning together with members and other networks and raise awareness, generate public and business support, and convince decision-makers to make HRDD mandatory.

Passing laws requiring European companies to implement due diligence would have other benefits, including improving companies' risks assessment and management, helping state authorities meet their duty to protect human rights, and improving access to justice for victims of corporate abuse, in and outside Europe.

ECCJ's 2017-2020 strategy builds on the achievements driven by the previous strategic plan, while paying close attention to the lessons learned from the challenges it encountered. ECCJ's work will be guided by three major long term goals following same strategic outline as in the previous period. The goals shape its main objectives for the next four years. The strategic plan is intended as a catalyst to encourage planning and development by the Steering Group and the Secretariat.

Although the political context is not supportive of an ambitious business and human rights agenda, new opportunities are also rising. Recent developments at national level could pave the way for more effective action at EU level, and taking advantage of this momentum is crucial. The process to develop a UN Treaty on Business and Human rights can help unite civil society under a common message. While an effective implementation of the Non-Financial Reporting Directive will shed much needed light on the behaviour of companies and lead to improved corporate responsibility.

In the past years, ECCJ has built a strong reputation among decision makers, civil society and other relevant stakeholders. It has the advantage of being perceived as a competent, credible and trustworthy organisation in the area of business and human rights. ECCJ and its members have been driving the debate in Europe on corporate accountability. The next period will be challenging for civil society organisations worldwide and ECCJ and its members and partners need to adapt their strategies, think creatively and envision new avenues for advocacy and outreach. The 2017-2020 strategic framework was designed to allow flexibility and innovation, and accomplish the above mentioned goals and objectives.

## OUR GOALS AND OBJECTIVES

### 1. Towards European mandatory human rights due diligence legislation

**GOAL: by 2022, the EU has initiated a legislative process that integrates human rights due diligence into a corporate duty of care**

The complex organisation of corporate structures and relationships makes it difficult, in most legal systems, to attribute responsibility on parent and sub-contracting companies for human rights abuses and ensure effective accountability and redress mechanisms. Over the years, the corporate responsibility to respect and its key component human rights due diligence, have not only gained traction within companies but are also increasingly recognized as a concept to be embedded into law.

Mandatory human rights due diligence (mHRDD) is understood in this context as legislation that integrates the corporate responsibility to respect human rights into a legal obligation under civil/tort law to adhere to a standard of reasonable care while performing any acts that could foreseeably harm others. HRDD is the tool to carry out this duty. It would be compulsory for companies to identify, prevent, mitigate and cease human rights violations they are directly or indirectly responsible for – such as those carried out by its business partners or suppliers. Not only this would be a powerful prevention mechanism; access to justice also would be improved as civil/tort liability would arise from this obligation.

#### OBJECTIVE 1

ECCJ will put forward different models, principles and examples for effective integration of mandatory HRDD into law

#### OBJECTIVE 2

ECCJ will secure concrete commitments on mandatory HRDD at EU level through joint campaigning and advocacy

#### OBJECTIVE 3

ECCJ will secure concrete commitments on mandatory HRDD in 3 States and greater acceptance of mandatory HRDD in 3 other States through supporting its members and engaging them in a joint campaign

### 2. Towards more effective corporate non-financial reporting

**GOAL: by 2020, the Commission has increased the scope and strengthened the content of the Directive on Non-Financial Reporting, and Member States have put in place stronger monitoring and enforcement mechanisms**

Transparency is an important factor for corporate accountability and responsible business behaviour. When the right information on human rights and environmental risks and impacts is collected, analysed and duly disclosed, it enables companies' management but also governments, affected people, the general public, employees, consumers and investors to understand and address them.

In the human rights context, reporting may affect enforcement of corporate responsibility, and is one of the three components of human rights due diligence. For these reasons, the Directive has an important role to play in a future EU policy framework on mHRDD (see Goal 1).

The Non-Financial Reporting Directive adopted in 2014 following intense advocacy from ECCJ and its members has been a major success. It is essential to ensure a robust implementation by companies and effective monitoring and enforcement by state authorities, when 8,000 companies will publish their non-financial reports from 2018

onwards. The weaknesses in the Directive – both on its scope and its content – should be addressed in the revision expected in 2019 or 2020.

Considering the experience, credibility and legitimacy that ECCJ has gained in this field, and the desire to engage with other networks, we will play a key role ensuring the Directive delivers its promises.

#### OBJECTIVE 1

ECCJ will assess the effectiveness of the implementation of the NFR Directive. We will identify both best practice and key weaknesses and bring forward recommendations for the revision of the Directive

#### OBJECTIVE 2

ECCJ and its members will assess the effectiveness of the enforcement and monitoring by state authorities. We will bring forward recommendations for more effective mechanisms through the revision of the Directive

### 3. Towards improved access to judicial remedies for victims

**GOAL: by 2020, the Commission and at least 3 Member States have taken steps to improve access to judicial remedies for victims of human rights violations by European companies or their business relationships; and the EU and its Member States have expressed support to the adoption of a UN Treaty that significantly enhances access to justice**

The right to access an effective remedy is a fundamental element of human rights. Justice for victims is also a strong deterrent against harmful acts by corporations. The duty of states to ensure access to remedy and the fundamental position of *judicial* remedy is clearly spelled out in the UNGPs. However, despite public acknowledgement, the EU and Member States have so far failed to address this issue. The study published by ECCJ, ICAR and CORE in 2013 found that the existence of legal, financial, procedural and institutional barriers still prevent victims from accessing courts in the EU. Several avenues exist at national, European and global levels to address these obstacles, but the political awareness of this complex and technical issue remains low – and political will is lacking.

ECCJ will aim for progress in at least three areas: make human rights due diligence mandatory (see goal 1); ensure collective redress mechanisms are available for victims seeking redress in the EU, even in circumstances where victims are located outside of the EU, as a way to alleviate the burden of litigation; and ensure the EU and its Member States engage in the UN Treaty process with a view to improving access to justice.

#### OBJECTIVE 1

ECCJ will pressure the Commission to bring forward recommendations on collective redress which include a business and human rights angle; and work with members to bring forward proposals on collective redress that will generate a debate in 3 Member States

#### OBJECTIVE 2

ECCJ will engage with other CSOs to ensure the EU and its Member States engage in the UN Treaty process and put forward constructive proposals leading to better access to justice

#### OBJECTIVE 3

ECCJ will pressure the Commission (DG Justice) to take action on access to remedies, seizing opportunities as they arise (ie. Rome II) and exposing when political will is lacking

## OUR KEY STRATEGIES

### **Policy influence**

- Monitoring
- Expose EU's lack of achievement
- Robust policy recommendations
  - Advocacy and lobby
  - Research and studies
- Effective public communication
- Highlight business support

### **Effective coalition**

- Spaces for members' engagement
- Aligned strategies and actions linking national and EU levels
  - Capacity building
- Effective governing systems
- Strong and a well-resourced coordination team

### **A large movement supporting corporate accountability**

- Partnerships inside and outside the coalition
  - Engagement with different stakeholders
- Public awareness and support
  - Visibility in the media