



**Countering  
the corporate strategies  
behind human rights  
abuse**

**MIND THE GAP**

# THE CHALLENGE

## Corporate strategies to avoid accountability

Across the globe, communities and workers are engaged in protracted struggles to protect and defend their human rights and demand justice in relation to corporate misconduct. Despite increased international attention to the issue, business-related human rights abuses remain commonplace.

The root cause of the problem is commonly identified as 'governance gaps' between corporate influence and corporate accountability. In today's globalised economy, governance gaps provide the permissive environment for harmful business conduct.

But the existence of such governance gaps is no accident. Many gaps are linked to systemic barriers to justice that have been designed by corporations themselves. Corporate executives, lawyers, lobbyists, accountants and auditors develop and deploy strategies aimed at creating, maintaining and exploiting gaps, and consolidating legal and economic power, privilege and protection. These strategies are meant to ensure that corporations can continue to operate with impunity. As a result, remedy remains out of reach for victims of corporate human rights abuses.

### **Examples of harmful corporate strategies:**

- Launching legal proceedings to intimidate critics and burden them with legal costs.
- Exploiting jurisdictional gaps to avoid legal liability.
- Constructing opaque supply chains to make monitoring and oversight impossible.
- Providing misleading or false information (e.g. about business activities, finances, products, etc.).
- Lobbying to thwart development of laws designed to protect human rights.
- Negotiating stabilisation clauses in investor-state agreements to prevent development of human rights legislation.

# THE SOLUTION

## **Countering harmful strategies, securing human rights**

Mind the Gap is a four-year project involving civil society organisations from across the globe. The objectives are to:

- Expose corporate strategies for avoiding responsibility or being held accountable for human rights violations.
- Strengthen civil society counter-strategies for claiming and defending human rights – including direct dialogue, use of judicial and non-judicial grievance mechanisms, public campaigns, non-violent resistance, and divestment.

The overall aim of the project is to increase respect for human rights and effective access to justice and remedy for individuals and communities whose lives and livelihoods are affected by multinational corporations.

*Thailand: Khon Rak Ban Group demands participation to protect their communities from the harmful effects of mining in the Loei Province. Photo: Protection International*





*Pakistan: workers in the leather industry processing animal skins without proper protection.*

*Photo: Asim Rafiqi*

# THE APPROACH

## **Research and analysis**

The project features research and analysis, including:

- In-depth study of select cases of protracted business-related human rights conflicts, with the goal of identifying harmful strategies that corporations are using to avoid responsibility, and specific governance gaps and barriers to justice in each case.
- Comprehensive investigation of corporate strategies for creating, maintaining and exploiting gaps and barriers to justice at national and international levels.
- Examination of successful and promising counter-strategies of human rights defenders and civil society organisations.

## **Capacity building**

Insights from project research will be used to strengthen and develop new, innovative civil society counter-strategies. Tools, workshops and e-learning seminars will be developed to inform and build the capacity of targeted communities – and civil society organisations more broadly – to navigate and successfully counter harmful corporate strategies.

## **Advocacy and engagement**

Project members will engage with decision-makers to raise awareness about corporate strategies behind governance gaps and barriers to justice, and to advocate for effective policies and measures to stop the strategies, close the gaps, bring down the systemic barriers and, ultimately, ensure respect for human rights.

# GEOGRAPHIC FOCUS

The project focuses on the impact of harmful corporate strategies on communities and workers in four diverse target countries, covering both emerging economies and conflict-affected countries: Brazil, the Democratic Republic of Congo, Indonesia and the occupied Palestinian territories. Project partners in the four target countries are joined by those in India, China, South Africa and Mexico – among the so-called BRICSAM countries – who will contribute knowledge about the increasingly influential multinationals in their countries. The European Coalition for Corporate Justice and the Centre for Research on Multinational Corporations (SOMO, project coordinator) will spearhead research, outreach and advocacy at European and international levels respectively.

*DRC: A man who was forced to relocate after his village Kishiba had to make way for a cobalt mine.*

*Photo: Myrthe Verweij*



# PARTICIPATING ORGANISATIONS

**Cividep India**  
Workers' Rights &  
Corporate Accountability



**INKRISPENA**  
RESEARCH CENTRE FOR CRISIS AND  
ALTERNATIVE DEVELOPMENT STRATEGIES



ACIDH



AL-HAQ

**ECCJ**  
European Coalition  
for Corporate Justice

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