

Beyond borders and barriers: Holding Multinational Corporations criminally liable for human rights violations in host nations

W. I. Nanayakkara

Department of Commercial Law, Faculty of Law, University of Colombo, Sri Lanka

Due to the worldwide scale of their operations, Multinational Corporations (MNCs) often conduct business in nations with inadequate human rights protections and government control, which is a consequence of the ever-increasing global trade and investment. Laws should clearly define the liability of companies that engage in human rights violations overseas. A "failure to prevent" framework should compel companies to disclose their due diligence efforts and establish specialized prosecution units with international jurisdiction. This research explores whether MNCs conducting business in host countries that violate human rights should be subject to corporate criminal liability. Assigning corporate responsibility for such breaches is increasingly reflected in evolving legal frameworks and international instruments. The objective of this research is to examine both international and domestic legal mechanisms, existing and emerging, that attribute criminal responsibility to corporate entities. Drawing on principles of corporate criminal liability as developed in the U.S., UK and Australian law, this study explores how these models can be adapted to address extraterritorial human rights violations by MNCs. By analyzing case studies, relevant legal frameworks and recent global reforms, the research highlights emerging trends in corporate accountability. A desk-based doctrinal methodology is employed, with comparative legal analysis of statutes, judicial precedents and scholarly interpretations across jurisdictions. It further draws on selected case studies and international legal sources to assess how corporate criminal liability is evolving in response to cross-border human rights violations. The research concludes that without comprehensive criminal accountability mechanisms, MNCs may continue to harm people avoiding legal consequences. A reimagined liability framework, grounded in universal standards and enforceable at the national levels is essential to ensure justice for victims and to reinforce corporate criminal accountability for human rights violations committed across borders.

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