

Oral statement

Fourth session of the Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights (OEIGWG)

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Fourth session - OEIGWG: First reading of the Draft legally binding instrument – Rights of Victims

Monday 15 October 2018

I speak on behalf of FIDH, Justiça Global, LHR, Al-Haq, ESCR-net, SOMO

Our organisations welcome the emphasis on the rights of victims in the Draft Convention, nevertheless, to recognize the active and central role of human rights defenders, and guarantee that they can work in a safe, enabling environment the language needs to be reinforced.

Defenders, often endure obstruction to their work, abuse or repression, as such they can be victims of corporate abuse; but beyond, HRDs are, above all, key actors and leaders in the search for accountability and redress of corporate abuses.

To reflect this double dimension of HRDs realities, our organisations propose 3 modifications to the current text of the Treaty :

First, the preamble should **acknowledge the central role of Defenders** and, in line with the UN Declaration on HRDs, reaffirm the right to promote and to strive for the protection and realization of human rights and fundamental freedoms individually or in association with others.

Second, article 8 on the rights to victims should explicitly mention HRDs and include their right to access information relevant to their work and particularly to the pursuit of accountability and remedies.

Finally, a dedicated provision on HRDs is needed to strengthen States' obligation to create an enabling environment; to prohibit the interference by non-State actors with their activities; to ensure business respect their fundamental rights and freedoms; to reinforce accessible judicial and non-judicial recourse mechanisms equipped to effectively prevent, investigate, punish

attacks against HRDs and provide redress through a gender and culturally-responsive lens, at all times, including during conflict.

Article 9 of the [Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean](#) could be a source of inspiration for such provision.

This is an essential condition for the Treaty to substantially reinforce transparency and corporate accountability. We are confident States will ensure this gap is closed.