

Oral statement

Third 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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Check against delivery*

Third session - OEIGWG: General obligations
Tuesday 24 October 2017

Thanks Mister Chairman,

I am delivering this statement on behalf of FIDH, Amnesty International, ICJ Franciscans International, Bread for the World, Lawyers for Human Rights, ISHR, WILPF, International Platform Against Impunity, SOMO, CISDE, Global Policy Forum and the CCR.

Our organisations welcome the emphasis in the “Principles” on the need for special protection to victims of human rights abuses linked to business activities and particularly to indigenous people ; women ; girls and children ; persons with disabilities ; refugees or any group facing particular and intersecting risks, threats and discrimination.

We stress that the future instrument should also include strong language on the State's obligation to protect human rights defenders working in the context of business activities and elaborate on the implications of this duty based on the provisions of the UN Declaration on Human Rights Defenders ([A/RES/53/144](#)), the UN Resolution on the protection of women human rights defenders and other relevant international instruments as well as on further guidance provided by reports of the UN Special Rapporteur on the situation of human rights defenders. It should also include gender-specific provisions that take into account the particular needs of woman human rights defenders.

The deterioration of the situation for human rights defenders is compounded by a lack of State action in responses to such attacks. The special rapporteur on the situation of human rights defenders, Michel Forst also alerted in his last report that these attacks and threats take place in the context of the adoption of legislation aimed at restricting civil society activities. He also stressed that the legally binding instrument should serve to close some of the gaps in consideration of defenders in the global and national policy responses to the Guiding Principles.

We recommend therefore to include special protection of human rights defenders in the Principles of the future instrument. More specifically, we recommend to include in the **obligations of States** to:

adopt legislative provisions that **prohibit the interference by TNCs and OBEs**, including through their use of public or private security forces, with the activities of any person who seek to exercise their human right to peacefully protest against and denounce abuses linked to the activity of TNCs and OBEs, including by fully respecting their human rights to freedom of expression, association, and assembly.

establish **specific measures to protect human rights defenders** against any form of criminalization and obstruction to their work, addressing in particular the gender-specific violence against women human rights defenders;

fully, promptly and independently **investigate and punish attacks and intimidation** of human rights defenders, including women human rights defenders;

refrain from adopting restrictive laws or ambiguous criminal provisions such as those relating to national security, counter-terrorism and defamation that lead to a restriction or criminalisation of human rights defenders' work.

We are confident that the next sessions of this process starting in 2018 will serve to build on the draft elements and to put Human Rights Defenders at the center of the future binding instrument.

Thank you