

## **ESCR-Net and FIDH**

3rd Session of the IGWG, 23-27 October 2017

### **Side Event – Concept Note**

Wednesday 25 October - 13.00-15.00  
Room XXII, Palais des Nations UN

#### **Title : The cost of impunity : The cross-regional fight of affected communities and human rights defenders for effective remedies**

The third session of the IGWG is a turning point in the negotiation process to adopt a strong international legally binding instrument to regulate the activities of corporations and achieve a historical step towards global justice. Building on their previous and ongoing contribution, ESCR-Net and FIDH propose the organization of a side event during the third session of the IGWG in October 2017 to highlight key issues of the debate.

Following the Resolution 26/9 creating the IGWG, ESCR-Net and FIDH started the Treaty Initiative project, a two-year project aimed at establishing concrete legal proposals for the Treaty starting from priorities on the ground. Based on worldwide consultations in Asia Pacific, Africa and the Middle East, Latin America and online with activists, academics, groups representing affected people and others in civil society, the Legal Group composed of international legal practitioners came up with Ten Key Proposals for the Treaty, a legal resource aimed to support advocacy efforts, which was presented in the second session of the Working Group.

Given the great remaining challenges for Human Rights Defenders and affected communities to access remedy, the side event will take on this occasion to bring experiences of defenders from different regions in order to demonstrate the need for specific language in the treaty that could address the risks and challenges faced by defenders on the ground.

#### **Objectives :**

The event will bring together Human Rights Defenders members of ESCR-Net and FIDH from different regions, and legal experts that participated on the treaty initiative to discuss the stakes of the third session. The aim of this workshop will be to reflect on Ecuador draft proposal for the elements of a Treaty and compare it to the Ten Key Proposals for the Treaty, and discuss on advocacy priorities and strategy.

In particular, the side event will focus on two key priorities areas underlined in the 10 Key Proposals that are considered crucial for Human Rights Defenders and highly relevant for the future binding instrument:

- **Key Proposal 9 and 10.** effective Remedies and Remedial Mechanisms
- **Key Proposal 7.** Extra territorial obligations

From this proposal, the panelists will:

- Point out the main challenges faced by human rights defenders to access remedy;
- Underline the need for specific language addressing the needs of human rights defenders on the ground to be included in the treaty;

- Provide data on the cost of impunity (number of attacks or assassinations of HRD in the different regions) and state that this cost is borne by both the States where attacks occur but also States where companies are based and which do not provide adequate access to remedy (ETOs);
- Bring together the voices of defenders from different regions to highlight the transversal nature of this issue.

The outcome of the event would be a concrete proposal for the Treaty.

**Structure/Methodology of the event :**

The event will be structured as a panel in which Human Rights Defenders from different regions (Asia, Africa and Americas) will point out main challenges they face in their struggle for accountability and remedy, as well as the political dimension of the increasingly critical situation faced by Human Rights Defenders.

An intervention from a more legal perspective will, departing from the draft elements presented by Ecuador, translate those challenges into specific language that should be included in the binding instrument.