

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

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

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

In addition to being targeted with abuse, defenders are key actors and leaders in obtaining accountability and remedy for corporate abuses.

We therefore propose 3 modifications to the text :

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 relevant information, particularly in 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; to ensure business respect fundamental rights and freedoms; to reinforce accessible judicial and non-judicial recourse mechanisms that effectively prevent, investigate, and 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.

Thank you.