

Tuesday 27 October 15-18 pm Amsterdam time

Kwami - FoE

- Article 5. Protection of victims

2 minutes maximum / on average 350 words

Oral statement from Kwami

Kwami / FoE-Togo /FoE Africa

Dear chairperson,

My name is Kwami Kpondzo and I am speaking on behalf of Friends of the Earth International, member of the Global Campaign and the Treaty Alliance.

Our intervention is targeting *the article 5: protection of victims*. First, we propose to use the term “affected communities and individuals” instead of the term “victims”, as it better underscores the protagonism of the people affected. The primary responsibility for protecting victims, communities, families, human rights defenders and others rests with the State.

Many African states have resigned or been forced to resign their protective role against extractive projects carried out by TNCs. Extractive TNCs have been responsible for forced evictions of populations who rely on subsistence farming, thus compromising the right to food, to adequate housing, and many others. The example of the Niger Delta in Nigeria tells us a lot.

We are proposing two amendments and one new paragraph:

Article 5.1 should include the word “communities”, so as to read: “State Parties shall protect victims, their representatives, families, **communities** and witnesses from any unlawful interference with their human rights and fundamental freedoms, including prior, during and after they have instituted any proceedings to seek access to effective remedy”

Article 5.2 should delete the words “a safe and enabling environment for”, so as to read: “State Parties shall take adequate and effective measures to guarantee all rights of (...) persons, groups and organizations that promote and defend human rights and the environment, so that they are able to exercise

their human rights free from any threat, intimidation, violence or insecurity.”
We also propose to add a final sentence on this paragraph, reading “This obligation requires taking into account their international obligations in the field of human rights, their constitutional principles and the basic concepts of their legal system.”

*Finally, we **propose new paragraph 5.4** as follows: “States parties shall ensure emergency response mechanisms in case of disasters caused by the action of transnational corporations and other business enterprises of transnational character.”*

Thank you, Mr. chairperson.