**IGWG 5th Session - Draft Joint Oral Statement on Right of Victims (article 4)**

Thank you, Mr Chair-Rapporteur.

I make this statement on behalf of CELS, ESCR NET, Franciscans International, Al-Haq and FIDH.

Article 4 (6) on rights of victims must guarantee access to information relevant to pursuit of remedies and States must ensure that individuals and communities, including human rights defenders, have access to relevant, sufficient, quality information in connection with each stage of corporate activity, to facilitate meaningful participation in the prevention of and response to human rights violations and abuses.

The asymmetry of power between victims and companies also manifests disproportionately in the duty to provide evidence in a judicial or remedy process, in particular with regard to access to information, given that a considerable part of the evidentiary process is based on reports, planning documents, business plans, internal policies, contracts and other internal documents of the companies. At present, most of the claims against corporations do not get to a final remedy. In many good faith-cases the victims are defeated in their administrative or judicial claims because of their lack of information to prove the unlawful corporate activities.

To that effect, the intergovernmental working group must ensure that a strong text is adopted in relation to access to information. Relative to this, Article 4 (6) must guarantee the right of access to justice in cases of human rights violations and abuses involving businesses by addressing the inequality that exists when regulating the burden of proof, keeping it in the hands of those who are in a better position to produce it. In particular, in the interest of justice, the principle of reversal of the burden of proof is applicable when there is a lack of information from the victim in order to establish whether or not the controlling company carried out sufficient controls or oversight of any activity that caused the breach, or when it anticipated or should have foreseen the risks of violation of human rights.