## Oral Statement DKA Austria, Child Rights Connect, ECPAT International, Geneva Infant Feeding Association, NGO Congregation of Our Lady of Charity of the Good Shepherd, Clínica de Direitos Humanos UFMG and Clínica de Direitos Humanos PPGD/PUCPR

***Open-ended intergovernmental working group for the elaboration of an International Legally Binding Instrument on Transnational Corporations and other Business Enterprises with respect to human rights, Resolution A/HRC/26/9***

**Geneva, Palais des Nations, Room XX**

## Sixth Session 26 to 30 October 2020

**Tuesday 27 October, 2020 at 10h00-13h00**

Thank you Chair,

My name is Beatriz Bouissou and I am speaking on behalf of DKA Austria, Child Rights Connect, ECPAT International, Geneva Infant Feeding Association, NGO Congregation of Our Lady of Charity of the Good Shepherd, Clínica de Direitos Humanos UFMG and Clínica de Direitos Humanos PPGD/PUCPR

* **Article 3:**

**In 3.3:**  we propose the wording: This LBI cover all international human rights law **binding on the State Party, including core international human rights treaties, the fundamental ILO conventions, and any other UN human rights treaty that may be hereafter adopted and come into force, as well as** customary international law**, including the Universal Declaration of Human Rights.**

* **Article 4**

**Art. 4.1:** we propose to add that **due regard should be given to children in respect of their special needs.**

**Furthermore, we propose to add to**

**Art.4.2.**: that victims shall: (…)

c. be guaranteed the right to **accessible**, fair, adequate, effective, prompt and non-discriminatory access to justice and effective remedy **and reparation, and to also be guaranteed the right to the truth, as well as environmental remediation, and ecological restoration, in addition to individual or collective reparations**;

**c. *bis* We propose to also include that victims be generally guaranteed the right to a judicial remedy, which must be available without exception in case of gross human rights violations or abuses and serious violations of international humanitarian law;**

d. be guaranteed the right to submit claims, including by a representative or through class action in appropriate cases, to courts and non-judicial grievance mechanisms, **without prejudice to the right to judicial remedy**, of the State Parties.

e. to add that: **Child victims’ identity shall not be revealed publicly without their express consent or, where this is not possible, without the consent of their legal representatives who shall be guided by the principle of the best interests of the child concerned.**

f. to add: **relevant languages and accessible formats to adults and children alike, including those with disabilities**, and legal aid relevant to pursue effective remedy;

***A new child rights perspective to Art 4 could also be done by including a stand-alone article instead of amending 4.2***

***New* Art.4.2.*bis*:**

**Child victims shall be guaranteed access to child-sensitive procedures, which can provide for effective remedy and adequate reparation for violations or abuses of their rights, considering their individual situation of vulnerability, evolving capacities and best interest. They shall be heard in all matters affecting them, provided that their participation is voluntary and occurs in a child-friendly environment. Their identity shall not be revealed publicly without their express consent or, where this is not possible, without the consent of their legal representatives who shall be guided by the principle of the best interests of the child concerned.**

We have submitted concrete wording proposals and kindly ask you to refer to our written joint submission.

Thank you Chair!