



## **Sixth session of the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights – Geneva, 26-30 October 2020**

### **GENERAL ORAL STATEMENT**

26 October 2020

On behalf of CIDSE, Broederlijk Delen, CCFD-Terre Solidaire, Development and Peace, KOO/DKA, Entraide et Fraternité, Fastenopfer, Misereor and Trócaire:

More than ever, citizens are mobilizing for action to stop climate change and corporate activities damaging our shared environment, health and future.

Forced evictions, destruction of forests, land or fishing grounds, contamination of water sources and the environment, repeated exploitation of workers, child labour, modern slavery, are all human rights violations that transnational corporations and other business enterprises often cause, contribute to, or are directly linked to.

In response to this situation, and inspired by the call of Pope Francis, more than 230 Bishops worldwide signed an international declaration to stop corporate abuse and to guarantee global solidarity.

In this context, CIDSE, Broederlijk Delen, CCFD-Terre Solidaire, Development and Peace, KOO/DKA, Entraide et Fraternité, Fastenopfer, Misereor and Trócaire welcome the second revised draft of the Legally Binding Instrument as further qualitative progress in the development of this Treaty and a good basis for negotiations.

We call on all States, and most notably the EU member States, to actively and constructively engage in the negotiations, and not only make questions for clarification.

Among the recommendations put forward in our written contribution, we would like to highlight the following:

- The need to reverse the burden of proof on a mandatory basis in order to guarantee access to remedy for the affected people in the context of strong power information imbalances
- Explicitly include environmental rights and due diligence requirements with administrative, civil and criminal liability sanctions in cases of abuses
- Include specific measures to ensure trade and investment agreements do not undermine States' capacity to respect, protect and fulfil human rights in their own territory and abroad.
- Strengthen institutional arrangements to monitor and implement the Legally Binding Instrument
- Reinforce provisions to make the treaty more gender-responsive, along with further emphasis on the protection of human rights defenders
- Replace the term "victim" with more empowering and participatory language in the revised draft, such as "affected persons" or "affected rights-holders".

Thank you very much!