

**7<sup>th</sup> Session of the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights**

**Statement on Article 4**  
**27 October 2021**

Thank you Mister Chairperson,

I will be very brief since many of the points we wanted to make have already been made by colleagues and by coalitions and networks we are part of.

I would like to first make a general comment. We note that some States and business representatives talk about a too prescriptive paragraph while others, to which we belong, think that this article is a reaffirmation of existing standards, well covered by international law. Some parts could even seem tautological, to say that victims shall enjoy all human rights. Of course they do as all rights-holders.

Having said all of that, each paragraph and subparagraph is adding useful details or elements applied to the specific context of our negotiation here. In that regard, we would agree with the proposal made by our colleague from ECCHR to consider changing the title to reflect better the content and include access to justice.

It is surely important to recall the guarantee of all human rights to victims at the beginning of the article. But we would agree with our colleague from the ICJ that opening a list of some rights in article 4.2 b may not be very useful as it is redundant and may give the impression that some rights are more important than others.

Let me go now to and finish with my more specific point on article 4.2.f concerning the right to access information. This is undoubtedly a crucial point in here and needs to be maintained and even strengthened.

The right to access information is enshrined in various international instruments, at the global and regional levels, and jurisprudence. In particular, article 19 of the ICCPR requires to guarantee the right to access information held by public bodies. Which, in turn, should mean that these bodies should have themselves necessary information and control over key documents through their duty to protect human rights and to regulate the activities of companies that impact human rights and the public interest. We could propose some wording in line with this but we note that States have made several proposals in that respect.

We thus support all proposals made by distinguished delegates that aim at increasing accessibility of information, including through adding gender and age responsive and sensitive approaches, as well as in different languages.

We also welcome the proposals made by the distinguished delegate of Cameroon to strengthen the article 4.2f. We note that the text is a bit heavy now with all the details. So we would propose that while not losing any of the important elements of Cameroon's proposal, some of them could be placed in other relevant articles such as article 6, if that might be useful.



I thank you.