



Article 2: Statement of Purpose

Article 4: Rights of victims

Article 4 sets out a list of rights of victims of human rights abuse which need to be protected. This list reflects and builds on existing and well-established standards of international human rights law, including the UN Basic Principles on the right to a remedy a reparation, the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the UN Updated Set of Principles to combat impunity.

This article is to be read in conjunction with the current article 5 and 7, which restate in a modified way parts of the standards originating from those existing UN instruments, which should also be recognized in the Preamble. Although already existing, the respect and compliance with these standards for victims' protection could significantly be reinforced by their incorporation in a legally binding instrument.

The Article needs to be drafted as an obligation for States Parties to the treaty to take measures to recognize and guarantee the rights of victims enumerated in it without prejudice to other rights recognized under international law or to a greater extent.

The ICJ recognizes the efforts to align article with adopted language in existing UN instruments, but the draft needs much more alignment, always acknowledging the need to adapt and update them to the context of protecting rights in the context of business human rights abuse may require amendment. In this regard, the ICJ welcomes the recent changes operated in this article incorporating more clearly a gender perspective, collective reparations and age-sensitive approaches.

Paragraph (b) of 4.2 should be deleted as it overlaps with and effectively contradicts 4.1., which already guarantees all human rights for victims, whereas paragraph (b) unnecessarily only recognizes a few. This would signal an inappropriate expression of hierarchy among human rights, where certain rights are accorded or perceived to be accorded enhanced protected status, contrary to the principle of indivisibility and interrelatedness of human rights, affirmed by all States in the Vienna Declaration and Programme of action.

The ICJ reiterates its recommendation to include a reference to the "right to truth" as stated in the UN Updated Principles on impunity:

"Every people has the inalienable right to know the truth about past events concerning the perpetration of heinous crimes and about the circumstances and reasons that led, through massive or systematic violations, to the perpetration of those crimes. (Principle 2, first part)

Irrespective of any legal proceedings, victims and their families have the imprescriptible right to know the truth about the circumstances in which violations

took place and, in the event of death or disappearance, the victims' fate. (Principle 4)"

Support Panama's and other states' proposals to ensure this and other provisions should also explicitly capture some child-specific elements to ensure that critical child protections do not go unaddressed. For instance, in article 4 (2) (e), although "age responsive" protective and support services have been added, a stronger emphasis on child rights should be considered by adding the words "**and child sensitive**" together with further reference to the requirement that "a child victim's identity 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."