

I speak on behalf of the Asia Task Force, and members of the Global Campaign.

Articles 4 and 5 in the proposed text for a legally binding instrument (LBI) on the Rights of Victims and Protection of Victims are of crucial importance to communities that have been severely impacted by corporate abuses and violations, and who for many years have continued the struggle for accountability and justice.

We reiterate the proposal of the Global Campaign and other networks to reflect on these Articles Victims and affected communities. We underscore the demand for the future treaty to recognize that when we speak of victims of corporate abuses and rights violations, that we should consider all individuals and communities threatened or affected by corporate harm, even if they have not yet been declared as victims.

We reject the view advanced by big business that a person or a community only becomes a victim after the alleged harm is proven in court. This view is a clear obstacle to affected communities seeking to access remedy and justice. We believe that the treaty should, and this is the spirit of both Articles 4 and 5, make it easier for affected communities to gain access to adequate, timely and effective remedy, and access to justice. The burden should be on corporations who have inflicted the harm, and not on the victims of these abuses and violations.

We advance again the proposal of the Global Campaign for an Amendment to Article 5.2:

States Parties shall take adequate and effective measures to guarantee all rights, including a safe and enabling environment, for persons, groups and organizations that promote and defend human rights and the environment, so that they are able to exercise their human rights free from any threat, intimidation, violence or insecurity. This obligation requires taking into account their international obligations in the field of human rights, and their constitutional principles.

In the context of affected communities in Asia, re-victimization has become the norm, where access to remedy and justice has become a generational struggle rife with obstacles.

The protection of victims and affected communities as defined in Article 5 is vital in order to ensure that victims and affected communities are able to secure access to remedy and justice for abuses and violations committed against them in light of the re-victimization, and the intensifying attacks against victims and affected communities seeking accountability and justice.