

## **Article 5: Protection of Victims**

Article 5.1 provides for an obligation to the protect victims and their representatives, families and witnesses against “unlawful interference” with their rights and “re-victimization in the course of these proceedings”. It constitutes a repetition of what article 4.2 (e). If the definition of “victims” includes also reference to representatives, families and witnesses, this art 5.1 becomes superfluous.

It also contains in 5.2. protections for human rights defenders, which still should be further strengthened by adding a specific reference to trade unionists as human rights defenders, which seems necessary on the face of persistent and growing risk of threats and attacks to unions and workers.

In Art. 5 (2) we support the proposal by Panama and South Africa to integrate “harassment and reprisals” at the end of the provision to protect victims, human rights and workers’ rights defenders against such conduct by businesses and States.

In many respects, this article is a continuation of and closely connected to article 4, and it may be sensible for the two articles to be merged in a single one. This article also includes under its purview the representatives, families and witnesses of the victims, as well as their defenders (legal or non-legal), which is an additional argument for the inclusion of those persons and groups in the definition of “victims” in article 1.

While Article 5.3. is also critical for the protection of the rights of victims, it is a State’s procedural obligation more clearly linked to access to remedy and to justice for the victim and consideration should be given placed under article 7 (Right to an effective remedy).