

Article 8 - Session October 28

This statement is on behalf of Feminists for a Binding Treaty.

In regard to 8.1 (and in line with 8.3), we suggest adding, “causing or contributing to” before human rights abuses.

In 8.3, we suggest adding so that it reads “where legal or natural persons conducting business activities have caused or contributed to human rights abuses **or violations of international humanitarian law.**”

For consistency, we suggest adding “abuses” in 8.4, so that the first sentence reads in part, “reparations to the victims of human rights violations or **abuses.** We suggest then adding, “**Particular attention should be given to cases of environmental damage or contamination in order to limit ongoing and future human rights abuses or violations, including to ensure that all necessary measures are undertaken in close consultation with impacted communities.**”

We also suggest adding 8.6 bis, which would read “**State Parties shall also ensure that their domestic law provides for liability of state authorities who fail to adopt and adequately enforce environmental and other related legislation, which may unduly permit and prolong human rights abuses from business activities.**”

We support Palestine’s proposal to delete the last line of 8.7.

In 8.8, we disagree with China’s proposal and find that it weakens the provision. Also in 8.8, we suggest deleting the first phrase, “Subject to their legal principles.” We would also like to add “international humanitarian law” to that sentence, so that it reads in part “amount to criminal offenses under international human rights law binding on the State Party, **international humanitarian law**, or customary international law, or their domestic law.”

We regret the reference in art. 8.8 that States should advance their criminal law to include international crimes and to ensure that legal persons are held criminally liable has been deleted. States should take measures to ensure that grave and serious violations of economic, social and cultural rights and environmental crimes committed in the context of business activities are subject to criminal liability including of legal persons. Such a dynamic approach would ensure a response to urgent needs and realities- we have seen the need for this in the recent case of Mayan communities in El Estor, Guatemala protesting against illegal mining operations.