**Statement on Article 12 of the “Third revised draft”**

**Julian Samek for the delegation of the NGO “Südwind”**

**Oral contribution on the Third Revised Draft of the Legally Binding Instrument**

to the eight session of the “Open-ended Intergovernmental Working Group on Transnational Corporations and Other Business Enterprises with Respect to Human Rights”, 24-28 October 2022, Room XX, Palais des Nations.

The session during which the oral intervention is to take place: Agenda Item 4, Article 12 Mutual Legal Assistance and International Judicial Cooperation, Wednesday AM or PM.

How the intervention will take place: In person delivery.

The type of stakeholder speaking: NGO with ECOSOC status

Name of the State or organisation(s): Verein Sudwind Entwicklungspolitik

Name of the speaker: Julian Samek

As an international delegation of representatives of our generation enabled by Südwind, we especially welcome the attention given to the international legal cooperation required to protect workers from human rights abuse by transnational companies touched upon in Article 12 of the “Third Revised Draft”.

In our opinion, this cooperation is essential for ensuring human rights protection in a modern, globalized world.

And this globalised economy is exactly where we believe the issue lies. We truly believe the motivation of many states to try and protect workers from human rights abuse by companies within their borders. However, in an economy dominated by transnational corporations, effectively implementing these motivations becomes difficult. There have been and continue to be an overwhelming amount of examples of transnational companies outsourcing their labour to countries with less strict labour laws, as it is economically beneficial for them to do so. At this point, it becomes very difficult for the countries housing these companies to monitor the upholding of human rights at their production sites.

But ultimately, they have to be monitored, if you want to ensure the upkeep of human rights all around the globe. We cannot leave the people of these countries, who simply want to earn a fair living, in exploitation. We have to prevent these people from bearing the costs of transnational corporations saving money on labour, which, due to the issue explained before, is an international project. And issues like these are exactly what the UN is for. A single country might not be able to control an entire supply chain and its production conditions, but an alliance of countries along such a major supply chain might.

Therefore, we call upon you to establish more concrete means for countries to better and more easily ally in issues concerning human rights protection along global supply chains than proposed in the revised article 12. Clearly, it should be stated that in the absence of existing treaties on legal assistance and judicial cooperation States Parties under the LBI shall make available to one another, mutual legal assistance and international judicial cooperation to the fullest extent possible.

Thank you very much