Dear Mr Chair Rapporteurs,

I am delivering this statement on behalf CIDSE, Broederlijk Delen, CAFOD, CCFD-Terre Solidaire, DKA Austria, Entraide et Fraternité, Fastenopfer, Focsiv, KOO, Misereor, Trócaire, and Alboan

Article 7 of the third revised draft is essential to ensure that the grave imbalances between corporations and rights-holders are addressed, by including credible provisions that lift barriers to justice and reparation faced by victims.

For this to happen, access to remedy must be designed and conducted in a way that puts rights-holders at the centre.

Mr Chair,

Complaint mechanisms, if not designed independently, can provide an opportunity for companies to exert undue influence on community leaders and selected groups of affected people by providing compensation only to selected victims. This way, companies create divisions in communities while claiming they discharged their duties.

For this reason, we support Palestine’s proposal from last year on Art 7.1 to centre any non-judicial mechanisms around the rights and the needs of victims. As already stated both by States and civil society colleagues, non-judicial mechanisms should never preclude victims’ access to judicial mechanisms.

Furthermore, victims should not be asked to provide evidence that can only be found in corporate offices around the world, or that which requires significant means to be gathered. We therefore support the reversal of the burden of proof in favour of victims in all cases in art 7.5.

Finally, we would like to re-assert the importance of the removal of the doctrine of Forum non-conveniens in Art 7.3, in order to offer certainty of access to justice for victims.