**Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights**

**Eighth session (24-28 October 2022)**

**Delivering the statement:**

**Articles 4 and 14**

Thank you Mr. Chair.

We have comments on articles 4 and 14.

We recommend that Art. 4.2.f of the third revised draft on the right to access information should be further elaborated to include stronger requirements for the disclosure of information in order to facilitate legal proceedings. In particular, affected communities and individual should have access to information regarding the different legal entities linked to the parent company as to facilitate the determination of liability.

The right to access such information and its corresponding obligation for business enterprises and States to disclose such information should also be reflected in article 7 on access to remedy and article 6 on prevention.

It is noticed with regret that some important components of the rights of victims to access justice and effective remedies, which were in article 4.5 of the first draft, have since been deleted. It is therefore proposed to include additional components of reparation for victims under current article 4.2c, which better reflect the immediate and long-term measures which should be taken, and the importance for long-term monitoring of such remedies.

Our analysis of the cases of Brumadinho Dam Disaster and POSCO land grabbing have concretely shown the need to have such key components specifically added to reparations.

Effective remedies and reparation measures should take into account the differentiated impacts of human rights abuses on specific groups in order to respond adequately to these impacts and their particular needs. In order to guarantee this, it is important for the remedy process to be transparent, independent and count with the full participation of those affected. In addition, such processes should also consider harm that could appear in the future.

We shall be happy to provide our exact textual proposals for the Chair’s consideration at a later stage.

On Article 14, we note that the international framework of trade and investment agreements is suffering from a crisis of legitimacy, which must be seen as a need to introduce new legal approaches that address the relationship between human rights and trade policies from a new paradigm. person. It is imperative to incorporate the principle of the primacy of human rights in this treaty, which leads to the immediate and unconditional enforceability of these rights as a rule and their conditioning as the exception, as recognized by different decisions of the Inter-American and European system.

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