

37th Session of the Human Rights Council

Agenda Item 3: General Debate

Joint Oral Statement

08 March 2018

Thank you Mr. Chair. This statement is on behalf of Caritas Internationalis, CAFOD, CIDSE and Franciscans International.

We welcome the report of the third session of the Intergovernmental working group on TNCs and human rights. We consider the process towards a legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises, as fundamental.

The elements put forward in 2017 at the third session of the working group are a constructive basis for negotiations on the legally binding instrument. The report of the 3rd session of the group reflects the substantive discussion and the points that need to be explored in further detail to create an effective future international instrument. We encourage all States to engage constructively with the Open-ended intergovernmental group and, as relevant, intersessional consultations to develop a draft text ahead of the next session in October 2018.

Among others, the elements paper reaffirms the primary responsibility of States to protect against human rights violations and abuses, including by business actors, and stresses that States have to take all necessary measures to make this protection effective. We can only support this approach.

In this regard, of particular concern for our organizations are the threats, including violence, that community leaders face if they challenge large-scale private sector projects, which threaten their lands, water resources, forests, livelihoods and ways of life. From the hundreds of deaths of human rights defenders in Latin America alone, including women leaders, it is clear that the international community must find a more effective way to stop these attacks and ensure that all businesses respect human rights, wherever they operate.

The future instrument should include strong language on the State's obligation to protect human rights defenders working in the context of business activities, closing gaps in the current global and national policy responses. This could include adopting legislative provisions that prohibit interference, including through the use of public or private security forces, with the activities of any person who seek to exercise their human right to peacefully protest against and denounce abuses linked to corporate activity. Other measures could include refraining from restrictive laws and establishing specific mechanisms to protect human rights defenders against any form of criminalization and obstruction to their work, including gender-specific violence against women human rights defenders. Additionally, States shall fully, promptly and independently investigate and punish attacks and intimidation of human rights defenders.

Provisions to ensure access to justice are essential, as effective access to justice and remedies will reduce the current climate of impunity. Such impunity contributes to creating an environment where communities and individuals face harassment and abuse when defending their rights.

To conclude, we wish to reiterate the key role that the regulation of business activities in international human rights law will play in the fulfilment of the human rights promises embedded in the Agenda 2030 and in the SDGs, and in ensuring national and global policy coherence in compliance with human rights standards.

Thank you