

**10th Session of the open-ended intergovernmental working group on
transnational corporations and other business enterprises with respect to human rights**

Article 8 – Legal Liability
19 December 2024

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Thank you, Mr. Chair.

This is a joint statement by the Feminists for a Binding Treaty, Franciscans International, and FIAN.

The LBI must ensure liability and reparations for human rights abuses and violations.

We support Colombia's edits in 8.2(a) and (b). We underscore the need for the LBI to explicitly mention situations of direct commission of a human rights abuse or violation in Article 8.3, and also support Colombia's edits for 8.3(a) and 8.3(b).

We do not support the removal of the third revised draft's provision requiring States Parties to adopt measures necessary to ensure that their domestic law provides for adequate, prompt, effective, gender and age responsive reparations to the victims of human rights abuses in Article 8.4, and accordingly support Palestine's re-inclusion of the text.

The third revised draft's Article 8.6 should also be maintained, i.e.

"States Parties shall ensure that their domestic law provides for the liability of legal and/or natural persons conducting business activities, including those of transnational character, for their failure to prevent another legal or natural person with whom they have had a business relationship, from causing or contributing to human rights abuses, when the former controls, manages or supervises such person or the relevant activity that caused or contributed to the human rights abuse, or should have foreseen risks of human rights abuses in the conduct of their business activities, including those of transnational character, or in their business relationships, but failed to take adequate measures to prevent the abuse."

We strongly emphasize the need to re-introduce an article which underscores that the establishment of human rights due diligence mechanisms will not automatically absolve a legal or natural person conducting business activities from liability for causing or contributing to human rights abuses or failing to prevent such abuses.

Furthermore, Article 8 should also have an article on liability for a failure to conduct human rights and environmental due diligence.

Finally, we support Palestine's addition of Articles 8.6 bis, ter and quater.

Thank you.