

**First intersessional thematic consultation of the Open-ended intergovernmental
working group on transnational corporations and other business enterprises
with respect to human rights**

**ORAL STATEMENT OF CIDSE ET AL FOCUSED ON
ARTICLE 4 (RIGHTS OF VICTIMS), ARTICLE 5 (PROTECTION OF VICTIMS),
AND ARTICLE 7 (ACCESS TO REMEDY).**

April 15th and 16th, 2025

Thank you, Mr. Chair-Rapporteur. I speak on behalf of CIDSE, Fastenaktion, CCFD-Terre Solidaire, and Franciscans International.

First, we regret that this year's intersessional consultations are in person only. This excludes many stakeholders unable to afford travel to Geneva. We urge the OEIGWG to return to a hybrid format for future meetings. We are also concerned about the lack of consultations on Articles 1 to 3, especially given divergent State positions on the LBI's scope—an issue that remains fundamental.

On **Article 4**, we call for a broad definition of victims and a robust list of remedies. Victims' rights must ensure equitable, timely and gender-sensitive access to justice and include both individual and collective reparations.

Regarding **Article 5**, we condemn the attempts made by some States to restrict the protection of victims solely to individuals. We support Brazil and Algeria's call to include "affected persons and communities," and recommend the inclusion of the phrase "persons, groups, and organisations that promote and defend human rights and the environment, regardless of sex, age, and profession" in Article 5.2.

On **Article 7**, we stress the need to remove legal and practical barriers to justice. This includes:

- Strengthening the reversal of the burden of proof to aid victims in accessing corporate documents;
- Requiring companies to remediate harm as part of their due diligence obligations;
- Explicitly eliminating doctrines like *forum non conveniens*, as proposed by Palestine and Egypt;
- Strengthening grievance mechanisms for affected communities.

To further improve Article 7, we support deleting vague qualifiers like "consistent with domestic systems" and "when and as applicable," which risk undermining victims' rights. We also propose a new provision Article 7.5(d) to ensure the recognition and prompt execution of national or foreign judgments or awards in accordance with the LBI and victims' rights.

We urge States to adopt these changes to reinforce justice and corporate accountability in the LBI.

Thank you.

Delivered by Francois Mercier, Fastenaktion