

**11th Session of the Open-ended intergovernmental working group on transnational corporations and other business enterprises
with respect to human rights**

ORAL STATEMENTS ON ARTICLES 4 TO 11 BY CIDSE ET AL.

October 22nd, 2025

Thank you, Mr. Chair-Rapporteur

I am speaking on behalf of CIDSE, CCFD-Terre Solidaire, DKA Austria, Broederlijk Delen, Trócaire, and Fastenaktion.

We appreciate the Chair's ongoing efforts to advance the Legally Binding Instrument and thank you for the organisation of the intersessional thematic consultations and the suggested textual proposals. We consider this a crucial step to advance in negotiations and note many positive elements contained therein alongside some areas of considerable concern. However, as mentioned already, we regret that the summary report, containing those wording proposals, was issued only a few days prior to the negotiation week, providing limited opportunity for a thorough analysis to inform the negotiations. Therefore, we welcome the proposal to extend the time for States and to extend this possibility to civil society organisations to provide inputs on the Chair's proposals until February 1st, 2026 and ask that this be reflected in the report. We furthermore request that all such written inputs – by states as well as all other stakeholders - be made available via the webpage of the Working Group in the spirit of promoting the transparency of the process.

Thank you, Mr. Chair

Delivered by Chris O'Connell

October 22nd, 2025

Thank you, Mr. Chair-Rapporteur

I am speaking on behalf of CIDSE, CCFD-Terre Solidaire, DKA Austria, Broederlijk Delen, Trócaire, and Fastenaktion.

Based on a first reading of the wording proposals report, we would like to offer preliminary comments as follows:

On **Articles 4 and 5**, we welcome the strengthened provisions on the rights of victims, including the recognition of persons with disabilities, as well as the consideration of **addressing the term victims in a cross-cutting manner throughout the text**. We note that the definition of ‘victims’ will be addressed as part of the consideration of Article 1 but wish to signal that our preference is for that definition to encompass “victims, affected persons and communities”. We believe this to be an acceptable compromise and call on States to support this terminology.

On **Article 4**, we have concerns regarding the phrase “seek access to effective, prompt and adequate remedy” and suggest substituting this with the phrase “access effective, prompt and adequate remedy”. We believe that this formulation better reflects the desired outcome of ensuring access to remedy for victims.

On **Article 5**, with regard to the phrase “judicial and non-judicial mechanisms” we have concerns that this formulation fails to adequately reflect the primary objective of this instrument which is to hold corporate entities legally accountable and ensure access to courts. Accordingly, we suggest adding the word “courts” before the phrase “judicial and non-judicial mechanisms” to more clearly signal this intention.

Also on **Article 5, as well as more broadly throughout the text**, we are concerned that qualifiers such as “consistent with domestic legal systems” go against the essence of this international legally binding instrument and risk limiting protection and access to remedy and should therefore be removed.

Thank you, Mr. Chair

Delivered by Susana Hernández

October 23rd, 2025

Thank you, Mr. Chair-Rapporteur

I am speaking on behalf of CIDSE, CCFD-Terre Solidaire, DKA Austria, Broederlijk Delen, Trócaire, and Fastenaktion.

Based on a first reading of the wording proposals report, we would like to offer preliminary comments as follows:

In **Article 6**, we stress the need for robust prevention obligations. In **Article 6.2 b**, we recommend deleting restrictive qualifiers such as “internationally recognised” when referring to human rights, as this could narrow States’ responsibilities – even more so when further qualified by the additional language suggested in the report that begins with the phrase “as reflected in treaties” and ends with “domestic law of the State Party”. We therefore recommend substituting this formulation with the phrase “respect ... for international human rights law” as per Resolution 26/9. On **Article 6.2 c**, we believe the language in this provision could be streamlined. We suggest the formulation: “... require that transnational corporations and other business enterprises undertake the practice of human rights AND environmental due diligence”, in order to reflect their equal importance, in line with lived experiences of communities affected by environmental harms and the growing international recognition of the right to a healthy environment. We also support the calls made for the inclusion of wording on enhanced due diligence in conflict-affected settings and situations of occupation.

On **Article 6.2 d**, the provision needs to ensure the rights of individuals and groups, such as civil society, non-governmental organisations, Indigenous Peoples, trade unions, children and youth, and affected communities, in developing and monitoring preventive measures. In particular, we support the inclusion of an explicit reference to the right to free, prior and informed consent of indigenous peoples under **Article 6.2 d as well as Article 6.4 f**.

Thank you, Mr. Chair

Delivered by Wies Willems

October 23rd, 2025

Thank you, Mr. Chair-Rapporteur

I am speaking on behalf of CIDSE, CCFD-Terre Solidaire, DKA Austria, Broederlijk Delen, Trócaire, and Fastenaktion.

Based on a first reading of the wording proposals report, we would like to offer preliminary comments as follows:

On **Article 7**, we reiterate that access to justice and liability are the backbone of this treaty and must not be weakened. On **Article 7.2**, we repeat our previous comments regarding the removal of qualifiers related to domestic law and our suggestion for the addition of “courts” before “judicial and non-judicial mechanisms”. On **Article 7.2(b)**, we welcome the new language that references the removal, rather than reduction, of legal, practical and other obstacles that work to hinder access to effective remedy. We believe that this is an important recognition of the significant barriers that victims, affected persons and communities face when seeking justice for human rights violations and abuses in the context of transnational business activities. Given the grave nature of those abuses and violations as vividly outlined by many representatives of those communities this week, we would support the proposal made by the international labour movement to drop the reference to “progressively”. On **Article 7.3**, we welcome the addition of language to ensure that information is accessible in gender-responsive formats and suggest that similar language be added to **Article 7.3(a)** in relation to the legal aid to be provided.

Thank you, Mr. Chair,

Delivered by Chris O’Connell

October 23rd, 2025

Gracias, señor Presidente-Relator:

Hablo en nombre de CIDSE, Trócaire, el Consejo del Pueblo Maya (CPO), la Asociación Comisión Paz y Ecología (COPAE) y el Parlamento Xinka de Guatemala.

SPANISH

El **Artículo 8.2** debe referir claramente que los Estados **deberán**, en vez de podrán establecer responsabilidad penal, civil y administrativa. Apoyamos la inclusión del **Artículo 8.6 bis** para garantizar **la responsabilidad conjunta entre los grupos empresariales y las cadenas de valor, con una referencia explícita a estos últimos**, Y sin condicionar la responsabilidad a la falta de prevención de abusos. El derecho de las víctimas a un recurso efectivo debe seguir siendo fundamental en todas las formas de responsabilidad.

Gracias, Sr. Presidente-Relator

Entregado por Udiel Gonzalo Miranda Feliciano

ENGLISH:

Article 8.2 must clearly state that States **shall**, not *may*, establish criminal, civil, and administrative liability. We support the inclusion of **Article 8.6 bis** to ensure **joint and several liability across corporate groups and value chains, WITH AN explicit reference to these**, and without conditioning liability on a failure to prevent abuses. Victims' right to an effective remedy must remain central to all forms of liability.

October 23rd, 2025

Thank you, Mr. Chair-Rapporteur

I am speaking on behalf of CIDSE, CCFD-Terre Solidaire, DKA Austria, Broederlijk Delen, Trócaire, and Fastenaktion.

As previously stated by members of the CIDSE network, we are presenting our preliminary comments based on a first reading of the wording proposals report.

We welcome progress in **Article 9**, particularly the inclusion of *forum necessitatis* in the new **Article 9.4 bis** (or **Article 9.1 ter**), which provides an essential safeguard against denial of justice. However, we found some concerning elements in the wording proposal. The first element is the limitation only to civil claims. We think this element needs to be aligned with all forms of liability established in Article 8 (criminal, civil, or administrative).

The second element is the wording in the chapeau [quote] “the claimant cannot reasonably be expected to seize another court, and there is a sufficient connection to the State Party concerned” [end of quote]. We believe the current wording may be improved as it is now unclear and may create legal uncertainty to ensure effective access to justice for victims. Finally, we support Mexico’s proposal and the Trade Union Movement suggestion for a general obligation.

Thank you, Mr. Chair

Delivered by Susana Hernández

October 23rd, 2025

Thank you, Mr. Chair-Rapporteur

I am speaking on behalf of CIDSE, CCFD-Terre Solidaire, DKA Austria, Broederlijk Delen, Trócaire, and Fastenaktion.

As previously stated by members of the CIDSE network, we are presenting our preliminary comments based on a first reading of the wording proposals report.

On **Article 10.1**, we are concerned that the current reference to “crimes under international law” could limit the scope of the article to war crimes, crimes against humanity and crimes of genocide (as specified in the suggested text), excluding acts such as torture, enforced disappearance, slavery and corruption. We ask the legal experts to provide more clarity on the scope of Article 10.1. The aim here should be to avoid the application of a special regimen of statute of limitations only to those crimes which are considered the most serious under international law and, instead, it should guarantee that every internationally recognized crime against human rights have their statute of limitations determined in accordance with this Legally Binding Instrument’s provision.

Thank you, Mr. Chair

Delivered by Marla Mies

October 23rd, 2025

Thank you, Mr. Chair-Rapporteur

I am speaking on behalf of CIDSE, CCFD-Terre Solidaire, DKA Austria, Broederlijk Delen, Trócaire, and Fastenaktion.

We only have a brief comment on Article 11. We should unequivocally affirm that victims *shall*—not *may*—choose the applicable substantive law most favourable to their case, ensuring effective remedy and legal certainty.

Thank you.

Delivered by Chris O’Connell