

**Seventh Session of the Open-ended intergovernmental working group on  
transnational corporations and other business enterprises  
with respect to human rights  
ORAL STATEMENT – ARTICLE 5**

*On behalf of: CIDSE, CCFD-Terre Solidaire, Broederlijk Delen, CAFOD, Entraide et Fraternité, Fastenopfer, Focsiv, KOO, DKA Austria, Misereor, Maryknoll Office for Global Concerns, Trócaire, Alboan and Justice and Peace Belgium.*

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27 October 2021

Mr. Chair,

I would like to deliver this statement on behalf of CIDSE, CCFD-Terre Solidaire, Broederlijk Delen, CAFOD, Entraide et Fraternité, Fastenopfer, Focsiv, KOO, DKA Austria, Misereor, Maryknoll Office for Global Concerns, Trócaire, Alboan and Justice and Peace Belgium.

We suggest specific amendments to Article 5 to clarify that human rights and environmental defenders need to be explicitly protected in the LBI, and we need to further concretise the respective state obligation.

First, the title of Article 5 should not only refer to the protection of victims, but also include human rights and environmental defenders, because it seems human rights and environmental defenders are not victims in the meaning of Article 1.1. of the LBI.

It is therefore suggested to change the title into:

*“Protection of victims and human rights and environmental defenders”*

and to include the term “human rights and environmental defenders” in Article 5.2. of the LBI to make the reference explicit.

In addition, the LBI should better clarify the obligations of States to protect human rights and environmental defenders. In drafting such a provision, inspiration could be taken from the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (the so-called Escazú Convention) which entered into force in April 2021. Based on Article 9 of the Escazú Convention, Article 5 of the LBI could be amended with a special article on human rights and environmental defenders in a business context. Such a provision could be worded as follows:

*“5.3. States Parties shall take appropriate, effective and timely measures to prevent, investigate and punish attacks, threats or intimidations that human rights and environmental defenders may suffer while exercising their human rights.”*

Thank you, Mr. Chair.