

First intersessional thematic consultation, focused on: Article 4 (Rights of victims), Article 5 (Protection of victims), and Article 7 (Access to remedy) towards the 11th session of the Open-ended Intergovernmental Working Group (OEIGWG) on transnational corporations and other business enterprises with respect to human rights

General Comments

Thank you Mr. President,

This statement is made on behalf of the International Service for Human Rights.

We reiterate our commitment to continue engaging with the negotiations and welcome the efforts that have been taken this year to advance the process. We welcome the organization of this Inter-Sessional Consultations, however, we also echo the lack of hybrid modalities for the organization of these meetings for the meaningful participation of civil society organizations and human rights defenders. While States should work to have the mandate approved in NY as per the Council decision 55/116, defenders based outside of Geneva could benefit from alternatives such as the ones we have seen during the last Human Rights Council Session.

As we enter into the eleventh year of the negotiations, we believe more than ever that binding rules and better regulations of business is essential. While we understand the need to move forward with the process and find agreement on some language, we fear that this is leading to watering down the text and removing wording that would make the LBI stronger, this is the case on references related to human rights defender. We regret, for example, that the preamble no longer makes reference to the UN Declaration on Human Right Defenders and the risk to not have this language in the articles 4,5 and 7 is also concerning. This has also partially reflected in the non-paper that will be discussed today.

We see an increase in criminalization, harassment and intimidation of human right defenders, particularly those fighting against corporate interests and protecting the environment. In 2023, the Business & Human Rights Resource Centre recorded 630 instances of attacks against people raising concerns about business-related harms. These attacks have taken different forms, including the misuse of criminal, administrative, civil and tax laws; and an increased use of strategic lawsuits against public participation, also known as SLAPPs, initiated mostly by corporations which has a chilling effect on freedom of expression. In many cases, this is followed without meaningful investigations, lack of access to justice and consequently lack of reparations.

We will also make some interventions in the individual articles as the discussions continue based on the [Declaration +25](#), an authoritative document that reflects the current status of international human rights law in relation of the protection of human rights defenders.

Thank you.