



This is a statement by ESCR-Net and PODER on Article 7 referring to the 3rd draft.

Thank you Mr. Chair.

Referring to the 3rd draft on Article 7. State Parties shall provide competence in judiciary for overcoming obstacles for specific marginalized groups in seeking remedy.

This article must articulate clearly that an international legal forum can be used - in addition to a domestic one - for access to remedy by those affected by abuses or violations related to business activities. In this vein, we support the inclusion of a provision on ensuring that “State Parties shall provide adequate and effective legal assistance to victims throughout the legal process”.

We also strongly support that “State Parties shall ensure that reparations processes and mechanisms established to repair the harm caused by business activities are designed and implemented, in consultation with, and with the full participation of affected communities, are transparent and independent from the business enterprise that caused or contributed to the harm, ensure independent technical assistance and are sufficiently resourced to offer the prospect of full reparation to all those affected. - we could see this Article being placed under legal liability as well.

In Article 7(2), States should ensure that their domestic laws provide for access to information both through assisting with the provision of information when corporations fail to provide meaningful access to information, and by taking into due consideration and recognising the validity of different forms of data and information gathered by communities.

Article 7 must keep reference to two central components of the right to an effective remedy: (1) the right to due process (notice and right to be heard); and (2) the right to access justice systems in an “adequate, timely, and effective manner.”



This article must also keep reference to specific remedies, including:

- Facilitating requests for disclosure of State or corporate finances or relations and other relevant information.
- Avoiding gender and age stereotyping
- Avoiding unnecessary delays and costs on those affected by abuses and violations related to business entities
- Removing legal obstacles, including forum non conveniens, to initiate proceedings in the courts of another State Party in all cases of human rights abuses and violations resulting from business activities in particular those of a transnational character.
- Ensuring that burden of proof is on corporate entities or entities involved in business activities that may have caused or contributed to human rights abuses and/or violations.
- We support proposals on Art. 7.5 - state parties shall adopt measures to facilitate the production of evidence such as the reversal of the burden of proof.