

2013 Bangkok Joint Statement

Joint Statement: Call for an international legally binding instrument on human rights, transnational corporations and other business enterprises

This statement has been endorsed by a wide alliance of international networks, organizations and social movements, listed below^[1]. It represents the collective expression of a growing mobilization of global civil society calling for further enhancement of international legal standards to address corporate infringements of human rights. It welcomes the recent initiatives by States in the United Nations Human Rights Council to develop an international treaty on legally binding rules for TNCs on human rights issues.

We, the undersigned organisations, Concerned about the continuing abuses and violations of human rights occurring all over the world which directly or indirectly engage the responsibility of business enterprises;

Concerned also that such abusive conduct often disproportionately impacts women, who comprise the majority of workers in the most vulnerable sectors, peasants, indigenous peoples, persons living in poverty, children among others, and especially concerned by the fact that justice is denied to those who suffer harm,

Considering the invaluable work done by human rights defenders and organisations, trade unions, indigenous rights and women rights defenders and others defending and protecting human rights in the face of corporate-related abuses,

Concerned at the incidence of attacks, harassment, restrictions, intimidation and reprisals against these human rights defenders,

Considering the initiatives taken by some States within and outside the United Nations human rights bodies as well as the action and work undertaken by human rights experts and bodies of the United Nations to provide better protection of human rights in the context of business operations,

Recalling existing States' obligations under global and regional human rights treaties and the need to implement and complement those treaties to make them effective in the context of business transnational operations,

Convinced of the need to enhance the international legal framework, including international remedies, applicable to State action to protect rights in the context of business operations, and mindful of the urgent need to ensure access to justice and remedy and reparations for victims of corporate human rights abuse,

1. Call upon the States to elaborate an international treaty that:

- a) Affirms the applicability of human rights obligations to the operations of transnational corporations and other business enterprises;
- b) Requires States Parties to monitor and regulate the operations of business enterprises under their jurisdiction, including when acting outside their national territory, with a view to prevent the occurrence of abuses of human rights in the course of those operations,
- c) Requires States Parties to provide for legal liability for business enterprises for acts or omissions that infringe human rights;
- d) Requires States Parties to provide for access to an effective remedy by any State concerned, including access to justice for foreign victims that suffered harm from acts or omissions of a business enterprise in situations where there are bases for the States involved to exercise their territorial or extraterritorial protect-obligations.
- e) Provides for an international monitoring and accountability mechanism.
- f) Provides for protection of victims, whistle-blowers and human rights defenders that seek to prevent, expose or ensure accountability in cases of corporate abuse and guarantees their right to access to information relevant in this context

2. Call on the United Nations Human Rights Council to take step towards the elaboration of this treaty, and to that end establish an open ended working group tasked with a drafting mandate.

3. Call on civil society organisations to take measures towards the establishment of a joint initiative to achieve the objective of a legally binding instrument within the United Nations without delay.

[1]This statement was originaly drafted by participants in the first annual Peoples' Forum on Human Rights and Business. The Forum was convened jointly by ESCR-Net and Forum-Asia from 5 to 7 November in Bangkok, Thailand.