



28th session of the UN Human Rights Council
Agenda Item 3: Clustered Interactive Dialogue
IE on human rights and the environment
IE on Foreign debt and its impact on human rights

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CHECK AGAINST DELIVERY

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Joint Oral Statement

Franciscans International and the Center of Concern, with the support of the International Commission of Jurists, thank both Independent Experts for their reports, which from different perspectives address a wide range of connections between the private sector and governments that many times result in human rights abuses.

The report by the Independent Expert on human rights and the environment, presents an encouraging set of good practices to mitigate environmental damage and its human rights impact. These practices are an incentive for States to fulfill their obligations. However, we remain concerned by evidence showing a massive failure by governments to protect human rights and the environment from abuses by the private sector and to ensure to victims access to justice.

The increased number of attacks against land and environmental rights defenders continue to go unchecked.¹ Many environmental and human rights advocates operate in rural, remote or isolated areas and the violation of their rights go many times publicly unnoticed.

Lack of consultation with and participation by affected communities in policies and decisions affecting their territories and way of living remains a major concern for national authorities and the private sector.

The good practices to enable the exercise of the right and access to a remedy outlined in the report should be welcome. But there are persistent accountability gaps, both at national and international level, and victims of abuse still face serious jurisdictional, legal, procedural, financial and practical challenges in accessing justice. We hope the next report by the IE will focus on these issues.

We welcome the report on financial complicity with gross human rights violations by the Independent Expert on Foreign debt and its impact on human rights. This is an important issue that had been neglected since the decade of the 70s.

While we agree that more empirical evidence is necessary for further analysis, we note the Independent Expert conclusions that private creditors have actually been “more likely to stabilize

¹ The report states “there is an urgent need for good practices in the protection of environmental human rights defenders” A/HRC/28/61 pg. 11

authoritarian regimes than official lending” and are probably more harmful to human rights (paras. 49 and 52). Private lenders enjoy lower public accountability and “market discipline alone provides insufficient incentives for lending that is sensitive to human rights” (para. 51).

We agree that private lenders should undertake due diligence processes. We look forward to the next report analyzing the legal contours of the concept of financial complicity and providing policy guidance for financial actors, as well as an analysis of whether additional legal standards are required in this field.

Finally, we would ask the IE on Foreign debt how he sees the interlinks between the imposition of financial sanctions and the issue of financial complicity.

Thank you Mr President.

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