

**Human Rights Council
40th Regular Session
25 February to 22 March 2019
Agenda Item 3**

Oral Statement of the International Commission of Jurists (ICJ) in the General Debate on
item 3

Towards the Legally Binding Instrument on Business and Human Rights

7 March 2019

Mr President,

The report on the Fourth session of the Intergovernmental Working Group to establish a legally binding instrument in the field of business and human rights opens opportunities for States and the international community to build a multilateral legal framework in this field.

We continue to urge all States from all regions – especially those that have been reluctant to engage- to actively participate in this process.

The ICJ considers that this draft should be based on transparent consultation and participation and respect standards of clarity and precision.

Recent dramatic events in Brazil and South Sudan show the central place that a system of legal responsibility for businesses, including for complicit participation in abuses, should have in an international treaty.

The dam collapse in the Brazilian locality of Brumadinho and the evidence pointing to oil industry complicity with serious human rights violations in South Sudan show the global scale of the problem and the involvement of companies from all corners of the world.

A treaty should also provide to all states a set of common standards effective collective action to guarantee access to justice in a transnational setting.

The creation of an international legally binding framework for States to maximize action and cooperation regarding human rights abuses in the context of business operations remains a compelling necessity of our times.

I thank you.