

Open-ended Inter-Governmental Working Group on transnational corporations
and other business enterprises with respect to human rights

Oral Statement

Child Rights Connect/ DKA AUSTRIA/IBFAN-GIFA

Statement Concerning Article 6 (Legal Liability, Wednesday Morning)

Thank you Chair.

I'm speaking on behalf of Child Rights Connect, DKA Austria, Geneva Infant Feeding Association, International Baby Food Action Network.

As child rights based organizations, we welcome the improvement in the "revised draft" with regard to legal liability. At the same time, article 6 needs clarification with regard to children's rights.

The link between the Human Rights Due Diligence procedure in article 5 and potential legal liability in article 6 remain to be clarified.

On the other hand, it should be made clear that the list of crimes in article 6 para 6 is demonstrative and not complete. In particular, serious violations of children's rights, such as exploitative and hazardous child labour, should be included as criminal offences.

It should be ensured that all damages caused by business activities be included in the binding treaty. Appropriate remedial measures, wherever rights are found to have been violated, should be available. This includes compensation, measures to promote physical and psychosocial recovery, rehabilitation and reintegration. In the case of damages with negative impacts in the future the protection of the rights of children and future generations have to be ensured. In the context of environmental harm, children may face additional barriers to access to justice as they and their representatives may lack information about the effects of particular harms or the harms may manifest only years after exposure. The same could be said for harmful marketing by the baby-food industry, which can cause long lasting effects on a child's health such as life-long non-communicable diseases, or worse, premature death. This may make it difficult or impossible for those affected to have standing to make a case, meet applicable limitations periods or discharge applicable burdens of proof. The example of environmental pollution and harmful marketing, with serious consequences on the development of children shows the need for immediate as well as future legal protective mechanisms. Thank you Chair.