



2023/2108(INI)

19.10.2023

COMPROMISE AMENDMENTS

1 - 5

Draft opinion
Miguel Urbán Crespo
(PE751.900v02-00)

Shaping the EU's position on the UN binding instrument on business and human rights, in particular on access to remedy and the protection of victims (2023/2108(INI))

Amendment 1
Miguel Urbán Crespo

Compromise amendment replacing Amendment(s): 14, 15, 16, 17, 18, 37

Draft opinion
Paragraph 2

Draft opinion

2. Recalls that people in developing countries, especially indigenous and traditional communities, smallholders and other small-scale food producers, women, human rights defenders **and** workers, are disproportionately affected by the human, labour and environmental rights violations committed by TNCs, which often go unpunished;

Amendment

2. Recalls that people in developing countries, especially indigenous and traditional communities, smallholders and other small-scale food producers, women, human rights defenders, workers, **minorities and other vulnerable groups**, are disproportionately affected by the human, labour and environmental rights violations committed by TNCs, which **is further aggravated by corruption and which** often go unpunished, **as in the emblematic cases of Mariana and Brumadinho (Brazil), Rana Plaza (Bangladesh), Marikana (South Africa) or Chevron-Texaco (Ecuador), among many others; calls to promote transparency by requiring TNCs to disclose relevant information about their operations, impacts on human rights, and measures taken to address them and ensure access to justice with special focus on social dimension and minorities and other vulnerable groups, and an effective remedy for victims of human rights violations and abuses;**

Or. en

Amendment 2
Miguel Urbán Crespo

Compromise amendment replacing Amendment(s): 22, 23, 24, 25, 38, 39, 41

Draft opinion
Paragraph 3

Draft opinion

3. Calls on the Council to adopt an

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ambitious mandate for the Commission to fully engage in the negotiations on the UN legally binding instrument on TNCs and human rights (LBI), in accordance with the objectives stipulated by UN Human Rights Council Resolution 26/9 of 14 July 2014, which mandates those negotiations; notes that the Member States should otherwise engage in the process individually;

ambitious mandate for the Commission to fully engage in the negotiations on the UN legally binding instrument on TNCs and human rights (LBI), in accordance with the objectives stipulated by UN Human Rights Council Resolution 26/9 of 14 July 2014, which mandates those negotiations; ***highlights that the negotiations, as well as the EU mandate should ensure cooperation with established and potential partners in the area of business and human rights and meaningful engagement with stakeholders impacted by the treaty, including international organisations, trade unions and other workers' representatives and civil society organisations; stresses, furthermore, the need to adopt a gender-sensitive approach throughout the process, as human rights violations are not gender neutral and should not be treated as such; highlights the need to strengthen the EU's diplomacy and reputation as a credible partner and a human and environmental rights defender; stresses that to fulfil this purpose, the EU position must be based on the primacy of human rights and necessarily include strong enforcing and monitoring mechanisms (including reporting requirements and periodic reviews to ensure compliance), access to justice for those affected by human rights violations, and joint and several liability provisions for TNCs and their value chains that are different and independent from those of the states; calls the Commission to fully engage in the future negotiations for the UN binding treaty on business and human rights, with a broad substantive scope covering all internationally recognised human rights, including fundamental workers' and trade union rights, as defined by relevant international labour standards and based on all relevant UN conventions;*** notes that the Member States should otherwise engage in the process individually;

Or. en

Amendment 3
Miguel Urbán Crespo

Compromise amendment replacing Amendment(s): 27, 28, 29, 30, 31, 42

Draft opinion
Paragraphs 4 and 4 a (new)

Draft opinion

4. Stresses the importance that the scope of the LBI under negotiation covers TNCs and other business enterprises of a transnational character, as established by Resolution 26/9;

Amendment

4. Stresses the importance that the scope of the LBI under negotiation covers ***all*** TNCs and other business enterprises of a transnational character, as established by Resolution 26/9, ***as well as their activities conducted through affiliates, subsidiaries, agents, suppliers, partnerships, joint venture and beneficial proprietorship; worries, however, that there are still many governance gaps that persist at the international level and calls to continue multilateral engagement to send a consistent signal to existing and potential cooperation partners;***

4 a. Stresses the importance to include parent company-based extraterritorial regulation and access to justice for victims of transnational corporate human rights violations in the home state of transnational corporations; highlights, in particular, the need to define clear obligations for TNCs in relation to the eradication of child labour and forced labour from their supply chains and operations;

Or. en

Amendment 4
Miguel Urbán Crespo

Compromise amendment replacing Amendment(s): 32, 33, 34, 35

Draft opinion
Paragraph 5

Draft opinion

5. Underlines that such an LBI, to effectively protect victims and guarantee access to justice, must include, among other things, free, prior and informed consent for activities developed in indigenous territories, the right to say no, the reversal of the burden of proof, mechanisms to assure extraterritorial jurisdiction, international cooperation obligations to enforce foreign judgments, the right to information and the right to full reparation.

Amendment

5. Underlines that such an LBI, to effectively protect victims and guarantee access to justice, must include, among other things, free, prior and informed consent for activities developed in indigenous territories, ***meaningful consultation and participation of affected individuals and communities in decision-making processes related to TNCs activities that may affect their lives and livelihoods***, the right to say no, the reversal of the burden of proof, mechanisms to assure extraterritorial jurisdiction, ***such as the jurisdiction of necessity (forum necessitatis) and to forbid declining of jurisdiction (forum non conveniens)***, international cooperation obligations to enforce foreign judgments, the right to information and the right to full reparation; ***stresses that the right to full reparation refers both to the process of providing remedy to victims, their families or affected communities for negative human, labour or environmental rights violations suffered and the substantive outcomes that can counteract, or make good, the negative impact of violations; highlights that reparation must be adequate, effective, prompt, and should be proportional to the gravity of the violations and the harm suffered, in all cases adapted to the specific context and condition of the rightsholder;***

Or. en

Amendment 5
Miguel Urbán Crespo

Compromise amendment replacing Amendment(s): 26, 40

Draft opinion
Paragraph 5 a (new)

5 a. Believes that in establishing human rights, environmental and climate-related due diligence obligations globally, the agreement strengthens the effectiveness of the upcoming EU CSDDD globally and create similarly high standards worldwide; underlines, in that respect, that CSDDD proposal should aim for a more comprehensive and inclusive approach; is convinced, moreover, that the UN treaty could make important provisions for improved legal protection for people affected, strengthening the EU directive;

Or. en