

Open letter

The EU must uphold Human Rights: Defenders' call for a Human-Rights centred CSDDD

To:

Spanish Presidency of the Council of the European Union;
Rapporteur Lara Wolters,
Mr Didier Reynders, Commissioner for Justice.

Brussels, 7th December 2023

Honourable decision-makers,

We write to you as defenders and advocates for those most affected by your proposed Corporate Sustainability Due Diligence Directive (CSDDD). As Global South signatories, we represent and convey the voices of those suffering the most from irresponsible business activity, including Indigenous peoples and workers at the end of global value chains. Ahead of what may be the final negotiations on CSDDD, we request that you hear our call for a directive that protects human rights and our planet first beyond “business as usual”.

1. Protect our Rights and the Environment

Restrictions on the protection of our rights will enable ongoing harm to us to continue [and must be removed](#). In particular, we again call on you [not to exclude Indigenous Rights](#), nor key ILO and other international instruments on the rights of workers, [human rights defenders](#) and environmental protection. Recognising our dependence as humans on the natural environment for food, health, and livelihoods, and its spiritual significance for many of us, we stress the dire threat to our planet's ecological integrity. Protecting our life support systems - water, soil, forests and air - is essential. The CSDDD must ensure the broadest environmental protection possible to counter ever increasing business-driven ecological destruction.

2. Protect our Climate and our Future

While [humanity is on track to reach a disastrous 3°C warming by 2050](#), climate change is already causing severe harm to [people](#), the environment and [the economy](#), with [particularly disastrous consequences for marginalised groups](#), such as Indigenous Peoples and women. **Businesses play a [major role](#) in driving up greenhouse gas emissions.** The CSDDD must require companies to effectively implement strong transition plans with time-bound targets for scope 1, 2 and 3 emissions. **The inclusion of the Paris Agreement as well as the ability of rights holders to take companies to court is nothing short of an absolute necessity.**

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3. Defend our Rights and Access to Justice

Restricting civil liability to harm that has been ‘caused to a natural or legal person’ and only where there is an aim ‘to protect the natural or legal person’ means our group – including indigenous – rights are excluded. Workers in global value chains face the systematic trampling of their rights, including [violent intimidations](#) and [union busting](#) and widespread, [serious restrictions to collective bargaining](#). For us to have any hope of actually defending our rights, all access to justice measures (recommended by the EU Fundamental Rights Agency in 2017, 2021 and 2023 together with the European Law Institute) must be adhered to. For us, justice depends on it.

4. Make sure we are taken into account – meaningful and safe stakeholder engagement

[Our voices continue to be ignored when companies make business decisions that affect us](#) even though we are the ones most at risk for raising issues around irresponsible business activity. Ensure our voices are taken into account when companies are making decisions that affect our lives and livelihoods, recognise the role of trade unions and worker representatives and [protect us from reprisals and retaliations when denouncing](#) business-related human rights and environmental violations. **Including an obligation on companies to conduct meaningful and safe stakeholder engagement at all stages of the due diligence process will result in tailored and effective prevention, mitigation, and remediation of adverse impacts as well as protection of human rights defenders.**

5. Ensure obligations for all those who cause harm

It is beyond dispute that [EU banks, insurers, investors and asset managers are involved in severe adverse impacts on our human rights, environment and climate](#), while our global financial system is set up to prioritise yielding dividends at the expense of investing in safety and security measures. By excluding the financial sector you condemn us to these ongoing and future adverse impacts. It is unjustifiable. **For our protection, meaningful due diligence obligations must apply to the entire financial sector.** Because of their inherent limitations, **the use of third-party audits and industry initiatives cannot be automatically considered equivalent to appropriate due diligence measures.** Auditors should be held accountable for the harms caused by faulty auditing.

In conclusion, we urgently call upon you as EU policy makers to champion a legislation that places human rights, environmental preservation, and climate resilience at its core. The final dialogue is the last chance to elevate the directive to a standard that not only prevents harm but actively contributes to a sustainable, equitable future. Let this be a testament to the EU's unwavering dedication to human rights and its steadfast resolve to combat climate change on the global stage. The world is watching, and the choices made today will resonate for generations to come.

Signatories from Global South countries:

1. ActionAid Guatemala
2. Africa Institute for Energy Governance (AFIEGO)
3. Alianza por la Solidaridad-ActionAid, South Africa
4. Alerte Congolaise pour l'Environnement et les droits de l'Homme (ACEDH), Democratic Republic of Congo
5. Alyansa Tigil Mina (ATM), Philippines
6. Anton Marcus, Free Trade Zones & General Services Employees Union, Sri Lanka
7. Articulação Internacional dos Atingidos e Atingidas pela Vale, Brasil
8. Asociación Ambiente y Sociedad, Colombia
9. Asociación Comunitaria para el desarrollo Serjus (ASERJUS), Guatemala
10. Asociación Sindical de Trabajadores Agrícolas bananeros y Campesinos ASTAC, Ecuador
11. Asociación Salvadoreña de Ayuda Humanitaria PRO-VIDA, El Salvador
12. Association Africaine de défense des Droits de l'Homme (ASADHO), Democratic Republic of Congo
13. Association for Action Against Violence and Trafficking in Human Beings – Open Gate/La Strada, North Macedonia
14. Association Marocaine des Droits humains (AMDH)
15. Bangladesh Apparels Workers Federation (BAWF)
16. Bangladesh Center for Workers Solidarity (BCWS), Director, Kalpona Akter
17. Bangladesh Garments & Industrial Workers Federation (BGIWF)
18. Bahrain Human Rights Society (BHRS)
19. Bernardo Caal, Human Rights Defender, Guatemala
20. Carlos Herz Sáenz, Director General, Centro de estudios regionales andinos Bartolomé de las Casas, Perú
21. Center for Environmental Concerns, Philippines
22. Center for Human Rights and Civic Education, Nigeria
23. Centre for Financial Accountability, India
24. Centre national d'appui au développement et à la participation populaire (CENADEP), Democratic Republic of the Congo
25. Centre for Alliance of Labor and Human Rights (CENTRAL), Cambodia
26. Centro de Documentación e Información, Bolivia, Director, Oscar Campanini
27. Centro de Estudios Sociales y Culturales Antonio de Montesinos A.C, México
28. Coalition des Alternatives Africaines Dette et Développement (CAD-Mali), Mali
29. Colectivo Madreselva, Guatemala
30. Comité Cívico por los Derechos Humanos del Meta (CCDHM), Colombia
31. Comité de Unidad Campesina, Guatemala
32. Community Resource Centre, Thailand
33. Conseil National des Organisations de la Société Civile Guinéenne (CNOSCG), Guinée
34. Cooperación, Perú
35. Daniel Marín López, Independent Researcher on Human Rights and Business, Colombia
36. Dabindu Collective, Sri Lanka
37. Diana Figueroa Prado, Expert on business and human rights, Human Rights Defender, México
38. Equitable Cambodia
39. Esperanza Gutiérrez, Expert on business and human rights, Human Rights Defender, México

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40. Eugenio Guerrero, Corporación de Apoyo a Comunidades Populares (CODACOP)
41. Fair Finance International
42. Fairtrade Africa
43. Forum social sénégalais (FSS)
44. Fórum Permanente São Francisco, Brazil
45. Frente Mineira de Lutadas Atingidas e Atingidos pela Mineração (FLAMa-MG), Brazil
46. Fundación Libera contra la Trata de Personas y la Esclavitud en Todas sus Formas, Chile
47. Garment Labour Union (GLU), India
48. Global Rights Advocacy (GRA)
49. Guido Granizo Bahamonde, Administrador, COMUNIDEC Fundación de Desarrollo, Ecuador
50. Home Based Women Workers Federation (HBWWF), Pakistan, ZEHRA KHAN
51. Human Rights Defenders Alert (HRDA), India
52. Instituto Cordilheira, Brasil
53. Instituto Lavoro, Brasil
54. International Accountability Project, India, Vaishnavi Varadarajan
55. Kalpona Akter, Director, Bangladesh Center for Workers Solidarity (BCWS)
56. Labour Education Foundation, Pakistan
57. Lebanese Center for Human Rights (CLDH)
58. Living Laudato Si' Philippines, Philippines
59. Louvain Coopération en RDC, Democratic Republic of Congo
60. María Josefa Macz, Human Rights Defender, Guatemala
61. Mary Kambo, Kenya Human Rights Commission
62. Minerva Business and Human Rights Association, Türkiye
63. Movimento pelas Serras e Águas de Minas Gerais, Brazil
64. Movimento pela Preservação da Serra do Gandarela, Minas Gerais, Brazil
65. National Fisheries Solidarity, Sri Lanka
66. National Garment Workers Federation (NGWF), Bangladesh
67. Nasir Mansoor, General Secretary, National Trade Union Federation (NTUF), Pakistan
68. Nicholas Omonuk, End Fossil Occupy Uganda
69. Oxfam Brasil
70. Pax Christi International
71. Plataforma Internacional contra la Impunidad, Región Centroamérica
72. Partners in Change, India
73. Praxis, Institute for Participatory Practices, India
74. Proyecto de Derechos Económicos, Sociales y Culturales (ProDESC), México
75. Proyecto sobre Organización, Desarrollo, Educación e Investigación (PODER) México
76. Red Iglesias y Minería, América Latina
77. Red Muqui, Perú
78. Réseau National Dette et Développement (RNDD), Niger
79. Sar Mora, Program Manager, Cambodian Alliance of Trade Unions (CATU), Human Rights Defender
80. Social Action for Community and Development (SACD), Cambodia
81. Social Awareness and Voluntary Education (SAVE), Tiruppur, Tamil Nadu, India
82. Society (SRS), Bangladesh, Safety and Rights
83. SOS Serra da Piedade, Minas Gerais, Brazil
84. Support Community in Democracy Alliance (SCODA), Kenya
85. The Mekong Butterfly, Thailand

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86. Tola Moeun, Center for Alliance of Labor and Human Rights (CENTRAL), Cambodia
87. Ume Laila Azhar, Executive Director, Home Net Pakistan
88. Vaishnavi Varadarajan, International Accountability Project, India
89. WAPA International

90. Youth Advocate for Climate Action Philippines (YACAP), Fridays for Future, Philippines
91. Yayasan Lembaga Bantuan Hukum Indonesia (YLBHI), Indonesia
92. Yves Komlan Dossou, Coordinator, SADD-TOGO, Togo
93. Zehra Khan, Home Based Women Workers Federation (HBWWF), Pakista



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Supporting EU organisations:

1. achACT Belgique
2. ActionAid France
3. Alianza por la Solidaridad
4. Alboan Foundation
5. Amnesty International
6. Avocats Sans Frontières
7. BankTrack
8. Broederlijk Delen
9. Business and Human Rights Resource Centre (BHRRRC)
10. Campagna Impresa 2030
11. CCFD-Terre Solidaire
12. Centre national de coopération au développement (CNCD-11.11.11), Belgium
13. CIDSE, International family of Catholic social justice organisations
14. Clean Clothes Campaign
15. Climate Action Network Europe
16. Comisión General Justicia y Paz de España
17. Comisión General Justicia y Paz de Español
18. Danish 92 Group
19. Development Policy Network Saxony e.V. (Entwicklungspolitisches Netzwerk Sachsen e.V.)
20. DKA Austria
21. Entraide et Fraternité Belgique
22. Environmental Bureau (EEB)
23. EU-LAT network
24. European Coalition for Corporate Justice (ECCJ)
25. European Constitutional Centre for Human Rights (ECCHR)
26. European Environmental Bureau (EEB)
27. European Trade Union Confederation (ETUC)
28. Fair Action Sweden
29. Fair Trade Advocacy Office
30. Fairtrade International
31. FEMNET e.V.
32. Finnwatch
33. Focus Association for Sustainable Development
34. Forest Peoples Programme
35. Front Line Defenders
36. Global 2000 - Friends of the Earth Austria
37. Global Witness
38. Green Legal Impact Germany e.V.
39. Initiative Lieferkettengesetz
40. International Platform against Impunity (Switzerland)
41. IUCN National Committee of the Netherlands
42. Jesuit European Social Centre
43. Jugend und Umwelt Europe (Youth and Environment Europe), Czech Republic
44. Kampagne für Saubere Kleidung Deutschland (Clean Clothes Campaign Germany)
45. La Coordinadora de Organizaciones para el Desarrollo- España
46. Les Amis de la Terre - Belgique asbl
47. Ligue des droits humains ASBL
48. Ligue des droits humains Belgique
49. Manos Unidas España
50. NeSoVe
51. NOAH - Friends of the Earth Denmark
52. Notre Affaire A Tous
53. OECD Watch Network
54. Observatorio de Responsabilidad Social Corporativa
55. Plataforma por Empresas Responsables
56. Polski Instytut Praw Człowieka i Biznesu, Polish Institute for Business and Human Rights
57. Pro Ethical Trade Finland

58. Proyecto de Derechos Económicos, Sociales y Culturales (ProDESC), México
59. Reds - Red de solidaridad para la transformación social
60. Rainforest Alliance
61. Red de Solidaridad para la Transformación Social (Reds)
62. Schone Kleren Campagne NL
63. SE TEM Spain
64. Society for Threatened Peoples Switzerland
65. Solidarité Socialiste, Solsoc
66. Solsoc Solidarité Socialiste
67. Südwind, Austria
68. Südwind - Institute for Economy and Ecumenism
69. Swedish Society for Nature Conservation (SSNC)
70. Swedwatch
71. WeWorld - GVC
72. Youth and Environment Europe
73. Youth Advocate for Climate Action Philippines (YACAP), Fridays for Future, Philippines