

## **Top UN Human Rights Experts say TPP a concern for human rights: human rights evaluation must precede negotiations**

Geneva —After ten [United Nations experts said that the TPP<sup>1</sup>, the Trans-Pacific Partnership Agreement, and the TTIP, the Transatlantic Trade and Investment Partnership could potentially harm human rights](#), prominent human rights voices in TPP countries sounded the alarm calling for a halt to further TPP negotiations until proper human rights impact assessments are done. Amongst others, these include former Commissioners from the Malaysian and New Zealand Human Rights Commissions, Oxfam America, The Council of Canadians (Canada), Australian Fair Trade and Investment Network (Australia), Human Rights Now (Japan), Derechos Digitales (Chile), Health Action International Peru, The Project of Economic, Social and Cultural Rights (Mexico).

On June 2<sup>nd</sup>, 10 United Nations human rights experts expressed concern about the TPP's potential adverse impact on human rights. They recommended that human rights impact assessments (HRIAs) should be done for the TPP before the negotiations go any further.

They criticized the extreme secrecy around the talks and ISDS, the Investor-State Dispute Settlement provisions which allow foreign corporations to sue countries over laws and policies which curtail their profit on investments. The rapporteurs said that this would have a chilling effect on countries' ability to enact laws to protect environmental and social standards.<sup>2</sup>

They also drew attention to the potential detrimental impact these treaties and agreements may have on the enjoyment of human rights as enshrined in legally binding instruments, whether civil, cultural, economic, political or social, saying, 'Our concerns relate to the rights to life, food, water and sanitation, health, housing, education, science and culture, improved labour standards, an independent judiciary, a clean environment.'

Final negotiations could happen as early as two weeks after the adoption of fast track authority, a bill which would accelerate the adoption of the TPP by the U.S. Congress. Attempts to get fast track authority through the US Congress are continuing.

The TPP is an all-encompassing free trade agreement currently being negotiated between 12 countries: Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, the United States and Vietnam. Social, environmental, and labour regulations, privacy, medicine costs, public services, financial regulation and farming are some of the issues affected by this agreement.

### **Comments from country experts:**

#### **Malaysia**

**Muhammad Sha'ani Abdullah**, a former Commissioner of the Human Rights Commission of **Malaysia** (Suruhanjaya Hak Asasi Manusia Malaysia (SUHAKAM)) and Deputy Secretary General of the Society for the Promotion of Human Rights (Persatuan Promosi Hak Asasi Manusia, PROHAM) said that 'in light of the concerns expressed and recommendations by the ten United Nations human rights experts, SUHAKAM must do a human rights impact assessment on the TPPA before any further TPPA negotiations are held or decisions are made on the TPPA. The Malaysian

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<sup>1</sup> Also known as the TPPA

<sup>2</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16031&LangID=E@>

government must provide sufficient funding to SUHAKAM to conduct such a human rights impact assessment.’

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### **New Zealand**

‘The Human Rights Foundation of Aotearoa New Zealand (HRF) is calling on the New Zealand Human Rights Commission to undertake a human rights impact assessment for the TPPA (and for the government to adequately resource the HRC to do so) before TPPA negotiations go any further. This is in light of concern expressed by 10 United Nations human rights experts about the TPPA’s potential adverse impact on human rights.’

---**Peter Hosking**, Chairperson, HRF and former Commissioner at the **New Zealand** Human Rights Commission

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### **Japan**

**Kazuko Ito**, the Secretary General of **Japan** based Human Rights Now (<http://hrn.or.jp/eng/>) said that ‘the concerns raised by the UN experts deserve the utmost consideration at the TPPA negotiation table. We are gravely concerned that the negotiation process totally excludes communities which may be affected, and denies rights to information and participation. Further we are concerned that a wide range of human rights protection in Japan will be at stake as a result of the negotiation, especially in relation to the ISDS section. Japan should make all necessary efforts to prevent any deterioration of the human rights situation for people potentially affected by the TPPA.’

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### **Peru**

**Javier Llamaza**, from Acción Internacional para la Salud de **Perú** (Health Action International, Peru), said that ‘the TPP is a major new obstacle to Peru’s ability to meet the need for treatment to which all people are entitled, and to improve the care provided by the public health system, which primarily serves the poor and extremely poor. The human right to health is seriously threatened by this agreement.’

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### **Australia**

‘The UN rapporteurs’ statement underlined the concerns of Australian community organisations that the TPP could have a negative impact on many areas of human rights. The TPP text should be released now to enable a full Human Rights Impact Assessment of the TPP,’ said **Dr Patricia Ranald** **Coordinator** of the **Australian** Fair Trade and Investment Network (AFTINET).

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### **Canada**

‘Human rights are the fundamental basis for all societies. It is essential that we know the true human cost of such agreements before we even consider them. Considering the scope and power of the TPP, and how most of us have no access to the details, it is definitely concerning that governments don’t

stop and consider what they are getting into. Another round of negotiations is ludicrous in this context.’

--- **Maude Barlow**, National Chairperson, Council of Canadians, **Canada**

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## **Chile**

‘If democracy is really about the active participation of the citizens in political decisions and the protection of their basic human rights, then the TPP is one of the greatest threats to democracy right now. And not just because it is decided behind people’s backs, but because it sets in stone the rules about how our public decisions in critical sectors of our space will be made.’

--- **Claudio Ruiz**, Derechos Digitales (**Chile**)

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## **USA**

‘At best, trade can be an engine for poverty reduction. At worst, free trade agreements like the TPP can undermine universal human rights.’

The devil is in the details, and the details on the TPP are still secret. But the leaked texts signal the worst case scenario. Oxfam welcomes the engagement of UN experts and agrees that only a full human rights impact assessment will show whether the agreement is written to benefit special interests or the wider public interest.’

--- **Stephanie Burgos**, Economic Justice Policy Manager, Oxfam **America**

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## **Mexico**

‘In the discussion on the Trans-Pacific Partnership (TPP) and labor rights it is fundamental that the signing states retake the concept of “decent work”, from the International Labour Organisation, as a way to ratify their obligation to guarantee the respect of labor rights (decent income, safe working conditions, social security, liberty to free association, among the most important). For Mexico, the signing of the North American Free Trade Agreement (NAFTA), which is the closest reference for what may occur with the implementation of the TPP, led to the implementation of structural reforms that have meant the loss of fundamental human rights such as: the right to work, the right to unionize, the right to have access to decent income, the right to just working conditions and to access justice.’

The signing of these trade agreements, in which transnational corporations play a determining role, shall, as a consequence, cause the implementation of policies, translated into structural reforms, which shall increase violations of rights and lead to the government’s failure to fulfil its principle obligations: to protect, respect and guarantee human rights.’

--- **Alejandra Ancheita**, Executive Director of ProDESC (The Project of Economic, Social and Cultural Rights, **Mexico**)

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