

Subject 3: General Obligations

Thank you, Mr. Chair.

The treaty should affirm the importance of public information and participation. The fundamental right of freedom of expression encompasses the freedom to seek, receive and impart information. The right to freedom of information includes a right of access to information held by public authorities. The rights to freedom of expression and access to information are among the essential conditions for equal participation in political and public affairs and must be promoted and protected.

Where the activity of businesses could impair the enjoyment of human rights, affected persons must have enough information to be able to understand and discuss the situation fully, in order to make informed decisions on what action to take to prevent and address human rights abuse. The draft elements support the right to information, by outlining key concepts of due diligence, including that states must require TNCs and OBEs to design, adopt and implement effective due diligence policies and processes.

However, the elements should be clarified with respect to **State obligations** to provide access to information and public participation. Freedom of information is a key component of **transparent and accountable government**, including during the creation of not only legislation but all government decision-making related to TNCs, including during investor state dispute settlement.

The draft elements should clarify that that States must ensure informed active, free and meaningful participation in decisions that affect a person's human rights.

The draft elements should also clarify that States must require and ensure timely public disclosure of all relevant documents and materials relating to any and all impacts on human rights and the environment.