**Amnesty International intervention on draft Article 9: Prevention**

Amnesty welcomes the obligation placed on States to ensure that due diligence is required by law. A future draft should clarify who exactly would be placed under such a requirement as “persons with business activities of transnational character” is equivocal. The obligation to conduct due diligence should be premised on a duty to respect human rights, or to prevent human rights abuses. This is consistent with the responsibility to respect human rights under the UNGPs.

To avoid confusion and streamline international standards, we would recommend following the key due diligence steps under the second pillar of the UNGPs more strictly, and only add language where necessary to make concepts clearer or more detailed. However, this provision should also be drafted in a way that allows any advancements and developments in the understanding and practice of due diligence to be reflected in national law.

Due diligence is not the only aspect critical to prevention. This article should be expanded to include obligations to ensure critical procedural rights that enable individuals and communities to defend their rights and prevent abuses, such as access to information; participation in decision making, meaningful consultation and the need to ensure the FPIC of IPs; protection of HRDs; the possibility to claim injunctive or precautionary measures; and provisions to address the differentiated, and often disproportionate negative impact of corporate activities on women.