**Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights**

***Fourth session (15-19 October 2018)***

**General Discussion under item 4**

Thank you, Mr. Chairperson.

I speak today on behalf of Asia Pacific Forum on Women, Law and Development and the Feminists For a Binding Treaty.  Our collective voice represents over 250 feminist organisations in Asia Pacific and globally.

The core importance of the *Convention* lies with the very intention to reduce inequalities of power, wealth and resources between countries, between rich and poor and between men and women based on the fundamental principles of human rights.  These structural inequalities are facilitated and reinforced by transnational corporations and other business enterprises.

Corporate abuses women experience happens because the systems allows it to happen: the system that is fundamentally patriarchal and facilitates corporate profits through neoliberal globalisation, militarism and fundamentalisms.  Women witness corporations having power to unduly influence policy decisions from local to global levels that affects our economy, governance and our lives.

We welcome the *Zero Draft* that confirms the **obligation of states to promote, protect and fulfill all human right of all persons**.  This obligation shall not only include regulating transnational business activities but also ensuring **policy coherence** to subsequently align all laws and policies with international human rights norms and standards.  In this regard, we recommend Article 2 to explicitly state the **primacy of human rights over any other type of law or obligations, including trade and investment agreements**.

We welcome Article 8 as it strongly reinforces Article 2 in putting rights of the victims at the center of the *Convention*.  However, there are rooms for improvement and we recommend Article 8 in the next Draft to:

* **Recognise historical and structural barriers to women’s access justice and ensure gender-responsive remedies**.
* **Recognise and address multiple and intersecting barriers to women’s access to justice in the context of conflicts, particularly conflicts over resources where transnational companies often plays significant role and extract profits**.
* **Recognise the central role of women human rights defenders** in resisting corporate abuse and impunity, during which course they face threats, attacks and even killings; and ensure safety and protection of women human rights defenders.

The *Convention* provides an historical opportunity for the member states to be bold and courageous not to let powerful transnational corporations to undermine nation states’ sovereignty and inherent obligation to respect, protect and fulfill human rights of all persons.  It also offers a global level opportunity to advance democratic governance that is accountable to the peoples and international solidarity. We remain strongly committed to support this process and ensure the *Convention* incorporates perspectives and demands of feminist, women’s movements.

Thank you.