**General Statement from the International Network for Economic Social and Cultural Rights (ESCR-Net)**

**Geneva, October 14, 2019**

*Mr. Chairperson-Rapporteur,*

My name is Arnold Kwesiga from the Initiative for Social and Economic Rights (ISER) and the Uganda Consortium on Corporate Accountability (UCCA), both members of the ESCR-Net and the Tides Centre. This Statement is made on behalf of 280 ESCR-Net members that stand with the Ecuadorian and other global communities affected by various forms of violations and abuses of human rights.

We would like to emphasize our Network’s support of the Intergovernmental Working Group process and negotiations to establish a strong legally binding instrument to regulate the activities of corporations. We note that there are several improvements in the revised Draft Treaty echoing points from our [collective position papers](https://www.escr-net.org/sites/default/files/advocacy_position_papers_igwg2018.pdf) issued last year. Most notable, **the improved language on conflict-affected areas**, the **protection of indigenous peoples**, and on **protection of human rights defenders.**

However, there are several gaps identified in the revised Draft which if not addressed, undermine the full protection of human rights and realizing the purpose and goals of the Treaty.

Briefly, some areas of concern that we will comment on further this week include;

1. Article 1: The term **CONTRACTUAL RELATIONSHIP** could be limiting. Instead we recommend the use of business relationship.
2. Article 3: While the broadened **SCOPE** is a note-worthy development, it is vital that a strong focus remain on TNCs.
3. Article 4 on the **RIGHTS OF VICTIMS** should include their unimpeded access to information by affected communities to prevent corporate abuses and violations prior to the commencement of, and during the business activity as well as in the remedy process
4. Article 5 on **PREVENTION** should be strengthened to include **“FREE, PRIOR AND INFORMED CONSENT”** (FPIC) beyond mere consultation. Consent must be continuous. Similarly, improved language could be added to safe-guard communities access to information.
5. The Treaty must also reflect the **PRIMACY OF HUMAN RIGHTS OBLIGATIONS** over those under bilateral or multilateral trade, investment or other agreements.
6. A non-binary **GENDER,** youth and children lens should also be adopted and streamlined throughout the text.
7. The Treaty must also adopt stronger safeguards against corporate capture.
8. **Strengthened language on regulating and preventing violations by State owned companies** is also necessary.
9. Lastly, the Treaty can benefit from clearer language articulating the **EXTRATERRITORIAL OBLIGATIONS OF STATES** and the responsibilities of home and host States.

*We Thank You.*