**Articles 5, 6 & 7**

Thank you, Chairperson. I speak on behalf of the over 200 million members of the global trade union organisations: ITUC, BWI, EI, IndustriAll, ITF, IUF, PSI, and UNI.

***Article 5 on Protection of Victims*** is a new Article incorporating elements previously captured in art. 4 relating to State obligations to protect the rights of victims. While we welcome the obligation on States to *guarantee a safe and enabling environment for human and environmental rights defenders*, it remains important to specifically refer to trade unionists as human rights defenders given the enormous risk of threats and retaliation in practice.

***Article 6 on Prevention***firmly embeds the requirement of States Parties to take *all necessary legal and policy measures* to ensure that business enterprises respect *all internationally recognized human rights and prevent and mitigate human rights abuses throughout their operations* (art. 6(1)). While art. 6(2) brings the focus of prevention back to mandatory human rights due diligence legislation, it is clear that art. 6(1) sets expectations of States to go beyond this measure in line with the UNGPs.

Amendments of note include the requirement for national human rights due diligence legislation to oblige business enterprises to *integrate a gender perspective*, in consultation with potentially impacted women and women´s organizations, in all stages of HRDD. We also welcome the reference to the need to ensure that consultations with indigenous peoples are undertaken in accordance with the internationally agreed standards of free, prior and informed consent.

In relation to art. 6(3)(c) on the need to consult relevant stakeholders, we believe that there should be an express provision that human rights due diligence should be informed by meaningful engagement with trade unions**.** It should also be recognised that consultation is a right in itself in many labour-related instruments. We welcome the new language in art. 6(6) clarifying that business enterprises may be held liable for failing to conduct mandatory human rights due diligence in line with the article. However, there needs to be further clarity on the relationship between this article and art. 8 on Liability (see below).

***Article 7 on Access to Remedy*** strengthens the previous corresponding provisions in the Revised Draft by, among other things, expressly stipulating that the doctrine of *forum non conveniens* is not used by courts to dismiss legitimate judicial proceedings brought by victims. The present draft also ensures that the “reversal of the burden of proof” in favour of victims is done in accordance with ‘rule of law requirements’ and no longer leaves this up to the discretion of courts. We also cautiously welcome the empowerment of State-based non-judicial mechanisms in art. 7(1).

Thank you.