**PHILIPPINES**

Sixth Session of the Open-Ended Intergovernmental Working Group for the Elaboration

Of an International Legally Binding Instrument on Transnational Corporations and Other Business Enterprises with respect to human rights

**Tuesday, 27 Oct (PM)**

**15.00 to 18.00**

**Statement**

Thank you, Chair- Rapporteur.

**On Article 6.2,** The Philippines suggests the inclusion of two activities among those to be undertaken by business enterprises in the context of human rights due diligence. These are:

1. Take stock of existing internal processes for undertaking other forms of due diligence (environmental, health and safety, etc.) and ensure that such systems are adapted to the particular task of effectively managing human rights risks, and
2. Ensure necessary skills and training opportunities, and sufficient influence with the organization, for personnel undertaking human rights due diligence tasks.

**On Article 6.3a** on ensuring the conduct of regular environmental impact assessments throughout the operations of business enterprises, we wish to point out that while the right to a healthy environment is protected under the Philippine constitution, per usual business and industry practice, environmental impact assessments are only conducted in the case of environmentally critical projects or for projects within environmentally critical areas. Hence, this provision must be qualified to apply only to environmentally critical projects or for projects within environmentally critical areas.

**On Article 7.6 on reversing the burden of proof**, we wish to seek clarification and example of circumstances under which the reversal of the burden of proof will be considered. It should be noted in this regard that depending on the situation, reversing the burden of proof could contravene the presumption of innocence or fundamental provisions of due process protected under domestic and international law.

Thank you, Chair- Rapporteur.