

The logo for FIDH, consisting of the lowercase letters 'fidh' in white on a dark purple rectangular background.The logo for Franciscans International, featuring a stylized blue and green figure above the text 'Franciscans International' and 'A voice at the United Nations'.

FIAN
INTERNATIONAL

Thank you Mr. Chair – Rapporteur,

FIDH congratulates you for your election. I am delivering this statement on behalf of FIDH, together with Franciscans International and FIAN, all members of the Treaty Alliance. We welcome the efforts made by the Chairmanship to publish the new draft well ahead of this 6th session. We are pleased to note that the text takes into account some of the comments made by civil society organisations during the latest negotiation session and in recent months.

We noted many positive developments in the new text that should be kept in the course of the negotiations that will take place this week, for example:

- Explicit inclusion of State-owned enterprises in the definition of ‘business activities’;
- Reference to ‘business relationship’ instead of ‘contractual relationship’
- Integration of a more specific gender perspective;
- Reference to free, prior and informed consent;
- Explicit clarification that human rights due diligence (HRDD) cannot be used as a ‘safe harbour’ to escape liability;
- prohibition of *forum non conveniens*;
- Inclusion of the *forum necessitatis*;

We hope as well that this week will further strengthen some of the gaps that still persist in the text in our view, such as, for example:

- Better addressing the **role of the State** both as a regulator and as an economic actor.
- Improve the **protection of victims, of rights holders and their participation** and access to information
- Further reinforce provisions on **Prevention** by better **aligning the language** used with ‘codified’ by? existing international standards
- Further integrate provisions on **abuses and serious violations in conflict-affected areas**.
- Further improve the provisions of the text addressing **liability and access to justice**

FIDH will provide specific suggestions for improvements on the abovementioned points in the course of the week. We call upon negotiating States—especially those who have repeatedly called for substantive discussions to take place, those who declare being committed to achieve a more sustainable globalisation, as well as those who are contemplating the adoption of domestic mandatory HRDD measures—to take this opportunity seriously and to prepare and engage with the draft’s content, as well as to make efforts to strengthen the text in view of making the protection of human rights more effective in cases of corporate abuse.

Thank you