* 1. **Oral Statement DKA Austria, Child Rights Connect, ECPAT International, Geneva Infant Feeding Association, NGO Congregation of Our Lady of Charity of the Good Shepherd, Clínica de Direitos Humanos UFMG and Clínica de Direitos Humanos PPGD/PUCPR**

***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, Resolution A/HRC/26/9***

**Geneva, Palais des Nations, Room XX**

## Sixth Session 26 to 30 October 2020

**Monday 26 October, 2020 at 15h00-18h00**

Thank you Chair!

My name is Marcella Britto and I am speaking on behalf of DKA Austria, Child Rights Connect, ECPAT International, Geneva Infant Feeding Association, NGO Congregation of Our Lady of Charity of the Good Shepherd, Clínica de Direitos Humanos UFMG and Clínica de Direitos Humanos PPGD/PUCPR

We have the following wording proposals:

**We propose as a general Wording suggestion to revert back to the language** of the 2019 draft LBI by replacing “human rights abuse” by “**human rights abuse and violation**” throughout the text, and reintegrating the definition of a “human rights violation” as any harm “**committed by a State**”.

* **In the Preamble:**

**In PP3: we propose to** *Recall also conventions such as****:* the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict, its Optional Protocol on the sale of children, child prostitution and child pornography; the Minimum Age Convention (No. 138), the Worst Forms of Child Labour Convention (No. 182),** adopted by the International Labour Organization.

**In PP5:** we propose to include **the status of the child as a subject of rights with evolving capacities**

**In PP8: we propose to** uphold the right of every person, **including children**, to have equal access to effective remedy and **reparation**…

**In PP14:** We propose **that a safe and empowering context should be provided to** civil society actors and human rights defenders**, including for children and young people**;

**In PP15:** We propose to include **potential intersectional vulnerabilities** and we ask to recognize in particular **that the best interests of the child should be a primary consideration in all decisions affecting children and that appropriate child-sensitive procedures to pursue remedies for violations and abuses of their rights should be available to them at all levels, in judicial and non-judicial processes alike,**

* **In Article 1:**

**Art.1.1:** We propose to ***add to the word victim “or those alleged to have suffered harm” to various other points in the text where victims are referenced, and this is relevant***]. The term “victim” shall also include the immediate family members or dependents of the direct victim, **as well as any child under the care of the direct victim, whether provided by law or by local custom**…

We propose to also add to Article 1.1 that **When the victim is a child, harm should contemplate the impacts on their development and health.**

**In Art. 1.2. :** “Human rights abuse **or violation**” shall mean any harm committed by a business enterprise **or a State**…

**In Art. 1.3: we propose to *Add a definition of “for profit” activities****.*

We have submitted concrete wording proposals and kindly ask you to refer to our written joint submission.

Thank you Chair!