

Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights

Seventh session (25-29 October 2021)

Preamble

I speak on behalf of the “Feminists for a Binding Treaty” coalition.

- We agree with proposals made to keep the reference to IHL in PP6 and to add it in PP7. In conflict-affected areas, including situations of occupation, the risk of businesses becoming involved in gross violations or abuses of human rights and of violations of IHL is particularly severe. We also recall that the UNGPs state that businesses should respect IHL.
- We support the proposal for a new PP9bis adding a reference to the right to self-determination, as well as the proposals about ensuring a child-rights sensitive and age-responsive perspective in the instrument.
- In addition, while PP10 of the draft Preamble underlines, and I quote, “business capacity to foster sustainable development”, the Preamble should set out in a more balanced way the context for the development of the legally binding instrument. This can be done by noting the global concern for the continuing human rights abuses committed by businesses, including with regard to environmental damage. We, thus, propose a PP 12 bis to read as follows:
 - “Deeply concerned that individuals and communities continue to face business-related human rights abuses and violations in all parts of the world, including as arising in connection with business-related environmental damage and in conflict-affected areas, including situations of occupation, and in certain operating contexts which pose risks of severe human rights impacts.”
- We support Mexico’s comment to differentiate between “preventing abuses” and “mitigating risks” throughout the text, which is a key conceptual distinction to make.
- We also support Bolivia’s comment on including the UN Declaration on the Rights of Peasants and other peoples living in rural areas (UNDROP) in PP3. In addition, peasants should also be recognized in PP14 as a group requiring special attention.
- We urge delegations to counter proposals to delete references to “human rights defenders” from the text. This is a term widely used, including in numerous General Assembly and Human Rights Council resolutions, as well as in regional texts and instruments, including the Escazú agreement. We also support the new suggested PP12 bis recognizing the specific vulnerabilities of certain groups of HRDs.

Finally, we recommend adding in PP14 after “international standards” the following and I quote: “including to consider underlying causes and risk factors, eliminate all forms of discrimination, redress historical and current disadvantage, address stereotypes and

violence, transform biased institutional structures and practices, and facilitate social inclusion and political participation.”

Thank you Mr Chair.