

IGWG 7th Session - Global Union Comments:

Preamble

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.

We have several proposed amendments to the Preamble and suggestions for three new paragraphs. I will take them in order:

PP3

Recalling also the Universal Declaration of Human Rights, as well as the Declaration on the Right to Development, the Vienna Declaration and Programme of Action, the Durban Declaration and Programme of Action, the UN Declaration on Human Rights Defenders, the UN Declaration on the Rights of Indigenous Peoples, ~~relevant~~ ILO *Declarations and Conventions*, and recalling further the 2030 Agenda for Sustainable Development, as well as all internationally agreed human rights Declarations;

We recommend a reference to *all* ILO Declarations and Conventions, in addition to the already-referenced fundamental Conventions of the ILO. ILO Declarations and international labour standards help States implement their obligations concerning human rights at work. Therefore, we recommend that the word 'relevant' before *ILO Conventions* be deleted and instead we recommend the inclusion of a reference to *ILO Declarations and Conventions*.

Proposed new PP5

Recalling that international labour standards provide States with the tools to implement their obligations concerning human rights at work and establish mechanisms for labour inspection and enforcement necessary to realize decent work for all.

Then, we have a proposal for a new PP5. We strongly recommend the inclusion of a new paragraph to better articulate the scope of labour rights within the context of the Legally Binding Instrument. This paragraph would read as follows:

PP8

Recalling the United Nations Charter Articles 55 and 56 on international cooperation, including in particular with regard to universal respect for, and observance of, human rights and fundamental freedoms for all without distinction ~~of race, colour, sex, language or religion~~ OR *based on the principles of equality and non-discrimination in international human rights law;*

Regarding PP8, we strongly recommend that the exhaustive list of protected characteristics be deleted in favour of a reference to human rights and fundamental freedoms for all without distinction *based on the principles of equality and non-discrimination in international human rights law.*

Proposed new PP [10]

Reaffirming the primacy of international human rights law over any other international agreement, including those related to trade and investment;

We would then propose a new PP10, which would reaffirm the primacy of international human rights law over trade and investment agreements. This would reflect the spirit of Article 103 of the Charter of the United Nations and help set the context for Article 15.5(b) of the Legally Binding Instrument. The paragraph would read as follows:

Proposed new PP12

Recognizing that inclusive and concerted action is essential to realize human rights, achieve social justice, promote universal and lasting peace, and acknowledging that the failure to respect and fulfil human rights constitutes a threat to social progress;

we strongly recommend the inclusion of a new paragraph highlighting the importance of fulfilling and respecting human rights in a business context for the achievement of social justice. This new PP12 would read as follows:

And finally, In relation to original PP12, we strongly recommend that the paragraph be strengthened by including examples of human rights defenders, including trade unionists, to emphasise the fundamental role these actors play in protecting human rights.

Thank you, Chairperson.

Recognizing the distinctive and disproportionate impact of business-related human rights abuses on women and girls, children, indigenous peoples, persons with disabilities, *workers*, people of African descent, older persons, migrants and refugees, and other persons in vulnerable situation, as well as the need for a business and human rights perspective that takes into account specific circumstances and vulnerabilities of different rights-holders; and the structural obstacles for obtaining remedies for these persons;

With the COVID-19 pandemic once again exposing the fragility of global supply chains and business models built on non-standard forms of employment and informality, the Legally Binding Instrument represents a unique opportunity to end the impunity for corporate human rights abuses. As such, we believe it is important to highlight the clear, distinctive and disproportionate impact of business-related human rights abuses on workers.