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**Seventh session of the Intergovernmental Working Group on
transnational corporations and other business enterprises with respect
to human rights**

**Item 4: “Article 3 – Scope (Wednesday AM)”
October 27, 2021**

- Thank you, Chair.
- While we agree that a State is responsible for determining how treaty obligations are fulfilled at the national level, we fear that the ability for governments to differentiate how and if certain businesses are subject to these laws will result in an uneven application of human rights protections
- All businesses, MNCs, micro and SMEs, State-owned enterprises, and so on may contribute to harms and all are bound by the UNGPs to respect human rights.
- Enhanced clarity is needed on what exactly constitutes a non-discriminatory basis on which to differentiate the obligations of business enterprises.
- Article 3.3 should reflect the language of the UNGPs item 12.