



**Open-ended Inter-Governmental Working Group on transnational corporations
and other business enterprises with respect to human rights**

General comments

Oral statement

FIDH (the International Federation for Human Rights) appreciates the opportunity to make this first submission to the IGWG tasked with the elaboration of a legally binding instrument on transnational corporations and other business enterprises with respect to human rights.

FIDH has continuously advocated for further clarification and codification of existing obligations to ensure effective protection and redress for those negatively affected by the activities of businesses. As a member of the **Treaty Alliance**, FIDH and over 600 civil society organizations and social movements are calling on the UN to elaborate an instrument that will respond to the needs and priorities of those affected.

FIDH and its 178 member organisations document cases of corporate-related abuses on all continents. Ranging from business activities fueling conflict situations to supply chain issues, **violations involving business enterprises** include extra-judicial killings, detentions, criminalization of human rights defenders and repression of social protests, deprivation of means of subsistence, child labor and environmental pollution. Human rights defenders denouncing corporate abuses are under increasing pressure and victims of harassment and assassinations are rising. Access to justice remains virtually nonexistent for the majority of victims.

As the first IGWG session begins, FIDH calls on states to ensure that the treaty process be guided by the principles of **participation, transparency and legitimacy**. Discussions must address the full range of **governance gaps** noted by former UN Special Representative on Business and Human Rights, including by reaffirming the primacy of human rights over trade and investment agreements and by addressing the cross-border nature of corporate-related human rights abuses. The treaty, and the process itself, must contribute to strengthening national and regional frameworks and ensure robust and effective enforcement mechanisms.

Transparency and rights-holders' participation must be foundational to this process: and we hope we can hear from them directly in the next session. A **gender-sensitive approach** must be followed throughout the entire process.

FIDH calls on all states to actively engage in good faith in the process. All stakeholders should officially be invited to share their perspectives in an inclusive and constructive dialogue. So businesses' views need to be heard – through official channels. But they should not be involved in the actual elaboration or adoption of the treaty: procedures must ensure that peoples' interests are prioritized. States must preserve their integrity and ensure procedures safeguard the IGWG from undue influence. All parties involved in the negotiations should publicly disclose their proposals and positions. In other words, the participation, experiences, and needs of directly affected rights-holders must inform and guide the drafting process.

Any international instrument resulting from this process should contribute to further clarify and codify existing obligations and ensure redress for corporate-related abuses. Building upon hard and soft law standards, this process is seen as complementary to and mutually-reinforcing with efforts to strengthen national legal frameworks and to ensure States comply with their human rights obligations, including extraterritorial obligations.

This process should under no circumstances represent a regression or dilution of existing human rights standards. And should not prevent states from taking immediate steps to make progress at the national and regional levels. Time has come for genuine progress: we call on the intergovernmental working group to

create the necessary space to fully respond to the challenges those affected face through a **credible, transparent and inclusive process**.

Thank you.