Thanks you Mr. Chair,
On behalve of Suwdwind and the international Clean Clothes Campaign we want to reflect on this crucial chapter. The experts and states have rightfully stressed the importance of this chapter.
Prevention requires States Parties to introduce domestic legislation requiring mandatory human rights due diligence. This is a major step in the right direction. Our network has regularly advocated for a clear state obligation to adopt regulatory measures that require business to adopt and apply human rights due diligence policies and procedures.
We join the other comments indicating that conceptual alignment with Pillar II of the UNGPs is needed to reduce some definitional and operational ambiguities that are in the current text; Article 9.2 seems to deviates from the formulation adopted in the UNGP and does not provide that mitigation measures shall be taken to address any adverse impact on human rights. In addition, and as echoed by the panelists, the recently adopted OECD Due Diligence Guidance frames the tracking and monitoring impacts and responses and the public reporting as crucial and intrinsic parts of Due Diligence. The reference to due diligence measures should follow the sequence foreseen in the UNGP to avoid confusion and potential difficulties in interpretation.
We would like to think that greater alignment with the GPs would provide more precision, greater clarity and an increased level of comfort by all parties stakeholders who are already familiar with the concepts. We would stress that the GPs are clear on this front and reflect a consensus among states and stakeholders, which states under pilar I expect all companies to do anyway.
When it comes to reporting, one of the panelists rightfully noted that the meaningful public disclosure is a cornerstone of making this article meaningful, and we would invite to consider stronger and clear language on this.
Also, as already mentioned, clarity needs to be provided on the point that human rights due diligence is a dynamic concept. Therefore, we would suggest a continuous obligation and not an exercise confined to pre- and post-event assessments; so, we would encourage article 9.2.e, which refers to “pre and post’ assessments, to be modified to be continuous.
Finally, on the SMEs, we would like to root this in the concept of Human Rights Due Diligence, where the responsibility is no longer a function of the size of the company, but needs to be commensurate with the human rights risks at hand.

Kind regards,