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

*Sixth session (26-30 October 2020)*

*Item 4: Article 12. Mutual legal assistance and international judicial cooperation, Article 13. International cooperation, Article 14. Consistency with international law principles and instruments*

I speak under Christian Aid’s ECOSOC status on behalf of the “Feminists for a Binding Treaty”.

We note the changes in the former Art. 10.c., the current art. 12.9.c., which contains the refusal of the recognition of judgements that are manifestly contrary to the *ordre public* of the State Party in which its recognition is sought. We however believe that clarity is still needed to avoid legal uncertainty related to the interpretation of the notion of *ordre public* and to ensure effective access to remedies to victims. We recommend clarification in article 12.9 c) that refusal of assistance and cooperation on the basis of a State’s *ordre public* may only occur “as interpreted in accordance with international human rights law and customary international law”. This wording can be added after the word “sought”.

To ensure consistency of terminology in line with our general position on the text, we recommend adding the term “violation” in article 12.10 a) after the word “abuse". In the same vein, articles 13.2 and 14.3 should also be amended to add “violation” after “abuse”.

In conclusion, we would like to stress that no exceptions and clauses should be included in the treaty blocking access to remedies from those that suffer from the differentiated effects of corporate impunity.

As the COVID-19 pandemic has shown us, the current economic system is broken. It reinforces unequal power structures and patriarchy. This means that there is an urgent need for the treaty to provide robust legal protection to those that are consistently marginalised by the economic system.

The specifics of our joint proposals are clearly laid out in the position paper and annex produced by the Feminists for a Binding Treaty.

Thank you Mr. Chair.