**Preamble/Articles 1 & 2**

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 note that the ***Preamble*** has been enhanced with targeted amendments aimed at defining the purposes and rationale of the Legally Binding Instrument. We welcome, in particular, the reaffirmation that human rights are *inalienable*, *equal and non-discriminatory* in line with the Universal Declaration of Human Rights (UDHR). Further, the references to the ILO MNE Declaration and the Sustainable Development Goals (SDGs) strengthen the text and ensure policy coherence. New paragraphs emphasising the need for States and business enterprises to integrate a gender perspective in all their measures and referencing the UN Declaration on Human Rights Defenders are welcome additions.

However, we believe that the Preamble can be further strengthened with the following amendments:

* Recalling *all* International Labour Standards, in addition to the already-referenced fundamental Conventions of the ILO;
* Recognising the distinctive and disproportionate impact of business-related human rights impacts on *workers*;
* Reaffirming the primacy of human rights over business and trade. This recognition would be important also in view of new art. 14(5).

***Article 1. Definitions*** now contains a comprehensive definition of *victim* in line with prevailing international law standards. Human rights defenders, including trade unionists, are implicitly covered by this definition. This, taken together with new art. 4 ensures that the rights of *potential* victims of human rights abuse are also adequately covered. Nevertheless, we believe that the term *rights-holder* should be used instead of *victim*.

The scope of *environmental rights* covered in the definition of *human rights abuse* remains vague. The definition also appears to limit abuse to those committed *against* individuals and should therefore be expanded to cover human rights abuses *resulting from* business activities in line with the central theme of the Legally Binding Instrument.

While the explicit inclusion of state-owned enterprises in the definition of *business activities* is a positive development, we note that the reference to *for profit* economic activity effectively excludes the public authorities, which procure roughly $11 trillion worth of goods and services annually.

We welcome the replacement of the term “contractual” with “business” to capture all relevant relationships as per the UNGPs in the definitions and throughout the whole text.

***Article 2. Statement of purpose*** has been amended but reflects our broad expectations of the Legally Binding Instrument. However, we are disappointed that the reference to *fulfilment* of human rights has been dropped. Also, the statement of purpose should explicitly refer to the protection of environmental rights or at least the human rights that necessarily entail environmental aspects. Finally, we welcome the recognition of facilitating and strengthening mutual legal assistance as a key purpose of the Legally Binding Instrument.

Thank you.