**PHILIPPINES**

Sixth Session of the Open-Ended Intergovernmental Working Group for the Elaboration

Of an International Legally Binding Instrument on Transnational Corporations and Other Business Enterprises with respect to human rights

**Monday, 26 Oct (PM)**

**15.00 to 18.00**

**Statement**

Thank you, Chair.

**On the Preamble,** the Philippines suggest the inclusion of a text or paragraph on the need for the LBI to address the needs of workers in TNCs and OBEs for human rights protection, particularly in emergencies of international concern, such as the COVID-19 pandemic. It is our view that the LBI must recognize the need to protect human rights, particularly the observance of health and sanitation protocols, provision of assistance in terms of social amelioration, employment, and livelihood continuity as well as protection from human rights abuses against those who have tested positive and undergoing treatment and those who may become victims of discrimination in the work place.

**On Article 1 on Definitions**, the Philippines notes the absence of a definition of TNCs or OBEs. We therefore suggest their inclusion, to read as follows:

1. Transnational corporations (TNCs) shall mean any enterprise that undertakes foreign direct investment, owns or controls income-gathering assets in more than one country, produces goods or services outside its country of origin, or engages in international production, and

1. Other Business Enterprises (OBEs) shall mean all business enterprises that have a transnational character in their operational activities and does not apply to local businesses registered in terms of relevant domestic law. (Human Rights Council (HRC) resolution 26/9 of June 2014)

On **Article 1.1 on the definition of “victim”** – The Philippines suggests incorporating the phrase “irrespective of nationality or place of domicile” in the definition of “Victim”, to be consistent with Article 9.1 pertaining to jurisdiction. The definition shall now read, “’Victim’ shall mean any persons or group of persons, irrespective of nationality or place of domicile, who individually or collectively… so and so.”

**On Article 1.2** – We have an editorial suggestion of deleting “regarding” in “including regarding environmental rights.”

**On Article 2 on Statement of Purpose**, the Philippines suggests the inclusion of a provision stating the LBI’s purpose of providing a mechanism for the development of international standards surrounding business and human rights and the recognition of TNCs and OBEs of the binding legal obligations flowing from international human rights treaties.

Thank you, Chair.