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

***Intersessional meeting*3-5 June 2025**

**General Statement on article 6 and proposals on article 6.1 and 6.2**

I am Ulises Quero from the International Service for Human Rights and I am reading this statement on behalf of the Feminists for a Binding Treaty.

We reiterate our commitment to continue engaging in the negotiations and welcome the efforts that have been taken this year to advance the process. We welcome the organization of this second Inter-Sessional Consultation despite the liquidity crisis, however, we regret the lack of hybrid modalities for the organization of these meetings or alternative measures to guarantee the meaningful participation of civil society organizations, women, human rights defenders and representatives from communities who are experiencing the consequences of business human rights abuses. We also regret that the confirmation of the dates were not shared in due time. Discussing articles on prevention, consultation and human rights and environmental due diligence - without those who are the most affected by business activities - would risk that the legally binding instrument does not respond to the realities of the communities and would perpetuate impunity.

Members of the Feminist for the Binding Treaty have constantly heard testimonies that the roots of human rights abuses and violations in the context of business activities are grounded in the lack of safe and meaningful consultation for affected communities, peasants and other people working in rural areas, women and human rights defenders. For Indigenous Peoples we have seen that business operations are imposed without following international human rights standards to obtain their Free, Prior, and Informed Consent. This practice further violates the Indigenous Peoples’ right to self determination and their right to oppose business operations (also known as the right to say no).

To ensure respect for human rights it is essential that women, human rights defenders, Indigenous Peoples and affected peasants, fisherfolks and other communities are meaningfully included in the development, implementation and monitoring of the regulation of business activities and they should be expressly mentioned in article 6.

As regards to specific proposals to article 6. First, we have the overarching comment to use the phrase “human rights abuses and violations” throughout the text of the LBI. This change would include 6.2(a) to be as follows: “business enterprises in human rights abuse and violations, and environmental degradation”.

We saw that during the last Intersessional meeting on articles 4, 5 and 7, some delegations attempted to question and delete references that would incorporate a much-needed gender and inter-sectional perspectives in the treaty. We recall that a gender perspective is essential to understand businesses differentiated human rights impacts, including in the context of prevention of human rights and environmental risks and harms. The 2019 Working Group on BHR guidance, adopted by the Human Rights Council, proposed a three-step gender framework to integrate a gender perspective in implementing the Guiding Principles on Business and Human Rights. This includes a gender-responsive assessment, gender-transformative measures, and gender-transformative remedies. The treaty should incorporate these standards as minimal requirements in article 6.

*In this sense we suggest a reference in Article 6.2.d to consult with potentially impacted women and women’s organizations, as it was present in the 3rd draft.*

Human rights defenders, including environmental HRDs, have played a critical role in working to ensure that human rights abuses and violations by businesses are prevented, and that where they do occur, accountability and remedy are pursued. They are also fundamental in defending the rights of victims, communities, Indigenous Peoples, peasants, fisherfolk, women and other communities affected by  human rights abuses and violations. In this sense, in article 6.2(d), we support the suggestion of adding “human rights defenders,” and changing “promote to ensure” so that it reads, in part: “ensure the safe, active and meaningful participation of individuals and groups, such as trade unions, human rights defenders, civil society [...]”

We would also be against deleting any reference to HRDs in this article as it wouldn’t be consistent with the 2021 Working Group’s on Business and Human Rights “Guidance on ensuring respect for human rights defenders”. This guidance states that mandatory human rights due diligence “require business enterprises to continually assess, address and mitigate risks to human rights defenders in their supply chains, including by making accessible, safe and respectful consultation with human rights defenders mandatory at all stages of due diligence processes”.

Article 6 should retain and reintroduce explicit language on “environment” with regards to impact assessments, due diligence, risks and abuses. In particular  we suggest editing article 6.2(c) so that it reads “ensure the practice of ongoing human rights and environmental due diligence by business enterprises;”

Finally, we propose adding a 6.2(e), which would state: ‘ensure that businesses do not exert undue influence in political or regulatory spheres.’

Thank you