

**10th Session of the Open-ended intergovernmental working group on transnational corporations and other business enterprises
with respect to human rights**

ORAL STATEMENT OF CIDSE ET AL ON ARTICLE 6: PREVENTION

December 18th, 2024

Thank you, Mr. Chair-Rapporteur:

I am speaking on behalf of CIDSE, Misereor, CCFD-Terre Solidaire, Trócaire and Fastenaktion.

According to Articles 6.2.c. and 6.4. States have to ensure that business enterprises **respect human rights** and properly conduct **human rights due diligence**.

According to the definition in Art. 1.8., Human Rights Due Diligence does not only encompass prevention, but also impact assessments, mitigation of impacts, monitoring of the effectiveness of its measures and transparent communication particularly to affected and potentially affected persons.

First of all, in order to avoid any misunderstanding and reduction of Due Diligence to the element of prevention, we strongly encourage you to **rename Article 6 as “Prevention, Mitigation, Cessation and Remediation”**

Furthermore, in order to align this Article with the definitions of due diligence internationally accepted in the UN Guiding Principles on Business and Human Rights, we propose the following modifications in Art. 6 and in the Definition in Art. 1.8.:

- Adding the corporate obligation to **remedy damages** that a business enterprise has caused or contributed to;
- Providing more detailed **requirements** on all the elements of corporate Due Diligence;
- And adding **environmental and climate related due diligence** in accordance with the OECD Guidelines on Multinational Enterprises for instance.

Furthermore, under Article 6.4 we propose to reintroduce the reference to **enhanced due diligence in conflict-affected areas**, specifically **in situations of occupation**, with reference to respecting international humanitarian law obligations, and referring to existing international standards and guidance, including the Geneva Conventions and their additional protocols.

Last but not least, we emphasize that the obligation of prevention as all other corporate due diligence obligations cover **the whole value chain** and are not limited to “human right abuses by third parties where the enterprise controls, manages or supervises the third party”, as Article 6.5 suggests.

Such a very narrow focus would dramatically limit the effectiveness of the whole LBI.

Thank you.

Delivered by Clara Alibert, CCFD-Terre Solidaire