

**Azərbaycan Respublikasının
Cenevrədəki BMT Bölməsi
və digərbeynəlxalq təşkilatlar yanında
Daimi Nümayəndəliyi**



**Permanent Mission
of the Republic of Azerbaijan
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**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,
Resolution A/HRC/26/9
Fourth Session**

Item 4

**First reading of the draft legally binding instrument:
Article 3. *Scope* and
Article 4. *Definitions***

**Delivered by Mrs. Kamala Huseynli-Abishova,
Third secretary of the Permanent Mission of the Republic of Azerbaijan to the UN
Office and other International Organizations in Geneva**

October 17, 2018

Thank you Mr. Chairman,

Our remarks are made in the spirit of cooperation and with the view of improving and strengthening the draft legally binding document.

We suggest that the scope of this instrument shall cover business activities of transnational character, which shall also cover such activities taking place during conflicts and in post-conflict situations, as well as on the occupied territories.

In our view “missed opportunity” shall be covered under the listing of harms faced by victims as a result of human rights violations by TNCs in article 4.1. Sometimes victims are not participating in decision making processes requiring their involvement due to various circumstances often beyond their control and the harm that they are suffering can be a missed opportunity to benefit from the activities undertaken by TNCs on their territories.

We appreciate the fact that the article 4.2 is covering business activities undertaken by electronic means. However, considering the speed of the digital development in the contemporary world we would like to work closely with you on the phrasing with the view to cover the TNCs existing online only or mainly.

It is useful to also name most vulnerable groups of victims such as women, children, migrants, refugees, internally displaced persons and persons with disabilities in article 4.

We also suggest that the draft legally binding document provides the definition of TNCs in order to avoid further confusion and misinterpretation in the future.

We also consider it crucially important for the draft legally binding document to cover human rights violations taking place in conflict and post conflict situations.

Thank you Mr. Chairman.