Islamic Republic of Iran

Suggestions regarding the text from preamble to article 5

Preamble

The state parties to this legally binding instrument,

  Para to add

Stressing the right of all business enterprises to have free access to the world economic, business, financial, insurance and banking system in order to do their business activities which is being considered in line with the right  to development

Recalling that Unilateral coercive measures in the form of unlawful sanctions including secondary sanctions against other states and business companies lead to gross human rights abuses and violations against business companies as well as their staff, families and the community which the company is located.

Article 1. Definitions

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1. Human rights violation or abuse” shall mean any harm committed by a State or a business enterprise, through acts or omissions, **Unilateral coercive measures in the form of unlawful sanctions** including secondary sanctions in the context of business activities, against any **state**, person or group of persons, individually or collectively, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their human rights, including environmental rights.

6 bis: Unilateral sanctions means any sanctions against another states or its companies and people through financial, assurance, banking and business issues

Section II

Article 4. Rights of Victims

The victims in this section shall be divided  to states and people, it should be two groups. As for states we suggest:

1. bis: Victim can be a state under unilateral sanction, and  Business companies, staff, individual, and their families  that are subject to an illegal sanction

5 bis: A victim state or company or individual shall have the right to fair, effective, prompt and nob discriminatory access to justice and adequate, effective and prompt remedies.

5 prevention

  1bis. State Parties shall not adopt unilateral illegal sanction and assure respect to human rights and prevent human rights violations or abuses towards states, companies and persons conducting business activities, including those of a transnational character, in their territory or jurisdiction,

2. For the purpose of paragraph 1 of this Article, State Parties shall adopt measures necessary to ensure that all persons conducting business activities, including those of transnational character, to undertake human rights due diligence as follows:

a. Identify and assess any actual or potential human rights violations or abuses that may arise from their own business activities, **Unilateral coercive measures in the form of unlawful sanctions including secondary sanctions** or from their contractual relationships;

b. Take appropriate actions to prevent human rights violations or abuses in the context of its business activities, including , **Unilateral coercive measures in the form of unlawful sanctions including secondary sanctions and**those under their contractual relationships;

c. Monitor the human rights impact of their business activities, **including their adoption of Unilateral coercive measures in the form of unlawful sanctions and**including those under their contractual relationships;

d. Communicate to stakeholders and account for the policies and measures adopted to identify, assess, prevent and monitor any actual or potential human rights violations or abuses that may arise from their activities, including through **Unilateral coercive measures in the form of unlawful sanctions**or from those under their contractual relationships.

3.Measures referred to under the immediately preceding paragraph shall include, but shall not be limited to:

a. Undertaking environmental and human rights impact assessments in relation to its activities **including Unilateral coercive measures in the form of unlawful sanctions**and those under their contractual relationships, integrating the results of such assessments into relevant internal functions and processes, and taking appropriate actions.

b. Carrying out meaningful consultations with groups whose human rights can potentially be affected by the business activities, and with other relevant stakeholders, through appropriate procedures including through their representative institutions, while giving special attention to those facing heightened risks of violations of human rights within the context of business activities, **including Unilateral coercive measures in the form of unlawful sanctions**such as women, children, persons with disabilities, indigenous peoples, migrants, refugees, internally displaced persons and protected populations under occupation or conflict areas. Consultations with indigenous peoples will be undertaken in accordance with the internationally agreed standards of free, prior and informed consultations, as applicable.

c. Reporting publicly and periodically on financial and non-financial matters, including policies, risks, outcomes and indicators on human rights, environment and labour standards concerning the conduct of their business activities, **including Unilateral coercive measures in the form of unlawful sanctions**including those of their contractual

relationships.

d. Integrating human rights due diligence requirements in contractual relationships which

involve business activities of a transnational character, including through financial

contributions where needed.

e. Adopting and implementing enhanced human rights due diligence measures to prevent

human rights violations or abuses in occupied or conflict-affected areas, arising from business activities, **including Unilateral coercive measures in the form of unlawful sanctions**or from contractual relationships, including with respect to their products and services;

State Parties shall ensure that effective national procedures are in place to ensure compliance with the obligations laid down under this Article, taking into consideration the potential impact on human rights resulting from the size, nature, context of and risk associated with the business activities, **including Unilateral coercive measures in the form of unlawful sanctions and** those of transnational character, and that those procedures are available to all natural and legal persons having a legitimate interest, in accordance with domestic law.

5. In setting and implementing their public policies with respect to the implementation of this (Legally Binding Instrument), State Parties shall act to protect these policies from commercial and other vested interests of persons conducting business activities, including those of transnational character, in accordance with domestic law, **and from  Unilateral coercive measures in the form of unlawful sanctions**

6. States Parties may provide incentives and other measures to facilitate compliance with requirements under this Article by small and medium sized undertakings conducting business activities to avoid causing undue additional burdens.