

Thank you Mr. Chair,

I speak on behalf of the Brazilian AIDS Interdisciplinary Association. We coordinate a group of 17 NGOs in Brazil working to remove patent barriers to the access to health. We are also part of the Global Campaign to Dismantle Corporate Power, which comprises more than 250 organizations, movements and networks, at national, regional and global levels.

Article 11 does not allow for a clear resolution of conflicts between different national legislations or between international human rights law and trade and investment law for example.

It should be explicitly stated that the choice of applicable law should be the choice of affected communities and persons and/or the law most protective of victims' rights. In this sense, the addition of “*upon the request of the victim*” is welcomed but not sufficient as it is not guaranteed that the court will accept this request. We also welcome the fact that the reference to domestic law has been deleted from article 11.2.

Amendment 11.2: *Notwithstanding Art. 9.1, all matters of substance regarding human rights law relevant to claims before the competent court ~~may~~ shall, upon the request of the victim of a business-related human rights abuse or its representatives **and/or if another law better protects the victims' rights**, be governed by the law of another State where:*

a) the acts or omissions that result in violations of human rights covered under this (Legally Binding Instrument) have occurred; or

*b) the natural or legal person **conducting business activities of transnational character** alleged to have committed the acts or omissions that result in violations of human rights covered under this (Legally Binding Instrument) is domiciled, **including through its business relationships and global value chain.***

Moreover, we don't understand the deletion of article 11.3, as it is important to stress that national laws that are more protective or beneficial to affected communities and individuals must prevail. It should thus be reintroduced.

Proposed new paragraph 11.3: *The (Legally Binding Instrument) does not prejudice a greater recognition and protection of any rights of victims that may be provided under applicable domestic law.*

Finally, we propose the addition of the following paragraph:

Proposed new paragraph 11.4: *The choice of applicable law shall always be in accordance with the provisions regarding the primacy of human rights over trade and investment agreements and the ones that better protect the rights of the affected communities and people.*

Thank you Mr. Chair,