Thank you Mr. President!

I speak on behalf of Brazilian Human Rights Organization Justiça Global and Franciscans International, members of the Economic, Social and Cultural Rights Network (ESCR-Net).

Regarding article 5, we would like to welcome the establishment of a broad concept of jurisdiction, ensuring affected communities the possibility to bring cases to the national courts of the business perpetrator’s home countries.

Nevertheless, we would like to note a few aspects that will help to improve the protection afforded by article 5.

First, the criteria for the definition of domicile, which triggers the State’s responsibility to exercise jurisdiction, is too vague. Therefore, article 5 would benefit from a review on its text, in order to make it more precise, for instance by explicitly including mention to parent companies.

Secondly, draft article 5 did not explicitly contemplate human rights violations committed by companies exercising a degree of control in a global value chain without the formalized or exact relationships enumerated in 5.2. To ensure harmony between articles 10 and 5, we recommend that article 5 make explicit reference to inclusion of jurisdiction over such instances.

Finally, in our perspective, it would be quite important to have a provision prohibiting States and transnational corporations from making use of the *forum non convenience* doctrine, because this is one of the most used arguments to block affected communities from accessing the courts of home States. Since *forum non convenience* is a consistent hurdle, prohibiting its use would be crucial to ensure meaningful access to justice.

Thank you, Mr. President!