**28/10/2020 Statement European Center for Constitutional and Human Rights (ECCHR)**

(check against delivery)

Thank you, Mr. Chair Rapporteur,

The European Center for Constitutional and Human Rights is honoured to further contribute to articles 9, 10 and 11 of the second revised draft of the treaty.

Article 9. Adjudicative jurisdiction

Article 9 provides for several options of jurisdictions, which strengthens its capacity to bring access to remedy for victims of human rights abuses by business enterprises. However, this can be further strengthened by adding the option of “significant business interests” as well as the domicile of the claimants.

Article 9.5 adds a forum necessatis provision, which we believe are crucial for a victim centered approach. Instead of the expressed fear for forum shopping, we believe that the current wording is crucial for the Legally Binding Agreement to deliver to its purpose. We would therefore strongly urge to keep these provisions as is, or even further strengthen them.

Article 10. Statute of Limitations

On the applicable statute of limitations in Article 10, it is unclear what constitutes a “reasonable period of time” across jurisdictions and/or possible violations. The zero draft used the term “not unduly restrictive,” which seems more appropriate but suffers from a similar lack of clarity.

We would therefore equally add as a yard stick to interpret this notion the complex and differentiated nature of some cases of businesses’ human rights violations, as well as the added complexity of a case’s transnational character.

We would equally suggest adding the possibility for claimants to deviate from existing statute of limitations.

Article 11. Applicable law

Although this article provides a broad choice of law, we are pleased to see that that it is not the competent court who determines the applicable law, but instead confer that choice to the claimants who brought the dispute to court, allowing the claimants to choose the most favourable law.

Thank you very much,