**Articles 3 & 4**

Thank you, Chairperson. I speak on behalf of the over 200 million members of the global trade union organisations: ITUC, BWI, EI, IndustriAll, ITF, IUF, PSI, and UNI.

***Article 3. Scope*** further embeds the approach taken in the revised draft of focusing the operational provisions of the Legally Binding Instrument on cross-border activities of business enterprises while maintaining a broad scope, which includes *transnational* and *other* enterprises. We welcome this hybrid approach, which we believe will prevent that the form of an enterprise can be used in order to evade accountability in the implementation of the Legally Binding Instrument. At the same time, this approach ensures that the Legally Binding Instrument is clearly geared towards addressing *business activities of a transnational character*, which is where the normative gaps in international human rights law lie.

We cautiously welcome the extension of the scope of rights covered beyond *internationally recognised human rights*. Taken together, the instruments cited embody numerous labour rights, such as freedom of association and collective bargaining, equality and non-discrimination, forced labour, and child labour, wages, health and safety, social security and the limitation of working hours. While we understand that political expediency may have played a part in limiting the definition to core treaties and fundamental ILO Conventions *to which a state is a party*, we cannot accept this condition on core ILO Conventions. Such a formulation would breach the principle of non-regression under international law due to the fact that the Declaration on Fundamental Principles and Rights at Work of 1998 requires ILO Member States to respect and promote the principles and rights contained in the ILO’s Core Conventions by virtue of its membership in the Organization, regardless of ratification. It is imperative that the ratification requirement for core ILO conventions is dropped from this article.

***Article 4 on the Rights of Victims*** has been helpfully rearranged so that state obligations are no longer discussed in the same article. We welcome the emphasis on the application of all internationally recognized human rights and fundamental freedoms to victims while ensuring that they enjoy more favourable protections for victims or non-victims under international or national law (art. 4(3).

This article should nevertheless adopt the broader term of “rights-holders” rather than victims. The exercise of labour rights, protected under international human rights and by international labour standards, does not commence with the violation of these rights..

In relation to in art. 4.2(c), we believe that the non-exhaustive list of remedies should include *private and public apology* and, most importantly, *reinstatement in employment*.

Among other things, we also welcome the recognition of the rights to file collective claims (art. 4(2)(d)) and legal aid (art. 4(2)(d)) respectively.

Thank you