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 600 organizations, movements and networks, at national, regional and global levels.

Currently in the world, billions of people don’t have access to life saving treatment, because of high medicines prices. Pharmaceutical companies charge those prices because they have patent monopolies over those drugs. The result is that State cannot implement public health policies, consumers cannot purchase the medicines in private pharmacies. The pharmaceutical companies – US and EU-based – and their CEOs have left people to die in name of profits and in name of greed. Therefore, it is fundamental that the binding instrument regulates the obligations of TNCs in respect to human rights, as clearly state in the resolution 26/9.

In this sense, the obligations of states and TNCs must be addressed in separate topics. We suggest that the following phrases are included: (a) TNCs are liable civilly, administratively and criminally for all obligations listed in this Convention that are; (b) States Parties must establish administrative, civil and criminal liability for TNCs and their managers. It must not matter if States and TNCs operate as perpetrators or accomplices of violations. We believe the Convention must make clearer the relation between the main company and its subsidiaries, licensees, subcontractors and so forth. In addition, States parties must provide for sanctions, including the dissolution of the TNC, and oblige the TNC to pay the fees.

We also suggest to exclude the references to “domestic law”, since some states do not have provisions of such kind and it may put in jeopardy the scope of this Convention.

 Thank Mr. Chairperson