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.

Regarding article 9, there are a number of points that concerns us, since we believe that preventing the right to health violation is instrumental to avoid suffering and loss of lives. From our perspective, it is necessary that TNCs have direct obligations in terms of prevention of violations. At the same time, in case the preventions measures fail, TNCs must be hold responsible civil, administrative and criminal for the non-fulfillment of the obligations assumed under the binding instrument.

Therefore, we consider that the binding instrument should state that TNCs must not engage in any practices or conduct that violates human rights and must refrain from any activity that undermines the capacity of the state obligations to respect human rights. In practical terms, the instrument must state that TNCs have the obligation to prepare, publish and effectively implement vigilance plans, and to evaluate their activities in light of human rights obligations.

In regards to the consultation process, it must be: transparent and ensure the participation of independent, public interested-oriented groups. Those processes cannot be a mere formality, but must take into account the will of communities expressed via free, prior and informed consent.

Lastly, we would like to have included “LGBT and people living with chronic and non-communicable diseases” amongst the groups listed in the Article 9.2.g.

Thank you chair