

ABIA/GTPI/RedLAM Oral Statement at the 2<sup>nd</sup> Session of the Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights

1. Thank Ms. Chair. I speak on behalf of the Latin American Network for Access to Medicines (RedLAM) and Brazilian Interdisciplinary AIDS Association, secretariat of the GTPI of Rebrip (ABIA/GTPI/Rebrip).
2. The right to health is a fundamental human right and we are still far from assuring it for a great part of the world's population. Access to medicines is an essential element in achieving the realization of this fundamental right. The right to health relies on the action or inaction of multiple actors, beyond individuals and States, including pharmaceutical companies.
3. The warranty of impunity backed by legal obstacles and the lack of instruments to hold corporations accountable for human rights violations, represent a barrier to the achievement of universal access to essential medicines.
4. One important aspect is the decisive role of companies in the globalized world. The economic power translates into political power. Powerful companies have an enormous capacity to influence States and their policies.
5. Pharmaceutical companies are key actors in the field of research, development and drug quality. But they also dedicate significant resources to lobby States not to adopt laws that can protect the right to health and intentionally set high prices for medicines, excluding millions of people from having access to life-saving drugs.
6. After 20 years of the WTO and TRIPS agreement, we can say that that the patent system failed to deliver innovation based on Health needs. We can also say, Madam Chair, that this is will remain the reality for the next 20 years if we don't change radically this framework to another one in which the right to health drives pharmaceutical innovation, instead of the greed of pharmaceutical corporations.
7. The lack of access to medicines has gross human rights violations as consequences. Those violations are caused by the action and omission of pharmaceutical corporations and generate suffering and deaths. Acts of such category of gravity should be subject to tools at its height: an international binding treaty that can hold pharmaceutical corporations accountable for their practices that put the right to health under threat. It is no longer acceptable that respect for human rights remains voluntary.
8. Madam chair, we urge the Human Rights Council to adopt a Binding Treaty that will hold pharmaceutical and other TNCs accountable for human rights violations. Thank you for your attention.