



## **FULL USE OF TRIPS FLEXIBILITIES CRITICAL TO ENSURING ACCESS TO MEDICINES AND FULFILLING COMMITMENTS ON UHC**

### **People Living with HIV and Marginalized Communities must be at the centre of all Universal Health Coverage (UHC) related policies, programmes and Discussions**

*Bangkok, 12 December 2019* – On the International day on Universal Health Coverage (UHC), Asia Pacific Network of People Living with HIV (APN+) calls on all governments in the Asia Pacific region to make full use of all flexibilities provided in the WTO TRIPS Agreement to increase access to affordable medicines. APN+ also urge governments to reform patent laws to include these flexibilities and reject TRIPS-Plus provisions in Free Trade Agreements that will delay in accessing cheaper medicines.

“UHC commitments require our governments to ensure access to essential medicines,” said Shiba Phurailatpam, Regional Coordinator of APN+. “Many of the medicines on the WHO’s Essential Medicines List for HIV, TB and Hepatitis C are patented in many of the countries in the Asia-Pacific region. Using flexibilities in the TRIPS agreement to ensure access to safe, effective and affordable generic medicines will contribute immensely in achieving UHC and funds being used for expensive patented medicines can be used to improve other health care related service. The use of TRIPS flexibilities has been clearly recognized in the Political Declaration signed by all our governments at the UN High Level Meeting on UHC in September 2019,” he added.

Today, the cost of patented medicines takes up a large chunk of the healthcare budget in many countries and guarantees the profit of big multi national pharmaceutical companies at the cost of lives of millions of people in the developing countries. The pricing, patenting and licensing policies of multi national pharmaceutical companies are resulting in fractured access in Asia-Pacific countries.

“For the Asia-Pacific region, this is of utmost importance as we contribute large chunk of HIV, HCV, TB epidemic to the global burden, and middle income countries in our region are routinely excluded from price discounts and licensing deals,” said Edward Low of Positive Malaysian Treatment Access and Advocacy Group (MTAAG+). “In Malaysia for instance we have used compulsory licensing to ensure access to affordable Sofosbuvir (HCV drug) in 2017 which has been critical to the rollout of HCV treatment in our hospitals and to help in the research being conducted by DNDI on a new treatment for HCV. The effectiveness of this approach has saved many lives and we call on our government to extend the compulsory license and continue using TRIPS flexibilities to improve our health care programmes,” he said.

“Countries in the Asia-Pacific region have been global leaders in the use of TRIPS flexibilities,” added Loon Gangte of the Delhi Network of Positive People (DNP+). “In India we have successfully challenged many patent applications on essential medicines ensuring generic availability of these medicines at lower prices. We call on all countries

in the region to adopt stricter patent criteria to prevent ever-greening patents on medicines and for the use of compulsory licensing to improve availability and affordability. Improved availability and far lower prices of medicines can be achieved through proper, unrestricted generic competition leading to a sustainable price for all kinds of therapy,” he said.

“Thailand has been a tremendous example for the region in using TRIPS flexibilities to support its Universal Coverage (UC) programme,” said Chalerm Sak Kittittrakul of AIDS Access Foundation. “Our government issued compulsory licenses on medicines for treating HIV, heart disease and cancer between 2006 and 2008 making savings of millions of dollars for the UC programme that were then used to introduce additional programmes and treatments in our healthcare programme. The use of TRIPS flexibilities is essential to the sustainability of any UHC programme,” he said.

However, there is also great concern that many countries in the region are negotiating Free Trade Agreements (FTA) that will undermine the ability of the governments in the region to use TRIPS flexibilities. “In Vietnam the FTA with the European Union (EU) has introduced TRIPS-plus measures and we are extremely concerned that these will undermine access to affordable medicines in our country,” said Do Dang Dong of Vietnam Network of People Living with HIV (VNP+). “The Regional Comprehensive Economic Partnership Agreement (RCEP) also has TRIPS-plus demands made by Japan and South Korea. We call on the ASEAN governments to release the text of the RCEP negotiations and reject all TRIPS-plus provisions in the text,” he added.

“As the regional network of People Living with HIV working for and by people who are most marginalized we urge our governments to put people living with HIV, people with TB, people with hepatitis C and marginalized groups like people who use drugs, sex workers and the LGBTQI communities at the centre of all UHC related policies, programmes and discussions,” added Shiba Phurailatpam of APN+. “The experience with the successful scale up of HIV prevention and treatment programmes has demonstrated that people living with HIV and marginalized communities have the most important expertise in the design and rollout of health programmes and in the use of TRIPS flexibilities to ensure access to medicines for all. Our participation and involvement will contribute in bringing our region one step closer to achieving UHC for all,” he said.

**As people living with HIV, UHC is of particular concern for our lives and health. The Asia Pacific Network of People living with HIV/AIDS (APN+) calls on Governments to:**

- 1. Use to the full extent flexibilities provided in the WTO TRIPS Agreement to increase access to medicines, diagnostics and vaccines.**
- 2. Reject all TRIPS-plus provisions in trade agreement negotiations and ensure that other provisions related to investment, government procurement, competition etc. do not undermine our access to health services and medicines**
- 3. Ensure that the enforcement of intellectual property does not create barriers to legitimate trade**
- 4. Ensure people living with HIV and all marginalized population are involved in all UHC related policies, programmes and discussions.**

APN+ also calls on developed countries to immediately cease putting pressure on developing countries when they use TRIPS flexibilities to improve access to medicines.

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