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I was asked to speak with particular emphasis on the recommendations and solutions proposed in the contribution.

However, it seems that it is still necessary to say a few words about the problems that has brought us to be here today, especially as some contributions that were received by this Panel coming from pharmaceutical companies still deny that an access to medicines problem exists.

It is impossible to move forward with solutions if we fail to recognize that there is a problem.

To read some of the proposals was truly heartbreaking and outrageous. In the human rights field, we say that the person is killed twice when there is a failure of recognition of the real cause of the death and is killed again when there is a failure in the punishment of those responsible.

Many human deaths have led us to be here talking about access to medicines today. We cannot forget that.

But this is not a fatality. It is a gross and systematic violation of human rights put in place by a system that protects corporations "rights" and leave them unpunished for their abuses.

The contribution calls attention to the urgent need to address this "architecture of impunity", by the adoption of international legal standards to regulate transnational corporations and create an international body to judge and sanction them.

WHO estimates that 1/3 of all human deaths could have been avoided with access to medical technology that exists. There are not many things that can be done to prevent a fatality. But there are things that can be done to make technology that already exists to reach more people who need them. However, most of what could be done faces many obstacles posed by transnational corporations and governments acting on their behalf.

The WTO TRIPS Agreement has put medicines and other health technologies, which are an essential element of the right to health, away from the human rights agenda and into the trade agenda.

For many years we have been hearing that it is essential to protect the intellectual property of those who developed the medicines, an international binding treaty have been signed for that, a sanction mechanisms have been put in place to punish those who violates the so called "intellectual property rights". We are more recently watching the proliferation of trade agreements that include investor-state dispute settlement mechanisms, such as the Trans-Pacific Partnership (TPP), that gives even more power to transnational corporations and contribute to the erosion of human rights, as companies will be able to sue governments for alleged losses due to government policies made in the public interest. The threat of international arbitration can have a 'chilling effect' on governments and prevent them from introducing and applying legislation to protect human rights.

Over the last two decades, transnational companies have obtained many rights. Because of the alleged need to attract foreign investments, States promote trade and investment agreements guaranteeing companies access to markets under conditions of legal stability, as well as other benefits.

But people are not markets and we cannot let a human right be fulfilled or not based on market rules.

Market rules has led to the establishment of prices of health technologies so high that millions of people in low income countries, middle income countries, and even in high income countries cannot have access to them. Market rules has led to unethical clinical trials, to hiding adverse side effects, to delayed development of better medicines, to the creation of diseases in which there could be a profitable market, while most of the diseases that really need the development of health technologies are left aside because they would not be profitable enough.

The Panel has received many submissions about how the IP system has failed people and has favored corporations. There is an urgent need for systemic changes in how we research and develop our medicines, to treat what, for who?

Those who do not recognize that there is a need to change the IP system often argue that the system works very well except in a few cases in a few countries. For these cases, TRIPS flexibilities can be used to solve the specific situation.

Really?

Despite all political declarations, reports, community and civil society mobilization, how many countries have used those flexibilities?

Brazil has used compulsory license only once, and after that has moved to a voluntary licenses approach due not only to the growing rapprochement between the public sector and the private sector, but also due to threats from pharmaceutical companies and governments defending their interests against the use of compulsory license, not only in Brazil, but in all countries who dared to use them or have demonstrated willingness to do so.

Another example from Brazil, a mechanism that has been set in place to increase the quality of patent examination in the pharmaceutical sector, known as ANVISA prior consent mechanism that was also object of a submission sent to this Panel, is been under attack from pharmaceutical companies and has been in the US IP watch list as a measure that can attack the IP rights.

It is nothing more than a mechanism to better analyze patent applications to avoid the grant of patents that do not fulfill the patentability criteria under the IP law. Nothing more. And it has been under severe attack. Argentina has also adopted a new examination guideline to avoid the granting of patents that does not fulfill the patentability requirements and is also facing strong pressure and lawsuits from multinational pharmaceutical companies.

This Friday at the UN Human Rights Council we will be launching a campaign demanding that the companies drop the cases at the Judiciary in Brazil and Argentina and that they respect the right of countries to adopt these and other measures that aim to protect the right to health from the negative impacts of patents on access.

But campaigning against the abuses from companies cannot be the only mechanism that we have available.

Voluntary mechanisms, that has been appointed as solutions, not only in the IP field, such as tiered pricing or voluntary licenses, but also in the human rights field, such as the UN Guiding Principles on Business and Human Rights (so-called Ruggie Principles), have increasingly been shown to have failed to protect and promote human rights and are more part of the problem than of the solution.

Reliance on voluntary mechanisms that have marked the corporate social responsibility debate has only facilitated systematic corporate impunity and human rights violations. We need binding mechanisms to be able to protect human rights also from violations committed by corporations.

And there are many violations.

GTPI and Transnational Institute are part of a global alliance of more than 1,000 organizations from 95 countries that is demanding the adoption of a binding treaty to stop corporate impunity and hold transnational corporations accountable for human rights violations.

The contribution submitted to this Panel build on a process that is already ongoing at the UN system.

In 2014, the UN Human Rights Council approved a resolution to establish an Intergovernmental Working Group with the mandate to elaborate an international legally binding instrument on transnational corporations. It was a tight vote: the resolution was supported by 20 states, mainly from Africa and Asia, and opposed by 14, including the United States and the European Union, with 13 abstentions.

This is a first step but we need to move forward quickly. We watch the same pattern happening again, corporations and governments on their behalf acting to block or slow down the process. This is happening at the WHO with the R&D Treaty and is happening at the Human Rights Council with the Treaty on Transnational Corporations. At the first session of the Intergovernmental Working Group held on July 2015, the European Union representative took strong efforts to derail the process. On October this year there will be the second session. We expect to not see the same shameful behavior.

It took the global community 7 years after the signature of the TRIPS Agreement to recognize that countries can use the provisions that are already included in the agreement to try to protect the right to health. Still today countries can't do that without facing threats and retaliations from corporations and some governments from the so-called "developed" countries.

It is time to change the narrative and actions. When we talk about access to medicines, our main worry should not be if there is a violation or not of an intellectual property right, but if there is a violation or not of a human right!

It is time to take medicines out of the trade agenda and put it back in the health and human rights agenda.

There is a mistrust that many social movements and organizations have towards the UN. There is a dispute within the UN in which the interests of transnational corporations have captured the political decision-making system.

This Panel is an opportunity to say that human rights come first. And that the UN will not prioritize business interests over human rights.

We expect nothing less than a strong recommendation from this Panel for all countries to fully engage in the construction and stop blocking the process to create an international binding framework to regulate transnational corporations, **with enforcement mechanisms** to hold them accountable for human rights violations. Such a Treaty is actually long overdue.