



WORKING GROUP ON INTELLECTUAL PROPERTY

Brazil, June 16, 2016

Distinguished members of the Working Group on the issue of human rights and transnational corporations and other business enterprises Mr. Michael Addo, Mr. Surya Deva, Mr. Dante Pesce and Mr. Pavel Sulyandziga,

On behalf of the Working Group on Intellectual Property¹ from the Brazilian Network for the Integration of Peoples (GTPI/Rebrip - acronym in Portuguese), we hereby recognize the importance of the Working Group on human rights and transnational corporations' visit to Brazil last December and its final report, presented on the ongoing 32nd session of the Human Rights Council. Particularly, GTPI welcomes the awareness² raised by the WG on the final report related with the issue of access to affordable medicines in Brazil and human rights violations by pharmaceutical companies.

The right to access to medicines constitutes a fundamental element of the right to health. Given the important role pharmaceutical companies play in the exercise - and, therefore, violation - of the right to access to medicines, it is undeniably important to address this specific corporate sector within the debate of responsibilities of transnational corporations and human rights.

We believe the WG should continue to increasingly address this issue in its future reports and statements, joining efforts along with the Special Rapporteurship to the Right to Health. In addition, we consider to be extremely crucial the full engagement of the WG on the development of binding mechanisms to hold corporations accountable for violations of human rights.

We take advantage of this opportunity to inform GTPI should send in the coming weeks a formal complain to the WG, concerning the violation of the right to access to medicines in Brazil by the pharmaceutical association INTERFARMA. The violation closely relates to the concerns included in the WG's visit to Brazil report. INTERFARMA is not currently complying with the Brazilian Patent Law by attempting to overthrow the involvement of the Brazilian Health Surveillance Agency from the analysis of medicines patent applications, known as ANVISA's prior consent mechanism. If INTERFARMA succeeds, it would be a huge setback on the right and duty of Brazilian state to adopt and fully implement measures to protect the right to health against patent abuses. We believe the WG can have a fundamental role in stopping this from happening.

GTPI is grateful for this opportunity of dialogue and is looking forward to further collaborate with the WG on the issue of human rights and pharmaceutical companies in Brazil. We would also like to acknowledge the important work developed by the WG's staff team and specially thank Ms. Natasha Andrews and Mr. Ulrik Halsteen for their constant collaboration and availability for GTPI's queries.

Yours faithfully,

Marcela Fogaça Vieira, Pedro Villardi and Felipe Carvalho | **Coordination of GTPI/Rebrip**

¹ The GTPI is integrated by 17 non-governmental organizations and social movements and is coordinated by the Brazilian Interdisciplinary AIDS Association . More information available at: <http://www.deolhonaspateentes.org>.

² A/HRC/32/45/Add.1. Chapter IV: Awareness of business and human rights. Paragraph 16: *"The Working Group was made aware of concerns regarding access to affordable generic medicines and the impact of patents in that regard. Attention was drawn to challenges to the continued need for the Brazilian Health Surveillance Agency to be involved in the analysis of pharmaceutical patent applications at the "prior consent" stage and to the fact that, without the Agency's involvement, there was the risk of patent monopolies emerging, which would hinder access to medicines."*