

## **Access to Affordable Drugs: Thai Children Must Not Suffer from FTAs**

### **United Nations Children's Committee Warns Thailand That FTAs Must Not Negatively Impact Children's Rights**

#### **Information Note 3**

**January 2006**

Thailand came under fire last week as the United Nations Committee on the Rights of the Child warned the Thai government that proposed intellectual property rules in Free Trade Agreements (FTAs) risk affecting access to medicines and the child's right to health.

In its final recommendations made public on 27 January 2006, the UN Committee strongly recommended that Thailand "ensure that regional and other free trade agreements do not have a negative impact on the enjoyment of the right to health by children. More specifically, ensure that such agreements will not negatively impact the availability of drugs and medicines for children."

Thailand is currently negotiating a number of bilateral and regional FTAs, including with the United States and the members of the European Free Trade Association (EFTA includes Switzerland, Norway, Liechtenstein and Iceland).

The issue was raised during the UN Committee on the Rights of the Child's review of Thailand, during its 41<sup>st</sup> Session from 9 – 27 January 2006. This independent body is responsible for monitoring the implementation of the UN Convention on the Rights of the Child, which Thailand is a party to.

During Thailand's review on 24 January 2006 the Committee's Rapporteur on Thailand stressed that the Committee wanted answers regarding proposed intellectual property rules in FTAs and their impact on access to medicines. He was particularly concerned about the effect of these rules on Thailand's provision of free antiretrovirals to treat mother-to-child transmission of HIV/AIDS.

His concern was echoed by other Committee experts who wanted to know whether the Thai government was evaluating the impact of FTAs on access to affordable to medicines, and taking measures to ensure that FTAs do not undermine the flexibilities reaffirmed by the WTO Doha Declaration on TRIPS and Public Health.

In response to the Committee's concerns, H.E. Mr. Chaiyong Satjipanon, Thailand's Ambassador to the United Nations Office in Geneva replied:

« On the Thai-US FTA negotiations both Thailand and the US are working towards the mutual conclusion of the text of concern, in particular the IP issue - intellectual property rights related to pharmaceutical products. Thailand will make the most efforts to help vulnerable groups gain access to affordable drugs and take into consideration the recommendations from all parties concerned with regard to patent protection. »

This commitment, made in a public meeting of the Committee, can be used to hold the government accountable to its promises.

The Convention on the Rights of the Child is the most widely ratified international human rights treaty, with 191 ratifications – a notable exception is the United States. Nevertheless, the fact that the United States has signed the treaty means that under international law it cannot take measures that will undermine other country's ability to comply with their obligations under the treaty.

Thailand has an obligation under the child's right to health (article 24 of the Convention on the Rights of the Child) and the child's right to life (article 6 of the Convention) to take measures to ensure that the child has access to affordable medicines.

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**3D -> Trade – Human Rights Equitable Economy (3D) encourages decision-makers and civil society groups to use the Committee on the Rights of the Child's recommendation as a tool to ensure that intellectual property rules in FTAs do not undermine access to affordable medicines and the enjoyment of the child's right to health.**

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