

UN Human Rights Treaty Monitoring Bodies Review of State Implementation of International Conventions (ICESCR, ICCPR and CRC)

References to Intellectual Property and Human Rights

Committee on Economic, Social and Cultural Rights

Chile, Concluding Observations, E/C.12/1/Add.105, 26 November 2004

59. The Committee encourages the State party to provide greater access to generic medicine making use of the flexibility clauses permitted in the WTO Agreement on Trade-related Aspects of Intellectual Property Rights (the TRIPS Agreements).

Denmark, Summary Record, E/C.12/2004/SR.37, 16 November 2004

7. Denmark said that it provided assistance to developing countries within the context of the United Nations and the World Trade Organization (WTO). Denmark had been active in the development of the Doha Declaration on the trade-related aspects of intellectual property rights (TRIPS) and public health, and would continue to ensure that the Declaration and the decision of the WTO General Council of 30 August 2003 were implemented as effectively as possible. The final provision on a waiver contained in that WTO decision would be integrated swiftly into Danish national legislation. Every effort would be made to ensure that developing countries were in a position to take full advantage of the Doha Declaration.

Ecuador, Concluding Observations, E/C.12/1/Add.100, 7 June 2004

30. The Committee is concerned about the enjoyment of the right to health by all people in the State party and particularly with regard to access to generic medicine.

55. The Committee strongly urges the State party to conduct an assessment of the effect of international trade rules on the right to health for all and to make extensive use of the flexibility clauses permitted in the WTO Agreement on Trade-related Aspects of Intellectual Property Rights (the TRIPS Agreement) in order to ensure access to generic medicine and more broadly the enjoyment of the right to health for everyone in Ecuador.

56. The Committee strongly recommends that the State party's obligations under the Covenant should be taken into account in all aspects of its negotiations with the international financial institutions and other regional trade agreements to ensure that economic, social and cultural rights, particularly of the most disadvantaged and marginalized groups, are not undermined.

Committee on the Rights of the Child

Thailand, Concluding Observations, CRC/C/THA/CO/2, 27 January 2006

58. (f) 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.

Peru, Concluding Observations, CRC/C/PER/CO/3, 27 January 2006

48. The Committee notes the concerns of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, who recently visited the State party, with respect to the potential impact that bilateral Trade Agreements may have on the access to affordable essential medicines for some individuals and groups, including antiretrovirals for people with HIV/AIDS (E/CN.4/2005/51/Add.3).

49. The Committee recommends that the State party always take its human rights obligations into account when negotiating Trade Agreements, in particular as to the possible impact of commercial agreements on the full enjoyment of the right to health.

Ecuador, Summary Record, CRC/C/SR.1035, 30 May 2005

5. It would be useful to know whether the Government took account of the urgent need to create favourable conditions for investment in health and social development when it negotiated free-trade agreements.

Ecuador, Concluding Observations, CRC/C/15/Add.262, 13 September 2005

20. In addition, the Committee is concerned that the Free Trade Agreements, currently being negotiated, may also negatively impact the allocation of budgets for social services.

21. The Committee finally recommends that the State party ensure that Free Trade Agreements do not negatively affect the rights of children, inter alia, in terms of access to affordable medicines, including generic ones. In this regard, the Committee reiterates the recommendations made by the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.100).

Nicaragua, Concluding Observations, CRC/C/15/Add.265, 21 September 2005

16. In addition, the Committee is concerned that the Free Trade Agreements, currently under negotiation may negatively impact on the allocation of budgets for social services.

17. Furthermore, the Committee recommends that the State party ensure that the Free Trade Agreements do not negatively affect the rights of children, e.g. in terms of access to affordable medicines, and that – if debt relief efforts are successful – it invest the saved money for an adequate implementation of child rights and in other social services.

Philippines, Concluding Observations, CRC/C/15/Add.259, 3 June 2005

58. The Committee finally expresses its concerns at the risk that Free Trade Agreement currently negotiated with some other countries may negatively affect the access to affordable medicines.

59. The Committee recommends that the State party:

(f) Make use – in the negotiations of Free Trade Agreement – of all the flexibilities reaffirmed by the Doha Declaration and the mechanisms at its disposal to ensure access to affordable medicines in particular for the poor and most vulnerable children and their parents;

Botswana, Concluding Observations, CRC/C/15/Add.242, 3 November 2004

20. In this regard, the Committee also recommends that the State party ensure that regional and other free trade agreements do not have a negative impact on the implementation of children's rights and, more specifically, that these will not affect the possibility of providing children and other victims of HIV/AIDS with effective medicines for free or at the lowest price possible.

El Salvador, Concluding Observations, CRC/C/15/Add.232, 30 June 2004

47. The Committee expresses its concern about the potential negative impact of international trade-related intellectual property agreements on the access to affordable medicines.

48. The Committee recommends the State party to systematically consider the best interests of the child when negotiating trade-related intellectual property rights and implementing them into national law. In particular, the State party should conduct an assessment of the impact of international intellectual property rights agreements on the accessibility of affordable generic medicines, with a view to ensuring children's enjoyment of the highest attainable standard of health.

Human Rights Committee

Uganda, Concluding Observations CCPR/CO/80/UGA, 4 May 2004

14. While the Committee takes note of the measures taken by the State party to deal with the widespread problem of HIV/AIDS, it remains concerned about the effectiveness of these measures and the extent to which they guarantee access to medical services, including antiretroviral treatment, to persons infected with HIV (art. 6). The State party is urged to adopt comprehensive measures to allow a greater number of persons suffering from HIV/AIDS to obtain adequate antiretroviral treatment.