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## PRESS RELEASE

### Asian countries chart new courses on intellectual property and trade to increase access to AIDS treatment

**31 May, Bangkok** – Asian countries can save millions of lives by taking bold steps to ensure intellectual property and free trade agreements do not impede access to AIDS treatment, concluded a high-level consultation hosted by the United Nations and regional health activists in Bangkok.

Countries are facing mounting challenges to produce or procure affordable HIV treatment, including cutbacks in AIDS funding and a proliferation of increasingly restrictive intellectual property measures in free trade agreements.

At the three-day Consultation in Bangkok, government agencies, the UN, civil society and academia from nine countries in the region (Cambodia, China, India, Indonesia, Malaysia, Myanmar, the Philippines, Thailand and Viet Nam) discussed the impact that intellectual property and free trade agreements can have on access to antiretroviral therapy and took concrete steps towards accelerating action within their countries. Each country delegation identified key areas for joint action, collaboration and support and developed a focused plan to speed up joint national action and ensure greatest impact.

Since 2006, the number of people on treatment in Asia-Pacific has more than tripled to reach nearly one million by the end of 2010, due in part to the increased availability of low-cost generic medicines. However, currently more than 60 percent of those in need of treatment in the region have no access.

“Access to affordable HIV medicines is more than just a trade, legal or logistical issue. It is literally a matter of life and death for people living with HIV,” said Shiba Phurailatpam, Regional Coordinator, Asia Pacific Network of People Living with HIV. “Millions of people need access to treatment, today, to keep them alive. Collective efforts from all sectors and taking advantage of all opportunities are critical.”

Intellectual property and trade flexibilities set out in the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and the Doha Declaration on the TRIPS agreement and public health provide opportunities for low-and middle-income countries to expand access to low-cost, good quality pharmaceutical products.

“The sustainable future of HIV treatment programmes in Asia is of serious concern,” said Steven J. Kraus, Director, UNAIDS Asia and the Pacific. “Countries must use all the means at their disposal, including the TRIPS flexibilities, to increase treatment levels and to reach people most in need.”

There is evidence from India, Indonesia, Malaysia, and Thailand that the use of TRIPS flexibilities can help substantially lower the costs of treatment across the region. The annual cost of a first line antiretroviral regimen for low-income countries has dropped from more than US\$10 000 per person in 2000 to below US\$ 100 per person per year in a number of low income countries in the region in 2010. Nevertheless most countries have yet to use, to the fullest extent possible, the flexibilities available in the TRIPS Agreement to sustain affordable treatment.

#### ***Addressing mounting challenges***

A [UNAIDS/UNDP joint issues brief](#) highlighting the potential impacts of free trade agreements on public health, launched to coincide with the regional Consultation, concluded that “to retain the benefits of TRIPS flexibilities, countries at a minimum should avoid entering into free trade

agreements that contain...obligations that can impact on pharmaceutical price or availability.” The brief further recommends that where such commitments may have already been agreed, efforts should be made to mitigate the negative impact on access to treatment by using remaining public health-related flexibilities available.

A key factor in determining the sustainability of treatment programmes across the region is the legal framework in India, whose pharmaceutical industry produces more than 85 percent of all first generation antiretroviral drugs used to treat people living with HIV in low and middle income countries. India is negotiating a free trade agreement with the European Union (EU), which it is hoped would contain pro-development provisions that would enable, not impede, access to treatment in India and across low- and middle-income countries. This also applies to other countries of the region currently negotiating, or planning to negotiate, agreements with the EU, the European Free Trade Association (EFTA) or the United States of America (through the Trans-Pacific Partnership Agreement).

In July 2011 at a meeting with UNAIDS Executive Director, India’s Commerce Minister Anand Sharma reaffirmed the Government of India’s commitment to ensure that quality generic medicines are seamlessly available, and to make them available to all countries. “India will also use the flexibilities allowed under TRIPS, including the use of compulsory licensing, to ensure that people living with HIV have access to all life-saving medicines.”

Through the Political Declaration on HIV/AIDS endorsed by the United Nations General Assembly in June 2011, nations across the world committed to bold new targets on AIDS, including the goal of reaching 15 million people with antiretroviral therapy by 2015. In Asia and the Pacific this means an additional 1.5 million people being put on treatment in the next three years.

Underlining the importance of renewed drive and momentum towards reaching the ambitious regional and global goals, Clifton Cortez, Regional Practice Leader on HIV, Health and Development, UNDP Asia-Pacific Regional Centre said: “Countries in this region should approach the TRIPS Agreement from a pro-development perspective and should use all available flexibilities and safeguards to realize universal access to HIV treatment. This meeting recognizes the importance of connecting key national and regional players together to pursue common goals.”

**Note to editors:**

**The Regional Consultation and Planning Workshop on ‘Use of TRIPS Flexibilities and Access to Affordable ARVs in Asia’** brought together over 90 participants from Cambodia, China, India, Indonesia, Malaysia, Myanmar, the Philippines, Thailand and Viet Nam. Participants collectively represent government, academia, civil society and the United Nations system. The workshop, held in Bangkok from 29-31 May 2012, has been organized by the United Nations Development Programme Asia-Pacific Regional Centre (UNDP APRC), the Joint United Nations Programme on HIV/AIDS Asia-Pacific Regional Support Team (UNAIDS RST) and Asia Pacific Network of People Living with HIV/AIDS (APN+), in partnership with International Treatment Preparedness Coalition (ITPC), Médecins Sans Frontières (MSF), TREAT Asia, United Nations Children Fund (UNICEF) and the World Health Organization (WHO).

**For more on the workshop, including background resources on TRIPS flexibilities, please visit**

<http://asia-pacific.undp.org/practices/hivaids/trips-flexibilities-workshop-may2012.html>

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**UNAIDS**, the Joint United Nations Program on HIV/AIDS, is an innovative United Nations partnership that leads and inspires the world in achieving universal access to HIV prevention, treatment, care and support. Learn more at [unaids.org](http://unaids.org).

**APN+** is the network of people living with HIV in the Asia Pacific region. Its membership is drawn from 30 countries.