

OPEN LETTER TO THE PRIME MINISTER OF CANADA



November 22, 2013

The Right Honourable Stephen Harper, PC, MP
Prime Minister of Canada
Langevin Block
Ottawa, ON K1A 0A2

Dear Prime Minister:

Re: Access to medicines and the Trans-Pacific Partnership (TPP) Agreement

Last week, the text of the intellectual property chapter being negotiated as part of the Trans-Pacific Partnership (TPP) trade agreement was leaked.

The leaked text confirmed what has long been suspected: the US government is pushing for provisions to be included in the TPP that would further hinder access to affordable medicines for millions of people in developing countries, as well as undermining equitable access in Canada.

The leak last week also revealed that Canada has been among the countries that has resisted some of these dangerous and damaging proposals.

Canada's negotiators should be applauded for standing up to the pressure from the US and brand-name pharmaceutical companies. It appears from the information now available that Canada and four other countries have put forward counter-proposals that, for the most part, preserve the flexibility that countries ostensibly have under the existing rules on intellectual property under the WTO's TRIPS Agreement.

We welcome this encouraging news, but we are not complacent. The TPP negotiations are ongoing and there is intense pressure to trade away health and other public interests in order to conclude an agreement.

This cannot be allowed to happen. Canada must not give in to international pressure from the US, other countries or the pharmaceutical industry. The success of the counter-proposals will depend on Canada and other proponents defending the public interest.

We are Canadian civil society organizations committed to the basic principle that access to medicines and to health care should be equitable, based on need and not on ability to pay, whether at home or around the world. Medicines should not be a luxury.

We call on the Government of Canada to reject any proposals for provisions in the TPP that would restrict access to affordable medicines for millions of people.

GLOBAL TREATMENT ACCESS GROUP

c/o Canadian HIV/AIDS Legal Network, 600 – 1240 Bay St., Toronto, ON M5R 2A7

Tel: +1 416 595 1666 | Fax: +1 416 595 0094 | email: relliott@aidslaw.ca

In particular, we are concerned about provisions in the intellectual property, investment and pharmaceutical pricing chapters that will make it harder for patients, governments and treatment providers to get access to affordable, generic medicines.

Too many people already suffer and die because the medicines they need are too expensive or do not exist. We cannot stand by as this proposed agreement threatens to restrict access even further.

And Canada should not stand by.

We urge the Canadian government to ensure that the final text of the TPP is aligned with its pre-existing global public health commitments.

In particular, we call on your government to ensure, in the TPP negotiations, the following:

- The TPP should not undermine public health flexibilities included in the TRIPS agreement by adopting even more stringent strengthening intellectual property measures (e.g., extending patent terms or more stringent, longer terms for data exclusivity).
- The TPP should not further undermine Canada's ability to export lower-cost, generic medicines to eligible developing countries under the already complicated mechanism known as Canada's Access to Medicines Regime (CAMR).
- The TPP should not include provisions that would potentially thwart access to medicines by introducing new rules on damages and injunctions, and limit the free international transit and supply of affordable, generic medicines.
- The TPP should not impose restrictions on the ability of government agencies to protect the public interest by regulating pharmaceutical prices and reimbursement programs and by regulating drug companies' marketing practices.
- The TPP should not include intellectual property in the definition of "investment," as this would enable pharmaceutical companies to impede regulation of the pharmaceutical sector in the public interest. In fact, given Canada's experience under NAFTA, the TPP should contain no investment chapter at all.

Please ensure that poor people in need of life-saving medicines don't pay the ultimate price for this "free" trade agreement.

Sincerely,



Richard Elliott
Executive Director, Canadian HIV/AIDS Legal Network

On behalf of:

AIDS Action Now!

AIDS Committee of Toronto
Alliance for South Asian AIDS Prevention
ANKORS - AIDS Network, Outreach and Support Society
Bruce House
Canadian Association of Nurses in AIDS Care
Canadian Federation of Medical Students
Canadian Federation of University Women
Canadian Health Coalition
Canadian HIV/AIDS Legal Network
Canadian Treatment Action Council
CATIE
CIHR Canadian HIV Trials Network
Coalition des organismes communautaires québécois de lutte contre le sida (COCQ-sida)
Council of Canadians
Global Network of People Living with HIV – North America (GNP+NA)
Grandmothers Advocacy Network
Hepatitis Outreach Society of NS
HepCBC – Hepatitis C Education & Prevention Society
HIV & AIDS Legal Clinic Ontario
Interagency Coalition on AIDS and Development
International Community of Women Living with HIV – North America (ICW+NA)
KAIROS: Canadian Ecumenical Justice Initiatives
Medical Reform Group
Northern AIDS Connection Society
People's Health Movement (Canada)
Positive Living BC
positively AFRICA
Québec Federation of Medical Students (IFMSA-Québec)
RESULTS Canada
Universities Allied for Essential Medicines