



Statement by H.E. Archbishop Ivan Jurkovič, Permanent Observer of the Holy See to
the United Nations and Other International Organizations in Geneva
at the World Trade Organization (WTO)
Trade Related Intellectual Property Rights (TRIPs) Council
Geneva, 8 November 2016

Mr. President,

Since this is the first time my Delegation is taking the floor during the current session of the TRIPs Council, allow me to begin by congratulating you on your assumption of the Chair and by assuring you of the full support of the Holy See Delegation.

The initiative of the UN Secretary General echoes the concern expressed by the Holy See regarding agreements on intellectual property and access to medicines and essential health care. The achievement of a stronger balance between the protection of the right of inventors, international human rights law and public health objectives is clearly foreseen in Sustainable Development Goal 3: to Achieve Universal Health Coverage (UHC). This is a *unique* moment in history. Ensuring the success of the SDGs, including an end to the epidemics of AIDS, tuberculosis, malaria and neglected tropical diseases and combating hepatitis, water-borne and other communicable diseases will require global solidarity and partnership, especially in times of diverse and demanding global challenges.

As the UN Secretary-General has stated, in spite of all the efforts and the promising results from the Millennium Development Goals, millions have been left behind; consequently, Member States have agreed on the Sustainable Development Goals targeting the year 2030.

In the Encyclical Letter *Laudato sii* Pope Francis recalls the troubling extent of exclusion in our world "(...) there is little in the way of clear awareness of problems which especially affect the excluded. Yet, they are the majority of the planet's population, billions of people (...)". [49, 51]

Our focus must thus remain strong and we must remain unwavering in our commitment to leave no one behind and to build a more sustainable world by 2030.

Access to affordable medicines no longer represents a challenge just for the Least Developed and other developing countries; it has also become an increasingly urgent issue for developed countries. In particular, States find themselves unable to combat antimicrobial resistance. Moreover, developing countries are confronted with a serious lack of new medicines, even as public health budgets are constrained worldwide.

As we are all aware, health is a fundamental human right, essential for the exercise of many other rights, and it is necessary for living a life in dignity. The realization of the right to health should be a fundamental goal of national policies and programmes, regardless of respective economic, social, cultural, religious or political contexts. However, for millions of people around the world, the full enjoyment of the right to health remains an elusive goal, due, *inter alia*, to obstacles in access to high quality, affordable, and acceptable medicines. This constitutes a challenge to the flourishing of human dignity, which represents the basis of all human rights, including the right to life, health and integral development of the human person.

Access to essential medicines, which satisfy the priority health care needs of the population, is a key component of the right to health (WHO definition available at: http://www.who.int/medicines/services/essmedicines_def/en/). Since essential medicines must be selected with due regard to disease prevalence and public health relevance, evidence of clinical efficacy and safety, and comparative costs and cost-effectiveness, they should be available at prices that are affordable both to individuals and local communities. Thus, if we are to put in place policies that reflect human dignity and a human rights approach we must confront and remove barriers, address questions of affordability, and particularly, temper a disproportionate and exaggerated demand for profits. Through dialogue, which represents the best way to confront the problems of our world and to seek solutions that are truly effective, we can contribute towards the building of a better world and a better future for coming generations. Three helpful principles for such dialogue are: solidarity, subsidiarity, and concern for the common good. Solidarity means we care about the concerns of others as much as our own. Subsidiarity means we accept others as equals, allows them to speak for themselves, we listen, and we help them to participate if they need such help.

The Report of the High-Level Panel represents a point of departure from which we could start to discuss remedies and correct the misalignments and policy incoherencies between the individual and corporate rights of inventors, innovators or manufacturers and broader human rights. This will facilitate a discussion of trade and health in the context of the common good and emphasize access to technologies as a right linked to health and life. Indeed, "underlying the principle of the common good is respect for the human person as such, endowed with basic and inalienable rights ordered to his or her integral development" (Pope Francis, Encyclical Letter, *Laudato si* par. 157).

As stated by Pope Francis: "Interdependence and the integration of economies should not bear the least detriment to existing systems of health care and social security; instead, they should promote their creation and good functioning. Certain health issues...require urgent political attention, above and beyond all other commercial or political interests." (Address of Pope Francis at the United Nations Office in Nairobi, 26 November 2015.)

Thank you, Mr. President.