

For immediate release

Également disponible en français

CANADA FACES REVIEW BY UNITED NATIONS HUMAN RIGHTS COUNCIL

NGO offers cost-free remedy to help fulfill international obligations

TORONTO, January 22, 2009 — As Canada faces its first review before the UN's new Human Rights Council, the Canadian HIV/AIDS Legal Network is offering the government a way to help save lives and fulfill its international obligations without costing Canadians a penny.

For the first time ever, Canada will be reviewed by the UN body as part of a process called the Universal Periodic Review (UPR), in which countries' human rights records are subjected to peer review. In Geneva, on February 3rd, the UPR will bring the eyes of the world to focus on Canada's adherence and commitment to its human rights obligations. Specifically, countries will be judged on whether or not they are fulfilling their obligations to uphold human rights and if they sufficiently worked to address human rights violations, both within and beyond their borders.

Under one of the UN's core human rights treaties, Canada is legally required to take pro-active measures to protect and promote health, including supporting access to life-saving medicines such as those needed to address the global AIDS pandemic. The same treaty, ratified by a majority of countries in the world, also carries an obligation of "international assistance and cooperation", particularly for wealthy countries to assist developing nations.

"Canada set a global precedent when it adopted a law to make affordable medicines available to people with HIV in developing nations," says Richard Elliott, Executive Director of the Legal Network. "Unfortunately, that law has severe shortcomings that have led to it being used only once in the four years since it was passed, and there is a real risk it may never be used again unless it's fixed. This gravely compromises Canada's claim to be a leader in promoting global health."

Parliament created Canada's Access to Medicines Regime (CAMR) when it passed a law with all-party support in May 2004. Its intent is to allow compulsory licensing of patented medicines so that generic drug companies in Canada can legally produce and export lower-cost versions of patented, brand-name medicines to developing countries.

More than four years later, the first shipment of a critical AIDS medicine was finally sent to Rwanda last October. Signs indicate that future use of CAMR is doubtful.

“It is a shame that such a well-meaning law is crippled by unnecessarily complex and cumbersome processes,” adds Elliott. “While people continue to die needlessly and companies are reluctant to face this bureaucratic burden, the law could easily be simplified without any additional spending.”

In testimony before Parliament, the Legal Network and other NGOs have outlined how CAMR can be streamlined so that separate negotiations with patent-holders are no longer required for a separate licence for each purchasing country and each order of medicines. Furthermore, generic manufacturers should not have to first line up a contract with a purchasing country, a requirement in the current law that does not reflect the practical realities of drug procurement for developing countries.

“Canada’s Access to Medicines Regime could be easily fixed with a single, more flexible legal authorization for generic manufacturers to produce medicines,” concludes Elliott. “This ‘one-licence solution’ would ease the burden for companies wanting to take advantage of CAMR and would get much-needed medicines flowing to people in desperate need. This is an easy measure that engages the private sector in addressing an urgent humanitarian need and helps Canada fulfill its human rights commitments.”

Fixing Canada’s law on access to medicines in developing countries is one of five key human rights priorities contained in the Legal Network’s submission as part of Canada’s UPR. Other human rights concerns addressed in the submission include: cuts to federal AIDS funding; access to harm reduction services for people who inject drugs; prisoners’ right to HIV prevention measures such as needle exchange programs; and the need to decriminalize sex workers to protect their health and safety. To read the Legal Network’s submission to the UPR, visit www.aidslaw.ca/upr.

The Canadian HIV/AIDS Legal Network (www.aidslaw.ca) promotes the human rights of people living with and vulnerable to HIV/AIDS, in Canada and internationally, through research, legal and policy analysis, education, and community mobilization. The Legal Network is Canada’s leading advocacy organization working on the legal and human rights issues raised by HIV/AIDS.

– 30 –

For more information, please contact:

Gilles Marchildon
Director of Communications
Canadian HIV/AIDS Legal Network
Telephone: +1 416 595-1666 ext. 228
Cell: +1 416 278-3750
E-mail: gmarchildon@aidslaw.ca