

PERMANENT MISSION OF INDIA TO THE UN, GENEVA

HUMAN RIGHTS COUNCIL

23RD SESSION (27 MAY – 14 JUNE 2013)

**AGENDA ITEM 3: CLUSTERED ID WITH SR ON RIGHT TO HEALTH AND SR ON
RIGHTS OF MIGRANTS**

(27 May 2013)

Statement by India

Mr. President,

We thank the Special Rapporteur on the right of everyone to the highest attainable standard of physical and mental health and the Special Rapporteur on the rights of migrants for their respective reports.

2. We welcome the report of the Special Rapporteur on the right to health which analyses the key elements of access to medicines and examines national and international determinants of access to medicines. Access to medicines is an integral component of the right to health and as the Special Rapporteur has rightly pointed out should be made available, accessible, acceptable and of good quality. It is important that State should ensure that privatization of health sector and supply of medicines by private companies do not threaten them. We agree with the Special Rapporteur's assertion that while States have the primary responsibility for enhancing access to medicines, it is a shared responsibility of various stakeholders, both national and international.

3. We share the view that an efficient and functional health system is crucial to ensure availability of medicines. This means, as pointed out in the report, investing in local production as a long-term strategy not just to improve access but also to ensure strategic security of access as also sustainability of supplies. We note in this regard that

the Special Rapporteur has encouraged States to take advantage of flexibility under the agreement on Trade Related Aspects of Intellectual Property Rights (TRIPs) and his recommendation to use them to promote regional collaboration to pool resources and facilitate competitiveness of local production. We also agree with the Special Rapporteur that pricing is a major factor that determines the access to medicines. While providing sufficient opportunity for innovation and competition to support the growth of the pharmaceutical industry states must ensure availability of essential medicines at affordable prices. States must also promote Research and Development in pharmaceuticals in the public sector. States should endeavour to ensure a balanced and high-quality patent system that seeks to avoid granting of patents merely for ever-greening and overcoming barriers that block access to affordable medicines. Generic medicines are an important source of affordable medicines to people and states should ensure their availability.

4. We commend the Special Rapporteur for emphasizing that the primary public health focus of strengthening of regulatory capacities in developing countries must be on dealing with poor quality medicines.

Thank you.
