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**ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Access to medication in the context of pandemics such as HIV/AIDS**

**REPORT OF THE SECRETARY-GENERAL**

**Addendum**

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## I. INTRODUCTION

1. The report of the Secretary-General contained in document E/CN.4/2003/48, has been submitted to the Commission on Human Rights, at its fifty-ninth session, in accordance with Commission resolution 2002/32, entitled "Access to medication in the context of pandemics such as HIV/AIDS". In addition to the replies reflected in that report, contributions were received from the Government of China and the European Commission. Complete replies are available for consultation with the secretariat.

## II. CONTRIBUTIONS FROM STATES

### China

2. The Government of China provided detailed information on its national strategy and plan of action to prevent and control the spread of HIV/AIDS for 2001-2005, which is being implemented at provincial, regional, municipal and local levels. Priorities include measures for the prevention and treatment of HIV/AIDS, awareness-raising and educational activities, and initiatives to tackle root causes. The plan of action sets out a number of measures to achieve specific goals and targets such as ensuring the safety of blood transfusions, stepping up health education, addressing high-risk behaviour, improving health-care services for people living with HIV/AIDS, establishing effective monitoring systems, increasing training in the prevention and control of HIV/AIDS and sexually transmitted diseases, and conducting AIDS-related research. In 2001, the State Council set up a standing body to coordinate the work of all central government departments and provincial authorities on HIV/AIDS and sexually transmitted diseases.

3. With regard to treatment and care, the Government reported on its commitment, through the national AIDS programme, to supporting community-based organizations in providing counselling and consultancy services for the care and support for people living with HIV/AIDS and their households; to providing assistance to people living with HIV/AIDS; and to reducing discrimination against people living with HIV/AIDS, as well as their families and households. The Government's plan of action sets out measures for community-based systems for the prevention, treatment and care of AIDS patients; access to medication for the prevention of mother-to-child transmission; and increased capacity to provide medication, treatment and services for people living with HIV/AIDS. The Government noted that anti-retroviral therapy programmes in China benefit from the application of traditional medicines. It drew attention to the urgent need to increase access to anti-retroviral treatment in China and, in this regard, noted that departments within the State Council are engaged in efforts to exempt imports of AIDS-related medication from duty and value added tax, restrict profits from the sale of such medication, and bring down the price of imported medication. China is exploring ways of accelerating domestic production of AIDS-related medication as well as the means for providing subsidies for medical expenses for those people living with HIV/AIDS who are in need of assistance.

### **III. CONTRIBUTIONS FROM INTERGOVERNMENTAL ORGANIZATIONS**

#### **European Commission**

4. The European Commission provided a copy of a “Communication relating to paragraph 6 of the Doha Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights (the TRIPS Agreement) and public health”, which the European Communities and their member States submitted to the TRIPS Agreement Council in June 2002. The Communication places the discussion on intellectual property in the broader context of the Commission’s Programme of Action to combat communicable diseases, adopted in February 2001, and attempts to clarify those TRIPS Agreement provisions which provide flexibility for countries to implement an intellectual property regime to serve wider policy objectives, such as those relating to public health.

5. The Commission noted that in parallel, it continues to encourage the pharmaceutical industry to commit to a global tiered pricing system as the most effective way of ensuring a sustainable supply of affordable medicines to the poorest. The Commission reported on a proposal it had presented on 30 October 2002 for a Regulation to avoid trade diversion into the European Union of certain key medicines. The draft Council Regulation, which is currently under discussion, would enable exporters to deliver essential medicines at reduced prices to poor countries. It would also allow producers to significantly increase supplies of medicines at tiered prices, while keeping higher prices for the same items in the European Union countries.

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