



**Economic and Social
Council**

CORRIGENDUM
Supplement No. 3
(E/2005/23/Corr.1)
(E/CN.4/2005/135/Corr.1)

31 January 2006
Geneva
ENGLISH ONLY

Official Records, 2005

COMMISSION ON HUMAN RIGHTS

Report on the sixty-first session

(14 March - 22 April 2005)

Corrigendum

Page 96, resolution 2005/23

Replace paragraph 6 with the following:

6. *Calls upon* States to pursue policies, in accordance with applicable international law, including international agreements acceded to, which would promote:

(a) The availability, in sufficient quantities, of pharmaceutical products and medical technologies used to treat and/or prevent pandemics such as HIV/AIDS, tuberculosis and malaria or the most common opportunistic infections that accompany them;

(b) The accessibility and affordability for all without discrimination, including the most vulnerable or socially disadvantaged groups of the population, as well as infants and children, of pharmaceutical products or medical technologies used to treat and/or prevent pandemics such as HIV/AIDS, tuberculosis, malaria or the most common opportunistic infections that accompany them;

(c) The assurance that pharmaceutical products or medical technologies used to treat and/or prevent pandemics such as HIV/AIDS, tuberculosis, malaria or the most common opportunistic infections that accompany them, irrespective of their sources and countries of origin, are scientifically and medically appropriate and of good quality;

7. *Also calls upon* States, at the national level, on a non-discriminatory basis, in accordance with applicable international law, including international agreements acceded to:

(a) To refrain from taking measures which would deny or limit equal access for all persons to preventive, curative or palliative pharmaceutical products or medical technologies, including microbicides and male and female condoms, used to treat and/or prevent pandemics such as HIV/AIDS, tuberculosis, malaria or the most common opportunistic infections that accompany them;

(b) To adopt and implement, as appropriate, legislation or other measures affecting public health, in accordance with applicable international law, including international agreements acceded to, to safeguard access to such preventive, curative or palliative pharmaceutical products or medical technologies from any limitations by third parties;

(c) To adopt all appropriate positive measures, to the maximum of the resources allocated for this purpose, to promote effective access to such preventive, curative or palliative pharmaceutical products or medical technologies;

8. *Further calls upon* States, in furtherance of the Declaration of Commitment on HIV/AIDS, to address factors affecting the provision of drugs related to the treatment of pandemics such as HIV/AIDS and the most common opportunistic infections that accompany them, as well as to develop integrated strategies to strengthen health-care systems;

9. *Urges* States to develop and implement national health policies that monitor the use of medications, diagnoses and related technologies, to ensure informed consent and confidentiality in conducting HIV testing and counselling, and to strengthen laboratory capacities and the training of health-care providers and technicians;

10. *Calls upon* States to adopt effective measures to prevent mother-to-child transmission of HIV and to facilitate access to antiretroviral therapy, safe delivery practices and breast-milk substitutes, where feasible and safe;

11. *Also calls upon* States to take all appropriate measures, nationally and through cooperation, to promote research and development of new and more effective preventive, curative or palliative pharmaceutical products and diagnostic tools, in accordance with applicable international law, including international agreements acceded to;

12. *Further calls upon* States, at the international level, to take steps, individually and/or through international cooperation, in accordance with applicable international law, including international agreements acceded to, such as:

(a) To facilitate, wherever possible, access in other countries to essential preventive, curative or palliative pharmaceutical products or medical technologies used to treat and/or prevent pandemics such as HIV/AIDS, tuberculosis and malaria and the most common opportunistic infections that accompany them, as well as to extend the necessary cooperation, wherever possible, especially in times of emergency;

(b) To ensure that their actions as members of international organizations take due account of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and that the application of international agreements is supportive of public health policies that promote broad access to safe, effective and affordable preventive, curative or palliative pharmaceutical products and medical technologies;

13. *Urges* States to consider, whenever necessary, enacting appropriate national legislation in order to use to the fullest extent the flexibilities contained in the TRIPS Agreement and encourages States to take into account such flexibilities when entering into international trade agreements that may affect public health;

14. *Calls upon* States to conduct an impact assessment of the effects of international trade agreements with regard to public health and to the progressive realization of the right of everyone to the highest attainable standard of health;

15. *Welcomes* the financial contributions made to date to the Global Fund to Fight AIDS, Tuberculosis and Malaria, urges that further contributions be made by States and other donors, and also calls upon all States to encourage the private sector to increase their contributions to the Fund as a matter of urgency;

16. *Calls upon* all States and other donors to cooperate in supporting the “3 by 5” Initiative launched jointly by the World Health Organization and UNAIDS with the aim of providing antiretroviral treatment to 3 million people in the developing world by the end of 2005;

17. *Calls upon* international organizations, agencies and programmes to mobilize further resources to combat pandemics such as HIV/AIDS, tuberculosis and malaria, and calls upon all Governments to take measures to ensure that the necessary resources are made available for that purpose;

18. *Calls upon* States to ensure that those at risk of contracting malaria, in particular pregnant women and children under five years of age, benefit from the most suitable combination of personal and community protective measures, such as insecticide-treated bed nets, indoor residual spraying and other interventions that are accessible and affordable, in order to prevent infection and suffering, and to support expanded access to artemisinin-based combination therapy;

19. *Also calls upon* States to provide the necessary support for the World Health Organization “Roll Back Malaria” and “Stop TB” partnerships in ongoing measures to combat malaria and tuberculosis;

20. *Calls upon* the international community, the developed countries in particular, to continue to assist the developing countries in the fight against pandemics such as HIV/AIDS, tuberculosis and malaria through financial and technical support, as well as through the training of personnel;

21. *Invites* the Committee on Economic, Social and Cultural Rights also to give attention to the issue of access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria, and invites States to include appropriate information thereon in the reports they submit to the Committee;

22. *Takes note with interest* of the report of the Secretary-General on access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria (E/CN.4/2005/38);

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Before E/CN.4/2005/25 insert a new row reading:

E/CN.4/2005/24	7	Report of the United Nations High Commissioner for Human Rights
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Before E/CN.4/2005/42/Add.1 insert a new row reading:

E/CN.4/2005/42	10	Effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights: report of the independent expert, Mr. Bernards Andrew Nyamwaya Mudho
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