

**For Immediate Release**

Health Gap (Global Access Project)

**AIDS Activists Launch United Nations Complaint  
on Impact of Obama Administration Trade Policies on Access to Medicines**  
Bush-era Policies Haven't Changed Despite Obama Pledges, Say Activists

20 July 2010—At the International AIDS Conference in Vienna, Austria today AIDS activists from the U.S., Africa, Asia, and Latin America filed a complaint against the United States with the United Nations Special Rapporteur on the Right to Health. The complaint argues that the United States, working side by side with multinational pharmaceutical companies, is using its trade policies to coerce countries to adopt intellectual property policies that increase the costs of medicines and violate the human rights of their citizens. These policies directly contradict the promises President Obama made while he was a candidate, when he committed to 'break the stranglehold that a few big drug and insurance companies have on these life-saving drugs' and pledged support for 'the rights of sovereign nations to access quality-assured, low-cost generic medication to meet their pressing public health needs.'

Specifically, the complaint alleges that the U.S. threatens countries with trade sanctions for making use of *legal, WTO-compliant* measures that bring down the cost of AIDS drugs and other essential medicines. The U.S. government does so by listing these countries on "watch lists" in a process known as "Special 301," which threatens sanctions against foreign countries for their intellectual property laws. In 2010 the U.S. put countries including Thailand, India, and Brazil—key manufacturers of AIDS drugs for African and other developing nations—on these lists for failing to adopt intellectual property laws that would undermine people's health in order to maximize profits for big pharmaceutical companies.

"President Obama promised to support the rights of countries to make low-cost AIDS medicines available to their people, but instead his trade representative is threatening countries who are doing just that," said Matthew Kavanagh, Director of US Advocacy at Health GAP (Global Access Project), a US-based AIDS and human rights group. A range of health experts testified at a recent USTR hearing on Special 301. However, the Special 301 Report released by the White House in 2010 virtually ignored this expert guidance. "President Obama is continuing policies that are holdovers from Bush—putting drug company profits over peoples lives," said Kavanagh.

"The complaint filed today demonstrates that the continuation of Special 301 attacks on affordable medicine policies violate international human rights obligations in addition to the Obama administration's own policies," said Sean Flynn, a Professor of Law and American University and the Associate Director of the Program on Information Justice and Intellectual Property.

"Due to compulsory licenses, a great number of Thai patients now have access to essential medicines for free through the national health insurance system and have regained their quality of life.," said Supatra Nakapew, Foundation for AIDS Rights in Thailand. "Through the complaint submitted to the Special Rapporteur for the Right to Health, we urge the U.S. government to respect human rights and stop pressuring Thailand and other developing countries. Moreover, the U.S. government should encourage developing countries to actively promote the use of TRIPS flexibility measures to increase access to anti-retroviral and other essential medicines."

*Over a dozen groups including Health GAP (Global Access Project), the International Treatment Preparedness Coalition, the Deli Network of People Living with HIV/AIDS, the Thai NGOs Coalition on AIDS and Thai AIDS Treatment Action Group (and several other Thai groups) and the Agua Buena Human Rights Association of Costa Rica submitted the complaint with legal counsel from Sean Flynn of American University's Program on Information Justice and Intellectual Property. The full complaint is online at [www.healthgap.org/UNComplaint](http://www.healthgap.org/UNComplaint).*

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