

Dr. Margaret Chan
Director-General
World Health Organization
Avenue Appia 20
1211 Geneva 27
Switzerland

8 November 2016

Re: United Nations Secretary-General's High-Level Panel on Access to Medicines (HLP)

Dear Dr. Margaret Chan,

We are writing to express concerns with actions taken by you and five Officers of the World Health Organization's (WHO) Executive Board on 28 September 2016 during your teleconference, regarding the draft provisional agenda of the 140th session (January 2017). On 12 September 2016, eleven WHO member states of the South East Asia Region¹ (and supported by Brazil, Islamic Republic of Iran and Republic of South Africa) requested to place an item entitled "Report of the UN Secretary-General's High-Level Panel on Access to Medicines" (UN HLP) on the agenda of the 140th session of the WHO Executive Board in January 2017.

According to the Note for the Record of the "Teleconference with the Officers of the Executive Board regarding the draft provisional agenda of the 140th session (January 2017)", on 28 September 2016, you and five Officers of the Executive Board rejected a request by those fourteen countries to hold a discussion of the Final Report of the UN HLP at the January 2017 meeting.

This rejection represents a slap in the face to the United Nations Secretary-General Ban Ki-moon's efforts to comprehensively review and assess "proposals and recommend solutions for remedying the policy incoherence between the justifiable rights of inventors, international human rights law, trade rules and public health in the context of health technologies."²

This rejection calls into question your commitment to WHO's Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property, the Follow-up of the report of the Consultative Expert Working Group on Research and Development: Financing and Coordination, the Sustainable Development Goals (SDGs) and the realization of the right to health.

¹ Bangladesh, Bhutan, Democratic People's Republic of Korea, India, Indonesia, Maldives, Myanmar, Nepal, Sri Lanka, Thailand and Timor-Leste.

² <http://www.unsgaccessmeds.org/the-process/>

In the context of 15 years of discussions at WHO, the World Trade Organization and the World Intellectual Property Organization on the relationship between international human rights law, trade rules and public health, we are truly disappointed that WHO is now burying its head in the sand.

As the UN's specialized agency tasked with protecting public health, WHO should lead from the front.

We ask you to reconsider your action on this matter, and respect Member States' wishes to convene a discussion on the recommendations of the High-Level Panel In January 2017.

Sincerely,

Alianza LAC - Global por el Acceso a Medicamentos
Canadian HIV/AIDS Legal Network
Commons Network
Drug Action Forum - Karnataka
Fundación Ifarma
Health Action International
Health GAP
International HIV/AIDS Alliance
Knowledge Ecology International
LOCOST
Malaysian AIDS Council
Misión Salud
People's Health Movement
Public Eye (formerly Berne Declaration)
Section 27
Third World Network
Treatment Action Campaign

cc: Dr. Raymond Busuttil, Chairman of the Executive Board, World Health Organization