



PERMANENT THEMATIC WORKING COMMITTEE ON HEALTH AND SOCIAL DEVELOPMENT

DRAFT RECOMMENDATION

WE, the representatives of the Congresses and Parliamentary Assemblies of the unitary, federal, federated and associated states, regional parliaments and interparliamentary organizations meeting in Caracas for the Fifth General Assembly of COPA declare that:

WHEREAS “the right of every person to enjoy the highest attainable standard of physical and mental health” is stated in Article 12 of the United Nations Organization’s International Covenant on Economic, Social and Cultural Rights;

WHEREAS the right to health implies that States ensure that it is respected, protected, and implemented by guaranteeing the universality and equality of access to healthcare and medicines;

WHEREAS international trade agreements can have a significant impact on access to healthcare and medicines, affecting, in particular, the most disadvantaged populations among which women are often members;

WHEREAS one of the objectives of the Pan-American Health Organization’s strategic plan for 2003-2007 is to “increase the number of countries able to demonstrate inclusion of health priorities in sustainable human development plans and/or in the negotiation and implementation of trade and integration agreements at regional, subregional, and national levels”;

WHEREAS World Health Organization resolution WHA56.27, adopted unanimously in May 2003, “urges Member States to reaffirm that public health interests are paramount in both pharmaceutical and health policies”;

WHEREAS World Health Organization resolution WHA55.14, adopted unanimously in May 2002, aims at “ensuring accessibility of essential medicines”;

WHEREAS the Heads of State and government have made no commitment in this respect within the Summit of the Americas process, aside from the declarations of principle intended to “improve access to quality . . . healthcare services” (Miami Summit) and to “enhance the availability, access to, and quality of medicines and vaccines” (Santiago Summit);

REITERATING the commitments made at the most recent meeting of the COPA Permanent Thematic Working Committee on Health and Social Development, held in Ixtapan de la Sal, Mexico, in November 2002, to “to defend the public and universal nature of our healthcare systems, and to approve no law or policy that would aim to privatize them, thereby depriving the most underprivileged citizens of the care to which they are entitled,” and to “to define a patent registration policy which, without causing harm to pharmaceutical companies with regard to fundamental research, will make it possible to reduce the costs of medication for underprivileged populations”;

RECALLING the affirmations of the most recent meeting of the Committee, according to which “health is the foremost responsibility of States” and that “the regulations governing international trade must not limit the ability of States to offer and protect public healthcare services and to guarantee universal access to medication”;

WE, the representatives of the Congresses and Parliamentary Assemblies of the unitary, federal, federated and associated states, regional parliaments and interparliamentary organizations meeting in Caracas for the Fifth General Assembly of COPA, hereby declare that:

- Protecting access to healthcare and medicines

COMMIT ourselves to promote and defend, within our respective States, the right to physical and mental health and the precedence of human rights over trade agreements;

COMMIT ourselves to hold public consultations and establish partnerships with civil society groups in order to identify our societies’ concerns regarding healthcare;

COMMIT ourselves to inform our governments of our citizens’ concerns in order to ensure that they take them into account when devising their negotiation objectives and positions;

COMMIT ourselves to inform our citizens about the impact produced by trade commitments on healthcare systems;

URGE our governments to demonstrate greater transparency regarding the impact of trade commitments on access to healthcare and medicines and to produce gender-based analyses;

- Monitoring trade negotiations from the perspective of health

INVITE the health committees of our respective parliaments to communicate directly with the negotiators of our countries in order to gather specific information about the development of negotiations and, in turn, to inform them about citizens’ concerns over healthcare;

URGE our governments to report back to the health committees of our respective assemblies at all stages of the negotiation process in order to inform us and have us participate in developing the trade-related objectives, positions, and commitments having an impact on healthcare systems;

COMMIT ourselves to mandate the Executive Committee of COPA to follow up on the Committee's recommendations;

- Preserving the capacity to adopt public health legislation

COMMIT ourselves to defend, within the WTO or any other international body, the right of each State to carry out reforms and take any required public health action, regardless of whether or not it is compatible with the provisions of trade agreements;

COMMIT ourselves to evaluate, on an ongoing basis, any decisions made by our Heads of States and governments in order to determine whether they meet the objectives that we have set regarding healthcare, in particular by ensuring that the allocated sums and available resources are used to achieve these objectives;

COMMIT ourselves, as legislators, to ensure that all adopted agreements are interpreted and implemented in our respective countries in as restrictive a manner as possible so as to mitigate the impact of trade agreements on public healthcare systems and to maintain the greatest control possible over health policy design and development; and

RECOMMEND that the Executive Committee of COPA draw up, in collaboration with the Pan-American Health Organization, a regional agreement that will have precedence over any trade agreement implemented in the Americas and whose objective will be to protect the right of the parliamentary assemblies of the Americas to adopt public healthcare legislation.