

**Agenda Item 6.13 Substandard/spurious/falsely labelled/falsified/counterfeit  
medical products: report of the Working Group of Member States**

I make this statement on behalf of CMC Churches Action for Health, the PHM and the Third World Network.

Every individual has the right to quality medicines. In this regard we would like to raise a couple of points:

**1. Medicines need to be available and affordable.** If patients' demand are met promptly, the incentive for engaging in criminal activities will be diminished. However if medicines are unaffordable, desperate patients will try illegitimate sources. Thus we urge members to find solutions to deal with high prices.

**2. Focus of members must be on strengthening regulatory capacity.**

A 2010 WHO study of 26 African DRAs concluded that "On the whole, countries did not have the capacity to control the quality, safety and efficacy of the medicines circulating on their markets or passing through their territories."

Prices and regulatory capacity clearly need urgent action. Unfortunately nowadays attention is on "quick fixes" such as on enforcement agencies which are unlikely to address quality issues in the absence of adequate regulatory support.

**3. Some developed countries are selling IP enforcement as a solution.** This solution tends to create barriers to access, rather than resolve quality issues. Example in 2011 as a result of IP rules the Dutch customs seized medicines en route from India to Suriname. Though the shipment was released, the packaging was much damaged. We stress that IP enforcement is not the solution

**4.** On that note we also recall that in October about 50 NGOs have called on WHO to disengage from IMPACT for it is an IP enforcement initiative, lacks credibility and legitimacy. With the establishment of a new intergovernmental mechanism relevant issues can be tackled in a more credible and inclusive manner.

**5. Inadequate financing of WHO's Medicines Programme** has resulted in critical medicines work being abandoned including technical support to countries.

We urge the DG to revitalize this programme to assist Members to achieve their objectives on compromised medicines.