National level training for CSOs and communities of PLHIV on access to medicines and TRIPs Flexibilities in Kenya

25th-26th September 2019

67 Airport hotel, Machakos County

Background;

In 2017, the number of People Living with HIV and AIDS (PLHIV) globally was 36.7 million, but only about 12.9 million people in Eastern and Southern Africa were accessing antiretroviral therapy (ARVs) out of an estimated 19.6 million. The people affected by lack of access to medicines are mostly living in Low- and Middle-Income Countries (LMICs) such as East and South African Countries. Lack of consistent access to medicines is due to among other challenges, the prohibitively high cost of ARVs and treatment for other non-communicable diseases including hepatitis C, diabetes, and cancer among others.

Kenya grapples with a high disease burden of communicable diseases such as HIV/AIDS, malaria and tuberculosis. Diseases such as these are likely to cause nation-wide epidemics and are usually too expensive to treat in LMICs. The WHO has developed a Model List of Essential Medicines to assist countries in prioritizing public health needs. Implementation of TRIPs in Kenya is hinged on international and the national’s legal frameworks.

The lack of consistent access to essential medicines led to the 2001 Ministerial Conference of the World Trade Organization (WTO) which adopted the Doha Declaration on the (The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and Public Health (Doha Declaration). In the African continent, the advent of intellectual property rights (IPRs) is largely

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attributed to TRIPS which was adopted as part of a single undertaking with other WTO agreements. TRIPS, an international agreement, required signatory states to the WTO to implement minimum standards of protection of IPRs on a non-discriminatory basis. TRIPS attempts to strike a balance between individual interests by providing incentives for inventors through protection of IPRs and societal interests by permitting the use existing inventions. Organizational at different levels have continued to lobby for utilization of TRIPs flexibilities to ensure public health benefits, one such commitment was done at the UNHLM on TB which Committed to promoting access to affordable medicines, including generics, for scaling up access to affordable tuberculosis treatment, including the treatment of multidrug resistant and extensively drug-resistant tuberculosis, reaffirming the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), and also reaffirming the 2001 World Trade Organization Doha Declaration on the TRIPS Agreement and Public Health. Relatedly, in 2015, the then UN secretary general Ban ki-Moon called on stakeholders to review and assess proposals and recommend solutions for remedying the policy incoherence between the justifiable rights of inventions, international human rights law, trade rules and public health in the context of health technologies…’ CSOs work to ensure that such commitments are implemented.

Justification:

On 5th – 7th November 2018 KELIN in partnership with (Centre for Health Human Rights and Development) CEHURD, AIDS and Rights Alliance for Southern Africa (ARASA) and OXFAM, convened a regional meeting at Best western Hotel in Entebbe-Uganda that brought together 35 participants from 7 countries including Uganda, Kenya, Tanzania, South Africa, Botswana, Burkina Faso, and Malawi. Participants included IP experts, Pharmacists, policy makers, representatives from Government and Civil Society Organizations working on access to medicines within the East and Southern African region. Among the key issues identified were the challenges of engaging with regional including ARIPO to take advantage of provisions in the TRIPs flexibilities to ensure access to medicines.
A task force team comprising of members from Eastern Africa and Southern Africa Development Community (SADC) region was formed to spearhead the process of engaging with ARlPO by writing advocacy letters demanding that voices and input from CSOs with regards to TRIPs flexibilities is included at the regional and decision making tables.

It is against this backdrop that KELIN has organized a national level training for representatives from CSO, representatives from communities of persons living and affected by HIV, TB and other non-communicable diseases, to take stock of progress made since the regional meeting and agree on advocacy initiatives that will ensure enhanced efforts towards access to medicines in Kenya. The meeting will also empower stakeholders to advocate for the exploitation of the TRIPS flexibilities to ensure access to essential and better medicines in Kenya.

**Objectives** of the meeting include;

- Sensitize representatives of CSOs and communities of PLHIV on access to medicines and TRIPs flexibilities in Kenya
- Disseminate findings from a research study on impact of non-utilization of TRIPs flexibilities done in Kenya and Uganda
- To achieve a consensus on advocacy strategies to champion for utilization of TRIPs provisions to ensure access to medicines for all

**Expected Outcomes:**

- Sensitization of representatives of CSOs and communities of PLHIV on access to medicines and TRIPs flexibilities in Kenya
- Dissemination of findings from the research study on the impact of non-utilization of TRIPs flexibilities conducted in Kenya and Uganda.
- An empowered network of communities of PLHIV, CSO representatives at the forefront in demanding for the exploitation of TRIPS flexibilities to ensure there is access to essential, better and improved medicines.
- Implementable advocacy plan to advocate for utilization of TRIPs to enhance access to medicines for all
Methodology;

The training will involve the use of Power Point presentations, plenary sessions, panel discussions and experience sharing.

Participants and Conveners;

The two-day residential national level training will bring together 30 representatives from Civil Society Organizations, representatives from communities living with and affected by HIV and TB and other non-communicable diseases working on health and access to medicine. The meeting is convened by KELIN with financial support from Aidsfonds.

Dates and venue

The two-day forum will be held at 67 Airport hotel, in Syokimau Machakos, Kenya from 25th – 26th September 2019.