

UNITED NATIONS SECRETARY-GENERAL'S
**HIGH-LEVEL
PANEL ON ACCESS
TO MEDICINES**



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TERMS OF REFERENCE

Terms of Reference

United Nations Secretary-General's High-Level Panel on Access to Medicines

Recognising the interdependence of health and development and in line with the recently adopted 2030 Agenda for Development and the Sustainable Development Goals, the United Nations Secretary General has convened a High-Level Panel on Access to Medicines. The High-Level Panel and its Expert Advisory Group has the following Terms of Reference:

1. Millions of people remain left behind when it comes to accessing medicines and health technologies that can ensure their health and wellbeing. Failure to reduce the costs of patented medicines is resulting in millions of people being denied access to lifesaving treatments for communicable diseases like HIV, TB, Malaria, and viral hepatitis, non-communicable diseases (NCDs), NTDs and rare diseases. This failure is affecting governments and individuals in all low-, middle- and high- income countries, where budgets are being stretched to capacity by treatment costs.
2. In 2012, the Global Commission on HIV and the Law, an independent body of eminent persons tasked by the Programme Coordinating Board of the Joint UN Programme on HIV/AIDS with interrogating the relationship between legal responses, human rights and HIV, concluded that a growing body of international trade law is hindering the right to health of millions and that new solutions are needed to incentivise innovation and increase access to treatment.
3. Consistent with the findings and recommendations of the Global Commission on HIV and the Law, and in line with the aspirations articulated in his synthesis report on the post-2015



development agenda and the recently adopted Sustainable Development Goals, the United Nations Secretary General Ban Ki-moon convening a High-Level Panel on innovation and access to health technologies. The overall scope of the High-Level Panel is to review and assess proposals and recommend solutions to 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 that is impeding access and the right to health for millions.

4. The High-Level Panel comprises of 16 eminent and respected individuals with expert knowledge and understanding of the broad range of trade, public health, human rights and legal issues associated with innovation of, and access to health technologies. Panel members include innovators, leaders of the pharmaceutical industry, public health, human rights and international law experts, civil society and government officials.
5. The work of the High-Level Panel builds upon previous and existing initiatives, notably by WHO; these include resolutions of the World Health Assembly, work of the Human Rights Council and various Special Rapporteurs on the Right to Health and the UN General Assembly that have aimed to achieve a better balance of issues of intellectual property, human rights and increased access to medicines and health technologies.
6. The High-Level Panel will solicit and assess proposals, based on objective criteria, for solutions which remedy the policy incoherence between international trade rules and international human rights law. The Panel will conclude its work with a report including evidence-based and implementable recommendations that aim to achieve a better balance of human rights, public health, international trade and sustainable development objectives of UN Member States in the context of expanding access to health technologies. More specifically, the High-Level Panel will:



- 6.1 The High-Level Panel will review and assess proposals for their potential to improve health technologies innovation and access, and make recommendations that:
 - a. Remedy the policy incoherence between international human rights law and trade rules in the context of access to health technologies; and
 - b. Achieve a better balance of the justifiable rights of inventors, the right to health and sustainable development.
- 6.2 Hold public hearings that facilitate multi-stakeholder dialogues involving technical experts, patient groups, civil society, governments and industry – to broaden the consultation on the proposals.
- 6.3 Rely on existing materials in the public domain and request additional research on issues relevant to its enquiry.
- 6.4 Make evidence-based and actionable recommendations to the Secretary General and other relevant stakeholders on remedying the policy incoherence between international human rights law and trade rules in the context of access to health technologies, and
- 6.5 Serve as a platform for mobilizing stakeholders on the issues examined by the High-Level Panel and contribute to discussions in other relevant fora, including the High-Level Meeting on HIV/AIDS in 2016.
7. The work of the Panel is supported by an Expert Advisory Group assembled to provide technical support to the High-Level Panel. The High-Level Panel and its Expert Advisory Group is supported by a Secretariat based at UNDP, New York. The Secretariat will also work with the Secretariat of the Joint UN Programme on HIV/AIDS.



8. The Expert Advisory Group comprises of experts drawn from the public and private sector, academia, professional and civil society organisations, including people living with HIV, serving in their private capacity. It includes senior technical staff from relevant UN and international organizations, including the World Health Organisation (WHO), World Intellectual Property Organization (WIPO), World Trade Organization (WTO), United Nations Industrial Development Organisation (UNIDO), United Nations Conference on Trade and Development (UNCTAD), United Nations Children’s Fund (UNICEF), the Office of the UN High Commissioner for Human Rights (OHCHR), the UN Special Rapporteur on the Right to Health, Joint United Nations Programme on HIV/AIDS Secretariat (UNAIDS) and United Nations Development Programme (UNDP). More specifically, the Expert Advisory Panel will:

- Review and provide inputs into the draft technical documents prepared for consideration by the High-Level Panel, including the final report.
- Provide inputs in assessing proposals received for review by the High-Level Panel.
- Participate in, provide technical support and interact with the High-Level Panel during the multi-stakeholder public hearings to review and discuss the shortlisted proposals.
- Provide other inputs as requested by the High-Level Panel.

9. The Panel will provide periodic progress reports and submit its final report to the Secretary-General by June 2016. The Secretary-General will make the report available to the General Assembly and undertake further action as appropriate.

