

STATEMENT SUPPORTING THE GOVERNMENT OF INDONESIA'S MOVE TO INCREASE ACCESS TO TREATMENT

12 November, 2012 - News reports have confirmed that the Government of Indonesia, with the signing of a Decree by President Susilo Bambang Yudhoyono, has authorized the government use of patents for seven medicines used to treat HIV and Hepatitis. According to the Presidential Decree, the Government use orders will remain valid for the duration of the patent terms of the medicines. At a time when free trade agreements and a push towards heightened intellectual property enforcement are curtailing policy space available under the World Trade Organization's TRIPS Agreement, this Government use order underscores the importance of preserving and using as required, TRIPS flexibilities to increase access to treatment for HIV and for its co-infections. This was one of the key recommendations from the final report of the Global Commission entitled: "**HIV and the Law: Risks, Rights & Health**".

The Government use orders in Indonesia come at a critical juncture. Several low and middle income countries including Indonesia are actively exploring ways to sustain their AIDS responses in light of declining external donor funding for AIDS. In recent years, the Indonesian government has increased its investment of the AIDS response from 27 percent in 2006 to 40 percent of total AIDS spending in 2010. As countries explore all necessary means to meet the cost of expanding and sustaining national treatment programmes, the use of TRIPS flexibilities should continue to be a viable policy option available to low and middle income countries everywhere.

According to UNAIDS there were an estimated number of 608,667 people living with HIV in Indonesia at the end of 2011. Although 24,400 people were receiving antiretroviral therapy (ART) in 2011, according to the Ministry of Health, an estimated 95 percent of those on treatment were still on first generation ART. One of the seven patented medicines subjected to a Government use order is the second generation ARV combination of lopinavir + ritonavir, marketed by Abbott Laboratories as Kaletra. According to treatment activists, the medicine sells for approximately \$1,000 per patient per year in the public sector in Indonesia. The same combination is available from generic pharmaceutical manufacturers for less than \$400 per patient per year.

The Government of Indonesia has taken an important step to reduce the cost of medicines, which will, in turn, allow more people who need treatment to receive it. As a result, more people will get the opportunity to look after their families, contribute to the economy and lead productive lives. We applaud the Government of Indonesia for prioritizing the lives and public health needs of its citizens over the profits of the multinational pharmaceutical industry.

The following individuals served as Commissioners for the **Global Commission on HIV and the Law** and make this statement in their individual capacity:

Ms. Ana Helena Chacón-Echeverría, former Congresswoman in Costa Rica

Mr. Charles Chauvel, Member of Parliament in New Zealand

Ms. Bience Gawanas, Commissioner of Social Affairs on the African Commission

Hon. Dame Carol Kidu, former Member of Parliament in Papua New Guinea

Hon. Michael Kirby, former Justice of the High Court of Australia

Mr. Stephen Lewis, co-director and co-founder of AIDS-Free World

Mr. JVR Prasada Rao, UN Secretary-General Special Envoy for HIV/AIDS in Asia-Pacific

Professor Sylvia Tamale, leading African feminist lawyer and scholar

Mr. Jon Ungphakorn, social activist and former Senator in Thailand