

‘Making Pharma Fair’: Presenting PAF’s ‘Guidelines for Responsible Pharmaceutical Behaviour in Covid-19’

- Presentation of the guidelines
- Reflections: how can the guidelines be used to promote more equitable access to Covid-19 products (and beyond)?
- Roundtable discussion

Panelists:

Hans Hogerzeil, Access to Medicines Index/WHO

Ella Weggen, Wemos

Jaume Vidal, Health Action International

Moderator:

Sabina Voogd, Pharmaceutical Accountability Foundation board member



Pharmaceutical Accountability Foundation

Our Mission

Founded in **2018**

The mission of the Foundation is to ensure that medicines and other medical technologies are available, affordable, and accessible to everyone who needs them.

Human rights to health, and access to medicines



Pharmaceutical Accountability Foundation

We believe medicines must be priced fairly

We use **legal strategies** to take on pharmaceutical companies who set unreasonably high prices for medicines and medical technologies, holding them to account for abusing their market position.

Achieving our vision:

- Monitor human rights responsibilities and practices of pharmaceutical companies
- Share information on pharmaceutical companies that violate their duty of care
- Last resort: legal proceedings



Outline of the event

Sabina Voogd
Board Member PAF

Welcome & Introduction PAF

Rosalind Turkie
PAF Researcher

Presentation of the Guidelines for Responsible Pharmaceutical Behaviour

3 Experts

Reflection from 3 access to medicines experts on using the Guidelines in policy and advocacy circles + own experiences

Roundtable discussion led by Sabina Voogd

How to promote the guidelines? Can these be made legally enforceable? What is the role of human rights in promoting A2M?

Concluding remarks

Rosalind Turkie

Good Covid-19 Company Practices (GCCP) Researcher

Pharmaceutical Accountability Foundation



Presenting the 'Guidelines for Responsible Pharmaceutical Behaviour'

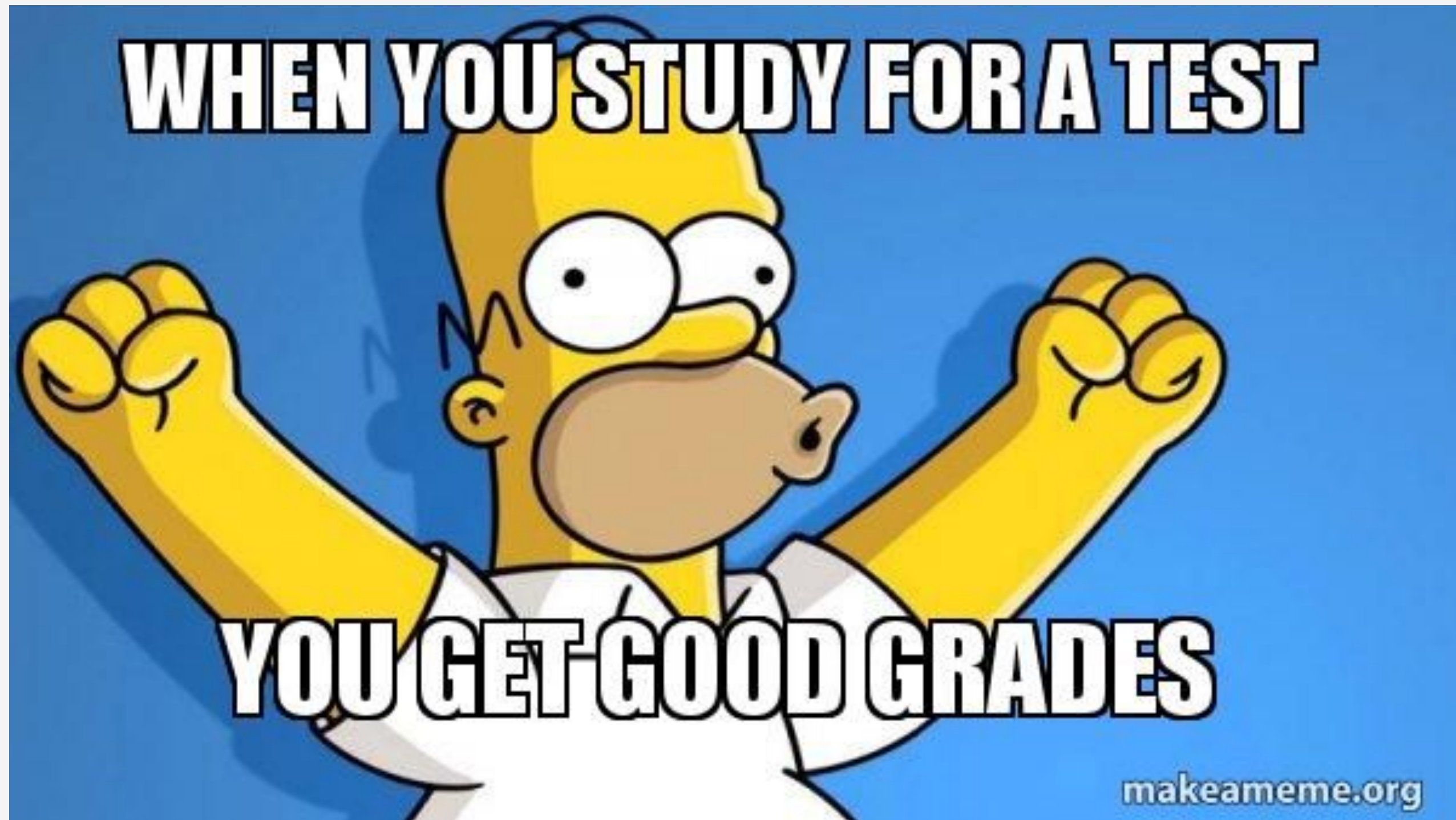


GCCP Scorecard

	Covid-19 vaccine CureVac	Covid-19 vaccine Gamaleya Research Institute	Covid-19 vaccine Novavax	Covid-19 vaccine Sinopharm	Covid-19 vaccine Sinovac	Covid-19 Vaccine Pfizer	Covid-19 Vaccine Oxford / Astra Zeneca	Covid-19 Vaccine Moderna	Covid-19 Vaccine Johnson & Johnson	mab Casirivimab + imdevimab	Bamlanivimab Eli Lilly	Remdesivir Gilead
A1. Publishes a global access plan for its product.												
A2. Commits to comply with human rights standards in product development & marketing												
C1. The company commits to C-TAP or MPP												
C2. Commits to not enforcing the exclusive rights of Covid-19 related patents.												
C3. Supplies to, or signs agreements with, the vaccines or therapeutics pillar of the ACT Accelerator.												
E1. The company makes the active ingredient available on reasonable grounds. [therapeutics only]												
E2. Commits to full technology transfer to other manufacturer												
E3. Commits to non-profit or 'fair' pricing.												
E4. Equitably distributes supplies globally. [vaccines only]												
E5. The company does not seek protection beyond the minimum criteria in TRIPS, or enforces TRIPS+ measures [where applicable]												
E6. Agrees to waive exclusive rights in regulatory test data [where applicable].												
T1. Publishes its R&D costs.												
T2. Publishes its profit margin.												
T3. The company publishes the average and/or marginal costs of production.												
T4. Publishes its production capacity.												
T5. The company publishes the public subsidies it received during product development and/or testing												
T6. Publishes the text of licensing agreements.												
T7. Registers its clinical trials in public repositories.												

<https://www.farmaterverantwoording.nl/covid-19-practices/gccp-scorecard/>

‘How to get a high GCCP score’

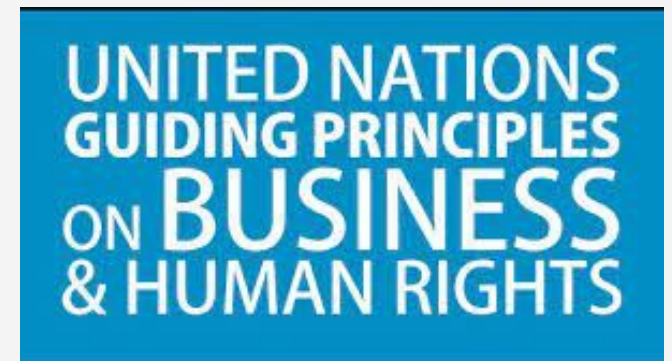


Legal Basis:



The right to the highest attainable standard of health (article 12 ICESCR, WHO Constitution)

The UN Guiding Principles on Business and Human Rights



Paul Hunt's 'Human Rights Responsibilities of Pharmaceutical Companies in relation to Access to Medicines'



Commitment to international standards and principles

International Cooperation

Equality & Equity

Transparency



Challenges to implementation



[Guidelines for Responsible Pharmaceutical Behaviour](#)

Big Business and Public Health:



Time for an accountability framework?

Reflection from 3 global health advocates and experts

Sabina Voogd

Board Member PAF

- **Hans Hogerzeil**, former WHO Director for Essential Medicines and Pharmaceutical Policies / Supervisory Board of Access to Medicines Index
- **Ella Weggen**, Senior Global Health Advocate at Wemos
- **Jaume Vidal**, Senior Policy Advisor - European Projects at Health Action International



Human Rights:

- concern the relation the between state and the individual
- lead to state obligations and individual entitlements
- are interdependent and interrelated
 - Examples in recent UN assessment: Right to: life, liberty/security of person, food, health, freedom from torture, participate in public affairs, education, housing, social security, work, freedom of expression, fair trial
- are based on freedom from discrimination
- Rights imply duties, duties demand accountability

Promotion of human rights is a principle purpose of the UN

Access to essential drugs as a Human Right:

Where are we now?

- Health is a human right (WHO 1946, Univ. Decl. Human Rights 1948).
- The right to health care includes the right to emergency care and health facilities, goods and services (Intern.Covenant, 1966*)
- The right to facilities, good and services includes the provision of essential drugs as defined by WHO (GCom.14, 2000)
- **State parties are under immediate obligation to guarantee that the right to health care is exercised without discrimination, and that concrete steps are taken towards full realization, with emphasis on vulnerable and marginal groups**

* ratified by 172 countries (2022)

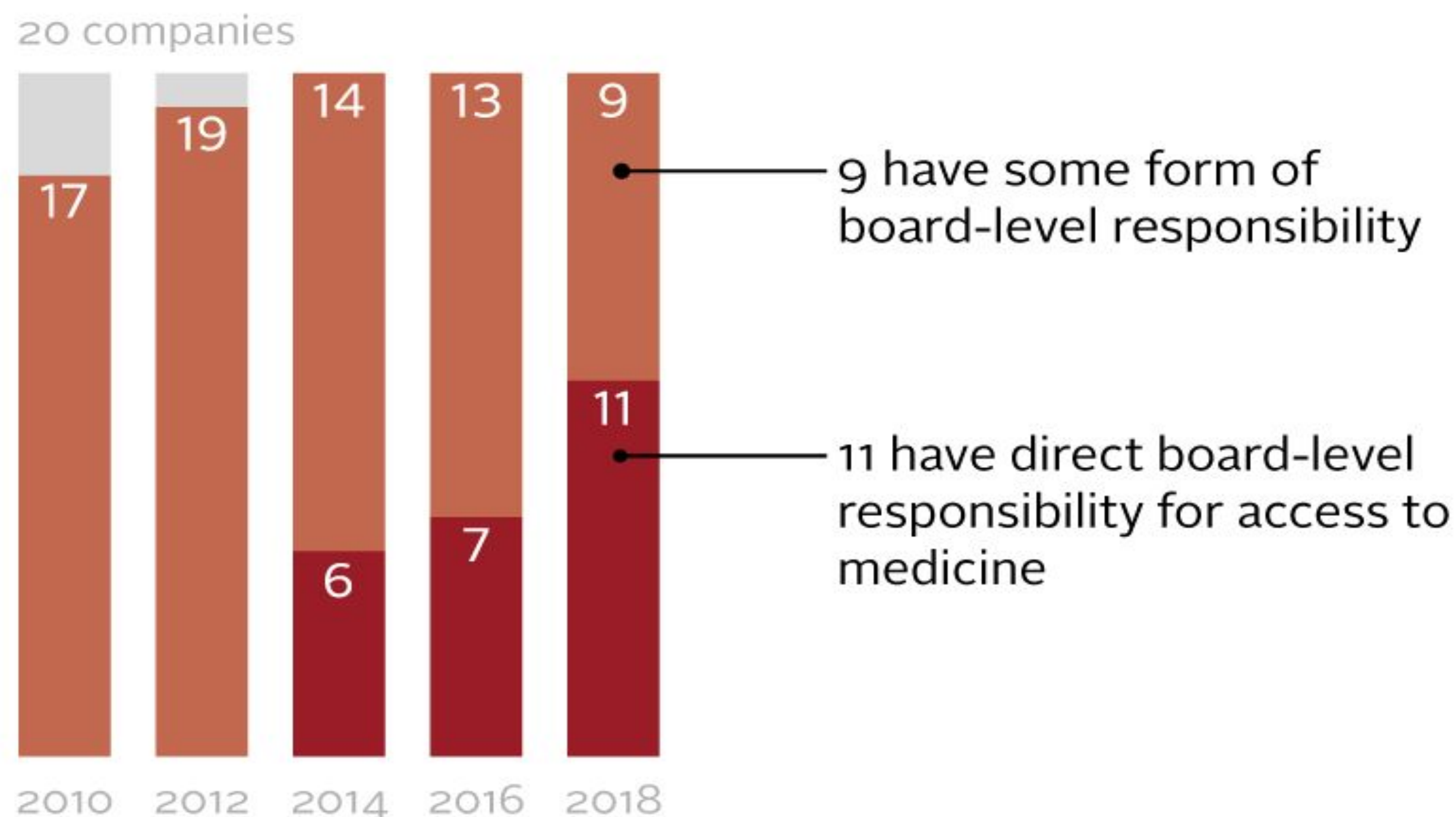
Human rights instruments for pharmaceutical companies (authoritative, not legally binding)

- 1) United Nations Guiding Principles of Business and Human Rights**
- 2) Human rights responsibilities for pharmaceutical companies and relation to access to medicines**

NB:

**The Access to Medicine Index is largely based on (2),
covering most measurable components**

Figure 2. Since 2010, more company Boards now take direct responsibility for access to medicine



Source: Ten year impact of the ATM Index. ATM Foundation, 2019

Figure 24. Since 2014, early-stage pipeline for NTDs has more than doubled

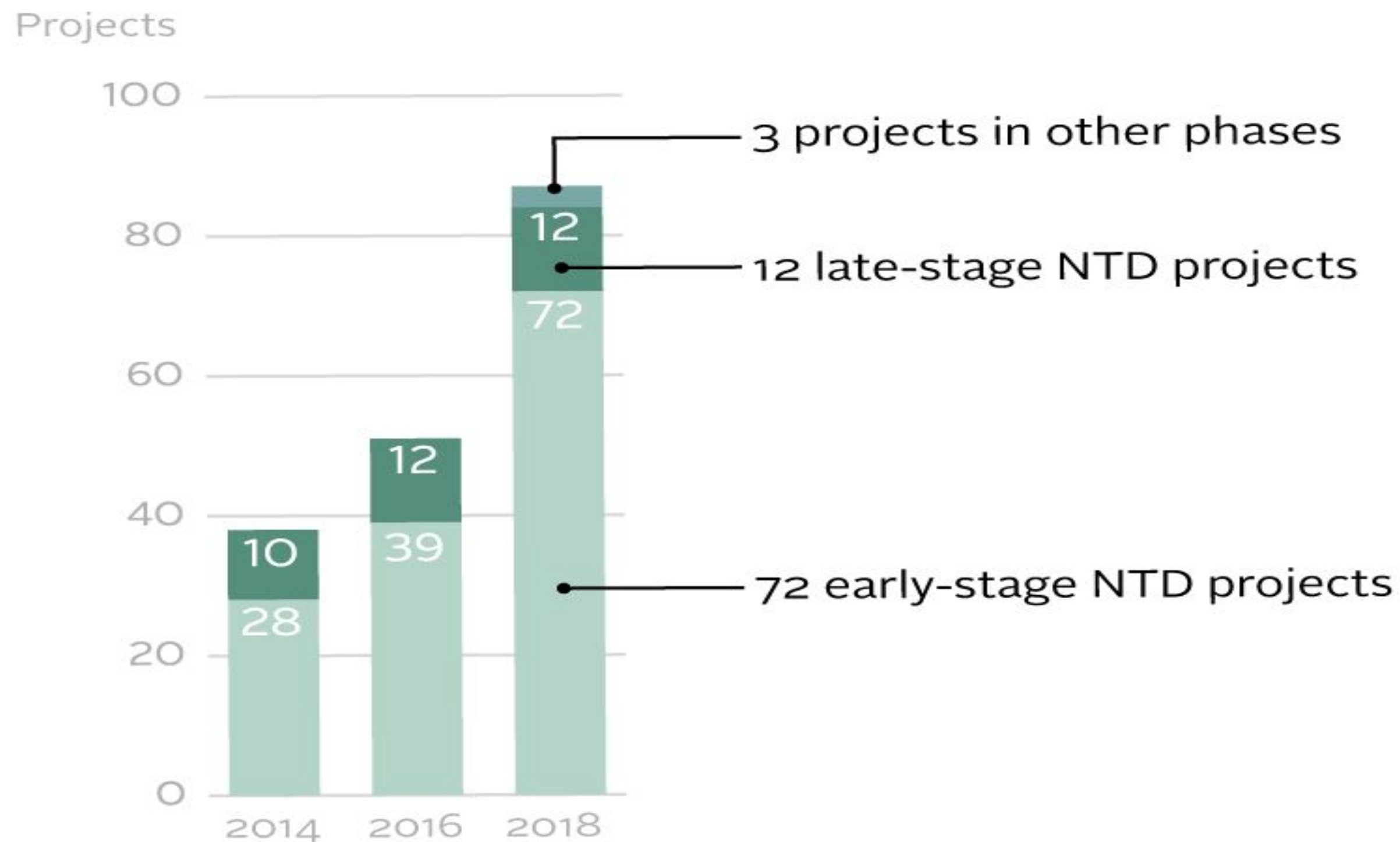


Figure 28. Since 2010, publicly disclosing patent information has become new industry standard

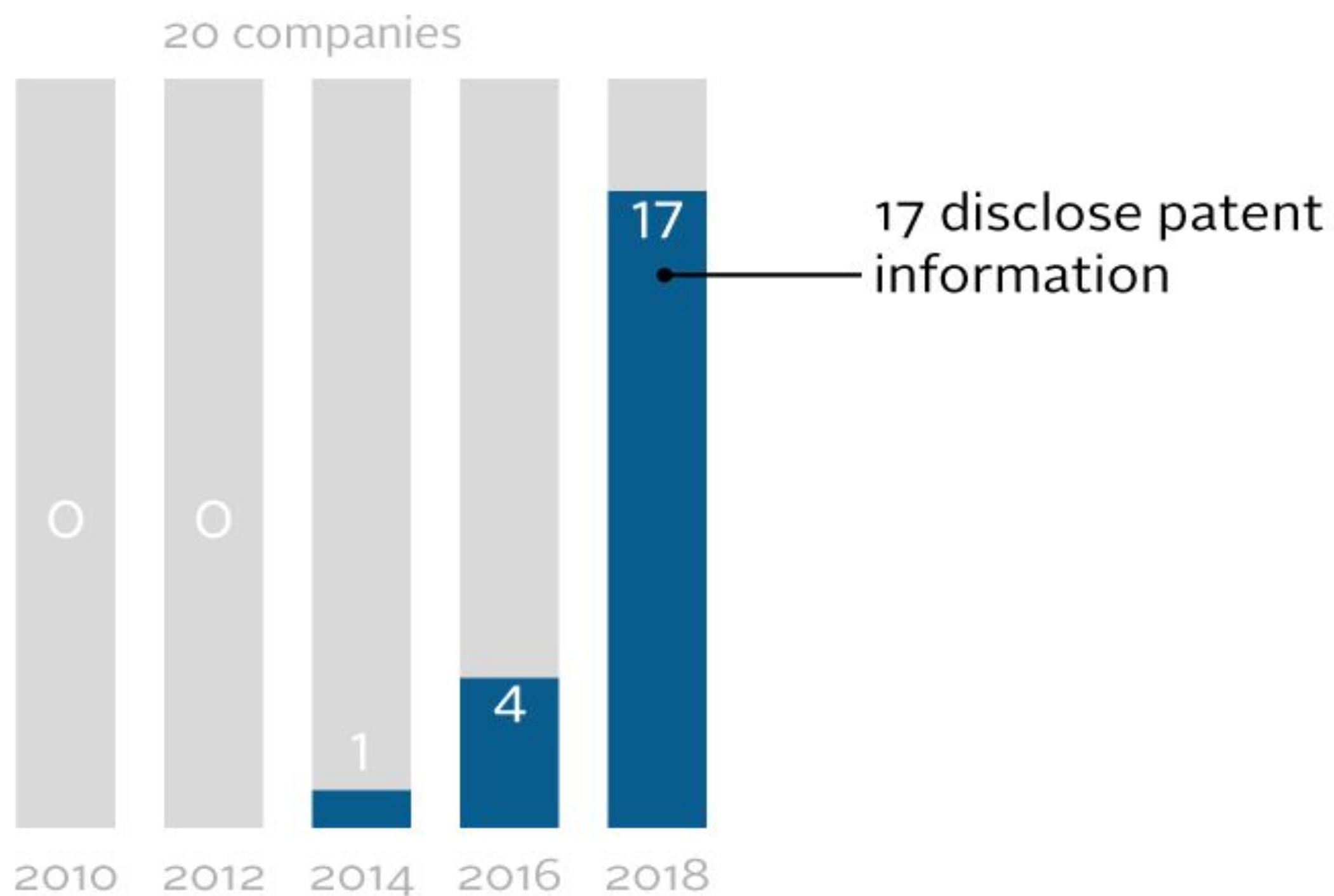
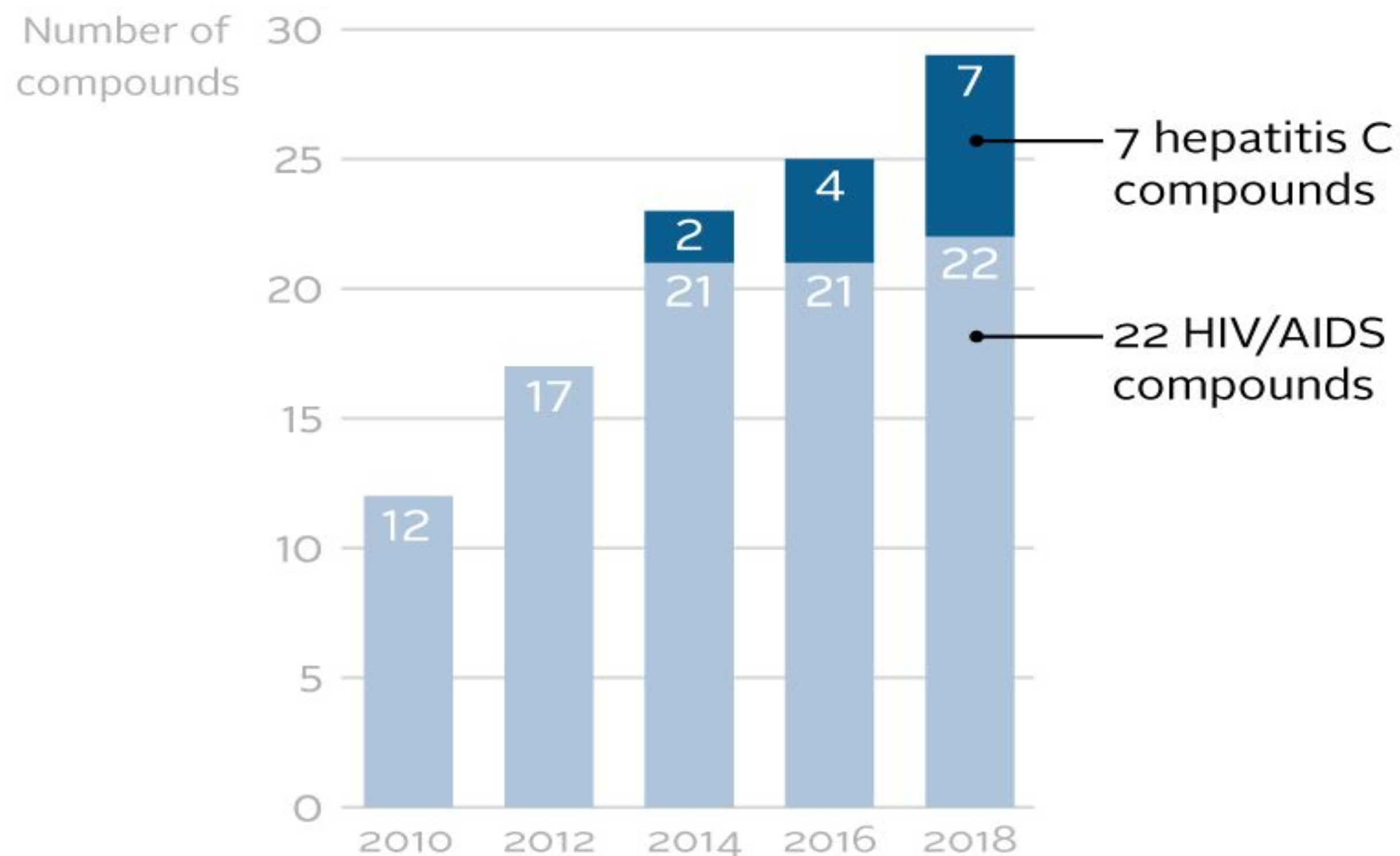


Figure 29. Since 2010, number of licensed compounds has steadily increased





Making Pharma Fair

The Human Rights Responsibilities of Pharmaceutical Companies in Relation to Access to Medicines

3rd March 2022

Jaume Vidal, Senior Policy Advisor, European Projects.



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Human rights responsibilities of pharma companies

Introduction

- Human Rights defense, promotion and fulfillment remains a sovereign State prerogative;
- Fundamental rights like physical integrity and enjoyment of the highest attainable standard of health depend on sustainable access to health technologies (medicines in particular);
- Pharmaceutical companies' actions (and omissions) have a massive impact on the **Ability of governments to respond to human rights and citizens needs; Access to medicines, human rights and pharmaceutical companies.**

- General Comment No. 14 (2000)
The right to the highest attainable standard of health
(article 12 of the International Covenant on Economic, Social and Cultural Rights)
- Human Rights Guidelines for Pharmaceutical Companies in relation to Access to Medicines (2007)
- Legally Binding instrument to regulate in International Human Rights Law, the activities of transnational corporations and other business enterprises (OEIGWG)

Legal framework

(International and domestic)

Political Will (Governments)

Mobilization (Civil Society)



Transparency, accountability and responsibility

Guidelines, a useful tool:

- To visualize main issues affecting access to health technologies: transparency, pricing, knowledge-sharing...
- To confront companies on their responsibility as social actors; vis-à-vis patients AND citizens/society at large.
- To put pressure on government to fulfil human rights obligations and defend.

Guidelines and HAI work

- Misuse and Abuse of **Intellectual Property (IP) protection tools** to unduly extend market exclusivity, block competition or/and frivolous patenting.
- **Pharmaceutical marketing/promotion** and undue corporate influence in medical and pharmacy training curricula or/and health care workers.



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Thank you for your attention

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POLL QUESTIONS



Discussion

Hans Hogerzeil

Ella Weggen

Jaume Vidal

- General & panel discussion
- Please put your questions in the chat!

Moderated by **Sabina Voogd**



Thank you!



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(linkedin.com/company/pharmaceutical-accountability-foundation)

