

## The Right to Health – A Duty for Whom?

### Is there a Corporate Responsibility of the Pharmaceutical Industry for the Right to Health?

Access to Live-saving Medication – Innovative Solutions  
Basel September 7, 2006  
Klaus M. Leisinger

1

### The Public Perception of the moral state of the Pharmaceutical Industry

2

### Key Questions on Corporate Responsibility

- How does a corporation relate to, and impact upon, society's needs and aspirations?
- What constitutes responsible corporate behavior towards society? (societal responsibility)
- What is a corporation's role and function in society? What constitutes a fair societal division of duties?
- Precisely which "deliverables" of Corporate Social Responsibility are *essential*? What is *expected by society*? What is simply *desirable*?

3

### The Health and Human Rights Nexus

Source: WHO 2002

4

### Conceptual Framework for the Health and Human Rights Performance

Pro Memoria

All relevant Human Rights related documents stress that *states and their organs* are the primary duty-bearers

- to *respect* human rights, i.e. not to violate them through state agents
- to *protect* human rights, i.e. to ensure that other societal actors do not violate them, and
- to *fulfill* human rights in the sense of taking positive measures (*progressive realization to the maximum of available resources*) to ensure the full enjoyment of human rights by all.

5

### Corporate Responsibilities:

**...every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights**

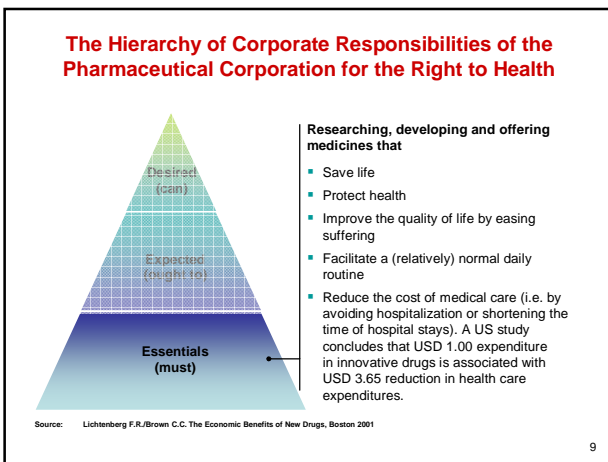
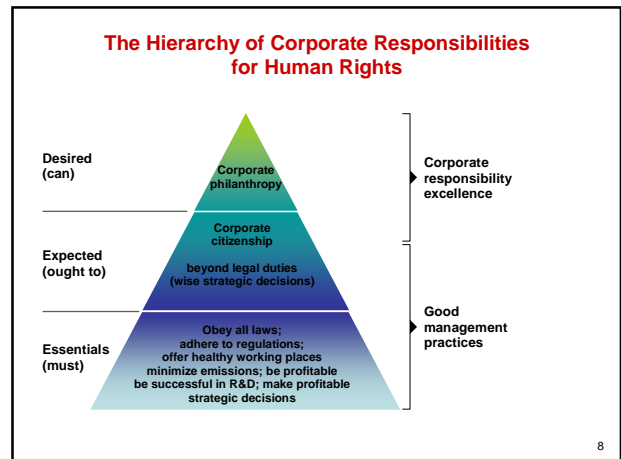
The Global Compact asks companies to embrace, support and enact, within their sphere of influence, a set of core values in the following areas:

#### Human Rights

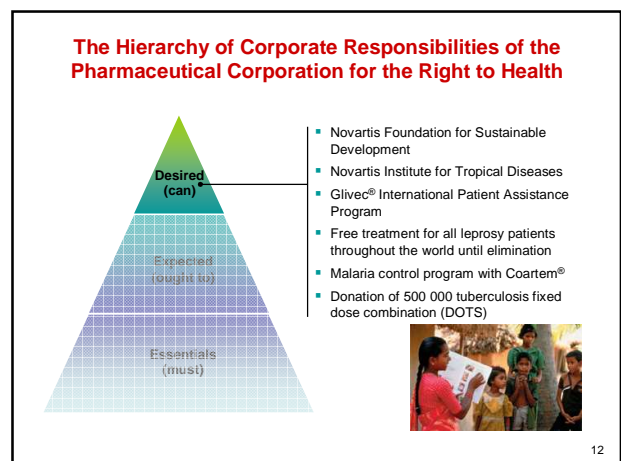
**Principle 1:**  
Businesses should support and respect the protection of internationally proclaimed human rights; and

**Principle 2:**  
make sure that they are not complicit in human rights abuses;

6



- ### The Benefits of Progress in Medicine
- Additional years of life
    - reduced disease-related mortality
    - higher life expectancy in all age groups
  - Fewer episodes of illness
    - reduced morbidity
  - Better quality of life through higher degree of well-being
    - less pain and suffering
    - fewer side effects
    - shorter stay in hospital
    - less disability
  - Higher work productivity
    - additional years of work
    - lower rates of absenteeism
    - reduced burdens on caregivers
- 10



**Issues to reflect, evaluate and decide upon for a Pharmaceutical Company**

- ✓ the handling of *patents* and the *pricing policy* for life-saving medicine under conditions of individual and collective poverty;
- ✓ research priorities not considering the immense needs of people living in absolute poverty;
- ✓ specificities of clinical trials (such as the concept of informed consent or the voluntary nature of trial subjects living in poverty);
- ✓ Dual use of products (e.g. psycho-active drugs or hormones)

13

**Elements of an Enlightened Corporate Business and Human Rights Approach**

- ✓ Do "homework", consult with specialists, invite a broad stakeholder debate, reflect on corporate specificities and then decide on a corporate human rights policy;
- ✓ Create transparency about the result of your deliberations; Develop and implement "Corporate Human Rights Guidelines" which represent the "state of the art" of the debate;
- ✓ Make it part of „normal good management practices“ – but treat it as a „process“ not as a „project“, as society's expectations change.
- ✓ Communicate, communicate, communicate!!!

14

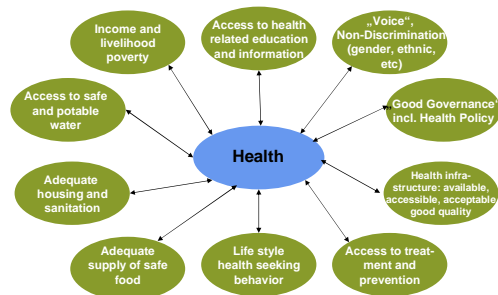
**Measuring Misery**

- About 2.5 billion people live on less than USD 2 a day.
- The 20 richest percent of the world's population receive 85% of the global income, the poorest 20 percent only 1.4%.
- Average life expectancy in the poorest African countries is less than 45 years.
- Every year more than 500 000 women die in pregnancy and during childbirth – 1 every minute.
- 14 million children die every year due to preventable diseases.



15

**Determinants of Health: A Vicious Circle of Disease and Poverty**



16

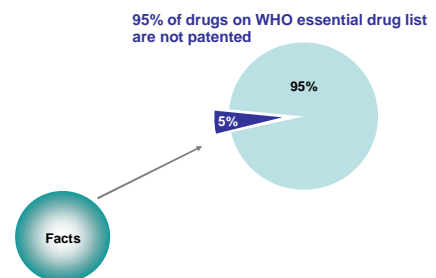
**Determinants of Access to Treatment: A Multicausal Affair**



Source: Novartis Foundation for Sustainable Development

17

**Correct wrong perceptions: "Patents impede poor people's access to essential medicines"**



18



- ### ... and lead us not into temptation
- To fall into the trap of over-simplification of a complex problem, **Albert Einstein: Make things as simple as possible, but not simpler.**
  - To shift national responsibilities away from the primary duty-bearers and thereby providing an excuse to irresponsible governments
  - To focus on politically attractive niche-issues while loosing sight of the real scandals
  - To moralize about "Big Pharma" instead of addressing the deficits in "good governance" and work in search of public/private partnerships
  - Not to differentiate between different corporate actors according to their record in delivering responsibility beyond legal compliance
- 21

- ### Be part of the solution
- Deliver in enlightened self-interest – i.e. not legalistic but legitimacy oriented;
  - Test and use multi-stakeholder approach wherever possible (with fair-minded stakeholders)
  - Be open to innovative practices (e.g. differential pricing, pro bono research, targeted donations)
- 22