



Affordable medicines for developing countries

Human rights group warns initiative could fail, calls on generic companies and the federal government to take action

TORONTO, 19 November 2004 – The Canadian HIV/AIDS Legal Network warned today that Canada’s initiative to increase access to cheaper medicines for developing countries will be a failure unless both the federal government and Canada’s generic drug companies take action under the *Jean Chrétien Pledge to Africa Act*.

“We need to see action now by the federal government and by the generic manufacturers to move as quickly as possible once this legislation comes into force. So far we’re not seeing much commitment,” said Richard Elliott, Director of Legal Research & Policy.

“We appreciate that it takes time to produce medicines and go through the necessary processes under this legislation,” added Elliott. “But we don’t have the luxury of time in responding to health problems such as the AIDS pandemic.”

The *Jean Chrétien Pledge to Africa Act* (formerly Bill C-9) amended Canada’s Patent Act to enable generic drug companies to get licences allowing them to produce cheaper versions of patented medicines and sell these to developing countries. The bill was passed unanimously by Parliament in May, and the accompanying regulations were published for public comment in October. Both should be proclaimed into force by January 2005 at the latest. Yesterday, the humanitarian aid group Médecins Sans Frontières condemned the lack of action so far. The Legal Network echoed that criticism.

“From the beginning, we have said this initiative will only get medicines to people if the generic drug manufacturers find the legislation workable,” said Elliott. “We have said that the law still has problems that need to be fixed, which the government must address. But we will only know how well it works if generic drug companies actually try using it to get licences to produce and export. It is unacceptable to say the law is unworkable before even trying it.”

Elliott called on the federal government to play a role in brokering contracts with developing countries if Canadian companies are willing to offer competitive prices. He also called on the generic drug industry in Canada to be more pro-active in seeking out the business opportunities this legislation creates.

“Non-governmental organizations fought for this legislation and we want to see it help people. We will work with generic drug companies to test this legislation. But they need to be willing to try. They’re the ones with the capacity to make the medicines. They need to identify which medicines they can make and at what prices they can sell them to developing countries or aid organizations.”

The Canadian HIV/AIDS Legal Network is a national non-governmental human rights organization working on legal and policy issues related to HIV/AIDS.