



Affordable medicines for developing countries:
Human rights advocacy group welcomes Canadian law coming into force, urges generic drug companies and government to follow through with lower-cost medicines

TORONTO, 13 May 2005 – The Canadian HIV/AIDS Legal Network welcomed the federal government’s announcement today that Canada’s legislation aimed at allowing export of lower-cost medicines to developing countries will come into force tomorrow (May 14th), and called on generic drug makers and the federal government to be pro-active in using the law to assist countries in need.

“We are pleased to see this legislation is finally being proclaimed into force,” said Richard Elliott, Director of Legal Research and Policy with the Canadian HIV/AIDS Legal Network, one of the groups that spearheaded the campaign for the legislation. “This is one important initiative in the larger struggle to increase access to more affordable medicines in the many parts of the developing world where they are desperately needed.”

The *Jean Chrétien Pledge to Africa Act* amends the *Patent Act* and the *Food and Drugs Act* to facilitate the export of lower-cost generic medicines to developing countries confronting public health problems but lacking their own capacity to manufacture pharmaceutical products. The law makes it possible, at least in theory, for generic drug manufacturers to get “compulsory licences” that override the patents on particular drugs so they can make generic versions for export to eligible developing countries. The Act was passed unanimously in the last Parliament, and received Royal Assent a year ago to the day (14 May 2004). Finalizing the accompanying regulations and passing some technical amendments through Parliament have delayed implementation for the last year.

While the Canadian HIV/AIDS Legal Network welcomed the legislation finally coming into force, it also highlighted that the law must now be used. The Network remains concerned about various provisions in the legislation that create unnecessary and unjustified hurdles to using it, and could undermine it. But it called on generic manufacturers and the federal government to commit to using the system set up by the law.

“If this precedent-setting legislation is to translate into real benefits for patients in developing countries, who desperately need sustainable sources of lower-cost medicines, then we need to see Canadian generic drug manufacturers take advantage of it,” said Elliott. “The federal government must also take an active role in cooperating with generic manufacturers to get their products through the approvals system so they can be exported. The government also needs to be pro-active in making sure developing countries know of this option to source cheaper medicines and assist them in taking advantage of Canadian sources.”

Elliott also noted that the Legal Network and others in the coalition of civil society groups that fought for this legislation will be watching to see if the big multi-national, brand-name pharmaceutical companies attempt to block use of the system the legislation creates. “There are lots of ways in which big pharma could try to undermine this initiative, and we’ve already seen efforts along the way to do that. But it would be unacceptable if the government were to allow this to happen.”