



Press Release

AMENDING CANADA'S DRUG PATENT LAW: A BETRAYAL OF PATIENTS IN DEVELOPING COUNTRIES

26 February, 2004 - Today, Médecins Sans Frontières/Doctors Without Borders Canada (MSF) and the Canadian HIV/AIDS Legal Network presented their concerns about Bill C-9 (an amendment to Canada's Patent Act and Food and Drugs Act) to the Parliamentary Standing Committee on Industry, Science and Trade. They told the Standing Committee that the draft bill is unacceptable and will fail to meet the life and death needs of patients in developing countries. Unless the bill is fixed, it will represent a betrayal of patients and the developing countries in which they live. These countries believed that Canada would bring in legislation that would enable them to access affordable treatment, guaranteeing access to medicines for all. Rather than encourage access to life saving medicines for all, Bill C-9 will perpetuate inequitable access to medicines by inviting anti-competitive behaviour by multinational pharmaceutical companies, protecting these companies' monopolies and profits at the expense of the lives of patients.

"This legislation is a betrayal of people living in developing countries" says Rachel Kiddell-Monroe, Coordinator for the MSF Access to Essential Medicines Campaign. "Experience shows that the only way to get cheaper medicines is to ensure competition between pharmaceutical companies and generic drug producers. The Canadian law destroys any chances of competition. And with it the hopes of people desperately in need of life saving treatment".

Infectious diseases alone kill over 10 million people every year, over 90% of whom are in the developing world. Yet one in three of the world's population lacks access to essential medicines. In the poorest parts of Africa and Asia, the figure climbs to one in two.

One of the paramount reasons for lack of access is the high price of many drugs. These prohibitive prices are often the result of strong intellectual property provisions which reinforce the monopoly of the pharmaceutical companies.

As well as the anti-competitive provisions, the bill tries to limit the types of drugs which can be exported under the act. Some fixed dose combination anti-retroviral drugs which are recommended by World Health Organisation for first line treatment for people living with HIV/AIDS do not even appear on the list. MSF and the Canadian HIV/AIDS Legal Network condemned the idea that the federal Cabinet of Canada should play the role of gatekeeper second-guessing the decisions that sovereign developing countries make in deciding when they need to import cheaper generic medicines for their people.

The bill also excludes some developing countries – such as Vietnam – which are not WTO members. UN agencies and non-governmental humanitarian relief agencies are also excluded from obtaining Canadian generic drugs even though these organizations play crucial roles in the delivery of essential health services in many countries.

"Global inequity in access to medicines is staggering, as is the sheer magnitude of the need," said Richard Elliott, Director of Legal Research and Policy at the Canadian HIV/AIDS Legal Network. "People in all developing countries struggle with poverty and public health needs, and should benefit from this important legislation regardless of whether their country belongs to the WTO. And international agencies and NGOs should be able to contract directly with Canadian generic drug manufacturers if so permitted under the laws of the countries where they run clinics, treatment centres and other critical health services."

Rachel Kiddell-Monroe and Richard Elliott noted that the Government of Canada, and Standing Committee members, received a copy of a letter sent to the Prime Minister by over a dozen civil society organizations expressing concerns with these problems in Bill C-9. "These concerns are shared by development organizations, student groups, human rights activists, labour unions, and churches. Ordinary Canadians, and others all over the world are telling Canada to fix the bill," said Elliott.

He noted as well that in the last few days, hundreds of e-mails and an unknown number of letters and faxes were sent to the government raising these concerns, from every province and territory, and from countries ranging from the United States to Bangladesh, France to Ghana. "Will the government listen? Or is Big Pharma calling the shots? Will Canada show real leadership, or will it embarrass itself and set a bad global precedent with flawed legislation?"

Canada could be the first country to implement legislation that would allow developing countries to contract Canadian generic drug producers to provide affordable life saving drugs. But as drafted, the legislation merely reinforces a life-threatening status quo – patents over patients.

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