

DEBATE

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Laudato Si': a bridge towards access to medicines

Laudato Si': uma ponte para acesso a medicamentos

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ABSTRACT

Pope Francis' Encyclical *Laudato Si'*, albeit not explicitly, has drawn attention worldwide to the access to medicines as a fundamental human right, as it raises awareness about the current situation of the world and the poor. The reflections set forward by the Encyclical *Laudato Si'* bring us to the intersections between trade and health care, and how to correctly frame the need for innovation, affordable and accessible health technologies to those in need and how to reach the poorest of the poor. The issues of how to provide access, promote innovation, stimulate reasonable competitive market forces and ensure viable supply are central to the question of how to address Universal Human Rights. Also in this context, intellectual property has gained particular significance with increased attention to new essential medicines for the treatment of diseases of global incidence, including communicable and non-communicable diseases. This article intends to bring elements for a reflection on the debate on universal access to medicines.

KEYWORDS: Essential Medicines; Access to Medicines; Human Rights

RESUMO

A Encíclica *Laudato Si'* do Papa Francisco, ainda que não explicitamente, chamou a atenção mundial para o acesso aos medicamentos como um direito humano fundamental, quando conscientiza sobre a situação atual do mundo e dos pobres. As reflexões propostas pela Encíclica *Laudato Si'* nos trazem as interseções entre o comércio e a saúde, como enquadrar corretamente a necessidade de ter tecnologias de saúde inovadoras, acessíveis aos necessitados e como alcançar os mais pobres dos pobres. As questões sobre maneiras de fornecer acesso, promover inovação, estimular forças de mercado competitivas razoáveis e assegurar fornecimento viável são centrais para a questão de como abordar os Direitos Humanos Universais. Também neste contexto, a propriedade intelectual ganhou particular importância com maior atenção a novos medicamentos essenciais para o tratamento de doenças de incidência global, tanto as transmissíveis como as não transmissíveis. Este artigo pretende trazer elementos de reflexão para o debate sobre o acesso universal a medicamentos.

PALAVRAS-CHAVE: Medicamentos Essenciais; Acesso a Medicamentos; Direitos Humanos

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INTRODUCTION

Pope Francis' Encyclical *Laudato Si'*¹ stands out by a critique of consumerism and irresponsible development, besides making a plea for change and global unification of actions to combat social inequality and environmental degradation. While underscoring the importance of scientific development as a way to increase the welfare of people², we realize that the incorporation of modern technologies has not been integrated with the enhancement of the concepts of human rights. Rather, trade has been priority over public health and access to medicines³.

In fact, the issues of how to provide access, promote innovation, stimulate reasonable competitive market forces and ensure viable supply are central to the question of how to address Universal Human Rights, particularly the primary goal of ensuring the right of all to enjoy life and liberty fully. In spite of all efforts and promising results from the Millennium Development Goals, millions have been left behind, and the Member States have agreed on the Sustainable Development Goals targeting the year 2030^{4,5}. Recently, the United Nations Secretary-General has convened a High-Level Panel on Access to Medicines, "to review and assess proposals and recommend solutions for remedying the policy incoherence between the justifiable rights of inventors, international human rights law, trade rules and public health in the context of health technologies"⁴.

The HLP Report⁴, recently issued, clearly addresses crucial recommendations to guide research and development (R&D) of health technologies and access, stressing that today barriers constrain both rich and poor countries. Undue political and economic pressure on trade agreements hampering the use of the flexibilities belong to the World Trade Organization TRIPS Agreement is strongly criticized whereas the current intellectual property (IP) system has divergent visions on this Report. This article aims to make a reflection on access to medicines, highlighting synergies with *Laudato Si'*.

DISCUSSION

Barriers to access to medicines

Despite all progress in health care, there still are disabling inequalities in access to medicines and health services and billions of people live without access to the necessary health products. There is also an awareness that access to medicines is a broad issue that affects people and health systems worldwide⁶.

Barriers to access to medicines have different roots, but they are deeply interrelated, such as global R&D and production with a focus on potentially more profitable products; intellectual property system plus multilateral and bilateral trade agreements interest conflicts.

The current R&D system of new medicines does not adequately meet the needs of the majority of the world's population^{6,7}. Such needs include affordable medicines for diseases with global incidence, new treatments for neglected diseases, new

antimicrobials and other essential medicines for conditions that disproportionately affect the poor.

IP has gained particular significance with increased attention to new essential medicines for the treatment of diseases of global incidence, including communicable and non-communicable diseases.

New monopoly medicines, like those for Hepatitis C or Cancer, are being launched at unaffordable prices, bringing health systems near collapse whenever new technologies are made available.

Effective tools for global governance are required to generate medical R&D as a global public good, based on the understanding that a politically and financially sustainable system will require both fair contributions from all, and fair benefit-sharing for all⁶.

Lessons from *Laudato Si'* and other teachings of Pope Francis

Contemporary issues such as access to medicines, pollution, climate change or global equality are confronted with weak political responses and submit politics to technology and finance¹. Nonetheless, Technology has remedied countless evils which used to harm and limit human beings. How can we not feel gratitude and appreciation for this progress, especially in the fields of medicine, engineering, and communications? How could we not acknowledge the work of many scientists and engineers who have provided alternatives to make development sustainable?¹.

As stated in *Laudato Si'*, "Politics and economy tend to blame each other when it comes to poverty and environmental degradation. It is hoped that they can acknowledge their own mistakes and find forms of interaction directed to the common good"¹.

Pope Francis has drawn attention to the full exercise of human dignity and the cruel consequences of a globalized economy. Based on the Pope thoughts we can conclude that he is challenging us to reflect on the development of nations and of health care, through a discussion on trade agreements and access to medicines. The purpose of this discussion could be to claim that certain health issues, including the elimination of specific diseases, require urgent political attention, above and beyond all other commercial or political interests^{8,9}.

The Encyclical Letter points to the "intimate relationship between the poor and the fragility of the planet, the conviction that everything in the world is connected, the critique of new paradigms and forms of power derived from technology, the call to seek other ways of understanding the economy and progress, the value proper to each creature, the human meaning of ecology, the need for forthright and honest debate, the serious responsibility of international and local policy, the throwaway culture and the proposal of a new lifestyle"¹.

As known: "science and technology are not neutral"¹, but it is our moral obligation to seek, fight and build a better future for those behind us and for the generations we will deliver to.



We need to recover the expectations that initiatives like these awake in humanity. “There is also the fact that people no longer seem to believe in a happy future; they no longer have blind trust in a better tomorrow based on the present state of the world and our technical abilities. There is a growing awareness that scientific and technological progress cannot be equated with the progress of humanity and history, a growing sense that the way to a better future lies elsewhere [...]”¹.

The Encyclical *Laudato Si'* and other teachings of Pope Francis emphasized some main pillars to encourage a more effective global AIDS response. According to Pope Francis, “caring for our common home, and for all people who live on this earth, requires not just an economic and technological revolution, but also a cultural and spiritual revolution - a profoundly different way of living the relationship between people and the environment, a new way of ordering the global economy”.

Pope Francis insists on the urgency of changing our sense of progress, our management of the economy, and our lifestyle¹⁰.

The report of the United Nations Secretary-General's High-Level Panel on Access to Medicines mentions in its preface that in spite of our scientific knowledge, many people and communities in need are neglected due to diverse reasons. Availability, affordability and adaptation to specific settings and patient categories remain problematic. Recommendations from the Report aim to address TRIPS Flexibilities and eliminate TRIPS-plus provisions, to deal with publicly-funded research, with innovation, with governance and with transparency in all the innovation chain⁴.

As the UN Secretary-General has stated during the transition from the Millennium Development Goals to the Sustainable Development Goals and 2030 Agenda, if the goal is to leave no one behind, concrete and actionable steps must be enforced by all stakeholders, including governments, policy-makers, business leaders, international organizations and civil society in a worldwide mobilization for improving health and well-being for all.

Yet, as per the *Laudato Si'*, “the principle of the maximization of profits, frequently isolated from other considerations, reflects a misunderstanding of the very concept of economy”¹.

Human dignity, human rights and the way forward

Even if Pope Francis's Encyclical does not specifically mention medicines, it truly talks about technology and challenging situations directly related to areas of health. The reflections set forward by *Laudato Si'* lead us to realize the connections that exist between trade and health. They also give us elements to correctly frame the need for having innovation in medicines affordable and accessible to those in need. The concern for the poorest of the society is also a fundamental point from the Encyclical that can guide this change in health-trade relationships.

Certainly, not with the State-assured more than 20 years of monopolies and prices set up by the industry with no concern for the consequences, especially making new products unavailable for the poor. After all, “the rich and the poor have equal dignity [...]”¹.

Access to medicines is a complex and multidimensional issue involving public health, social justice and international human rights obligations. Access to medicines' gap is a paradigm showing how economics and trade rules conflict with human rights, including the right to life, health and development¹¹.

According to the Encyclical Letter *Laudato Si'*, “the technocratic paradigm tends to dominate economic and political life”¹. At the same time, it is recognized that by itself, the market cannot guarantee integral human development and social inclusion. The discussion related to trade and health and the balance between innovation and public health addressing the need to ensure access to medicines as part of the human right to health has been a long battle.

To ensure human dignity and policies having a human rights approach at the core, we need to face and remove barriers, such as intellectual property, monopolies and oligopolies, unaffordability and particularly overwhelming and unacceptable human greed. If we are to really build a better world and a better future for our next generations, we must remedy or correct the misalignments and policy incoherence between the individual and corporate rights of inventors, innovators or manufacturers and the human rights of humankind, discussing trade and health in the context of public health and access to technologies as a right linked to health and life.

In fact, *Laudato Si'* stresses “the urgent need for a radical change in the conduct of humanity”. Based on the text, we can affirm that it suggests an ethical foundation for the change. Then, the text gives us a caution: “the most extraordinary scientific advances, the most amazing technical abilities, the most astonishing economic growth, unless they are accompanied by authentic social and moral progress, will definitely turn against men”¹.

For the reasons discussed, we urge further action and we acknowledge *Laudato Si'* as a bridge towards ensuring access to medicines with a human rights approach at the core.

In spite of all efforts and promising results from the MDG, millions have been left behind and Member States have agreed on the SDG targeting the year 2030^{4,12}. This commitment has repeatedly been stressed by Pope Francis, when he mentions that “The future demands of us critical and global decisions in the face of worldwide conflicts which increase the number of the excluded and those in need”¹³.

CONCLUSIONS

Although not explicitly mentioning access to medicines, the scope contained in *Laudato Si'* addresses reflections that aim to criticize irresponsible development, at the same time highlighting the need for innovation and modern technologies to the benefit of humankind. These possibilities can be interpreted as a very strong message of a human rights approach while urging a pledge for equity, universality and integrality. Therefore, the Encyclical brings us on a link to the shift from the Millennium Development Goals to the 2030 Agenda for Sustainable Development.



Additionally, we understand that the recommendations derived from the UNSG HLP Report, as moving to remedy the policy incoherence between individual rights and collective rights, eliminating barriers and pledging to leave no one behind, are completely aligned with the progress conceived on health care worldwide.

As mentioned before, effective tools for ensuring adequate global governance are necessary to seek the balance between

health and trade and address innovation and new health technologies reaching the poorest of the poor, addressing policies that will be able to eliminate regulatory and IP barriers. *Laudato Si'* is undoubtedly a major pledge on the need to ensure a human rights approach. Access to medicines is a way of alleviating suffering and ensuring prevention, promotion and treatment of diseases and other conditions that affect human beings globally, with a stronger impact on neglected and vulnerable populations.

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Conflict of Interest

Authors have no potential conflict of interest to declare, related to this study's political or financial peers and institutions.



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