

Welcome

at Maastricht University



The Right to Enjoy the Benefits of Scientific Progress (REBSP)

- What does it mean for access to medicines?

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The right to enjoy the benefits of scientific progress as a human right

- Everyone has the right to share in scientific advancement and its benefits (Art. 27 UDHR)
- The States Parties recognize the right of everyone to enjoy the benefits of scientific progress and its applications (Art. 15(2) *International Covenant on Economic, Social and Cultural Rights* (ICESCR)).
- ICESCR ratified by South Africa in January 2015; enters into force for SA April 2015.
- SA will be held accountable by the UN.

Rights and Obligations

- The right to the highest attainable standard of physical and mental health includes the right to the treatment of diseases and access to medicines (Art. 12 ICESCR).
- Accessibility includes: physical, economic and non-discriminatory access.
- General obligation for states to realize progressively socio-economic rights to the maximum of available resources, by all appropriate means (Art. 2(1) ICESCR).

- Steps to be taken by a state must be deliberate, concrete and as targeted as possible to realize the rights.
- With a view to making medicines available and accessible, states have an obligation to create an enabling environment which aims at stimulating and facilitating research for new medicines by universities and companies.

- The REBSP entails a right for individuals to have a legislative and policy framework adopted which aims at making the benefits of scientific progress available and accessible.
- No enforceable right for the treatment of TB.
- The obligation is primarily on the state.
- Compare with *Grootboom* and *TAC* cases: implementation of court judgments.

Obligations/Responsibilities for other actors

- Corporations: human rights law does not bind corporations; however, they have a social responsibility to also engage in activities for the promotion of public health.
- Universities: partnerships with companies for the development of new medicines. Example: UCT's Discovery and Development Centre and Novartis (2013).
- Rich states: strengthen the research capacity in the South (promote the transfer of scientific knowledge).