

From: victor jere <victor_jere@yahoo.com>
Date: Wed, 10 Sep 2008 03:33:27 -0700 (PDT)
To: <info@sahringon-tz.org>
Subject: Access to medicines project

Dear Colleague,

On behalf of the AIDS and Human Rights Research Unit (at the University of Pretoria) and the Programme on Information Justice and Intellectual Property (at the Washington College of Law), I am contacting you to request that you provide us with some information related to access to medicines and the right to health in your country.

As you might be aware, from 10-24 November 2008, the African Commission on Human and People's Rights will be holding its 44th Ordinary Session in Abuja, Nigeria. We plan to take the opportunity of this session to engage with the African Commission on the situation of the right to health in Africa with specific reference to the right to access to medicines. That engagement with the African Commission will be aimed at:

(1) requesting the adoption by the African Commission of a resolution identifying the right to health and specifically access to medicines as a human rights concern and outlining the normative standards for promoting, protecting and fulfilling this right under the African Charter on Human and People's Rights (the Charter); and

(2) Initiating a process towards the establishment of a Working Group on access to medicines and the right to health or the clear incorporation of these rights into the mandate of an existing Working Group to further explore their content and monitor their implementation at national level.

Prior to the African Commission Session, we hope to take advantage of the NGO Forum to be held from 7-9 November 2008 to distribute a draft of the original submission to garner widespread support among civil society organisations present at the NGO Forum.

As part of this process, we are currently contacting a wide variety of NGOs working on health related issues in Africa to learn how they are addressing access to medicines issues and document some of the key challenges to the realisation of the right to access to medicines in their national or regional context.

We will therefore be sincerely grateful if you could fill the attached questionnaire and send it back to the following email address victor_jere@yahoo.com by 20 September 2008.

We are looking forward to hearing from you.

Best regards,

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Survey - Access to Medicines in Africa

Date: Personal Information

| |
|-----------------------------|
| Name: _____ |
| Name of Organization: _____ |
| Email: _____ |
| Phone Number: _____ |

1. What does your organization consider to be the biggest challenge to achieving universal access to essential medication?

- Discrimination and denial of access for members of certain groups (prisoners, commercial sex workers, immigrants, non-nationals, plhiv, women...)?

If yes, please elaborate on how the discrimination and denial of services is manifested.

- Problem of physical access to health care facilities?

If yes, please elaborate.

- Poverty and lack of economic accessibility to medicine?

If yes, please elaborate.

- Lack of government commitment to ensure access to medicine?

If yes, please elaborate.

- Any other reason?

If yes, please elaborate.

2. With regard to access to medicines, under which of the following issue areas does the majority of your organization's work fall?

- Non-Discrimination
- Physical Access
- economic accessibility, or
- information

a. If your organization focuses on non-discrimination, which minority groups does your organization primarily work with:

- PLWA
- Women
- Prisoners
- Indigenous populations
- Slum-dwellers/shantytown Residents
- Youth
- Other: _____
- _____

b. If your organization focuses on physical access, how does your organization address the problem:

- Mobile clinics/direct Service provision
- Advocacy
- Other: _____
- _____

c. If your organization focuses on economic accessibility, how does your organization address the problem:

- Advocacy - On what issues?
 - Drug pricing
 - Compulsory Licenses
 - Parallel Importing
 - Reduction of import duties
 - Other: _____
- Fundraising
- Other: _____

d. If your organization focuses on providing accurate information, what is the primary means by which your organization deals with this information:

- research
- dissemination of materials (written)
- workshops (oral)
- community outreach
- other: _____

3. In doing your work, what is your organization's audience?

- Local Community
- State
- Regional-Africa
 - Collaborative efforts with other NGOs
 - Regional organizations
 - Other:
- International:
 - International organizations
 - Pharmaceutical companies
 - Other:

4. Does your organization interact with the State in any way (e.g. lobbying, advocacy, participation in legislative processes):

- Yes
- No

If yes, which of the following duties does your organization help the State address and how:

- Duty to Respect:
 - Reporting/Naming and shaming
 - Advocacy (for or against the State's practices)
 - Other:
- Duty to Protect:
 - Advocacy (for rights that are not being met)
 - Reporting (on third party interference or a State's neglect in limiting third party interference)
 - Other:
- Duty to Fulfill:
 - Lobbying (for appropriate legislative, administrative, budgetary, judicial, and other measures)
 - Involvement in the legislative process
 - Protest
 - Other:

5. Is your organization involved with the international effort at achieving access to medicines?

- Yes
- No

6. Is your organization familiar with the following international treaties/obligations?

- WHO Essential Medicines List
- TRIPS Agreement
- TRIPS flexibilities
- African Charter obligations (especially, the right to health)
- International Covenant on Economic, Social and Cultural Rights

a. Does your organization utilize the norms provided in these instruments as part of your efforts (either as part of an international initiative or otherwise)?

- WHO Essential Medicines List
- TRIPS Agreement
- TRIPS flexibilities
- African Charter obligations
- International Covenant of Economic, Social and Cultural Rights
- Other:

7. Having answered the above questions, is there one of your organization's projects or programs (that was particularly successful or unsuccessful) that you wouldn't mind describing in more detail?

8. Is there anything else you would like to share about your organization and its efforts at promoting and providing access to medicines?

9. Do you have any final suggestions or recommendations as we move forward with the first draft of the general grievance for the African Commission?