

HAIAP 40 years

Right to Health in Sri Lanka: struggle for past two decades

Professor Manuj C Weerasinghe

Faculty of Medicine

University of Colombo

Sri Lanka

Few interventions during last two decades

- IPP and medicine (2003)
- Medicinal Drugs Policy (2005)
- Private Medical Institutions Regulation (2006)
- NMRA Act- 2006- 2015
- Health as a Constitutional Right (2002-to date)
- Independence of NMRA (2016 & 2021)



Public interest litigation and IPR bill 2003



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

INTELLECTUAL PROPERTY
ACT, No. 36 OF 2003

[Certified on 12th November, 2003]

Printed on the Order of Government

Published as a Supplement to Part II of the Gazette of the Democratic

- Initial bill- devoid of two crucial relief given by the Doha declaration to preserve public health-
Compulsory licensing and Parallel imports
- Three parties petitioned Supreme court against the bill
- SC ruling- To include those two provisions

National Medicinal Drug Policy (2005)

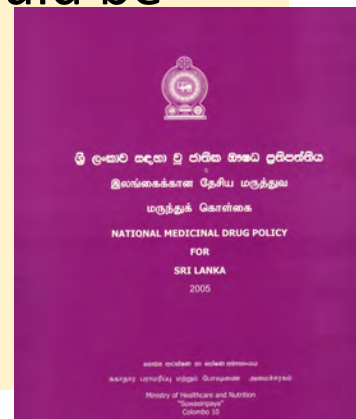
The objectives of the Sri Lankan National Medicinal Drug Policy are (2005)

1. To ensure the availability and affordability of efficacious, safe and good quality medicines relevant to the health care needs of the people in a sustainable and equitable manner.
2. To promote the rational use of medicines by healthcare professionals and consumers.
3. To promote local manufacture of Essential Medicines.

Affordability and Equitable Access

A Pricing Policy/Mechanism should be adopted to ensure affordability. **Retail pricing should be based on a dispensing fee rather than *cost+markup*.**

Legislation requiring generic prescribing and allowing cost-effective generic substitution with the consent of the patient (and where possible informing the doctor) should be enacted.





**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**NATIONAL MEDICINES REGULATORY
AUTHORITY ACT, No. 5 OF 2015**

MAY 5, 2014 / AUTHOR: COLOMBO TELEGRAPH / 14 COMMENTS

National Medicinal Drugs Regulatory Authority Bill Violates National Medicinal Drugs Policy



The draft National Medicinal Drugs, Devices and Cosmetic regulatory Authority bill clearly violates the principles and directives given by the National Medicinal Drugs Policy of Sri Lanka, Professionals concerned on the threat to the Health of the Nation said today.

Writing to the Health Minister, the Peoples' Health Forum today accused the minister for not officially circulating the draft bill which is scheduled to be presented to the Cabinet on 8th May to any individuals or professional organizations for comments.



Sunday Times (Sri Lanka)

PMRP says new Bill a distortion of Bibile policy

1 Jun 2014

The People's Movement for the Rights of Patients has rejected the new Medicinal Regulation Bill as a distortion of and insult to the policy of Prof. Senaka Bibile.

A PMRP spokesman said a comprehensive national medicinal drugs policy based on Prof. Bibile's essential medicines concept had been ap-

proved by Cabinet as far back as October 2005. After more than eight years of delays and the mysterious disappearance of the draft bill, a new bill was presented to Cabinet in March.

The spokesman said there was suspicion as to who had drafted this bill with some speculation that it was

done by a controversial official who is alleged to have connections with transnational drug companies.

The spokesman said the original policy had called for the appointment of an independent National Medicinal Drugs Regulatory Authority to drastically reduce the record number of drugs now regis-

Pharma Mafia sabotages National Medicinal Drugs Policy

29 September 2014 08:20 pm 0 - 1552

Google Bookmark

Facebook

+ More

A A A

A tragic story as we commemorate the death anniversary of Prof. Senaka Bibile

BY
K. K. S.



Regulating Private Health.....(2006).....



- Documentation
- Furnishing information to council
- Minimum facilities
- Protection of employees
- Services provided
- Qualification, training of staff
- Disposal of refuse

Our proposal.....2016

“Each and every citizen has a **fundamental right to receive quality and quantitative and un-biased free medical attention for treatment** in case of a disease, ailment or accident and preventive and consultative services regarding communicable and non-communicable diseases under State expenditure”



Subcommittee Report on Fundamental Rights- 2016

Diluted version in the report

1. Every citizen has right to enjoy the highest attainable standards of physical and mental health and to have access to preventive and curative health care services through free health services provided by the state.
2. No person may be denied **emergency medical treatment**
3. The state shall take reasonable legislative and other measures with a view to achieve the progressive realization of the rights guaranteed by paragraph (1)

Private members bill in parliament- 26 July 2019

This Parliament proposes to enshrine in the Constitution the citizens' **right to health upholding the commitment of the State** to preserve that each and **every Sri Lankan has the right to obtain treatment and curative care** in the event of any sickness or accident, and right to obtain qualitative and equitable care, counselling and rehabilitative attention for the prevention of communicable or non-communicable diseases **free of charge under State expenditure.**

IN THE COURT OF APPEAL OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF SRI LANKA

1. People's Movement for the Rights of Patients (PMRP),
214/3, Hospital Road,
Kalubowila,

CASE NO: CA/WRIT/208/2016

FEBRUARY 3, 2016 / AUTHOR: COLOMBO TELEGRAPH / 11 COMMENTS

Patients Rights' Movement Urges Rajitha Not To Remove
Chairman And CEO Of NMRA



The People's Movement for the Rights of Patients has today said the organisation is greatly concerned to learn from media reports that the Chairman and CEO of the National Medicines Regulatory Authority (NMRA) have been requested to resign.

"Our attempts to contact the Health secretary to clarify the reason for this sudden move was futile and we have yet to receive any update. When contacted the Director General of Health Services (DGHS), who is an ex-officio of the NMRA council, too was unaware of this development as he had been away and only returned on 1st February morning from abroad." the People's Movement for the Rights of Patients (PMRP) said in a statement



Conclusion

The appointment of the 3rd respondent as a member of the National Medicines Regulatory Authority by document marked D amended by R10, and the appointment of the 3rd respondent as the Chairman during that period covered in the said documents, and the appointment of the 4th respondent as the Acting Chief Executive Officer by document marked M are bad in law and therefore null and void *ab initio*. I quash those appointments by way of writ of certiorari.

Application of the petitioner is allowed with costs.

News

Patients movement files FR petition objecting to arbitrary removal of NMRA board members

View(s): 179

The People's Movement for the Rights of Patients (PMRP) on Friday filed a Fundamental Rights application in the Supreme Court, against the arbitrary dismissals of board members of the National Medicines Regulatory Authority (NMRA) by the Health Minister and the State Minister of Pharmaceutical Products.

In the strongly worded petition, the PMRP said the board members were removed

without giving reasons, and purportedly for refusing to approve the use of COVID-19 vaccinations without adequate data and approvals from expert committees as was required.

The petition said the experts' views were prudent especially during a pandemic, to ensure the safety of Sri Lanka's people by only providing efficacious, safe and good quality medicine.

Struggle will continue.....