EQUAL treatment

Magazine of the Treatment Action Campaign November 2011

LUNGISANI IMITHETHO– SINDISANI IZIMPILO ZETHU!

Yibani nolwazi: Izincwadi ezilula kubanikazi kanye nokujwayelekile

Isebenza kanjani: Kungani ukulungisa Umthetho Welungelo Lobunikazi (Patents Act) kuzosindisa izimpilo

Amaphilisi nezinzuzo: Iqiniso ngezinkampani zemithi

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Sibonga ngokukhethekile ku-Jonathan Berger we-SECTION27, u-Brook Baker we-Northeastern University School of Law naku-Yousuf Vawda we-University of Kwazulu-Natal ngokubukeza ama-athikili aleli hlelo le-Equal Treatment. Siyabonga futhi kuzishoshovu e-Indiya, Brazil, Thailand nakwamanye amazwe amaningi ezingafunda siphinde sikhuthazeke kuwe.

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Ukuhumusha: Bohle Conference and Language Services

I-TAC izinikele ekuhlinzekeni abantu abane-HIV, imindeni yabo kanye nabanikezeli bokunakekela ulwazi olungenaphutha ngemithi esindisa impilo kanye nokwelashwa. I-TAC kanye nabaholi bayo bazimele abekho embonini eyenza imithi yezokwelapha kanjalo nezimboni zemithi yemvelo kanye nehlukile futhi ayinatshisekelo yemali kuzo

Leli hlelo le-Equal Treatment lixhaswe ngezimali yi-Global Fund to Fight AIDS,, Tuberculosis and Malaria, kanye ne-Oxfam Australia.

Leli phephabhuku liyatholakala futhi ngesiTsonga, isiXhosa nesiNgisi.

Ungakhiphela la mahlelo e-Equal Treatment kanye nawangaphambilini kuleli kheli: www.tac.org.za/community/equaltreatment/

TAC TREATMENT ACTION CAMPAIGN

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OKUQUKETHWE

Ihlelo 41 – Novemba 2011
isiZulu

amakhasi 1–11

Izisekelo zelungelo lobunikazi
Amalayisense abanikazi nayimpoqo ayasho ukuthi yimiphi imithi egcina emtholampilo nasemizimbeni yethu. Emva kwencwadi elula kubanikazi, sihlola ukuthi imithi ejwayelekile izisindise kanjani izimpilo ngokwehlisa amanani entengo. Phakathi nalawo ma-athikili amabili, sinikezela imibono exakekisa ingqondo yokuthi izinkampani zemithi zenza malini.

amakhasi 12–17

Kufanele ushintshwe kanjani umthetho
- Uhulumeni angasindisa izimpilo eziningi kanye nemali eningi ngokwenza izinguquko ezimbalwa emithethweni yelungelo lobunikazi. Sibala izinguquko ezinhlanu ezibaluleke kakhulu ezidinga ukwenziwa nokuchaza ukuthi izivumelwano zamazwe omhlaba zinikeza uhulumeni waseNingizimu Afrika kanjani ilungelo lokusebenzisa lezi zinguquko.

amakhasi 18–28

Yithi cha kubaqoneli
I-United States ne-European Union babeka amazwe amaningi kungcindezi yokusayina izivumelwano zohwebo ezimbi empilweni yomphakathi. Sibheka ukuthi ezinye izizwe ziziphindisele kanjani futhi zanqoba ngokunqoba okubalulekile. Kodwa kuqala, sininika okwenzekile ku-TRIPS kuhlanganiswa nezinqubomgomo – izindlela ezingaba nomthelela omubi kakhulu empilweni yomphakathi.

Isithombe ngu-Deena Bosch.

Umbiko womhleli

Izimpilo zethu ngazinye ziye zaphazamiseka ngokufinyelela emithini noma ngokungabi bikho kwayo. Kukhona isikhathi lapho sonke, noma mhlawumbe omunye umuntu emndenini wethu, eke wadinga khona imithi yokwelapha isifo noma isimo esingapheli. Kodwa-ke, imithi eminingi ebalulekile ayitholakali engxenyeni kahulumeni ngenxa yokubiza kwayo kakhulu. Ngakho-ke, ukukwazi kwethu ukuthola le mithi kaningi bekunqunywa ukuthi ingabe sinobulungu bosizo lokwelashwa yini noma singakwazi yini ukukhokhela imithi ngaphambi kokuyithola.

Ilungelo lempilo livikeleke kuMthethosisekelo wethu. Kodwa-ke ikakhulukazi kwabampofu, izindleko eziphezulu zemithi kaningi zibukela phansi leli lungelo. Kuleli hlelo le-Equal Treatment sihlola ukuthi imithetho kazwelonke yezohwebo neyamazwe omhlaba, kanjalo nezivumelwano zohwebo empahleni yengqondo ebhaliwe, yenza kanjani ukuthi izinkampani ezenza imithi ibize amanani aphezulu emithi, ngomphumela wokuthi abacebile kuphela abakwazi ukuyikhokhela.

Umphumela wale mithetho yale mpahla ebhaliwe yilona abaningi abangawubiza ngokuthi izinzuzo 'eziyinkohlakalo' ezimbonini ezenza imithi. Okwamanje, izinombolo ezinkulu zemithi eshintsha impilo nesindisa impilo isalokhu ingatholakali kubantu abayidingayo.

Ukusuka ngonyaka ka-1995–2002, imboni eyenza imithi yayibekwe ezingeni lemboni enenzuzo kakhulu e-United States. Ngonyaka ka-2008 noka-2009, imboni iyaqhubeka nokuvela phakathi kwezingxenye zebhizinisi elinenzuzo kakhulu ezweni, lithatha indawo yesithathu kuyona yomibili iminyaka.

Ngesikhathi imboni eyenza imithi yayenza izinzuzo eziphezulu kunezinye izingxenye e-US, izigidi zabantu e-Afrika zazikhishelwe ngaphandle ekwelashweni ngezidambisigciwane, ingxenye eyayibangwa amanani entengo aphezulu ale mithi. Ngonyaka ka-2000, ungcweti owaziwa umhlaba wonke emkhakheni we-HIV/AIDS, u-Dkt Peter Mugyeni wase-Uganda, wathi ngokudumile ngesifo, "Isifo silapho imithi engekho khona".

Njengengxenye ebalulekile yelungelo lezempilo, imithi kufanele ibonwe njengokuhle emphakathini. Kufanele sonke-ke sizibuze ukuthi kungani umthetho wamazwe omhlaba uvikela izinzuzo zezinkampani ezenza imithi ngaphezu kokuvikela ukufinyelela emithini ebalulekile.

Ngaphezu kwezindleko eziphezulu zemithi kunomphumela oqhubekayo wemithetho evikela impahla ebhaliwe yengqondo: izinkampani ezenza imithi azivamile ukutshala ekwenzeni imithi yezifo ezingajwayelekile emazweni athuthukile. Imithi yalezi zifo ayinikezeli ngesikhuthazi esifanayo senzuzo njengalezo eziphatha abantu abacebile. Ngonyaka ka-2005 i-Global Forum for Health Research yahlambekisela ukuthi u-10% kuphela osebenzisa imali yamazwe omhlaba jikelele ocwaningweni lwezempilo okwakugxile ezifeni eziphatha abampofu kunabo bonke abangama-90% abantu bamazwe omhlaba.

Kodwa-ke, lapho imithetho yohwebo emazweni omhlaba ngempahla yengqondo ebhaliwe ihlulekile ukuthola ukufinyelela emithini ekhokhelekayo, kusenesizathu sokuthi sibe nethemba. Le mithetho ibandakanya izimali ezivumela ohulumeni ukuthi bavikele impilo yomphakathi ngokuthatha izinyathelo zokunciphisa amanani entengo yemithi. Nangale kwalokhu, amazwe amaningi (kubandakanya iNingizimu Afrika) ahlulekile ukwakha okunye kwalokhu kuhlinzeka emithethweni yabo kazwelonke ukuze bayisebenzise ngempumelelo. Uma uhulumeni wethu ezimisele ngokuvikela amalungelo empilo, lokhu kuhlinzeka kufanele kubhalwe eMthethweni weNingizimu. Kunjalo, ukuchibiyela Umthetho wobunikazi kuyingxenye ebalulekile kuphela yokuqinisekisa ukufinyelela ezimalini. Ezinye izindaba ezifana nokubhaliswa okuhamba kancane kwemithi, ukungasebenzi kahle kokuthengwa nokubhajetha, kanye nokushoda kwabantu abasebenzayo ohlelweni lwethu lwezempilo, kufanele nakho kubhekelwe.

Kuleli hlelo le-Equal Treatment sibheka ezichibiyelweni okufanele iNingizimu Afrika izenze emthethweni wethu welungelo lobunikazi ukunciphisa izindleko zemithi. Siyayigqamisa futhi ingcindezi eqhubekayo evela ku-European Union naku-United States ngezindlela zokuqinisa ukuvikeleka kwempahla ebhaliwe yengqondo emazweni athuthukayo. INingizimu Afrika kufanele imelane nalezi zindlela, okuzoqhubeka nokukhuphula izindleko zemithi kanye nezinzuzo zemboni eyenza imithi ngesikhathi ubeka imingcele yokufinyelela emithini esindisa izimpilo.

Uhulumeni waseNingizimu Afrika unesibopho somthethosisekelo sokwenza lezo zinguquko emthethweni wethu okuzoqinisekisa ukufinyelela emithini esindisa impilo. Sekuyisikhathi sokuthi senze ukuthi uhulumeni wethu aphendule.

U-Catherine Tomlinson, Umcwaningi Omkhulu, Treatment Action Campaign

LUNGISANI IMITHETHO-SINDISANI IZIMPILO ZETHU

Isithombe ngu-Alon Skuy.

“Isigaba 27. Ukunakekelwa kwezempilo, ukudla, amanzi kanye nokuvikeleka komphakathi

(1) Wonke umuntu unelungelo lokufinyelela
  (a) ezinsizeni zokunakekelwa kwezempilo, kubandakanya ukunakekelwa kwezempilo okukhiqizwayo;
  (b) ekudleni nasemanzini anele; kanye
  (c) nokuvikeleka komphakathi, kubandakanya, uma bengakwazi ukuzondla ngokwabo kanye nabantu ababondlayo, usizo lomphakathi olufanele .

(2) Uhulumeni kufanele athathe izindlela zomthetho ezikahle kanye nezinye*, ngezidingongqangi ezikhona, ukuze azuze ukubona okuqhubekayo ngakukodwa kula malungelo.

(3) Akukho muntu ongenqatshelwa ukwelashwa kwesimo esiphuthumayo.”

Umthethosisekelo weRiphabhliki yaseNingizimu Afrika

***Eyodwa yale ndlela yomthetho ekahle uhulumeni okufanele ayithathe ngokushesha ukushintsha Umthetho Welungelo Lobunikazi weNingizimu Afrika njengokuqinisekisa ukufinyelela emithini abakwaziyo ukuyikhokhela.**

Izinguquko zomthetho uhulumeni okudingeka ukuthi azenze zivunyelwe ngokungaphansi komthetho wamazwe omhlaba. Ngokwandisa umncintiswano ojwayelekile, lezi zinguquko zizosiza ukwehlisa amanani entengo emithi ebalulekile. (Funda kabanzi ngemininingwane yalezi zinguquko emakhasini 12–17.)

Uma uhulumeni ehluleka ukuhlangabezana nezibopho zakhe zomthethosisekelo maqondana nalokhu, udaba kungenzeka lusiwe enkantolo. Uma kwenzeka lokhu, kungenzeka ukuthi inkantolo iyalele uhulumeni ukuthi enze lezi zinguquko eMthethweni Welungelo Lobunikazi weNingizimu Afrika.

YAZI UMSEBENZI WAKHO

Ubushoshovu obuhle buqala ngemfundo enhle.Nanka amatemu abalulekile ayishumi okudingeka ukuthi siwaqonde kulo mkhanka-so ukuze sishintshe umthetho welungelo lobunikazi:

Abanikazi ikhasi 4

Amalayisense okuzithandela ikhasi 5

Amalayisense ayimpoqo ikhasi 5

I-TRIPS-plus ikhasi 20

Ukuphikisa kwangaphambi nangemuva kwesibonelelo ikhasi 20

I-Doha Declaration ikhasi 13

Imithi ejwayelekile ikhasi 8

Imithi engaphansi kwabanikazi ikhasi 8

i-TRIPS ikhasi 13

Amazinga obunikazi ikhasi 14

Ngu-Alice Hyewon Won

Amalungelo obunil

Yini amalungelo obunikazi?

Uma unelungelo lobunikazi bomuthi, noma uhlelo lwenqubo yomuthi, nguwe kuphela ovunyelwe ukwenza lowo muthi noma unqume ukuthi ubani omunye ovunyelwe ukuwenza. Ubunikazi uhlobo lwelungelo lakho wedwa noma ibhizinisi lomuntu oyedwa ngaphansi kwalo umuntu oyedwa noma inkampani engenza noma ithengise umkhiqizo othize oshiwo - ukusuka emithini eguqukayo ukuya engxenyeni eyenza amaselula ukusuka ezinhlelweni ezintsha zokwenza ukuya kumakhompawundi amakhemikhali.

Imonopholi kanye nelungelo lobunikazi kuvamise ukusho amanani entengo aphezulu, njengoba ukuba khona kwakho kuvimbela ukuncintisana. Empeleni, uma inkampani inemikhiqizo enelungelo lobunikazi bawo ingafuna nanoma yiliphi inani lentengo abantu abafunayo ukulikhokha, nangale kokuthi kubiza malini kahle hle ukwenza lo mkhiqizo. Lesi ngesinye sezizathu ezinkulu zokuthi kungani imithi emisha ibiza kangaka. Okwamanje, ilungelo lobunikazi obuningi kakhulu buhlala iminyaka engama-20. Isikhathi sempilo yobunikazi sasivamise ukuba sifushane kakhulu emazweni amaningi ngaphambi kuka-1994, i- World Trade Organization TRIPS Agreement. Impela emazweni amaningi imikhiqizo yezemithi neyezolimo yayingenalo ilungelo lobunikazi. (Funda kabanzi ku-TRIPS ekhasini 13.)

Kungani ohulumeni benikeza ilungelo lobunikazi?

Okokuqala, ubunikazi bunikezwa ukuze kuqinisekiswe ukuthi izinkampani azifihli izimfihlo zazo ezintsha. Isibonelo, uma ufaka isicelo sobunikazi ngomuthi omusha, kufanele ulethe ulwazi onalo ngokuthi yini ekulowo muthi. Ezinye izinkampani sezingakwazi ukusebenzisa lolo lwazi uma buphela ubunikazi eminyakeni engama-20.

Okwesibili, ubunikazi babusho ukuthi buyisikhuthazi sezinto ezintsha ezenziwayo. Uma izinkampani bezingeke zikwazi ukuthola ubunikazi, bezingeke zitshale isikhathi esiningi nemali kangako ekucwaningeni imikhiqizo emisha. Ngaphandle kohlelo lobunikazi, izinkampani ezivilaphayo zingavele zihlale zilindele ezinye ukuthi zenze ucwaningo bese zikopisha umsebenzi wazo. Umqondo wukuthi ubunikazi kufanele buklomelise ucwaningo nentuthuko.

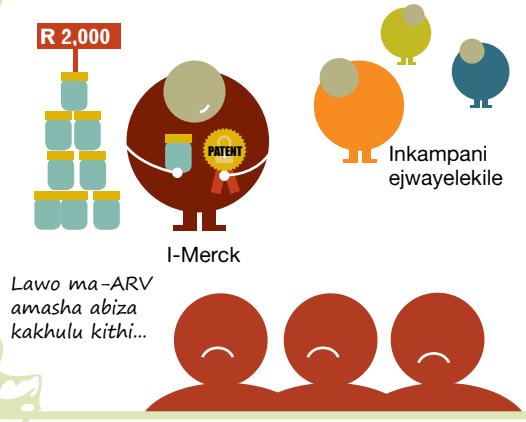
Kodwa-ke, uhlelo lobunikazi kaningi luyaxhashazwa. Izinkampani zivamise ukubiza amanani entengo aphezulu kunokuba kudingeka ukuthi zibuyise imali eziyitshalile ocwaningweni. Kwezinye izimo, amanani entengo aphezulu emithi enobunikazi isetshenziswa ukwenza izinzuzo eziphezulu.

Yini amalayisense okuzithandela?

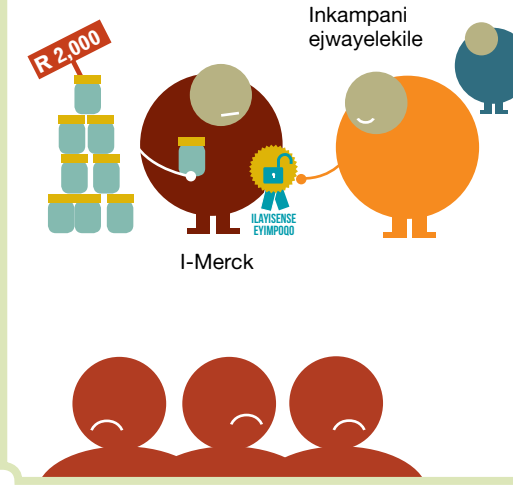
Uma unelungelo lobunikazi emkhiqizweni, akekho omunye umuntu ongawenza lowo mkhiqizo. Umehluko owodwa ukuthi uma omunye umuntu noma inkampani encintisanayo inelayisense. Kunezinhlobo ezimbili zamalayisense: amalayisense okuzithandela kanye namalayisense ayimpoqo.

Ilayisense yokuzithandela yileyo lapho umuntu onelungelo lobunikazi enikeza omunye umuntu ukuthi enze umkhiqizo othize anelungelo lawo lobunikazi . Ngokusebenzisa le layisense, umuntu onikwe ilayisense kuvamise ukuthi akhokhe iroyalthi kumnikazi welungelo lobunikazi. Emithini le royalthi ivamise ukuba ama-5 ukuya kuma-15% enani lentengo elibizwa yinkampani yesibili ngomkhiqizo. La malayisense siwabiza ngawokuzithandela ngenxa yokuthi umnikazi welungelo lobunikazi akaphoqiwe ngumthetho ukubanikeza.

Izinkampani ezinkulu ezenza imithi zinikeza amalayisense ambalwa okuzithandela. Lokhu kungenxa yokuthi



Isidambisigciwane esibalulekile esisha esibizwa ngokuthi i-raltegravir senziwa yinkampani eyenza imithi i-Merck. Ngonyaka ka-2002 i-Merck yabhalisa ilungelo layo lobunikazi emuthini. Lokhu kusho ukuthi kuze kube unyaka ka-2022 yi-Merck kuphela engenza noma ithengise i-raltegravir. Angeke silinde isikhathi eside kangako ukuthi amanani entengo ehle.



kazi enziwe lula

bangenza imali eningi njengomkhiqizi kuphela womuthi othize. Uma inkampani inikeza amalayisense amaningi okuzithandela, kube nokuncintisana okuningi, bese amanani entengo emithi yayo esehla. Kungenxa yalokhu umphakathi ubeka izinkampani ezenza imithi engcindezini yokukhipha amalayisense okuzithandela emithini ebalulekile.

Ngonyaka ka-2007 i-Treatment Action Campaign (TAC) ne-AIDS Law Project (ALP) bafake isikhalazo nge- South African Competition Commission ebhekiswe ku-MSD (Pty) Ltd ngokwala ukukhipha ilayisense yokuzithandela ukukhiqiza umuthi oyisidambisigciwane i-efavirenz. I-MSA inkampani encane yaseNingizimu Afrika yenkampani eyenza imithi i-Merck. Ngokusebenzisa isikhalazo kanye nomkhankaso wabezindaba we-TAC kanye ne-ALP kwabeka ingcindezi enkulu ku-MSD. Ingcindezi yasiza ngokuhamba kwesikhathi phakathi nonyaka ka-2008 i-MSD yanikeza amalayisense okuzithandela kubenzi abajwayelekile abane.

Njengoba abantu abaningi bengasezweli kuzidambisigciwane ezikhona njengamanje ohlelweni lwethu lwezempilo lukahulumeni, isidingo semithi emisha njenge-raltegravir kulindeleke ukuthi sikhule. Uma amanani entengo e-raltegravir ehleli ephezulu (njengamanje ngaphezu kuka-R2000 ngenyanga), izishoshovu noma abenzi abajwayelekile kuzofanele ukuthi bacele i-Merck ukuthi inikeze ezinye izinkampani amalayisense okuzithandela ukuze amanani entengo ezokwehla.

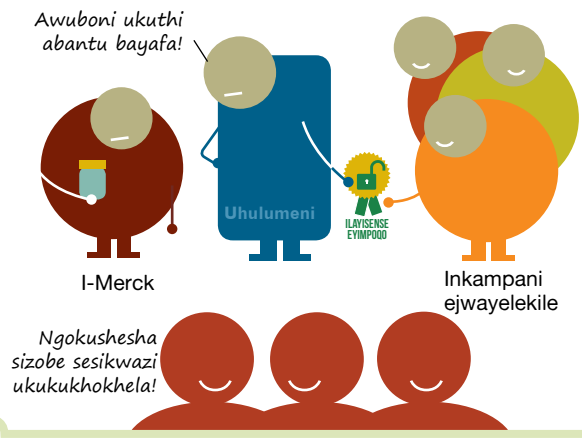
Yini amalayisense ayimpoqo?

Izinkampani zingabekeka engcindezini, kodwa angeke ziphoqelelwe ukuthi zinikeze amalayisense okuzithandela. Kodwa-ke, lukhona olunye uhlobo lwamalayisense: ilayisense eyimpoqo, engaqiniswa umthetho. Ngala malayisense umuntu onelungelo lobunikazi akukho angakusho futhi uhulumeni noma izinkantolo zingakhipha amalayisense kubenzi abajwayelekile, abazonikezela ngomuthi ngenani lentengo eliphansi.

Amalayisense ayimpoqo ayindlela yokubhalansisa amalungelo omphakathi namalungelo omuntu onelungelo lobunikazi. Isibonelo, enhlekeleleni yezempilo yomphakathi njengobhubhane lwe-HIV, uhulumeni anganquma ukuthi impilo yezakhamuzi zakhe ibaluleke kakhulu kunamalungelo omuntu onelungelo lobunikazi bese ekhipha ilayisense eyimpoqo. Uma inani lentengo yomuthi osindisa izimpilo liphezulu kakhulu kunokukahle, uhulumeni angangenelela, anikeze abenzi abajwayelekile amalayisense ayimpoqo ukuthi bakhiqize lowo muthi. Ngamalayisense okuzithandela, umuntu onelungelo lobunikazi ukhokhelwa amaroyalthi ukuze abhekele ukulahlekelwa kwelungelo lakhe elikhethekile lokumaketha.

Amalayisense ayimpoqo avunyelwe ngaphansi komthetho wamazwe omhlaba. Kodwa-ke, kunzima njengamanje ukuthi izinkantolo zikhiphe lawo malayisense eNingizimu Afrika ngenxa yezinkinga ngomthetho wethu kazwelonke welungelo lobunikazi. Kulula ukuthi uhulumeni akhiphe amalayisense ayimpoqo, kodwa isifiso ngakwezepolitiki asikho. (Bona ikhasi 12 ukuze uthole ulwazi oluthe xaxa ngokuthi umthetho wethu kufanele ushintshwe.)

Ngonyaka ka-2006 no-2007 i-Thailand ne-Brazil yakhipha amalayisense ayimpoqo e-efavirenz emva kokuhluleka ukuxoxisana ngokwehliswa kwamanani entengo nomuntu ophethe ilungelo lobunikazi, i-Merck. Lona ngumuthi ofanayo iNingizimu Afrika eyayithole amalayisense okuzithandela khona ngenxa yengcindezi eyayivela ku-TAC naku-ALP. Bobabili i-Brazil ne-Thailand bazinikela ezinhlelweni zikazwelonke zokwelapha i-HIV/AIDS, bethembisa ukufinyelela jikelele kuma-ARV kweziguli emazweni azo. Lapho i-Merck yala ukwehlisa amanani entengo e-efavirenz ngokwanele, ohulumeni bawo omabili amazwe babona ukuthi angeke bakwazi ukufeza izibopho zabo ezinhlelweni zikazwelonke zokwelapha futhi bazobhekana nenhlekelele yempilo yomphakathi. I-Brazil ne-Thailand bakhipha amalayisense ayimpoqo, ebavumela ukuthi balethe izinhlobo ezejwayelekile ezishibhile ze-efavirenz evela e-Indiya.



Uma i-Merck yala ukubanika amalayisense okuzithandela ngemibandela ezwakalayo, uhulumeni waseNingizimu Afrika angangenelela bese ebanika amalayisense ayimpoqo kwezinye izinkampani zemithi. Lokhu kuzokwandisa ukuncintisana kanye namanani entengo aphansi. Umthetho Welungelo Lobunikazi waseNingizimu Afrika kufanele ushintshe ukuze wenze uhlelo lokunikezelwa amalayisense ayimpoqo kube lula.

AMA-PHILISI NENZUZO

IMALI ISIYONKE YEZINKAMPANI EZINHLANU EZIPHEZULU EZENZA IMITHI

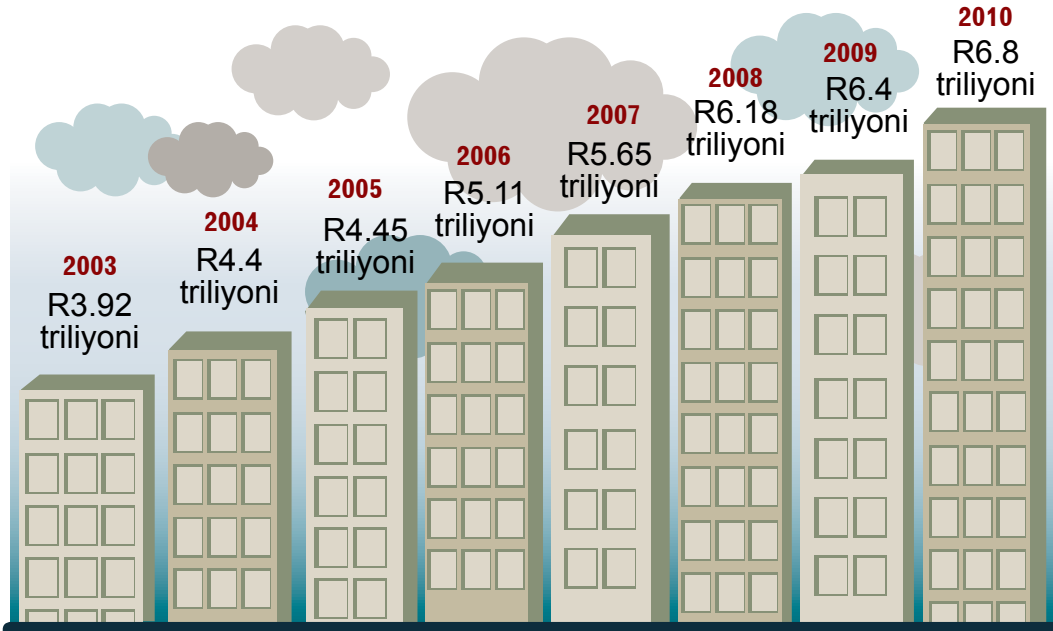
Johnson & Johnson
R425.77 bhiliyoni

Pfizer
R343.99 bhiliyoni

Roche
R325.7 bhiliyoni

GlaxoSmithKine
R315.24 bhiliyoni

Novartis
R304.51 bhiliyoni

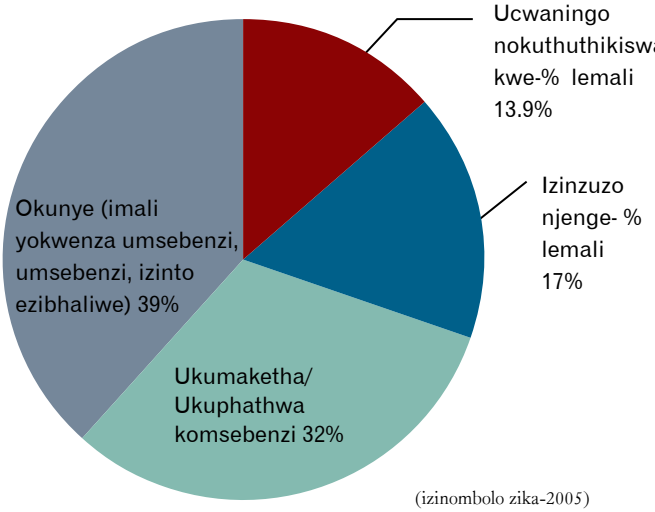


IMBONI YOKWENZA IMITHI EMHLABENI JIKELELE ILOKHU IKHULA

IMBONI EYENZA IMITHI IYISEBENZISA KANJANI IMALI YAYO

Izinkapani zemithi ziyaye zithi zidinga isikhathi selungelo lobunikazi eside ukuze ziqiniseke ukuthi zinemali eyanele yokwenza ucwaningo olusha. Kodwa njengoba leli shadi likhombisa, izinkampani ezenza imithi zabela imali eziyenzayo eningi kakhulu enzuzweni nasekumaketheni (nasemalini yokwenza umsebenzi, yomsebenzi kanye nezinto ezibhaliwe). Cishe ama-14% kuphela emali yabo engenayo aya ocwaningweni lwemithi emisha - ngisho ngabe lowo 14% kungenzeka ukuthi uhlanjekiselwe kakhulu, ngenxa yokuthi izinkampani zizihlela kanjani izinkokhelo zazo.

Izinkampani ezenza imithi ezinkulu kunazo zonke



(izinombolo zika-2005)

UBANI OTHOLA IMALI

OKUYISISEKELO KUBANIKAZI

Izinombolo zonyaka ukufika kuMashi 2010

U-R141 bhiliyoni
ngonyaka usetshenziswa
ekumaketheni
imithi

u-R82.54 bhiliyoni
uchithwa 'ekwenzeni imininingwane', noma ekuthumeni abathengisi ukuthi bayokhuluma nodokotela (le nombolo ifaka izipho ezifana nezinto zokubhala nokubhalela, amasampula emithi, ukudla kanye nohambo)

u-R32.33 bhiliyoni
'ekukhangiseni 'ngqo kubathengi':

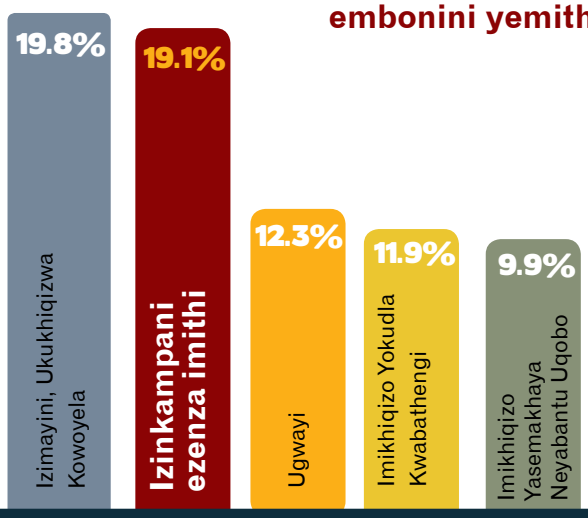
62% TV, 35% ukuphrinta, 3% ku-inthanethi

u-R16.51 billion
ekuxhaseni imihlangano ephrofeshinali nemicimbi

(izinombolo zika-2008)

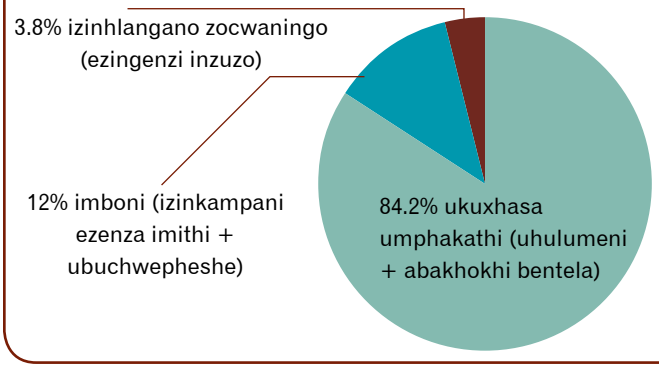
IMALI ESETSHENZISWA EMAZWENI OMHLABA JIKELELE EKUMAKETHENI

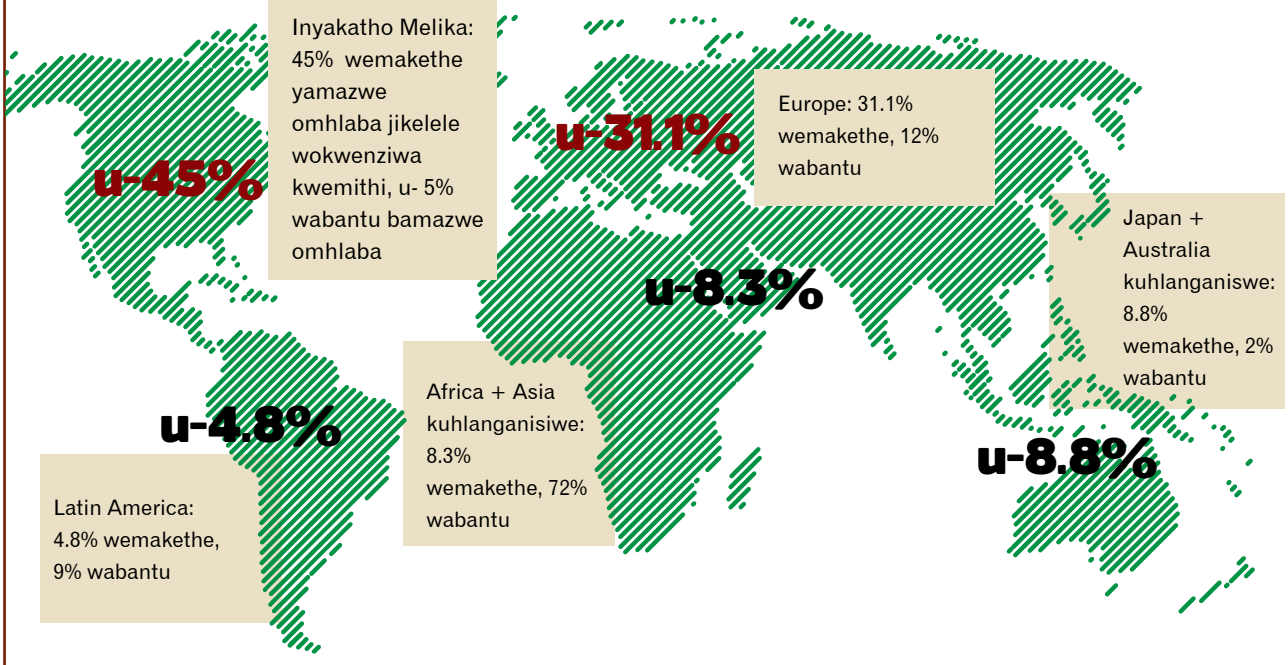
Zinkulu kangakanani izinzuzo embonini yemithi?



AMAMAJINI ENZUZO YINGXENYE YEMBONI

UBANI OKHOKHELA UCWANINGO LWEZINGUQUKO EZIBALULEKE KAKHULU KANYE NOKWENZIWA





LAPHO IZINKAMPANI EZENZA IMITHI EZENZA KHONA INZUZO

Imithombo: Brook K. Baker, Economics of the Pharmaceutical Industry presentation (2010); Leo Panitch and Colin Leys (eds), "Morbid Symptoms: Health Under Capitalism"(2010); Congressional Budget Office, "Promotional Spending for Prescription Drugs" (2009); Pharmaceutical companies' annual reports (2011).

KuNomzamo, ukuthola imithi ngokuvamile kuwukufezeka kwephupho.

Isithombe ngu-Chelsea Maclachlan.

IMITHI EJWAYELEKILE

Imithi ejwayelekile yimithi nje esebenza ngempumelelo njengemithi yezinhlobo zamagama enelungelo lobunikazi - kodwa ishibhile. Ngezinye sezizathu ezenza ukuthi uhulumeni akwazi ukukhokhela imithi yokwelapha i-HIV nokuthi kungani siqala ukwenza inqubekela phambili ukulwa nobhubhane. Eqinisweni, imithi ejwayelekile iyisikhali esibalulekile ekulweni nezifo eziningi.

Ngu-Elizabeth Vale

Abantu abaningi emazweni asathuthuka njengeNingizimu Afrika ancike emithini ejwayelekile abakwazi ukuyikhokhela ukuthi bahlale bephila.

Uhlobo lwamagama emithi ejwayelekile kanye nenelungelo lobunikazi

Umuthi onegama lohlobo lomuthi onelungelo lobunikazi (obizwa futhi ngokuthi umnikazi noma umsunguli) yilowo owenziwe inkampani eyenza lowo muthi noma enelungelo lobunikazi lalowo muthi. Isibonelo, inkampani eyenza imithi i-Merck inelungelo lobunikazi lomuthi oyisidambisigciwane i-efavirenz. I-Merck ithengisa i-efavirenz ngaphansi kwegama lomkhiqizo i-Stocrin. Ngakho-ke i-Stocrin siyibiza ngesihumusho se-efavirenz esinelungelo lobunikazi .

Umuthi ojwayelekile ikhophi efana noma efana ngokwezinga nomkhiqizo onelungelo lobunikazi. Uma imithi emibili inezinga elifanayo kusho ukuthi banomphumela ofanayo emzimbeni womuntu. Ngakho-ke, imithi ejwayelekile ifana nse nemithi enelungelo lobunikazi ngomthamo, ukuphepha, amandla, iqophelo kanye nokusebenza. Kuvamise ukuthi umehluko kuphela obalulekile phakathi kwayo kube amanani entengo. Isibonelo, i-Cipla, inkampani eyenza imithi ise-Indiya, kwenza isihumusho esejwayelekile se-efavirenz bese sithengiswa ngaphansi kwegama Cipla-Efavirenz. I-Cipla-Efavirenz isebenza ngempumelelo njengomuthi onelungelo lobunikazi i-Stocrin.

Kubenzi bemithi ejwayelekile ukuthi bathole indawo emakethe, kufanele bathengise isihumusho sabo somuthi ngaphansi komuthi onelungelo lokushicilela ofana nawo. Lokhu kungenziwa ukuthi igama lohlobo lomkhiqizo onelungelo lobunikazi kudala lusemakethe futhi seluvele lunabalandeli ngesikhathi umuthi ojwayelekile uba khona. Ngokuvamile kulula kakhulu ukuthi umenzi womuthi ojwayelekile athole isheya emakethe, njengoba imithi enelungelo lobunikazi kaningi ibiza ngokweqile.

Imithi ejwayelekile eminingi, amanani entengo aphansi

Imithi ejwayelekile yenza ukuthi kukwazeke ukukhokhela imithi esindisa izimpilo. Lokhu bakwenza okokuqala

OKUYISISEKELO KUBANIKAZI

ngokwethula umuthi ohlukile emuthini onelungelo lobunikazi oshibhile kunawo. Kodwa, ukuthi behlise kakhulu amanani entengo umuntu oyedwa oncintisanayo akenele - kudingeka abayisishiyagalombili noma isishiyagalolunye, inombolo ejwayeleke kakhulu ezimakethe ezinkulu. Emazweni asathuthuka lokhu kuvamise ukudinga ukufinyelela kusifunda noma ngisho ezimakethe zomhlaba jikelele, hhayi nje kuphela ezimakethe zabo ezincane, noma okungenzeka ukuthi zichakile.

Sibonga kakhulu emncintiswaneni wemithi ejwayelekile, inani lentengo lomugqa wokuqala wohlobo lokwelapha lwezidambisigciwane ezisebenza kakhulu (3TC/d4T/NVP) selwehle lusuka ngaphezu kuka-R5,000 ngenyanga ekuhambeni kweminyaka yo-1990, ukuya ngaphansi kuka-R50 ngenyanga namhlanje.

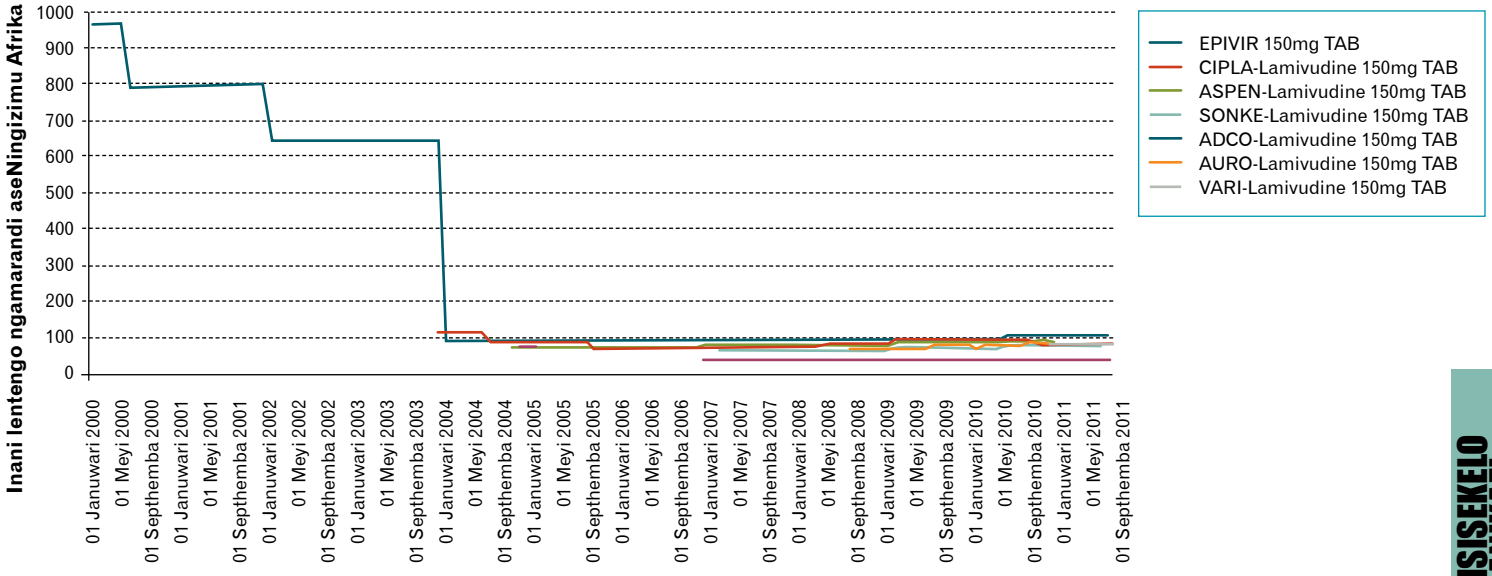
Ukuncintisana phakathi kwabenzi bemithi ejwayelekile abaningi emazweni lapho imithi yayingenalo ilungelo lobunikazi, ikakhulukazi i-Indiya, sekwehlise ukubiza kwemithi eyizidambisigciwane ngama-99% eminyakeni eyishumi eyedlule. Kodwa manje imithetho yohwebo lwamazwe omhlaba manje seludinga ilungelo lobunikazi emazweni angabakhiqizi ababalulekile, njenge-Indiya. Le mithetho yesabisa ukuncintisana kwemithi ejwayelekile futhi kungenza ukuthi kube nzima ukuthola imithi emisha. Nakuba kunokufinyeleleka okukwazekayo ukukhokheleka kuma-ARV enziwe ngaphambi kuka-1995, imithi eminingi emisha inelungelo lobunikazi kuwona omabili izwe laseNingizimu Afrika nasemazweni angenisayo ezweni nalawo akhiphela ngaphandle njenge-Indiya. Ngakho-ke, ngaphandle uma amazwe asathuthuka esebenzisa ukuguquguquka njengamalayisense ayimpoqo (bona ikhasi 5), abhekene “nengxaki yokwelashwa” maqondana nenani lentengo lemithi emisha.

Yini isithako esingasebenzi?

Isithako esisebenzayo yinto esemuthini esebenzayo empilweni – ngamanye amazwi, isithako esinomphumela emzimbeni womuntu. Umuthi uvamise ukuba nesithako esisebenzayo, esiwumuthi ngokwaso, kanye nesithako esingesiwo umuthi sokuhlanganisa umuthi (excipient), okuyinto yephilisi noma uketshezi lapho okuhlala khona umuthi. Ngesikhathi izithako ezisebenzayo zinomphumela wempilo emzimbeni, isihlanganisi esingasebenzi sisebenza njengesithwali esenza ukuthi umuthi kube lula ukuthi uhambe emzimbeni.

Ukuze kube nenzuzo, ukwenziwa kwemithi emisha kuncike ekunikezelweni kwelungelo lobunikazi kwezithako zabo ezisebenzayo noma imisebenzi yokwenza. Kulapho lamalungelo obunikazi ephelelwa yisikhathi kuphela, noma amalayisense anikeziwe, esingakwazi khona ukuthola imithi ejwayelekile esiyidingayo eshibhile.

Imiphumela yoMncintiswano Wemithi Ejwayelekile kuManani Entengo ye-Lamivudine (3TC) eNgxenyeni Ezimele eNingizimu Afrika



Le grafu ikhombisa ukwehla kwenani lentengo yamaphilisi angamashumi ayisithupha e-150mg lamivudine engxenyeni ezimele yeNingizimu Afrika phakathi kukaJanuwari 2000 noJulayi 2011. Ikhombisa amanani entengo ngesiguli ngasinye ngenyanga le-lamivudine. Eminyakeni eyi-11 eyedlule, inani lentengo le-3TC lehlile ngama-89% (ukusuka ku-R969.60 ukuya ku-R105.68) ngenxa yomncintiswano wemithi ejwayelekile. NgoDisemba ka-2003, umuthi ojwayelekile i- Cipla-Lamivudine yethulwa eNingizimu Afrika, kwehlisa inani lentengo yegama lohlobo olunelungelo lobunikazi i-3TC ngokushesha ngama-85%.

Isithombe ngu-Harsh Vardhan.

YAZI IZINCAZELO ZAKHO

Abantu kaningi badida imithi mbumbulu, imithi esemazingeni aphansi kanye nemithi ejwayelekile. Ukuqonda umehluko kubalulekile ngoba kusinika ithuluzi lokukhankasela ukufinyelela emithini ejwayelekile okuncike khona izimpilo zezigidi zabantu.

Imithi ejwayelekile

Umuthi ojwayelekile umuthi onomphumela ofana empilweni nomkhiqizo wasekuqaleni onelungelo lobunikazi. Uhloliwe futhi yiziphathimandla ezilawula imithi ukuqinisekisa ukuthi unokusebenza ngempumelelo okufanayo, ukuphepha kanye nokulingana nomsunguli womuthi. Umuthi ojwayelekile futhi unezithako ezisebenzayo ezifanayo nomkhiqizo onelungelo lobunikazi kodwa awenziwa yinkampani eyaqala yaba nelungelo lobunikazi kanye nokumaketha umuthi. Nakuba inemiphumela efanayo nemithi enelungelo lobunikazi, imithi ejwayelekile ishibhile.

Imithi enamagama ohlobo lomkhiqizo onelungelo lobunikazi

Njengomuthi onelungelo lobunikazi (futhi obizwa ngokuthi umnikazi noma umsunguli) yilowo owenziwe wavikelwa ngphawu lokuhweba. Lwenziwa yinkampani ewenzile noma leyo enelungelo lobunikazi lomuthi. Umuthi onelungelo lobunikazi uphephile futhi usebenza ngempilo njengomuthi ojwayelekile - kodwa awungcono. Ngokuvamile umuthi onegama lohlobo lomuthi olunelungelo lobunikazi ubiza kakhulu kunemithi ejwayelekile.

Imithi eyimithi mbumbulu

Imithi eyimithi mbumbulu imakethwa ukuze ibukeke ifana nemikhiqizo enegama lohlobo lomkhiqizo ngisho ngabe akufani. Isibonelo, uma umuntu ethenga amajini e-Levis, balindela ukuthi ibe seqophelweni elihle futhi ihlale isikhathi eside. Kodwa ngezinye izikhathi igama lohlobo lomkhiqizo i-Levis lifakwa epheyeni lamajini olungenziwa ngabenzi be-Levis. Ngenxa yokuthi sibona igama lohlobo lomkhiqizo, silindele iqophelo elifanayo, kodwa empeleni esikutholayo yi-Levis mbumbulu noma i-Levis eyisikhohlisi eyenza sengathi iyafana negama lohlobo lomkhiqizo ngisho ingesilo. Ngokwemibandela yomthetho, ukuthengisa izimpahla eziyisikhohlisi kubizwa ngokuthi ukwephulwa kophawu lokuhweba.

Uma lokhu kwenzeka emithini, kungenxa yesenzo sobugebengu esingekho emthethweni. Lo msebenzi awunakwenza nezinkampani zokwenza imithi ezisemthethweni ezikhiqiza imithi ejwayelekile noma ezinelungelo lobunikazi. Asiyifuni imithi eyimithi mbumbulu emakethe ngoba leyo mithi ayihloliwe, inamandla okulimaza futhi ithengiswa ngaphansi kobuzenzisi obungamanga.

Imithi esezingeni eliphansi

Imithi mbumbulu ngesinye isibonelo semithi esezingeni eliphansi. Kodwa-ke akusiyona yonke imithi esezingeni eliphansi ekhiqizwa ngokungekho emthethweni. Umuthi osezingeni eliphansi ungakhiqizwa umenzi osemthethweni, kodwa ungathathwa njengomuthi osezingeni eliphansi uma ungahlangabezani nezidingo zeziphathimandla ezilawula imithi ezifanele. Ngakho-ke ngesikhathi yonke imithi esezingeni eliphansi ibuzwa ngokulawulwa kweqophelo eliphezulu, imithi mbumbulu nayo iba ngukukhwabanisa.

Ama-ARV ashintsha izimpilo

Imithi eyizidambisigciwane ingaphezulu nje kwamaphilisi esifawaka emizimbeni yethu. Uma une-HIV, le mithi imele impilo ukuthi kungenzeka kube nempilo ende, nekhiqizayo. U-Elizabeth Mills ukhulume noNondumiso Hlwele kanye noNobuhle Qabazi ngomthelela wama-ARV ezimpilweni zabo.

Nobuhle Qabazi

Isithombe umusa we-Community Media Trust

Isithombe ngu-Elizabeth Mills

Nondumiso Hlwele

Ukuqala ama-ARV

"Lapho kufanele ngiqale izidambisigciwane (ama-ARV), kwakulula kimi ngoba ngangazi ukuthi ingane yami izosinda. Ngingumama wengane engenayo i-HIV manje ngenxa yokwelashwa. Nginamaseli e-CD4 anamandla futhi ngiyasebenza kanti ngiphilile. Ngiyaziqhenya ukusho ukuthi ama-ARV angisiza kakhulu," kusho uQabazi.

UQabazi nguMsebenzi Ofundisa Ngokwelashwa ku-Community Media Trust (CMT), inkampani yokukhiqiza yezindaba engenzelwe inzuzo.

UHlwele, naye osebenzela i-CMT, waqala ukwelashwa kwakhe ngezidambisigciwane ngesikhathi egula kakhulu ngonyaka ka-2002 . Uthi, " Nganginomzimba okhathele kanye nomqondo, ngangifuna nje into ezongenza ukuthi ngibe ngcono". "Amasonto amathathu emva kokuqala ama-ARV ngangiwuzwa umzimba wami uphila; manje ngasenginamandla okuzivocavoca [njengengxenye yohlelo lwami lokuzivocavoca ngangihamba ngezinyawo] ngiye emtholampilo esikhundleni sokugibela itekisi. Ukudla [ukudla] okunempilo kwasiza kakhulu nakho. Ngaqala ukucabanga kahle ngaba nethemba ngempilo yami futhi...Namhlanje ngiyasebenza. Ngiyafunda ngenza i-Diploma Kwezemfundo e-University of Cape Town kanti nginomfana oneminyaka eyisithupha ongenayo i-HIV ngenxa yokubambelela kwami emithini yami ."

Izinselele zokusebenzisa ama-ARV

"Ngangabaza ukuphuza ama-ARV ngenxa yezinkolelo zabanye abantu ukuthi awubuthi futhi azokulimaza," kuvuma uHlwele. "Ngesikhathi ngizwa ukuthi umzimba wami [awusavumi] impela, kwadingeka ukuthi ngenze isinqumo sami uqobo ngoba ngasengikhathele ukuhlala ngigula. Ngangifuna ukusinda nje. Kusukela ngoFebhruwari 2002, lapho ngiqala ama-ARV ami, azange ngibe nezinkinga ngomuthi wami.

Bengisebenzisa i- lamivudine (3TC), zidovudine (AZT) ne-nevirapine kusukela ngonyaka ka-2002 futhi angikawushintshi umuthi wami [akufani] nabangane … bami asebeshintshe imithi yabo eminyakeni eyedlule." UHlwele waqala ukuphuza ama-ARV ngesikhathi isibalo se-CD4 yakhe siwu- 1. Emva kweminyaka eyishumi, usesemithini yomugqa wokuqala. Isibalo se-CD4 yakhe manje sesingaphezu kuka-600.

UQabazi, ngakolunye uhlangothi, waba nemiphumela emibi kakhulu ibangwa ama-ARV: "Ngaqala ukwelashwa ngama-ARV ngoDisemba 2008 ngesikhathi ngikhulelwe. Isibalo sami se-CD4 sasiwu-249. Ngaphuza i-AZT, 3TC ne-nevirapine. NgoFebhruwari 2009, inyanga ngaphambi kokuba umntwana wami azalwe, amehlo ami aphenduka aba phuzi," ngixoxelwa uQabakazi. "Emva kokuba ngibelethile ngaya emtholampilo ngayobika [inkinga ngamehlo ami]. Ngadluliselwa e- GF Jooste Hospital, lapho engathola khona ukuthi ngangine-anemiya eyayibangwa i-AZT nobuthi esibindini obabubangwa yi-nevirapine. Bangiqalisa ngomuthi omusha: i- stavudine (d4T), lamivudine (3TC) ne-efavirenz. Kodwa khona lapho ngaba nemiphumela emibi. I-d4T yangibangela ukuhanjiswa futhi kwamafutha emzimbeni wami (okwaziwa nge-lipodystrophy) kwase kufanele ukuthi ngishintshwe futhi ngisuswe ku-d4T ngiye ku-tenofovir. Manje sengiphuza i-tenofovir, 3TC ne-efavirenz."

Umthetho nemithi oyiphuzayo

Umthetho kazwelonke kanye nezingxoxo zohwebo lwamazwe omhlaba kunomthelela wangempela emithini etholwa abantu abafana noHlwele noQabazi engxenyeni kahulumeni. Imithi eminingi manje esesiyithola ohlelweni lwezempilo lukahulumeni iyakhokheleka futhi ikhona ngenxa yobushoshovu besikhathi esedlule obenziwa yi-Treatment Action Campaign (TAC), ISIGABA 27 kanye nezinye izinhlangano ezikhankasela ukufinyelela emithini yokwelashwa. Ukuqinisekisa ukuthi esikhathini esizayo siyakwazi ukukhokhela imithi emisha nengcono kudingeka ukuthi Umthetho Welungelo lobunikazi waseNingizimu Afrika ushintshe ukuze siqiniseke ukuthi imithi iyakhokheleka futhi kuyafinyeleleka kuyo (bona ikhasi 12 uma ufuna ulwazi olungaphezulu ngalokhu).

LUNGISANI IMITHETHO

SINDISANI IZIMPILO ZETHU

Isithombe ngu-Oupa Nkosi.

Kufanele kwenziwe izinguquko eziningana emithethweni yobunikazi yaseNingizimu Afrika okuzosiza ukuqinisekisa ukuthi ukufinyelela kwethu okuqhubekayo emithini ebalulekile njengezidambisigciwane noma imithi yesifo somdlavuza. Lezi zinguquko akusikho ukuthi azinangqondo noma angeke zifezeke. Empeleni, zivunyelwe ngokucacile ngaphansi komthetho wamazwe omhlaba.

Uma uhulumeni wethu ezimisele ngokufeza ilungelo lempilo, njengoba kuqinisekisiwe kuMthethosisekelo, kufanele enze lezi zinguquko eMthethweni wethu Welungelo Lobunikazi ngokushesha okukhulu. Ngaphandle kwalezi zichibiyelo uhulumeni angayiswa enkantolo ngokwehluleka ukuthatha izinyathelo ezikahle ukuqinisekisa ilungelo lempilo.

Ukufaka ulwazi olusha kuMthetho wethu Welungelo Lobunikazi sizoqinisekisa ukuncintisana okuningana ngenxa yalokho, amanani entengo angcono emithi ebalulekile. La manani entengo aphansana ezimeni eziningi azosho ukuthi uhulumeni angakwazi ukukhokhela ukuhlinzeka imithi emisha nesebenza ngempumelelo kakhulu ohlelweni lwezempilo lukahulumeni. Nakuba Umthetho welungelo lobunikazi uzwakala uyindida noma ungaqondakali, unomthelela oqondile ekutheni yimiphi imithi okwaziyo noma ongakwazi ukuyithola emtholampilo wangakini.

Amabhokisi angezansi achaza kafushane eminye imiqondo yamagama ebalulekile okudinga ukuthi siyiqonde. Ungakhathazeki uma amagama noma imiqondo yamagama idida kancane ekuqaleni. I-athikili yonke ihlola izinto ezinhlanu ezibaluleke kakhulu okufanele zishintshe eMthethweni wethu welungelo lobunikazi. Yilezi zinguquko ezinhlanu ezizokwenza umehluko kubantu abaphansi.

YINI I-TRIPS?

Isivumelwano samazwe omhlaba esibaluleke kakhulu esiphathelene namalungelo obunikazi sibizwa ngokuthi isivumelwano i-TRIPS. I-TRIPS imele ukuthi Trade-Related Aspects of International Property Rights. Uma sikhuluma ngomthetho wamazwe omhlaba kule athikili, sisho isivumelwano i-TRIPS kanye nokucacisa nezinguquko ezisilandelayo.

Ngesikhathi amazwe athuthukayo esayina isivumelwano i-TRIPS, avuma ukuvikelwa kwelungelo lobunikazi ngokubanzi emazweni abo. Esisodwa sezidingo ezimbi kakhulu ze-TRIPS kwakuwukuthi amazwe kwakufanele anikezele ngelungelo lobunikazi isikhathi esiyiminyaka engama-20 – isikhathi selungelo lobunikazi sasiba sifushane. Bavumelana futhi ukuthi kungaba nelungelo lobunikazi ezinguqukweni ezahlukene ngokubanzi, kubandakanya imithi emisha. Imiphumela yaleso sikhathi eside selungelo lobunikazi amanani entengo yemithi aphezulu. I-TRIPS ibe yinhle kakhulu ezinkampanini ezenza imithi ezinkulu – kodwa ilimaze kakhulu ekunakekelweni kwezempilo emazweni athuthukayo. Amazwe athuthukayo azi ukuthi i-TRIPS izoba nemiphumela emibi emininganga amelana nesivumelwano ezingxoxweni zokuqala. Kodwa-ke, amazwe anothile asebenzisa ingcindezi enkulu, egcizelela ukuthi i-TRIPS izoletha ukukhula kohwebo kanye nokutshalwa kwezimali, okungakhuthaza intuthuko emazweni ampofu. Ngeshwa kwezinye izizwe lezi zinzuzo ezishiwoyo ze-TRIPS azange zibe yiqiniso.

Ngesikhathi sezingxoxo zokuqala ze-TRIPS, amanye amazwe athuthukayo azilwela akwazi ukuthola ukuhlinzekelwa okuwusizo esivumelwaneni. Lokhu kuvamise ukubizwa ngokuthi izinguqunguquko ze-TRIPS. Sidinga ukuthi lezi zinguquko zibhalwe phansi emthethweni wethu kazwelonke ukuze sikwazi ukubhalansisa eminye imphumela emibi yesivumelwano se-TRIPS. Nakuba iNingizimu Afrika yayisayina i-TRIPS, lezi zinguquko zizoqala ukusebenza uma umthetho wethu uqobo welungelo lobunikazi sewushintshile.

YINI I-DOHA DECLARATION?

Emva kwesivumelwano se-TRIPS kwaba nokwehluka komqondo ngokuthi amagama esivumelwano ahunyushwe kanjani. Njengayo yonke imibhalo yomthetho eminingi, ingahunyushwa ngezindlela eziningi. Amanye amazwe aphikisana ngokuthi ukuvikela impahla yomqondo kwakubaluleke kakhulu kunokuvikela impilo yomphakathi, ngesikhathi abanye bethi impahla yomqondo kufanele ingabhekwa uma ilimaza impilo yomphakathi.

Ukucacisa okunye ukudideka okuzungeze i-TRIPS, ngohla ka-14 Novemba 2001 kwavunyelwana nge-Doha Declaration ngamazwe angamalungu e-WTO. Yakucacisa ngokuphelele ukuthi amazwe anelungelo lokunquma ukuthi angawanikeza nini amalayisense ayimpoqo nokuthi angenza kanjalo, phakathi kokunye, ukuphendula ezimeni eziphuthumayo njengobhubhane lwe-HIV. Ngale kwalesi simemezelo esinamandla, amazwe amaningi awakalufaki ulwazi olusha emithethweni yawo kazwelonke ukuze asebenzise la malungelo.

1 NIKEZA KUPHELA AMALUNGELO OBUNIKAZI UKWENZA UBUNGCONO BANGEMPELA

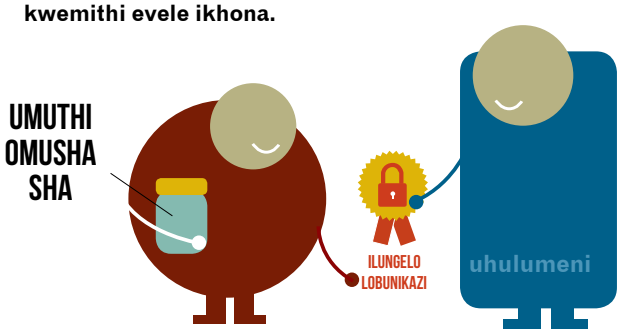
Ilungelo lobunikazi kuhloswe ngalo ukuthi libe wumvuzo noma isikhuthazi sezinguquko ezintsha. Kodwa-ke, okufaneleke ngqo njengoguquko olusha akuhlali kucacile. Imithetho kulokhu ingaguquka phakathi kwamazwe. Kwelinye izwe elakha kabusha umuthi ukuze uphuzwe kanye ngesonto esikhundleni sakanye ngosuku kungaba yizizathu ezanele zokunikeza ilungelo elisha lobunikazi. Kwelinye izwe ukwakhiwa kabusha kungeze kwafanelekela i lungelo lobunikazi.

I-United States kanye ne-European Union babeka ingcindezi emazweni ukuthi ehlise izindlela zawo zokukhetha ilungelo lobunikazi. Lokhu kusho ukuthi bafuna ukuthi amazwe avumele amalungelo obunikazi amasha ngisho nasezinguqukweni ezincane emithini esivele ikhona. Amazinga aphansi elungelo lobunikazi aholela ekunikezweni kwamalungelo amaningi obunikazi futhi, ngenxa yalokhu, amanani entengo emithi ahlala ephezulu. Empeleni, amazinga aphansi elungelo lobunikazi kwelula isikhathi selungelo lobunikazi bemakethe eyodwa ngokuvumela izinkampani ukuthi zithole amalungelo obunikazi obusha ngokwenza kuphela izinguquko ezincane emithini esivele ikhona (into esiyibiza ngokuthi“ukuhlala kuluhlaza”).

Ngenhlanhla, umthetho wamazwe omhlaba uthi asikho isidingo sokuthi senze izinguquko ezifunwa yi-United States kanye ne-European Union. Esikhundleni salokho singalandela isibonelo se-Indiya, eyethula izindlela zokuhlela lapho befaka ulwazi olusha emthethweni wabo ngonyaka ka-2005. E-Indiya, amalungelo obunikazi anikezelwa ukusebenza noma ukwakhiwa okusha kwemithi evele isikhona noma ukwakhiwa kunikezela ngokwenza ngcono okwelaphayo ngaphezu kokusebenza okudala noma ukwakhiwa.

Okwamanje iNingizimu Afrika inikeza amalungelo obunikazi ekusebenziseni okusha noma ukwakhiwa okusha kwemithi evele isikhona. Lokhu akudingwa umthetho wamazwe omhlaba. Ngokwe-TRIPS, amazwe kufanele anikezele amalungelo obunikazi emikhiqizo emisha ekhombisa “uguquko”, abe “nesinyathelo sokusungula” futhi akwazi “ukusebenziseka ezimbonini”. Kodwa-ke amazwe anenkululeko yokuhumusha lokho okushiwo ngempela yila mathemu. Akukho lutho ku-TRIPS okuphoqelela iNingizimu Afrika ukuthi inikeze amalungelo obunikazi ekusebenziseni okusha noma ekwakheni okusha.

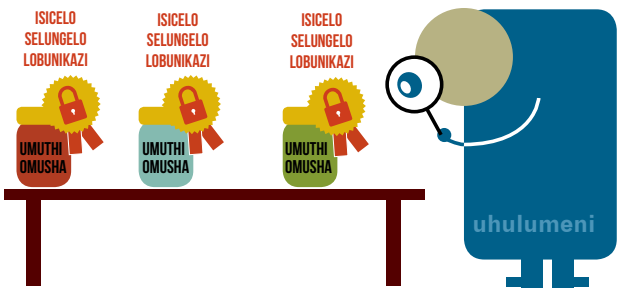
Umthetho Wamalungelo Obunikazi waseNingizimu Afrika kufanele ushintshwe ukuze uchaze izizathu zokunikeza ilungelo lobunikazi. Amalungelo obunikazi kufanele anganikezelwa ekusebenziseni okusha noma ekwakheni okusha kwemithi evele ikhona.



2 IZICELO ZAMALUNGELO OBUNIKAZI KUFANELE ZIHLOLWE

Amazwe amaningi athuthukayo anamahhovisi amalungelo obunikazi ahlola futhi abukeze isicelo selungelo lobunikazi ngasinye. Kodwa-ke, eNingizimu Afrika, ihhovisi lelungelo lobunikazi alihloli amazinga ezicelo zelungelo lobunikazi. Ukuthola ilungelo lobunikazi eNingizimu Afrika kucishe kube lula njengokugcwalisa ifomu. Lokhu kusho ukuthi amalungelo obunikazi kaningi anikezwa ngisho ngabe awalawuli nanoma yiluphi uguquko lwangempela.

Umthetho Welungelo lobunikazi waseNingizimu Afrika kufanele ushintshwe ukuze uphoqe Ihhovisi lelungelo lobunikazi ukuthi lenze ukuhlolwa okugcwele nokuhlola okwenzisisiwe kwazo zonke izicelo eziphathelene nezempilo (imithi kanye nezisetshenziswa zokwelashwa). Ihhovisi lelungelo lobunikazi nalo kufanele licele umbono weziphathimandla zezempilo lapho kubhekwa izicelo zomuthi noma izisetshenziswa zokwelapha zelungelo lobunikazi (njengoba kwenziwa e-Brazil). Ukwengeza, Umnyango Wezezimali kufanele ufune izimali ezithe xaxa ezikhona zokwenza ukuthi lokhu kwandise Ihhovisi lelungelo Lobunikazi. INingizimu Afrika kufanele yenze ireferensi yezinqumo ezenziwa amanye amahhovisi amalumgelo obunikazi, kodwa emuthini ikakhulukazi kufanele yenze owayo, ochazwe ngokuqinile, isinqumo sokugcina.

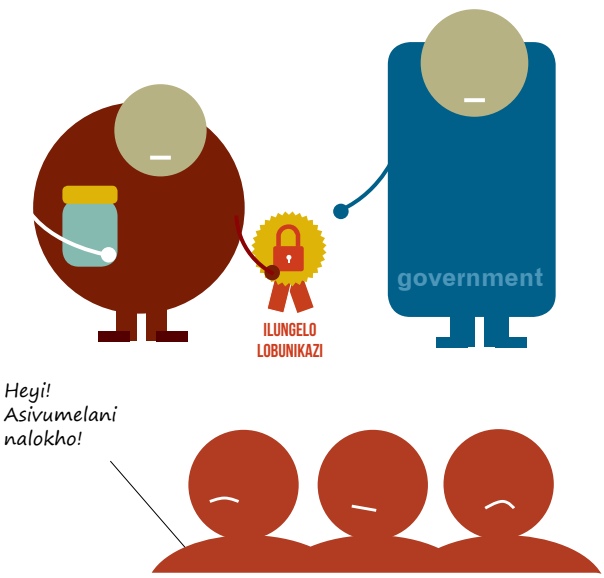


3 SINELUNGELO LOKUPHONSA INSELELE EMALUNGELWENI OBUNIKAZI

Okwamanje, indlela kuphela yokuphonsela ilungelo lobunikazi inselele eNingizimu Afrika ukuthatha udaba lusiwe enkantolo. Lokhu kuyabiza futhi kuchitha nesikhathi. Kusho ukuthi amalungelo obunikazi anikeziwe ngephutha kaningi ahlala engaphonselwe nselele ngenxa yezindleko kanye nolwazi lobungcweti oludingekayo ukuthi udaba luthathwe lusiwe enkantolo.

Amazwe amaningi avumela abantu ukuthi baphonsele amalungelo obunikazi inselele ngaphambi kokuba anikezwe futhi isikhathi emva kokuba enikiwe. Lokhu akwenzeki ngokusebenzisa inkantolo. Kungaba lula njengokubhalela ehhovisi elinelungelo lobunikazi unikeza izizathu zakho zokuthi kungani ilungelo lobunikazi elithize kungani kufanele linganikezelwa. Lezi zindlela zezinselele zobunikazi zibizwa ngokuthi ngaphambi komnikelo nangemuva kokuphikisana nokunikezwa. Umphakathi, abenzi bemithi ejwayelekile, kanye nezinhlangano zomphakathi kufanele zonke zibe nelungelo lokufaka lokho kuphikisa kwangaphambi nangemuva kokunikezelwa.

Umthetho Welungelo Lobunikazi waseNingizimu Afrika kufanele ushintshwe ukuze uvumele ukuphikisa ukukhishwa kwamalungelo obunikazi ngaphambi nangemuva kokunikezwa!



IMITHI ISHINTSHA IZIMPILO

UNzalie ukhombisa umthamo wakhe wezidambisigciwane zomugqa wesibili. Isithombe nguThandeka Vinjwa.

Indaba kaNzalie

UNonzaliseko "Nzalie" Ntwana wayesaba lokhu ayecabanga ngokuthi "ihlazo" lokuba ne-HIV. Wayengakwemukeli ukuthi wayenegciwane elibulalayo. Kwase kuthi ngonyaka ka-2004 impilo yakhe yashintsha lapho ejoyina i-Treatment Action Campaign (TAC) wayesefunda ngesayensi ye-HIV. UNzalie wafunda ngokuthi ukuba ne-HIV akusiso isigwebo sentambo.

UNzalie wazalelwa eNgobozana, eLusikisiki, lapho wayenenkampani yakhe yokudla edolobheni. Ngonyaka ka-2003 uNzalie wagula kakhulu wayesehlolwa watholakala ene-HIV. "Ngonyaka ka-2004 isibalo sami se-CD4 sasiwu-285…," kukhumbula uNzalie. "Ngakho-ke ngaqala ngaphuza uhlobo lwezidambisigciwane (ama-ARV) lomugqa wokuqala kuMtholampilo waseNdaweni eLusikisiki. Ngalokhu engakufunda oHlelweni Lokufunda Lokwelashwa lwe-TAC ngakwazi ukubona izimpawu zokumelana nemithi ngase ngibikela uDokotela Herman Reuter ngonyaka ka-2006. Wangihlola wase … engitshela ukuthi [nga] ngine-lactic acidosis (isimo lapho i-lactic acid yakheka ngokushesha kunokuba umzimba ukwazi ukuyisusa), ngakho-ke ngaguqukela ohlotsheni lomugqa wesibili (i-Kaletra ne-nevirapine). Ngibonga i-Médicins Sans Frontières (MSF) Siyaphila La ARV project, eyasindisa impilo yami."

"Usizo lukadadewethu, nokuthi ngikwazi ukufundisa [abanye] ngikhulumele amalungelo abantu kungenza ngibonge," kusho uNzalie, manje osesebenza njengoMkhuthazi Wezempilo Emphakathini we-TAC. "Angizizwa nginamahloni ngami njengoba ngiphuza imithi yokwelashwa impilo yonke...ngiphile kahle, ngenza noma yini engifuna ukuyenza, njengawo wonke omunye umuntu."

Ingxoxombuzo ngu-Thandeka Vinjwa

Isithombe ngu-Jose Cendon umusa we- Médecins Sans Frontières.

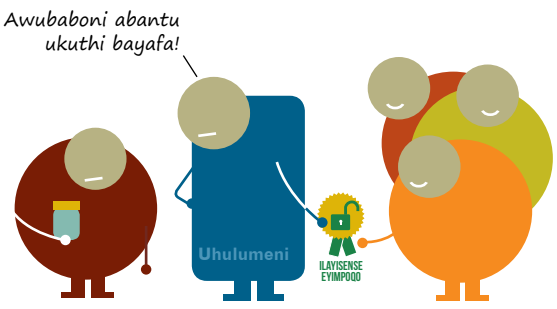
4 VULELA AMALAYISENSE AYIMPOQO

Uma umuthi usengaphansi kwelungelo lobunikazi, uhulumeni angakhipha amalayisense abenzi bemithi ejwayelekile ukuthi benze umuthi - bese ephula ukuba wedwa emakethe yelungelo lobunikazi. La malayisense abizwa ngokuthi amalayisense ayimpoqo (bona kabanzi ekhasini 5).

Umthetho wamazwe omhlaba uyawavumela lawo malayisense ayimpoqo ukuthi akhishwe ngenxa yananoma yiziphi izizathu ezinqunywa nguhulumeni. Inkinga ukuthi ilungelo lobunikazi eNingizimu Afrika alikasebenzi kahle. Umthetho wethu Welungelo lobunikazi livumela izinhlobo ezimbili zamalayisense ayimpoqo: asetshenziswa uhulumeni (isigaba 4) nesicelo enkantolo esenziwa ngomunye umuntu (isigaba 56). Nakuba isigaba 4 sikwenza kube lula ukuthi uhulumeni akhiphe amalayisense ayimpoqo ukuthi asetshenziswe ilungelo lobunikazi lomkhiqizo nguhulumeni, isigaba 56 kuphela esivumela izinkantolo ukuthi zikhiphe amalayisense ayimpoqo ngaphansi kwezimo ezithize ngqo- okuwukuthi uma ilungelo lobunikazi lixhashazwa. Okunye, uhlelo lokukhipha ilayisense ngokusebenzisa izinkantolo luyindida kakhulu.

I-Doha Declaration (bona ikhasi 13) ithi: “Ilungu ngalinye linelungelo lokunikeza amalayisense ayimpoqo kanye nenkululeko yokunquma izizathu okunikezelwe ngaphansi kwazo lawo malayisense.” Iphinde ithi futhi amalayisense ayimpoqo anganikezelwa “ezimeni zikazwelonke eziphuthumayo” “nasezimeni eziphuthuma kakhulu” nokuthi amazwe anganquma ngokwawo ukuthi kusho ukuthini ukuthi isimo esiphuthumayo kanye nokuphuthuma. I-Declaration kahle hle ithi i-HIV ne-TB kuyafaneleka njengezimo eziphuthumayo zikazwelonke. Ngakho-ke kucacile ukuthi umthetho weNingizimu Afrika ungashintshwa ukwenza kube lula ukunikeza amalayisense ayimpoqo.

Umthetho welungelo lobunikazi waseNingizimu Afrika kufanele uwavumele kucace amalayisense ayimpoqo lapho amanani entengo ebiza ukuthi awakhokheleki, nasezimeni zempilo yomphakathi nasezimeni eziphuthumayo kuzwelonke uma imithi ivikeleke ngokwelungelo lobunikazi. Inqubo yokukhipha amalayisense ayimpoqo kufanele yenziwe lula kanye namanani amaroyalthi asezingeni okufanele ashiwo kulawo malayisense.



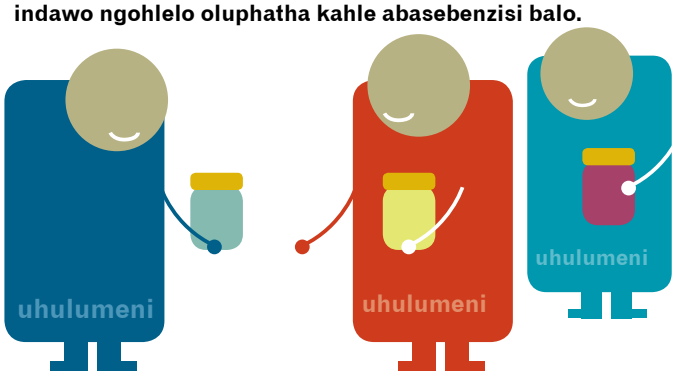
5 KWENZE KUBE LULA UKUNGENISA IMITHI EZWENI KANYE NOKUKHIPHELA IMITHI EMAZWENI ANGAPHANDLE

Umthetho wamazwe omhlaba uvumela izinhlobo eziyisipesheli zamalayisense ayimpoqo okukhiphela ezweni elingaphandle nokungenisa ngaphakathi ezweni. Ngakho-ke, uma sifuna ukungenisa umuthi ovela e-Indiya, kungenzeka kudingeke ukuthi sithole kokubili ilayisense eyimpoqo yokuhambisa e-Indiya kanye nelayisense eyimpoqo yokungenisa eNingizimu Afrika.

Lokhu njalo kwakungenzeki. Kwaba semva kwento eyayibizwa ngokuthi "30 Agasti 2003 Isinqumo Senhlangano Yohwebo Lomhlaba" ukuthi imingcele ethize ephathelene nokukhishwa kwemithi enelungelo lobunikazi yasuswa. Nakuba le mingcele isusiwe, iNingizimu Afrika ayikawasebenzisi amathuba amasha okungenisa nokuhambisa imithi ngokushibhile.

INingizimu Afrika, ngokungafani namanye amazwe esifundeni, inamandla okwenza imithi yokuhanjiswa emazweni angaphandle. INingizimu Afrika kungenzeka futhi ukuthi kudingeke ukuthi isebenzise amalayisense ayimpoqo ukungenisa ezweni, ikakhulukazi ukungenisa izithako zokwenza imithi ezisebenzayo. Ngakho-ke kubalulekile kakhulu ukuthi sishintshe umthetho wethu ukuze sisebenzise Isinqumo somhla ka-30 Agasti 2003 sokuqinisekisa ukwehliswa kwamanani entengo nokwandisa ukufinyelela emithini esindisa izimpilo.

Umthetho Welungelo Lobunikazi waseNingizimu Afrika kufanele uchitshiyelwe ukuze uvumele ngokucacile ukungeniswa nokukhishelwa emazweni angaphandle njengoba kuhlinzeka umthetho wamazwe omhlaba (ikakhulukazi ngaphansi kwemibandela yeSinqumo somhla ka-30 Agasti 2003). Nakuba iNingizimu Afrika kufanele yamukele uhlelo lomhla ka-30 Agasti 2003, kufanele futhi icindezele eNhlanganweni Yohwebo Yomhlaba nakwenye indawo ngohlelo oluphatha kahle abasebenzisi balo.



Ngemininingwane ethe xaxa nangesendlalelo esisemthethweni ngokuthi umthetho welungelo lobunikazi waseNingizimu Afrika kufanele ushintshe kanjani, ngicela ubheke iwebhusayithi yethu yomkhankaso ku-: fixthelaws.org.za

IMITHI ISHINTSHA IZIMPILO

Isithombe ngu-Adam Malapa.

Indaba kaThabiso

UThabiso Tamane ngumKhrestu ozimisele, kanye nomthandi webhola lezinyawo omkhulu othanda abantu kakhulu. Usebenza njengoMsebenzi Wokufundisa Ngokuvimbela Nokwelashwa ku-TAC Ekurhuleni.

"Ngesikhathi ngiqala ukufika ku-TAC kwakufanele ukuthi ngifunde ukujwayela nokusebenza nabantu [ ] abanomlando owehlukene, izinkolo kanye nokhetho lokuya ocansini nobulili obuthize. [Kodwa] Kwakungafanele ukuthi ngibeke engozini lokho engikholelwa kukho", kusho uThabiso. "Abalingani bami bangemukela kanye nokhomredi. Ukuba yingxenye yokulwa ne-HIV/AIDS kube futhi kusewulwazi oluhle empilweni yami. Ngifunde lukhulu nge-HIV/AIDS kanye namalungelo abantu, [izinto] ebengingeke ngizazi ukuba ngangingabanga yingxenye ye-TAC."

"Ngiyazi ukuthi i-HIV ingalawulwa … ngokusebenzisa ama-ARV nokuphila okuhle. Okukodwa okugqame kakhulu … ukubona umuntu [oze] emtholampilo eseduze kakhulu nokufa bese kuthi ezinyangeni ezimbalwa emva kokuqala imithi yokwelashwa, asinde kangangokuthi angeke ukwazi nokusho ukuthi baphila nesimo esingalapheki. Kuyamangalisa kakhulu.

"Iseluleko sami emphakathini, ikakhulukazi emadodeni: Madoda, masihloleni [sonke] i-HIV ukuze sazi isimo sethu se-HIV. Ukwazi isimo sakho … kungasiza ukusindisa impilo yakho ngoba ungaqala ukwelashwa kusenesikhathi."

Ingxoxombuzo ngu-Luckyboy Nkhondwane

ABANQOBI NEZAHLULELI

Umzuliswano 1

Ukusetshenziswa okusha kanye namalungelo obunikazi okwenza okusha

Izinkampani ezenza imithi zisebenzise amalungelo obunikazi ngendlela evuna zona ekusebenziseni okusha nasekwenzeni okusha ukwelula ukuba ngabodwa ezimakethe emithini ethize. Ngokwesivumelwano se-TRIPS umkhiqizo onikezeleka ilungelo lobunikazi kufanele ukhombise “ubusha”, “isinyathelo sokusungula” kanye nokukwazi “ukusebenziseka ngokwemboni”. I-TRIPS ayidingi ukuthi amazwe ahlinzeke amalungelo obunikazi ekusebenziseni okusha nasekwenzeni okusha. Empeleni, amazwe ahumushe izidingo “obusha” kanye “nesinyathelo sokusungula” ngezindlela eziningi.

1

I-Indiya

Umthetho we-Indiya uwavimbela ngokucacile amalungelo obunikazi ekusebenziseni okusha nasekwenzeni okusha kwemithi evele isikhona. Lokho okwenziwayo akuhlangabezaneni namazinga adingekayo “oguquko” noma “isinyathelo sokusungula”.

2

Iningizimu Afrika

INingizimu Afrika ayivumeli ngokucacile ukusetshenziswa okusha kanye namalungelo obunikazi ekwenzeni okusha, kodwa futhi ayikuvimbeli. INingizimu Afrika kufanele imelane nengcindezi yokwethula ulwazi oluqoqiwe oluhlukile, okusangaqhubeka nokubeka umngcele ekuncintisaneni ngemithi ejwayelekile

Umzuliswano 2

Amalayisense ayimpoqo kanye nokungenisa ezweni okuhambisana nawo

Ngokwe-TRIPS, amazwe anelungelo lokukhipha amalayisense ayimpoqo (bona ikhasi 5) evumela ukwenziwa kwemithi ejwayelekile kanye/noma ukulethwa ezweni kwemithi engaphansi kwelungelo lobunikazi. Okunye, izwe ngalinye linenkululeko yokunquma izizathu elinikezela ngaphansi kwazo lawo malayisense. Amazwe avunyelwe ukuthi akhiphe amalayisense ayimpoqo okuhambisa imithi emazweni angakwazi ukwenza imithi eyanele ngamanani akhokhelekayo. Okunye ukuhlinzeka komthetho wamazwe omhlaba kuyaziwa njengokungenisa ezweni okuhambisana nawo. Imithetho yokungenisa okuhambisanayo ivumela amazwe ukuthi angenise imithi enelungelo lobunikazi evela kwamanye amazwe uma ishibhile kunalena ethengiswa ekhaya .

1

I-Indiya

Umthetho welungelo lobunikazi wase-Indiya uvumela nanoma yimuphi umuntu onothando ukuthi afake isicelo selayisense enempoqo. I-Indiya ivumela ukuthi ilayisense eyimpoqo inikezwe uma okusunguliwe okunelungelo lobunikazi kungatholakali emphakathini ngenani lentengo elikahle. Ngaphansi komthetho wase-Indiya wamalayisense ayimpoqo ukwenza nokuhambisa kwamanye amazwe kuvumelekile emazweni angenawo amandla okukhiqiza ngokwanele.

2

I-United States

I-United States inohlelo olulula kakhulu lokukhipha amalayisense “asetshenziswa uhulumeni” indlela eyisipesheli yamalayisense ayimpoqo. Lokhu kubandakanya ukuhlangabezana nezidingo zezempilo kanye nezokuphepha Izwe alivumeli ngokucacile amalayisense okuhambisa kwamanye amazwe, futhi kunokungacaci kahle komthetho ukuthi ingabe kuvumelekile yini ukungenisa okuhambisana nakho. I-US iyaqhubeka nokubeka amazwe athuthukayo engcindezini yokuthi angasebenzisi amalayisense ayimpoqo kanye nokungenisa ezweni okuhambisana nakh

Umzuliswano 3

Ukuhluka kolwazi oluqoqiwe

Ukuhluka kolwazi oluqoqiwe (bona incazelo ekhasini 21) kubambezela ukungena kwemithi ejwayelekile emakethe, ngenxa yokuthi igxambukela nokubhaliswa uhulumeni kwemithi efanayo ejwayelekile. Akudingwa yisivumelwano se-TRIPS. Kodwa-ke, ezivumelwaneni zohwebo okusaxoxiswana ngazo, i-European Union kanye ne-United States baphokophelele izikhathi ezinde zokuhluka kolwazi oluqoqiwe.

1

I-Indiya

Umthetho wase-Indiya aweseki ukuhluka kolwazi. Uhulumeni wase-Indiya uthe isivumelwano se-TRIPS asibophi izwe ukuthi linikeze isimo salo sokuvikela impahla yengqondo.

2

INingizimu Afrika

Umthetho welungelo lobunikazi kazwelonke okwamanje awunikezeli ngokuhluka kolwazi oluqoqiwe. INingizimu Afrika kufanele yale emphakathi ukuhluka kolwazi futhi imelane nengcindezi yokulwethula ngokusebenzisa izivumelwano zokuhweba.

I-Indiya inerekhodi elilandelekayo elihle kakhulu lokuvikela impilo yomphakathi ngokungavumeli osomandla ukuthi bayitshele ngemithetho yohwebo. U-Jordan, ngakolunye uhlangothi, ukhokha inani lentengo eliphezulu le ngokusayina izivumelwano zohwebo ezinemingcele. INingizimu Afrika ingena phakathi kwalo mehluko omkhulu. Ukushintsha Umthetho wethu Welungelo lobunikazi kuzosisondeza eduze nesibonelo se-Indiya, kodwa uma singena engcindezini evela e-United States naku-European Union singazithola sesisohlotsheni lwengxaki ebhekene ne-Jordan manje.

3

I-Jordan

Umthetho we-Jordan awukuvumeli ngokucacile noma uvimbele amalungelo obunikazi ekusebenziseni okusha noma ekwenzeni. Kodwa imboni yasekhaya kanye nabasebenzi bakahulumeni babika ukuthi izinkampani ezimbalwa ezenza imithi zifake izicelo zelungelo lobunikazi e-Jordan njengokwehluka kolwazi (bona ikhasi 21) kubambezele umncintiswano wemithi ejwayelekile.

4

I-United States

I-United States ibambe umqondo wokuthi ukusebenzisa okusha kanye nokwenziwa okusha kuhlangabezana namazinga amalungelo obunikazi. Umthetho wase-US ngokucacile uyawavumela la malungelo obunikazi.

Umthelela wamanani entengo emithini

Ngonyaka ka-2006 i-Indiya yala isicelo selungelo, lobunikazi esasenziwa yi-Novartis selungelo lobunikazi be-Gleevec, umuthi obalulekile wokwelapha isifo somdlavuza. Isicelo saliwa ngokuthi i-Gleevec kwakuwuhlobo olusha lomuthi ovele usukhona ngakho-ke wehluleka ukuhlangabezana namazinga aqinile e-Indiya okuba nelungelolobunikazi. Ngaleso sikhathi i-Novartis yayibiza u- US$26,000 ngesiguli ngasinye ngonyaka nge-Gleevec. Ngokuphikisana, izihumusho ze-Indiya zomuthi ojwayelekile zaziwu- US$2,100 (okushibhe ngama-92%). Ukuphendula i-Novartis yafaka icala lomthetho iphonsela inselele ukuba semthethweni kwamazinga elungelo lobunikazi e-Indiya. Ngonyaka ka-2007 inkantolo yase-Indiya yavikela umthetho welungelo lobunikazi wezwe yenqaba isicelo se-Novartis. I-Novartis iphonsela inselele isinqumo senkantolo.

3

INingizimu Afrika

INingizimu Afrika ngokusemthethweni iyawavumela amalayisense ayimpoqo ukuvimbela ukuxhashazwa kwelungelo lobunikazi kodwa awuvumeli ngokucacile njengendlela yokuvikela impilo yomphakathi. Futhi, Umthetho Welungelo lobunikazi weNingizimu Afrika awuvumeli ngokucacile amalayisense ayimpoqo okuhambisa emazweni angaphandle. Ukungeniswa okuhambisanayo kuhlinzekwa ngaphansi koMthetho Wemithi yaseNingizimu Afrika.

4

I-Jordan

I-Jordan inganikezela amalayisense ayimpoqo ukunxephezela ukuxhashazwa kwelungelo lobunikazi noma ukuphendula esimeni esiphuthumayo kuzwelonke. Kodwa-ke, izidingo zokuhluka kolwazi oluqoqiwe kungenza njengesithiyo kumalayisensi ayimpoqo. Umthetho we-Jordan walela ukungeniswa ezweni okuhambisanayo ngaphandle kwemvume yomuntu ongumnikazi welungelo lobunikazi .

Umthelela emananini emithi

I-Fluconazole umuthi obalulekile ekwelapheni izifo eziningi ezingena ngentuba ezihambisana ne-HIV. Ngonyaka ka-2000, i-Pfizer yayiyithengisa ngo-R29 iphilisi ngalinye. Kodwa -ke , isihumusho somuthi ojwayelekile sasikhona e-Thailand ngo-R2 iphilisi ngalinye (lishibhe ngama-93%). I- Treatment Action Campaign (TAC) ayilihloniphanga ilungelo lobunikazi le-Pfizer ngokuthi ilethe ezweni i-flucozole evela e-Thailand ukuthi izokwabiwa eNingizimu Afrika. Ekugcineni, i-Pfizer yaqala ukunikela nge-flucole ezinhlelweni zezempilo zikahulumeni zaseNingizimu Afrika.

3

I-United States

Umthetho welungelo lobunikazi wase-US uhlinzeka ngeminyaka emihanu yokuhluka kwezinguquko ezintsha kumakhemikhali. Ukusebenzisa okusha kanye namalungelo obunikazi bokwenza okusha kuvamise ukuthola iminyaka emithathu yokuhluka kolwazi.

4

I-Jordan

Ekujoyineni i-WTO ngonyaka ka-2000, i-Jordan yenza iminyaka emihlanu yokuhluka kolwazi. Ngonyaka ka-2001 i-Jordan yasayina isivumelwano sokuhweba ne-US yase yenza futhi eminye iminyaka emithathu yokuhluka kolwazi.

Umthelela emananini entengo yemithi

Amanani entengo yemithi e-Jordan akhuphuke ngama-20% kusukela ngonyaka ka-2001 ngenxa yokuqiniswa kokuhluka kolwazi. Phakathi kuka-2001 no-2007 imithi eyayingenamuntu okuncintiswana naye ngemithi ejwayelekile kuhlanjekiselwa ukuthi yabiza izwe isamba esengeziwe phakathi kuka- USD$6.3m no- $22.04m

LWANA NABAQONELI KWEZOHWEBO

Isivumelwano se-TRIPS sibe yimbambezela kakhulu ekufinyeleleni emithini. Manje amazwe athuthukayo angaphansi kwengcindezi evela ku-United States naye ne-European Union yokuthi emukele eminye imingcele yuokuhweba "i-TRIPS PLUS". Uma lezi zindlela ezintsha zethuliwe, amakhulu ezinkulungwane zabantu azolahlekelwa umuthi osindisa izimpilo.

NgoDisemba 2010, amakhulu abantu baseKenya bakhononda e-Nairobi bephikisana ne-EU-India Free Trade Agreement. Isithombe ngu-Paul Davis.

Ichazani i-"TRIPS-plus"?

Isivumelwano se-TRIPS siqinisa ukuvikeleka kwempahla yengqondo (IP) ngokwelula isikhathi sokuhlala kwamalungelo obunikazi sibe yiminyaka engama-20 futhi sivumela kokubili izinhlelo zezinkampani ezakha imithi kanye nemikhiqizo ukuthi kube nelungelo lobunikazi. "I-TRIPS-plus" yizinqubomgomo eziqinisa noma ezelula amalungelo e-IP noma ahlinzeka ngezindlela zokuqinisa ezinamandla. Lezi zinqubomgomo ziya ngale kwalokhu okudingekayo ngaphansi komthetho wamazwe omhlaba, njengoba kuchazwe yisivumelwano se-TRIPS.

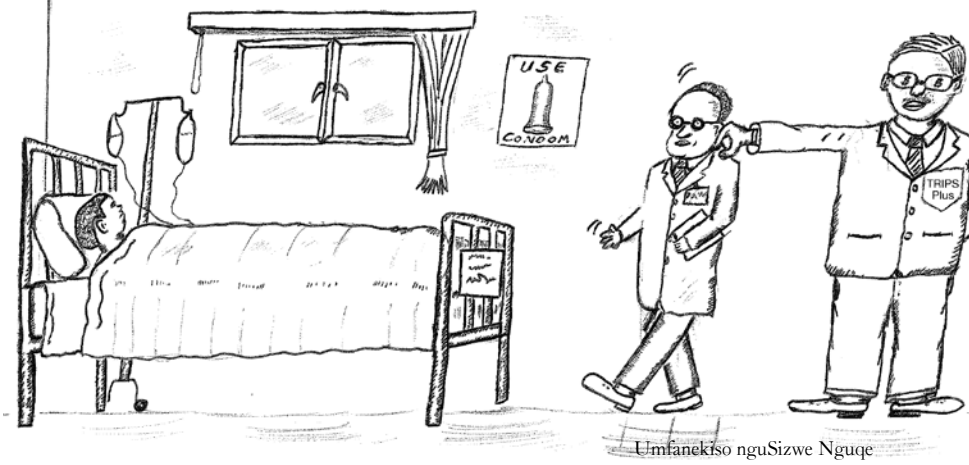
I-United States kanye ne-Europe, amakhaya ezinkampani ezinkulu ezenza imithi eziningi, kaningi bagcizelela ezindleleni ze-TRIPS -plus ngesikhathi sezingxoxo zohwebo namazwe asathuthuka. Lezo zivumelwano zohwebo zivamise ukubizwa Ngezivumelwano Zokuhweba Mahhala (Free Trade Agreements (FTA)), noma Izivumelwano Zokubambisana Kwezomnotho (Economic Partnership Agreements (EPAs)). Amaningi kula mazwe ampofu ancike ezimakethe ezicebile zase-United States ne-European Union ukuthi bathenge izimpahla zabo. Ngokwazi lokhu, i-US ne-EU banikezela la mazwe ukufinyelela ezimakethe zabo ngokushintshiselana ngokuvikeleka okwandile kwe-IP. Esiphakamisweni sokuvikela iminotho yabo, amazwe amaningi asathuthuka emukela lokhu kushintshiselana okungalingani, ngisho ngabe kusho ukulimaza impilo yomphakathi.

Izindlela ze-TRIPS-plus ezibonwe ezivumelwaneni zamanje zohwebo zibandakanya:

- ukwelula ilungelo lobunikazi emkhiqizweni uma ukubhaliswa kwawo kwephuza ngesikhathi esedlule;
- ukuphoqa izwe ukuthi lixegise imithetho yokunikeza amalungelo obunikazi ;
- ukuvala umlomo ukuphikiswa kwangaphambi kwesibonelelo(ilungelo lokuphikisa ilungelo lobunikazi ngaphambi kokuthi linikezwe);
- ukwenza ukuthi kube nzima emazweni ukuthi akhiphe amalayisense ayimpoqo , okungaphoqa umnikazi welungelo lobunikazi bomuthi ukuthi avumele ukusetshenziswa kwasekhaya kwezihumusho zomuthi ojwayelekile zomuthi;
- ukufuna ukuhluka kolwazi oluqoqiwe (bheka ibhokisi eliseceleni);
- ukuthatha imithi ejwayelekile njengemingcele yamazwe omhlaba;
- ukwenza ukuthi kube lula ezinkampanini zamazwe angaphandle ukuthi zithathele ohulumeni amalungelo omthetho.

Ukuhlinzeka kwe-TRIPS-plus nakho kuvela emthethweni olwisana nemithi mbumbulu okwenzeka emazingeni kazwelonke, esifunda nawamazwe omhlaba. Umthetho olwisana nemithi mbumbulu eKenya i- Kenya Anti-Counterfeiting Act, isibonelo, owethulwa ngonyaka ka-2008, unencazelo ebanzi yemithi mbumbulu okungenzeka ibandakanye imithi ejwayelekile. Nakuba izishoshovu ziwuphonsela inselele lo mthetho njengongahambisani nomthethosisekelo, umthetho ofanayo uyahlongozwa eMphakathini WaseMpumalanga Ne-Afrika, nakuSivumelwano Sohwebo Esilwa Nemithi mbumbulu samazwe amaningi .

Ngesikhathi i-TRIPS-plus kungabukeka sengathi ayicacile futhi inobuchwepheshe, lezi zinqubomgomo zingaba nomthelela wangempela emananini emithi. Isibonelo, imithetho ye-TRIPS-plus eyethulwa ngonyaka ka-2001 i-Jordan-United States FTA yaba nesandla ekukhuphukeni ngama-20% ezindlekweni zemithi e-Jordan phakathi kuka-2001 no-2007. Ukuhluka kolwazi (bona ibhokisi elingaphandle) kwagxekwa kakhulu ngalokhu; kwephuzisa ukubhaliswa kwezihumusho zemithi ejwayelekile nama-79% emithi phakathi kuka-2002 naphakathi no-2006. Ukungabi bikho kokuncintisana emithini ejwayelekile kuphoqa izwe ukuthi lichithe esinye isamba esiphakathi kwezigidi ezingu-USD $6.3 no-$22.04 ngemithi.



Umfanekiso nguSizwe Nguqe

What is data exclusivity?

Ukuze umuthi ojwayelekile usetshenziswe ezweni, umenzi womuthi ojwayelekile kufanele kuqala awubhalise umuthi. Ukubhalisa umuthi kudinga ukuthi umenzi afakazise ukuthi umuthi wakhe uphephile futhi usebenza kahle njengomuthi owawunikezwe kuqala ilungelo lobunikazi, nokuthi wawenziwe ngaphansi kwamazinga amahle, afakazelekayo naseqophelweni eliphezulu. Ukufakazela lokhu, umenzi womuthi ojwayelekile kufanele akhombise inhlangano elawula imithi kuzwelonke – enjenge-Medicines Control Council yaseNingizimu Afrika – ukuthi umuthi wakhe uyafana kakhulu nomuthi wokuqala. Uma imithi emibili enezithako ezifanayo ezisebenzayo unempumelelo efanayo uma usetshenziswa ngaphansi kwezimo ezifanayo, ibizwa ngokuthi inokufanayo ngokokuphila.

Njengoba umsunguli wokuqala esevele ekhombisile ukusebenza ezinhlolweni, akudingekile ukuthi kwenziwe izinhlolo ezintsha zomuthi ojwayelekile/ Empeleni, izinhlolo ezintsha angeke zibe nesimilo njengoba vele sesiyazi ukuthi umuthi uyasebenza.

Kodwa-ke, i-United States ne-European Union manje sebezama ukushintsha lolu hlelo ngokwethula into ebizwa ngokuthi ukuhluka kolwazi. Ngokubhloka ukufinyelela olwazini oluphathelene nomuthi wokuqala isikhathi esithize, ukuhluka kolwazi kusho ukuthi ukufana kwezithako ezisebenzayo kuphela angeke kusenela ukubhalisa umuthi ojwayelekile ngaleso sikhathi. Abenzi bomuthi ojwayelekile angeke bavunyelwe ukuthi babhekise izinhlolo zabo ezinhlolweni ezenziwa yinkampani engumsunguli njengobufakazi bokuphepha nokusebenza ngempumelelo. Ngaphandle uma umenzi womuthi ojwayelekile enze izinhlolo zokwelapha ezibizayo nezingenaso isimilo, angeke bakwazi ukubhalisa umuthi wabo kuze isikhathi sokuhluka kolwazi siphelelwe yisikhathi.

Ukuhluka kolwazi kuphazamisa ukubhaliswa komuthi nangale kokuthi umsunguli womuthi usengaphansi kwelungelo lobunikazi. Isibonelo, inkampani eyenza imithi ingabhalisa umuthi eNingizimu Afrika obusemakethe yomhlaba amashumishu eminyaka, kodwa obewungekho eNingizimu Afrika ngaphambilini. Ngisho ngabe ilungelo lobunikazi beseliphelelwe yisikhathi, umuthi uzobe usafanele ukuhluka kolwazi ngenxa yokuthi uzobe ubhaliswe kabusha. Kubalulekile ukukhumbula ukuthi amalungelo obunikazi kanye nokubhaliswa yizinto ezimbili ezahlukene: nakuba ukuhluka kolwazi kungekek kwelule isikhathi selungelo lobunikazi, kungavimbela ukubhaliswa kwemithi ejwayelekile, nangale kwesimo selungelo lobunikazi.

Ukuhluka kolwazi isimo esikhulu kakhulu futhi kungakhansela amalayisense ayimpoqo. Ngisho ngabe ilungelo lobunikazi lingangasebenza bese kukhiqizwa umuthi ojwayelekile, lowo muthi angeke ubhaliswe futhi uthengiswe ngaphandle kokufakazisa ukuthi unezithako ezisebenzayo.

Kusukela ngonyaka ka-2007, imithi emisha e-Jordan yayibiza phakathi kokuphindwe kabili nakashumi ngaphezu komakhelwane oyiGibhithe, laphi izindlela ze-TRIPS-plus ezazingethulwanga khona. Okunye, i-FTA yavimbela i-Jordan ukusebenzisa izinguquko ze-TRIPS ezifana nelayisense eyimpoqo ukuvikela impilo yomphakathi.

Izindlela ze-TRIPS-plus zesabisa ukufinyelela emuthini ngoba bakwenza kube nzima ukuthi imithi ejwayelekile ingene emakethe. Ngaphandle kokuncintisana okuvela emuthini ojwayelekile, amanani entengo omuthi kaningi kuhlala kuphezulu kakhulu kohulumeni abaningi kanye nabantu ngabanye ukuthi bakwazi ukukhokha.

"I-EU-FTA ye-Indiya ehlongozwayo yesabisa ukunikezelwa okusimeme kwemithi ejwayelekile, kanye nokukwazi kwethu ukuthola imithi emisha, enezinguquko. Ngaphandle kwemithi ejwayelekile, ngaphezu kwesigidi esisodwa sabantu okwamanje abathola ukwelashwa eNingizimu Afrika namhlanje, kubandakanya mina uqobo, abangeke babe nokufinyelela kuzidambisigciwane. Sethembele kule mithi ukuthi isigcine siphila futhi sinempilo." - Vuyiseka Dubula, TAC uNobhala Jikelele.

Isithombe umusa we-Treatment Action Campaign Archive

Kwenzeka kuphi lokhu?

Izindlela ze-TRIPS-plus zingaphansi kokubhekwa emhlabeni. Isibonelo:

- Amazwe amaningana e-Latin American nawase-Eshiya, kanjalo ne-Ostreliya ne-New Zealand, baxoxisana ngesivumelwano esibizwa ngokuthi i- Trans-Pacific Partnership (TPP) Agreement ne-United States. I-TPP ingaphoqa amazwe ukuthi enze ukuthi kube lula ukuthola amalungelo obunikazi futhi ingakhansela ukuphikiswa kwangaphambi kwesibonelelo.

- INingizimu Afrika, njengengxenye ye- Southern African Customs Union, njengamanje ixoxisana nge-EPA ne-European Union. Nakuba izindlela ze-TRIPS-plus kungabukeki sengathi zisobala, kubalulekile ukuthi umphakathi uqaphe lezi zingxoxo ukuze kuqinisekiswe ukuthi lezo zindlela azifakiwe.

Singenzani?

Izindlela ze-TRIPS-plus ziza ngezimo eziningi nobukhulu. Zingenzeka emthethweni kazwelonke; njengengxenye yezivumelwano zokuhweba emazweni omhlaba; noma njengengxenye yezivumelwano zesifunda kanye nezinqubomgomo. Ukuze kuliwe nalezi zindlela ngempumelelo, kubalulekile ukuthi siqaphe izenzo zikahulumeni wethu, kanye nohulumeni bakwamanye amazwe. Sidinga ukuqonda ukuthi ubani oqhubela phambili ukuvikeleka kwempahla ebhaliwe yengqondo futhi ingasiphi isimo.

Izingxoxo zokuhweba kaningi banemfihlo kakhulu. Ukufinyelela olwazini lubalulekile ekuphumeleleni kwezishoshovu ezimelene nezindlela ze-TRIPS-plus ku-EU FTA ye-Indiya kanye ne- Trans-Pacific Partnership Agreement. Abakhankankasi kufanele baqhubeke nokuqhuba ukwenzela izinto obala ukuze sikwazi ukuphendula ngempumelelo.

Nakuba sifuna ukulwisana nezindlela ze-TRIPS-plus, ukwenza njalo kanti iNingizimu Afrika isenomthetho ongathandeki welungelo lobunikazi kunjengokuchitha amanzi emkhunjini ocwilayo. Indlela engoco kakhulu yokuqinisekisa ukufinyelela emithini kudingeka siqinise umthetho wethu welungelo lobunikazi ukubandakanya izinguquko ze-TRIPS - nokuqinisekisa ukuthi uhulumeni usebenzisa lezi zinguquko.

Umthombo: "All costs, no benefits: How TRIPS-plus intellectual property rules in the US-Jordan FTA affect access to medicines", Oxfam Briefing Paper (March 2007). http://www.oxfam.org.uk/resources/issues/health/downloads/bp102_trips.pdf

NgoMashi ka-2011amaqembu ase-Eshiya ateleka ephikisana nezindlela ze-TRIPS-plus ku-EU FTA ye-Indiya. Izinkulungwane zabantu zeza, kubandakanya i- UN Special Rapporteur on the Right to Health.

Isithombe ngu-Jockey Kit.

I-EU FTA ye-Indiya

I-Indiya ithathwa "njengekhemese laseningizimu". Izwe linikezela imithi ye-HIV ejwayelekile ethengekayo eseqophelweni eliphezulu kakhulu esetshenziswa eningizimu ne-Afrika namhlanje. I-Indiya iyakwazi ukukhiqiza imithi eminingi ejwayelekile kancane ngoba izwe lakhe izinguquko ze-TRIPS ezinguqukweni zomthetho welungelo lobunikazi. Umthetho welungelo lobunikazi wasendaweni uvumela ukuphikisa kwangaphambi nangemuva kwesibonelelo; kubandakanya imithetho enamandla yokusho ukuthi yini engaba nelungelo lobuniakzi; nokuvumela amalayisense ayimpoqo. Imboni yemithi ejwayelekile enamandla yase-Indiya, eyenziwe ngaphansi koMthetho Welungelo Lobunikazi We-TRIPPS wangaphambilini, kanye nokusebenzisa kwayo okulandelayo kwezinguquko ze-TRIPPS okuphikisa ngamandla embonini eyenza imithi.

I-European Union iqhuba izindlela ze-TRIPPS -plus njengengxenye ye-EU FTA ye-Indiya manje okungaphansi kwezingxoxo. Ukwengeza ingcindezi ye-EU yokuhluka kolwazi kweminyaka eyishumi, i-FTA nayo iphakamisa izindlela zokuqinisa umthetho eziqinile. Lokhu kungaphazamisa noma ubani obandakanyekile ekukhiqizeni, ekwenzeni nasekudiliveni imithi okusolwa ukuthi kuphazamisa impahla yengqondo ebhaliwe. Lokhu kusho ukuthi ngisho odokotela, imitholampilo, noma ama-NGO anikezela imithi yokwelashwa kungabukeka njengokuphula umthetho uma inkampani icabanga ukuthi ilungelo labo lobunikazi libukelwa phansi.

Kunokukhathazeka ngokuthi izindlela zokuqinisa umthetho eziqinile zingandisa ingozi yemithi ejwayelekile imiswe imingcele yamazwe omhlaba. Lokhu kuzovimbela imithi esindisa impilo ekutheni ifinyelele ezigulini eziyidingayo. Ngonyaka ka-2008 imithi ejwayelekile esemthethweni evela e-Indiya edlula emingceleni ye-Europe yamiswa lapho abanikazi belungelo lobunikazi base-Europe bethi imithi iphazamisa amalungelo abo obunikazi. Ngokuthi imithi ejwayelekile yayidlula iya emazweni ase-Afrika nase-Latin America lapho amalungelo obunikazi ayengahlonishwa khona, kwakungekho kwephulwa kwalungelo lobunikazi. Nakuba i-EU ne-Indiya bevumile okwesikhashan ukubeka umkhawulo ekumiseni ezimeni lapho kunobufakazi bokuthi imithi kungenzeka ukuthi ithengiswe emakethe yase-Europe, udaba alukapheli.

I-FTA kungenzeka futhi ukuthi ifake into ebizwa ngokuthi isahluko sokutshala imali, esenza kube lula ukuthi izinkampani zibophe ohulumeni. Lokhu kungbandaakanya ukukwazi ukuqhuba izinqubo kumaforamu ayimfihlo ayisipesheli kunezinkantolo zikazwelonke, noma ukubopha uhulumeni ngokwephula i-FTA qobo lwayo. Kubandakanya nesahluko sokutshala imali ku-EU FTA ye-Indiya kungaholela ezimpini zomthetho ezibiza kakhulum okungabambezela ukufinyelela emithini. Ukwesabisa kwesinyathelo somthetho sisodwa kungaqeda amandla kuhulumeni wase-Indiya ngokulandela izinqubomgomo ezikhuthaza impilo yomphakathi.

Izishoshovu zilwile ziphikisana nokufakwa kwezindlela ze-TRIPS-plus ku-EU FTA ye-Indiya. Ngenxa yokuhluka kolwazi manje sekuyekiwe ku-ajenda yezingxoxo. Kodwa-ke, okunye ukwesabisa kusekhona. Ngokuthi amazwe ase-Afrika athembela kakhulu emithini yase-Indiya ngezinhlelo zabo zokwelapha, ohulumeni nezishoshovu zidinga ukukhuluma ziphikisane nokuhlinzeka kwe-TRIPS-plus ku-FTA.

NgoMashi 2011, abantu abangaphezu kuka-2,500 bahlangana e-New Dehli beseka uhulumeni wase-Indiya ngesikhathi sezingxoxo zeSivumelwano Sokuhweba Okukhululekile. Kwakungesinye seziteleka ezinkulu kakhulu emlandweni esibandakanya abantu abaphila ne-HIV/AIDS. Isithombe ngu- Rico Gustav.

IMPI YOMHLABA WONKE

Imikhankaso yelungelo lobunikazi eyimpumelelo engxenyeni eyodwa yomhlaba ingaba nomphumela oshaya khona okusiza abantu kwamanye amazwe. Njengoba i-TAC ikhuthaze abanye abantu esikhathini esedlule, namhlanje singathola umdlandla ezimpumelelweni zezishoshovu e-Indiya nase-Thailand lapho silwa kahle nemithetho yelungelo lobunikazi. Ukushintsha ngempumelelo Umthetho Welungelo Lobunikazi waseNingizimu Afrika ukuze kutholakale imithi esindisa impilo kungakhuthaza amanye amazwe ukuthi enze kanjalo.

Isimo se- PMA: Izinkampani ezenza imithi ziphoqekile ukuthi zehlele ngezansi

Ngonyaka ka-1998 i-Pharmaceutical Manufacturers Association (PMA), kanye kanye nezinkampani ezingu-40 ezinemithi eminingi kakhulu yamazwe amaningi, iye enkantolo iphikisana nohulumeni waseNingizimu Afrika ukuthi ayeke ukusebenzisa i-Medicines and Related Substances Control Amendment Act of 1997. Lo mthetho wavumela ukuthi kufakwe esikhundleni semithi enelungelo lobunikazi imithi ejwayelekile uma ilungelo lobunikazi seliphelile, ukuthunyelwa kwemithi ejwayelekile, kanye namanani entengo asobala.

I- Treatment Action Campaign (TAC) yalwa isizana nohulumeni, inikeza usizo lomthetho, ifundisa amalungu ngezinzuzo embonini eyenza imithi, futhi ihlela nemibhikisho. Ingcindezi yasebenza. Ngomhla ka-19 Ephreli 2001 i-PMA yasiyekela isinyathelo senkantolo.

Ukunqoba kwe-TAC kanye nohulumeni waseNingizimu Afrika kwaba yisulubezi elikhulu embonini eyenza imithi umhlaba wonke. Kwasiza ukwakha umfutho omuhle owaholela esivumelwaneni i-Doha Declaration ngokuhamba kwesikhathi ngonyaka ka-2001.

I-TAC neKhomishini Yemincintiswano

Ngonyaka ka-2002 ukunikezelwa kwenyanga kwezimbisigciwane zomugqa wokuqala (ama-ARV) kwabiza ngaphezu kuka-R2,000 engxenyeni ezimele eNingizimu Afrika – ama-ARV ayengakatholakali engxenyeni kahulumeni. Ngenxa yalokhu, abantu abaningi ababene-HIV ababengakwazi ukukhokhela imithi bagula bafa.

I-TAC kanye ne- AIDS Law Project (ALP) bafaka isikhalazo neKhomishini Yemincintiswano ukulwa nezinkampani ezimbili ezenza imithi ezibhekene nomsebenzi wala manani entengo aphezulu, i-GlaxoSmithKline ne-Boehringer Ingelheim. Ngo-Okthoba 2003, Ikhomishini yathola ubufakazi obeseka izinsolo zokuthi amanani entengo ayengesilo iqiniso futhi yakhombisa ukuthi bazoqhubeka nesikhalazo.

Ukubona ukuthi babengahambi ngendlela yabo futhi mhlawumbe besaba ukusakazwa okubi, i-GlaxoSmithKline ne-Boehringer Ingelheim bayivuma bavuma ukukhipha amalayisense ambalwa bawanika abenzi bemithi ejwayelekile. Kwakuwukunqoba okukhulu ekulweni nokufinyelela okukhulu emithini ethengekayo.

Namhlanje uhulumeni ukhokha nje ngaphezu kuka-R100 ngomuntu ngamunye ngemithi yenyanga yokwelashwa ngezidambisigciwane.

I-Indiya ithi cha ku-Novartis

Ngonyaka ka-2007, inkampani eyenza imithi i-Novartis yaphonsela inselele isigaba u-3d soMthetho Welungelo Lobunikazi wase-Indiya, owenza izindlela zokukhetha eziqinile zemithi enelungelo lobunikazi, kuphikiswana ngokuthi kwephulwa izibopho zokuhweba zamazwe omhlaba.

Ukuphendula, abateleki baqala umkhankaso wamazwe omhlaba, ekugcineni yehlulwa i-Novartis. Uma inkampani yayinqobile, lokhu bekuzobukela phansi amazinga aqinile e-Indiya okunikezela ngelungelo lobunikazi. La mazinga adinga ukuthi amalungelo obunikazi anikezelwe kuphela imithi emisha ngempela nenezinguquko, kunezinguquko emithini noma izinhlanganisela zemithi esivele ikhona. Ukunqoba kwenkampanio kunganqamula ukufinyelela emithini eminingi ethengekayo.

Okulandelayo, enye inkampani yemithi, i-GlaxoSmithKline, yahoxisa isicelo selungelo lobunikazi ku-abacavir, umugqa wesibili wama-ARV, ne-trizivir, inhlanganisela yama-ARV amathathu asetshenziswa njengokwelapha komugqa wokuqala nowesibili. Abanye bakholelwa ukuthi i-GSK yayifuna ukuh=gwema ukwenza isibonelo sokwehlulwa kwelungelo lobunikazi, obekungalimaza imizamo yakusasa yokulandelela izicelo zelungelo lobunikazi emazweni anamazinga abuthaka elungelo lobunikazi.

I-Thailand, Brazil namalayisense ayimpoqo

I-Malaysia, Indonesia namazwe ayisithupha ase-Afrika akhipha amalayisense ayimpoqo ngempumelelo omugqa wokuqala. Kodwa i-Thailand yayiyizwe lokuqala elinemali ephakathi nednawo ukunikeza malayisense emithini yomugqa wesibili enamanani entengo aphezudlwana.

Umzamo wasekuqaleni wokukhipha amalayisense e-didanosine awuphumelelanga ngenxa yokwesaba ukuphindisela kohwebo okuvela e-United States. Kodwa-ke, izishoshovu zaphikelela, ekuqaleni kuka-2007, ubuholi obusha e-Thailand baphatha umnyango wezempilo wezwe ukukhipha amalayisense ayimpoqo e-efavirenz, lopinavir/ritonavir, ne-clopidrogel.

Ikhuthazwa impumelelo ye-Thailand, i-Brazil yakhipha ilayisense eyimpoqo ye-efavirenz masinyane emva kwalokho.

Nangale kwamandla obhubhane lwe-HIV, iNingizimu Afrikaa ayikaze inikezele ilayisense eyimpoqo yomuthi oyisidambisigciwane. Imithetho yelungelo lobunikazi laseNingizimu Afrika kufanele ichitshiyelwe ukuze kube lula ukuthi izinkantolo zikhiphe amalayisense ayimpoqo.

Izishoshovu zase-Thai nezase-Indiya zikhombisa ukungeneliseki kwazo ekulweni nokufinyelela emithini. Izithombe ngu-Jockey Kit.

Abakhankasi banqobe impi enkulu yomthetho, nangale kokuphikisanaokuqhubekayo okuvela ezimbonini ezenza imithi nokwesabisa kwezivumelwano zokuhweba ezinomkhawulo kakhulu. Ngokwakha kuphela ekunqobeni kwakamuva – ngokwala amazinga abuthaka amalungelo obunikazi, ngokukhipha amanye amalayisense ayimpoqo, nangokuphikisa ukuhlinzeka kwe-TRIPS-plus – emazweni athuthukayomkungenza umfutho ongeze wamiswa. Yisikhathi sokuthi iNingizimu Afrika ikhuthazeke bese yenza izinguquko ezidingekayo eMthethweni wethu Welungelo Lobunikazi.

Le athikili incike ku-Brook Baker's article (http://www.healthgap.org/)

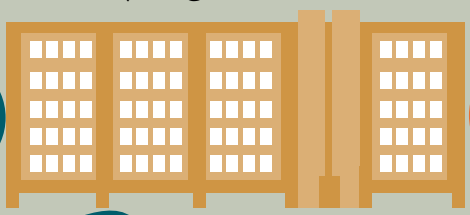
Yenziwa Kanjani Imithetho

Izinqubomgomo ezintsha

Izinqubomgomo ezintsha kaningi ziqala ngezinhlangano zezepolitiki. Isibonelo, i-ANC izinikele yona uqobo ku-National Health Insurance (NHI) engqungqutheleni yasePolokwane ngonyaka ka-2007. Njengoba i-ANC iphethe eNingizimu Afrika, kulula ukuthi baqhube izinqubomgomo zabo kuhulumeni.

Isinyathelo 1

Isinyathelo 2



Iminyango kahulumeni kaningi, noma kungesinjalo, ifingqa imibono yenqubomgomo yayo ngezindaba ezithize embhalweni wezingxoxo obizwa ngomthetho osavivinywa. Izinhlangano zepolitiki, izinyunyz zohwebo, izinhlangano zomphakathi njenge-TAC, kanye namalungu omphakathi bayamenywa ukuthi bafunde futhi baphawule ngalo mbhalo.

Isinyathelo 3

Isinyathelo 4

Emva kokuba sekutholakele imibono ephawulayo ekuvivinyeni, umnyango ofanele kahulumeni noma ithimba elijutshiwe eliyisipesheli lingalungisa umthetho osulungele ukudingidwa (White paper). I-White paper iqonde ngqo kune-Green paper futhi inikeza umqondo onemininingwane eminingi yenqubomgomo ehlongozwayo. Abantu abathandayo bayacelwa ukuthi baphawule nge-White paper. Amakomiti afanele asephalamende nawo ayaphawula kulesi sigaba. Konke ukuphawula kube sekuthunyelwa emuva emnyangweni kahulumeni ukuze uqedelele inqubomgomo.

Esikhathini esiningi imithetho emisha yenziwa kuphela uma izinqubomgomo seziqediwe. Nge- National Health Insurance (NHI), isibonelo, zonke izingxoxo kuze kube manje bezingenqubomgomo. Izinguquko emithethweni yaseNingizimu Afrika zizoza kuphela uma uhlelo lwenqubomgomo seluphelile.

Imithetho Emisha

Kulandela uhlelo lwenqubomgomo, njengoba kuchaziwe kwesokunxele, izinguquko ezithize emthethweni kaningi ziyadingeka ukuze kuqaliswe ukusebenza kwenqubomgomo entsha. Ngakho-ke, umnyango ofanele kahulumeni wenza Umthethosivivinywa owuhlaka. Umthethosivivinywa uzohlala uwumthethosivivinywa owuhlaka kuze kube sewethulwe ePhalamende.

Emva kokuthola imvume yePhalamende, umthethosivivnywa wethulwa endlini encane yePhalamende (Isishayamthetho Sikazwelonle) bese ushicilelwa kuGazethi kaHulumeni. Abantu abathandayo, kubandakanya umphakathi, banikwa ithuba lokuphawula ngomthethosivivinywa owuhlaka, ngezinye izikhathi umthethosivivinywa wenziwa ukuthi ube khona ukuze umphakathi uphawule ngaphambi kokuba wethulwe.

Ikomiti elifanele lasephalamende manje selihlola umthethosivivinywa bese libheka imibono yokuphawula okuvela ezinhlanganweni zezepolitiki. Ngezinye izikhathi lokhu kubandakanya ukulalelwa komphakathi. Leli komiti lingawuncoma umthethosivivnywa, liwale, noma lenze izinguquko kuwo kuze kube lapho abangawuncoma khona. Uma bewuncoma, uyavotelwa kuSishayamthetho Sikazwelonke. Uma Isishayamthetho Sikazwelonke siwuphasisa umthethosivivinywa, uyiswa endlini enkulu yePhalamende (NCOP, noma Umkhandlu Kazwelonke Wezifundazwe) lapho okungaphakanyiswa khona ezinye izinguquko. Umthelela we-NCOP, kanye nokukwazi ukwenza izinguquko kunokuthi bavele baphakamise nje, kuncike ohlotsheni lomthethosivivinywa obhekwayo.

Uma umthethosivivinywa uphasile ePhalamende, kufanele kuqala uphasiswe ngaphambi kokuba ube umthetho. Lokhu kusho ukuthi umongameli kufanele asayine umthethosivivinywa uhambe bese kushicilelwa usuku lokuwuphasisa kuGazethi kahulumeni. Kulolo suku lokuwuphasisa, umthethosivivinywa omusha usuwumthetho.

Izindaba ezivela ku-TAC eLimpopo

Isithombe ngu-Tony Baloyi.

Igatsha laseHomu le-TAC lingena indlu nendlu

Ngomhla ka-14 Julayi, igatsha laseHomu le-TAC laqhuba umkhankaso wokungena indlu nendlu emizini yaseMapayeni. Indikimba yomkhankaso kwakuwukwelulekwa ngokwengqondo kwe-HIV nokuhlolwa kanye nokuvimbela ukudluliselwa kwe-HIV esuka kumama iye emntwaneni. Abasebenzi bezempilo abavela eMtholampilo iMapayeni nabo bahlanganyela emkhankasweni.

Umkhankaso wahamba kanje:

- Amalungu egatsha laseHomu le-TAC angena indlu nendlu enikezela ngemfundiso ngezinzuzozokusheshe uhlolwe jikelel, kodwa ikakhulukazi kwabesifazane abakhulelwe. Baqhuba iseshini yomuntu ngamunye futhi bechaza ukuthi bangabanikeza onesi kanye nabeluleki abeluleka nge-HIV. "Uma uthanda ukwelulekwa ngokwengqondo futhi uhlolwe, okudingayo ukuthi usazise bese siletha umeluleki emzini wakho." amalungu e-TAC etshela abantu.

- Uma umutnu oyedwa ecela ukwelulekwa, umsebenzi okhethiwe we-TAC wayebizwa ngeselula. Lo msebenzi we-TAC ube esebiza unesi kanye nomeluleki we-HIV bese bemthumela endlini efanele. Kwakuba neseshini yokwelulekwa ephelele ukhululekile emzini wakho.

Lo mkhankaso ufinyelela kubantu abangama-264 ngokusebenzisa amaseshini okufundisa umuntu ngamunye. Abantu abangama-34 abahlolwa i-HIV kwase kuthi abayi-12 bedluliselwa ukuyohlolwa i-TB.

I-TAC yaseMariveni ibhekana nodlame lwasemakhaya

Ngomhla ka-19 Julayi, igatsha laseMariveni le-Treatment Action Campaign (TAC) yenze umkhankaso emizini yaseShipungu ukuqwashisa ngodlame oluncike ebulilini (gender-based violence (GBV). Lokhu kwalandela imibiko yamaphoyisa yokuthi amacala amathathu e-GBV ayebikwa kule mizi emincane njalo ngenyanga

Ngesikhathi sokuvakasha indlu nendlu amalungu e-TAC akhomba izinsolo ze-GBV. Amacala amathathu adluliselwa kusonhlalakahle eseMtholampilo eMariveni. Akusiwona wonke amacala abandakanya udlame lobulili. Kwesinye isehlakalo umfana osemncane kusolwa ukuthi washaya amalungu omndeni wakhe kangangokuthi ayesabela izimpilo zawo. Kwelinye icala, umutnu owayekhubazekile kwakusolwa ukuthi wavalelwa futhi kaningi wayeshiywa engenakudla.

Ngomhla ka-16 Agasti i-TAC yaphindela emizini ukuyolandelela kule mibiko. Umuntu okhubazekile wedluliselwa endaweni ephephile. Umfana osemncane wabekwa icala lokuziphatha okunodlame waqashwa usonhlalakahle futhi kwathiwa uba ngcono ekuziphatheni kwakhe. Usonhlalakahle naye wakhombisa ukuthi ekhuthazwe umkhankaso we-TAC, abangtu beza ngaphambili ukuzobika amanye amacala ayisishiyagalombili odlame lwasekhaya.

Abesifazane abancane be-TAC bayahleleka

NgolwesiHlanu mhla ka-26 Agasti, i-TAC yaseMopani yabamba umkhankaso womphakathi onendikimba ethi "Siguqula abahlushwa babe ngabasindile". Inhloos yalo mkhankaso kwakuwukubhekela udlame kanye nokuhlukunyezwa ebudlelwaneni. Abameleli abavela kuwo wonke amagatsha e-TAC eLimpopo eza azoxoxa ngezindlela zokubhekana nodlame oluncike ebulilini.

Umkhankaso walandela umhlangano wezinsuku ezine wabesifazane be-TAC lapho ababheka khona izindaba zezempilo. Abesifazane beza emhlanganweni benqumile ukusebenzisa lonke ithuba - kungaba semasontweni, emihlanganweni yasemphakathini noma ezindaweni zezempilo - ukufundisa ngezinzuzo zokwenza i-pap smear, nokubakhuthaza ukuthi balusebenzise lolu sizo lwezokwelashwa. I-pap smear ingasindisa izimpilo eziningi ngokuxilonga umdlavuza womlomo wesibeletho ngesikhathi usengelapheka.

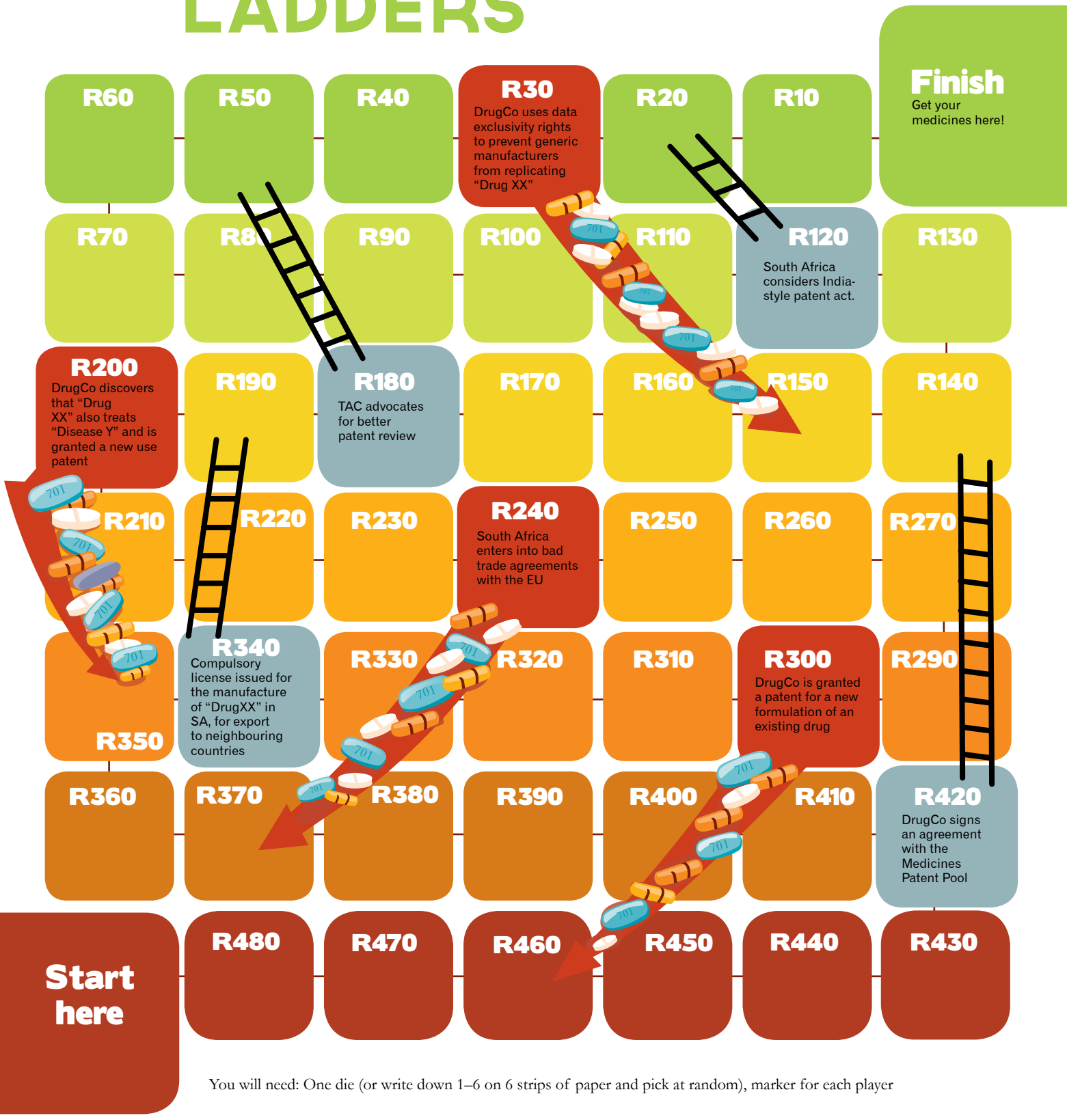
Umkhankaso futhi ubandakanya ukuqhutshwa kolwazi nge-HIV nokuhanjiswa kwamakhondomu edolobheni laseGiyani. Isamba samakhondomu amadoda angu-42,000 kanye namakhondomu angu-1,300 abesifazane ahanjiswa emarenki amatekisi nasezimakethe.

Izindaba zihlangansiwe ngu-Shine Mabuza, Jennifer Milambo no-Adam Malapa be-TAC eMopani.

Funda kabanzi ngemisebenzi ye- TAC kuma-blog esifunda e-TAC ku-: http://www.tac.org.za/district/

SLIPS AND LADDERS

Directions: Place player markers on Start. Each player rolls the die once, and the player with the highest number begins game. For each turn, roll the die and move your marker the correct number of spaces. If you land on a spill or ladder, follow the directions. The first player to receive their medication wins! Good luck!



You will need: One die (or write down 1–6 on 6 strips of paper and pick at random), marker for each player

SUPPORT TAC

WE NEED YOUR HELP

For more than a decade, TAC has campaigned for all South Africans to have better access to HIV/AIDS treatment, care and prevention programmes. TAC has received world-wide acclaim and numerous international accolades, including a nomination for a Nobel Peace Prize in 2004. In 2006 the New York Times called TAC "probably the world's most effective AIDS group".

FUNDING IS IN CRISIS

Funding for HIV/AIDS has been negatively affected by the global recession. The funding gap is growing fast and is now estimated to be over $7.7 billion globally. In 2009, UNAIDS released studies on the impact of the economic crisis on HIV prevention and treatment programmes. The summary report states "the negative impact of the crisis on AIDS programmes is real and getting worse".

THE EPIDEMIC CONTINUES

People with HIV and TB continue to depend on TAC's education and campaigns - but we can't continue our work without your help. Be part of our struggle. Support TAC's work.

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