# Developing and applying integrity policies in a global context

Ayşe Erzan
Istanbul Technical University

World Conference on Research Integrity, Lisbon 2007

# Outline

- Research integrity - part of the definition of science
- Non-compliance with "ethical standards," and "offshore research"
- Grey areas
- Exploitative relations
- Creating "no man's land"
- Recommendations

Notes

Scientists enjoy a special *covenant* with the public as the hunters of new *"truths"*

This covenant is

- underpinned by limits and guidelines
- predicated upon their *honesty*

- Research integrity should entail complying with the relevant international, national and institutional "codes of conduct and ethical standards."
- These may be
  - legally binding
  - made compulsory by funding, approval, licensing or other agencies.
- Deliberate evasion of such regulations should be considered violation of research integrity.

# in non-academic research as well..

- In industrialized countries, most scientists are not employed by academic institutions
- Most basic research funded by government agencies
- Huge amount of applied research conducted by industry
- Pharmaceutical industry occupies a giant share of research: has left arms manufacture behind in profits.
- Contract Research Organizations (CROs) taking over drug trials from pharmaceutical companies
  - 20% of drug research and clinical trials outsourced by US industries to "offshore" companies (in some pharma companies more than 50% of drug trials)
  - to Africa, Latin America, Eastern Europe, India..

S.Shah, *The Body Hunters* (New York, The New Press, 2006)

# Regulatory instruments for medical and pharmaceutical research

- International "ethical standards"
  - Nürnberg principles 1947: "freely given consent" → International Covenant on Civil and Political Rights.
  - International Code of Medical Ethics (WMA, 1949)
  - Declaration of Helsinki (WMA, 1964; last revision 2004).
  - UN declarations, if nationally ratified, legally binding; "customary international law."
- European Parliament and the Council of the European Union
  - Clinical Trials Directive (2001/20/EC), Good Clinical Practice Directive (2005/28/EC)
  - Convention on Human Rights and Biomedicine

# Regulatory mechanisms: approval, certification

- International and national agencies
  - FDA (does not require oversight of offshore data, accepting applications with solely overseas data)
    - "Safe Overseas Human Testing Act" requiring home-country oversight of offshore drug tests did not pass US Congressional committee, 2006.
  - EMEA (European Medicines Agency)

# Regulatory mechanisms: funding

- European Commission funding
  - conditional on compliance with EU norms, and with institutional and national ethics committee reviews. (However most national "standards" not binding but voluntary).

- US Federal government funding, NIH
  - conditional on compliance with US standards (independent of venue). Industries and CROs not bound by funding constraints.

# Grey areas: confirmatory studies

- Repeating drug trials in different countries: Research or *Re* - search?
  - Justification: different populations or conditions
  - Commercial interests: an advertising gimmick?
  - Waste of resources
  - Less than the truth?  Medical doctors/ test subjects given to believe they are participating in research?

# Gray areas: genetic research

- Both legal and ethical problems: Pluralism in laws/guidelines even within the same country (US case) or research area (EU)
- evading local constraints by moving to a different locale - the "right" thing ?
  - basic research : Embryo Stem Cells
  - applications / informal research: GM crops
    - huge impact on biological diversity, dependence on few industrial corporations for seeds, restructuring the agricultural sector with strong social impact

# Cutting corners? Or Illegal Research?

- Drug trials time consuming and expensive
  - National ethics committees catching up
- Exploiting the desperately needy?
- Informed consent – "*treatment" or trial?*
- Amendments to the Declaration of Helsinki
  - "access to the best proven…treatment *identified by* the study " → "*identification of* post-trial access to …*appropriate care*."
  - use of placebos – only in absence of proven therapy → "compelling and scientifically sound methodological reasons"

# No man's land of state security

- Neurobiological research
  - brain imaging for "fingerprinting"
  - new devices affecting thought processes?

  *The Future of the Brain*, Steven Rose

- Danger of continued use of humans in the military for medical experiments involving biological weapons or prophylactics

  *Undue Risk: Secret State Experiments on Humans*, Jonathan D. Moreno

- Torture : PRINCIPLES OF MEDICAL ETHICS RELEVANT TO THE PROTECTION OF PRISONERS AGAINST TORTURE (1983) Resolution 37/194 (Principles of Medical Ethics) the United Nations General Assembly, 18 December 1982

# Recommendations

- International regulatory agencies and those in the home country should
  - ensure compliance with international standards also in research conducted outside the mother country
  - assist in setting up effective monitoring within the host countries or institutes (Example: Pasteur Inst./Turkey, 1994)
  - curb unacknowledged research
- Encourage education in research integrity and science ethics

# notes

1. Slide 5 : More than 20% drug research outsourced to overseas companies.

   Kerry A.Dolan, "Outsourcing - the Drug Research War," *Forbes*, 28 May 2004.
http://www.forbes.com/2004/05/28/cz_kd_0528outsourcing.html

   "14.5 billion USD budget for outsourcing .."

   "(in some giants > 50%)" Note 27 of Chapter 1 of Shah (2006), to Julie Smith, "Costs, regulations Move MoreDrugs Tests outside USA," *USA Today*, May 16, 2005.

   S.Shah, *The Body Hunters* (New York, The New Press, 2006), p.8.

2. Slide No. 6.

   James Lavery, June 2004. The challenge of regulating international research with human subjects. Science and Development network, policy briefs. http://www.scidev.net/dossiers/index.cfm?fuseaction=policybrief&dossier=5&policy=52

3. Slide No. 7. FDA accepting applications with solely overseas data [provided by the CROs]. S. Shah, "the Globalization of Clinical Research," *The Nation*, July 1, 2002, referenced in Shah, op. cit., (2006), p.7.

4. Slide No. 7. "Safe Oversees Human Testing Act" requiring home-country oversight of offshore drug tests did not pass US Congressional committee, 2006. see http://www.govtrack.us/congress/bill.xpd?bill=h109-5641

# notes, ctd.

5. Slide No. 10. Plurality of rules and guidelines in ES Cell Research. See: M. Revel, "Research on Human Embryonic Stem Cells and Cloning for Stem Cells," in *In Search of Common Values in the European Research Area,* P.Drenth, L. Honnefelder, J.J.F. Schroots and B. Sitter-Liver eds., (ALLEA, 2006), p.116

   Also see The Columbia University Medical Center site.

6. Slide No. 11 National ethics committees catching up.

   The US national ethics committee 1974 (see Shah (2006), p. 74). The Decleration of Helsinki (WMA) in 1975. The French national committee set up in 1988. The first ethics committee in Turkey at a research hospital, the Hacettepe University Hospital, in 1988. The formation of the Turkish national health ethics review committee in 1993-94.

   Good examples, see http://www.nhrec.net/nhrec/

   NHREC (National Health Research Ethics Committee, Nigeria) now has United States Federal Wide Assurance

   NHREC now has United States Federal Wide Assurance so that when the NHREC functions as an ethics committee according to the National Code and reviews protocols, such protocol review meets the requirements of United States Federal Government funded research.

   Also citizen's initiatives being set up: Nigeria Health Watch. (See http://nigeriahealthwatch.blogspot.com/ )

# notes, ctd.

7. Slide No. 10. Exploiting the needy/ "treatment" or "trial"? It was not made clear to the children or the families that the administration of Trovan (reg.) to the children was an experimental trial, rather than the proven antibiotic available, and in fact being administered in the other health outposts. http://www.wsws.org/articles/2007/jun2007/pfiz-j04.shtml
8. Slide No. 12.

   Steven Rose, *The Future of the Brain* (Oxford University Press, 2005).

   Jonathan D. Moreno, *Undue Risk: Secret State Experiments on Humans* (Routledge, London, 2001)