

RESOLVED, that shareholders of AbbVie Inc. (“AbbVie”) urge the board of directors to oversee conduct of human rights due diligence (“HRDD”) to produce a human rights impact assessment (“HRIA”) covering AbbVie’s operations, activities, business relationships, and products, including access to medicines. The HRIA should be prepared at reasonable cost and omitting confidential and proprietary information and made available on AbbVie’s web site. The HRIA should describe actual and potential adverse human rights impacts identified; identify rightsholders that were consulted; and discuss whether and how the results of the HRIA will be integrated into AbbVie’s operations and decision making.

Supporting Statement

The right to health is a fundamental human right. Article 12.1 of the International Covenant on Economic, Social, and Cultural Rights “recognize[s] the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”¹ Access to medicines is a key element of the right to health. Target 3.8 of United Nations Sustainable Development Goal 3 assesses progress toward “access to safe, effective, quality and affordable essential medicines and vaccines for all.”²

AbbVie has adopted “Our Commitment to Human Rights” (the “Commitment”), which includes respecting the human rights of clinical trials participants and supporting “access to quality and affordable medicines.”³ The Commitment also says that AbbVie supports “key tenets of the United Nations Guiding Principles on Business and Human Rights” (the “UNGPs”).

The UNGPs state that to satisfy their obligation to respect human rights, companies should establish an HRDD process to identify, prevent, mitigate and remedy human rights impacts. AbbVie does not appear to have established such a process. The Commitment states that AbbVie “surveys and measures our most critical suppliers on their environmental and social practices, including criteria related to human rights and safety,”⁴ which suggests that it is relying at least in part on self-reported data. As for its own operations, under which the right to health would fall, the Commitment mentions no process used by AbbVie to identify human rights impacts, beyond an ethics and compliance hotline.

Some of AbbVie’s actions appear to undermine its commitment to promoting access to medicines. A case brought by a Dutch organization claiming that AbbVie’s overcharging the Dutch healthcare system for Humira violated the human right to health was recently permitted to proceed by a Dutch court.⁵ In the U.S., AbbVie has been accused of using a variety of anticompetitive practices to raise prices for two lucrative drugs.⁶

¹ www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights; <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7605313/>

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www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_70_1_E.pdf

³ <https://www.abbvie.com/content/dam/abbvie-com2/pdfs/about/our-commitment-to-human-rights.pdf>, at 2

⁴ <https://www.abbvie.com/content/dam/abbvie-com2/pdfs/about/our-commitment-to-human-rights.pdf>, at 3

⁵ [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(24\)01545-9/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(24)01545-9/fulltext)

⁶ <https://www.nbcnews.com/politics/congress/pharmaceutical-company-abbvie-inflated-prices-two-major-drugs-house-oversight-n1267591>; <https://www.i-mak.org/wp-content/uploads/2020/10/i-mak.humira.report.3.final-REVISED-2020-10-06.pdf>

Comprehensive HRDD that includes access to medicines would enable AbbVie to identify human rights impacts of its own operations, such as harmful pricing practices and shortcomings in access programs. According to Deloitte, it is not possible for a company to “really commit to respecting and promoting human rights without having full transparency of its human rights impacts.”⁷ Publicly releasing the resulting HRIA would allow shareholders to assess AbbVie’s human rights performance.

⁷ <https://www.deloitte.com/global/en/services/risk-advisory/blogs/human-rights-due-diligence-in-the-modern-era.html>