

RESOLVED, that shareholders of Johnson & Johnson (“J&J”) urge the board of directors to oversee conduct of human rights due diligence (“HRDD”) to produce a human rights impact assessment (“HRIA”) covering J&J’s operations, activities, business relationships, and products related to access to medicines. The HRIA should be prepared at reasonable cost and omitting confidential and proprietary information and made available on J&J’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 J&J’s operations and decision making.

Supporting Statement

J&J has adopted a Position on Human Rights (“Position”) in which it commits to “respecting internationally recognized human rights throughout [its] own operations and across [its] value chain.”¹ 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.”² Access to medicines is a key element of the right to health. Target 3.8 of Sustainable Development Goal 3 assesses progress toward “access to safe, effective, quality and affordable essential medicines and vaccines for all.”³

The Position recognizes the salience of access to medicines. Specifically, J&J says it “aim[s] to advance sustainable and equitable patient access to medicines” and “strives to achieve broad and timely access to [its] medical products at sustainable prices that aim to be locally affordable.”⁴

J&J claims to “have due diligence processes and management systems in place across [its] business to identify and address potential and actual human rights impacts.”⁵ But the specific HRDD examples J&J provides involve supplier human rights risks;⁶ there is no indication that J&J has applied an HRDD process to its own operations, including pricing and access. Even as to supplier issues, J&J has not disclosed any HRIAs produced as a result of its HRDD.

Some of J&J’s actions appear to undermine its commitment to the human right to health and access to medicines. Subsidiary Janssen sued to invalidate the Inflation Reduction Act’s (“IRA’s”) provision authorizing limited Medicare drug price negotiations.⁷ A trade association to which J&J

¹ <https://www.jnj.com/about-jnj/policies-and-positions/our-position-on-human-rights>, at 1

² 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

⁴ <https://www.jnj.com/about-jnj/policies-and-positions/our-position-on-human-rights>, at 6

⁵ <https://www.jnj.com/about-jnj/policies-and-positions/our-position-on-human-rights>, at 3

⁶ See <https://healthforhumanityreport.jnj.com/2023/assets/downloads/johnson-johnson-2023-health-for-humanity-report.pdf?h=Ka9OvM1t>, at 40

⁷ <https://www.biopharmadive.com/news/johnson-johnson-lawsuit-ira-drug-pricing-xarelto/688377/>

belongs⁸ lobbied against the IRA,⁹ contributed millions to defeat a California pricing measure,¹⁰ and supported a group that fought to repeal Obamacare.¹¹

J&J touts its ranking in the Access to Medicine Index (“AtMI”) as evidence of its commitment to access. The AtMI, however, only focuses on low- and middle-income countries (“LMICs”) and medicines for diseases that occur mainly in LMICs. Additionally, AtMI assesses “policies, plans and practices that should improve access to medicines” but not actual affordability.

Comprehensive HRDD that includes access to medicines would enable J&J to identify human rights impacts of its own operations, such as shortcomings in access programs and funding of harmful lobbying efforts.

⁸ https://s203.q4cdn.com/636242992/files/doc_downloads/Gov_Docs/PE/2022-trade-associations.pdf

⁹ <https://www.mmitnetwork.com/aishealth/spotlight-on-market-access/pharma-spent-record-amount-on-lobbying-in-2022-pbms-are-now-in-spotlight-2/>

¹⁰ <https://www.npr.org/sections/health-shots/2017/12/18/571206699/in-election-year-drug-industry-spent-big-to-temper-talk-about-high-drug-prices>

¹¹ <https://www.nytimes.com/2018/07/27/business/the-stealth-campaign-to-kill-off-obamacare.html>