1- Description of the tasks:

The Commission convened the International Research Panel as a subcommittee to advise the Commission on the President's charge. The panel consisted of experts in bioethics and biomedical research from ten different countries including: India, Uganda, China, Russia, Brazil, Argentina, Belgium, Guatemala, Egypt, and the United States. The Commission charged the panel to undertake a consultation process to examine:

a. The dominant norms, and competing alternatives, driving the ethics of medical research in different global regions outside of the United States;

b. The conflicts, if any, between U.S. norms and international standards;

c. The challenges facing researchers conducting U.S.-funded research in global settings; and

d. Possible strategies to address differences in regional norms for medical research.

The panel met on three occasions to discuss research standards and practices in human subjects research around the globe. In their discussions the panel drew upon their individual expertise and decades of experience conducting research and developing standards and policy to protect human subjects. The panel's deliberations were further informed by background literature selected by the panel members and Commission staff.

2.- Litewka's contributions:

Meeting 1- April 8th 2011

Legal and Ethical Standards and Practice for Research Ethics in the Latin American Region
Sergio Litewka, M.D., M.P.H.

Brazil, Argentina, Mexico, and Peru are the main players in the Latin American research environment, according to ClinicalTrials.gov. Most research is funded by international organizations and pharmaceutical companies. With the exception of Brazil (which invests at a higher rate), most Latin American countries invest about 0.5 percent of their GDP in research.

Argentina has a regulatory framework that reflects international guidelines. However, they are provisions, not laws, and there is no punishment for violation. Countries such as Bolivia, Columbia, and Chile have relatively new policies in place but do not have a solid framework for implementation. All clinical trials in Costa Rica have been suspended since 2010 in response to irregularities found in vaccine trials. Other countries have minimal laws on the books, some of which are relatively vague, related to general articles, or more aspirational than operational. Panama recently created a National Research Bioethics Commission.

Persistent concerns include:

- Lack of mandatory training in research ethics and the responsible conduct of research, and a perception that bioethics is an esoteric activity disconnected from research;
- Identification and management of conflicts of interest;
- Enforcement of existing regulations;
- Competence, composition, independence, and operating procedures of research ethics committees;
- Weak or inconsistent institutional accountability;
- Economic disparities and access to healthcare; and
- Governance and perceptions of corruption.

Roundtable and Discussion

Dr. Gutmann asked the each member to discuss the most significant commonalities or gaps among standards or practices. The following issues were identified, though consensus was not sought or reached on particular items.

- Despite the importance of international norms, universal norms will inevitably result in different results in different circumstances, both among countries and within countries. Given the rapid rate of growth of international collaborative research efforts, it might be necessary to have another declaration of universal norms (e.g., the Declaration of Helsinki). However, it should be noted that the United States has not signed on to all universal standards, including the Declaration of Helsinki.

- There might be value in, at the least, defining a meaningful set of fundamental values that can be universally agreed on and adopted—how each country implements them might differ. Such discussions must ensure a seat at the table for all interested parties.

- It is important to focus not only on rules and guidelines but also how they are interpreted and implemented. This calls for a systematic effort to understand how guidelines are implemented so they can be made more effective.

- Concrete ways to demonstrate respect for others, such as recognizing cultural norms, should be found. This requires a framework for good participatory practices to ensure meaningful community engagement.

- Funders/sponsors should support ethics training as well as research. Training should be mandatory.

- An international registry should catalogue international research collaborations to facilitate monitoring and accountability.

- An international structure to evaluate problems that arise in the interpretation and implementation of principles with the goal of issuing common interpretations or guidance should be established.

- A regulatory framework to improve monitoring of ethics review committees should be adopted.

- The connections between research ethics and global justice, for example, issues of ancillary care and post-trial access to the benefits of research, should be recognized and evaluated.

before a study can begin to ensure that regulatory standards can be met. The U.S. FWA process also warrants review to ensure it is achieving its goals when U.S.-sponsored studies are conducted abroad.

The United States needs to be cognizant of the needs and norms of developing countries in any discussions about universal standards and treat those nations as equals.

Meeting 2: June 23rd 2011.
Seeking Unity and/or Harmonization – Transnational Standards and Universal Principles

Sergio Litewka, M.D., M.P.H.

The following questions were posed for consideration:

- Is it necessary to redefine a universal framework for bioethics, while leaving countries some freedom to work within it?
- How can one raise basic minimum standards for human subjects protection to avoid "forum shopping" for research?
- Are current transnational standards insufficient in some way? Are any transnational standards out of date?
- Is it necessary to have another joint transnational standard for human subjects protection?
- Is there a need for an international structure to issue interpretations or guidance on the implementation of common standards and/or principles?

Dr. Litewka said that it is not the norms that are in question but rather their enforcement. Existing standards and norms, in general, are similar, and no more are needed. Although guidelines are useful, the challenge still lies in how to transition from aspirational to procedural norms. Cultural differences can be addressed as long as there is respect.

To improve implementation, education is needed for investigators and ethics board members. There should be singular standards for ethics training because the standards are so similar. What is needed is a critical mass of people who understand the ethical standards. It is vitally important that capacity for ethics review and oversight be built in and by countries where it does not exist. There are minimal standards on which all can agree, and those should be well understood internationally. These include the need for independent review, informed consent, and a favorable risk/benefit ratio.

Conclusion of this discussion:

To enhance transparency and accountability, the United States should consider requiring all research that involves greater than minimal risk to subjects to be registered and results reported.

However, it was noted that while transparency is necessary, it is not sufficient. It was added that among the best protections for participant health and well-being is the conscience of a well-informed scientist. This can be aided by an activist community that benefits from the ability to use social networks and the Internet as part of the monitoring capacity.

Meeting 3, July 24th 2011

Conclusion of the discussions

Adequacy of Existing Rules

The panel agreed that there is no need for new rules in the United States; however, existing rules need to be revised and harmonized. Where they exist, current rules and guidelines are sufficient to ensure human subjects protections if they are appropriately implemented. Existing standards generally include the same basic protections, e.g., independent prior review and informed consent. More guidelines, *per se*, will not help except in those countries without rules in place. In fact, for some research activities in some places, fewer guidelines might be better because the current rules have become overly burdensome and somewhat conflicting from a procedural perspective.

- ***Promoting Community Engagement***

- ***Individual Informed Consent is an Essential Protection***

- ***The Need for Transparency and Accountability***
- ***Training Needs***
- ***Compensation for Research-Related Injury***

- ***Ongoing International Dialogue***