

Roan, Caroline <Caroline.Roan@pfizer.com>

3:29 PM (23  
minutes ago)

to me, Cinthya, Lavinia, Tim

Dear Business for Ukraine Coalition,

Thank you for your communication dated 23 January 2023. I am responding on behalf of our CEO's office.

Pfizer stands with the global community across the public, private and civil society sectors in opposition to the Russian war in Ukraine. In line with our [human rights policy statement](#) we respect internationally recognized human rights throughout our operations, focusing on addressing risks that could have the most severe impacts on people: our patients, our colleagues, the workers of our business partners, and the communities in which we operate. We conduct business in all our markets fairly, ethically and in accordance with applicable laws, including the international sanctions adopted against Russia.

Pfizer's portfolio of products available in Russia today spans many life-threatening conditions, such as treatment of transthyretin amyloidosis, cardiomyopathy of wild-type or hereditary transthyretin-mediated amyloidosis (ATTR-CM), acromegaly, relapsed or refractory B-cell precursor acute lymphoblastic leukemia (ALL), breast cancer (human epidermal growth factor receptor 2 [HER2]-negative), non-small cell lung cancer (NSCLC), acute myeloid leukemia (AML) in adults and pediatric patients, with few therapeutic alternatives available to patients locally.

However, maintaining the supply of medicines to patients in Russia does not mean we have continued doing business as usual in that country. Since March 2022, Pfizer has been donating the equivalent of all profits of our Russian subsidiary to causes that provide direct humanitarian support to the people of Ukraine, in addition to all other announced donations from Pfizer to Ukraine. To date, more than \$22 million has been donated through the Pfizer Foundation to national and international NGOs working to support the Ukrainian people. We are no longer initiating new clinical trials in Russia and we have stopped recruiting new patients in our ongoing clinical trials in the country. Importantly, we have continued to support sites and participants who were enrolled in clinical trials in Russia before February 2022, consistent with our commitment to putting patients first. Maintaining continuity of care for these patients remains our focus. While Pfizer does not own or operate any manufacturing sites in Russia, we have ceased new investments with local suppliers intended to build manufacturing capacity in the country.

These decisions align with our human rights commitments and our patient-first values and ensure that the equivalent of every dollar of profit derived from Russia is ultimately used to support Ukraine and its people.

We have publicly provided detailed information about [our response in Ukraine](#) and publicly stated [our position with respect to Russia](#). Our positions have also been shared with the [Business and Human Rights Resource Center](#). As an EFPIA member, Pfizer also supports the [EFPIA Statement on the crisis in Ukraine](#).

With Kind Regards,

Caroline

Caroline Roan  
Senior Vice President, Global Health & Social Impact  
Chief Sustainability Officer  
President, Pfizer Foundation  
Pfizer Inc. | 235 E. 42nd Street | New York, NY 10017  
Office: +1 (212) 733-0953  
Email: [caroline.roan@pfizer.com](mailto:caroline.roan@pfizer.com)

Dr. Albert Bourla  
Chief Executive Officer  
Pfizer Inc.  
235 East 42nd Street  
New York NY 10017  
United States of America

CC: Pfizer's Executive Team and Board of Directors

January 23, 2023

RE: Pfizer's business operations in Russia

Dear Dr. Bourla,

We write to you as [B4Ukraine](#), a coalition of Ukrainian and international civil society organizations working to curtail the financial resources enabling the Russian invasion of Ukraine. We expect companies to demonstrate opposition to Russia's war of aggression, public support for the people, democracy, and territorial integrity of Ukraine, and alignment with the UN Guiding Principles on Business and Human Rights (UNGPs). At stake is not only the sovereignty and territorial integrity of a democratic Ukraine, but also the continuity of the rules-based international order and the prosperity of the global economy.

We request an urgent dialogue regarding potential inconsistencies between Pfizer's stated policies on Russian aggression and human rights more broadly and the company's ongoing business operations and relationships in Russia that may contribute to, or be linked with, human rights harms.

We acknowledge Pfizer's stated commitment to human rights. According to the company's Human Rights Policy Statement, Pfizer is committed to conducting business in an ethical and responsible manner. The Statement continues to state that Pfizer is:

... proud to have been one of the early signatories to the United Nations (UN) Global Compact, an initiative that calls on companies to align strategies and operations with universal principles on human rights, labor, environment, and anti-corruption, and to take actions that advance societal goals. In honoring our commitment, we seek to prevent and mitigate adverse human rights impacts in our global operations, and remediate any adverse human rights impacts we may inadvertently cause or contribute to.<sup>1</sup>

Pfizer reiterates its dedication to human rights in its Modern Slavery Statement which includes respecting internationally recognised human rights, fully supporting the United Nations Declaration of Human Rights, the International Labour Organization Declaration on Fundamental Principles and

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<sup>1</sup> Pfizer, "Human Rights Policy Statement," August 2020, <https://cdn.pfizer.com/pfizercom/about/Human-Rights-Policy-Aug-2020.pdf> (accessed 13 January, 2023).

Rights at Work, and the UN Global Compact's ten principles on human rights, labour, environment, and anti-corruption.<sup>2</sup>

It has been more than ten months since Russia invaded Ukraine and the devastating impacts continue to shock the global conscience and shake the global economy. Russia is violating international humanitarian law (IHL), including war crimes and crimes against humanity, through attacks on civilians and civilian infrastructure (e.g., mass executions, sexual violence, torture, forcible transfer of civilians). More than 18,000 Ukrainians have been killed and injured and millions more have been forced to flee their homes, creating one of the largest humanitarian and refugee crises of modern times.

On September 21, President Vladimir Putin escalated the war by announcing a "partial mobilisation" of the Russian population. The accompanying legislation ([Article 9 of Federal Law No. 31-FZ](#)) mandates all organisations, including the more than 1,500 international companies that are currently operating on a full or limited scale in Russia, to conduct military registration of the staff if at least one of the employees is eligible for military service.<sup>3</sup> They must also assist with delivering the military summons to their employees, ensure the delivery of equipment to assembly points or military units, and provide information, buildings, communications, land plots, transport, and other material means of support to the war effort.

This legislation entails new and significant legal risks for companies remaining in Russia, including potential civil and criminal liability under comprehensive sanctions regimes and recent international jurisprudence holding corporations and their officers responsible for human rights abuses abroad.<sup>4</sup>

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<sup>2</sup> Pfizer, "Pfizer 2021, California and UK Modern Slavery Statement," [https://cdn.pfizer.com/pfizercom/responsibility/workplace\\_responsibility/2022\\_California\\_and\\_UK\\_Modern\\_Slavery\\_Statement.pdf](https://cdn.pfizer.com/pfizercom/responsibility/workplace_responsibility/2022_California_and_UK_Modern_Slavery_Statement.pdf) (accessed January 13, 2023).

<sup>3</sup> Federal Law No. 31-FZ of February 26, 1997 "On mobilization training and mobilization in the Russian Federation" (as amended), <https://base.garant.ru/136945/> (accessed November 14, 2022).

<sup>4</sup> International companies remaining in Russia are now at a greater risk of violating sanctions regimes as implementation of the legislation will likely involve transacting with sanctioned individuals or entities. Furthermore, new domestic civil and criminal cases against companies involved in violations of international law demonstrate the risk of significant liability for facilitating state-sponsored human rights abuses abroad (e.g., Lafarge case, Lundin case, Castel Group indictment, Nevsun holding, and Dassault Aviation, Thales, and MBDA France criminal complaint.) Victoria Riello and Larissa Furtwengler, "Corporate Criminal Liability for International Crimes: France and Sweden Are Poised To Take Historic Steps Forward," *Just Security*, September 6, 2021, <https://www.justsecurity.org/78097/corporate-criminal-liability-for-human-rights-violations-france-and-sweden-are-poised-to-take-historic-steps-forward/> (accessed November 14, 2022); The Sentry, "Breaking: France Opens War Crimes Inquiry Focused on Iconic Food and Beverage Conglomerate," July 1, 2022, <https://thesentry.org/2022/07/01/7216/breaking-france-opens-war-crimes-inquiry-focused-iconic-food-beverage-conglomerate/> (accessed November 14, 2022); *Rfi*, "French technology firm charged over Libya cyber-spying," July 2, 2022, <https://www.rfi.fr/en/business-and-tech/20210701-french-tech-firm-charged-over-libya-cyber-spying> (accessed November 14, 2022); Preston Lim, "Canadian Supreme Court Allows Corporate Liability for International Law Violations," *Lawfare*, March 12, 2022, <https://www.lawfareblog.com/canadian-supreme-court-allows-corporate-liability-international-law-violations> (accessed November 14, 2022); Sherpa, "Aiding and abetting war crimes in Yemen: Criminal complaint submitted against French arms companies," June 2, 2022, <https://www.asso-sherpa.org/aiding-and-abetting-war-crimes-in-yemen-criminal-complaint-submitted-against-french-arms-companies> (accessed November 14, 2022).

Companies may be exposed to financially material risks through operational restrictions, such as limitations of future government contracts.<sup>5</sup>

In response to this unprovoked and unjustified war<sup>6</sup> many companies have left Russia. According to the Kyiv School of Economics Institute's #LeaveRussia [company tracker](#), Pfizer has taken steps to withdraw from the Russian market. In March, Pfizer announced that it will no longer initiate new clinical trials and stop recruiting new patients for such trials in Russia. Further, Pfizer stated that it will stop all new investments in Russia.<sup>7</sup> While we commend these steps and understand that medicine is exempt from the sanctions imposed by the EU and the US, continued exposure to the Russian market can be perceived as prolonging the illegal Russian invasion of Ukraine and the suffering of Ukrainian people.

In 2008 a legal entity (Pfizer LLC) was established and the first warehouse of the company's products in Russia was opened.<sup>8</sup> Pfizer manufactures some medicine in Russia, but it does not export it, and less than half a percentage point of Pfizer's total business comes from the country.<sup>9</sup> Prior to the invasion, Pfizer entered a deal with the Russia-based NovaMedica to establish local manufacturing in the Russian Kaluga region, where it would produce Pfizer's medicines.<sup>10</sup> While Pfizer announced that it would be stopping all investments, the production of the plant initiated by Pfizer and NovaMedica is set to resume in 2023 according to Russian media sources, raising questions around the sincerity of the company's commitments.<sup>11</sup>

It is our understanding that Pfizer continues to provide medical devices and medicines to Russia, referring to humanitarian and health-related reasons. While medicine is not proscribed under existing sanctions, the blanket argument by pharmaceutical companies that they are providing "essential goods" has attracted criticism. Professor Jeffrey Sonnenfeld of Yale University challenges these explanations by pharmaceutical companies by stating that the reasons are "misguided at best, cynical in the medium case, and outright deplorably misleading and deceptive." Sonnenfeld goes on to state:

Russians are put in a tragic position of unearned suffering. If we continue to make life palatable for them, then we are continuing to support the regime [...] These drug companies will be seen as complicit with the most vicious operation on the planet. Instead of protecting life, they are going to be

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<sup>5</sup> Venable LLP, "Do You Contract with State Governments? If So, Beware of Emerging State Sanctions' Obligations Related to Russia and Belarus," *JD Supra*, June 3, 2022, <https://www.jdsupra.com/legalnews/do-you-contract-with-state-governments-6537229/> (accessed November 14, 2022).

<sup>6</sup> The UN General Assembly condemned Russia's "aggression against Ukraine" and demanded that Moscow "unconditionally withdraw all of its military forces from the territory of Ukraine within its internationally recognized borders."

<sup>7</sup> Pfizer, "Pfizer Updates Company Position in Russia," March 14, 2022, <https://www.pfizer.com/news/press-release/press-release-detail/pfizer-updates-company-position-russia> (accessed January 13, 2023).

<sup>8</sup> LeaveRussia, "Pfizer," <https://leave-russia.org/pfizer> (accessed January 13, 2023).

<sup>9</sup> Kevin Dunleavy, "Pfizer is halting investment in Russia but not ending its business there. Should drugmakers pull out altogether?," March 10, 2022, <https://www.fiercepharma.com/pharma/pfizer-ceo-bourla-says-company-will-stop-investment-russia-not-end-its-business-there> (accessed January 13, 2023).

<sup>10</sup> Eric Palmer, "Plant to produce Pfizer sterile injectables for Russia gets under way," May 31, 2017, <https://www.fiercepharma.com/manufacturing/plant-to-produce-pfizer-sterile-injectable-meds-for-russia-gets-under-way> (accessed January 13, 2023).

<sup>11</sup> Valeria Vunina, "Вакцины от ротавируса, ветряной оспы, ВПЧ. Что произведет оставленный в России завод Pfizer," December 26, 2022, <https://www.gazeta.ru/science/2022/12/26/15953545.shtml> (accessed January 13, 2023).

seen as destroying life. The goal here is to show that Putin is not in control of all sectors of the economy.

We recognize a possible outcome of meaningful human rights due diligence could result in Pfizer maintaining the provision of essential goods or services that are vital for the health, safety, and wellbeing of the public. However, Pfizer has not provided sufficient and proper explanations of the criteria or process the company is using to make such a claim. We invite Pfizer to explain why the company's medicines are essential to the Russian market, why no alternative products are available or no other local actor(s) can supply the medicines, and how the company will mitigate its proximity to Russian human rights harms.

These activities in Russia risk enabling and financing Russia's violations of IHL and human rights law during the ongoing invasion and occupation of Ukraine and violating Pfizer's human rights commitments. It remains to be seen how directly Pfizer will be impacted by the partial mobilisation and the heightened legal, regulatory, operational, and financial risks associated with companies being required to provide direct support to the internationally sanctioned Russian military.

We seek to understand the status of Pfizer's exposure to Russia and how Pfizer has conducted and continues to conduct heightened human rights due diligence, per its stated policy and the UNGPs concerning due diligence in conflict-affected areas, and how the findings of such a process has resulted in these continued business activities and relationships. As noted by the UNGPs:

...the more severe the abuse, the more quickly the enterprise will need to see change before it takes a decision on whether it should end the relationship. In any case, for as long as the abuse continues and the enterprise remains in the relationship, it should be able to demonstrate its own ongoing efforts to mitigate the impact and be prepared to accept any consequences – reputational, financial or legal – of the continuing connection.

In consideration of the above points and B4Ukraine's [Declaration](#), we request an urgent dialogue with Pfizer's relevant senior management and staff to discuss the company's ongoing activities and relationships in Russia, associated risks to the people of Ukraine and the company, and potential steps to prevent/mitigate these risks. Please contact B4Ukraine at [contact@b4ukraine.org](mailto:contact@b4ukraine.org) to schedule a call. We kindly ask for your response by 5:00pm CET, February 6, 2023.

Sincerely,

The B4Ukraine Coalition