

Thousands of HIV+ People organise protest march in Delhi against India-EU free trade agreement

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A large number of people living with HIV from across India and Asia marched to Parliament Street in New Delhi today, urging the Indian government to stand strong amid pressure from the European Union (EU) to accept provisions in a Free Trade Agreement (FTA) that would restrict access to affordable medicines. The sensitive negotiations are taking place in Brussels today.

"We all rely on affordable medicines made here in India to stay alive," said Nepal-based Rajiv Kafle of the Asia Pacific Network of Positive People. "We don't want to go back in time, to when our friends and loved ones just died because they couldn't afford the medicines they needed. We're taking to the streets today, and many of us have come to Delhi to send a very simple message to the Indian government: Don't trade away our lives in the EU-India FTA."

The EU is pushing for Intellectual Property (IP) provisions in the FTA that exceed what international trade rules require. The most damaging measure to access to affordable medicines is so-called 'data exclusivity,' which would act like a patent and block generic versions from the market, even for drugs that are already off patent, or do not merit a patent to begin with under India's strict patent law. The EU continues to claim – falsely – that these provisions will not harm access to medicines.

Affordable medicines produced in India have played a major role, for example, in scaling up HIV/AIDS treatment to more than five million people in developing countries. India was able to produce more affordable versions of medicines patented elsewhere because it did not grant patents on medicines until 2005, when World Trade Organization rules required it to do so. But when India designed its 2005 patent law, it prioritized public health over company profits, limiting patents to drugs that are new, and not just improvements of older medicines.

"India's patent law has long annoyed multinational pharmaceutical companies, and Novartis and Bayer have even tried to overturn the law in the courts," said Loon Gangte, of the Delhi Network of Positive People. "Having failed so far, companies have now lobbied European governments to take up their fight for pharmaceutical profits. But we're in this fight for the long haul and will resist any threat to our access to medicines whatever shape or form it comes in."

The fact that India does now grant patents on medicines is already having a chilling effect on generic production. Several newer medicines to treat HIV, hepatitis-C and cancer have already been patented in India and their more affordable generic versions cannot be produced for several years to come.

"We have not been able to get generic versions of treatment for hepatitis-C that affects people who currently and formerly used drugs and many people living with HIV because the medicine is patented in India," said Abou Mere of the Indian Drug User's Forum (IDUF). "And I don't know any one of us who can afford the Rs.7 lakhs (over US \$15,000) it costs in India for the full treatment."

The IP provisions the EU is pushing would make this difficult situation significantly worse, by imposing even more restrictions on the production of affordable generic medicines in the future.