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Gilead's anti-diversion measures contradict their stand on improving access to crucial HCV medicines, and is, arguably, a violation of the right to health. The responsibilities of pharmaceutical companies in relation to ensuring access to essential medicines as a part of the human right to health under international law are well-established. Gilead's responsibility to respect the right to health requires it to refrain from adopting policies that negatively impact access to medicines such as the proposed anti-diversion measures.

In turn, these measures will also impinge on other health rights guaranteed to every individual. Gilead's access to patient's clinical information and health records through the implementation of the anti-diversion measures is a violation of patients' right to privacy. Moreover, making treatment access dependent on proof of identity, citizenship or domicile, policing of prescription sales bottle by bottle is not only unethical but will further restrict access to medicines particularly of vulnerable populations, violating the right to health. The burdensome measures may result in a chilling effect on treatment providers thus affecting population's access to these crucial medicines.

Gilead's human rights policy in promoting access to medicines must be in line with global norms. Diverse stakeholders have already raised serious concerns about the model adopted by Gilead as flouting international law on trade and human rights aspects. In light of these concerns Gilead must re-evaluate their anti-diversion model if they want to be taken seriously as a company that promotes access to medicines for patients in need.