

Global HIV/AIDS Laws and Policies

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Using Law, Policy, and Research to Improve the Public's Health
September 14, 2010



UNIVERSITY OF
TORONTO

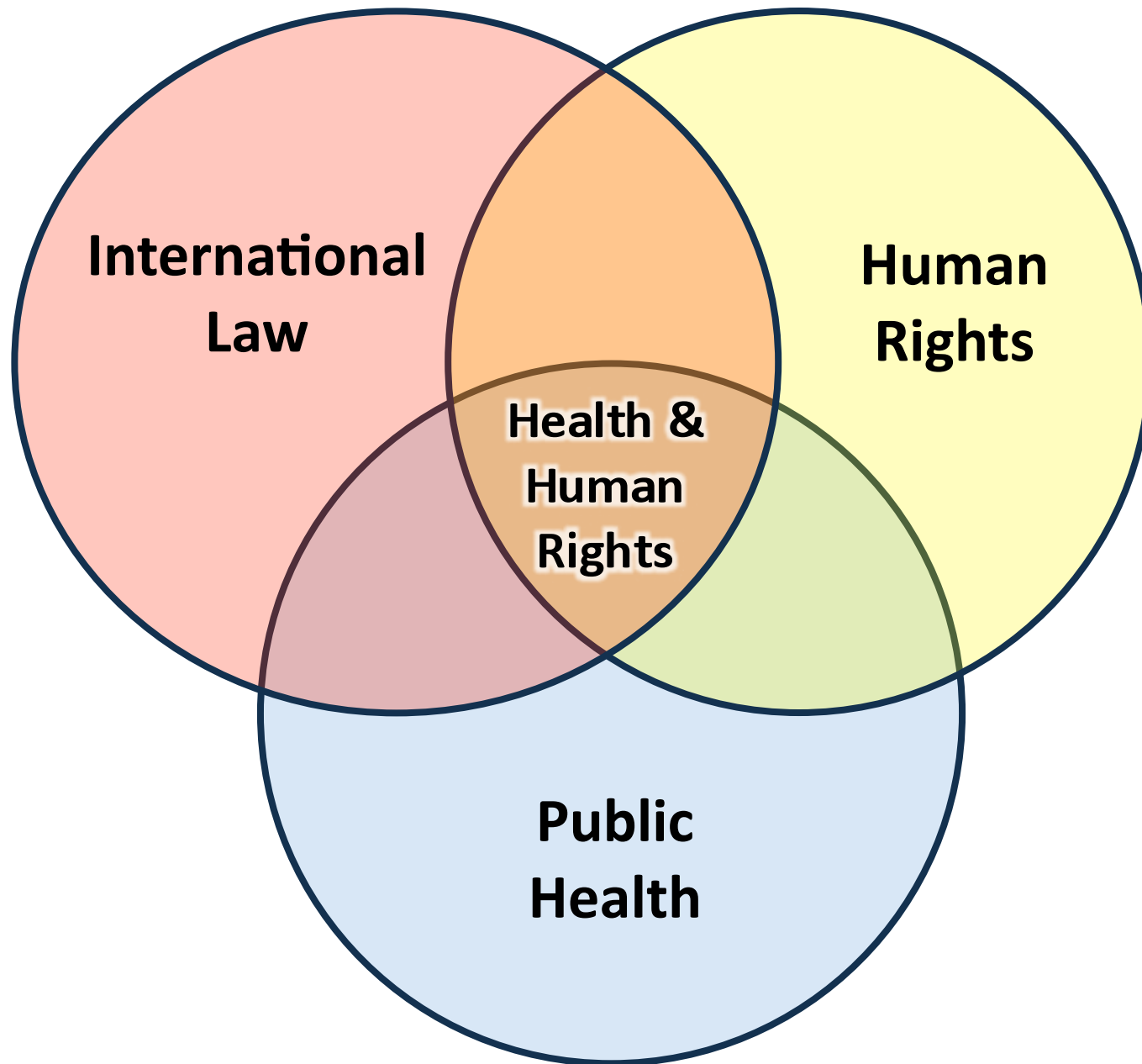


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THEORY

Evolution

Application



Global HIV/AIDS Policy

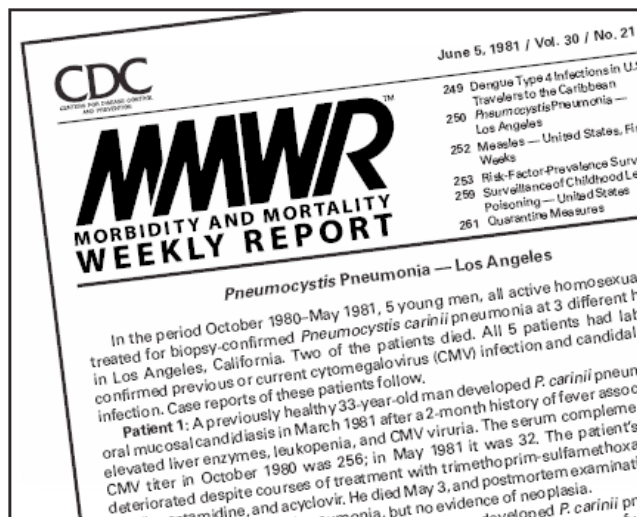
CDC Identifies
HIV

1980

1990

2000

2010



5 young men, all active homosexuals, were treated for biopsy-confirmed *Pneumocystis carinii* pneumonia at 3 different hospitals in Los Angeles, California.

the possibility of a cellular-immune dysfunction related to a common exposure that predisposes individuals to opportunistic infections

Global HIV/AIDS Policy

CDC Identifies
HIV



1980

1990

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2010



WHO feels strongly that AIDS prevention and control can be implemented in a manner that respects and protects human rights and that there is no public health justification for discrimination against persons suspected of being, or known to be, HIV-infected.

Global HIV/AIDS Policy

MTCT
Prevention/
HIV Treatment

1980

1990

2000

2010

AZT drastically reduces transmission of HIV from mother to child

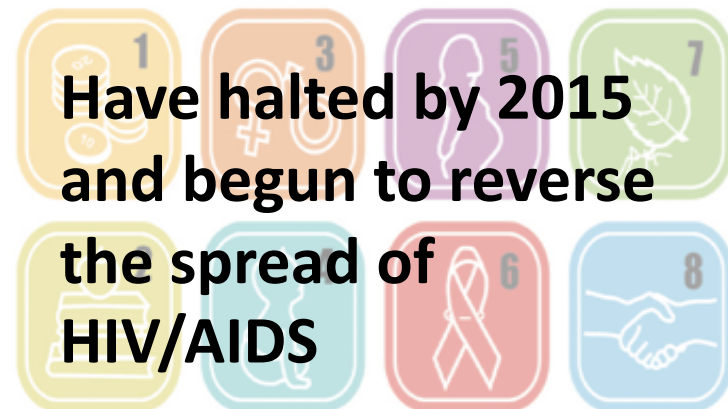
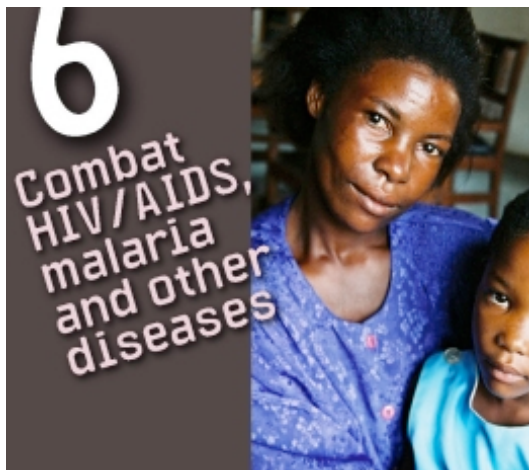
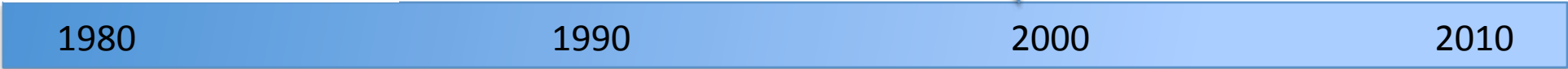
“Triple-Therapies” Give New Hope in Eliminating HIV/AIDS



Global HIV/AIDS Policy



Millennium Development Goals



Global HIV/AIDS Policy



General
Comment 14

1980

1990

2000

2010

The “prevention, treatment and control of epidemic, endemic, occupational and other diseases” requires the establishment of prevention and education programmes for behaviour-related health concerns such as sexually transmitted diseases, in particular HIV/AIDS



Global HIV/AIDS Policy

TAC v.
Minister of
Health

1980

1990

2000

2010



Sections 27(1) and (2) of the Constitution require the government to devise and implement within its available resources a comprehensive and co-ordinated programme to realise progressively the rights of pregnant women and their newborn children to have access to health services to combat mother-to-child transmission of HIV.

Theory

EVOLUTION

Application

Global HIV/AIDS Policy

Test & Treat /
Microbicides

1980

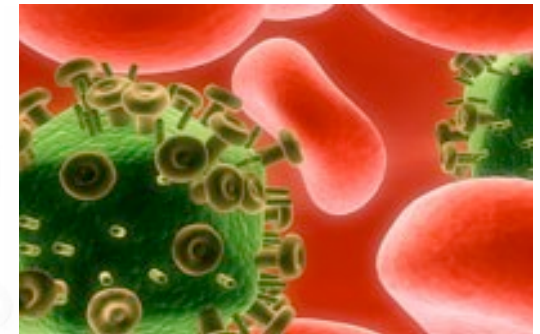
1990

2000

2010

treatment as prevention
is a promising strategy

CAPRISA 004 study provides the first data
demonstrating the effectiveness of an
antiretroviral-based vaginal microbicide

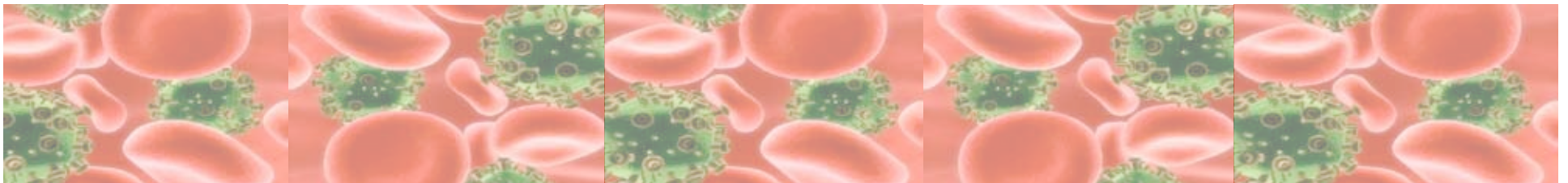


AIDS 2010

XVIII International AIDS Conference
Vienna 18-23 July 2010

Application of Law & Policy to the Fight Against HIV

- **Lisa Forman**, LLB, MA, JSD (University of Toronto)
 - The Right to Health, Social Movement and AIDS Treatment
- **Alicia Ely Yamin**, JD, MPH (Harvard University)
 - Judicial Protection of the Right to Health: Lessons from HIV
- **Andre Verani**, JD, MPH (Centers for Disease Control and Prevention)
 - Partnership Frameworks: Policy Reforms in PEPFAR Partner Countries
- **Benjamin Mason Meier**, JD, LLM, PhD (UNC – Chapel Hill)
 - Global HIV/AIDS Laws and Policies: An Imperative for Prevention



Global HIV/AIDS Laws and Policies: An Imperative for Prevention

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**AIDS IS
POLITICAL**
Treat AIDS Now



Treatment for All ?



**Treat the
People**

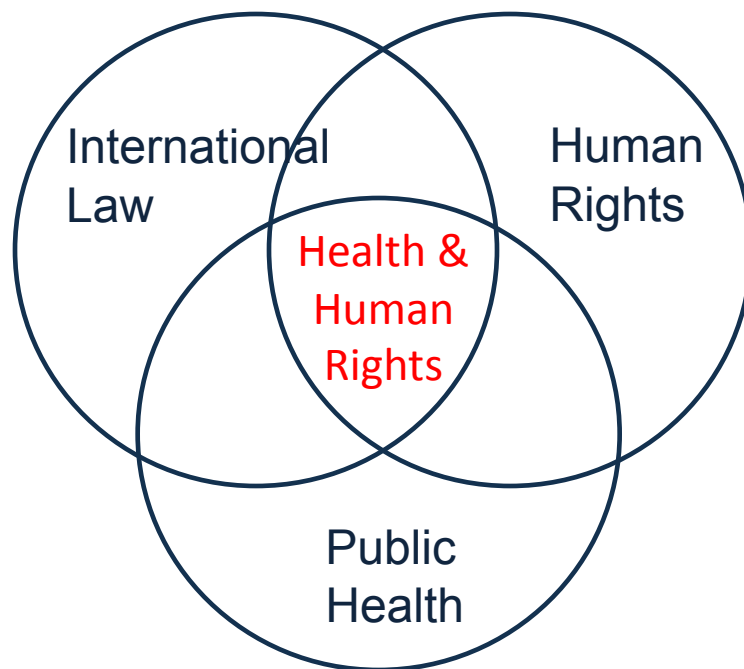
**GLOBAL HIV/AIDS
TREATMENT NOW**

Outline

1. Background – Health and Human Rights
2. Theory – Limited Evolution of the Right to Health to Codify Prevention
3. Analysis – Human Rights for Prevention
4. Discussion – A Rights-Based Approach to HIV Prevention

Health & Human Rights

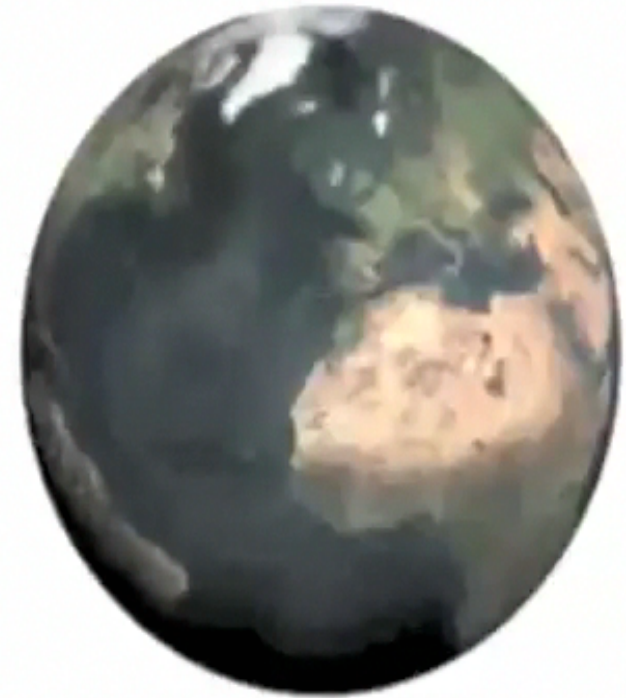
- **The Health & Human Rights Movement**



- Human Rights Matter
- Evolution of Rights in International Law
- Disease Prevention through the Right to Health?

Legacy of Human Rights Evolution

- **Right to Health Does Not Address Underlying Determinants of Health**
- **Dismantling Public Health Systems – Exacerbating Health Inequalities**



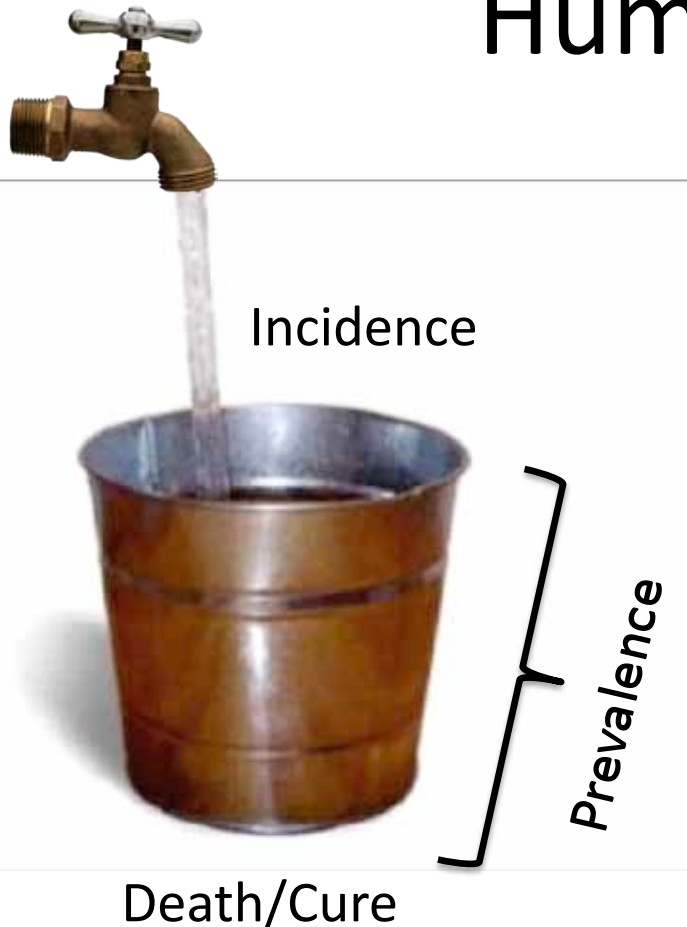
Legacy of Human Rights Evolution



- From Legal Obligation to Non-Binding “Commitment”
- Human Right to Health ~~X~~
Treatment
- Distorting Public Health Governance for HIV Policy



Human Rights for Prevention?



From Public Health
Discourses to Human
Rights Obligations

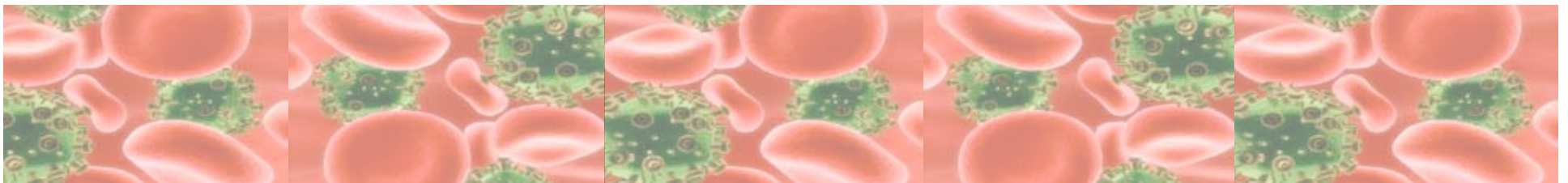
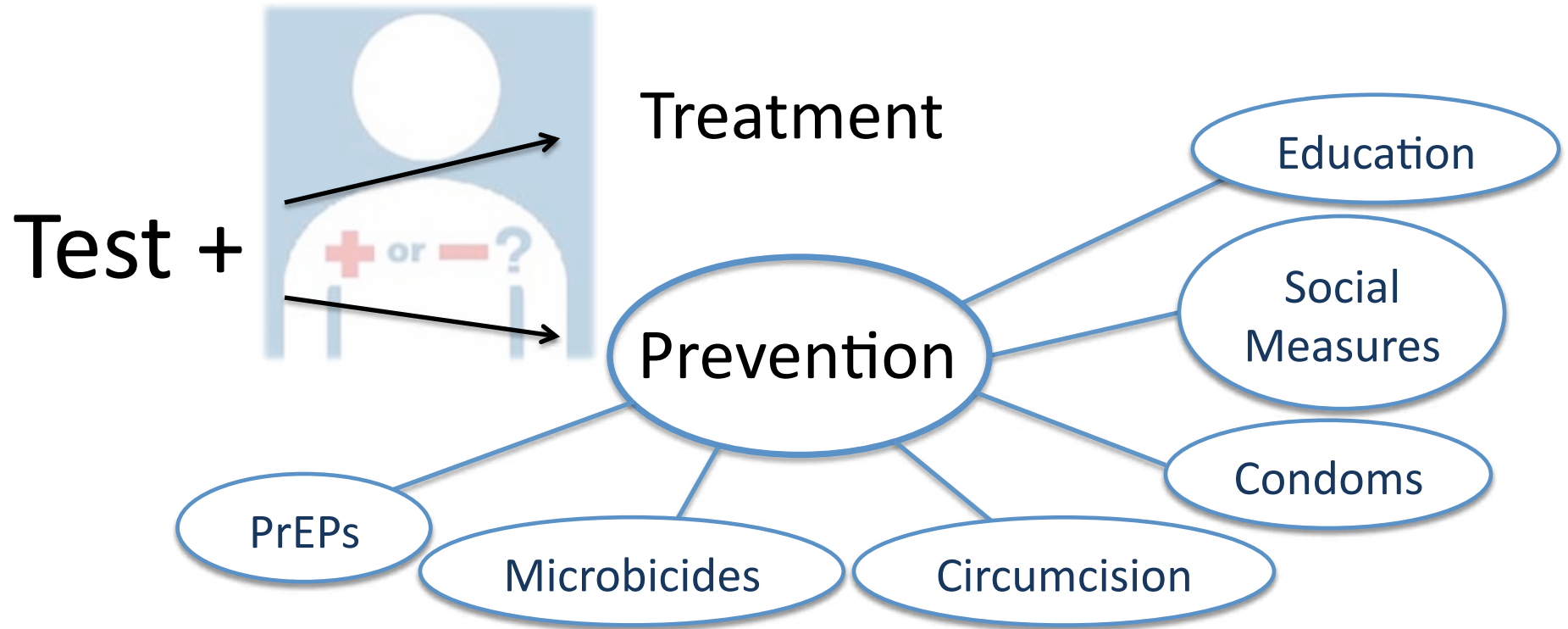
Is a Right to Medicines All We've Got?

- From Collective to Individual Health
 - Structural determinants of health & Prevention
 - Primary health care vs. Curative medicine
- From Individual Right to Health to Collective Right to Prevention
 - Individual Capability
 - Health Equity
 - Public Health Utility



Vaccine = Treatment +
Prevention





A Rights-Based Approach to Global Prevention Policy

- Expanded Research
- Prevention Access
- Health Systems



CAN A PILL A DAY
**PREVENT
HIV?**



Treatment (+ Prevention) for All



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