

# The Evolution of Human Rights in the Global HIV/AIDS Response

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THE UNIVERSITY  
of NORTH CAROLINA  
at CHAPEL HILL

**AIDS IS POLITICAL**  
Treat AIDS Now



**Human Rights = Universal Access ?**



**Treat the People**

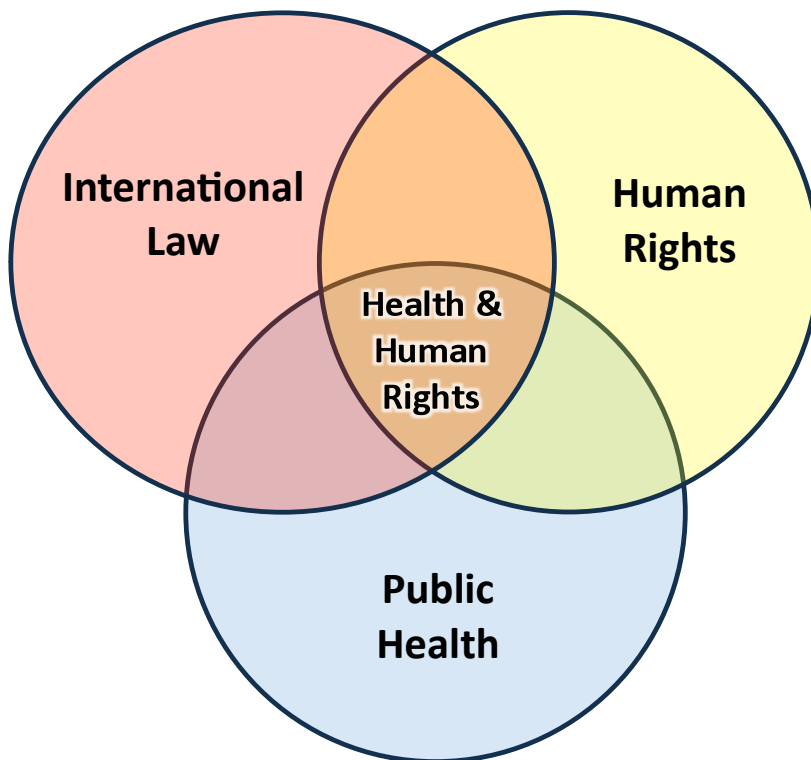
**GLOBAL HIV/AIDS TREATMENT NOW**

# Outline

1. Theory – Health and Human Rights
2. Background – The Evolution of Human rights through HIV Prevention, Treatment & Care
3. Analysis – Alleviating Stigma through Human Rights
4. Discussion – Implementing Obligations
  - Global Governance
  - Resource Allocation
  - Civil Society

# Health & Human Rights

- **The Health & Human Rights Movement**



- Human Rights Matter
- Evolution of Rights in International Law
- Implementation of Rights through HIV/AIDS Policy
  - Role in Addressing Stigma?

# What are Human Rights?

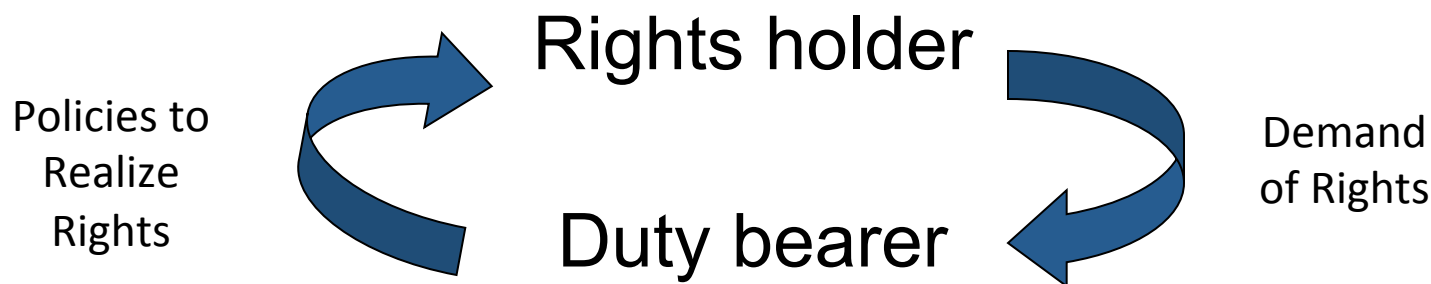
Human Rights  
Provide  
Normative  
Development  
& Legal  
Accountability

- The rights that someone has simply because he or she is a human being
  - Inalienable/Universal
    - UDHR, Article 2 – human rights “Belong to all humans, regardless of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”
  - Interconnected
  - Indivisible
  - Both Individual Rights and State Responsibilities
    - Human rights involve individual claims against the state



# Human Rights-Based Approach

Human Right = Valid claim & Corresponding duty  
(*“X has a right against Y in relation to Z”*)



*E.g.: “A individual has a right against her national government in relation to a right to health, which is realized through the duties of the national government to provide policies for HIV Treatment.”*



# Origins of Human Rights

- **Modern human rights movement a response to Nazi atrocities**
- **Universal Declaration of Human Rights passed by United Nations on December 10, 1948**
  - **Universalist**
  - **Aspirational**
  - **Lacking enforcement**



# Global Health Governance

Second World War



UN Charter



UDHR



**WHO Constitution**



## CONSTITUTION

### OF THE

### WORLD HEALTH ORGANIZATION

THE STATES parties to this Constitution declare, in conformity with the Charter of the

The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being

regardless of every human being without distinction of race, religion, political belief, economic or social condition.

Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.

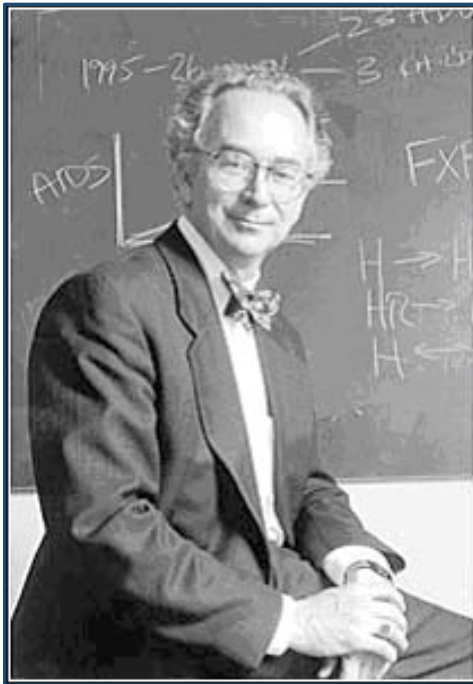
Unequal development in different countries in the promotion of health and control of disease, especially communicable disease, is a common danger.

Governments have a responsibility for the health of their peoples which can be fulfilled only by the provision of adequate health and social measures.

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# Public Health vs. Human Rights?



*“The modern idea of human rights is ... vibrant, hopeful, ambitious, and complex.”*

- Jonathan Mann (1947 - 1998)

- Tripartite Framework
  - Human rights violations result in adverse health effects
  - Public Health Methods can violate human rights
  - Public Health & Human Rights are interdependent

# Human Rights as a Means to Stigma Alleviation



## Human Rights to Address Population-Level Concerns

- Social Atmosphere
- Marginalized & Stigmatized Groups

# Rights-Based Policy to Alleviate Stigma

- Global Governance
- Funding Priorities
- Civil Society



Joint United Nations Programme on HIV/AIDS

**UNAIDS**

UNICEF • UNDP • UNFPA • UNDCP  
ILO • UNESCO • WHO • WOLRD BANK



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



# Individual Rights & Public Health



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