Global HIV/AIDS Laws and Policies

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Using Law, Policy, and Research to Improve the Public’s Health
September 14, 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.
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

AZT drastically reduces transmission of HIV from mother to child

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

1980  1990  2000  2010

Millennium Development Goals

Have halted by 2015 and begun to reverse the spread of HIV/AIDS
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.
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.
Global HIV/AIDS Policy

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

treatment as prevention is a promising strategy

Test & Treat / Microbicides

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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Treatment for All?
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
- Distorting Public Health Governance for HIV Policy
Human Rights for Prevention?

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

From Public Health Discourses to Human Rights Obligations
Vaccine = Treatment + Prevention
Test +

Treatment

Prevention

- PrEPs
- Microbicides
- Circumcision
- Education
- Social Measures
- Condoms
A Rights-Based Approach to Global Prevention Policy

- Expanded Research
- Prevention Access
- Health Systems
Treatment (+ Prevention) for All

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