

HIV/AIDS and Human Rights

Rights to health care and nutrition: an international perspective

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Introduction

- AIDS doesn't discriminate – or does it?
- Common public health messages underscore individual behaviour change: “its not who you are that puts you at risk but what you do ...”
- They miss the point: social inequalities powerfully sculpt both the distribution of HIV as well as the health outcomes of those affected.
- Inequality itself has become a pathogenic force at the heart of which is gender inequality, poverty and racism

Understanding the connections: HIV/AIDS, stigma, discrimination, racism, sexism, poverty and social inequality

Historical and global inequalities

- No coincidence that countries labouring under legacy of social inequalities left behind by colonialism, racism and apartheid are disproportionately affected by HIV/AIDS:
- Denial of education
- Migrant labour
- Civil war
- Structural adjustment and poverty
- Individual choices are undermined

Women at particular risk

- Gender inequalities render women particularly vulnerable
- Individual choices regarding behaviour that reduces vulnerability to HIV are limited by racism, sexism, political violence and poverty

HIV/AIDS as further catalyst for discrimination

- Link between HIV/AIDS and death
- Fear of contracting HIV
- Association of HIV with “socially unacceptable” behaviours
- Blame associated with religious / moral beliefs: HIV is result of moral fault that deserves punishment
- Negative public health effect

Breaking the cycle ...

Role of human rights

- To effectively intervene we must stop assuming that people have unlimited individual choices
- To break the cycle we must address the symptoms as well as the causes: HIV based discrimination and underlying social inequalities that fuel vulnerability to HIV
- Respect, protect and fulfil the right to freedom from discrimination and the right to health
- Access to affordable treatment is central to both of these

Right to health

- Prevention, care, support and treatment are mutually reinforcing and inseparable
- Part of right to highest attainable standard of health
- Also breaks link between AIDS and death and thus addresses discrimination

UNCESCR: General Comment 14: 2000

- Committee notes that right contains 4 elements: availability, accessibility, acceptability, quality
- Committee observes that right imposes on States the obligations to respect, protect and fulfil
- Respect: refrain from interfering with enjoyment of right
- Protect: prevent third parties from interfering
- Fulfil: adopt measures towards full realisation of right

Right to nutrition

Our role in all of this ...

- At national level:
 - Use law and policy to enforce rights to health and freedom from discrimination
 - Look wider than HIV based discrimination and address unequal access to socio-economic rights that increase vulnerability to HIV; housing, land, inheritance, economic empowerment of women
- At international level:
 - Address global constructs that increase vulnerability: NEPAD
 - Cannot do this alone: Global Fund has received one tenth of what is needed
 - Unless statements of good intention are translated into hands in pockets AIDS will continue to discriminate