



Providing high quality accessible information to policy makers and practitioners working in health and development

Produced by the [IDS Health and Development Information](#) team in collaboration with [Eldis](#) and the [DFID Health Resource Centre](#)

HIV and Human Rights:
HIV and AIDS reporter, December 2008

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Feature: HIV and Human Rights

Human rights are fundamental to all HIV and AIDS responses, and although their importance has been recognised since the first global AIDS strategy in 1987, they do not yet receive sufficient political commitment. The promotion and protection of human rights are necessary to empower individuals and communities to respond to HIV and AIDS, reducing vulnerability to HIV infection and the adverse impact of HIV and AIDS on those affected. People who have limited human rights are less able to protect themselves from HIV infection and the resulting negative impacts, and in turn the

presence of HIV results can result in further human rights violations, such as discrimination and violence. The incidence and spread of HIV are disproportionately high among those who already lack human rights protection and experience discrimination, such as women, children, poor people, and other socially, culturally and economically marginalised groups.

When human rights are protected, organisations working on HIV and AIDS can respond more effectively, with fewer people becoming infected, and those living with HIV, and their communities, coping more effectively. There are various means to increase the influence of human rights on HIV through programming and policy: implementing a sufficient number of prevention programmes; enforcing laws and policies that enable those in need to access services; and implementing programmes specifically designed to overcome rights-related obstacles, such as discrimination and stigma. Through increased government accountability, human rights advocacy, and rights-based approaches to programming, non-discrimination, equality and participation can be integrated into the HIV response at local, national and international levels.

The relationship between human rights and HIV is now explicitly recognised by the international human rights system. The right to health includes the availability and accessibility of HIV prevention, treatment and care and support, and many countries have recognised through legislation that their people have the right to HIV treatment. In 2001 the United Nations Commission on Human Rights adopted a resolution which states that the right to the highest attainable standard of health includes access to antiretroviral treatment for HIV, and in 2002 the Third International Consultation on HIV/AIDS and Human Rights revised Guideline 6 to reflect the human rights dimensions of access to HIV prevention, treatment, care and support. However, despite this increasing recognition, greater political commitment to and implementation of a human rights-based response to HIV is required if universal access to HIV prevention, treatment and care is to be achieved.

Relevant documents:

- Self-assessment checklist – human rights and HIV
www.aidsportal.org/repos/final-human-rights-.pdf
- Statement on human rights and universal access to HIV prevention, treatment, care and support – UNAIDS Reference Group on HIV and Human Rights
data.unaids.org/pub/BaseDocument/2008/20080606_rghr_statement_universalaccess_en.pdf
- A human rights-based commentary on the UNAIDS Guidance Note: HIV and Sex Work
www.aidslaw.ca/publications/interfaces/downloadFile.php?ref=1196
- International Guidelines on HIV/AIDS and Human Rights 2006
data.unaids.org/Publications/IRC-pub07/jc1252-internguidelines_en.pdf
- HIV/AIDS and human rights – young people in action
data.unaids.org/Publications/IRC-pub02/JC669-HIV-AIDS-kit-Updated_en.pdf
- Engaging donors in the protection and promotion of HIV-related human rights

- data.unaids.org/pub/BaseDocument/2007/070216_hhr_4_engagingdonors.pdf
- Rights-based responses to HIV: human rights indicators
data.unaids.org/pub/Report/2005/20050824_rghr5_issuepaper4_indicators_en.pdf
- HIV/AIDS and human rights in a nutshell. 2004
www.hurilink.org/tools/HIVAIDS_and_HRinNutshell-Webversion1.pdf
- Women, HIV/AIDS and human rights – Amnesty International
www.amnesty.org/en/library/asset/ACT77/084/2004/en/dom-ACT770842004en.pdf

Relevant links:

- ELDIS – HIV and Human Rights
www.eldis.org/go/topics/resource-guides/hiv-and-aids/citizenship-and-rights/human-rights
- HIV/AIDS portal – rights-based approaches
www.aidsportal.org/overlay_details.aspx?nex=117
- UNAIDS Reference Group on HIV and Human Rights
www.unaids.org/en/PolicyAndPractice/HumanRights/20070601_reference_group_HIV_human_rights.asp
- UNAIDS Human Rights and HIV
www.unaids.org/en/PolicyAndPractice/HumanRights/default.asp

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Recommended readings

1. The international guidelines on HIV - AIDS and human rights

Authors: ICASO

Publisher: Asia Pacific Council of AIDS Service Organisations , 2002

This paper offers an assessment of country responses in improving access to HIV/AIDS treatment within the framework of the International Guidelines on HIV/AIDS and Human Rights and the role played by the Community Sector.

Findings:

- NGOs considered that the guidelines are a tool to advocate for improvements in the situation of HIV/AIDS. However, almost all indicated that they have not been broadly distributed to grass roots organisations
- the guidelines in general are not widely used by advocates and have not been incorporated into national legislation
- anti-retrovirals are available but are not accessible to the general population. Price is a key factor
- even though the prices of medications are very high, pricing is not the only reason for the lack of ARVs in some countries. Weak health infrastructures play a big

role in the unavailability of ARVs in some countries

Recommendations:

- the guidelines are a useful tool for education and advocacy, however, they need to be more widely promoted both to governments and to the community sector
- this promotion can be enhanced by the UN system to its member States and to non-governmental organisations by the UN system of agencies and by Community Sector networks
- the profile achieved by UN Declaration of Commitment on AIDS in 2001 is an opportunity for community advocates to promote the human rights based approach and practical strategies outlined in the guidelines
- more organisations in the Community Sector need to integrate a human rights based approach to their work and their advocacy. Opportunities for related training and discussion of strategies need to be made available to ensure a strong community response

Available online at: www.eldis.org/go/topics/resource-guides/hiv-and-aids&id=13686&type=Document

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2. HIV-related stigma, discrimination and human rights violations: case studies of successful programmes

Authors: P. Aggleton; K. Wood; A. Malcolm

Publisher: Joint United Nations Programme on HIV/AIDS , 2005

This UNAIDS publication examines HIV-related stigma, discrimination and human rights violation through programme case studies. The document provides examples of three approaches: stigma-reduction approaches, which tend to be part of community-based or community-focused HIV and AIDS prevention and care programmes; specific antidiscrimination measures, which focus on initiatives in institutional settings; and redress mechanisms, which use legal means to challenge discrimination against people living with HIV and AIDS (PLWHA) as well as promoting their human rights. The authors highlight that these approaches are often used in combination and that broad-based strategies are central to success in combating stigma and discrimination.

The case studies demonstrate a number of opportunities to reduce stigma and promote the human rights of PLWHA. Promoting integrated care and greater involvement of PLWHA as well as others affected by HIV and AIDS is an essential element to any successful programme. Successful programmes have also been able to mobilise community leaders and, in particular, religious leaders in prevention and care, and have addressed stigma through participatory training. Other key elements of successful programmes have

included: alliance building and multi-sectoral action; raising awareness through media; providing counselling and support to families; adopting rights-based anti-discriminatory policies and legislation; and promoting access to HIV and AIDS treatment. [adapted from authors]

Available online at: www.eldis.org/go/topics/resource-guides/hiv-and-aids&id=19481&type=Document

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3. HIV positive women and human rights

Authors: ICW

Publisher: International Community of Women Living with HIV/AIDS, 2004

This vision paper, from the International Community of Women Living with HIV/AIDS (ICW), explores the violations of rights suffered by HIV positive women and sets out actions to advance the achievement of these rights. The paper looks at the violation of sexual, reproductive, socio-economic, legal and political rights of women living with HIV/AIDS, and emphasises that women's unequal social, economic and legal status is increased by a positive HIV status, and vice versa. It also stresses that women cannot assert their sexual and reproductive rights if their economic, legal and political rights are violated.

The paper calls for action to advance the rights of HIV positive women in four key areas. These include increased accountability and participation of and respect for HIV positive women in policy-making and other decision making processes related to their lives; support and development for women's support and self-help groups; and more collaboration between advocates groups, women's rights groups, HIV/AIDS organisations and the media. It also calls for a human rights framework which provides access to existing monitoring mechanisms for enforcing the rights of women and people living with HIV/AIDS, and for confronting and amending discriminatory action.

Available online at: www.eldis.org/go/topics/resource-guides/hiv-and-aids&id=16447&type=Document

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4. HIV/AIDS and the rights of the child

Authors: UNHCHR

Publisher: United Nations High Commission for Human Rights, 2003

This is the General Comment document from the United Nations High Commission for

Human Rights (UNHCHR) Committee on the Rights of the Child. Its objectives are to identify and strengthen understanding of all the human rights of children in the context of HIV/AIDS. It also aims to identify measures and good practices related to the prevention of HIV/AIDS and the support, care and protection of children affected; and to promote child-oriented plans of action, strategies, laws, policies and programmes to mitigate the impact of HIV/AIDS at the national and international levels.

The recommendations of the Committee include: to adopt and implement national and local HIV/AIDS-related policies, effective plans of action, strategies, and programmes that are child-centred, rights-based and incorporate the rights of the child; to allocate financial, technical and human resources and support national and community-based action; to review existing laws or enact new legislation with a view to expressly prohibiting discrimination based on real or perceived HIV/AIDS status; and to include HIV/AIDS plans of action, strategies, policies and programmes in monitoring and coordinating children's rights. [adapted from author]

Available online at: www.eldis.org/go/topics/resource-guides/hiv-and-aids&id=15942&type=Document

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5. Operational guide on gender and HIV/AIDS: a rights-based approach

Authors: UNAIDS

Publisher: United Nations Population Fund, 2005

This operational guide examines the interplay between gender, human rights and HIV/AIDS. The purpose of the booklet is to provide guidance to development programmers and practitioners on how to incorporate these complex linkages into their work.

Included checklists aim to provide tools to assess the extent to which projects contribute to gender equality. While it specifically targets those working in the field of HIV/AIDS, it is also of use to development programmers and practitioners in general. The tools outlined in the guide include:

- assessing power in the context of HIV/AIDS
- gender-sensitive monitoring and evaluation systems
- elements of an effective and gender-sensitive communication strategy
- assessment of duty-bearers' fulfilment of obligations
- identifying levers of power and influence.

The guide concludes that HIV/AIDS cannot be addressed effectively unless human rights and gender equality are realised. A gender and rights-based approach to HIV/AIDS

should therefore aim to:

- minimise the gender specific nature of vulnerability to HIV infection
- ensure that all people living with HIV/AIDS enjoy equal access to and use of quality care and support services
- minimise the impact of HIV/AIDS and support people in their capabilities to cope with the consequences of the epidemic.

Available online at: www.eldis.org/go/topics/resource-guides/hiv-and-aids&id=22648&type=Document

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Latest additions from the HIV and AIDS resource guide

1. HIV/AIDS and enabling pro-poor agricultural growth

Author: A. Muelder

Publisher: Organisation for Economic Co-operation and Development, 2004

This article not only provides some background information on the implications of HIV/AIDS on agriculture-led pro-poor growth in African countries, but also argues for the need and potential of agriculture to tackle this epidemic. It emphasises the need for greater research and specific priority action areas for pro-poor agricultural growth given HIV/AIDS impacts.

Primarily, the author highlights the following key dimensions of how HIV/AIDS can affect agricultural growth:

- GDP growth: despite limited research, it is estimated that HIV/AIDS can reduce GDP and agricultural growth substantially
- labour availability and productivity: HIV/AIDS result in labour shortages affecting the economically active population, increasing dependence and reducing agricultural output and productivity
- human capital and agricultural knowledge: the epidemic destroys existing capabilities and weakens mechanisms that induce human capital formation in the next generation
- household income, expenditure and assets: increased treatment cost, labour shortages and agricultural output reduction result in reduced lifetime family income. Reduction in access to credit and assets, and increased debt can result in chronic poverty
- gender dimension: girls are severely impacted by the repercussions of the disease as they become primary caretakers, and are biologically, socially and culturally more at risk of contracting the infection
- livelihood and farming strategies: due to HIV/AIDS, agriculture becomes less

- remunerative as it results in sub-optimal changes in livelihood strategies concerning production decisions about crops and farming techniques
- food security and food aid: malnutrition can not only exacerbate HIV/AIDS but this epidemic also increases the nutritional requirements of an individual making food security essential.

Given the affects of HIV/AIDS on agriculture, this article suggests that agricultural growth should be aimed at mitigating the vulnerability of acquiring the disease and enhancing resilience. This should be done through effective mainstreaming by national governments and donor agencies. It is further recommended to reform land tenure and inheritance law, re-orient agricultural services, focus on knowledge transfers, increase dialogue and understanding of HIV/AIDS, ensure pro-poor budgeting, promote labour saving agricultural technologies and adapt food aid to HIV/AIDS.

This article finally suggests the need for further research on elements of agricultural development strategies, transmission mechanisms and synergies that curb HIV/AIDS. It suggests increased emphasis on considering the susceptibility and resistance of livelihood strategies to HIV/AIDS, responses to policy interventions, secondary environmental side effects and innovative technologies. The author also urges practitioners to start acting while adapting to the contextual and changing environments.

Available online at: www.eldis.org/go/topics/resource-guides/hiv-and-aids&id=41254&type=Document

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2. A critical analysis of the Brazilian response to HIV/AIDS

Author: A. Berkman; J. Garcia; M. Muñoz-Laboy

Publisher: American Journal of Public Health, 2005

This article, published in the American Journal of Public Health, critically analyses the Brazilian National AIDS Program (NAP) programme, which is a widely recognised, leading example of a feasible and effective integrated approach to the epidemic, in a middle-income country with significant levels of social inequality.

The impact of the Brazilian response to AIDS has been impressive: HIV incidence rates are much lower than projected and mortality rates have fallen by 50 percent over the past 7 years. Although implementation of the programme did require commitment of significant resources, it was estimated that by 2001 an investment of US\$232 million resulted in a total savings of US\$1.1 billion. The study distinguishing those elements that are unique to Brazil from the programming and policy decisions that can aid development of similar programs in other low- and middle-income countries. Issues discussed include human rights and solidarity, the interface of politics and public health, sexuality and

culture, integration of prevention and treatment, the transition of the epidemic away from high risk groups, and prevention and treatment programs for injection drug users.

[Adapted from author]

The authors conclude that modifying intimate experiences, changing established social relationships, and challenging global inequalities are all part of the response to HIV. Brazil has done all of these things with some success, and the NAP has become a source of national pride for the Brazilian people, and is owned by government, civil society, the media and people living with HIV.

Available online at: www.eldis.org/go/topics/resource-guides/hiv-and-aids&id=41152&type=Document

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3. Understanding the politics of HIV policies

Author: C. Dickinson; K. Buse

Publisher: HLSP Institute, UK, 2008

HIV has always been highly politicised, and in many contexts politics, ideology and ignorance have proven more influential on policy than epidemiology or technical best practice. Despite this, there has been limited analysis of the political determinants of HIV policy formulation and implementation.

Based on an analysis of peer-reviewed literature, this technical paper published by the HLSP Institute, attempts to answer the following questions:

- which institutions, interests and ideas account for HIV policy change?
- which actors are typically involved in policy development?
- what incentives underpin policy positions?
- what political strategies and tactics have been employed to drive policy change?

The key findings presented include the following:

- despite the political nature of HIV policy, there is surprisingly little published analysis of the political determinants of HIV policy in low- and middle-income countries
- the literature suggests that no single determinant can explain HIV policy but that it emerges from a unique interaction and configuration of institutions, ideas and interests
- analysis which identifies the political obstacles and opportunities to evidence-informed policy should constitute a core feature of every national HIV response

[adapted from author]

Available online at: www.eldis.org/go/topics/resource-guides/hiv-and-aids&id=41150&type=Document

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4. 2008 report on the global aids epidemic

Authors: UNAIDS

Publisher: Joint United Nations Programme on HIV/AIDS, 2008

The 2008 Report on the global AIDS epidemic, written by the World Health Organisation, considers the HIV response to date and assesses what must be done to ensure nations achieve the HIV commitments they have made. It documents the considerable progress made by many countries. For example there has been a six fold increase in financing for HIV programmes in low- and middle- income countries since 2001, while decreases in AIDS deaths and new infections are apparent in many countries. However, progress is uneven and there is still a need for intensified action towards universal access to HIV prevention, treatment, care and support.

In Chapters 1 and 2 assess the progress made by 147 countries in implementing the 2001 Declaration of commitment on HIV/AIDS and the current status of the global epidemic. A variety of indicators, based on national progress reports and supplemented by other data sources, are used. The report shows that the global percentage of people living with HIV has stabilised since 2000, but at an unacceptably high level, with an estimated 33 million people living with HIV in 2007. The rate of new HIV infection has fallen in several countries, although these falls are offset by increases in new infectious in other countries.

The remaining chapters cover the following topics:

Chapter 3: Addressing the societal causes of HIV risk and vulnerability

Chapter 4: Preventing new HIV infections: the key to reversing the epidemic

Chapter 5: treatment and care: unprecedented progress, remaining challenges

Chapter 6: Mitigating the epidemic's impact on households, communities and societies.

The report concludes by addressing how to sustain an effective, robust HIV response for the long term and outlines key actions required to sustain the current achievements over the coming decades.

Available online at: www.eldis.org/go/topics/resource-guides/hiv-and-aids&id=40886&type=Document

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5. Our home is where the heart is: a young homemakers guide

Authors: A.N. Hoab; A.S. Iiyambula; L.Y. Steinitz; IBIS; Hivos; People in Need; Legal Assistance Centre

Publisher: Yelula/U-Khai, 2008

It has become increasingly common in Namibian society for children to head their own households and take care of other relatives, due to the death or illness of their parents and guardians, or because their parents live far away. This handbook provides guidance on how to run a child headed household. It is intended for children and youth who shoulder the responsibility of managing a home and caring for others as well as community caregivers, volunteers and relatives who provide some form of support to these households.

This guide contains both theoretical and practical information about how to run a household and where to go for help. Useful tips and step –by-step instructions are also provided. Sections include:

- you are in charge now
- caring for the basics
- caring for younger siblings (and yourself)
- caring for your house and land being smart about money-matters caring for the family treasures
- health and illness
- community relationships.

Available online at: www.eldis.org/go/topics/resource-guides/hiv-and-aids&id=40651&type=Document

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Announcements

Conference: AIDS - current medical challenges and future medical treatment directions

Dates: 26-27 February 2009

Location: The Royal Society of Medicine, 1 Wimpole Street, London

This 2 day international conference is organised by the Royal Society of Medicine in association with National Institutes of Health, USA, and British Association of Sexual

Health and HIV. Its aims and objectives are to excite and stimulate the intellects of all physicians, researchers, nurses, students and those who care for those infected with Human Immunodeficiency Virus (HIV). It hopes that the presentation of new ideas and evidence-based information will develop people's existing knowledge. Speakers, who are considered "super" experts in the field, will feature from not only the USA and the UK, but China and India as well. Many aspects of HIV will be discussed, clinically presented and debated, with time allowed for informed audience participation. For more information on the conference programme and how to register, please use the full details link.

www.eldis.org/go/topics/resource-guides/hiv-and-aids/hiv-events-and-opportunities&id=41159&type=Item

Workshop: Scenario building - planning for a future with HIV/AIDS: a tool for political and socio-economic dialogue

Dates: 22-24 April 2009

Location: London School of Economics, Houghton Street, London

Scenario Development is running this policy research workshop in collaboration with Professor Tony Barnett of the LSEAIDS, the multidisciplinary department at the London School of Economics. The workshop is aimed at senior professionals in the private and public sectors and from NGOs. It will guide participants through a methodology of building and using scenarios as well as how to work with existing scenarios. The sessions will be interactive and strengthened by the high-caliber of experienced and skilled participants.

Sessions will run from 9.30am to 5.00pm on 22 and 23 April, while the last day concludes at 12.30 to facilitate travelling arrangements. Early bird registration at reduced rates are until January 30, 2009. Registration closes March 15, 2009.

For more information on how to register, please follow the full details link.

www.eldis.org/go/topics/resource-guides/hiv-and-aids/hiv-events-and-opportunities&id=41219&type=Item

See the complete list of announcements at: www.eldis.org/go/topics/resource-guides/hiv-and-aids/hiv-events-and-opportunities

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The IDS Health and Development Information team promotes health and equity in developing countries through the provision of high quality, accessible information to policymakers and practitioners. IDS Health and Development Information currently has three flagship products:

- Health Resource Guide - <http://www.eldis.org/health/index.htm>
- Health Systems Resource Guide - <http://www.eldis.org/healthsystems/index.htm>
- HIV and AIDS Resource Guide - <http://www.eldis.org/go/topics/resource-guides/hiv-and-aids>

The HRC provides access to technical assistance and information for the Department for International Development (DFID UK), and its partners, in support of pro-poor health policies as well as health systems, service delivery and public health topics and programmes.

Eldis currently includes descriptions and links to over 4,500 organisations and over 22,000 full-text online documents covering development and environmental issues. It can be searched or browsed free over the Internet.

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