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Action on HIV/AIDS and HUMAN RIGHTS

Human rights violations fuel the HIV/AIDS pandemic. This connection was explicitly recognized by the United Nations General Assembly Special Session (UNGASS) in its 2001 Declaration of Commitment on HIV/AIDS:

“The full realization of human rights and fundamental freedoms for all is an essential element in a global response to the HIV/AIDS pandemic, including in the areas of prevention, care, support and treatment, and that it reduces the vulnerability to HIV/AIDS and prevents stigma and related discrimination against people living with or at risk of HIV/AIDS.”

Twenty-five years into the epidemic, 14,000 new infections and 8,000 deaths occur every day. States are failing to meet targets set for prevention, treatment and care. At the UN General Assembly meeting in June 2006, Amnesty International (AI) will call on states to renew their commitment to address HIV/AIDS using a rights-based framework. AI will call on governments to design and implement responses to HIV/AIDS according to the guidance summarized in the UN International Guidelines on HIV/AIDS and Human Rights.

Governments must:

1. Fulfil the international commitment to the right to health

All people have the right to enjoy the highest attainable standard of physical and mental health. The right to health includes timely and appropriate access to health care services. It also includes access to the underlying determinants of health such as access to safe water, food, nutrition, housing, and health-related education and information, including on sexual and reproductive health.

2. Remove funding conditions that inhibit the prevention of HIV/AIDS

Governments must not set funding conditions that deny people access to life-saving information, commodities and services such as condoms and harm reduction measures. Nor may governments discriminate against individuals on the basis of age, marital status, occupation, sexual orientation or expressions, gender identity or expression, or disability.

3. Ensure equal access to treatment

Governments should ensure equal access to all HIV-related treatment, including antiretroviral medicines. This might include removing barriers such as costs related to

accessing health services, including transportation and user fees, that deter poor people from accessing the health services they require.

4. Ensure access to information

States have a positive duty to provide information on all aspects of HIV/AIDS including information on the prevention and treatment of the disease. States also have an obligation to correct misinformation when it stigmatizes people living with or at risk of HIV/AIDS or undermines accurate information regarding prevention, treatment and care. Information should be accurate, accessible to the target audience, and expressly address how to prevent transmission. This includes the right to information about safer sexual practices; access to information on the use of condoms and other barrier methods; and health-related education and information on sexuality including sexual orientation, sexual health, reproduction and reproductive health. Furthermore, governments should ensure that injecting drug users and their sexual partners have access to information on where and how to obtain clean needles and other harm reduction strategies.

5. Guarantee sexual and reproductive rights

People should be able to decide freely in matters related to their sexuality, free from discrimination, coercion or violence. Sexual health has an indispensable role to play in the struggle against intolerance, gender inequality and HIV/AIDS and states must protect and promote sexual health as an integral element of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

6. Safeguard women's rights and stop violence against women

Governments must ensure that women can protect themselves from HIV infection by reducing the factors leading to women's increased risk of being infected. Violence against women is a risk factor for HIV infection and the prospect of violence is heightened when women disclose an HIV-positive test result to their partners or husband. Economic inequalities and women's lack of sexual autonomy are also risk factors which must be addressed.

7. Ensure participation of people living with HIV/AIDS

Governments are urged in particular to support actively the principle of greater involvement of people living with HIV in the development and implementation of HIV/AIDS-related programmes, including in education, outreach, prevention and service provision. Participation of people living with HIV/AIDS in aspects of HIV policy design and implementation is crucial to successfully fighting the pandemic.

8. Share equally the benefits of scientific progress

Everyone has the right to enjoy the benefits of scientific progress and its applications, including equal access to treatment -- such as antiretroviral medicines and treatment for opportunistic infections -- regardless of where they live, their gender or economic status. This also includes the further development and distribution of a female driven

prevention methodology such as a microbicide, and access to the life-saving commodities that will prevent further transmission of HIV/AIDS.

9. Affirm the right to privacy and confidentiality

The right to privacy, including confidentiality, of patient records and HIV status is essential to ensure that people come forward for HIV testing and treatment. Governments must ensure that all testing is based on fully informed consent, including confidential pre-test and post-test counselling that it is implemented according to the standards set out in the UN Guidelines on HIV/AIDS and Human Rights.

10. Ensure monitoring and evaluation for human rights and evidence-based solutions

States need to regularly report on and evaluate their progress in implementing and honouring the commitments made and targets set in the fight against HIV/AIDS, and their human rights obligations. Governments should ensure, including through the provision of adequate resources to civil society, that monitoring of all targets is inclusive, participatory and implemented through a process that is accountable to the communities most affected by HIV/AIDS.

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