



VIH y Derechos Humanos

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3 de agosto 2008.- Some 20,000 participants will gather this week in Mexico City for the 17th International AIDS Conference to explore why, despite decades of intense efforts in combating AIDS, the epidemic remains as daunting as ever. Last year, 2.7 million people were newly infected with HIV, and 2 million died from AIDS. Today, 33 million people live with HIV worldwide.

The tenaciousness of AIDS stems in part from the fact that measures to counter it underestimate and even ignore the human rights context in which it thrives. Yet it is clear that the millions of people who experience human rights violations are also more vulnerable to HIV infection and more likely to die from AIDS. Indeed, abuses of human rights not only compound, but often drive, the epidemic in the first place. Such abuses include discrimination, lack of access to information and education, gender inequality, violence, poverty, and marginalization. Millions continue to die preventable deaths because their rights to life and to the highest attainable standard of health are not protected.

Thus, any approach to HIV must also respond to the human rights issues fuelling the epidemic and emanating from it. This is recognized in the 2008 Report on the Global AIDS epidemic which underlines the need to address societal causes of HIV, including the failure to realize and protect the human rights essential to an effective response to HIV. A rights-based approach to HIV brings to the fore the critical protection needs of those most vulnerable to HIV. It helps to devise or sharpen remedial action to reach those who, due to neglect, intimidation, prejudice or social stigma, have fallen outside the available safety nets of HIV prevention, treatment and care. These include women and girls who experience sexual violence; young people who are denied sexuality education and information on HIV; and children who have been orphaned by AIDS. A rights-based approach offers a protection canvas also to people who are marginalized by their sexual orientation or addiction to drugs, or to prisoners who would otherwise be prevented from obtaining HIV services and commodities. This is because human rights are inalienable and thus belong to everyone, including those who come from highly stigmatized groups, or are regarded as alien by a community. Such an essential fact must always be taken into consideration when responding to HIV.

In 2001, United Nations Member States agreed that “realization of human rights and fundamental freedoms for all is essential to reduce vulnerability to HIV/AIDS.” Yet as of 2008, one-third of countries have still to enact laws to protect from discrimination people living with HIV. Sixty-three percent of countries report laws that create barriers to HIV prevention, treatment, care and support for marginalized groups. As many as 67 countries still impose some form of restriction on entry and residence on the basis of HIV status alone. Such restrictions do not protect public health, but only

serve to heighten stigma against people living with HIV. Many countries have recently adopted overly broad legislation that imposes criminal penalties on people who transmit HIV. There is no evidence that these penalties deter HIV transmission, and there is great concern that they will discourage people from HIV testing and disclosure of status.

Addressing the human rights dimensions in national AIDS programmes is not difficult. It consists of funding and implementing campaigns against sexual violence as well as combating HIV stigma and discrimination. It involves “know your rights and laws” campaigns and legal aid for those vulnerable to or infected by HIV. It would put in place mechanisms to monitor HIV-related human rights abuses, as well as training in non-discrimination for health-care workers, social service providers, police, judges and prison officials. Independent national human rights institutions should also be brought into national responses to AIDS to seek redress for those harmed and to evaluate the impact of laws and their enforcement on HIV.

This week at the International AIDS Conference in Mexico more than 500 organizations will demand that human rights be put at the front and at the center of the global AIDS struggle. Their rallying cry is “Human Rights and HIV/AIDS, now more than ever”. It is time that we heed this call on behalf of the millions who continue to be vulnerable to and die from HIV and AIDS.
