

World Health Organization

# Legislative Responses to AIDS



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World Health Organization

**Legislative Responses  
to  
AIDS**

with an Introduction by

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# Legislative Responses to AIDS

# INTRODUCTION

The World Health Organization welcomes the publication of this book. It represents an important element in WHO's efforts to disseminate authoritative information on national and subnational laws and policies relating to the control of AIDS and HIV infection. It is particularly timely in the light of a number of international developments, including the following:

- resolution WHA40.26 of the Fortieth World Health Assembly on the “Global strategy for the prevention and control of AIDS”, adopted on 15 May 1987. This requested the Director-General of WHO to, *inter alia*, “assert WHO's international directing and coordinating role in support of national AIDS programmes” – it is evident that the dissemination of authoritative information on legislatively mandated and other programmes represents an essential element in fulfilling this role;
- the Declaration adopted at the WHO/Australian Interregional Ministerial Meeting on AIDS (Sydney, 21-24 July 1987). This urges Participating Governments to, *inter alia*, “share openly with WHO and other governments all relevant and reliable information on AIDS”. This can obviously be interpreted as including information on relevant laws and regulations and their implementation;
- resolution 42/8 of the General Assembly of the United Nations on “Prevention and control of acquired immune deficiency syndrome (AIDS)”, adopted on 26 October 1987. This invited WHO to, *inter alia*, facilitate the “exchange of information on ... the prevention and control of AIDS”;
- the London Declaration on AIDS Prevention, adopted on 28 January 1988 by the World Summit of Ministers of Health on Programmes for AIDS Prevention. This Declaration included provisions calling on WHO, through its Global Programme on AIDS, to “promote, encourage and support the worldwide collection and dissemination of accurate information on AIDS”; and
- resolution WHA41.24 of the Forty-first World Health Assembly on “Avoidance of discrimination in relation to HIV-infected people and people with AIDS”, adopted on 13 May 1988. One of the preambular paragraphs to this resolution notes the “medical, ethical, legal ... implications of AIDS prevention and control programmes”, while one of the operative provisions urges Member States to “include in any reports to

WHO on national AIDS strategies information on measures being taken to protect the human rights and dignity of HIV-infected people and people with AIDS”.

- *Legislative Responses to AIDS* contains a selection of some of the more important legislation on the subject published in the *International Digest of Health Legislation* since the first regulations on this subject appeared in March 1983. WHO’s activities in the compilation, processing, and dissemination of legislative information commenced as soon as that first Swedish text appeared. The activities have been constantly reviewed and were placed on a firm footing as early as October 1985. Our two Programmes, the Global Programme on AIDS and the Health Legislation Programme, have worked in a spirit of mutual support and cooperation on a continuing basis, the purpose being to provide a resource for Member States wishing to have first-hand, accurate, and authoritative information on legislative developments. No attempt is made to editorialize or comment on the wisdom or appropriateness of particular legislative strategies. No attempts are made to, as it were, classify countries on whether or not they have adopted legislation in line with the Global Strategy. In this area, as in all other areas of health legislation, the sovereignty of countries is fully respected. WHO is aware that each country has to develop and enact its own legislation on this subject, as in other aspects of health care. It is furthermore aware that policies and measures that require a legislative basis in some countries may be introduced elsewhere without legislation. Furthermore, the Secretariat is well aware of the constraints in many developing countries to enacting legislation.
- This book provides, as it were, “skeleton-like” information. A book of this sort, by its very nature, cannot contain information on implementation, nor can it outline the constraints and difficulties with which countries are confronted in this important area of health legislation. At the same time, reviews of national policies can no doubt be most effectively undertaken in full knowledge of precisely what provisions are in force at a given time.
- We trust that the publishers’ objectives will be met and that WHO’s Member States will find this book useful as they strive towards the implementation of the resolutions they have collectively adopted under the auspices of the United Nations system in general and in the World Health Assembly in particular. Scholars in university and other academic institutions should likewise find it helpful for comparative legislative

analyses, although, of course, there can be no substitute for the original texts. The material that appears here has been translated from many languages and it should be emphasized that all summaries and translations are unofficial, in the sense that they have not necessarily been cleared by the governments concerned.

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