

Access to treatment for people with HIV

Do Latin American governments cover medical treatment for people with HIV-AIDS who cannot afford it?

Abstract

I will analyze different Latin American Supreme Court rulings in order to demonstrate that governments are obliged to cover universal medical treatments for people with HIV. This is a worldwide issue and UNAIDS is constantly working to protect this vulnerable group of people. We can see this progress in the following statistics.

Introduction

Since the human immunodeficiency virus (HIV) was identified in 1983 it has been necessary for states to cover integral medical treatments for vulnerable people who can not afford it by themselves.

Governments are responsible for creating and operating public policies related to this economic and social right in order to guarantee universal access to treatment for people with HIV.

For example, it is important to highlight that the judges of the Argentine Supreme Court have established that the deficiencies or restrictions or budgetary limitations would not be relevant to justify the state non-compliance. Although the aim of this research is the issue in Latin America, I have taken into account the situation all over the world as a reference.

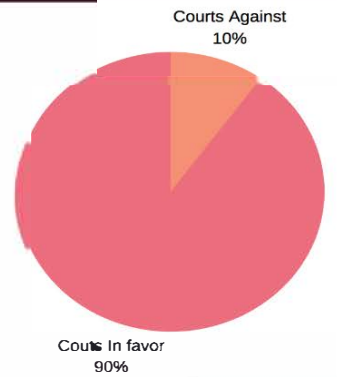
Methods

Many Courts of Justice in Latin America have decided to protect the right to health care for vulnerable people infected with HIV

Here are some examples



- Argentina** Supreme Court of Justice case "Asociación Benghalensis", 323; 1339 (2000)
- Brazil** Supreme Federal Court, case "Recurso extraordinario N°271.286-8" (2000)
- Peru** Constitutional Court, Exp N° 2945-2003 (2004)
- Guatemala** Interamerican Court of Human Rights "Cuscul Pivaral y otros c. Guatemala" (2018)



Out of 10 countries surveyed, 9 of the Courts ruled in favor of access to treatment for patients with HIV

Worldwide access

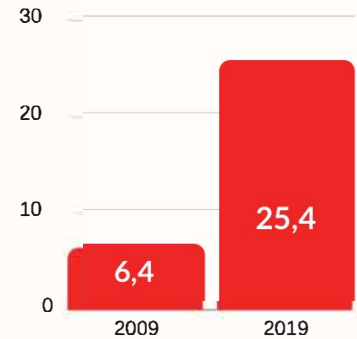
Important data by the end of 2019

25,4 million people had antiretroviral therapy access in comparison with the 6,4 million in 2009

In 2019, 67% of people who were diagnosed with HIV had access to the medical treatment.

Only 73% of adult woman older than 15 had access to treatment. In contrast, adult men older than 15 years who had access to treatment were only the 61%

Results



The curve has been growing in order to take care of health of people in a positive way.

Global AIDS Monitoring 2020

Commitment 1: Ensure that 30 million people living with HIV have access to treatment through meeting the 90-90-90 targets by 2020

References:

- UNAIDS Resolution 2011/19 Joint United Nations Programme on HIV/AIDS
- UNAIDS 2019 Guidance, Global AIDS Monitoring 2020, Indicators for monitoring the 2016 Political Declaration on Ending AIDS.
- UNAIDS, Global HIV & AIDS statistics -2020 fact sheet (<https://www.unaids.org/en/resources/fact-sheet,6/08/2020>)

Conclusion

The research shows that there has been a progress in the right to health care in Latin America. The judiciary system in Latin America has been guaranteeing access to treatment for people with HIV, provided by the governments.