

HIV/AIDS

Globally, activists continued to focus their advocacy around the growing HIV/AIDS epidemic on the right of persons with HIV/AIDS to antiretroviral treatment. In April, the U.N. Commission on Human Rights passed by consensus a resolution asserting the right of people with HIV/AIDS to medical treatment, including antiretroviral drugs. A previous resolution with similar text had passed unanimously in 2001 over the abstention of the United States. The 2002 resolution also echoed the conclusion of the November 2001 meeting of the World Trade Organization (WTO) in Doha (Qatar) that the WTO's agreement on intellectual property "does not and should not prevent members from taking measures to protect public health." In spite of this resolution and a growing global consensus on the urgency of expanding access to treatment for AIDS, the United States through the negotiations on the Free Trade Area of the Americas and other trade agreements continued to push for stronger intellectual property protections for pharmaceutical companies than those embodied in the WTO rules.

Human Rights Watch participated in an expert meeting convened by the high commissioner for human rights in collaboration with UNAIDS in July to draft an amendment of the International Guidelines on HIV/AIDS and Human Rights to reflect the global consensus on right to access to treatment for persons with HIV/AIDS. The new guideline, approved in September, calls upon states to take all measures necessary to ensure "availability and accessibility of quality goods, services and information for HIV/AIDS prevention, treatment, care and support, including antiretroviral and other safe and effective medicines . . ."

The Fourteenth International AIDS Conference in Barcelona (Spain) opened with UNAIDS Director Peter Piot's exhorting donors to raise their share of the estimated U.S.\$10 billion needed annually for a "minimum credible response to the epidemic." The Global Fund on HIV/AIDS, Tuberculosis and Malaria, set up in January at the behest of the U.N. secretary-general, had only \$2 billion in pledges for its first year of work. In October 2002, the board of the Global Fund reportedly decided that countries applying for grants could use their grant awards to purchase any antiretroviral drugs from the World Health Organization-approved list, which includes a number of lower-cost generic drugs. This decision represented a victory for advocates who had previously feared that the fund would effectively allow the purchase only of brand-name drugs.

The Bush administration's commitments to the fund—\$200 million in 2001 and \$250 million in 2002—were denounced as inadequate by health experts and activists alike. AIDS advocacy groups also raised concerns about ongoing reviews and investigations by the U.S. Department of Health and Human Services of hundreds of AIDS prevention organizations receiving federal money, which had a chilling effect on their work.