

HIV Behavioural Interventions - Government and Social Responsibility in HIV Prevention

Justice Kirby Collection

Date: 13 June 1995

Author: The Hon Justice Michael Kirby AC CMG President, Court of Appeal, Supreme Court of NSW (1984 - 1996)

Type: Abstract

Subjects: HIV/AIDS, Government

Organisation: The Royal Society of Medicine and the National Institute of Health (USA)

Event: Human Rights

Location: United States of America

Notes: This is an outline only of a paper. Fulltext not yet added to the database.

The Hon Justice M D Kirby AC CMG*

Australia

This contribution is divided into three parts.

The first is a discussion of general considerations affecting governmental and social responses to HIV/AIDS designed to prevent spread of the virus. Whereas many observers of the spread of HIV/AIDS, if not most, at first demand strenuous quarantine or punitive responses, those with knowledge about the nature of HIV/AIDS, its modes of transmission, as well as its universality and past epidemics, must teach the need for more finely tuned responses. These must be suitable to the particular governmental system and society to which they are addressed. But they must also take into account universal values of fundamental human rights. They must accord with two "laws" which have emerged from the experience of the first decade of HIV/AIDS:

1. That all laws and policies should be based upon sound empirical data addressed to their effectiveness; and
2. That paradoxically, the most effective laws and policies are likely to be those which include measures protecting vulnerable groups from criminal sanctions, stigmatisation and alienation.

The difficulty of devising laws and policies which effectively influence behaviour modification in matters such as sexual activity and drug use are candidly acknowledged. The possibility exists that HIV/AIDS will eventually produce more rational laws and policies on human sexuality and drugs. But this cannot be taken for granted.

The second part of the paper describes the relatively successful Australian response to HIV/AIDS, both at a governmental and social level. The high degree of bipartisan cooperation and national leadership have been reinforced by acceptance of the two "laws" stated above. But the need for constant reinforcement of educational and other messages is emphasised.

HIV Behavioural Interventions - Government and Social Responsibility in HIV Prevention

Justice Kirby Collection

The third part of the paper arises out of the author's functions as Special Representative of the Secretary-General for Human Rights in Cambodia. It describes the difficulties of securing governmental and social strategies of prevention which will be effective in Cambodia. The closure of brothels and censorship of informative sexual material follows a pattern not unknown in sexually conservative societies. The author describes initiatives taken by the United Nations to promote more realistic governmental and social strategies.

From these instances, certain general conclusions are drawn. Amongst them is the obligation of developed countries to draw on their experience to assist vulnerable countries in the developing world, given the universality of the human rights at stake and the risk to the global community presented by the spread of HIV/AIDS.