

HIV/Aids and the Law

There is not legislation regarding HIV in South Africa as yet, mostly it revolves around gender as women are more prone to contracting the disease.

Statistics

- ✓ An estimated 5.3 million South Africans are living with HIV/Aids, which is the highest total of people living with HIV/Aids in the world.
- ✓ It destroys the family structure
- ✓ There is an increase in HIV prevalence amongst women attending antenatal clinics (from 0.7% in 1990 to 26.5% in 2002). (this is only pregnant women)
- ✓ It is projected that women's life expectancy will decrease from 25 (2001) to 37 (2010) and in men 49 (2001) to 36 (2010).
- ✓ In South Africa, the majority of persons living with HIV/Aids are women and girls.
- ✓ An estimated 57% of all cases of HIV/Aids among adults aged 15-49 are women.

The role of Gender-specific violence HIV Transmission

- Women and girls are physiologically more vulnerable than men and boys, to contracting the HIV infection during unprotected heterosexual sex.
- In cases of gang rape, exposure to multiple assailants increases the risk of transmission
- Women and girls in abusive relationships may have limited capacity to negotiate the terms and conditions of sex, including when and whether sex takes place and whether condoms are used.

South African Government Interference with Antiretroviral Drug Provision

- August 2001: a coalition including the TAC sued the government to provide antiretroviral drugs in the public sector to all HIV-positive women to prevent mother-to-child transmission
- December 2001: Pretoria High Court ruled that the government refusal to provide antiretroviral drugs to HIV-positive pregnant women violated the Constitution and ordered it to provide these medications. Tshabalala-Msimang announced that she would seek leave to appeal the decision directly to the Constitutional Court

South African Law

- There is not an actual act relating to HIV in South Africa so the legal authority usually referred to is the Constitution.
- There are numerous rights listed in the Constitution which can be used in terms of HIV
- ✓ Right to equality (S9)
- ✓ Right to dignity (S10)
- ✓ Right to health care (S27)
- ✓ Right to physical and psychological integrity (S12(2))
- ✓ Right to life (S11)
- ✓ The Constitution prohibits all unfair discrimination against anyone directly or indirectly on the basis of sex, gender or pregnancy.
- ✓ Children's rights include the right to basic health care and social services and the right to be protected from maltreatment, neglect, abuse or degradation.
- ✓ The Constitution further provides that: "(a) child's best interests are of paramount importance in every matter concerning the child".
- There is also the right to not be refused medical treatment such as if someone has a CD4 count of less than 200
- According to the Constitutional Court, "the purpose of this right is to ensure that treatment be given in an emergency and is not frustrated by reason of bureaucratic requirements or other formalities. What the section requires is that the remedial treatment that is necessary and available be given immediately to prevent harm".

Hiv Aids And The Law

Christian Drosten



Hiv Aids And The Law:

HIV, Aids, and the Law Donald T. Dickson, Although morbidity among HIV AIDS victims has decreased the rate of new infections has remained steady for several years substantially increasing the likelihood that this epidemic will continue and expand as a concern for social workers and their clientele both of whom will need to be kept informed of the complex laws governing the milieu and the consequences of the disease This is certainly the case with its spread throughout Asia and Africa In this new work the author draws upon statutes and court decisions from across the United States to provide a comprehensive and current picture of the many facets of HIV AIDS law including health policy confidentiality privacy bioethics the workplace and criminal law and corrections The volume of legal medical social science and popular literature pertaining to HIV AIDS that has been published over the past two decades is staggering Hence any addition to this collection needs some justification What Dickson offers is different from what has preceded Rather than one more contribution to the extensive legal or social science literature this book attempts to integrate the perspectives from two fields law and social work The hope is that this will give social workers practitioners and teachers a better understanding of one of the major issues that may face them in their work with patients and clients every day To date although there is extensive HIV and AIDS related literature in social work and the social sciences it is primarily focused on social work practice issues Where law has been introduced in these works it often is narrow in focus and given the rapid changes in the field no longer up to date This book does not purport to discuss all legal issues in all jurisdictions relating to HIV AIDS but rather to choose selectively those that have particular relevance for social work and social policy The author has placed reliance on those published medical works cited with approval in the legal and social science literature This is a seminal work on the relationship of law medicine and ethics Donald T Dickson is professor in the School of Social Work at Rutgers The State University of New Jersey in New Brunswick

Legal Aspects of HIV/AIDS, 2007 This is an invaluable resource for lawyers policy makers and other practitioners with an interest in countries responses to HIV AIDS Legal Aspects of HIV AIDS A Guide for Policy and Law Reform covers 65 wide ranging topics in a concise accessible format explaining how laws and regulations can either underpin or undermine public health programs and responsible personal behavior For each topic the Guide summarizes the key legal or policy issues provides relevant practice examples citing actual laws and regulations and offers a selective list of references that may be consulted for more information Laws relating to many areas of our lives from intimate physical conduct to international travel can contribute to stigma discrimination and exclusion or contrariwise can help remedy these inequities In order to create a supportive legal framework for responding to HIV AIDS it is important that governments effectively address gaps and other problematic aspects in their legislation and regulatory systems This book written by a team of leading legal experts helps them do so

HIV, AIDS, and the Law Donald T. Dickson, 2017 Although morbidity among HIV AIDS victims has decreased the rate of new infections has remained steady for several years substantially increasing the likelihood that

this epidemic will continue and expand as a concern for social workers and their clientele both of whom will need to be kept informed of the complex laws governing the milieu and the consequences of the disease This is certainly the case with its spread throughout Asia and Africa In this new work the author draws upon statutes and court decisions from across the United States to provide a comprehensive and current picture of the many facets of HIV AIDS law including health policy confidentiality privacy bioethics the workplace and criminal law and corrections The volume of legal medical social science and popular literature pertaining to HIV AIDS that has been published over the past two decades is staggering Hence any addition to this collection needs some justification What Dickson offers is different from what has preceded Rather than one more contribution to the extensive legal or social science literature this book attempts to integrate the perspectives from two fields law and social work The hope is that this will give social workers practitioners and teachers a better understanding of one of the major issues that may face them in their work with patients and clients every day To date although there is extensive HIV and AIDS related literature in social work and the social sciences it is primarily focused on social work practice issues Where law has been introduced in these works it often is narrow in focus and given the rapid changes in the field no longer up to date This book does not purport to discuss all legal issues in all jurisdictions relating to HIV AIDS but rather to choose selectively those that have particular relevance for social work and social policy The author has placed reliance on those published medical works cited with approval in the legal and Provided by publisher AIDS and the Law Skinner-Thompson, Scott, 2015-12-18 AIDS and the Law provides comprehensive coverage of the complex legal issues as well as the underlying medical and scientific issues surrounding the HIV epidemic Covering a broad range of legal fields from employment to health care to housing and privacy rights this essential resource provides thorough up to date coverage of a rapidly changing area of law The Fifth Edition of AIDS and the Law has been updated to include Updates regarding medical advancements in treating and preventing HIV including pre exposure prophylaxis PrEP Analysis of the FDA s revised recommendations for blood donations from men who have sex with men Synthesized and streamlined analysis of the Americans with Disabilities Act and the ADA Amendments Act of 2008 Comprehensive discussion of housing protections for people living with HIV Updates regarding the National HIV AIDS Strategy including the revised Strategy released in 2015 Important developments regarding the U S government s treatment of HIV positive immigrants Discussion of the Affordable Care Act s anti discrimination provisions for people living with HIV Overview of new international and foreign protections for people living with HIV Information on navigating the many public benefit regimes potentially available to people living with HIV Detailed discussion regarding protections for prisoners living with HIV including new case law forbidding segregation

Hiv, Aids, And The Law Mark S. Senak, 1996-03-21 Senak a lawyer who has counseled people with AIDS from the onset of the epidemic discusses the legal issues they face providing both practical information and insight into why HIV and AIDS pose a challenge to the legal system Annotation copyright by Book News Inc Portland OR AIDS and the Law, 6th Edition

Skinner-Thompson, Scott, 2019-12-17 *AIDS and the Law* Sixth Edition *AIDS and the Law* provides comprehensive coverage of the complex legal issues as well as the underlying medical and scientific issues surrounding the HIV epidemic. Covering a broad range of legal fields from employment to health care to housing and privacy rights, this essential resource provides thorough up-to-date coverage of a rapidly changing area of law. *AIDS and the Law* brings you up to date on the latest developments including Updates regarding additional consensus that Undetectable Untransmittable Chapter 2 Overview of continuing efforts to chip away at the Affordable Care Act Chapter 2 Discussion regarding states now imposing work requirements for Medicaid Chapter 9 Analysis of the Trump Administration's many changes to immigration policy including policing of immigrants seeking public benefits Chapter 11 Overview of the Department of Justice's decision regarding whether domestic violence can serve as the basis for asylum Chapter 11 Updates on new Supreme Court precedent regarding exhaustion of administrative remedies under the Prison Litigation Reform Act Chapter 14 New case law pertaining to the impact of HIV in the family law context Chapter 13 **AIDS Law Today** Yale AIDS Law Project Staff, 1993-01-01 Essays by policymakers, practicing attorneys, and physicians examine the many legal issues raised by the AIDS epidemic and the ways society through its laws can and should respond *AIDS and the Law* Wiley Law Publications (Firm), 1992

HIV/AIDS and the Law and Practice G. D. Kainja, 2002 This paper summarizes the current law practice and international best practice conventions and guidelines affecting HIV/AIDS issues and highlights the issues and options available for Malawi

AIDS, Social Work and Law Gracious Thomas, N. P. Sinha, K. Johnson Thomas, 1997 *HIV/AIDS and the Law* Oagile Key Dingake, 1999 *AIDS and the Law* Allan H. Terl, 1992 Intended for those who have no legal training but who are interested in the legal aspects of AIDS, this work relates how AIDS and the human immunodeficiency virus (HIV) have affected some legal issues. Discrimination permeates the issue and specific cases are cited **HIV/AIDS and the Law**, 1997 AIDS Law Margaret C. Jasper, 2008 Since its first appearance in the United States in the early 1980s, AIDS has become a sweeping epidemic. At the end of 2005, the Center for Disease Control estimated that 437,982 people were living with AIDS in the United States and that number continues to rise. Medical and political communities have tirelessly struggled to develop policy that will both protect the general public from the spread of the disease as well as safeguard the rights and autonomy of those afflicted. In this third edition of *AIDS and the Law*, Margaret Jasper discusses the legalities associated with this disease, including an individual's rights regarding employment, education, health care, and insurance under various federal, state, and local laws. She sets forth an overview of the medical aspects of AIDS, the testing procedures, and some of the common treatments currently available, as well as briefly outlines its background and history. In addition, she tackles controversy over mandatory testing, reporting, and partnership notification, and also the discrimination sufferers face. *AIDS and the Law* compiles necessary information for someone who wants to learn more about the legal issues surrounding this epidemic.

Aspects of the Law Relating to AIDS South African Law Commission, 1997-01-01 **The Impact of HIV/AIDS on**

Criminology and Criminal Justice Mark M. Lanier, 2018-05-08 The occurrence of HIV/AIDS has dramatically affected every aspect of justice systems worldwide Legal law enforcement and custody issues abound This volume provides a comprehensive overview of these issues as well as strategies and solutions **Guidelines on HIV/AIDS and the Law for Advice and Legal Office Workers**, 200? **Fifth Interim Report on Aspects of the Law Relating to AIDS** South African Law Commission, 2001 *Criminal Law and HIV/AIDS* Richard Elliott, Canadian HIV/AIDS Legal Network, Canadian AIDS Society, 1997-01-01 **AIDS Policy & Law**, 1990

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Table of Contents Hiv Aids And The Law

1. Understanding the eBook Hiv Aids And The Law
 - The Rise of Digital Reading Hiv Aids And The Law
 - Advantages of eBooks Over Traditional Books
2. Identifying Hiv Aids And The Law
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Hiv Aids And The Law
 - User-Friendly Interface
4. Exploring eBook Recommendations from Hiv Aids And The Law
 - Personalized Recommendations

- Hiv Aids And The Law User Reviews and Ratings
- Hiv Aids And The Law and Bestseller Lists
- 5. Accessing Hiv Aids And The Law Free and Paid eBooks
 - Hiv Aids And The Law Public Domain eBooks
 - Hiv Aids And The Law eBook Subscription Services
 - Hiv Aids And The Law Budget-Friendly Options
- 6. Navigating Hiv Aids And The Law eBook Formats
 - ePub, PDF, MOBI, and More
 - Hiv Aids And The Law Compatibility with Devices
 - Hiv Aids And The Law Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Hiv Aids And The Law
 - Highlighting and Note-Taking Hiv Aids And The Law
 - Interactive Elements Hiv Aids And The Law
- 8. Staying Engaged with Hiv Aids And The Law
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Hiv Aids And The Law
- 9. Balancing eBooks and Physical Books Hiv Aids And The Law
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Hiv Aids And The Law
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Hiv Aids And The Law
 - Setting Reading Goals Hiv Aids And The Law
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Hiv Aids And The Law
 - Fact-Checking eBook Content of Hiv Aids And The Law

- Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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