INTRODUCTION

The ultimate aim of this unit is to provide social and scientific insight into the cause and control of HIV/AIDS through the instrumentality of Law. The Unit will introduce the student into the contextual determinant of Law to control the HIV/AIDS pandemic be it enactment, enforcement or administration. You will also see that law plays a crucial role in the control mechanism of the spread of HIV/AIDS. You will understand why law forms the core issue around which all other components of the HIV/AIDS preventive mechanism are build, the interrelationship with the ethical issues involved in the treatment of HIV/AIDS. The goal is to develop a society where the fundamental Human Rights of people are respected.

OBJECTIVES

The overall aim of this unit is to apply legal insight in the phenomenon of HIV/AIDS endemic with a view to understanding and explaining the linkages of the legal framework and ethical issues involved in the treatment of HIV/AIDS (PLWHA) and the control of the spread of the disease.

At the end of the unit, you should be able to:

- provide a brief definition of ‘law’;
- identify the Legal framework for the control of HIV/AIDS; and identify the Ethical Issues involved in the treatment of HIV/AIDS.

Definition of Terms
John Austin defined law as a ‘rule’ laid down for the guidance of an intelligent being by an intelligent being having power over him.” This definition conforms to the imperative or command theory of Law.

John Salmond also defines Law as “the body of principles recognized and applied by the state in the administration of justice. However, Fredrich von Savigny maintains that law, is not the creation of the legislator or any sovereign, but emanates from the popular consciousness of a nation (volkgeist) and exists for the purpose of regulating the actions of individuals and the whole community.

EXERCISE 1

Which of the different views of law agrees most with your own view of Law?

Taking cognizance of the above definition of law is a body of rules of social conduct which are recognized as obligatory by the people whose conduct it guides and which visit specific sanctions administered by legitimate authority on violators; we will further discuss the legal and ethical frameworks for HIV/AIDS.

0 Legal Issues and Framework for HIV/AIDS

The value of a comprehensive legal framework in curtailing the HIV/AIDS epidemic as well as providing for the care and protection of the people infected and affected by it is very important. A legal framework that makes specific provision for the protection of people living with HIV/AIDS (PLWHA) and guide the society, institutions and individuals on how the epidemic and those infected and affected by it should be approached, is unavoidable and also very relevant. Equally important is that a robust legal framework that is sensitive to the needs of PLWHA can afford them dignity and respect – qualities that may have come under attack by discriminatory societal structures and attitudes. Such laws and policies can create greater awareness of violations of dignity and of injustice and will have a critical impact on the spread of the epidemic. Such legal framework, that have been influenced by progressive international laws and conventions recognize the supremacy and efficacy of human rights and human dignity.

0 Right to Healthcare

The right to healthcare is much more than the right of access to medicine and doctors it is also about the duty of government to ensure that peoples live in conditions that do not harm their health, but instead promote and fulfill this right. People suffer poor health and disease when they live or work in situations where their human rights are not respected. Example: the risk of infection with HIV is much greater among people who do not have access to information and who are also poor. Also, women do not have full control over their own bodies are also very vulnerable to HIV/AIDS. Thus, the rights to human dignity, life, freedom from slavery, privacy, housing, education and access to information are all important for good health, as a result, people today can no longer be denied health services because of factors like their race, gender, colour or religion.

People cannot be discriminated against because they have an illness. Our constitution

0 Definition of Terms: Ethics Define

Traditionally ethics provide insight but often fail short of guiding the complex biomedical ethical.
Ethics is a process of determining right and wrong conduct. It is the principle of conduct governing an individual or group; concerns for what is.

Ethics deals with what we believe to be good or bad and with the moral obligations that these beliefs imply. Ethics involves the rule for deciding right and wrong and the code of conduct that is based on our decision.

**0 Ethical Issues Raised By HIV/AIDS Treatment**

The human rights and ethical principles provided a framework by which the dignity and health of both those uninfected and those infected by HIV/AIDS are safeguarded. Furthermore adherence to human rights and

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ethical principles is essential to create an effective public health environment in which most people are encourage changing their behaviour, preventing their own infection or onward transmission and receive care. In the context of HIV/AIDS, many institutions encourage beneficial disclosure of HIV/AIDS status and counseling in an ethical way.

On ethical issues involve in HIV testing and treatment. It is widely believed that without an effective HIV prevention, there will be an increasing number of people who will require HIV Treatment. Among the interventions which play a pivotal role both in treatment and in prevention is HIV testing and counseling. These two are paramount.

The World Health organization (WHO) and UNAIDS recommend the following four types of HIV testing be clearly appeals that highest ethical standard should be followed. They are:

23 Voluntary counseling and testing
24 Diagnostic HIV testing
25 A routine offer of HIV testing for patient under specific conditions
26 Mandatory HIV screening

The HIV/AIDS challenges have necessitated a complete overhaul of our system and culture that enhances the spread of HIV e.g. the need for an appropriate legal and ethical response to HIV/AIDS. The ethical issue revolves around the standard of care informed consent across culture, privacy and confidentiality, stigma and discrimination protection of vulnerable groups.

SELF-ASSESSMENT EXERCISE 2

Explain the terms ethics and relate to ethical issues in HIV/AIDS

CONCLUSION

Law and ethics are the sole centralizing and organizing concept of the course legal dimension of HIV/AIDS studies. The study of the Legal and ethical issues revolves around this concept. Law is a body of rules of social conduct which are recognized as obligatory but ethics on the other hand is the study of moral standards and how they affect conduct.

SUMMARY

We have briefly defined and explain what the legal terms and ethical terms are. We also explained the various terminologies we shall come