



**Pan American
Health
Organization**

Regional Office of the
World Health Organization

Legislation and milestones in access to antiretroviral treatment in Latin America and the Caribbean

A number of important legislative and regulatory milestones in Latin American and Caribbean countries have been relevant in the efforts to expand access to treatment. The information below has been taken from the Framework Documents, which have served as the basis for the subregional negotiations on antiretroviral prices. This document contains information on:

- The current legislation in the Andean countries governing comprehensive care for people living with HIV/AIDS
- Special HIV/AIDS laws currently in force in Central America
- Milestones in Central America's commitment to providing access to comprehensive care for people living with HIV/AIDS
- Milestones in the Caribbean commitment to providing access to comprehensive care for people living with HIV/AIDS

CARIBBEAN

MILESTONES IN THE CARIBBEAN COMMITMENT TO ACCESS TREATMENT, CARE AND SUPPORT OF PLWA

1986/1997: Caribbean Cooperation in Health CCH I&II - HIV/AIDS is agreed on as one of the 6 health priority areas for the Caribbean: 70% of PLWHA will have access to treatment and care by 2003".

Sept. 2000: The development by a Regional Task Force with agreement from stakeholders, of a Regional Strategic Plan for HIV/AIDS – Treatment, Care and Support “to promote and improve accelerated access to treatment”.

Feb 2001: The signing of a Pan Caribbean Partnership on HIV/AIDS by governments and agencies in the Region

June 2001: New York - The Declaration of the United Nations General Assembly Special Session (UNGASS) on HIV/AIDS to which the Caribbean governments have subscribed

July 2001: Nassau - Conference of the Heads of Government. The adoption of the "Nassau Declaration on Health 2001" reaffirming the Governments' commitment to pursue treatment and care for PLWHA.

August 2001: CAREC, Port of Spain - a meeting of regional and international technical agencies at which it was agreed to draft a regional strategy on accelerating access to care and treatment.

Sept. 18-19: Georgetown - Regional meeting to draft a strategy to Accelerate Access to Treatment and Care for PLWHA.

Sept. 22-23: Washington, D.C- Strategy presented to the Caribbean Caucus of Ministers of Health at PAHO Directing Council

Feb 18-19 2002: Kingston, Jamaica - Dialogues with CARICOM Health Ministers, and four Pharmaceutical companies regarding a regional approach to accelerate access to care and treatment in the Caribbean

April 17-19, 2002: Georgetown, Guyana - COHSOD agrees on the development of a framework of agreement concerning regional accelerated access to care and treatment.

CENTRAL AMERICA

SPECIAL HIV/AIDS LAWS CURRENTLY IN FORCE IN CENTRAL AMERICA

Country	Name of the Law	Number	Articles on Comprehen Care
Guatemala	General law on combating the virus that causes AIDS (Acquired Immunodeficiency Syndrome) and on the promotion and defense of human rights in the face of the HIV /AIDS epidemic	Decree No. 27-2000	Number 35
El Salvador	Law on the prevention and control of the infection caused by Human Immunodeficiency Virus	Decree No. 588 24-10-2001	Number 11
Honduras	Special law on HIV/AIDS	Decree No. 147-99	Numbers 1,2 47,48,49,5 3,57
Nicaragua	Law on the promotion, protection, and defense of human rights in the face of the AIDS epidemic	Law No. 238 (14.10.96)	Number 19
Costa Rica	General law on HIV/AIDS	Law No. 7771 (20.04.98)	Number 7
Panama	General law on sexually transmitted infections, Human Immunodeficiency Virus, and AIDS	Law No. 3 (05.01.00)	Number 21,22,23,2 4, 25, and 33

MILESTONES IN CENTRAL AMERICA'S COMMITMENT TO PROVIDING ACCESS TO COMPREHENSIVE CARE FOR PEOPLE LIVING WITH AIDS

1986/1997: Creation and bolstering of national responses through the national HIV/AIDS control programs, including regulations on comprehensive care for people living with HIV/AIDS.

1997: RESSCAD, UNAIDS, and WHO support a motion submitted by Costa Rica to PAHO, entitled "AIDS Drugs: a Heritage of Humanity."

1996/2000: Negotiation, preparation, passage, and implementation of special HIV/AIDS laws that guarantee access to comprehensive care for people living with HIV/AIDS.

1998/2000: Development and implementation of National Strategic Plans of fight AIDS, which include comprehensive care as one of the main interventions.

2000: The first recommendation is made in RESSCAD to identify mechanisms that will permit joint procurement of ARV drugs for the countries of the subregion.

2001: COMISCA and RESSCAD affirm the need for continuing efforts to establish mechanisms for joint negotiations on ARV drugs.

June 2001: Declaration of the United Nations General Assembly Special Session (UNGASS) on HIV/AIDS signed by the Central American governments.

August 2001: First technical meeting to establish initial treatment regimens and calculate ARV needs, coordinated by the Ministry of Health of Panama and PAHO/WHO.

May 2002: Declaration of the Summit of Central American Presidents in Madrid, Spain, on implementing a Subregional Initiative to accelerate access to comprehensive care and antiretroviral drugs.

July 2002: The Council of Ministers of Health of Central America (COMISCA) agrees to operationalize the mandate of the Summit of Presidents and decides to prepare a framework document on access to comprehensive care in Central America and to develop a strategy for joint negotiations with the pharmaceutical companies that manufacture ARVs for the subregion by the end of the current year, with ongoing technical assistance from PAHO, under the coordination of SICA

Sep-Nov 2002: Preparation of the framework document on accelerating access to antiretrovirals in Central America.

October 2002: RESSCAD reiterates that each member country must develop policies, plans, programs, and sectoral projects to provide and expand access to comprehensive health services for people living with HIV/AIDS--including access to antiretrovirals--and affirms its interest in becoming part of a high-level negotiating commission to begin subregional negotiations with the pharmaceutical manufacturing companies as soon as possible within the framework of the Accelerating Access Initiative adopted by COMISCA.

November 2002: At the request of the countries, RESCAAD agrees to create a Central American Technical Commission with support from SICA and PAHO/WHO to develop mechanisms for implementing the Accelerating Access Initiative proposed by the countries of the subregion and for promoting joint negotiations with pharmaceutical manufacturers for the procurement of ARVs by the countries of the subregion.

January 2003: Negotiations with the industry result in a substantial reduction in antiretroviral prices.

ANDEAN SUBREGION

CURRENT LEGISLATION IN THE ANDEAN COUNTRIES ON COMPREHENSIVE CARE FOR PEOPLE LIVING WITH HIV/AIDS	
Bolivia	<ol style="list-style-type: none"> 1. Political constitution of the State 1985 2. Secretarial Resolution 0660 creating the regulations for organizing the prevention and surveillance of HIV/AIDS. 3. Creation of the National STI/AIDS Program (PNS) in 1986 4. National Drug Formulary, 1999 5. Revolving Fund for Strategic Public Health Supplies
Colombia	<ol style="list-style-type: none"> 1. Political constitution of Colombia 1991 2. Decree 1543 of 1997, regulating the management of HIV/AIDS and other STI. 3. Guidelines for integrated management of HIV/AIDS, the syndromic approach to STI and congenital syphilis (Resolution 412/2000) 4. Socioeconomic assessment of the impact of HIV/AIDS on social development in Colombia - CINSSA - MINSALUD-1997 5. Consensus on HIV/AIDS Colombia. Bogotá 2002-11-05 6. Law 715 of 2002. Administrative decentralization, budget allocations, and territorial competencies. 7. Drug Manual for the Compulsory Health Plan–Agreement 226/2002 8. Updating of drug list for the Compulsory Health Plan
Chile	<ol style="list-style-type: none"> 1. Political constitution of Chile 2. Supreme Decree No. 294 of 10/8/1984. Includes AIDS among STD 3. Supreme Decree No. 11 of 3/1/85. Makes AIDS a reportable disease 4. Supreme Decree No. 197, of 28/6/85. Amends Supreme Decree No. 11 and adds article 5, permitting the omission of the given name, surname, and residence of people with STD. 5. Supreme Decree No. 466 of 12 /06/87. Standards for the implementation of an epidemiological surveillance program for HIV/AIDS 6. Supreme Decree No. 385 of 8/11/89. Creates an Interministerial Commission for AIDS Prevention and Control. 7. Supreme Decree No. 6 of 4/5/90. Creates the National Commission on AIDS 8. No. 384 of 22/7/66. Modifies Exempt Decree No. 6 of 4/5/90, placing the STD Program under CONASIDA and voiding Exempt Decree No. 8 of 20/5/86 creating the National Commission on STD 9. ORD. No. 3F/4018 14/7/87. Testing to detect HIV antibodies in donated blood. 10. Ord, 3F/7418 of 3/12/87. Detection of hepatitis B and HIV antibodies in blood banks of facilities of lower complexity. 11. CIRCULAR 3F of 31/8/89. Updates circular 3F/17 of 16/02/88 on “Universal Precautions with Blood and Bodily Fluids” 12. STANDARDS: <ul style="list-style-type: none"> • 3F/53 of 19/12/95. “Standards for Compulsory Microbiological Testing of All Blood Donated for Transfusions and Other Aspects related to the Microbiological Safety of the Blood” • No. 46, approved by Exempt Decree No. 20 of 14/01/2000. “Standards for the Management and Treatment of STDs” • No. 48, approved by Exempt Decree No. 561 of 7/03/2000 on “Post-exposure Management after Occupational Exposure to Blood to Prevent

	<p>HIV Infection”</p> <p>13. Exempt Resolution No. 371 of 2/2/2001. Establishes the taking of a sample for HIV testing with informed consent and counseling before and after the test. Makes confirmation with ISP and a new sample in positive cases for ISP compulsory for identity purposes.</p> <p>14. AIDS Law: LAW N° 19,779 of 04 December 2001. Creates regulations on HIV and fiscal discounts for catastrophic illnesses.</p>
Ecuador	<ol style="list-style-type: none"> 1. Political constitution of the State reformed in 1999? 2. Creation of the National HIV/AIDS Control Program- 1987 3. Creation of CONASIDA by Ministerial decree - 1 December 1995 4. June 1998, National Human Rights Plan of Ecuador. 5. At the urging of NGOs, the National Congress enacts the “Sex Education and Love Act” on 27 March 1998; and the Law for Prevention and Comprehensive Care of HIV/AIDS, in the year 2000. 6. Makes screening for and confirmation of HIV free for pregnant women, through the Free Maternity Program, at an approximate cost of \$400,000 per year. 7. In July 2002 the Ministry of Health informed PAHO of its interest in acquiring ARV drugs and participating in the AAI for ARV.
Peru	<ol style="list-style-type: none"> 1. Political constitution of Peru 1993 2. Creation of STD and AIDS Control Program (PROCETSS) by Ministerial Resolution–1996 3. Law 26626 CONTRASIDA, which firmly establishes the rights of vulnerable and affected populations and the national priority of the problem - 1996 4. Publication of the Doctrines, Standards and Procedures for STI and AIDS Control in Peru–1996 5. Regulations of Law 26626–1997 6. Law 27450. Makes ARV drugs tax-exempt. –2001 7. Supreme Decree No. 236. Publishes the list of drugs included under Law 27450–2001 8. Commitment in the United Nations to fight AIDS - UNGASS Meeting - 2001 9. Director’s Resolution N° 265-2002-DGSP, ARV Treatment for HIV+ children–2002. 10. Supreme Decree on actions by the Comprehensive Health Insurance involving free ARV treatment for children up to age 17. 11. Supreme Decree N° 143-2002-EF. Updated report on drugs and supplies for cancer and HIV/AIDS treatment, for their exemption from payment of the GST and customs duties. September–2002. 12. Revolving fund for the management of strategic supplies
Venezuela	<ol style="list-style-type: none"> 1. Constitution of the Bolivarian Republic of Venezuela 1999 2. MINISTERIAL RESOLUTIONS <ol style="list-style-type: none"> 1987. Compulsory epidemiological surveillance of AIDS 1994. Regulations for HIV testing at the national level. Also establishes there can be no testing without the express consent of the individual as a requirement for job applications, for remaining in a job, or for admission to basic, diversified, and higher education centers. 2002. Compulsory testing for HIV antibodies for all pregnant women. 3. RULING OF THE SUPREME JUSTICE COURT <ol style="list-style-type: none"> 1998. Ruling of the Supreme Court of Justice, requiring the Venezuelan Government to guarantee antiretroviral treatment, treatment for opportunistic infections, and complementary examinations free of charge and universally to all people who require it, based on medical criteria. 4. HEALTH POLICY PAPERS.

	<p>The MSDS has the STRATEGIC SOCIAL PLAN, which translates the National Plan for Social Balance into works.</p> <p>5. NATIONAL STRATEGIC PLAN FOR HIV/AIDS "AN APPROACH FOR THE QUALITY OF LIFE AND HEALTH."</p>
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