

Global Health Indictment

Count 1: Imposition of Abstinence-Only HIV Prevention Programs--

The Bush administration is using its political influence, aid, and funding in the sphere of HIV/AIDS prevention and treatment to advance policies and programs that worsen the AIDS pandemic. Guided by a Christian fundamentalist ideological agenda, the administration is promoting and forcing deadly abstinence-only HIV prevention and sex education programs instead of proven comprehensive programs that comprise consistent and correct use of condoms.

Count 2: Imposition of “Gag-Rule”--

The Bush administration has re-instated the “gag-rule” policy which restricts foreign organizations that receive US funds from using their own, non-U.S., funds to provide legal abortion services or even provide accurate medical counseling or referrals regarding abortion. This policy has led to the closing of reproductive health clinics dependent on international funding in very poor parts of the world. In many areas, these clinics have also been the only source of HIV/AIDS prevention and care programs, including the supply of much-needed and life-saving condoms.

Count 3: Distortion of Science--

The Bush administration and its political operatives have distorted sound science and attempted to suppress medical research studies in HIV prevention when it conflicts with the ideology of the Christian Right.

Count 4: Restriction of Generics--

The Bush administration has used its political and economic power to coerce other countries into agreements that severely restrict the manufacture and supply of generic drugs, the only affordable option for most HIV positive people in the Third World.

For all counts:

- a. Held responsible in this indictment for crimes against humanity are George W. Bush and his administration.
- b. The Bush administration’s actions and policies with their genocidal impact constitute crimes against humanity, as popularly understood and conceived, that is, acts that, by their scale or nature, shock the conscience of humankind. They include inhumane acts perpetrated against a population, conducted in wartime or not. Bush administration policies in the areas of HIV/AIDS prevention and treatment programs, and reproductive health programs, involve foreseen risk of potentially genocidal proportions, putting millions around the world at risk of HIV, especially in countries with raging AIDS epidemics. Although participation in these programs is theoretically optional, as a practical matter, many third-world countries have little or no choice because of lack of public health funds and infrastructure. The danger to millions is a predictable consequence of these policies which are guided by a Christian Right ideological agenda, rather than science. Scientific consensus holds that condom information

and usage should be a necessary component of comprehensive sex education and HIV prevention programs.

- c. In the commission of these counts, the acts engaged by the named Bush, Cheney, et al. included, but was not limited to:

Count 1

Imposition of Abstinence-Only HIV Prevention Programs

1. The Bush administration, in June 2003, enacted the United States Leadership against HIV/AIDS, Tuberculosis and Malaria Act of 2003 which stipulates that 33 percent of HIV prevention spending go to “abstinence until marriage” programs. With increases in U.S.-funded “abstinence until marriage” programs, leaders of African countries eligible for PEPFAR [President Bush’s Emergency Plan for AIDS Relief] funding, especially Uganda, Swaziland, Kenya and Zambia, made numerous public statements in favor of sexual abstinence as a primary HIV prevention strategy, and went on to radically alter policies.
2. The Bush administration has now decreed that two-thirds of funding devoted to preventing sexual transmission of AIDS must be spent on programs that encourage abstinence and fidelity. According to the Baltimore Sun, in a document from the Office of the Global AIDS Coordinator, which oversees the administration's AIDS effort, under the heading "Key Policy Changes for Fiscal Year '06 Country Operational Plans," it requires that: "66 percent of resources dedicated to prevention of HIV from sexual transmission must be used for activities that promote abstinence before marriage and fidelity."
3. The Bush administration has launched what Human Rights Watch has termed ‘The United States’ “War on Condoms”’. In 2004, US Global Aids Coordinator Randall Tobias stated that “statistics show that condoms really have not been very effective,” and the administration has systematically used its influence and funding as coercive mechanisms to severely restrict the supply of condoms globally.

These policies, profoundly unscientific and guided by religious fundamentalist ideology, are mainly being implemented in a context where, “In sub-Saharan Africa, 80 percent of new infections are the result of unprotected sex, often within marriage. The highest rates of new infection are among those ages 15 to 24 and among married women in their twenties and thirties.” [*Source: Center for Health and Gender Equity*]]

Uganda as an illustrative case of Count 1: Uganda witnessed dramatic declines in HIV rates in the 1990s due to a comprehensive strategy and [quoting from an Open Letter from Ugandan citizens to their Ministry of Health, *on the Human Rights Watch website*]: “central to this strategy were efforts to demystify HIV and reduce the silence and stigma surrounding both HIV infection and prevention technologies, such as condoms. As a result, many people changed their behavior, including through sharp increases in consistent and correct use of condoms. Objective scientific evaluations now show unequivocally that condoms played a critical role in reducing both the incidence and prevalence of HIV in Uganda. ...

Today, however, the historical record of Uganda's success in reducing HIV is being distorted to further ideological agendas. ... We have watched as the U.S. government pours millions of dollars into HIV-prevention programs that provide misleading information about the effectiveness of condoms and that fail to equip people—particularly women with the essential skills needed to negotiate safer sex. We have seen billboards throughout the city of Kampala, sponsored by the U.S. Agency for International Development (USAID), the Office of the First Lady of Uganda and the Global Fund to Fight AIDS, Tuberculosis and Malaria, that exaggerate the failure rate of condoms and present “abstinence-until-marriage” as a complete HIV-prevention strategy, despite the fact that a large share of women are *getting infected within marriage*. We have seen Ugandan organizations stop supplying condoms either to gain or to avoid losing U.S. funding.”

This was followed by a severe condom crisis in Uganda with only about 20% availability, precipitated by measures of the Ugandan government working in concert with the US. Now, experts suggest we will see the first up-ticks in HIV infection rates after years of decline.

Count 2

Imposition of “Gag-Rule”

1. On his very first day in office in January 2001, President George W. Bush re-imposed the Global Gag Rule on the U.S. Agency for International Development (USAID) population program. This policy restricts foreign non-governmental organizations (NGOs) that receive USAID family planning funds from using their own, non-U.S. funds to provide legal abortion services, even where a woman's physical or mental health is endangered, lobby their own governments for abortion law reform, or even provide accurate medical counseling or referrals regarding abortion. This has resulted in the closing of reproductive health clinics and services around the world that depend on international funding for staying open, especially in Congo, Cameroon, Zambia, Kenya, Ethiopia, Zimbabwe and Ghana. More than 50,000 women die every year from unsafe abortion, a statistic that could be virtually eliminated by the provision of appropriate health information and services.
2. The Bush administration's imposition of the gag-rule has had a disproportionate impact on HIV services to under-served populations. The same family planning providers who lose funding due to the gag rule are on the front line in the fight against the spread of HIV/AIDS. These providers have integrated their traditional family planning services with HIV/AIDS prevention efforts, recognizing both as essential components of reproductive health care. With the closing of the clinics, it has been documented that condoms become scarce and life-saving HIV prevention information, counseling and testing is denied to millions of people.

Count 3

Distortion of Science

1. The Bush administration has repeatedly used religious fundamentalist criteria in making decisions on funding medical research instead of science. George W. Bush's decision on

stem-cell research is the most egregious of these examples. The Bush administration's ideological program is forcing medical researchers working on HIV prevention to avoid terms like "anal sex" in their funding proposals to avoid getting rejected or harassed, especially because the Christian Right and its political operatives search medical research databases and funding proposals.

2. The Bush administration has engaged in systematic misinformation on crucial health issues when it conflicts with their ideological agenda and programs. For example, in 2002, the Centers for Disease Control and Prevention (CDC) and USAID removed information on condom use and effectiveness from their web-based fact sheets. They also eliminated mention of sex education programs that were found to be effective through scientific studies and provided comprehensive HIV prevention information, including information about condoms.
3. The Bush administration has used its power over regulatory agencies to control and deny access of drugs that conflict with its ideological agenda. For example, in an unprecedented move, political appointees of the Bush administration overruled a FDA scientific advisory panel to deny over-the-counter status to an emergency contraceptive, Plan B, despite it being declared safe and effective by the scientific advisory panel.

Count 4

Restriction of Generics

1. The Bush administration, guided by interests of giant pharmaceutical companies, has coerced countries through the threat of severe trade sanctions if they import cheap anti-retroviral generics. Similar coercive measures have been used on manufacturers and exporters of generic drugs as well.
2. The Bush administration, guided by interests of giant pharmaceutical companies, has used more restrictive regulatory standards than those of the World Health Organization to justify restricting supply and use of generics.