

# Comparative analysis of national special purpose programs of counteracting the epidemic of HIV/AIDS in Ukraine

## Analiza porównawcza specjalnych krajowych programów przeciwdziałania epidemii HIV/AIDS na Ukrainie

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**Wstęp.** Jednym z najostrzejszych problemów współczesności, który zyskał medyczne i narodowe oraz globalne znaczenie, jest problem rozpowszechnienia AIDS i jego negatywnych skutków. Historia walki z epidemią AIDS na Ukrainie rozpoczyna się w marcu 1987 r., kiedy to uświadomiono sobie istnienie problemu AIDS w Związku Radzieckim – po raz pierwszy zdiagnozowano AIDS w 1987 r. u obywatela radzieckiego w Leningradzie. Analiza chronologiczna normatywno-prawnej bazy co do walki z AIDS świadczy o reakcji Ministerstwa Zdrowia w Rządzie ZSRR. Zarządzenia mówią same za siebie i właśnie według nich można prześledzić rozwój jednolitego rozumienia problemu: „O organizacji poszukiwania chorych na AIDS i kontroli krwiodawców na obecność zakażenia AIDS” – od 10.06.1985 r. № 776, „O profilaktyce przed zarażeniem wirusem AIDS” – od 04.09.1987 r. № 1002, „O stworzeniu centrów przeciwdziałania AIDS” – od 16 marca 1989 r. № 173, „O organizacji służby profilaktyki AIDS w ZSRR” – od 10 kwietnia 1989 r. № 239.

**Cel badań.** Analiza porównawcza medyczno-społecznych aspektów demokratycznego rozwoju narodowych programów przeciwdziałania epidemii HIV/AIDS na Ukrainie.

**Materiał.** Normatywno-prawne akta o narodowych programach przeciwdziałania epidemii HIV/AIDS na Ukrainie w latach 1992-2013; analizy naukowe i materiały własne jako źródło.

**Metoda.** Ogólna analiza prawna porównawcza i bibliograficzna obejmująca następujące poziomy teoretyczne: historyczny, dialektyczny, abstrahowanie, uogólnianie. Empiryczny poziom – to obserwacja dynamiczna.

**Słowa kluczowe:** *epidemia HIV, programy krajowe dotyczących HIV/AIDS, Ministerstwo Zdrowia Ukrainy*

**Introduction.** One of the most pressing issues of our time, which has developed its medical and national importance and has reached a global scale is the problem of HIV/AIDS and its negative consequences. The history of the campaign against HIV epidemic in Ukraine started in March 1987, when the Soviet Union awareness of HIV changed since a Soviet citizen in Leningrad had been diagnosed with HIV for the first time in 1987. A chronological analysis of the legal framework to combat AIDS indicates the first reaction of the Government of the USSR in the Ministry of Health. The orders speak for themselves and we can trace the continuity in the development of a holistic understanding of the problem: “On the organization of search AIDS patients and control donors for the presence of the causative agent of AIDS” dated 10.06.1985, № 776 “On measures to prevent infection with the AIDS virus” dated 09.04.1987, № 1002 “On creation of the Centre for AIDS” dated March 16, 1989 № 173” “On service organization of AIDS prevention in the USSR” dated April 10, 1989 № 239.

**Aim.** A comparative analysis of the medico-social aspects of democratic development of national programs for the prevention of HIV/AIDS in Ukraine.

**Materials.** The research covers normative-legal acts of national anti-AIDS programs for the period of their existence in Ukraine (1992-2013), scientific analysis and own materials as source.

**Methods.** General logical (general scientific) – comparative, bibliographic, legal analysis. Theoretical level – historical, generalization. Empirical level (perpetuation activity) – dynamic observation, sociological and medical.

**Key words:** *HIV/AIDS epidemic, the National anti-AIDS Programmes, the Ministry of Health of Ukraine*

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The first official record of the highest state level to combat infection should be considered the decree of the Presidium of the USSR Supreme Soviet “On measures to prevent infection with the AIDS virus” of 25 August 1987 [1-3], which introduced compulsory

medical examination for markers of HIV. Ministry of Health had worked out the Rules for certain categories of citizens. Laboratory and clinical examinations were provided. Non-residents evading review had to leave the USSR. Criminal liability was introduced for

intentional exposure of others to the risk of infection (Article 1152 of the Criminal Code of the RFSR). This was first crucial piece of legislation relating to HIV, which reflects the interests of society and was repressive to the rights of individual citizens.

At the same time, the Soviet Union recorded and publicized cases of HIV infected children with medical intervention. In general, already 255 people were found HIV-positive by the end of the 80s and it was no longer possible to call these external and isolated cases. On April 10, 1989 the Minister of Health signed a decree "On prevention of AIDS service organization in the USSR." The USSR Ministry of Health founded the Interagency Council to promote AIDS prevention as part of the 30 representatives of major newspapers and magazines, Radio and Television of the USSR, Komsomol Central Committee, the State Committee for Public Education of the USSR, a number of other ministries and agencies, non-governmental organizations. The Council was headed by the Deputy Minister, Head of Health of the USSR, the first session took place on 08.05.1989. The content specified in the USSR adopted formal legal acts, according to the strategic basis determined by Jonathan Mann – the Director of Special WHO Programme on AIDS: "... at present the only effective way to combat AIDS and stop its spread is health education which must be candid, explaining and permanent" [4].

A landmark was passed in April 1990 with the decision of the Supreme Soviet of the USSR [5], which had arisen in connection with the adoption of appropriate laws. The Regulation, which put into effect the Act of 01.01.1991 was entrusted to the Council of Ministers to form a Government Commission on Fighting the AIDS Disease in the USSR under the direct supervision of the Deputy Chairman of the USSR Council of Ministers. It was entrusted with the responsibility for the organization and implementation of measures to combat the disease in the USSR.

To ensure the validity of this law by the Supreme Soviets of the Union Republics recommended to amend the criminal law for the improper performance of professional duties of medical and pharmaceutical workers, disclosure of confidential medical information, and provide social protection for HIV-infected persons. But given the internal disintegration processes at that time, this resolution and the Law of the USSR until the end was not completed. The new Federal Law came into effect on January 1, 2011. "On the basis of public health in the Russian Federation" these regulations of USSR were declared invalid in the Russian Federation [6, 7].

However, it should be noted that a rather liberal Federal Law was passed in 1995 "On prevention of the Russian Federation disease caused by the human

immunodeficiency virus (HIV)" that aimed to minimize the negative impact of the epidemic, to ensure respect for human rights. Under this statute, the test for HIV is voluntary. But there is a list of occupations approved by the Government of the Russian Federation in September 1995 [8], with a mandatory survey, in hiring and during periodic medical examinations. In addition, blood donors must undergo HIV testing.

To obtain a visa for longer than 3 months foreigners must present a certificate form, indicating a lack of HIV. Article 11 of the Act provides that in case of HIV they are subject to deportation from the Russian Federation [9].

For all other people testing for HIV is not required. But in fact, the principle of voluntariness is often not respected. Often a sample of blood for testing is taken, for example, in a hospital for the blood analysis [10].

Legal regulation to combat HIV/AIDS in Ukraine dates back to 1991, when the Parliament of Ukraine adopted the Law "On prevention of AIDS and social protection." This law was one of the first regulations adopted in independent Ukraine. One of the first Soviet republics which have adopted laws similar to the USSR law "On prevention of AIDS" (April 1990) were the Turkmen Soviet Socialist Republic, which had 12 articles (January 1991) [11], the Uzbek Soviet Socialist Republic, which had 11 articles (June 1991) [12] and the Ukrainian Soviet Socialist Republic (December 1991) in the first year of independence [13].

The first of these was the "National Program of AIDS in Ukraine in 1992-1994" (table I) designed to meet the requirements of the Verkhovna Rada of Ukraine 1991 "On introduction of the Law of Ukraine" "On Prevention of AIDS and Social Protection" [14].

First National Program of AIDS in Ukraine was approved in a very complex socio-political environment. At that time, there was no unified protocol on the use of medical devices or means of disinfection or sterilization equipment or qualitative test kits for HIV screening, no condoms, no precision apparatus for determination of markers of HIV infection (such as polymerase chain reaction), no antiretroviral drugs, or of a network of specialized institutions and laboratories in the region. Ukraine did not have trained professionals, there was no orderly system of primary, secondary and tertiary prevention services for social and psychological support and rehabilitation, advocacy, mutual support, and others.

In 1995 the "National Program of AIDS in 1995-1997" was approved [15]. The Programme contained 6 chapters and sections of "Medical Aspects of HIV/AIDS", "Legal and Social Issues of HIV/AIDS", "Information and Educational Activities" are a targeted

Table. I. National programs struggle with HIV in Ukraine for the period of 1992-2013

The name of the program	Approved
National Program of AIDS in Ukraine in 1992-1994	Resolution of the Cabinet of Ministers of 27 February 1992 N 98 "On the National Program of AIDS in Ukraine"
National Program of AIDS in 1995-1997	Resolution of the Cabinet of Ministers of March 14, 1995 N 176 "On the National Program of AIDS in 1995-1997"
The Program of AIDS and Drug Addiction in 1999-2000	Resolution of the Cabinet of Ministers on March 9, 1999 N 341 "On the Program of AIDS and drug addiction in 1999-2000"
Prevention Program HIV-infection/AIDS for 2001-2003	Resolution of the Cabinet of Ministers of 11 July 2001 N 790 "On the Program of HIV-infection/AIDS for 2001-2003"
National Programme on HIV Prevention, Care and Treatment of HIV-infected and AIDS Patients in 2004-2008	Resolution of the Cabinet of Ministers on March 4, 2004 N 264 "On approval of the Government's Strategy Aimed at Preventing the Spread of HIV, the Period up to 2011 and the National Programme on HIV Prevention, Care and Treatment of HIV-infected Patients and AIDS for 2004-2008 years"
National Program for HIV Prevention, Treatment, Care and Support for HIV and AIDS persons 2009-2013	Law of Ukraine "On Approval of the National Programme on HIV Prevention, Treatment, Care and Support for HIV and AIDS persons for 2009-2013"

separation by 5, 2, and 5 units. Chapter 2 is divided by other 4. The President of Ukraine created the National Committee to combat the AIDS disease, which became a par with the Ministry of Health of Ukraine as the main ideologist and implementer of the program. As in the first program, the emphasis was on the measures to prevent the spread of the epidemic, but they are structured to take into account current best scientific and practical domestic and international experience of new forms of exposure to HIV/AIDS.

This program has tried to consider all the new aspects that have emerged in the world and especially those that are most relevant for Ukraine. A comparative analysis of the first and second program is in favour of the latter, as more advanced in the efforts to solve the immediate negative effects of the spread of HIV infection.

But as in the previous program, the latter pays very little attention to the important aspect of scientific support, and the task set by the Ministry of Finance of Ukraine "in the state budget includes funds to finance the implementation of the national program... and capacities of the budget" indicates absent earmarking.

The main difference of this program is its priority area for study and the implementation of measures that would ensure the prevention of transmission of the virus through blood transfusion and drugs and that it went beyond the level of solving the problem by performing a range of medical activities.

Unique to the second program is that it was spread over in 1998 because at that time the new program did not exist, and activities carried out by those allocated for the period up to 1997 should also be set for the braking role of individual state power structures. Under pressure during the formation of the complex activities of the program the proposals for HIV prevention among IDUs were excluded.

Thus, as in the first national program, the second did not produce progressive developments in this regard combating the spread of the epidemic. Instead

approved no less important activities, but those of which the implementation was not critical, because the usual attempt to bring the situation under control usually forcibly led only to a significant increase in the detection of drug users with HIV infection. Despite the fact that the program does not reflect actions on preventive interventions aimed at IDUs since 1996, it began to be implemented following the first realization of a civil society.

During the period of 1995-1998 in Ukraine occurred a catastrophic increase in the number of cases of AIDS and the spread of drug addiction, qualitatively different from the previous period (1987-1994). In 1994 the number of drug users was 7.3 per 10 thousand population, in 1997 there were 10.4, including an increased proportion of people who use hard drugs. The number of registered drug addicts exceeded 65 thousand people, and taking into account the disease latency a real number was closer to 700,000, most of whom were not employed and not enrolled, which provides a high level of criminalization of addiction. At the age structure about 90% was under the age of 30 years. In 1998, the number of identified HIV-positive, compared with 1994 increased more than 250 times and has exceeded 40 thousand people, almost 80% of whom were IDUs.

At the same time, against the background of social and economic crisis, a new problem appeared. The legislation stipulates that paid donation led to the ranks of donors infected with HIV which might have produced a new surge of the epidemic. If between 1987-1994 at medical donor examination 1-3 of the yearly examined turned HIV-positive, in 1997, 1998 and 1999 the numbers of these applicants were found yearly 720, 800, 653 people respectively [16].

Given the inconsistency of the Law of 1991, its adoption began the attempts to harmonize the existing Ukrainian legislation in line with accepted international standards and policies. Consequently, in 1998 Ukraine officially adopted the harm reduction

strategy as part of the government policy on HIV prevention among injecting drug users, which included the provision of state support for the availability of sterile injecting equipment.

In March 1999, the Cabinet of Ministers of Ukraine approved a new "Program of AIDS and drug addiction in 1999-2000" [17].

The name of the resolution itself indicates a problem that has emerged in the community, which was the main purpose of the program – the process of strategic planning of the national response to the epidemic by centralized procurement of antiretroviral drugs. The methodology was of sentinel surveillance of HIV/AIDS.

Unlike the previous two, the third program includes monitoring the spread of HIV and AIDS, psychosocial support for HIV-infected and AIDS patients, guidance for the prevention and treatment of HIV-infected and AIDS patients.

The pattern of improvement of public administration and the creation of positive government policies on national legislation recognized the need to improve the regulatory framework in the field of drug prevention. Some sections of the program implemented measures to prevent the abuse of narcotic drugs and psychotropic substances and to expand scientific research on prevention, treatment and rehabilitation of drug addicts. A comparative analysis of three programs in a row indicates the gradual development of high-quality HIV/AIDS in Ukraine, and then some positive results of the main directions of future government programs.

The fourth program (2001-2003) on HIV/AIDS was adopted by the resolution of the Cabinet of Ukraine in 2001 [18].

It is significantly different from previous programs and defines the problem of combating HIV/AIDS as one of the priorities of the state in social development and health, ensuring inter-agency approach to the implementation of preventive measures. The program is aimed at preventing HIV infection, reducing the adverse impact of HIV infection on society, and strengthening national and international efforts to combat HIV/AIDS.

The most progressive changes in the legislation of Ukraine in the fight against HIV/AIDS were held before and during the implementation of this Programme. The Government Commission on the Fight Against HIV/AIDS was led by the Deputy Prime Minister. Ukraine initiated the Convening of the 26<sup>th</sup> Special Session of the UN General Assembly on HIV/AIDS in New York. Presented were the Decrees of the President of Ukraine "On the declaration of Ukraine 2002 "Year of AIDS" and "About additional

measures to strengthen the fight against HIV/AIDS." Ukraine has taken an active part in the organization of the Global Fund to Fight AIDS, Tuberculosis and Malaria.

The state provided 200 million for the implementation of the anti-AIDS Programme in 2001-2003, including 1 million 200 thousand HIV tests for donated blood, providing 400 thousand pregnant free HIV testing twice. ensuring all HIV-infected pregnant women with preventive drugs, providing a broad humanitarian assistance and the implementation of drug education programs.

In 2001-2002, the timely testing and conducting the ARV prophylaxis among the pregnant prevented 200 cases of HIV/AIDS in infants. Ukraine became a member of the Board of Global Fund to Fight AIDS, Tuberculosis and Malaria. Memorandum of Understanding Programme sped up the access to antiretroviral therapy for HIV patients, agreed to lower purchase prices for antiretroviral drugs by 75-85%. Global Fund Board decided to grant Ukraine a grant to expand health care to patients with AIDS, their support and care. Active cooperation was founded with international organizations that are implementing projects with technical and financial assistance. The Ukrainian government made active steps towards democratic development of civil society and its involvement in national affairs. More than 100 non-governmental and non-governmental charitable organizations are participating in the program.

Extraordinary political assessment of Ukraine's efforts to fight AIDS became appreciated in June 2002, by the Secretary-General of the United Nations Kofi Annan in the Governmental Commission on HIV/AIDS and the expanded board of the Ministry of Health of Ukraine, as well as in the proposal of the UN Secretary-General to send a representative to the post of ambassador to Ukraine UN AIDS in Eastern Europe. In an open UNDP Project "Leadership for results" the representatives of non-governmental sector and officials, representatives of central executive bodies and local authorities were implementing the best international practices.

In connection with the completion of the term of the National Prevention Program HIV-infection/AIDS for 2001-2003 in February 2003 to develop a new program there were formed interagency working groups of assigned leaders who developed a schedule of their work and performed a constituent assembly.

According to the proposals of the executive branch, interested international organizations and NGOs by the Ministry of Health of 12.02.2003, № 40-adm formed working groups to develop each section of the program.

The creation of the draft program was attended by 22 central executive authorities, as well as by 12 international and non-governmental organizations, a total of over 100 people (5 working groups). The construction phase of the Programme for 2004-2008 also included: the special session of the General Assembly on HIV/AIDS (2001), adopted at the session of the Declaration of Commitment on HIV/AIDS, the creation in 2002 of the Global Fund to Fight AIDS, Tuberculosis and Malaria, one of the creators of which was the Ukraine, the visit to Ukraine of the UNAIDS Executive Director Peter Piot in 2001; of the UN Secretary-General Kofi Annan in June 2002, Ukraine became the GFATM, with the World Bank loan, significant financial investment organizations of the UN system in Ukraine, international donors and NGOs.

The distinctive features of this essential Programme [19] is that it was preparing a completely new organizational methods and political conditions, as its differences from the previous four programs are:

1. The National Programme for the period 2004-2008 to fully comply with General Assembly Special Session on HIV/AIDS (UNGASS, 2001), Millennium Development Goals (MDG, 2000), the Concept of Health, Plans for Economic and Social Development of Ukraine, an International conference held in November 2003 in Kiev.
2. Developed program format enables transparent monitoring and its surgical correction during implementation.
3. Program sets the realistic planning of financial resources (the Global Fund, World Bank, international donor agencies, non-government sector).
4. Sections of the program developed as a major part of the strategy up to 2015.
5. In this program, NGOs got a great opportunity to take part in the implementation of national objectives related to HIV/AIDS and some of them were among its performers.
6. All interested non-governmental organizations had the opportunity to participate on an equal footing with government agencies and institutions.
7. Designed and implemented for the first time in the program a completely new chapter "Political Support and Organizational Support", aimed at securing political support for implementation of programs at both national and local levels.
8. The entire implementation period will be accompanied by permanent monitoring and evaluation, designed according to international standards and experience.
9. Program has a strong strategic focus and approaches the size of the international framework document.
10. The program involves performing multiple sections based on revenues of off-budget funds.
11. The period of preparation of the Programme is characterized by close attention to all international donors and non-governmental organizations, indicating an increased role of the public and its interest in the most effective use of economic instruments, financial resources and human resources.
12. The implementation of the Programme participating NGOs, but it was necessary to further develop mechanisms of cooperation with them.

At that time it was the most progressive program that gave impetus to the highest quality foundation of an effective, multisectoral cooperation of all parts of the Ukrainian society, coupled with international cooperation, effective use of intergovernmental technical and financial assistance and direct participation of the transparent and rigid program control, which certainly makes a significant positive contribution to Ukraine's aspirations to build a road into the European Community.

But, according to the experts of the Ministry of Health of Ukraine, we note that for the programming 2004-2008 period Ukraine failed to reach a tendency to stabilize the spread HIV-infection/AIDS. In this regard, there was an urgent need to develop a new "National Target Programme on HIV Prevention, Treatment, Care and Support for HIV and AIDS for 2009-2013. The main purpose and the most difficult task of the Programme at present defined slowing growth of morbidity and mortality from infection and AIDS in Ukraine by providing public access to large-scale preventive measures, medical treatment, care and support [20]. The principles of financial security were the same as of the previous program, but the results show its full implementation (table II).

In 2012, the Committee on AIDS and Other Socially Dangerous Diseases for the purpose of the public consultation released a draft Law of Ukraine "On Amending the Law of Ukraine "On Approval of the National Programme on HIV prevention, treatment, care and support for HIV and AIDS for 2009-2013" [21] and after discussion in June of 2012 the Parliament of Ukraine adopted it. Although the said Act does not apply to the development of regional structures, the position of the interests of the Ministry of Internal Affairs, Ministry of Finance, State Administration of Ukraine on AIDS and Other Socially Dangerous Diseases, Ukraine State Service on Drug Control, National Academy of Medical Sciences of Ukraine and the social partners (joint representative body of national trade unions and trade union associations, joint representative body of employers at the national level), it indicates a major breakthrough in the fight against HIV/AIDS.

Table II. Information on the implementation of the National Programme on HIV prevention, treatment, care and support for HIV infected and AIDS patients in «Institute of Epidemiology and Infectious Disease named L. Gromashevsky of National Academy of Medical Sciences of Ukraine for 2009-2013

2009		2010		2011		2012		2013	
Plan	Cash expenditures								
16960,3	16960,3	21960,3	21960,3	15591,8	15591,8	29860,3	16916,7	31909,4	30390,3

The Act supplemented the Program under “key spending units” and was expected to reallocate funds between them. In 2012, the program provided for Health of Ukraine and the State Service for AIDS and Other Socially Dangerous Diseases 3333.718 thousand from the state budget, and in 2013 – 19409.84 thousand.

One of the key challenges of the Programme were:

- Procurement and provision of drugs to treat patients with HIV infection, diagnostic test kits, laboratory support antiretroviral treatment and monitoring of their use;
- A plan to increase access to antiretroviral therapy for HIV-infected patients in 2012;
- Organization of measures for implementation of Ukraine’s commitments to extend from 1 August 2012 for the treatment of publicly funded HIV-infected patients who currently received treatment at the expense of the Global Fund to Fight AIDS, Tuberculosis and Malaria;
- Implementation of the tenth round of the Global Fund;
- Further maintenance replacement therapy for opiate injection drug users, especially PLWA;
- Establishing domestic production of ARVs and drugs for substitution therapy;
- Improvement of the regulatory framework in combating HIV-infection/AIDS.

In Ukraine there is a constant improvement of the legal framework in the HIV/AIDS area in close connection with international norms on human rights in the context of HIV/AIDS and at present it is in accordance with the recommendations of WHO and UNAIDS. The proof of this is the fact that the Parliament of Ukraine on second reading adopted an overall resolution which states: «I. Amend the Law of Ukraine “On Prevention of Acquired Immune Deficiency Syndrome (AIDS) and Social Protection” [22] stating it as follows: The Law of Ukraine “On

combating the spread of diseases caused by the human immunodeficiency virus (HIV) and Legal and social protection for people living with HIV “(23.12.2010), which came into force after its publication. [23]. The Draft was supported by 258 of 282 registered in the session hall [24].

The new law takes into account most of the proposals submitted by the International HIV/AIDS Alliance in Ukraine, the largest in Ukraine and is a leader in matters of technical and financial assistance, both governmental agencies and non-governmental HIV-service organizations, development trends and main principles started in 1997, the Law of Ukraine “on Charity and Charitable Organizations” [25].

The researchers’ current legal framework and scientific positions on domestic and foreign sources, the criteria for choosing a subject of legal regulation of systematization and distribution laws offer health care for the 8 groups. The law regulates social relations in the field of HIV/AIDS; the authors refer to only one of them [26].

Summing up, we can draw the following conclusions:

1. Currently, there is no other coordinated international policy, which aims for the planning and implementation of programs for the global protection of human health. Humanization of technology policy without humanizing the policy on the security of the person – is doomed to failure. This efficiency of fighting AIDS today determines not only the long-term socio-economic prospects, but also the level of the “people-oriented” world politics as such.
2. These influential international organizations as the UN, the Global Fund to Fight AIDS, Tuberculosis and Malaria, and others note that Ukraine has made a considerable progress in establishing mechanisms for combating the spread of HIV/AIDS.

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