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Philip

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2 Secretary of State

From: Chief Medical Officer

Date: 20 July 1990

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HAEMOPHILIACS: AIDS LITIGATION

I hope Secretary of State will take account of my view that the problem of HIV infection in haemophiliacs can in fact be regarded as a unique catastrophe. The key feature which is not brought out particularly well in the memorandum of the Directors of Public Health is that HIV infection in addition to almost inevitably causing a very unpleasant progressive illness and death results in a substantial proportion of cases in infection of the female sexual partner and also on average one quarter of the subsequently conceived children. In both wife and children the infection will also prove fatal; in the case of the children fatality takes place in infancy. The only remedy which will certainly prevent the transmission by sexual contact is the invariable use of a condom throughout the partnership. Unlike the position in Hepatitis B which can occur as the result of a therapeutic accident, there is no vaccination available to protect the sexual partner. Furthermore, in Hepatitis B the outcome is only rarely fatal and infectiveness is present in a small minority of cases.

In summary, therefore, when one takes account of the fact that haemophiliacs in the first place have a serious hereditary disease and in the second place when infected with HIV will die young after an extremely unpleasant disease, have a significant chance of infecting their wives* and some of their children the tragedy goes beyond anything which has ever been described as a result of a therapeutic accident and is very likely indeed never to occur again.

I hope therefore, that for humanitarian reasons the Government will find some way to make an ex gratia settlement to the infected haemophiliacs in relation to this unique tragedy. I cannot personally see how this could be regarded as implying any responsibility for other accidents such as benzodiazepine dependence, cerebral palsy following obstetric misadventure etc.

GRO-C

E D ACHESON

* Footnote: So far we know of 35 infected spouses and another 3 who have AIDS. The numbers are inevitably incomplete and probably represent about one third of the actual total. There have also been some infected children born.