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SPECIFIC GROUPS AND INDIVIDUALS

Australia, Austria, Belgium, Brazil, Cameroon, Canada, Croatia, Cyprus*, Denmark*, El Salvador*, Finland*, Georgia*, Germany, Greece*, Guatemala, Hungary*, Ireland, Italy*, Kenya, Lithuania*, Luxembourg*, Madagascar*, Malta*, Mexico, Mozambique*, Netherlands*, Norway*, Philippines*, Poland, Portugal*, Romania*, Serbia and Montenegro*, Slovakia*, Slovenia*, South Africa, Spain*, Swaziland, Sweden, Switzerland*, The former Yugoslav Republic of Macedonia*, and United Kingdom of Great Britain and Northern Ireland: draft resolution

2003/... The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS)

The Commission on Human Rights,

Recalling its resolutions 2001/51 of 24 April 2001 and 1999/49 of 27 April 1999 and other relevant resolutions and decisions adopted by organizations of the United Nations system, as well as by other competent forums,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Welcoming the Declaration of Commitment on HIV/AIDS "Global Crisis - Global Action", adopted by the General Assembly at its special session on HIV/AIDS held in June 2001, and noting in particular that this Declaration affirms that realization and safeguarding of human rights and fundamental freedoms for all are essential to reduce vulnerability to HIV/AIDS,

Taking note with interest of the preliminary report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health E/CN.4 /2003/58,

Taking note also with interest of the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (E/CN.4/2003/67) which addresses access to information in the context of HIV/AIDS prevention and care,

Taking note further with interest of General Comment No. 3, "HIV/AIDS and the rights of the child", adopted by the Committee on the Rights of the Child at its thirty-second session in January 2003, the first-ever general comment on HIV/AIDS, adopted by a treaty monitoring mechanism,

Welcoming the fact that many positive steps in implementing its previous resolutions have been taken, including the enactment of legislation in some countries to promote human rights in the context of HIV/AIDS and to prohibit discrimination against persons infected or presumed to be infected and members of vulnerable groups,

Encouraging the continuation of national, regional and international consultations in the field of HIV/AIDS and human rights,

Noting with concern that, according to estimates by the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the World Health Organization, by the end of 2002 the number of people living with HIV increased to 42 million, the number of people newly infected with HIV was 5 million and the number of people who died from AIDS was 3.1 million,

Noting with particular concern that more than 95 per cent of all people infected with HIV live in the developing world, mostly in conditions of poverty, underdevelopment, conflict and inadequate measures for the prevention, treatment and care of HIV/AIDS infection and noting that an increasing proportion of people living with HIV/AIDS are women,

Noting the devastating impact of HIV/AIDS, including increased mortality and morbidity among the working-age population, losses in family income, greater numbers of orphans, the disproportionate burden borne by women at the personal, family and community levels and higher health and social costs,

Welcoming the creation of and the progress made by the Global Fund to Fight AIDS, Tuberculosis and Malaria,

Emphasizing, in view of the increasing challenges presented by HIV/AIDS, the need for intensified efforts to ensure universal respect for and observance of human rights and fundamental freedoms for all so as to reduce vulnerability to HIV/AIDS and to prevent HIV/AIDS-related discrimination and stigma,

Concerned that lack of full enjoyment of human rights by persons suffering from economic, social or legal disadvantage heightens the vulnerability of such persons to the risk of HIV infection and to its impact, if infected,

Also concerned that, in many countries, many people infected and affected by HIV, as well as those presumed to be infected, continue to be discriminated against in law, policy and practice,

Welcoming the significant role of UNAIDS in cooperation with relevant bodies of the United Nations system, in particular the Office of the United Nations High Commissioner for Human Rights, and of national and international non-governmental organizations, in particular organizations of people living with HIV/AIDS, in promoting and protecting human rights in the context of HIV/AIDS, including fighting discrimination against people living with HIV/AIDS, and in the full range of prevention, treatment and care activities,

Noting that stigma and discrimination on the basis of HIV or AIDS status are obstacles to an effective HIV/AIDS response and reiterating that discrimination on the basis of HIV or AIDS status, actual or presumed, is prohibited by existing international human rights standards, and that the term "or other status" in non-discrimination provisions in international human rights texts should be interpreted to cover health status, including HIV/AIDS,

Recalling HIV/AIDS and Human Rights International Guidelines Revised Guideline 6: Access to prevention, treatment, care and support, an outcome of the Third International Consultation on HIV/AIDS and Human Rights, convened jointly by the Office of the High Commissioner for Human Rights and UNAIDS, which provides guidance to ensuring the respect, protection and fulfilment of human rights in the context of HIV/AIDS,

Welcoming the report of the Secretary-General on the protection of human rights in the context of HIV and AIDS (E/CN.4/2003/81), which provides an overview of action taken by Governments, specialized agencies and international and non-governmental organizations on the implementation of the Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37, annex I) and their dissemination, and which addresses issues of technical cooperation for the promotion and protection of human rights in the context of HIV/AIDS,

1. *Invites* States, United Nations organs, programmes and specialized agencies and international and non-governmental organizations to continue to take all necessary steps to ensure the respect, protection and fulfilment of HIV-related human rights as contained in the Guidelines on HIV/AIDS and Human Rights;

2. *Invites* States, United Nations organs, programmes and specialized agencies and international and non-governmental organizations to contribute to international cooperation in the context of HIV/AIDS-related human rights through, inter alia, working on advancing HIV/AIDS prevention and care programmes, including facilitating access to treatment and care in the context of HIV/AIDS, and through sharing knowledge, experiences and achievements concerning HIV-related issues;

3. *Invites* States to strengthen national mechanisms for protecting HIV/AIDS-related human rights and to take all necessary measures to eliminate stigmatization of and discrimination against those infected and affected by HIV/AIDS, especially for women, children and vulnerable groups, so that infected persons who reveal their HIV status, those presumed to be infected and other affected persons are protected from violence, stigmatization and other negative consequences;

4. *Invites* States, United Nations organs, programmes and specialized agencies and international and non-governmental organizations to assist developing countries, in particular the least developed countries and those in Africa, in their efforts to prevent the spread of the epidemic, alleviate and control the detrimental impact of HIV/AIDS on the human rights of their populations and care for those infected;

5. *Urges* States to ensure that their laws, policies and practices respect human rights in the context of HIV/AIDS, prohibit HIV/AIDS-related discrimination, promote effective programmes for the prevention of HIV/AIDS, including through education and awareness-raising campaigns and improved access to high-quality goods and services for preventing transmission of the virus, and promote effective programmes for the care and support

of persons infected and affected by HIV, including through improved and equitable access to safe and effective medication for the treatment of HIV infection and HIV/AIDS-related illnesses;

6. *Requests* States to establish coordinated, participatory, gender-sensitive, transparent and accountable national policies and programmes for HIV/AIDS response and to translate national policies to district level and local action, involving in all phases of development and implementation non-governmental and community-based organizations and people living with HIV/AIDS;

7. *Also requests* States to develop and support services, including legal aid where appropriate, to educate people infected and affected by HIV/AIDS about their rights and to assist them in realizing their rights;

8. *Further requests* States to take all the necessary steps, including appropriate education, training and media programmes, to combat discrimination, prejudice and stigma, and to ensure the full enjoyment of civil, political, economic, social and cultural rights by people infected and affected by HIV/AIDS;

9. *Requests* States, in consultation with the relevant national professional bodies, to ensure that codes of professional conduct, responsibility and practice respect human rights and dignity in the context of HIV/AIDS, including access to care for people infected and affected by HIV/AIDS;

10. *Also requests* States, in consultation with relevant national bodies, including national human rights institutions, to develop and support appropriate mechanisms to monitor and enforce HIV/AIDS-related human rights;

11. *Invites* the human rights treaty bodies, when considering reports submitted by States parties, to give particular attention to HIV/AIDS-related rights and invites States to include appropriate HIV/AIDS-related information in the reports they submit to the relevant treaty bodies;

12. *Invites* States when preparing their progress reports to the General Assembly on the implementation of the Declaration of Commitment on HIV/AIDS "Global Crisis - Global Action" to include information on human rights in the context of HIV/AIDS;

13. *Requests* all special representatives, special rapporteurs and working groups of the Commission, inter alia, the special rapporteurs on the right to education, on the promotion and protection of freedom of opinion and expression, on violence against women, its causes and consequences, and on the sale of children, child prostitution and child pornography, to integrate

the protection of HIV-related human rights within their respective mandates and invites in particular the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health in the discharge of his mandate to pay appropriate attention to relevant issues concerning this resolution;

14. *Requests* the Secretary-General to invite the United Nations organs and programmes, as well as the specialized agencies and Member States, to integrate HIV-related human rights into their policies, programmes and activities, including those involving regional intergovernmental human rights and other bodies, and to involve non-governmental and community-based organizations in all phases of development and implementation, to help ensure a system-wide approach, stressing the coordinating and catalytic role of UNAIDS;

15. *Also requests* the Secretary-General to solicit comments from Governments, United Nations organs, programmes and specialized agencies and international and non-governmental organizations on the steps they have taken to promote and implement, where applicable, the Guidelines on HIV/AIDS and Human Rights and the present resolution, and to submit, in consultation with interested parties, a progress report for consideration at its sixty-first session.