



Joint United Nations Programme on HIV/AIDS
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UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS



Annual Meeting of Special Rapporteurs 2003

**JOINT UNAIDS and OHCHR
Discussion on HIV/AIDS and Human Rights**

**First Floor Conference Room, Palais Wilson, Geneva Switzerland
30 June 2003
9:30 a.m. – 6:00 p.m.**

Background Note

Purpose and objective

To develop a strategic approach for the integration of HIV/AIDS-related issues into the mandates and work of special rapporteurs, special representatives and independent experts appointed by the UN Commission on Human Rights and in so doing *strengthen country level HIV/AIDS related human rights work.*

Background and rationale

HIV/AIDS and human rights

HIV/AIDS threatens human rights. Those infected and affected by the HIV epidemic are not only confronted with the physical and mental effects of the illness, they often also face human rights violations, including discrimination in relation to health services, housing, education, work and family life. This worsens the individual and societal impact of the disease. At the same time, an ongoing lack of respect for human rights increases vulnerability to HIV infection for the whole society. Further, some groups of people including men who have sex with men, sex workers, injection drug users, refugees and migrants, prisoners, may be more vulnerable to contracting HIV because of their legal status or because they often are unable to realize their

civil and political, and economic, social and cultural rights. Furthermore, gender inequalities spurs on the spread of the epidemic and its disproportionate impact on women.

On the other hand, safeguarding human rights contributes to reducing vulnerability to HIV infection, alleviating the negative impact of the epidemic and empowers individuals and communities to respond effectively to the epidemic.

The UN human rights system has a vital role to play in ensuring accountability for HIV/AIDS related human rights through the work of the Commission on Human Rights, the UN treaty bodies and the special procedures of the Commission.

The role of special procedures in addressing HIV/AIDS-related human rights issues

The Commission on Human Rights and the Economic and Social Council have established a number of extra-conventional procedures and mechanisms which have been entrusted to either *working groups*, composed of experts acting in their individual capacity, or to independent individuals variously designated *special rapporteurs*, *representatives* or *experts*.

The mandates given to such procedures and mechanisms are either to examine, monitor and publicly report on human rights situations in specific countries or territories or on major phenomena of human rights violations worldwide. These procedures and mechanisms are collectively referred to as the special procedures of the Commission on Human Rights.

In carrying out their mandates, special rapporteurs and other mandate-holders routinely undertake country missions at the invitation of the country concerned and report back to the Commission on Human Rights. These missions take place .

These special procedures are important in advancing human rights at country level.

The Commission on Human Rights has called on these mechanisms to address HIV/AIDS related human rights issues within the context of their mandates.¹ The Commission has requested all Special Representatives, Special Rapporteurs and Working Groups, *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. At its 59th session in April 2003, the Commission also invited the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, to give attention to HIV/AIDS-related human rights issues in the discharge of his mandate.

¹ Resolutions 1999/49, 2001/51 and 2003/47.

HIV/AIDS-related issues have been addressed by some Special procedures , for example, *the Independent Expert on the effects of structural adjustments and foreign debt*²; *the Working Group on the Right to Development*; *the Special Rapporteur on the right to education*³; *the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression*⁴; *the Special Rapporteur on the right to health*⁵; and *the Special Rapporteur on the Sale of children, child prostitution and child pornography*.⁶ .

OHCHR-UNAIDS Institutional Collaboration

This meeting is jointly held by the UNAIDS and OHCHR within the context of the institutional Project Agreement.⁷

The meeting is financed by UNAIDS.

Participants

- All Special Rapporteurs, Special Representatives and Independent Experts appointed by the Commission⁸.
- Persons living with HIV/AIDS
- Persons who have experience in implementing HIV/AIDS programmes at community level.
- OHCHR assistants to the special rapporteurs, special representatives and independent experts and relevant UNAIDS staff.

Background documents

- *International Guidelines on HIV/AIDS and Human Rights* (UNAIDS/OHCHR, 1998)
- *Revised guideline 6 on access to prevention, treatment, care and support* (UNAIDS/OHCHR 2002)
- CHR resolution E/CN.4/RES/2003/28, “*The right of everyone to the enjoyment of the highest attainable standard of physical and mental health*”
- CHR resolution E/CN.4/RES/2003/29, “*Access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria*”

² E/CN.4/2000/51

³ E/CN.4/2003/9

⁴ E/CN.4/2003/67

⁵ E/CN.4/2003/58

⁶ E/CN.4/2003/79/Add.1

⁷ January 2003. Signed by Dr. Peter Piot UNAIDS Executive Director and Mr. Sergio Vieira De Mello, the High Commissioner for Human Rights.

⁸ It is hoped that all experts with mandates of particular relevance to HIV/AIDS, particularly those explicitly mentioned in CHR resolution 2003/47 will attend.

- CHR resolution E/CN.4/RES/2003/47, “*The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS)*”
- CHR resolution 2003/19 “*The right to Education*”
- CHR resolution 2003/42 “*The right to freedom of opinion and expression*”
- CHR resolution 2003/45 “*Elimination of violence against women*”
- CHR resolution 2003/105 “*Rights of the child*”
- Other previous CHR resolutions relating to HIV/AIDS
- General Comment No. 3 (CRC(GC/2003/1) “*HIV/AIDS and the rights of the child*”
- General Comment No. 14 (E/C.12/2000/4) “*The right to the highest attainable standard of health*”
- *Report on the Global HIV/AIDS Epidemic 2002* (UNAIDS/02.26E)
- *AIDS epidemic update December 2002* (UNAIDS/02.46E)
- *Fighting HIV/AIDS related Intolerance : Exposing the links between racism, stigma and discrimination* (WHO/UNAIDS, 2001)
- *Handbook for Legislators on HIV/AIDS, Law and Human Rights* (UNAIDS/IPU, 1998)