



UNAIDS activities in HIV/AIDS, Human Rights and Law

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UNAIDS has adopted a rights-based approach in its policies, programmes and activities. UNAIDS also works to mainstream HIV/AIDS into human rights and vice versa.

1. Standard setting

UNAIDS in collaboration with the Office of the High Commissioner for Human Rights (OHCHR) and other partners has developed guidelines advancing human rights in the context of HIV/AIDS.

In February 1998, UNAIDS and OHCHR jointly published the [International Guidelines on HIV/AIDS and Human Rights](#). These guidelines set the standards for upholding HIV/AIDS related human rights at the national, regional, and international levels. They are a useful resource in the necessary scaling up of the response to HIV/AIDS by all actors concerned - governments and non-governmental organizations, the United Nations system and other international and regional organizations.

Through UNAIDS funding and technical support, the International Council of AIDS Service Organizations (ICASO) published the [NGO Summary and Advocates Guide](#) as a more user-friendly form of the International Guidelines to enhance the document's accessibility. The guide has been distributed widely at national, regional, and international levels. It has been translated into Spanish and French.

In July 2002, the OHCHR and UNAIDS convened a group of experts to update Guideline 6 of the International Guidelines on HIV/AIDS and Human Rights. The [Revised Guideline 6: Access to prevention, treatment, care and support](#) provides an up-to-date policy guidance that is based on current scientific progress, international law and best practice at country level.

2. Mainstreaming HIV/AIDS in Human Rights Mechanisms

UNAIDS in collaboration with the OHCHR works with the United Nations human rights machinery - Treaty- and Charter-based bodies - to strengthen understanding, monitoring, and enforcement of HIV/AIDS related human rights.

With technical support from UNAIDS, in collaboration with other UN agencies and NGOs, the UN Commission on Human Rights, has strengthened its understanding, monitoring and enforcement of HIV/AIDS related human rights. HIV/AIDS is now a standing agenda item and has also been integrated into many agenda items. Resolutions relating to economic, social, cultural, civil and political rights as well as the right of women and children in the context of HIV/AIDS have been adopted. UNAIDS, technically, has supported States which spearheaded discussions on Resolutions relating to HIV/AIDS and human rights.

HIV/AIDS-related human rights country briefing documents have been prepared for Committees that monitor human rights. Reports have been submitted to the Committee on Elimination of Discrimination of All forms of Discrimination Against Women ([CEDAW](#)) for Brazil, Belarus, Nigeria, Kazakhstan and UK.

Over the years HIV/AIDS-related human rights issues have been integrated into the Treaty Body's work, particularly in:

- Reporting Guidelines;
- General Comments, such as [General Comment 14: The right to the highest attainable standard of health](#); and [General Comment 3: HIV/AIDS and the rights of the child](#);
- Thematic days, such as Committee on the rights of the Child [Thematic Day on Children and HIV/AIDS](#) (see pages 50-61); and
- Concluding Observations/Recommendations.

General Comment 3, adopted by the Committee on the Rights of the Child in January 2003, is the first ever General Comment on AIDS issued by a Treaty Monitoring Mechanism. This is a vital tool to assist in monitoring HIV/AIDS related rights.

In an effort to help make the international human rights monitoring process more accessible to HIV/AIDS activists, UNAIDS published the [Guide to the UN Human Rights Machinery](#) for AIDS Service Organizations, People Living with HIV/AIDS and others working in the area of HIV/AIDS and human rights.

3. Research in HIV/AIDS-related Human Rights issues

UNAIDS has conducted research to better understand the relationship between HIV/AIDS and human rights, especially HIV/AIDS-related stigma, discrimination and human rights violations.

Research has been conducted on the forms, contexts, and determinants of stigma and discrimination associated with HIV/AIDS in Uganda and India. This research was undertaken by [The AIDS Support Organisation](#) (TASO) in Uganda and by the [TATA Institute of Social Sciences](#) in India. The final report "UNAIDS Compendium on HIV/AIDS related Stigmatization, Discrimination, and Denial" - comprising research studies in [India](#) and [Uganda](#) and a [comparative analysis](#) of the two studies - has been published in English, French, and Spanish.

Further, UNAIDS has funded the development and field-testing of a [Protocol for identifying discrimination against people living with HIV/AIDS](#). Field-testing was conducted in Côte d'Ivoire, the Philippines, and Switzerland.

4. Strengthening networks on HIV/AIDS, Human Rights, Ethics and Law

UNAIDS networks at the national, regional and international levels in order to enhance partnerships to promote and protect human rights in the response to HIV/AIDS.

Strong partnerships have been built with the International Council of AIDS Service Organizations and its regional members in Africa (AFRICASO), Latin America and the Caribbean ([LACCASO](#)), Europe (EUROCASO), and Asia and the Pacific ([APCASO](#)). Through the provision of technical and financial support to these networks, UNAIDS helps to strengthen the capacity of national, regional, and international communities to mobilize and contribute to HIV/AIDS and human rights dialogue.

UNAIDS and UNDP published lessons learnt from such collaboration: "[Networks for Development: Lessons learned from Supporting National and Regional Networks on Legal, Ethical and Human Rights Dimensions of HIV/AIDS](#)".

UNAIDS also networks with organizations of persons living with HIV/AIDS. To this end, financial and technical support has been provided to the Asia Pacific Network of People Living with HIV/AIDS ([APN+](#)) to provide peer education and training to research and document HIV/AIDS related discrimination. A survey has been undertaken in India, Philippines, Indonesia, and Thailand. Activities to address the [research findings](#) will be implemented in each of these countries.

5. Engaging critical sectors - Legislators

UNAIDS works with legislators/parliamentarians to strengthen their roles in the HIV/AIDS response and advance supportive HIV/AIDS related policies and legislation.

UNAIDS and the Inter-Parliamentary Union (IPU) jointly published and launched, in the four British Parliaments, the [Handbook for Legislators on HIV/AIDS, Law and Human Rights](#) published in English, French and Russian. Read the [Executive Summary](#) in English and French.

The Handbook documents the principles in the International Guidelines on HIV/AIDS and Human Rights, analyses these principles in terms of actions required to be taken by legislators, and cites best practice examples demonstrating how some countries have successfully implemented the Guidelines. The Handbook also provides a particularly useful feature for Legislators: summary checklists against which national policies or legal reform can be assessed.

Technical support and evidence was provided at a hearing of the United Kingdom Westminster All Party Parliamentary Group on HIV/AIDS to assess the UK's response to the "International Guidelines on HIV/AIDS and Human Rights" and highlight the inequalities and injustices caused by UK's HIV situation. The outcome of the hearings is: The [UK, HIV and Human Rights: recommendations for the next five years](#), which proposes reforms required.

Additionally, UNAIDS has supported the South African Development Community (SADC) Parliamentary Forum to hold a Plenary [discussions on The Role of Parliamentarians in Combating HIV/AIDS in Southern Africa](#), March 2001. At this meeting SADC resolved to set up a Standing Committee on HIV/AIDS and elected

Members and Chairperson (See [Press release \(Communiqué\) on the Plenary Assembly Meetings of the SADC Parliamentary Forum](#)).

UNAIDS subsequently supported a [Strategic Planning Workshop on the Role of Parliaments in Combating HIV/AIDS in the SADC Region](#), February 2002. The outcome of this workshop are national parliaments strategic workplans on HIV/AIDS.

6. Training in HIV/AIDS, Human Rights and Law

UNAIDS, in collaboration with other UN agencies and non-governmental organizations (NGOs), provides training on HIV/AIDS and human rights.

UNAIDS and the OHCHR have held workshops for representatives of both human rights and HIV/AIDS NGOs to identify mechanisms to promote a human rights agenda relevant to HIV/AIDS and how human rights can be mainstreamed into HIV/AIDS and vice versa.

In Eastern Europe and Commonwealth of Independent States, UNAIDS has held a [Training Workshop on Legal and Ethical Issues Related to HIV/AIDS](#), October 1998.

Workshops on human rights for AIDS service organizations and people living with HIV/AIDS have also taken place in Bangladesh, Bulgaria, Cambodia, Canada, Ghana and Hong Kong.

Funding and technical support has also been provided to the Asia Pacific Council of AIDS Service Organizations ([APCASO](#)) to develop a [Training Manual on Human Rights for HIV/AIDS community groups](#) for the Asia Pacific Region. The Manual focuses on how to investigate violations, implement action, and monitor HIV/AIDS related human rights and seek redress for human rights violations.

With regards to ethics, UNAIDS has convened regional consultations in Brazil, Switzerland, Thailand, Uganda, and the United States on the ethical and legal issues in vaccine development. The culmination of these consultations is the publication: [Guidance Document on Ethical Considerations in HIV Preventive Vaccine Research](#).

Further, UNAIDS, WHO and the Council for International Organizations of Medical Sciences (CIOMS), have conducted workshops on ethical and legal issues in biomedical research in Europe, Africa, Latin America, and South East Asia. An international conference on HIV/AIDS research and health care in developing countries was also held in Geneva, Switzerland.

These Workshops culminated in the publication of the revised [CIOMS Guidelines: International Ethical Guidelines for Biomedical Research Involving Human Subjects](#).

With regard to young people, UNAIDS and UNESCO in 1999, Paris France, conducted a training workshop for young people on human rights and HIV/AIDS. The workshop assembled best practices on strategies to address HIV/AIDS related discrimination faced by young people. Subsequently, a joint UNESCO and UNAIDS publication: [Human Rights and HIV/AIDS: Young People in Action](#), was published in English, French, Russian and Spanish. Regional trainings, using this publication have been undertaken in anglophone Africa (Cape Town, South Africa), Asia (Bandung, Indonesia) in 2002, the Arab region (Beirut, Lebanon) and francophone Africa (Yaounde, Cameroon) in 2003.

A UNESCO/UNAIDS Small Grants Facility has been established to support implementation of projects addressing HIV/AIDS-related discrimination and related intolerance that have been developed by young people during the training session. Small grants have been approved for projects in Bangladesh, Malawi, Mozambique, Sri Lanka, and Zambia.

At a regional level, in Latin America, UNAIDS, in collaboration with the Latin American Council of AIDS Service Organizations, conducted a [Central America and the Caribbean regional workshop](#) in July 2001 to identify human rights implications of national AIDS strategic plans in the region. Regional projects have been developed and resources are being mobilized.

In Africa, UNAIDS collaborated with OHCHR on a [Regional Training Workshop on Economic, Social and Cultural Rights in Southern African Region](#) for government lawyers and other policy-makers, in Gaborone, Botswana, December 2001. The workshop focused on economic, social and cultural rights, using HIV/AIDS as a case study.

A regional meeting on HIV/AIDS and Human Rights in Asia Pacific was held on 23-24 March 2004. Sponsored by UNAIDS, OHCHR, UNICEF, ILO, UNDP, UNODC and Policy Project. 20 countries were present (Thailand, Bangladesh, Australia, Pakistan, Philippines, India, China, Indonesia, Vietnam, Sri-Lanka, Vanuatu, Fiji, New Zealand, Nepal, Cambodia, Laos PDR, Japan, Papua New Guinea, Malaysia. Participants included National AIDS Councils, lawyers, and a wide variety of vulnerable populations including people living with HIV/AIDS, injecting drug users, male and female sex workers, men who have sex with men, children, women, mobile populations and ethnic minorities. The meeting adopted recommendations on integrating human rights into HIV/AIDS responses in the Asia-Pacific region, as well as an advocacy pamphlet.

Regional trainings in Human Rights and HIV/AIDS have been undertaken in the Arab region (Beirut, Lebanon) June 2003; Francophone Africa (Yaoundé, Cameroon) August 2003; Eastern Europe in Croatia November 2003.

With regards to National Human Rights Institutions, UNAIDS, OHCHR, and the Asia Pacific Forum of National Human Rights Institutions held a [Regional Workshop on HIV/AIDS and Human Rights: The Role of National Human Rights Institutions in the Asia Pacific and HIV/AIDS](#), in Melbourne, Australia, October 2001. A similar workshop was held in Lome, Togo, in April 2001 for African National Human Rights Commissions.

UNAIDS, in collaboration with OHCHR and National Human Rights Institutions, will be developing a Manual addressing the role of National Human Rights Institutions in advancing HIV/AIDS-related issues within their mandates.

UNAIDS, in collaboration with AFRICASO and the Eastern African National Networks of AIDS Service Organizations (EANNASO - formerly ANNEA), held a training workshop in Tanzania of 65 representatives from various non-governmental organisations, AIDS service organisations, community-based organisations and associations of People Living With HIV/AIDS from throughout Tanzania. The workshop was also attended by UN agencies and programmes -WFP, FAO, UNDP and UNAIDS Tanzania. This training workshop was the last activity of the project that UNAIDS has been supporting in Tanzania since 2001. In the last 3 years, activities undertaken include:

- Hiring of a local lawyer to manage the programme and receive complaints of violations of human rights from PLWAS and take action.
- Conducting a [needs assessment through out Tanzania](#) on what are the human rights issues that people in Tanzania are facing in the context of HIV/AIDS.

National and regional HIV/AIDS and Human Rights assessments and consultations have been conducted in the Asia Pacific region (January-March 2004), under the leadership of the UN Theme Groups on HIV/AIDS. Recommendations of these

consultations will feed into advocacy (including the Asia Pacific Leadership Forum on HIV/AIDS and Development (APLF)), training and guidance to support governments in tackling the epidemic. The background papers and country-level and regional meetings also seek to increase the understanding of the patterns of human rights problems relating to HIV/AIDS in the region and identify best practices in the area of human rights to protect those living with HIV/AIDS. In 2004, national consultations have been held in Cambodia (23-24 March 2004); Nepal (5 March 2004); Thailand (12 March 2004) and Fiji (7 March 2004).

7. Technical assistance and advice on HIV/AIDS Policy Development and Legislative Reforms

UNAIDS, on request, provides technical assistance to States and non-governmental organizations (NGOs) to integrate human rights in national HIV/AIDS policies, legislation and programmes.

A [Cambodian law on HIV/AIDS](#) was adopted in January 2003.

A [rights-based policy on HIV/AIDS in Malawi](#) was adopted by parliament, and launched by UNAIDS Executive Director and the Malawi President in January 2004.

Legal reforms on policies and law are underway in Lesotho, Liberia (comments provided on the draft law), Belarus, Russia (technical mission undertaken and legal reform assessment is underway) and India (draft law on HIV/AIDS developed by the [Lawyers Collective](#) and sectoral, national and regional consultations underway, supported by UNAIDS).

UNAIDS has issued a policy paper addressing [Criminal Law, Public Health and HIV Transmissions](#). The policy paper advises that countries should refrain from using criminal law to deal with conduct that carries the risk of HIV transmission but use public health laws accompanied by appropriate safeguards for human and civil rights.

UNAIDS has intensified its activities in human rights and HIV/AIDS at the national and community level, and is supporting the placement of legal and human rights experts in local NGOs and community-based organizations in Burkina Faso, Ghana and Tanzania. The role of these experts is to integrate human rights into HIV/AIDS prevention and care programmes being undertaken by community groups; provide HIV/AIDS and human rights training; mainstream human rights into HIV/AIDS national strategic plans; and provide legal advice to people living with HIV/AIDS whose rights have been violated.

8. HIV/AIDS-related Human Rights Policy and Best Practice publications

UNAIDS, in collaboration with other partners, has published a number of documents in the area of HIV/AIDS, Human Rights and Law. These documents have been produced in several languages and have been widely distributed at national, regional and international levels:

- A Handbook for Legislators on HIV/AIDS, Law and Human Rights (UNAIDS and the Inter-Parliamentary Union), ([en](#) | [fr](#) | [ru](#));
- A collection of 20 human rights case studies called Human Rights and HIV/AIDS: Effective Community Responses (UNAIDS and Human Rights Internet) ([en](#));
- A Literature Review and Annotated Bibliography on Legal and Ethical Issues Raised by HIV/AIDS (UNAIDS and the Canadian HIV/AIDS Legal Network), ([en](#) | [fr](#));

- A Human Rights Approach to AIDS Prevention at Work: The Southern African Development Community's Code on HIV/AIDS and Employment (UNAIDS and AIDS Law Project, South Africa), ([en](#));
- HIV/AIDS-related Stigmatization, Discrimination and Denial: Forms, Contexts and Determinants, Research Studies from India and Uganda (UNAIDS), ([en](#));
- International Guidelines on HIV/AIDS and Human Rights (UNAIDS and OHCHR), ([ar](#) | [ch](#) | [en](#) | [fr](#) | [ru](#) | [sp](#));
- UNAIDS Guide to the Human Rights Machinery (UNAIDS), ([en](#));
- Revised Guideline 6 "Access to Prevention, Treatment, Care and Support" (UNAIDS and OHCHR) ([en](#) | [fr](#) | [ru](#) | [sp](#)); and
- HIV/AIDS and Human Rights: Young People in Action (UNAIDS and UNESCO) ([en](#) | [fr](#) | [ru](#) | [sp](#)).
- HIV/AIDS - stand up for human rights (UNAIDS, WHO, OHCHR) ([en](#))

For further information on UNAIDS activities on HIV/AIDS, Human Rights and Law please contact:

Miriam Maluwa
 Senior Adviser, Law and Human Rights
 Office of the Director
 UNAIDS
 Department of Social Mobilization and Information
 20, Avenue Appia
 1211 Geneva, Switzerland
 Fax: +41 22 791 4746