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**THE ROLE OF PARLIAMENTS IN ADVOCATING AND ENFORCING OBSERVANCE
OF HUMAN RIGHTS IN THE STRATEGIES FOR THE PREVENTION,
MANAGEMENT AND TREATMENT OF THE HIV/AIDS PANDEMIC**

Revised preliminary draft resolution prepared by the co-Rapporteurs
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The 112th Assembly of the Inter-Parliamentary Union,

- (1) *Recalling* the relevant resolutions of the IPU, especially the resolution entitled Action to combat HIV/AIDS in view of its devastating human, economic and social impact, adopted in Windhoek in 1998,
- (2) *Further recalling* the International Guidelines on HIV/AIDS and Human Rights, issued by the United Nations Programme on HIV/AIDS (UNAIDS) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 1998, and the Declaration of Commitment on HIV/AIDS "Global Crisis - Global Action" adopted by the United Nations General Assembly Special Session on HIV/AIDS in 2001,
- (3) *Taking note of* the UNAIDS 2004 Report on the global AIDS epidemic,
- (4) *Affirming* the recommendations contained in the UNAIDS/WHO document *Guidance on Ethics and Equitable Access to HIV Treatment and Care*,
- (5) *Referring to* the *Handbook for Legislators on HIV/AIDS, Law and Human Rights*, published jointly by the IPU and UNAIDS in 1999,
- (6) *Reaffirming* the goal contained in the United Nations Millennium Declaration which aims to halt and begin to reverse, by 2015, the spread of HIV/AIDS,
- (7) *Concerned* that each year the number of people infected with HIV continues to grow,
- (8) *Further concerned* that the reluctance of some governments to acknowledge the existence and gravity of the HIV/AIDS pandemic, and to recognise the stigma and discrimination faced by people living with HIV/AIDS hampers the effectiveness of responses to this pandemic,

(9) *Recognising* that the global HIV/AIDS pandemic constitutes one of the most formidable challenges to human life and dignity and to the full enjoyment of human rights, and that the full realisation of human rights and fundamental freedoms for all is an essential element in the global response to the HIV/AIDS pandemic,

(10) *Concerned* about the negative economic and social impact of the denial of the human rights of people living with HIV/AIDS to work, education and other social services,

(11) *Aware* that the realisation of the rights of people living with HIV/AIDS requires non-discriminatory access for them to services including health care and treatment services, social services, legal services, within a supportive social environment,

(12) *Convinced* that recognising the degree of the infection levels of the HIV/AIDS pandemic within each country will help the respective governments tailor their prevention and treatment programmes to meet their particular needs,

(13) *Considering* that ensuring access to medication, in particular access to antiretroviral therapy, in the context of the HIV/AIDS pandemic is fundamental to achieving progressively the full realisation of the universal right to the enjoyment of the highest attainable standard of health,

(14) *Recognising* the relationship that exists between armed conflict and HIV/AIDS, not only insofar as conflict can contribute to the spread of HIV/AIDS, but also as the impact of HIV/AIDS on society can contribute to the risk of armed conflict,

1. *Calls on* governments and parliaments to ensure that their laws, policies and practices respect human rights in the context of HIV/AIDS, protect people living with HIV/AIDS from discrimination in both the public and the private sectors, ensure privacy and confidentiality in research involving human subjects, and provide for speedy and effective judicial, administrative and civil remedies in the event that the rights of people living with HIV/AIDS are violated;
2. *Reminds* States of the commitments they have made to promote and encourage respect for human rights instruments such as the Universal Declaration on Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Convention on the Elimination of All Forms of Racial Discrimination; and *requests* States that have not yet done so to take the necessary steps to ratify and implement these international instruments;
3. *Urges* governments in developed countries to both continue and increase the financial and technical assistance that they provide to developing countries and least developed countries, and share their expertise in human rights with those countries that seek to create or strengthen their own human rights institutions;

4. *Strongly urges* governments to implement the measures recommended in the UNAIDS/WHO document *Guidance on Ethics and Equitable Access to HIV Treatment and Care* to promote equity in the distribution of HIV care in resource-limited settings;
5. *Further reminds* States of the need to see to the implementation of international trade agreements relating to pharmaceutical patents in order to promote the manufacture of antiretroviral drugs;
6. *Urges* governments and parliaments to adopt the measures necessary to ensure, on a sustained and equal basis, the availability and accessibility of good quality services and information for HIV/AIDS prevention, management, treatment, care and support, including the provision of HIV/AIDS prevention supplies such as condoms, safe injection needles, microbicides and basic preventive care packages, as well as antiretroviral drugs and other safe and effective medicines, diagnostics and related technologies, for all persons, with particular attention to vulnerable individuals and populations;
7. *Calls on* governments and parliaments to recognise the health, socio-economic and other effects of HIV/AIDS on individuals, families, communities and nations, and to take the appropriate legislative and executive measures to halt its spread;
8. *Urges* all governments and parliaments to adopt and implement policies that respect the human rights of persons living with HIV/AIDS, in particular their rights to education, work, privacy, protection and access to treatment and social services;
9. *Calls on* parliaments:
 - (a) to draw up laws or amend existing legislation to define national standards of protection for those suffering from HIV/AIDS, and especially for people in vulnerable groups, such as women and children;
 - (b) to enact legislation to provide for the regulation of HIV/AIDS-related goods, services and information, so as to ensure the widespread availability of effective prevention measures and services and of safe and effective medication at affordable prices;
 - (c) to review and adjust legislation to ensure that it conforms with the International Guidelines on HIV/AIDS and Human Rights;
10. *Urges* parliaments to create parliamentary committees and other parliamentary structures with the specific task of tackling the issue of halting and reversing the local, national - and ultimately global - spread of HIV/AIDS, and to involve all sectors of society through partnership programmes in high-level decision-making processes;
11. *Strongly urges* governments to coordinate efforts with the United Nations, non-governmental organisations and other bodies or institutions involved in HIV/AIDS

prevention, in order to ensure that the human rights of individuals living with HIV/AIDS are upheld and protected;

12. *Calls on* all governments and parliaments to strengthen national mechanisms such as commissions, tribunals, legislation and coordinated strategies to protect, enforce and monitor the human rights of individuals infected with and affected by HIV/AIDS and to eliminate all forms of stigma and discrimination, especially in respect of vulnerable groups such as women and children, as they bear the brunt of the epidemic and are most likely to care for sick people and to lose jobs, family members, income and schooling opportunities as a result of the illness;
13. *Calls on* parliaments and governments to condemn compulsory HIV/AIDS screening for those applying for travel visas, university enrolment or jobs;
14. *Calls on* parliaments and governments to ensure impartiality in the treatment of AIDS patients, irrespective of their social status;
15. *Further calls for* special attention to be given to preventing HIV/AIDS by disseminating information, raising awareness and educating people, with particular attention paid to adolescents;
16. *Requests* governments and parliaments to establish coordinated, participatory, transparent and accountable national policies and programmes for HIV/AIDS response, and to translate these national policies into action at the district and local levels, involving, in all phases of development and implementation, non-governmental and community-based organisations, and more importantly, people living with HIV/AIDS;
17. *Urges* governments and parliaments to promote national and international collaboration, stability, security and prosperity among all nations so as to prevent the emergence of armed conflict as well as to intensify efforts to resolve any existing conflicts in order to minimise the impact of HIV/AIDS and other consequences of conflict.