



INTER-PARLIAMENTARY UNION

**Resolution adopted unanimously by the 112th IPU Assembly
(Manila, 8 April 2005)**

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

The 112th Assembly of the Inter-Parliamentary Union,

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, and *convinced* that HIV/AIDS is an all-embracing threat against development, rather than an isolated health problem,

Further recalling the International Guidelines on HIV/AIDS and Human Rights, issued by the Joint 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,

Taking note of the UNAIDS 2004 Report on the global AIDS epidemic,

Affirming the recommendations contained in the document *Guidance on ethics and equitable access to HIV treatment and care*, issued by UNAIDS and the World Health Organization (WHO),

Referring to the *Handbook for Legislators on HIV/AIDS, Law and Human Rights*, published jointly by the IPU and UNAIDS in 1999,

Reaffirming the Millennium Development Goal (MDG) contained in the United Nations Millennium Declaration, which aims to halt and begin to reverse, by 2015, the spread of HIV/AIDS,

Aware that the achievement of all MDGs, including those concerning education and food security, will not be feasible unless progress is made in addressing the challenge of HIV/AIDS and other communicable diseases,

Deeply concerned that each year the number of people infected with HIV continues to grow, and *also deeply concerned* by the exponential growth in the number of women, young people and children affected by HIV/AIDS,

Recognising that discrimination against women, both de jure and de facto, renders them particularly vulnerable to HIV/AIDS,

Alarmed by the unprecedented number of children around the world who are being orphaned by HIV/AIDS, who are thus rendered far more vulnerable and face a much greater risk of hunger, of having limited access to education, health and social services, and of violence, abuse, exploitation and recruitment as child soldiers, and *aware* that these factors increase their likelihood of becoming infected with HIV themselves,

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, particularly women, hampers the effectiveness of responses to this pandemic,

Aware that stigma and discrimination continue to prevent people from having access to HIV testing and counselling services, which are of paramount importance in the prevention and treatment of the pandemic,

Recognising that the global HIV/AIDS pandemic constitutes a formidable challenge 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 the people affected is an essential element in the global response to the pandemic,

Affirming that respect for, and the protection and fulfilment of, the human rights of women and girls are necessary and fundamental components of the approach to addressing HIV/AIDS,

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, and *further concerned* that women and children often suffer the greatest economic and social impact as a result of the pandemic,

Underscoring that the struggle against HIV/AIDS cannot be separated from the struggle against poverty, which affects primarily women and children, thus undermining the workforce and hindering economic and social development,

Concerned that ignorance and intolerance are still a reason for the marginalisation of persons affected or presumed to be affected by HIV/AIDS, which causes discriminatory acts in the fields of medical assistance, job opportunities, education, housing and, in general, in every aspect related to their social well-being,

Considering that although the use of antiretroviral medications combined with proper therapies can delay the advance of HIV/AIDS, millions of infected people in developing nations, particularly in Africa, cannot afford these treatments,

Considering that under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) of the World Trade Organization (WTO), WTO members may allow the production of patented medicines in the event of health emergencies, and *realising* that the World Health Assembly passed a resolution encouraging WHO member States to utilise fully the flexibilities in the TRIPS Agreement to promote access to antiretrovirals and other essential pharmaceutical products,

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

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,

Further convinced that capacity-building in the field of public health is critical to the effective prevention and treatment of HIV/AIDS,

Also convinced that countries particularly affected by the HIV/AIDS pandemic should receive special support from the international community for their efforts to comply with their commitments,

Considering that ensuring access to affordable medication, including access to antiretroviral therapy for those suffering from HIV/AIDS, is fundamental to achieving progressively the full realisation of the universal right to the enjoyment of the highest attainable standard of health,

Considering that conflict situations, particularly in Africa, have led to an increased incidence of HIV/AIDS, and *recalling* United Nations Security Council resolution 1308 (2000), which states that the HIV/AIDS pandemic, if unchecked, may pose a risk to stability and security, and the report of the United Nations High-Level Panel on Threats, Challenges and Change, which places infectious diseases among the economic and social threats to international security,

Aware of the fact that any response to the epidemic will be effective only if it addresses the causes of its spread, including human trafficking, in particular trafficking in women and girls, drug abuse and illicit drug trafficking and gender-based violence, and *considering* in this context that the pivotal roles of the family, religion and long-established fundamental ethical principles and values need to be underlined,

Emphasising that the HIV/AIDS pandemic is at the same time a medical, social and economic emergency,

1. *Calls upon* parliaments and governments to ensure that their laws, policies and practices respect human rights in the context of HIV/AIDS, in particular the rights to education, work, privacy, protection and access to care, treatment and social services; and *also calls upon* them to protect people living with HIV/AIDS from all forms of discrimination in both the public and the private sectors, promote gender equality, 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 of 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 and its Optional Protocols, the Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Declaration on Fundamental Rights and Principles at Work of the International Labour Organization; and *requests* States that have not yet done so to take the necessary steps to ratify and implement these international instruments;
3. *Invites* States that have not already done so to include in their national reports on the MDGs the objective of stopping by 2015 the spread of HIV/AIDS and of beginning to reverse the development of this pandemic; *further invites* parliaments to sponsor the official launch of these reports from their premises; and *encourages* the periodic establishment of national and regional reports taking stock of the degree of achievement of the MDGs, in particular in the field of the fight against HIV/AIDS;
4. *Urges* governments in the developed countries both to continue and to increase the financial and technical assistance that they provide to developing countries and especially the least developed countries, and to share their expertise in addressing HIV/AIDS with those countries that seek to create or strengthen their own human rights institutions in the context of HIV/AIDS;
5. *Further urges* governments to allocate sufficient resources to their health systems, including resources for prevention and care;
6. *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;
7. *Further urges* parliaments and governments to adopt and finance the measures necessary to ensure, on a sustained basis and for all affected persons (irrespective of social status, legal situation, gender, age or sexual orientation), 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 male and female condoms, safe injection needles, microbicides and basic preventive care materials, as well as affordable antiretroviral drugs and other safe and effective medicines in poor countries, psychological support, diagnostics and related technologies, for all persons, with particular attention to vulnerable individuals and populations such as women and children;
8. *Also urges* parliaments and governments to implement measures to increase the capacity of women and adolescent girls to protect themselves from the risk of HIV infection, principally through the provision of health care and health services, including those related to sexual and reproductive health;
9. *Invites* parliaments and governments to adopt the measures necessary to continue, intensify, combine, make mutually beneficial and harmonise national and

multinational research and development efforts aimed at developing new treatments for the fight against HIV/AIDS, new means of prevention and new diagnostic tools and tests, including vaccines and female-controlled prevention methods such as microbicides;

10. *Calls upon* parliaments and governments to recognise the health, socio-economic and other effects of HIV/AIDS on individuals, families, societies and nations, and to take the appropriate legislative and executive social measures to halt its spread;
11. *Calls upon* governments to make services related to treatment, care and support for people living with HIV/AIDS comprehensive, by including the prevention and treatment of other infectious diseases often associated with HIV/AIDS, such as pneumonia, tuberculosis and opportunistic infections;
12. *Urges* all parliaments and governments to adopt and implement policies that respect the human rights of persons living with HIV/AIDS, and through all available media, to advocate for and raise awareness of their rights;
13. *Calls upon* parliaments and governments to develop and implement national legislation and policies that address the needs and human rights of the growing number of children orphaned and made vulnerable by the HIV/AIDS pandemic;
14. *Calls upon* 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, with particular attention paid to the situation of anyone suffering from the loss of close family members as a result of HIV/AIDS;
 - (b) to review and adjust legislation to ensure that it conforms to the International Guidelines on HIV/AIDS and Human Rights;
 - (c) to enact legislation to punish those who knowingly take the risk of transmitting HIV/AIDS, or who wilfully do so;
15. *Further calls upon* parliamentarians in the IPU's Member Parliaments to promote appropriate legislative measures to tackle discrimination against persons affected by HIV/AIDS and to contribute to the creation of a social environment of tolerance and human solidarity, indispensable for the prevention of this terrible disease and for assisting those affected by it;
16. *Also calls upon* parliaments, governments and the international community to ensure free access to HIV testing for all;
17. *Calls upon* parliaments to promote an effective and efficient use of resources for HIV/AIDS response, including by means of country-level coordination that takes into consideration the UNAIDS "Three Ones" guiding principles for national authorities and their partners;

18. *Urges* parliaments to create parliamentary committees and/or other structures formally linked to parliaments with the specific task of tackling the issue of halting and reversing the spread of HIV/AIDS, to share experiences, information and best practices and to involve all sectors of society through partnership programmes in high-level decision-making processes;
19. *Calls upon* organisations, agencies, bodies, funds and programmes within the United Nations system to incorporate public health into their development activities and programmes, and to support actively the capacity-building of the public health systems of Member States in respect of the prevention and treatment of HIV/AIDS;
20. *Urges* parliaments and governments to take into consideration the linkage between sexual and reproductive health and rights on the one hand, and the fight against HIV/AIDS on the other;
21. *Further urges* parliaments to develop comprehensive policies to provide for an improved food supply in countries affected by the HIV/AIDS pandemic;
22. *Calls upon* parliaments and governments to ensure the development and accelerated implementation of national strategies for women's empowerment, inter alia by ensuring they have access to property rights, by promoting and protecting women's full enjoyment of all human rights and by reducing their vulnerability to HIV/AIDS through the elimination of all forms of discrimination, as well as all forms of violence against women and girls, including harmful traditional and customary practices, abuse, rape and other forms of sexual violence;
23. *Strongly urges* governments to coordinate efforts with and support the work of 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;
24. *Calls on* all parliaments and governments to strengthen national mechanisms such as commissions, tribunals, legislation and coordinated strategies to protect, enforce and monitor, in their respective countries, 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 – both boys and girls – 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, and to pay equal attention to other vulnerable groups, such as prisoners;
25. *Urges* parliaments and governments to design HIV/AIDS policies and programmes that effectively recognise the needs of women in particular, and that are sensitive to differences in terms of culture and religion that may exist in societies;
26. *Further urges* parliaments and governments to consider the public health safeguards provided for by the 30 August 2003 decision of the General Council of the WTO allowing members to produce and/or export pharmaceutical products needed to combat infectious diseases such as HIV/AIDS that threaten societies, and to incorporate permitted flexibilities into national laws enacted in compliance with the WTO TRIPS Agreement;

27. *Calls upon* parliaments and governments to ban compulsory HIV/AIDS screening for people applying for travel visas, university enrolment, jobs, or asylum, in favour of voluntary testing;
28. *Further calls* for special attention to be given to preventing HIV/AIDS by disseminating adequate and target group-oriented information, using all available media and multipliers, raising awareness and educating both men and women, with particular attention paid to adolescent boys and girls; and *requests* the inclusion of sex education in school curricula, for both boys and girls, as a means of prevention;
29. *Urges* the national and local agencies concerned to give high priority to assisting pregnant and breastfeeding women suffering from HIV/AIDS in order to protect their babies from infection;
30. *Requests* parliaments and governments 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, wherever possible involving, in development and implementation, non-governmental and community-based organisations, religious organisations, the private sector, and more importantly, people living with HIV/AIDS, and particularly the most vulnerable among them, including women and children;
31. *Calls upon* men and women parliamentarians to ensure that national budgets are gender-sensitive, thereby efficiently addressing the needs of both men and women;
32. *Calls for* the enhancement of support and resources for UNAIDS, and for increased financial contributions for the Global Fund to Fight AIDS, Tuberculosis and Malaria;
33. *Urges* parliaments and governments to promote international cooperation, growth and development as steps towards the containment of conflict situations and the reduction of their possible impact on HIV/AIDS;
34. *Urges* States, in conformity with United Nations Security Council resolution 1325 (2000) on women, peace and security, to ensure adequate HIV/AIDS awareness training for members of the military and the police, and for peacekeeping personnel;
35. *Reiterates* its call to governments to recognise the International Partnership against AIDS in Africa and to promote it, along with the Global Fund to Fight AIDS, Tuberculosis and Malaria, as the framework for action to fight AIDS in Africa;
36. *Affirms* the importance of narrowing the economic and cultural gap between the developed and developing countries, while ensuring that the strategies and programmes employed in the fight against HIV/AIDS take into consideration the natural, human and cultural characteristics of the regions where they are applied, so as to reflect both the characteristics of the demographic structure of each region and the social and economic conditions of its inhabitants;
37. *Emphasises* that countries should integrate the development of public health undertakings into their national economic and social development strategies, which

should include the establishment and improvement of effective public health mechanisms, in particular a network for the supervision, prevention, and treatment of the HIV/AIDS epidemic, and for the exchange of information.