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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**

Preliminary Draft Resolution prepared by the co-Rapporteurs
Ms. Clavel Martinez (Philippines)
Dr. Elioda Tumwesigye (Uganda)

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) *Referring to* the *Handbook for Legislators on HIV/AIDS, Law and Human Rights*, published jointly by the IPU and UNAIDS in 1999,
- (5) *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,
- (6) *Concerned* that each year the number of people infected with HIV continues to grow,
- (7) *Further concerned* that the refusal 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,
- (8) *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,

(9) *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,

(10) *Aware* that the realisation of the rights of people living with HIV/AIDS requires non-discriminatory access for them to services, within a supportive social environment,

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

(12) *Considering* that ensuring access to medication 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,

(13) *Emphasising* that the HIV/AIDS pandemic is both an emergency and a long-term development issue,

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 under 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; *requests* States that have not yet done so to take the necessary steps to ratify these international instruments;
3. *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 antiretroviral drugs and other safe and effective medicines, diagnostics and related technologies, for all persons, with particular attention to vulnerable individuals and populations;
4. *Calls on* governments and parliaments to recognise the devastation brought about by the HIV/AIDS pandemic, and to take the appropriate legislative and executive measures to halt its spread;

5. *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;
6. *Calls on* parliaments:
 - (a) to draw up laws or amend existing legislation to define standards of protection for those suffering from HIV/AIDS, and especially 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 quality 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;
7. *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;
8. *Strongly urges* governments to carry out coordination with the United Nations, non-governmental organisations, private voluntary organisations, religious institutions and other bodies or institutions involved in HIV/AIDS prevention, in order to ensure that the human rights of those afflicted with the disease are upheld and protected;
9. *Calls on* all governments and parliaments to strengthen national mechanisms to protect HIV/AIDS-related human rights 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;
10. *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 young people in their teens;
11. *Requests* all governments and parliaments to ensure that monitoring and enforcement mechanisms effectively guarantee the protection of HIV/AIDS-related human rights;
12. *Also 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.