

Toolkit : Scaling Up HIV-Related Legal Services



UNAIDS
JOINT UNITED NATIONS PROGRAMME ON HIV/AIDS

UNHCR
UNICEF
WFP
UNDP
UNFPA

UNODC
ILO
UNESCO
WHO
WORLD BANK



International Development Law Organization
Organisation Internationale de Droit du Développement



UNAIDS
JOINT UNITED NATIONS PROGRAMME ON HIV/AIDS

UNHCR
UNICEF
WFP
UNDP
UNFPA

UNODC
ILO
UNESCO
WHO
WORLD BANK



Disclaimer

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of UNAIDS or IDLO concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

UNAIDS and IDLO do not warrant that the information published in this publication is complete and correct and shall not be liable for any damages incurred as a result of its use.

All rights reserved. This material is copyrighted but may be reproduced by any method without fee for any educational purposes, provided that the source is acknowledged. For copying in other circumstances or for reproduction in other publications, prior written permission must be granted from the copyright owner and a fee may be charged. Requests for commercial reproduction should be directed to the International Development Law Organization.

Published by:

International Development Law Organization

Viale Vaticano, 106
00165 Rome, Italy
Tel: +39 06 4040 3200 Fax: +39 06 4040 3232
idlo@idlo.int; www.idlo.int

and

United Nations Joint Programme on HIV/AIDS

20, Avenue Appia
CH-1211 Geneva 27
Switzerland
Tel: +41.22.791.3666 Fax: +41.22.791.4187
www.unaids.org

Graphic layout:

tr e associati
Via Rubicone 18
00198 Rome, Italy

Printed by:

Stab. Tipolit. Ugo Quintily S.p.A.
Viale Enrico Ortolani 149
00125 Rome, Italy

International Development Law Organization (IDLO)

IDLO is an intergovernmental organization that promotes legal, regulatory and institutional reform to advance economic and social development in transitional and developing countries. Founded in 1983 and one of the leaders in rule of law assistance, IDLO's comprehensive approach achieves enduring results by mobilizing stakeholders at all levels of society to drive institutional change. Because IDLO wields no political agenda and has deep expertise in different legal systems and emerging global issues, people and interest groups of diverse backgrounds trust IDLO. It has direct access to government leaders, institutions and multilateral organizations in developing countries, including lawyers, jurists, policymakers, advocates, academics and civil society representatives.

IDLO conducts timely, focused and comprehensive research in areas related to sustainable development in the legal, regulatory, and justice sectors. Through such research, IDLO seeks to contribute to existing practice and scholarship on priority legal issues, and to serve as a conduit for the global exchange of ideas, best practices and lessons learned.

IDLO produces a variety of professional legal tools covering interdisciplinary thematic and regional issues; these include book series, country studies, research reports, policy papers, training handbooks, glossaries and benchbooks. Research for these publications is conducted independently with the support of its country offices and in cooperation with international and national partner organizations. www.idlo.int

The Joint United Nations Programme on HIV/AIDS (UNAIDS)

UNAIDS is an innovative joint venture of the United Nations, bringing together the efforts and resources of the UNAIDS Secretariat and ten UN system organizations to respond to AIDS. The Secretariat headquarters is in Geneva, Switzerland with staff on the ground in more than 80 countries. Coherent action on AIDS by the UN system is coordinated in countries through the UN theme groups, and the joint programmes on AIDS. Cosponsors include UNHCR, UNICEF, WFP, UNDP, UNFPA, UNODC, ILO, UNESCO, WHO and the World Bank. Visit the UNAIDS web site at www.unaids.org

United Nations Development Programme (UNDP)

The United Nations Development Programme (UNDP) is the largest development agency in the world, working in 166 countries. UNDP recognizes that addressing HIV is integral to achieving the Millennium Development Goals. As a Cosponsor of UNAIDS and as the lead agency on human rights and law, UNDP focuses on enabling legal environments, stigma reduction, addressing inappropriate criminalization, access to justice, gender – including sexual minorities, and human development. Visit the UNDP website at www.undp.org

PREFACE

This Toolkit has been developed through a joint initiative of IDLO, UNAIDS and UNDP.

The content of this Toolkit was informed by the International Expert Meeting on Strengthened and Expanded Legal Services for People Living with HIV and Vulnerable Groups convened in Rome, 3-6 May 2009 by IDLO, UNAIDS and UNDP.

The Toolkit was also presented in draft form at the seminar on Strengthened and Expanded HIV Legal Services held at the International Congress on AIDS in Asia Pacific, Bali, 8 August 2009, convened by IDLO, UNAIDS, UNDP and the Asia Pacific Network of People Living with HIV/AIDS (APN+). The responses of seminar participants to the draft Toolkit were incorporated into the final version of the Toolkit.

ACKNOWLEDGEMENTS

The Toolkit was prepared by John Godwin, Consultant engaged to support the IDLO, UNAIDS and UNDP initiative on HIV-related legal services. IDLO, UNAIDS and UNDP would like to thank the many people who provided insightful comments and suggestions for the improvement of the draft Toolkit during its development.

Financial support was provided by the OPEC Fund for International Development (OFID). OFID is the development finance institution of OPEC member states, established to provide financial support for socio-economic development, particularly in low income countries.





FOREWORD

It is a pleasure and an honour to contribute a few paragraphs to mark the appearance of this important and useful new tool from IDLO, UNAIDS and UNDP. As a judge who came to the Bench from legal practice, I have some professional experience of how important HIV-related legal services are. But as an African living with HIV on the continent worst-affected by the epidemic I speak also with deep personal knowledge of what the law and proper access to it can do to mitigate the harsh effects of AIDS.

Our talk of human rights protections in the epidemic will remain empty unless we can back it up by ensuring that those whose rights are violated and who experience discrimination because of HIV get good, effective access to legal services. And that should include appropriate legal information, advice and representation.

With good legal information and advice, those affected by the epidemic – those living with HIV and AIDS, and their loved ones – have at least some means to deal with threats to their jobs, homes, social security entitlements, physical security, privacy and dignity. But without legal information and advice, they are immeasurably more vulnerable than a potentially deadly disease, one more stigmatized than possibly any other disease in history, already makes them.

Countries and communities that have made best progress in combating the harsh effects of AIDS are those where networks of people living with HIV and affected communities have known their legal and human rights and have been able to assert them.

Activism by those living with HIV and their supporters has played a vital part in gaining access to the justice system. And affordable legal services is often the key to successful activism.

So this Toolkit is very welcome. Its contents reflect its drafters' deep personal experience of the epidemic. It is clear and sensible, and full of good advice and suggestions. And it provides much-needed practical guidance for organizations seeking to plan, fund, implement and expand HIV-related legal services programmes.

I warmly commend the Toolkit to all organizations, governments and donors interested in such programmes. My hope, which all those who contributed to the Toolkit share, is that it will help expand these services in the communities most in need of them. We desperately need such expansion for a just and effective response to HIV.

Edwin Cameron
Constitutional Court of South Africa

GLOSSARY OF ACRONYMS AND TERMS

AIDS	Acquired Immunodeficiency Syndrome
ARVs	Antiretroviral drugs
AusAID	Australian Agency for International Development
CBO	Community-based organization
DFID	United Kingdom Department for International Development
GIPA	Greater involvement of people living with HIV and AIDS
Global Fund	Global Fund to Fight AIDS, Tuberculosis and Malaria
HIV	Human Immunodeficiency Virus
ICASO	International Council of AIDS Service Organizations
ICTC	International Centre for Technical Cooperation on HIV/AIDS
IDLO	International Development Law Organization
ILO	International Labour Organization
NGO	Non-governmental organization
OHCHR	Office of the High Commissioner for Human Rights
OSI	Open Society Institute
PEPFAR	President's Emergency Plan for AIDS Relief
PMTCT	Prevention of mother to child transmission of HIV
SIDA	Swedish International Development Agency
STIs	Sexually transmitted infections
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDP	United Nations Development Programme
UNGASS	United Nations General Assembly Special Session
UNICEF	United National Fund for Children
USAID	United States Agency for International Development

CONTENTS

	Note on terminology	9
1.	Introduction	10
	Who is this toolkit for?	
	Purpose	
	Background and rationale	
	The importance of scaling up HIV-related legal services	
2.	What are HIV-related legal services?	12
	Core legal services and additional legal services	
3.	Guiding principles for HIV-related legal services	18
	Client-centred services	
	Non-discrimination	
	Participation	
	Gender equality	
	Confidentiality	
	Transparency and accountability	
	Sustainability	
	Do no harm	
4.	HIV-related legal service models	21
	Model 1. Stand-alone HIV-specific legal services	
	Model 2. HIV legal services integrated into the government's legal aid agency	
	Model 3. HIV legal services integrated into the HIV organization or the harm reduction organization	
	Model 4. HIV legal services provided through community outreach	

预览已结束，完整报告链接和二维码如下：

https://www.yunbaogao.cn/report/index/report?reportId=5_12832

