



Compendium of key documents relating to human rights and HIV in Eastern and Southern Africa



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Researched and edited by the AIDS and Human Rights Research Unit, Centre for the Study of AIDS and Centre for Human Rights, University of Pretoria

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FOREWORD



We, the global community, are almost three decades into the HIV epidemic and today there is indisputable evidence that the destructive force of the HIV and AIDS epidemic is fuelled by a wide range of human rights violations. Contemporary development practitioners agree that the inadequate realisation of human rights accelerates the spread of HIV and worsens the impact of AIDS in the world. Hence, a strengthened and coherent human rights-based response to the epidemic will go a long way towards increasing social cohesion and the community's ability to respond to the epidemic in our midst.

Based on feedback from a set of stakeholder consultations involving diverse groups of people, including parliamentarians, from 22 countries in Eastern and Southern Africa, UNDP's HIV and AIDS Team located at the Regional Service Centre in Johannesburg, South Africa, identified the need to develop advocacy and information material on human rights-based responses to HIV in the region. The initiative culminated in the development of a set of tools designed to support policy and legislative review and reform. These include:

1. *Guide to an effective human rights response to the HIV epidemic: The Guide* gives information on using the framework of international human rights law as the basis for shaping national laws addressing HIV in Eastern and Southern Africa. The *Guide* will assist stakeholders to develop strategies to strengthen national law in ways that uphold the human rights of people living with HIV.
2. *Checklist of human rights obligations to effectively address HIV and AIDS in Eastern and Southern Africa*: This tool will assist government and civil society to assess and inform policy from the context of human rights obligations as they relate to HIV.
3. *Powerpoint cum Flip Chart presentation*: Change agents and advocacy groups can use these communication tools to enhance the capacity of their constituencies to understand the obligations of states and suggest possible steps towards the domestication of international human rights frameworks.
4. *Compendium and CD-Rom of key documents relating to human rights and HIV in Eastern and Southern Africa*: These tools provide a comprehensive and accessible catalogue of international, regional and national human rights documents in a single source. They aim to inform the response of stakeholders, in particular when reviewing and drafting legislation and policy,

and when interpreting laws. The *Compendium* is the printed version, and the *CD-Rom* the electronic version.

It is envisaged that the tools would strengthen the capacity of stakeholders in Eastern and Southern Africa to advocate for a human rights-based response to HIV. The tools also provide guidelines to facilitate the evaluation and strengthening of policy and legislation.

It should be stressed that these are not 'one size fits all' tools. Although differences between countries are taken into account, universal obligations form the pivots of the position. Those making use of the tools at the national level will, no doubt, be in the best position to incorporate local features into their responses. The information has been captured at a given point in time and may have evolved in the passing months.

Strengthening the capacity and commitment of states to respect, protect and promote human rights is of course a central strategy of all development and public health efforts, not just the response to HIV. The severity, consequences and complexities of the HIV epidemic make human rights efforts all the more important. How can countries go beyond necessary but insufficient biomedical responses to the epidemic to address the fundamental social issues that drive new infections and undermine care, treatment and impact mitigation? How can countries ensure that responses to crises like gender-based violence and its association to HIV are effective rather than counter-productive? Only a human rights framework can respond to these challenges, and we hope that the tools will assist a cross section of stakeholders to understand and promote such an approach.

We believe that tools of this nature are rarely complete in themselves and need to supplement existing tools and efforts on the ground. We look forward to feedback and advice which will enable the tools to remain contextual and evolve over time to appropriately address the changing nature of the epidemic and our responses to it.

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UNDP

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