



Legislation and Judicial Systems in relation to HIV and AIDS

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Seminar background

Seminar third in a series organised by AIDS Action Europe – ‘European Partners in Action on AIDS’

Agreed outputs:

- 🚫 Pre-seminar survey and report
- 🚫 Seminar attended by a wide range of delegates from across EU and the wider WHO European region
- 🚫 Report of Seminar proceedings
- 🚫 Guidelines for ‘best practice’ to help advocate for ‘a human rights-based legal and judicial framework that addresses HIV-related stigma and discrimination’

The Dublin Declaration

Dublin Declaration: 'Confirming that the respect, protection and promotion of human rights is fundamental to preventing transmission of HIV, reducing vulnerability to infection and dealing with the impact of HIV/AIDS'

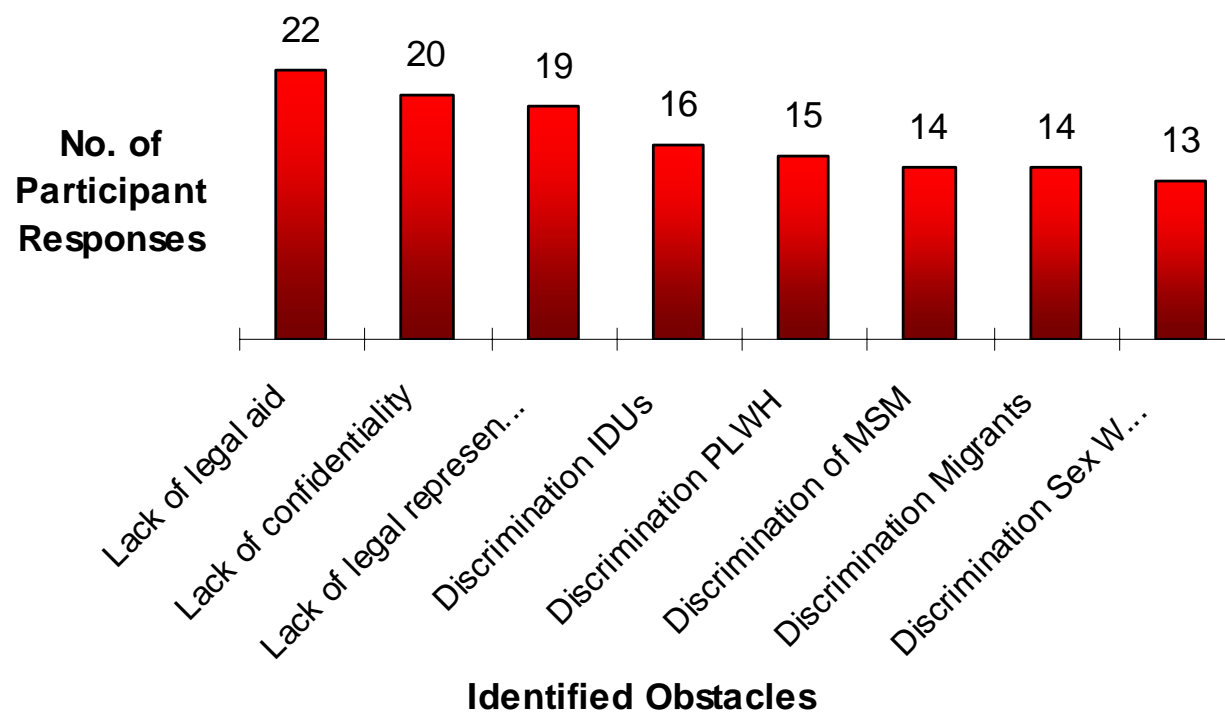
- 20. 'Combat stigma and discrimination of people living with HIV/AIDS in Europe and Central Asia, including through a critical review and monitoring of existing legislation, policies and practices, with the objective of promoting the effective enjoyment of all human rights for people living with HIV/AIDS and members of affected communities'

Findings from the pre-seminar survey 1

- ⚡ Significant levels of legal protection in statute against discrimination for PLWH across Europe – but also significant differences in the nature of that protection (e.g HIV-specific, generic equality, disability)
- ⚡ Significant continuing absence of legal protections for key affected groups including IDUs, prisoners, sex workers and migrants
- ⚡ Lack of legal protection in accommodation, migrants' access to healthcare, prisons and financial services

Findings from the pre-seminar survey 2

Perceived Obstacles to People Living with HIV Accessing their Legal Rights



Findings from the pre-seminar survey 3

‘a huge disproportion between reality and what the law is in theory’

- ⚡ Low levels of trust in and use of legal redress to protect rights
- ⚡ Majority of countries do not have voluntary sector engaging effectively with the legal system
- ⚡ Few countries have HIV training for lawyers, judges and court staff
- ⚡ Majority of countries say PLWH's knowledge of their rights is low

Seminar objectives 1

Experiences of discrimination:

- 🚫 Gather detailed and accurate information on current experiences of discrimination and the current effectiveness of legal protection and remedy
- 🚫 Revise your country's survey response
- 🚫 Share details of what is going on in your country

Seminar objectives 2

Legislation:

- 🚫 Identify '**best practice**' in protections from discrimination
- 🚫 Identify **current national and international law** we should be using to promote rights of PLWH and affected communities
- 🚫 Identify those areas where, nationally and internationally, we need **new legislation** to promote and protect rights

Seminar objectives 3

Judicial Systems:

- 🚫 Agree strategies on how to improve access for PLWH and affected communities to legal redress
- 🚫 Identify how NGOs can effectively engage with the legal system in support of PLWH
- 🚫 Identify how legal processes can best be used to promote the rights of PLWH and when it is best **not** to go to law

Seminar objectives 4

Next steps:

- 🚫 Identify how we should engage the European Commission and other EU institutions on these issues
- 🚫 Identify how we can best support each other in working for improvement at the national level
- 🚫 Identify how we can continue to share experiences, developments and best practice