

**Sixth Annual Meeting on The Role of the Asia Pacific Forum
in the Protection and Promotion of Human Rights
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**Oral Intervention of the Pre Forum Consultation on
HIV/AIDS and National Institutions¹**

Historically, the fields of public health and human rights have remained largely distinct. The AIDS pandemic however has reversed this. HIV/AIDS has emerged as a public health emergency, having acquired disastrous dimensions. It is well-established in the countries of the Asia Pacific and is continuing to spread at an alarming rate. The shroud of secrecy, stigma, discrimination and denial around HIV/AIDS has made the linkage between health and human rights even more discernible.

The Pre Forum NGO meeting, recognizing the inadequacy of many governments in the region in upholding human rights in relation to HIV/AIDS, believes that the National Human Rights Institutions of the region have a key role to play in addressing HIV/AIDS human rights discrimination. We therefore welcome the Forum initiative in holding a regional workshop on the Role of National Institutions in relation to human rights and HIV/AIDS. We encourage the Forum and its Members to engage with the experienced NGO community and the appropriate international and regional experts in this area before, during and after the workshop to take advantage of this expertise in developing their responses.

The Pre Forum NGO Consultation will be looking for a programme of action from the workshop and looks forward to regular progress reports on this matter at the next and future Forum meetings.

The Pre Forum NGO Consultation notes the recommendations of the International Guidelines on HIV/AIDS and Human Rights published by the Office of the United Nations High Commissioner for Human Rights and the recommendations of the Joint United Nations Programme on HIV/AIDS (UNAIDS). Both recognise the key role of National Institutions. However, we also acknowledge that the relationship between public health and HIV/AIDS is a rapidly evolving issue and hence we strongly encourage the Forum and its Members to keep themselves informed and up to date on best international practices in this area.

The Pre Forum Consultation offers the following recommendations for the assistance of the Forum and its Members.

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1. Public Inquiries

National Human Rights Institutions (NHRIs) should use the existent complaints mechanism and mechanisms of public inquiry to highlight human rights issues related to HIV/AIDS and discrimination and to develop recommendations to governments and relevant institutions.

2. Codes of Professional Conduct

National Institutions should use their expertise in human rights to assist governments in drawing up guidelines/codes of conduct to combat discrimination on the basis of actual, perceived or suspected HIV status in the areas of employment, schools, travel, public services and health care. These codes should translate human rights principles into codes of professional responsibility and practice, with accompanying mechanisms to implement and enforce these codes.

3. National Plans of Action

National Institutions should encourage and assist governments to develop National Plans of Action to combat HIV/AIDS, which incorporate international human rights standards. These plans should be participatory and transparent.

4. Support Services

National Institutions should demonstrate their commitment to combat the epidemic by creating legal support systems within their jurisdictions for the victims of discrimination, including providing information on HIV/AIDS and free legal aid. NHRIs should also conduct and facilitate training programmes on human rights issues related to HIV/AIDS.

5. Community Participation

National Institutions should recognise the need for community participation and particularly the need to consult and involve people living with HIV/AIDS, and their families and others with expertise in the area in policy formulation, programme planning, implementation and evaluation. This informed participation in prevention, care and support initiatives is essential to ensure the effectiveness of any programme.

6. International Co-operation and Standards

International human rights norms provide a coherent, normative framework for analysis of the HIV/AIDS issue. The Forum and Member Institutions should co-operate through all relevant programmes and agencies of the UN system and share knowledge and experience concerning HIV/AIDS related human rights issues. In particular, National Institutions in the region should work with the Joint UN Program on AIDS (UNAIDS) and the OHCHR to strengthen their capacity to respond appropriately and effectively in the national and regional context. The Pre Forum NGO Consultation believes that the

upholding of civil, political, economic, social and cultural rights in relation to HIV/AIDS can be a positive step in improving international and regional economic development and social and political stability.

7. Reforms on Custodial Systems

National Institutions should pay particular attention to the situation of HIV/AIDS in all custodial institutions. Institutions should encourage and assist governments to review and reform criminal laws and correctional and other custodial systems to ensure that they are consistent with international human rights obligations and are not misused in the context of public health safety. Rights involved include the right to health, security of person, freedom from inhuman and degrading treatment, freedom from arbitrary arrest and detention and equality before the law.

8. Information Dissemination

National Institutions should be more proactive in the dissemination of information for the prevention of discrimination. This important educational role can include working with HIV/AIDS NGOs and others with expertise in the area and should include high-quality, creative and professional information dissemination on topics like testing and confidentiality.

Summary

The seriousness of the issue for the economic and social development of the region, the important role of human rights in the effective prevention, control and reduction of the epidemic and the failure of many governments in the region to provide the required leadership and expertise place important responsibility on NHRIs in Asia and the Pacific.

The Pre Forum NGO Consultation calls on NHRIs to provide this critical leadership role in our communities.

I thank you for your kind attention.