

**Tools for the implementation of
human rights norms in the context of
HIV in Eastern and Southern Africa:**
Instruction booklet



Contents

Page

| | |
|---|---|
| 1 | Background to the tools |
| 2 | The tools |
| 4 | The aim of the tools |
| 5 | How to use the <i>Guide</i> |
| 6 | How to use the <i>Checklist</i> |
| 7 | How to use the PowerPoint and Flipchart |
| 8 | How to use the <i>Compendium</i> |
| 9 | How to use the Website |
| 9 | How to use the CD-ROM |
| 9 | How to get hold of the tools |

Background to the tools

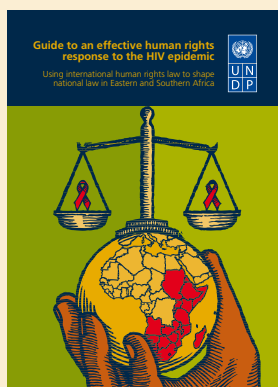
Research conducted in many parts of the world, and especially in Eastern and Southern Africa, has explored and highlighted the relationship between HIV and human rights. Violations of human rights exacerbate the spread of the pandemic. The impact of HIV on individuals, communities, and countries is worsened by the inadequate realisation of human rights.

Acknowledging and addressing human rights violations should be a central element of the response to HIV and AIDS. However, addressing human rights violations requires the integration of international human rights principles and norms into national legal frameworks. Cognisant of this fact, UNDP's Regional Service Centre for Eastern and Southern Africa held a consultative workshop on the domestication of international human rights law for stakeholders in Eastern and Southern Africa (Johannesburg, 27 to 29 June 2006). As part of this process, a desk review and analysis of the regional and national legal and policy frameworks for the response to HIV in Eastern and Southern Africa was conducted. The review highlighted, among others, the need to mainstream human rights standards and norms into national responses to HIV in Eastern and Southern African countries. The tools, discussed here, were subsequently developed to support Eastern and Southern African countries in their legislative and policy reform in the context of HIV.

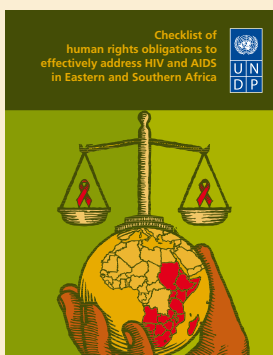
The tools should be viewed and used as complementary to existing tools and efforts at the national, regional and global level. The tools reinforce each other and should be used as a package rather than as 'stand-alone' materials. However, for a better use of the tools, the specific content, purpose and approach of each tool must be understood.

The tools

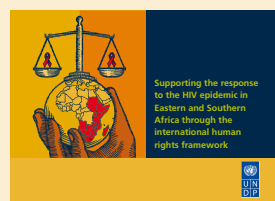
The tools are a series of documents stemming from the need to develop advocacy and information material on human rights-based responses to HIV in Eastern and Southern Africa. The tools are based on the premise that ensuring the implementation and respect of human rights norms and standards will contribute to reduce vulnerability to HIV transmission, challenge stigma and discrimination, and ensure access to HIV-related treatment, care and support services.



GUIDE: The *Guide to an effective human rights response to the HIV epidemic* provides background information on the human rights-based approach to HIV and analyses the international human rights obligations on states.

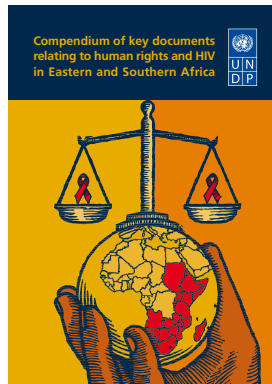


CHECKLIST: The *Checklist of human rights obligations to effectively address HIV and AIDS in Eastern and Southern Africa* provides a series of questions for assessing a state's legal and policy response to HIV and AIDS.



POWERPOINT: The Powerpoint contains a model presentation to be used as a tool to inform, advocate and sensitise target audiences.

FLIPCHART: The Flipchart contains a graphic and concise version of the PowerPoint, to be used as an information, advocacy and sensitisation tool.



COMPENDIUM: The *Compendium of key documents relating to human rights and HIV in Eastern and Southern Africa* provides pertinent excerpts and full-text versions of relevant treaties, legislation, policies and case law related to HIV in Eastern and Southern Africa and other regions.

WEBSITE: The Website allows access to all the afore-mentioned tools in electronic and downloadable format.



CD-ROM: The CD-ROM makes all the tools available in printable format.

The aim of the tools

The tools seek to assist parliamentarians, government officials, members of the judiciary, lawyers, civil society organisations, people living with HIV and all interested institutions and individuals in the implementation and advocacy of human rights norms in the context of the HIV pandemic.

The tools aim to:

- facilitate better understanding of the role of human rights frameworks in addressing the HIV pandemic, with particular attention to the gender determinants and implications of HIV;
- build the capacity of stakeholders to act as advocates for a human rights-based response to HIV at national level;
- provide information about relevant human rights documents;
- facilitate better understanding of states' obligation to domesticate international human rights;
- raise awareness of international human rights norms relating to HIV and AIDS;
- inform change agents about the obligations that arise from those documents;
- improve implementation of these obligations by advocating more effective domestication of international standards; and
- provide a framework for the reform of policy and legislation in conformity with human rights standards.

The underlying assumption of the tools is that the law is a determinant of social change. All the tools emphasise the need to mainstream human rights and especially gender equality into all HIV-related laws, policies and programmes.

How to use the *Guide*

The *Guide to an effective human rights response to the HIV epidemic* presents the relevance and content of the human rights-based approach to HIV. After highlighting the importance of international human rights law, it surveys the status of compliance by 24 states in Eastern and Southern Africa. It also provides an overview of the national legal and policy response to HIV in these countries. The 24 countries are Angola, Botswana, Burundi, Comoros, Djibouti, Eritrea, Ethiopia, Kenya, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Rwanda, Seychelles, Somalia, South Africa, Sudan, Swaziland, Tanzania, Uganda, Zambia and Zimbabwe.

The *Guide* is a comprehensive tool that could be used as an aid to provide more detailed information to anyone using the Checklist, PowerPoint or Flipchart.

The *Guide* reveals that domestication of international law norms is often not undertaken, primarily due to a lack of awareness and understanding of human rights principles and obligations by change agents. The *Guide* aims to address this by raising awareness and clarifying the nature of state's obligations with respect to HIV and human rights. The *Guide* analyses the human rights obligations resulting from the global, regional and sub-regional instruments and the implications of these obligations in the context of HIV.

Through the use of the *Guide*, stakeholders should be able to:

- identify steps that are required for implementing human rights norms at the national level;
- inform and influence HIV-related legislation and policy in conformity with human rights standards and norms;
- increase awareness on the nature and impact of the relationship between HIV and human rights, and
- advocate for a human rights-based approach in all aspects of the response to the pandemic.

How to use the *Checklist*

The *Checklist of human rights obligations to effectively address HIV and AIDS in Eastern and Southern Africa* is a pocket-size, user-friendly document that lists a series of questions to be considered by stakeholders. These questions provide a screening instrument allowing stakeholders to assess the national response to HIV. The questions refer to the main obligations of states and can be useful in identifying the human rights gaps in the national response to HIV.

The checklist could assist stakeholders to:

- assess current national HIV-related policy and legislation from a human rights perspective;
- undertake legislative and policy reform for a human rights-based approach to HIV; and
- reflect on national responses and take action where needed in order to fulfil obligations in terms of human rights and HIV.

How to use the PowerPoint and Flipchart

The PowerPoint and Flipchart are two advocacy and sensitisation tools that change agents and advocacy groups can use to address their constituencies. These tools can contribute to raise awareness and understanding of states' human rights obligations in the context of the HIV pandemic.

The PowerPoint is a flexible tool that can be modified and adapted, as the presenter requires. Slides can be deleted and new ones inserted to suit the specific need of the audience, local issues and time constraints. The slides are accompanied by commentaries to guide the presenter. Reference may also be made to the *Guide* in order to supplement the commentary.

The Flipchart is a summarised and printed version of the PowerPoint. It can be used in settings and circumstances where there is no access to overhead projectors or electricity or to address small groups of five to 10 persons. The presenter could refer to the *Guide* for additional information.

Both tools explore the link between HIV and human rights, and highlight the need and relevance of a human rights-based response to the HIV pandemic.

These tools could be used in order to:

- advocate for the improvement of domestic human rights conditions by highlighting the link between domestic conditions and international norms;
- recommend steps to domesticate international human rights frameworks; and
- enhance the capacity of constituencies to play a role in identifying the gaps between international human rights norms and domestic policies relating to HIV.

How to use the *Compendium*

The *Compendium of key documents relating to human rights and HIV in Eastern and Southern Africa* contains the international, regional and national human rights documents that were referred to in the other tools. The *Compendium* is a comprehensive and accessible catalogue of HIV-related documents (such as treaties, declarations, laws, policies and case law) providing stakeholders with a comparative overview of the legal and policy frameworks on HIV in Eastern and Southern African countries.

The *Compendium* allows stakeholders to understand and advocate for a human rights approach at the national level. Legislation, case law and other documents are divided into themes such as equality and non-discrimination, right to healthcare, and domestic violence.

The *Compendium* could be used to:

- assess the status of governmental obligations in relation to other countries with Eastern and Southern Africa;
- provide stakeholders with concrete examples to assist them when reviewing and drafting legislation and policy and when deciding case law relating to HIV and human rights; and
- assist members of the judiciary and legal practitioners to find easy access to comparative case law.

The *Compendium* could be a part of the library of policy makers, judicial officers and legal practitioners in need of reference material on HIV and human rights. As the most detailed tool, it may be used to supplement any of the other tools.

How to use the Website

The Website, accessible at http://www.undp.org/hiv/pa_africa.htm, www.chr.up.ac.za and www.csa.za.org contains the electronic version of all the tools to ensure access of the tools.

How to use the CD-ROM

The CD-ROM contains a printable and easy-to-carry digital version of all the tools.

How to get hold of the tools

For more information, or to obtain copies of any of the tools, please contact:

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