PHILIPPINE HUMAN RIGHTS FRAMEWORK IN THE CONTEXT OF HIV/AIDS

Note to HIV/AIDS programmers: The Philippine human rights framework provides the direction and standards of HIV/AIDS programming; it consists of the Constitution, relevant laws and jurisprudence, customarily binding human rights instruments and legally binding human rights treaties. For more information on the Philippine human rights framework, see Volume II, HRBA Toolkit for Planning (Part II, Chapter 2); see also relevant Philippine laws and cases and international instruments included in the tool.

Philippine Constitution, Laws and Jurisprudence	Brief Description with Comments	Key Human Rights Standards, Norms and Principles Relevant to HIV/AIDS Programming
1987 Philippine Constitution	Country's fundamental law; consists of Preamble, and 18 Articles, which represents basic values and principles, establishes the structure, powers and duties of government and guarantees fundamental human rights	▪ Equity and social justice ▪ Full respect for human rights ▪ Mechanisms of redress ▪ Integrated and comprehensive approach to health development ▪ Appropriate participatory strategies and mechanisms of support for research and development in science and technology ▪ Human dignity ▪ Public accountability ▪ Attention to those largely excluded from exercising their rights, those most vulnerable to abuse, neglect, disease ▪ Participation ▪ Unity in diversity ▪ Equal access to opportunities in all spheres of life

hilippine Constitution, Laws and Jurisprudence	Brief Description with Comments	Key Human Rights Standards, Norms and Principles Relevant to HIV/AIDS Programming
Revised Penal Code as amended by Republic Act 7659, the **Act to Impose the Death Penalty on Certain Heinous Crimes, amending for that purpose the Revised Penal Code, as amended, Other Special Laws, and for Other Purposes**, Republic Act 8353, the **Anti Rape Law**, and Republic Act 9346, **An Act Prohibiting the Imposition of Death Penalty in the Philippines** *People v. Olaybar,* GR 150630-31, 1 October 2003	▪ Revised Penal Code lists and describes crimes and offenses, circumstances which may aggravate or mitigate, or justify or exempt criminal liability, and penalties ▪ RA 8353 amends Revised Penal Code, expands definition of rape and reclassifies rape as crime against persons ▪ RA 7659 and RA 8353 impose harsher penalties for rape "when the offender knows that he is afflicted with Human Immune-Deficiency Virus (HIV)/Acquired Immune Deficiency Syndrome (AIDS) or any other sexually transmissible disease and the virus or disease is transmitted to the victim." ▪ *Note: because RA 9346 abolished the death penalty, the applicable penalty is reclusion perpetua.* ▪ In *People v. Olaybar,* the Supreme Court reiterated the twin elements required to impose a harsher penalty upon an accused when the victim contracts HIV/AIDS or a sexually transmitted disease: (a) the offender must know s/he is afflicted with the virus or disease and (b) the virus or disease is transmitted to the victim. In this case, the minor victim contracted a sexually transmitted disease but no evidence was presented to show that the accused knew he had the disease; hence the Supreme Court, while affirming the conviction, reduced the penalty imposed by the trial court.	▪ Limitations on individual exercise of rights and freedoms to recognize and respect rights and freedoms of others (rights to life, liberty, property, honor and reputation) ▪ Limitations on individual exercise of rights and freedoms to meet requirements of national security, public order, public interest and public morals
Republic Act 8505, **Rape Victim Assistance and Protection Act**	▪ Provides protection and assistance to rape victims, establishes rape crisis center in government hospital or health clinic in every province and municipality, and women's desk in every police precinct, and sets forth duties of police officers ▪ Requires non-disclosure to public of name and personal circumstances of offended party and accused ▪ Requires conduct of proceedings in language or dialect known to offended party and accused ▪ Establishes rape shield, holding evidence of prior sexual conduct inadmissible unless material and relevant upon finding of court	▪ Right to privacy of offended party and accused ▪ Due process rights ▪ Transparency in criminal proceedings involving rape

Philippine Constitution, Laws and Jurisprudence	Brief Description with Comments	Key Human Rights Standards, Norms and Principles Relevant to HIV/AIDS Programming
Republic Act 9208, **Anti-Trafficking in Persons Act of 2003**	▪ Creates new crime called *Qualified Trafficking in Persons* committed as follows: "when by reason or on occasion of the act of trafficking in persons, the offended party dies, becomes insane, suffers mutilation or is afflicted with Human Immunodeficiency Virus (HIV) or the Acquired Immune Deficiency Syndrome" and punished with life imprisonment and a fine of not less than PhP 2 million but not more than PhP 5 million ▪ *Note that qualified trafficking in persons, unlike rape, does not require the offender to have prior knowledge that the person who transmitted HIV is afflicted with it*	▪ Limitations on individual exercise of rights and freedoms to recognize and respect rights and freedoms of others (rights to life, liberty, security of the person, and travel, and freedoms of speech, association, and religion) ▪ Limitations on individual exercise of rights and freedoms to promote human dignity, protect the public from any threat of violence, exploitation and involuntary servitude, and eliminate trafficking in persons
Republic Act 9502, **Universally Accessible Cheaper and Quality Medicines Act of 2008** *Roma Drug and Romeo Rodriguez v Regional Trial Court of Guagua, Pampanga, et. al.*, GR 149907, 16 April 2009	▪ Provides cheaper and quality medicines but recognizes "effective competition policy in the supply and demand of quality affordable drugs and medicines … as a primary instrument" and the regulation of prices of drugs and medicines as "reserve instrument," with clear accountability by implementing authority ▪ Places drugs and medicines indicated for treatment of chronic illnesses and life-threatening conditions, including HIV/AIDS, under price regulation ▪ Requires display of maximum retail price fixed and approved by order of the President for drugs and medicines under price regulation ▪ Requires DOH and DTI to conduct independent periodic surveys and studies of selling prices of all drugs and medicines subject to price regulation and look into their share or effect on family income of different economic groups ▪ Orders BFAD (now FDA) to take all necessary steps to ensure all drugs authorized for marketing conform to international standards of content, purity and quality ▪ In *Roma Drug and Romeo Rodriguez v Regional Trial Court of Guagua, Pampanga, et. al.*, the Supreme Court ruled that RA 9502 unequivocally grants third parties the right to import drugs or medicines whose patent was registered in the Philippines by the owner of the product.	▪ Protection of public health when public interest or circumstances of extreme urgency require ▪ Access to affordable quality drugs and medicines for all

Philippine Constitution, Laws and Jurisprudence	Brief Description with Comments	Key Human Rights Standards, Norms and Principles Relevant to HIV/AIDS Programming

Republic Act 8504, **Philippine AIDS Prevention and Control Act of 1998** and **Rules and Regulations Implementing the Philippine AIDS Prevention and Control Act of 1998 (RA 8504)** adopted by the Philippine National AIDS Council through Resolution 1
Chavez v. PEA and AMARI, GR 133250, 9 July 2002
	▪ Requires comprehensive nationwide HIV/AIDS education and information in schools, training centers, workplaces, communities, and for Filipinos going abroad (including overseas workers), tourists and transients
	▪ Prohibits compulsory testing, allows anonymous testing, requires prior, written consent before testing, requires pre-test and post-test counseling programs, and requires DOH accreditation of HIV testing centers
	▪ Upholds confidentiality of all medical information
	▪ Promotes safety and precautions in practices and procedures to dispel risk of HIV transmission; sets strict requirements on blood, tissue or organ donation; sets guidelines on surgical and similar procedures
	▪ Requires provision of basic health services to persons living with HIV/AIDS in all government hospitals
	▪ Requires measures and strategies to address and eradicate conditions that aggravate spread of HIV; requires programs to prevent and control spread of sexually transmitted diseases; requires community based HIV/AIDS prevention and care services and provision of livelihood and training programs for persons living with HIV/AIDS
	▪ Requires AIDS monitoring (including reporting requirements and contact tracing)
	▪ Establishes Philippine National AIDS Council
	▪ *Note: There is need to reconcile conflicting provisions on health insurance for persons with HIV/AIDS: Section 26 requires a feasibility and viability study on establishing package of insurance benefits for persons with HIV/AIDS before implementing insurance coverage program; BUT Section 39 prohibits all credit and loan services, including health accident and life insurance from denying credit, loan or insurance services provided person with HIV/AIDS has not concealed or misrepresented fact to insurance company upon application. What one provision gives, the other takes away.*
	▪ In *Chavez v. PEA and AMARI,* the Supreme Court upheld the confidentiality of medical records of HIV/AIDS patients as an exception to the constitutional right to information.
		▪ Right to highest attainable standard of health:
		  ▪ Availability of HIV-related health goods and services
		  ▪ HIV-related health information accessibility
		  ▪ Quality of HIV-related health goods and services
		  ▪ HIV-related health acceptability
		▪ Right to social security (*see note, previous column*)
		▪ Right to privacy
		▪ Liberty of abode
		▪ Right to travel
		▪ Freedom of movement
		▪ Right to information
		▪ Right to work
		▪ Right to education
		▪ Right to equal access to public service
		▪ Nondiscrimination
		▪ Participation

Philippine Constitution, Laws and Jurisprudence	Brief Description with Comments	Key Human Rights Standards, Norms and Principles Relevant to HIV/AIDS/AIDS Programming

Republic Act 9710, **The Magna Carta of Women**	Comprehensive human rights law to address discrimination and inequality; promotes the human rights of women and sets forth duties related to these rights, recognizing the state as the primary duty bearer; affirms role of women in nation-building	▪ Women's human rights
		▪ Substantive equality of women and men
		▪ Women empowerment
		▪ Nondiscrimination
		▪ Freedom from violence and abuse
		▪ Equal access to resources and development results and outcome
		▪ Right to highest attainable standard of health:
		  ▪ Availability of health goods, services and facilities relating to prevention and management of reproductive tract infections, including sexually transmitted diseases, HIV and AIDS
		  ▪ Quality of HIV/STD-related health goods, services and facilities
		  ▪ Information accessibility of HIV/STD-related health goods, services and facilities
		▪ Temporary special measures and affirmative action
		▪ Gender mainstreaming in planning, budgeting, monitoring and evaluation for gender and development
		▪ Universality and inalienability of all human rights
		▪ Indivisibility of human rights
		▪ Interdependence and inter-relatedness of human rights
		▪ Participation
		▪ Accountability

Executive Order 102, **Redirecting the Functions and Operations of the Department of Health**, 24 May 1999	▪ Reorganizes Department of Health as a result of devolution of health services to local government units, sets forth its mandate, roles, powers and functions ▪ DOH to direct service providers for programs affecting large segments of population, such as tuberculosis, malaria, schistosomiasis, HIV/AIDS and other emerging infections, and micronutrient deficiencies	▪ Promotion of health and wellbeing of all ▪ Prevention and control of disease among populations at risk ▪ Protection of individuals, families and communities exposed to hazards and risks affecting health ▪ Treatment, management and rehabilitation of individuals affected by disease and disability, including HIV/AIDS

Customarily Binding Human Rights Instruments	Brief Description with Comments	Key Human Rights Standards, Norms and Principles Relevant to HIV/AIDS Programming
Universal Declaration of Human Rights (UDHR), 10 December 1948	Common standard of achievement for all peoples and nations; consists of Preamble and 30 articles, which set forth human rights an fundamental freedoms for all, everywhere, all the time, and without discrimination	▪ Civil, cultural, economic, political and social rights and freedoms ▪ Social and international order where rights and freedoms can be fully realized ▪ Limitation on rights guaranteed must (a) be authorized by law, (b) be compatible with nature of rights, (c) solely promote general welfare in democratic society ▪ Dignity and worth of human person ▪ Interdependence and inter-relatedness of all human rights ▪ Responsible exercise of human rights ▪ Nondiscrimination ▪ Equality ▪ Accountability ▪ Participation
Declaration on the Right to Development (DRTD), 4 December 1986	Consists of Preamble and 10 articles; stresses that people are central subjects, active participants and beneficiaries of development; defines development as “comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits”	▪ Human rights and freedoms ▪ Right to development ▪ Equal access to basic resources, education, health services, food, housing, employment and fair distribution of income ▪ Social Justice ▪ Human person as central subject, active participant and beneficiary of development ▪ Equality ▪ Nondiscrimination ▪ Active, free and meaningful participation

Customarily Binding Human Rights Instruments	Brief Description with Comments	Key Human Rights Standards, Norms and Principles Relevant to HIV/AIDS Programming

Paris Declaration, Adopted at the Paris AIDS Summit on 1 December 1994, and endorsed by 189 member countries of United Nations as part of the Declaration of Commitment on HIV/AIDS	Consists of:
	▪ Preamble recognizing the AIDS pandemic and its impact on families, communities, and social and economic development
	▪ Reiteration of obligations as political leaders, including obligation to ensure realization of all human rights of persons living with HIV without discrimination
	▪ Guidelines for national policies, including the principles of *Greater Involvement of Persons Living with HIV and AIDS*, equal protection of the law, cultural acceptability, women's rights, the right to the highest attainable standard of health, etc.
	▪ Measures and initiatives to accelerate international cooperation, including supporting greater involvement of persons living with HIV and AIDS, global collaboration for HIV research, strengthened international collaboration for blood safety, etc.
		▪ Realization of full and equal enjoyment by persons living with HIV of fundamental rights and freedoms without discrimination
		▪ Greater involvement of persons living with HIV and AIDS (GIPA)
		▪ Equal protection under the law for persons living with HIV in access to health care, employment, education, travel, housing and social welfare
		▪ Right to highest attainable standard of health
		  ▪ Availability
		  ▪ Information accessibility
		  ▪ Cultural acceptability
		  ▪ Quality
		▪ Women empowerment
		▪ Special attention to children and youth, including orphans, at risk of, or affected by HIV
		▪ Promotion of women's rights
		▪ Human rights based HIV prevention, care and support as inseparable strategies and integral components of effective and comprehensive approach to HIV
		▪ Research and development
		▪ Social Justice
		▪ Equal access to justice
		▪ Nondiscrimination
		▪ Social Justice
		▪ Resource Mobilization and Administration

Customarily Binding Human Rights Instruments	Brief Description with Comments	Key Human Rights Standards, Norms and Principles Relevant to HIV/AIDS Programming

Political Declaration on HIV/AIDS, Adopted by United Nations General Assembly Resolution 60/262 on 15 June 2006	Commitment to fully implement *Declaration of Commitment on HIV/AIDS* and achieve MDG Goal 6; commitments include, among others:
	▪ Scaled-up, nationally driven, sustainable and comprehensive prevention programs, treatment, care and support
	▪ Integration of food and nutritional support
	▪ Elimination of discrimination
	▪ Realization of rights of persons living with HIV/AIDS
	▪ HIV resource mobilization
	▪ Overcoming barriers in pricing, tariffs and trade arrangements
	▪ Expansion of capacity of health human resources to deliver comprehensive HIV/AIDS programs
	▪ Intensification of investment and efforts in research and development for HIV-related medicines, products and technologies
	▪ Strengthened policy and program linkages and coordination between HIV/AIDS, sexual and reproductive health, national development plans and strategies
	▪ Scaled-up collaborative activities on tuberculosis and HIV/AIDS
	▪ Incorporation of HIV/AIDS prevention, care and treatment into humanitarian and disaster relief
	▪ HIV/AIDS education and information, voluntary counseling and testing, and related services
	▪ Confidentiality and informed consent
	▪ Elimination of gender inequality, gender-based violence
	▪ Public-private partnerships supporting research and development and technology transfer in comprehensive response to HIV/AIDS
		▪ Human rights and freedoms of persons most at risk of, vulnerable to, living with, and affected by, HIV
		▪ Protection of public health
		▪ Right to highest attainable standard of health:
		  ▪ Availability of, and universal access to, comprehensive and integrated prevention, care and support
		  ▪ Economic accessibility (affordability) of prevention, care and support goods, services and facilities
		  ▪ Acceptability of prevention, care and support goods, services and facilities
		  ▪ HIV/AIDS-related information accessibility
		  ▪ Quality of HIV-related health goods, services and facilities
		  ▪ Availability of, and accessibility to, ante-natal care, information, counseling and other HIV services for mothers and infants living with HIV/AIDS
		▪ Right to adequate food
		▪ Right to privacy
		▪ Social Justice
		▪ Nondiscrimination
		▪ Equality
		▪ Obligation of international cooperation and assistance especially in HIV resource mobilization and modalities of international trade
		▪ Interdependence and inter-relatedness of human rights
		▪ Participation
		▪ Transparency
		▪ Empowerment
		▪ Accountability

Customarily Binding Human Rights Instruments	Brief Description with Comments	Key Human Rights Standards, Norms and Principles Relevant to HIV/AIDS Programming
Declaration of Commitment on HIV/AIDS, Adopted by United Nations General Assembly Resolution S-26/2 on 27 June 2001	Description of global HIV/AIDS crisis and reiteration of: ▪ Urgency of global action ▪ Need for strong leadership at the national, regional and sub-regional, and global levels ▪ Prevention as the focus of response to HIV/AIDS ▪ Care, support and treatment as essential elements of an effective response ▪ Relationship between HIV/AIDS and human rights stressing twin importance of realizing all human rights to reduce vulnerability to HIV/AIDS and respecting rights of persons living with HIV/AIDS ▪ Reduction of vulnerability and women empowerment as priority actions ▪ Provision of special assistance to children orphaned and affected by HIV/AIDS ▪ Alleviation of social and economic impact of HIV/AIDS by investing in sustainable development ▪ Urgent need for research and development ▪ Contribution of conflicts and disasters to the spread of HIV/AIDS ▪ Need for new, additional and sustained resources ▪ Importance of monitoring and follow-up at the national, regional and global levels	▪ Human rights for all ▪ Human rights of persons living with HIV/AIDS ▪ Women empowerment ▪ Attention to those most vulnerable to HIV/AIDS ▪ Social Justice

Customarily Binding Human Rights Instruments	Brief Description with Comments	Key Human Rights Standards, Norms and Principles Relevant to HIV/AIDS Programming

International Guidelines on HIV/AIDS and Human Rights (2006 Consolidated Version	12 human rights-linked guidelines that promote access to HIV/AIDS related prevention, treatment, care and support and availability of diagnostic tests and HIV related treatments, including antiretroviral therapies; guidelines recommend concrete actions and are divided into three major sections:
	▪ Institutional responsibilities and processes: Guidelines 1 and 2 requiring effective national framework to ensure coordinated, participatory, transparent and accountable approach and supporting community partnership
	▪ Law review, reform and support services: Guidelines 3, 4, 5, 6, and 7 requiring review and reform of public health legislation, criminal laws and correctional system; requiring enactment and strengthening of anti-discrimination and protective laws; requiring enhanced access to prevention, treatment, care and support; and promoting legal support services
	▪ Promotion of supportive and enabling environment: Guidelines 8, 9, 10, 11 and 12 focusing on women, children and other vulnerable groups; requiring change in discriminatory attitudes; developing public and private sector standards and mechanisms; monitoring and enforcing human rights; and promoting international cooperation
		▪ Human rights for all
		▪ Promotion of public health
		▪ Universal access to comprehensive and integrated prevention, treatment, care and support:
		  ▪ Availability
		  ▪ Economic accessibility
		  ▪ Physical accessibility
		  ▪ Information accessibility
		  ▪ Quality
		▪ Right to highest attainable standard of health
		▪ Right of reparation
		▪ Right to privacy
		▪ Right to social security
		▪ Equal access to justice
		▪ Nondiscrimination
		▪ Equality
		▪ Obligation of International Cooperation and Assistance
		▪ Participation
		▪ Transparency
		▪ Rule of Law
		▪ Accountability
		▪ Attention to those most vulnerable to HIV/AIDS

Customarily Binding Human Rights Instruments	Brief Description with Comments	Key Human Rights Standards, Norms and Principles Relevant to HIV/AIDS Programming
Millennium Declaration, September 2000	▪ Goal 6: Combat HIV/AIDS, malaria and other diseases ▪ Target 6a: Have halted by 2015 and begun to reverse the spread of HIV/AIDS ▪ Target 6b: Achieve, by 2010, universal access to treatment for HIV/AIDS for all those who need it	▪ Right to highest attainable standard of health
Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, Adopted at the 127th session of the Food and Agriculture Organization (FAO) Council in November 2004.	▪ Practical examples of how states may comply with their obligations related to the right to adequate food ▪ Guideline 8.3 encourages states to address problems of access to opportunities and economic resources of those most vulnerable, and to protect persons with HIV/AIDS against losing access to resources and assets ▪ Guideline 10.4 urges states to address specific food and nutritional needs of persons living with HIV/AIDS ▪ Guideline 10.6 asks states to disseminate scientific and factual information on infant feeding and to consider issues relating to breastfeeding and HIV infection based on latest, authoritative scientific advice, including WHO/UNICEF guidelines	▪ Right to adequate food: ▪ Food availability (to address special nutritional requirements and malnutrition of persons living with HIV ▪ Food physical accessibility ▪ Food economic accessibility, including access to sufficient resources and sustainable access to replacement feeding for infants and children, including hidden costs in accessing education, water, fuel and sterilizing liquids and related goods and products ▪ Food safety

Customarily Binding Human Rights Instruments	Brief Description with Comments	Key Human Rights Standards, Norms and Principles Relevant to HIV/AIDS Programming
ILO HIV and AIDS Recommendation. 2010.	▪ Consists of 6 sections with 54 paragraphs requiring Members to adopt and implement national policies and programs on HIV/AIDS and the workplace and on occupational safety and health and to integrate these policies and programs into development plans and poverty reduction strategies ▪ Coverage: all workers under all forms or arrangements and at all work places, including persons in any employment or occupation, trainees, interns, apprentices, volunteers, job seekers, job applicants, laid off and suspended workers in all sectors of economic activity including public and private sectors, formal and informal economies, and armed forces and uniformed services ▪ 11 General Principles: HIV/AIDS responses should contribute to realization of human rights and gender equality for all; HIV/AIDS treated and recognized as work place issue and included among essential elements of HIV response; discrimination prohibited; prevention of all means of HIV transmission a fundamental priority; access to HIV prevention, treatment, care and support and workplace to facilitate access; worker participation and engagement; prevention of specific risks of occupational HIV transmission and related transmissible diseases such as tuberculosis; protection of privacy including confidentiality of HIV status; compulsory testing and compulsory disclosure of HIV status prohibited; measures addressing HIV/AIDS in workplace part of national development policies and programs including those related to labor, education, social protection and health; protection of workers in occupations exposed to risk of HIV transmission ▪ Elements of national policies and programs: nondiscrimination and promotion of equality of opportunity and treatment; prevention; treatment and care; support; testing, privacy and confidentiality; occupational safety and health; children and young persons ▪ Implementation through social dialogue; education, training, information and consultation; public services; international cooperation and follow-up (including reporting requirements)	▪ Right to work: ▪ Right to just and favorable conditions of work ▪ Right to form and join trade unions ▪ Right of trade unions to establish national federations or confederations and form or join international trade-union organizations ▪ Right of trade unions to function freely ▪ Right to strike in conformity with law ▪ Freedom from violence and harassment in the workplace ▪ Right to highest attainable standard of health ▪ Right to social security ▪ Right to adequate food ▪ Right to privacy ▪ Right to information ▪ Right of reparation ▪ Nondiscrimination ▪ Equality ▪ Elimination of child labor ▪ Special measures (e.g., reasonable accommodation) ▪ Interdependence and inter-relatedness of human rights ▪ Participation and Inclusion ▪ Empowerment ▪ Transparency ▪ Attention to those Most Vulnerable ▪ Rule of law

Customarily Binding Human Rights Instruments	Brief Description with Comments	Key Human Rights Standards, Norms and Principles Relevant to HIV/AIDS/AIDS Programming
ILO Code of Practice on HIV/AIDS and the World of Work. 2001.	▪ Set of guidelines on HIV/AIDS prevention, management and mitigation of impact in work place, care and support of infected and affected workers and elimination of stigma and discrimination based on real or perceived HIV status ▪ Guided by following key principles: recognition HIV/AIDS as work place issue; nondiscrimination; gender equality; healthy work environment; social dialogue; screening for purposes of work exclusion proscribed; confidentiality; continuation of employment relationship; prevention; and care and support ▪ Lists general responsibilities of governments; general rights and responsibilities of employers and employer organizations; general rights of workers and workers' organizations; general responsibilities of workers and workers' organizations ▪ Prescribes features of HIV/AIDS prevention, treatment, care, support, including information, education and training strategies, and testing and counseling in the workplace	▪ Right to work ▪ Right to just and favorable conditions of work ▪ Right to form and join trade unions ▪ Right of trade unions to establish national federations or confederations and form or join international trade-union organizations ▪ Right of trade unions to function freely ▪ Right to strike in conformity with law ▪ Right to highest attainable standard of health ▪ Right to social security ▪ Right to privacy ▪ Right of reparation ▪ Nondiscrimination ▪ Equality ▪ Elimination of child labor ▪ Participation ▪ Accountability ▪ Transparency ▪ Attention to those Most Vulnerable ▪ Rule of law

UNESCO, UNAIDS, UNFPA, UNICEF and WHO, International Technical Guidance on Sexuality Education, An Evidence-Informed Approach for Schools, Teachers and Health Educators. December 2009	Provides rationale for effective sexuality education; based on following assumptions:
	▪ Sexuality is fundamental aspect of human life, with physical, psychological, spiritual, social, economic, political and cultural dimensions
	▪ Sexuality cannot be understood without reference to gender
	▪ Diversity is fundamental characteristic of sexuality
	▪ Rules that govern sexual behavior differ widely across and within cultures
		▪ Right to highest attainable standard of health:
		  ▪ Health acceptability
		  ▪ Health information accessibility
		▪ Nondiscrimination
		▪ Equality
		▪ Participation

		▪ Transparency ▪ Attention to those Most Vulnerable
UN declaration on sexual orientation and gender identity (2008)	• Reaffirms the principle of non-discrimination which requires that human rights apply equally to every human being regardless of sexual orientation or gender identity • Encourages States to take all the necessary measures, in particular legislative or administrative, to ensure that sexual orientation or gender identity may under no circumstances be the basis for criminal penalties, in particular executions, arrests or detention. • Calls for the protection of human rights defenders, and calls on States to remove obstacles which prevent them from carrying out their work on issues of human rights and sexual orientation and gender identity	▪ Universality ▪ Human rights for all ▪ Equal access to justice ▪ Non discrimination ▪ Equality ▪ Social justice ▪ Empowerment ▪ Freedom from violence and harassment

Legally Binding Human Rights Treaties	Brief Description with Comments	Key Human Rights Standards, Norms and Principles Relevant to HIV/AIDS Programming
International Covenant on Civil and Political Rights (ICCPR), Ratified by Philippines 28 February 1986, Entry into Force 23 January 1987	Consists of Preamble and 6 Parts with 53 articles, which guarantee civil and political rights; accompanied by 2 Optional Protocols: First Optional Protocol, which consists of 14 Articles and recognizes competence of Human Rights Committee to receive and consider communications for violations of ICCPR; and Second Optional Protocol, which consists of 11 articles on the abolition of capital punishment	▪ Right to life ▪ Right to liberty ▪ Right to security of the person ▪ Right to equality before the law ▪ Right to equal protection of the law ▪ Right to fair trial ▪ Due process rights ▪ Right of reparation ▪ Equal access to justice ▪ Equal access to public service in its twin dimensions: equal access to opportunities to serve in public office without discrimination, and equal access to services provided by government without discrimination ▪ Nondiscrimination ▪ Equality

Legally Binding Human Rights Treaties	Brief Description with Comments	Key Human Rights Standards, Norms and Principles Relevant to HIV/AIDS Programming
International Covenant on Economic, Social and Cultural Rights (ICESCR), Ratified by Philippines 17 May 1974, Entry into Force 03 January 1976 General Comment 14: *The Right to the Highest Attainable Standard of Health (Article 12 of the International Covenant on Economic, Social and Cultural Rights)* (2000) General Comment 15: *The Right to Water (articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights)* (2002) General Comment 18: *The Right to Work* (2005) General Comment 19: *The Right to Social Security* (2007)	▪ Consists of Preamble and 5 Parts with 31 articles, which guarantee economic, social and cultural rights ▪ *Note: ICESCR accompanied by Optional Protocol, recognizing competence of Committee on Economic, Social and Cultural Rights to receive and consider communications for violations of ICESCR; Philippines has <u>not</u> ratified Optional Protocol.* ▪ In General Comments 14, 15, 18 and 19, the Committee on Economic, Social and Cultural Rights said that HIV status is a prohibited ground of discrimination in access to health care, underlying determinants of health, health entitlements, in the exercise of the right to water, in access to and maintenance of employment, and in enjoyment of right to social security ▪ In General Comment 14, the Committee on Economic, Social and Cultural Rights stressed that the right to health requires attention to HIV/AIDS, health physical accessibility for persons with HIV/AIDS must be ensured, the right to prevention, treatment and control of disease requires establishment of HIV prevention and education programs, and public health restrictions related to HIV/AIDS must be in accordance with law, including international human rights standards, compatible with the nature of rights, pursued for legitimate aims and strictly necessary for the promotion of general welfare in a democratic society ▪ In General Comment 19, the Committee on Economic, Social and Cultural Rights recognized the particular importance of the right to social security in the context of HIV/AIDS, and required the provision of access to preventive and curative measures as well as assistance in accessing social security schemes	▪ Right to adequate food ▪ Right to water ▪ Right to work ▪ Right to highest attainable standard of health ▪ Right to adequate housing ▪ Right to social security ▪ Right to education ▪ Right to benefit from scientific progress ▪ Right to participate in cultural life ▪ Obligation of progressive realization ▪ Core Obligations ▪ Obligation of Equality ▪ Obligation of Nondiscrimination ▪ Obligation of International Cooperation and Assistance ▪ Obligation to respect, protect and fulfill (provide and facilitate) human rights

Legally Binding Human Rights Treaties	Brief Description with Comments	Key Human Rights Standards, Norms and Principles Relevant to HIV/AIDS Programming
Convention on the Rights of the Child (CRC), Ratified by Philippines 26 July 1990, Entry into Force 20 September 1990 General Comment 1: *The Aims of Education* (2001) General Comment 3: *HIV/AIDS and the Rights of the Child* (2003) General Comment 4: *Adolescent Health and Development in the Context of the Convention on the Rights of the Child* (2003) General Comment 6: *Treatment of Unaccompanied and Separated Children Outside their Country of Origin* (2005) General Comment 11: *Indigenous Children and their Rights under the Convention* (2009)	Consists of Preamble and 3 Parts with 54 Articles; defines child as human being below 18 unless national law decrees earlier age of majority and upholds *best interests of the child* as primary consideration for all actions concerning children; guarantees children's rights; promotes respect for responsibilities, rights and duties of parents and promotes principle of shared or common responsibilities of both parents over upbringing and development of child; accompanied by 2 Optional Protocols: Optional Protocol on Involvement of Children in Armed Conflict, which consists of Preamble and 13 Articles and prohibits compulsory recruitment of child soldiers; and Optional Protocol on Sale of Children, Child Prostitution and Child Pornography, which consists of Preamble and 17 Articles and prohibits sale of children, child prostitution and child pornography ▪ In General Comments 1, 3 and 6, the Committee on the Rights of the Child said HIV status is a prohibited ground for discrimination against children ▪ In General Comment 3, the Committee on the Rights of the Child required states to allocate financial, technical and human resources to support national and community-based action; urged the review of existing laws or enactment of new legislation to prohibit discrimination based on real or perceived HIV status and prevent mandatory HIV testing; required national mechanisms to monitor and coordinate children's rights in the context of HIV/AIDS and establish mechanisms for complaints of neglect or violations of children's rights in relation to HIV/AIDS; and required reassessment of HIV-related data collection and evaluation, ensuring data disaggregation ▪ In General Comment 4, the Committee on the Rights of the Child recognized that early marriage and pregnancy are significant factors in health problems relating to sexual and reproductive health, including HIV/AIDS; required access by adolescents to sexual and reproductive information including family planning, contraceptives, dangers of early pregnancy, prevention and treatment of HIV/AIDS and STDs; and required availability and accessibility of appropriate goods, services and information for the prevention and treatment of HIV/AIDS and STDs ▪ In General Comment 6, the Committee on the Rights of the Child required states to prevent HIV infection of parents and young children, provide accurate diagnosis and effective treatment and other forms of support and ensure adequate alternative care for children who have lost their parents/care giver to HIV/AIDS ▪ In General Comment 11, the Committee on the Rights of the Child required states to ensure that indigenous children, families and communities receive information and education on health and preventive care such as nutrition, breastfeeding, pre and post natal care, child and adolescent health and HIV/AIDS	▪ Children's survival rights ▪ Children's development rights ▪ Children's protection rights ▪ Children's participation rights ▪ Right of reparation ▪ Best interest of the child ▪ Views of the child ▪ Non discrimination ▪ Equality ▪ Voluntary participation ▪ Rule of law ▪ Special assistance to children most at risk of, vulnerable to, living with, and affected by, HIV

Legally Binding Human Rights Treaties	Brief Description with Comments	Key Human Rights Standards, Norms and Principles Relevant to HIV/AIDS Programming
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Ratified by Philippines 19 July 1981, Entry into Force 04 September 1981 General Recommendation 15: *Avoidance of Discrimination against Women in National Strategies for the Prevention and Control of Acquired Immunodeficiency Syndrome (aids)* (1990) General Recommendation 24: *Article 12: Women and Health* (1999) General Recommendation 26: *Women Migrant Workers* (2009)	Consists of Preamble and 6 Parts with 30 Articles; guarantees women's rights and freedoms; defines discrimination as any distinction, exclusion or restriction made on basis of sex; urges adoption of *temporary special measures* to accelerate substantive equality between women and men; accompanied by Optional Protocol, which recognizes competence of Committee on the Elimination of Discrimination against Women to receive and consider communications for violations of CEDAW ▪ In General Recommendation 15, the Committee on the Elimination of Discrimination against Women urged states to intensify efforts to disseminate information to increase public awareness of risk of HIV infections especially among women and children; required AIDS programs to give special attention to the rights of women and children and to factors relating to the reproductive role of women and their subordinate position in some societies which make them especially vulnerable to HIV infection; and urged states to ensure active participation of women in primary health care and take measures to enhance women's roles as care providers, health workers and educators in the prevention of HIV/AIDS ▪ In General Recommendation 24, the Committee on the Elimination of Discrimination against Women recognized that HIV/AIDS and STDs are central to the rights of women and adolescent girls to sexual health, privacy and confidentiality, noting that the right to sexual health includes information, education and services, and required states to allocate resources for programs for adolescents on prevention and treatment of STDs and HIV/AIDS ▪ In General Recommendation 26, the Committee on the Elimination of Discrimination against Women prohibited compulsory HIV testing and required respect for the rights of women migrant workers during all required pre-departure HIV/AIDS testing or pre-departure health examinations	▪ Women's rights ▪ Nondiscrimination ▪ Equality ▪ Temporary special measures to accelerate de facto equality ▪ Modification of social and cultural patterns of men and women to eliminate prejudices, customary and other practices of discrimination ▪ Maternity as social function ▪ Common responsibility of men and women in upbringing and development of children ▪ Elimination of all forms of traffic in and exploitation of women ▪ Elimination of discrimination against women in political and public life, education, health care, economic and social life, in rural areas, and in all matters relating to marriage and family relations ▪ Participation

Legally Binding Human Rights Treaties	Brief Description with Comments	Key Human Rights Standards, Norms and Principles Relevant to HIV/AIDS Programming
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), Ratified by Philippines 18 June 1986 (a) Entry into Force 26 June 1987	Consists of Preamble and 3 Parts with 33 Articles; guarantees non-derogable right against torture; defines torture as any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person to obtain information or confession or punish or intimidate or coerce him/her committed by or at instigation of or with consent or acquiescence of a public official or a person acting in official capacity *Note: CAT accompanied by Optional Protocol, recognizing competence of Committee against Torture to receive and consider communications for violations of CAT; Philippines has not ratified Optional Protocol.*	▪ Non-derogable right against torture and other cruel, inhuman or degrading treatment or punishment ▪ Right of reparation ▪ Nondiscrimination ▪ Equality ▪ Rule of law
International Convention on the Elimination of All Forms of Racial Discrimination (CERD), Ratified by Philippines 15 August 1967 Entry into Force 04 January 1969	Consists of Preamble and 3 Parts with 25 Articles; guarantees nondiscrimination; defines racial discrimination as any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin	▪ Nondiscrimination ▪ Equality ▪ Understanding, Tolerance, Respect, and Friendship ▪ Positive lifestyles ▪ Rule of law
International Convention on the Rights of All Migrant Workers and Members of their Families (CMW), Ratified by Philippines 5 July 1995 , **Entry into Force** 01 July 2003	Composed of Preamble and 9 Parts with 93 Articles and applies to all migrant workers—persons who are about to be engaged, are engaged, or have been engaged in a paid activity in a country where they are not nationals—whether documented or undocumented including frontier workers, seasonal workers, itinerant workers, project-tied workers, specified-employment workers, and self-employed workers; guarantees rights of migrant workers and members of their families; promotes sound, equitable, humane and lawful conditions covering international migration of workers and members of their families	▪ Rights of migrant workers and members of their families ▪ Nondiscrimination ▪ Equality

Legally Binding Human Rights Treaties	Brief Description with Comments	Key Human Rights Standards, Norms and Principles Relevant to HIV/AIDS Programming
Convention on the Rights of Persons with Disabilities (CPD), Ratified by Philippines 15 April 2008, **Entry into Force** 3 May 2008	Consists of Preamble and 50 Articles; guarantees rights of persons with disabilities including long-term physical, mental, intellectual or sensory impairments; governed by principles of respect for dignity, individual autonomy and independence of persons, nondiscrimination, full and effective participation, inclusion in society, respect for difference, acceptance, equality, accessibility, respect for evolving capacities; accompanied by Optional Protocol, recognizing competence of Committee on Rights of Persons with Disabilities to receive and consider communications for violations of CPD *Note: CPD accompanied by Optional Protocol, recognizing competence of Committee on Rights of Persons with Disabilities to receive and consider communications for violations of CPD; Philippines has not ratified Optional Protocol.*	▪ Rights of persons with disabilities ▪ Right of reparation ▪ Nondiscrimination ▪ Equality ▪ Human dignity ▪ Active participation ▪ Rule of law ▪ Access to available resources ▪ Protection in all situations of risk ▪ Prevention of all forms of exploitation, violence and abuse