



PAN CARIBBEAN PARTNERSHIP



AGAINST HIV & AIDS



International and Regional Human Rights Frameworks

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International Human Rights Framework



- Human Rights frameworks place legal obligations on states
- Universal Declaration of Human Rights (adopted in 1948)



International treaties and monitoring bodies



- International Covenant on Civil and Political Rights (entered into force in 1976) *Treaty Body: Human Rights Committee*
- International Covenant of Economic and Social Rights (entered into force in 1976) *Treaty Body: Committee on Economic, Social and Cultural Rights*



International treaties and monitoring bodies



- International Convention on the Elimination of All Forms of Racial Discrimination (1965) **Monitoring Body: CERD**
- Convention on the Elimination of All Forms of Discrimination against Women (1979) **Monitoring Body: CEDAW**
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) **Monitoring Body: CAT**
- Convention on the Rights of the Child (1989) **Monitoring Body: CRC**
- Convention on the Rights of Persons with Disabilities (2006) **Monitoring Body: CPRD**

UN Human Rights Bodies



- **Human Rights Council**
- **Universal Periodic Review**
- **Special Procedures of the Human Rights Council**
- **Human Rights Council Complaint Procedure**



HIV/AIDS in the International Framework



- “A lack of respect for human rights fuels the spread and exacerbates the impact of the disease” (OHCHR)
- People with HIV/AIDS are protected by ICCPR rights to equality, privacy and dignity.
- People with HIV/AIDS are protected by Article 12 of ICESCR – the right to health which includes “access to “facilities, goods, services and conditions necessary for the realization of the highest attainable standard of health.”
- UNGA Political Declaration on HIV and AIDS (2011) (**A/RES/65/277**)
- Special Rapporteur for Health has addressed HIV/AIDS and human rights in reports and country visits (for example **A/HRC/14/20**)



GLOBAL COMMISSION ON

HIV and the LAW

1. Epidemic of **bad laws** is fueling the **spread** of **HIV**, resulting in human rights violations and **costing lives**.
2. Epidemic of **bad laws** is wasting money & **limiting** effectiveness and efficiency of HIV and health **investments**.
3. **Good laws** and practices that **protect human rights** and build on public health evidence already exist - they strengthen the global AIDS response, and they **must be replicated**.
4. Scientific tools alone are not sufficient to halt and reverse AIDS. **Enabling legal environments** are essential to a successful AIDS responses

LGBT Rights in the International Framework



- General Assembly resolution - Extrajudicial, summary or arbitrary executions (adopted 30 January 2015) -
A/RES/69/182
- Human Rights Council resolution - Human rights, sexual orientation and gender identity (adopted 17 June 2011) -
A/HRC/RES/17/19
- Protection against violence and discrimination based on sexual orientation and gender identity (adopted 30 June 2016) -
A/HRC/RES/32/2
- Independent Expert on protection against violence and discrimination based on Sexual Orientation and Gender Identity (2016)
- Yogyakarta Principles (developed in 2006)

Regional Human Rights Frameworks



Africa

- Regional Organisation: **African Union**
- Commission: **African Commission on Human and Peoples' Rights**
- Human Rights Treaty: **African Charter on Human and People's Rights**
- Court: **African Court of Justice and Human Rights**
- Committee on the Protection of the Rights of People Living with HIV
- Resolution 275 of ACHPR (2014)

Regional Human Rights Frameworks



Americas

- Regional Organisation: Organisation of American States
- Commission: **Inter-American Commission on Human Rights**
- Human Rights Instruments: **American Declaration of Human Rights/ American Convention on Human Rights**
- Court: **Inter-American Court of Human Rights**
- Adopted Strategic Plan for LGBT people (2011-2012)
- Atala v Chile (2012)
- Established Rapporteurship on LGBT Rights (2013)
- Documented violence against LGBTI persons in Americas in report (2015)

Regional Human Rights Frameworks



Europe

- Regional Organisation: **Council of Europe**
- Human Rights Convention: **European Convention on Human Rights**
- Court: **European Court of Human Rights**
- European Union: **Discrimination based on SOGI prohibited by Treaty on the Functioning of the European Union**