



PAN-CARIBBEAN PARTNERSHIP



AGAINST HIV & AIDS



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# REGIONAL PARLIAMENTARIANS FORUM

**30-31 MAY 2017**  
**KINGSTON, JAMAICA**

# PANCAP INITIATIVES

## CARICOM-PANCAP Model Anti-Discrimination Law and Outcomes of the Justice for All Consultations

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Regional Parliamentarians Forum, 30-31 May 2017, Kingston, Jamaica



# CARICOM MODEL ANTI-DISCRIMINATION BILL 2012

- This Bill seeks to provide for the protection of persons against discrimination, including discrimination involving **harassment, victimisation** and **vilification** on the grounds of [HIV status], [sexual orientation], [lawful sexual activity], [disability], [gender] and [status as an orphan]; and to provide for related matters.
- The Draft Bill was reviewed and amended by the Regional Chief Parliamentary Counsel on 12-15 March 2012 and reviewed and finalized by the CARICOM Legal Affairs Committee (LAC) in 2012
- The Bill was informed by a Model Antidiscrimination Policy which was approved by the Council of Human and Social Development – Ministers of Health, 2011.

# CARICOM MODEL ANTI-DISCRIMINATION BILL 2012

The Meeting of the Senior Officials of the Legal Affairs Committee (SOLAC). SOLAC recommended that the LAC –

- i) note the concerns of Member States regarding the draft Anti-Discrimination Model Legislation 2012 as these related to, among other things –
  - The rationale for including gender and children’s status as orphans in the Bill;
  - The fact that including such provisions could lead to discrimination against other categories of children;
  - Medical records and confidentiality provisions;

# CARICOM MODEL ANTI-DISCRIMINATION BILL 2012

- The fact that for some Member States some of the proposed provisions were already covered by separate pieces of legislation in the various jurisdictions and their preference was to keep these provisions separate;
- The fact that the Bill contained many provisions that might not resonate well at the current time in Member States. These included the provisions relating to the repeal of buggery laws;
- ii) encourage Member States wishing to do so to adopt the Bill **in whole** or **in part** based on their national policies and priorities.



# OUTCOMES OF THE JUSTICE FOR ALL CONSULTATIONS

Caribbean Consultation  
on  
Justice For All and Human Rights Agenda



# OUTCOMES OF THE JUSTICE FOR ALL CONSULTATIONS

Advancing the PANCAP Phase 1 Consultations November 2013-April 2014, paying attention to the call from faith leaders for a review of the proposed Justice for All (JFA) Declaration, taking into account the views from CARICOM Heads for a revision of certain elements of the Declaration while maintaining the objective of eliminating HIV-related stigma and discrimination and the recommendations from COHSOD.



# OUTCOMES OF THE JUSTICE FOR ALL CONSULTATIONS

Establishing Roadmap with Short, Medium and Long term elements for achieving the following:

1. Enhancing Family Life focusing on those in need.
2. Increasing Access to Treatment - 90-90-90 targets.
3. Reducing gender inequality/violence against women and girls.
4. Promoting Sexual and Reproductive Rights and age appropriate education.
5. Implementing Legislative Reform for modifying discriminatory laws.



# Short-term Elements

1. **Aim** to make the Caribbean the first region in the world to eliminate Mother to Child transmission of HIV .
2. **Revise** and **strengthen** Health and Family Life Education (HFLE) curriculum to include age appropriate sexual education for adolescents and youth focusing on sexual and reproductive health, HIV and AIDS and other STIs.
3. **Develop** special programmes and special facilities for persons with disabilities, especially those living with HIV.
4. Strengthen laws related to domestic violence and other forms of abuse against women and girls.

# Short-term Elements

**5. Encourage and support** institutions of higher learning to undertake research and training in medical, social and behaviour studies in health and development to provide policy makers with the evidence needed to make appropriate decisions.

**6. Support** HIV to be treated as a pre existing condition for insurance similar to NCDs.

**7. Pursue** the principle of shared responsibility among governments, private sector and civil society, especially to reduce dependency for financing HIV and AIDS.

**8. Advocate** for development partners to review the practice that curtails support to middle income countries like many in the Caribbean without regard to the social and economic vulnerabilities that severely impact their development.

# Medium-term Elements

**9. Enact** laws to ensure Universal health coverage.

**10. Amend** equal opportunity acts setting out the prohibited grounds of discrimination in employment practices including HIV status, disability and sexual orientation.

**11. Support** the enactment of the PANCAP Model Anti-discrimination Legislation approved by the Legal Affairs Committee (2012).

**12. Develop** standardised modules for the delivery of HIV education with special focus on understanding vulnerabilities and demystifying cultural myths that reinforce stigma and discrimination.

# Long-term Elements

**13. Establish** procedures among various stakeholders with a view to examining:

(a) the possibilities for accelerating the repeal or modification of laws that discriminate against sexual acts between consenting males adults in private;

(b) replacing them or retaining the provisions criminalising sexual acts between males in public with the use of force and acts of indecency committed against males less than 16 years old.

# Progress to Date

## Emerging Consensus

An emerging consensus among stakeholders for the COHSOD recommendation to implement the elements of JFA in addition to the UNAIDS Testing, Treatment and Zero Transmission targets in the short, medium and long term.

The firm agreement of Dr. The Hon Timothy Harris, Prime Minister of St Kitts and Nevis, CARICOM Lead Head for Human Resources, Health and HIV to advocate for the FastTrack/JFA process and champion the aspiration, “Caribbean First to Zero”.



# Progress to Date – Parliamentarians

Formal endorsement of Parliamentary Groups in 5 Countries (Barbados, Belize, Guyana, Saint Lucia, Trinidad and Tobago) of the phased approach to the Implementation of the JFA roadmap.

Both government and opposition Parliamentarians in Belize agreed to issue a cabinet white paper on the phased implementation of JFA declaration pending the endorsement of the FBOs.

The Parliament of Saint Lucia agreed to accelerate the implementation of legislation in the medium term in support of eliminating AIDS related stigma and discrimination.

A proposal for similar consultations with parliamentarians in Guyana in was supported by the Speaker of the House and 5 Cabinet members including the Prime Minister who was also acting President.

# Progress to Date – Faith Leaders

Caribbean Faith Leaders Consultation, held on 1-2 February 2017 in Trinidad and Tobago, concluded with **nine strategic recommendations** to improve the overall quality of life of People Living with and Affected by HIV and AIDS.

**Endorsing the Targets in the 2016 UN High Level Political Declaration** to fast-track the end of the AIDS epidemic by 2030;

**Promoting healthy living of people at all ages of the life cycle** by placing emphasis on plugging the prevention gaps includes **stressing family values, age appropriate sexual education**, creative communication approaches and the dissemination of information to reach various audiences;

Paying particular attention to actions that address the **reduction of violence against women, girls and adolescents** and the inclusion of men and boys in this venture;

# Progress to Date – Faith Leaders

Facilitating best practices through the process for effective support and leadership in the area of treatment and care, paying particular attention to achieving the UNAIDS 90-90-90 targets;

Exploring the short and medium-term actionable recommendations of the PANCAP Justice for All (JFA) Roadmap, especially in so far as they enable religious groups and organisations to effectively address the gaps in prevention and treatment interventions and continuing the dialogue on how to proceed with those elements yet to be resolved;

# Progress to Date – Faith Leaders

Seeking to engage representatives of key populations including men who have sex with men, sex workers, drug users and others in programmes aimed at identifying respective rights and responsibilities involved in the process toward the elimination of AIDS-related stigma and discrimination;

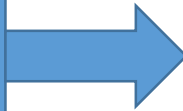
Noting areas of litigation that may challenge religious values and the responses required to harmonise principles and practices around human rights, human sexuality and human dignity;

Ongoing national consultations with faith leaders;

Establishment of Regional Consultative Steering Committee for the implementation of recommendations to end AIDS by 2030.

# Progress to Date – Youth

- Convened Meeting of Regional Youth Leaders (CARICOM Youth Ambassadors and Leaders of key population youth) to solicit their input for the development of a Youth Advocacy Framework



Youth prioritized the following issues for focusing the advocacy efforts of the regional youth leaders:

1. Change the age of consent to access sexual and reproductive health care services;
2. Comprehensive sexual education should be implemented in schools across the Caribbean, where it is not a usual phenomenon;
3. Gender neutral laws: these involves policies that protect victims of sexual assault.



# Progress to Date – Youth

- Youth commitment to establishing a **Regional Youth Advocacy Network**;
- **Establishment of a Youth Steering Committee** for the implementation of the Advocacy Framework;
- Training of Youth in advocacy for **high level engagement** and communication with their peers;
- PANCAP **facilitating youth participation at high level meetings** for increased advocacy on priority issues identified;
- Two annual meeting of youth leaders planned for 2018 and 2019.

# Thank you