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COMMISSION ON HUMAN RIGHTS
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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS
AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF
THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Albania*, Argentina*, Australia, Austria, Bulgaria, Cameroon, Chile,
Costa Rica*, Cyprus*, Czech Republic*, Finland, France, Germany,
Israel*, Nepal*, Nicaragua, Peru, Philippines, Poland, Portugal*,
Slovakia*, South Africa*, Sweden* and Zimbabwe: draft resolution

1995/... The protection of human rights in the context of
human immunodeficiency virus (HIV) and acquired
immune deficiency syndrome (AIDS)

The Commission on Human Rights,

Recognizing that the increasing challenges presented by HIV/AIDS require renewed efforts to ensure universal respect for and observance of human rights and fundamental freedoms for all, as well as the avoidance of HIV/AIDS-related discrimination and stigma,

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Mindful that respect for the principle of non-discrimination is the key to the protection and realization of human rights and fundamental freedoms as recognized in international instruments,

Recalling General Assembly resolutions 45/187 of 21 December 1990 and 46/203 of 20 December 1991, Economic and Social Council resolution 1990/86 of 27 July 1990, World Health Assembly resolutions WHA41.24 of 13 May 1988, WHA43.10 of 16 May 1990, WHA45.35 of 14 May 1992 and WHA46.37 of 14 May 1993, General Recommendation 15 of the Committee on the Elimination of Discrimination against Women and other relevant resolutions and decisions adopted by organizations of the United Nations system, as well as by other competent forums,

Welcomes the Final Declaration of the Paris AIDS Summit, of 1 December 1994, in which the participants pledged to promote and protect the rights of people infected and affected by HIV/AIDS,

Also welcomes the progress made in the establishment of a joint and co-sponsored United Nations programme on HIV/AIDS,

Recalling its resolutions 1992/56 of 3 March 1992, 1993/53 of 9 March 1993 and 1994/49 of 4 March 1994 concerning discrimination against people with HIV infection or AIDS,

Acknowledging the significant role of the World Health Organization, and other bodies of the United Nations system, and the major contribution made by national and international non-governmental organizations, in particular organizations of people living with HIV/AIDS, and the International Federation of Red Cross and Red Crescent Societies, in fighting discrimination against and advocating the rights of people living with HIV/AIDS,

Noting with appreciation the Rights and Humanity Declaration and Charter on HIV and AIDS transmitted to the Commission at its forty-eighth session by the Permanent Mission of the Gambia to the United Nations (E/CN.4/1992/82),

Concerned that lack of full enjoyment of their fundamental rights by persons suffering from economic, social or legal disadvantage heightens their vulnerability to the risk of HIV infection,

Noting that, according to a report submitted to the Commission on the Status of Women at its thirty-third session (E/CN.6/1989/6/Add.1), women are especially vulnerable to the risk of HIV infection and to the economic and

social impact of AIDS as a result of their disadvantageous legal, social and economic status, and concerned at the increasing rate of HIV infection among women and girls,

Expresses its grave concern that the continuing exploitation of children, including child prostitution, poses the risk of transmission of HIV,

Concerned at evidence indicating that groups in society suffering discrimination in the enjoyment of their fundamental rights, and disadvantage with respect to their access to education, health care and social services, are as a result more vulnerable to the risk of infection and to the personal and social impact of the pandemic,

Alarmed at discriminatory laws and policies and the emergence of new forms of discriminatory practices with regard to access to health care, employment, education, housing and social welfare which deny people living with HIV/AIDS, their families and associates, as well as high-risk groups, enjoyment of their fundamental rights and freedoms,

Concerned that the fear and ignorance surrounding HIV/AIDS are leading to increased stigmatization of and prejudice against people living with HIV/AIDS or presumed to be at risk of infection, sometimes resulting in intimidation, harassment or violence against such individuals, as well as to arbitrary detention and deportation,

Bearing in mind that, as recognized by the World Health Assembly in its resolution WHA45.35, there is no public health rationale for any measures that limit the rights of the individual, notably measures establishing mandatory screening,

Stressing that discrimination and stigmatization are counter-productive to measures to prevent and control HIV/AIDS, and that anti-discrimination measures form a component part of an effective public health strategy,

Emphasizing the responsibility of Governments to take measures to counter social stigmatization of and discrimination against those affected by HIV/AIDS, and their commitment to strengthen national and international mechanisms that are concerned with HIV/AIDS-related human rights and ethics,

Recognizing that HIV transmission can be prevented through informed and responsible behaviour, and emphasizing the role and responsibility of individuals, groups and organs of society aimed at promoting, in a spirit of

human solidarity and tolerance, a social environment supportive of the effective prevention and eradication of the root causes of the HIV/AIDS pandemic,

Welcoming the report by the Secretary-General on international and domestic measures taken to protect human rights and prevent discrimination in the context of HIV/AIDS (E/CN.4/1995/45) and his recommendations therein, but noting with concern that there is insufficient information about successful strategies for protecting human rights in the context of HIV/AIDS,

1. Confirms that discrimination on the basis of AIDS or HIV status, actual or presumed, is prohibited by existing international human rights standards, and that the term "or other status" in non-discrimination provisions in international human rights texts can be interpreted to cover health status, including HIV/AIDS;

2. Calls upon all States to ensure, where necessary, that their laws, policies and practices, including those introduced in the context of HIV/AIDS, respect human rights standards, including the right to privacy and integrity of people living with HIV/AIDS, prohibit HIV/AIDS-related discrimination and do not have the effect of inhibiting programmes for the prevention of HIV/AIDS and for the care of persons infected with HIV/AIDS;

3. Also calls upon all States to take all the necessary steps, including appropriate and speedy redress procedures and the introduction of protective legislation and appropriate education to combat discrimination, prejudice and stigma, to ensure the full enjoyment of civil, political, economic, social and cultural rights by people living with HIV/AIDS, their families and associates, and people presumed to be at risk of infection, with particular attention to women, children and vulnerable groups, and to address such concerns within their activities in the context of the International Year of Tolerance, 1995;

4. Further calls upon all States to strengthen their efforts to advance the legal, economic and social status of women, children and vulnerable groups in order to render them less vulnerable to the risk of HIV infection and to the adverse socio-economic consequences of the AIDS pandemic;

5. Recognizes the need to protect women and girls from sexual abuse and violence and calls upon the Special Rapporteur on the sale of children, child prostitution and child pornography, the Committee on the Rights of the Child, the Commission on the Status of Women and the Working Group on

Contemporary Forms of Slavery to pay sustained attention to the risk which the continuing exploitation of children, including child prostitution, poses for the transmission of HIV;

6. Invites States to involve non-governmental and community-based organizations and people living with HIV/AIDS in the formulation and implementation of public policies, including the support of participatory programmes for prevention, care and social support among vulnerable and marginalized populations;

7. Calls upon States to take all necessary steps, in particular appropriate education and information measures, to facilitate informed and responsible behaviour;

8. Invites the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and other similar bodies to give full attention to monitoring States parties' compliance with their commitments under the relevant human rights instruments regarding the rights of people living with HIV/AIDS, their families and associates, or people presumed to be at risk of infection;

9. Calls upon the Sub-Commission on Prevention of Discrimination and Protection of Minorities to keep the issue of AIDS-related discrimination under continuous review under all relevant agenda items, as well as within the work of its relevant working groups and special rapporteurs;

10. Calls upon relevant professional bodies to re-examine their codes of professional practice with a view to strengthening respect for human rights and dignity in the context of HIV/AIDS, and calls upon the relevant authorities to develop training in this regard;

11. Requests the co-sponsors of the joint and co-sponsored United Nations programme on HIV/AIDS to integrate a strong human rights component throughout the strategies and work of the future programme;

12. Requests the High Commissioner for Human Rights to consider appropriate methods by which to keep under continuous review the protection of human rights in the context of the HIV/AIDS pandemic and to undertake with the Centre for Human Rights, in cooperation with the joint and co-sponsored United Nations programme, non-governmental agencies and other actors in the field, the task of elaborating guidelines on promoting and protecting respect

for human rights in the context of HIV/AIDS, and to reflect in this regard on the possibility of organizing a second international expert consultation on human rights and AIDS;

13. Requests the Secretary-General to consult with Governments, relevant United Nations bodies, specialized agencies and non-governmental organizations with a view to keeping under review the protection of human rights in the context of the HIV/AIDS pandemic and to prepare for the consideration of the Commission at its fifty-second session a progress report on the development of a human rights component in the joint and co-sponsored United Nations programme on HIV/AIDS and on the status of the guidelines mentioned in paragraph 12.
