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COMMISSION ON HUMAN RIGHTS  
Sub-Commission on Prevention of  
Discrimination and Protection  
of Minorities  
Forty-fifth session  
Agenda item 4

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH  
THE SUB-COMMISSION HAS BEEN CONCERNED

Ms. Attah, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Muksum-Ul-Hakim,  
Mr. Heller, Mr. Joinet, Mr. Khalil, Ms. Ksentini, Mrs. Palley,  
Mr. Ramadhane, Mr. Saboia, Mr. Sachar, Ms. Warzazi, Mr. Yimer  
and Mr. Yokota: draft resolution

1993/... Discrimination in the context of human immunodeficiency virus (HIV)  
or acquired immunodeficiency syndrome (AIDS)

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

Convinced that discrimination against any person on the grounds of HIV  
infection or AIDS is a contravention of this fundamental principle,

Concerned at discriminatory laws and policies and at social stigma and  
discriminatory practices which deny people with HIV infection and people with  
AIDS, their families, friends and those associated with them, as well as those

presumed to be infected or at risk of infection, enjoyment of their fundamental rights and freedoms,

Concerned also 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,

Bearing in mind World Health Assembly resolution WHA45.35 of May 1992 in which the Assembly recognized that there was no public health rationale for any measures that limited the rights of the individual, notably measures establishing mandatory screening, and called upon States to reinforce efforts to oppose discrimination against persons and specific groups known to be or suspected of being infected with HIV,

Recalling Commission on Human Rights resolution 1993/53 of 2 March 1993 in which the Commission called upon all States to ensure respect for human rights in the context of AIDS and to ensure full enjoyment of all rights by people with HIV or AIDS, their families and those associated with them, and to take measures to combat social stigmatization and discrimination,

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 disadvantaged social, legal and economic status,

Concerned that evidence indicates that other disadvantaged groups in society suffering discrimination in the enjoyment of their fundamental rights and freedoms, notably indigenous peoples, minorities, street children and other children with inadequate care and those living in poverty and social disadvantage, also appear more vulnerable to the risk of infection as a result of disadvantage in access to education, health care and social services, and that they suffer disproportionately from the economic and social consequences of the pandemic,

Concerned also that the fear and ignorance surrounding AIDS are leading to increased stigmatization of and prejudice against people with HIV or AIDS and members of particular groups in society resulting, in some countries, in increasing violence against such individuals, arbitrary detention and deportation,

Recalling World Health Assembly resolution WHA46.37 of May 1993, endorsed by the Economic and Social Council in its resolution ... in which the Assembly

requested the Director-General of the World Health Organization to study the feasibility and practicability of establishing a joint and co-sponsored United Nations Programme on HIV and AIDS,

1. Expresses its deep appreciation to the Special Rapporteur, Mr. Luis Varela Quirós, for his final report on discrimination against HIV-infected people or people with AIDS (E/CN.4/Sub.2/1992/10) and endorses his conclusions and recommendations (E/CN.4/Sub.2/1993/9);
2. Calls upon all States to review their laws, policies and practices in the context of HIV and AIDS and to ensure that they respect human rights standards, including the general prohibition of discrimination on the ground of any status, bearing in mind the total absence of any objective or reasonable criteria, or any public health consideration, which could justify any other approach;
3. Also calls upon all States to take all the necessary steps, including 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 with HIV and AIDS, their families and those associated with them, and people presumed to be at risk of infection, with particular attention to women, children and other vulnerable groups, in order to prevent discriminatory action against them or their social stigmatization and to ensure their access to the necessary care and support;
4. Further calls upon all States to strengthen their efforts to advance the legal, economic and social status of women and indigenous peoples, as well as of minorities and other groups suffering discrimination in the enjoyment of their rights, to render them less vulnerable to HIV infection and to the adverse socio-economic consequences of the pandemic;
5. Requests the Secretary-General to bring the present resolution to the attention of the relevant United Nations working groups and special rapporteurs, as well as to the treaty-monitoring bodies and those bodies concerned with the status and rights of women;
6. Urges the relevant United Nations working groups and special rapporteurs to consider the impact of AIDS and AIDS-related discrimination in their reports, particularly that relating to contemporary forms of slavery, extreme poverty and adequate housing;

7. Expresses its grave concern at the continuation of the exploitation of children and child prostitution, and calls upon the Working Group on Contemporary Forms of Slavery to pay urgent attention to the risk this poses for HIV transmission;

8. Requests the Secretary-General to report to the Sub-Commission at its forty-sixth session on developments in the United Nations system following the adoption of World Health Assembly resolution WHA46.37 of .. May 1993 concerning the possibility of establishing a joint United Nations programme on HIV and AIDS.

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