



INTER-PARLIAMENTARY UNION
112th Assembly and related meetings
Manila, 31 March to 8 April 2005



Third Standing Committee
Democracy and Human Rights

C-III/112/DR-am.1
21 March 2005

THE ROLE OF PARLIAMENTS IN ADVOCATING AND ENFORCING OBSERVANCE
OF HUMAN RIGHTS IN THE STRATEGIES FOR THE PREVENTION,
MANAGEMENT AND TREATMENT OF THE HIV/AIDS PANDEMIC

*Amendments to the revised preliminary draft resolution submitted within the statutory
deadline by the delegations of Chile, China, India, the Islamic Republic of Iran, Mexico,
Switzerland.....*

PREAMBLE

Amend paragraph 9 as follows:

(..) *Recognising* that the global HIV/AIDS pandemic constitutes ~~one of the most~~ a formidable **challenges** to human life and dignity and to the full enjoyment of human rights, and that the full realisation of human rights and fundamental freedoms for ~~all~~ **the affected people** is an essential element in the global response to the HIV/AIDS pandemic,

(India)

Insert the following paragraphs after paragraph 10:

(..) *Concerned* that ignorance and intolerance are still a reason for marginalisation of persons affected or presumed to be affected by HIV/AIDS, which causes **discriminatory acts** in the fields of medical assistance, job opportunities, education, housing and, in general, in every aspect related to their social well-being,

(Mexico)

(..) *Recognising* in this same sense, the obligations of governments and parliaments to adopt the measures necessary to combat discrimination against persons infected or presumed to be infected with HIV/AIDS, with the goal of making sure that their human rights are fully guaranteed and respected,

(Mexico)

(..) *Particularly concerned* about the effect of HIV/AIDS on women, who as a result of gender discrimination, face particular difficulties in accessing government assistance in fighting this disease in terms of sex education and medical attention, particularly in developing nations,

(Mexico)

(..) *Considering* that even though the use of anti-retroviral medications combined with proper therapies can delay the advance of HIV/AIDS, millions of infected people in developing nations, particularly in Africa, cannot afford these treatments,

(Mexico)

(..) *Considering* that under the Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) of the World Trade Organization (WTO), WTO members that have stated so in this agreement's formalisation in August 2003 may allow the production of patented medicines in the event of health emergencies,

(Mexico)

Insert the following new paragraph after paragraph 12:

(..) *Further convinced* that capacity-building in the field of public health is critical to the effective prevention and treatment of HIV/AIDS

(China)

Amend paragraph 13 as follows:

(..) *Considering* that ensuring access to medication, **including** ~~in particular access to~~ antiretroviral therapy, ~~in the context of the HIV/AIDS pandemic~~ **for those suffering from HIV/AIDS**, is fundamental to achieving progressively the full realisation of the universal right to the enjoyment of the highest attainable standard of health,

(India)

Delete paragraph 14

~~(14) *Recognising* the relationship that exists between armed conflict and HIV/AIDS, not only insofar as conflict can contribute to the spread of HIV/AIDS, but also as the impact of HIV/AIDS on society can contribute to the risk of armed conflict,~~

(India)

Insert the following new paragraphs:

(..) *Recognising* that religion and spirituality play a central role in the lives of millions of men and women and in the way that they live and treat other persons, and that therefore they may and can contribute to the prevention, management and treatment of the HIV/AIDS pandemic and to the promotion of the inherent dignity and worth of the human person,

(Islamic Republic of Iran)

(..) *Concerned* that the status of those suffering from HIV/AIDS may be aggravated by, inter alia, inequitable distribution of wealth, marginalisation, social exclusion and racism, racial discrimination, xenophobia and related intolerance,

(Islamic Republic of Iran)

(..) *Aware* of the fact that any response to the epidemic will only be effective if the causes of its spread are well addressed, including human trafficking, in particular trafficking in women and girls, drug abuse and illicit drug trafficking and gender-based violence, and *considering* in this context that the pivotal roles of the family, religion and long-established fundamental ethical principles and values need to be underlined,

(Islamic Republic of Iran)

Insert the following new paragraph:

(..) *Considering* the insufficient participation of governments and citizens in combating AIDS, and the clear lack of psychological support for those who suffer from it,

(Chile)

OPERATIVE PART

Insert the following new paragraph before paragraph 1:

(..) *Emphasises* that countries should integrate the development of public health undertakings into their national economic and social development strategies, which should include the establishment and improvement of effective public health mechanisms, in particular a network for the supervision, prevention, and treatment of the HIV/AIDS epidemic and for the exchange of information unit;

(China)

Amend paragraph 1 as follows:

(..) *Calls on* governments and parliaments to ensure that their laws, policies and practices respect human rights in the context of HIV/AIDS, **in particular the rights to education, work, privacy, protection and access to treatment and social services**; protect people living with HIV/AIDS from discrimination in both the public and the private sectors, ensure privacy and confidentiality in research involving human subjects, and provide for speedy and effective judicial, administrative and civil remedies in the event that the rights of people living with HIV/AIDS are violated;

(India)

Amend paragraph 3 as follows:

(..) *Urges* governments in developed countries to both continue and increase the financial and technical assistance that they provide to developing countries and least developed countries, and share their expertise in human rights with those countries that seek to create or strengthen their own human rights institutions **in the context of HIV/AIDS**;

(India)

Amend paragraph 6 as follows

- (..) *Urges* ~~governments and parliaments to adopt the measures necessary to ensure, on a sustained and equal basis and~~ **for all affected**, the availability and accessibility of good quality services and information for HIV/AIDS prevention, management, treatment, care and support, including the provision of HIV/AIDS prevention supplies such as condoms, safe injection needles, microbicides and basic preventive care packages, as well as antiretroviral drugs and other safe and effective medicines, diagnostics and related technologies, for all persons, with particular attention to vulnerable individuals and populations;

(India)

Amend paragraph 7 as follows:

- (..) *Calls on* governments and parliaments to recognise the health, socio-economic and other effects of HIV/AIDS on individuals, families, communities and nations, and to take the appropriate ~~legislative and executive~~ measures to halt its spread, **including promotion of research to find a vaccine**;

(Switzerland)

Amend paragraph 7 as follows

- (..) *Calls on* governments and parliaments to recognise the health, socio-economic and other effects of HIV/AIDS on individuals, families, ~~communities~~ **societies** and nations, and to take the appropriate legislative and executive measures to halt its spread;

(India)

Delete paragraph 8

- (8) ~~Urges all governments and parliaments to adopt and implement policies that respect the human rights of persons living with HIV/AIDS, in particular their rights to education, work, privacy, protection and access to treatment and social services;~~

(India)

Insert the following paragraph after paragraph 9:

- (..) *Calls on* parliamentarians in the IPU Member Parliaments to promote appropriate legislative measures to tackle discrimination against persons affected by HIV/AIDS and to contribute to the creation of a social environment of tolerance and human solidarity, indispensable for the prevention and assistance of this terrible disease;

(Mexico)

Amend paragraph 10 as follows:

- (..) *Urges* parliaments to create parliamentary committees and other parliamentary structures with the specific task of tackling the issue of halting and reversing the local

and national ~~and ultimately global~~ spread of HIV/AIDS, and to involve all sectors of society through partnership programmes in high-level decision-making processes;
(India)

Insert the following two paragraphs after paragraph 10:

(..) ***Emphasises the importance of active international cooperation based on the principle of mutual respect, equality and mutual benefit;***
(China)

(..) ***Calls on organisations, agencies, bodies, funds and programmes within the United Nations system to incorporate public health into their development activities and programmes, and to actively support the capacity-building of the public health systems of Member States in respect of the prevention and treatment of HIV/AIDS;***
(China)

Amend paragraph 12 as follows:

(..) ***Calls on all governments and parliaments to strengthen national mechanisms such as commissions, tribunals, legislation and coordinated strategies to protect, enforce and monitor, in their respective countries, the human rights of individuals infected with and affected by HIV/AIDS and to eliminate all forms of stigma and discrimination, especially in respect of vulnerable groups such as women and children, as they bear the brunt of the epidemic and are most likely to care for sick people and to lose jobs, family members, income and schooling opportunities as a result of the illness;***
(India)

Insert the following two paragraphs after paragraph 12:

(..) ***Urges our governments and parliaments to design policies and programmes to fight HIV/AIDS, to effectively recognise the needs of women in particular and to be sensitive to differences in terms of culture and even religion that may exist in our societies;***
(Mexico)

(..) ***Urges the governments and parliaments of our nations to facilitate and promote the use of the TRIPS Agreement concluded on August 30, 2003 in the framework of the WTO, which establishes the rules for trade in patented pharmaceutical products that allows for progress in the eradication of infectious diseases that threaten our societies, particularly HIV/AIDS;***
(Mexico)

Delete paragraph 14

~~14. *Calls on parliaments and governments to ensure impartiality in the treatment of AIDS patients, irrespective of their social status;*~~
(India)

Amend paragraph 16 as follows:

- (..) *Requests* governments and parliaments to establish coordinated, participatory, transparent and accountable national policies and programmes for HIV/AIDS response, and to translate these national policies into action at the district and local levels, involving, in ~~all phases of~~ development and implementation, **wherever possible**, non-governmental and community-based organisations, and more importantly, people living with HIV/AIDS;

(India)

Delete paragraph 17

- ~~17. Urges governments and parliaments to promote national and international collaboration, stability, security and prosperity among all nations so as to prevent the emergence of armed conflict as well as to intensify efforts to resolve any existing conflicts in order to minimise the impact of HIV/AIDS and other consequences of conflict.~~

(India)

Insert the following new paragraphs:

- (..) ***Affirms*** the importance of renewing efforts to fight HIV/AIDS, particularly in terms of awareness-raising and funding at the international level;

(Islamic Republic of Iran)

- (..) ***Urges*** national parliaments, in cooperation with their governments, to strengthen national mechanisms to promote and protect the human rights of HIV/AIDS victims, and especially of those who are suffering from other inhuman phenomena such as racism and xenophobia, and to take concrete measures, including preventive action steps to ensure appropriate access to medication and treatment for victims, and the implementation of education, training and mass media dissemination programmes, so as to eliminate violence, stigmatisation, discrimination, unemployment and other negative consequences arising from this pandemic;

(Islamic Republic of Iran)

Insert the following new paragraphs

- (..) ***Requests*** that parliaments intercede with their governments to strengthen AIDS prevention and treatment policies;

(Chile)

- (..) ***Further requests*** that measures be implemented for the rehabilitation of able-bodied AIDS patients in society and in the world of work, including professional psychological support;

(Chile)