



ALL-PARTY PARLIAMENTARY GROUP ON AIDS

HIV AND HUMAN RIGHTS AUDIT

ASSESSING THE UK'S APPLICATION OF INTERNATIONAL HUMAN RIGHTS LAWS AND THE IMPACT OF THE HUMAN RIGHTS ACT IN THE CONTEXT OF HIV

Invitation to submit evidence

It has been five years since the APPG AIDS held a parliamentary inquiry into the UK's implementation of the international guidelines on HIV/AIDS and human rights and published a report highlighting the major failures of the UK Government to address the impact of its laws and policies on those infected with, affected by and vulnerable to HIV and AIDS. The report entitled *The UK, HIV and Human Rights: recommendations for the next five years* can be obtained in PDF format by emailing the APPG AIDS.

We are now proposing to conduct a Human Rights Audit of the current policies of the UK Government in relation to HIV and AIDS. Our focus will be on how domestic practices and policies on HIV and AIDS adhere to the national and international legal obligations imposed by international human rights law and the Human Rights Act 1998. We will also examine how far our recommendations from 2001 have been put into practice.

We are now asking for evidence from NGOs and individuals. Your views and experiences are crucial to enable us to provide an accurate account of the UK's compliance with and implementation of international human rights standards and to assess the impact of the Human Rights Act on HIV-related rights in the UK.

We would like to hear your views on:

- HIV-related domestic practice and policies and how they comply with or infringe the UK's human rights obligations;
- The impact of the UK's stance (including derogations or reservations) on international human rights treaties, including the reservation from the United Nations Convention on the Rights of the Child; and
- The impact of the Human Rights Act on HIV policy in the UK and the potential and limitations of the Act to challenge breaches of the human rights in the context of HIV.

We are particularly interested in evidence in the following areas where we have concerns about the ability of current law and policy to protect HIV-related rights: **the rights of prisoners, immigration detention centres, men who have sex with men, the criminalisation of HIV transmission, injecting drug users, sex workers, asylum seekers and refugees, and children.**

The APPG AIDS will produce a report based on the evidence submitted by NGOs and Individuals and on a background report to be prepared by the UK AIDS and Human Rights Project.

We intend to hold 2-4 oral Parliamentary hearings in January-February 2007 with the aim of publishing our report including further recommendations for the Government by April 2007.

ALL-PARTY PARLIAMENTARY GROUP ON AIDS

Chair: Neil Gerrard MP

Vice-Chairs: David Borrow MP, Evan Harris MP, Sandra Gidley MP, Rt. Hon Francis Maude MP, Jeremy Hunt MP, Baroness Tonge, Baroness Northover, Rt Hon Sir Norman Fowler MP, Baroness Masham of Ilton

Finance Officer: Laura Moffatt MP **Patron:** Lord Kilmarnock **Policy Adviser:** Aviva Bresky



ALL-PARTY PARLIAMENTARY GROUP ON AIDS

How to submit written evidence

You have the following options to contribute to the Audit:

1. You can submit general written evidence which reflects your views and experiences on the issues under scrutiny.
2. You can use the questions provided as a guide (see attachment) to draft your written submission.
3. You can answer all or some of the questions provided below.

The deadline to submit written evidence is 15th November 2006.

Written evidence should:

- be electronically provided in MS Word or Rich Text format by e-mail to breskya@parliament.uk

A hard copy can be sent to Aviva Bresky, c/o Neil Gerrard MP, House of Commons, London, SW1A 0AA;

- have a covering letterhead containing full postal address and contact details;
- state clearly which area(s) are being addressed;
- include a brief introduction to the persons or organisations submitting written evidence (stating areas of expertise etc);
- be no more than 5000 words. Longer submissions should begin with a one page summary and have numbered paragraphs;

Supplementary material (leaflets, articles from periodicals, etc) may also be sent, but it is helpful if the memorandum itself is self-contained (summarising the main points made in the supplementary material if necessary).

Written evidence may be posted along with the report on the APPG AIDS and the UK AIDS and Human Rights Project websites following the hearings. If there are any difficulties regarding the publication of evidence this should be clearly stated by the person or organisation submitting the evidence. We are happy to print evidence without stating the source, but we will not accept anonymously provided evidence.

It would be helpful if people submitting written evidence could also indicate if they would be willing to give oral evidence to the APPG AIDS at the hearings in early 2007.

If you have any queries about submitting evidence or the type of information that we are looking for please contact Aviva Bresky, Policy Advisor to the APPG AIDS on 020 7219 6916 or breskya@parliament.uk

ALL-PARTY PARLIAMENTARY GROUP ON AIDS

Chair: Neil Gerrard MP

Vice-Chairs: David Borrow MP, Evan Harris MP, Sandra Gidley MP, Rt. Hon Francis Maude MP, Jeremy Hunt MP, Baroness Tonge, Baroness Northover, Rt Hon Sir Norman Fowler MP, Baroness Masham of Ilton

Finance Officer: Laura Moffatt MP **Patron:** Lord Kilmarnock **Policy Adviser:** Aviva Bresky



ALL-PARTY PARLIAMENTARY GROUP ON AIDS



The following questions can be used as a guide for your written submission. You can also answer all or any of the questions.

PART I: UK GOVERNMENT'S POLICIES AND LEGISLATION AND INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

1. To what extent do the UK Government's reservations from specific human rights treaties have an impact on human rights in the specific context of asylum and immigration (including the detention of children seeking asylum)? Please provide examples.
2. To what extent does the UK Government's policy and legislation on asylum and immigration (including detention, deportation and access to healthcare) comply with or contravene international human rights law? Please provide separate answers for adults in general, women, and children.
3. To what extent does the UK Government's policy and legislation on sex work comply with or contravene international human rights law?
4. To what extent does the UK Government's policy and legislation on injecting drug use comply with or contravene international human rights law?
5. To what extent is the UK Government fulfilling its international obligations in relation to prisoners' rights?

PART II: IMPACT OF THE HUMAN RIGHTS ACT

6. Do you think that the Human Rights Act has been effective in providing protection for the human rights of those affected by HIV? Please provide examples to explain your answer.
7. In your opinion, does the Human Rights Act adequately protect the rights of marginalised groups (such as sex workers, injecting drug users)?
8. In your opinion are there specific limitations of the Human Rights Act and could it be amended to offer greater protection for those living with, vulnerable to and affected by HIV?

ALL-PARTY PARLIAMENTARY GROUP ON AIDS

Chair: Neil Gerrard MP

Vice-Chairs: David Borrow MP, Evan Harris MP, Sandra Gidley MP, Rt. Hon Francis Maude MP, Jeremy Hunt MP, Baroness Tonge, Baroness Northover, Rt Hon Sir Norman Fowler MP, Baroness Masham of Ilton

Finance Officer: Laura Moffatt MP **Patron:** Lord Kilmarnock **Policy Adviser:** Aviva Bresky



ALL-PARTY PARLIAMENTARY GROUP ON AIDS

PART III: ENFORCEMENT OF HUMAN RIGHTS

9. Do you think that the UK has adequate legal channels to allow individuals to enforce their human rights and seek redress for human rights infringements?
10. Do you think that the future Commission for Equality and Human Rights will impact on how the government decides on policies? If so, please explain why.
11. Do you think that there is enough awareness around human rights in the UK?

ALL-PARTY PARLIAMENTARY GROUP ON AIDS

Chair: Neil Gerrard MP

Vice-Chairs: David Borrow MP, Evan Harris MP, Sandra Gidley MP, Rt. Hon Francis Maude MP, Jeremy Hunt MP, Baroness Tonge, Baroness Northover, Rt Hon Sir Norman Fowler MP, Baroness Masham of Ilton

Finance Officer: Laura Moffatt MP **Patron:** Lord Kilmarnock **Policy Adviser:** Aviva Bresky