



Human Rights and HIV&AIDS: Issues and Challenges

Realization of Human Rights and fundamental freedoms for all is essential to reduce vulnerability to HIV&AIDS. Respect for the rights of people living with HIV&AIDS drives an effective response. (Declaration of Commitment on HIV&AIDS, 2001).

By Elizaphan Ogechi

HIV&AIDS is now recognized both as a health and legal problem. Since it affects almost all aspects of our society, there is need to have legal measures to deal with the pandemic.

In the formative years of the epidemic, stigma and discrimination against PLWHAs or against those most vulnerable was high.

It is with this backdrop that in September 1996, the Second Human Rights meeting was convened by UNAIDS and the office of the UN High Commissioner for Human Rights. The consultations involved 35 experts from government voluntary bodies, AIDS Service Organizations, networks of People with AIDS, judges, academics and regional bodies and agencies.

The consultations developed International Guidelines on HIV&AIDS aimed to advance HIV&AIDS and Human rights issues generally at local, national and international levels.

The guidelines provide explicit benchmarks to implement and measure performance in developing an effective



Paralegals trained by KANCO discussing their experience of working with the Community

rights-based response to the epidemic. The emphasis in the guidelines is on governments as they are the responsible state parties under relevant international human rights instruments, but it is important to recognize that partnerships with other essential parts of society are crucial to an effective response to the epidemic. The guidelines on HIV&AIDS and Human rights clarify the obligations contained in existing human rights instruments, such as:

- The United Nations Charter;

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The HIV&AIDS pandemic has precipitated a legal and human rights crisis of not only national but also international proportions. The legal issues arising in the wake of HIV&AIDS are varied and far reaching even though this is not often fully appreciated.

Legal and human rights issues are fundamental in the fight against HIV&AIDS as they empower individuals and communities to respond to the pandemic effectively to reduce vulnerability to infection and lessen the adverse impact of HIV&AIDS. KANCO with financial support from International Humanistic Institute for Cooperation with Developing Countries (HIVOS) has been implementing a project aimed at addressing human rights challenges in the wake of the pandemic. The main goal of the project is to identify legal and human rights issues related to HIV&AIDS in Kenya and to strengthen the capacity of CBOs, NGOs and religious institutions to address the issues.

In this issue, key human rights, with specific examples of their specific applications as provided by UNAIDS has been discussed. Still the reasons why lack of human rights protection fuels the epidemic have also been examined.

PLWHAs often bore the blunt reality of human rights violations because of their status. Anna Mugambi, in the article *Protecting PLWHAs' Human Rights, A Prerequisite in Combating HIV&AIDS* has highlighted the need for protecting this vulnerable group.

Children are also prone to abuses because of predisposing factors associated with the virus. The scourge has led to millions of children who have no access to education and have to fend for themselves. They are forced to work long hours under hazardous conditions or to engage in unscrupulous behaviour to earn a living. The article *Children, HIV&AIDS and Human Rights* by Grace Njeru depicts the grim reality of children human rights abuses as a result of the HIV&AIDS impact.

This issue has highlighted the 2006 UNGASS feedback. Civil societies termed it a failure as no specific targets were set to combat the pandemic.

Barmaids represent a population at risk. Little has been done to address the plight of this group. However, the highlights from the 1st Conference on Bar Hostess is an eye-opener to what needs to be done for this group.

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- The Universal Declaration of Human Rights;
- The International Convention on Economic, Social and Cultural Rights;
- The International Convention on Civil and Political Rights;
- The Convention on the Elimination of All Forms of Discrimination Against Women;
- The Convention on the Rights of the Child;
- The Convention Against Torture, and other Cruel Inhuman or Degrading Treatment or Punishment; and Various International Labour Organizations Conventions and recommendations.

International human rights guidelines provide a coherent, normative framework for analysis of these HIV&AIDS problem. They also provide a legally binding foundation with procedural and other accountability mechanisms to address the societal basis of vulnerability and implementation of change.

A lack of human rights protection fuels the epidemic in at least three ways:

Discrimination increase the impact of the epidemic on PLWHAs and those presumed to be infected, as well their families and associates. For example, a person who is sacked from his or her job because of being HIV-positive is faced with many problems, including the extra economic burdens of health care, as well as providing for any dependent family.

People are more vulnerable to infection when their economic, social or cultural rights are not respected. For example, a refugee may be separated from former sources of support (such as family), and more likely to engage in activities which put his or her health at risk (such as unsafe sex); and

Where civil and political rights are not respected, and a freedom of speech and association is curtailed, it is difficult or impossible for civil society to respond effectively to the epidemic. In some countries peer education is hampered by laws that refuse official registration to

groups with certain memberships for example, sex worker). In these cases, a meeting of an NGO or community-based organizations with such a membership would be viewed as an illegal activity.

Key human rights, with specific examples of their specific applications as provided by UNAIDS

Indiscrimination and equality before the law: eliminating discrimination against PLWHAs in the areas of health care, employment, education, immigration, international travel, housing and social security.

Health: ensuring equal and adequate access to the means of prevention, treatment and care, such as for vulnerable populations with lower social and legal status (women and children).

Privacy of both information and physical, ensuring confidentiality of HIV test results, and prohibiting mandatory or compulsory testing.

Education and information: ensuring equal and adequate access to prevention education and information, such as targeted materials for ethnic minorities.

Freedom from inhuman: degrading treatment or punishment, e.g. prohibiting automatic isolation of HIV-positive prisoners.

Autonomy, liberty and security of the person: prohibiting HIV testing or research without informed consent, and prohibiting detention or quarantine solely on the basis of HIV status.

Sharing in scientific advancement and its benefits: ensuring equal and adequate access to a safe blood supply and universal infection control protocols and treatment drugs.

Work: e.g. prohibiting dismissal of staff solely on the basis of HIV status.

Freedom of expression, assembly and association: ensuring the participation of persons living with HIV&AIDS in the formulation, implementation and evaluation of policy.

Marry and found a family: prohibiting mandatory premarital testing, and coerced abortions or sterilizations.

Kenya HIV&AIDS and Human Rights Situation

As a member of the United National, Kenya is obliged to promote and encourage respect for human rights without state discrimination under the UN Charter. Kenya as a state have a duty to respect, protect and fulfill these human rights and fundamental freedoms within their own political, economic and cultural systems.

Legal Resource Foundation in their publication *HIV&AIDS and Human Rights in Kenya*, points the government's slow response in the enactment of HIV&AIDS legislations.

Between 1995-1997, the government sought to come up with a national policy to address the relationship been law and HIV&AIDS and the possibility of legislating to assist in combating the pandemic. The paper recognized the legal and ethical issues touching on HIV&AIDS that needed to be addressed to create an environment conducive to prevention and care.

A task force was appointed to provide a legislative framework to deal with the issues arising. It suggested the enactment of the HIV&AIDS prevention and control Bill which has taken too long to enact.

The broad objective of the Bill is "to provide measure for the management and control of HIV&AIDS, to provide for the protection and promotion of public Health, and for appropriate treatment, counseling, support and care for persons infected or at risk of HIV&AIDS.

However, despite the fact that the task force completed its work and presented its report in July 2002, the Bill was first published in September 2003. It has since been republished in 2004, 2005 and 2006. Further delays are still eminent as key recommendations and amendments from key stakeholders particularly the Civil society have not been incorporated in the draft Bill ready for debating before parliament.

HIV&AIDS, Women and Girls Human Rights in Africa

By Patrick Etori

Due to the devastating impact of HIV&AIDS pandemic, women and girls' rights are often violated. This is of deep concern that despite various interventions aimed at prevention, care, support and treatment of HIV&AIDS, the global pandemic continues to have a devastating impact on the lives of African women and girls.

Further, in spite of the disproportionate impact of the pandemic on women and girls, governments are yet to recognize the need of promoting and protecting women's and girls' human rights in all HIV&AIDS interventions.

Amidst all the assaults afflicted on women and girls in the society; that is: rape, marital rape, domestic violence, trafficking, harmful customary and traditional practices, violence and torture during conflict, forced marriages and early marriages, little has been done to practically address these challenges. These forms of violence take place at various places: homes, at work, in schools, in clinics and hospitals, at police stations and many other places and they are continuing and increasing at an alarming rate fuelling HIV infections amongst women and girls. However, recognizing that violence against women and girls is a key driver of increased risk and vulnerability to HIV infection, the international humanitarian organizations and groups are struggling to address the plight of these groups.

Many African women including HIV positive women, women's rights activists, feminists, scholars, professionals, community workers and policy makers from the African continent have taken concern in participating in the African Women's Consultation on Women's and Rights and HIV&AIDS.

We have to realize that unequal power relations between women and men result in the inability of many African women and girls to negotiate safe and pleasurable sex. Notably, women living under conflict communities and zones of armed conflict face peculiar and heightened risks of HIV infection as a result of violence, sexual crimes and torture perpetrated against women and girls, in war and emergency situations.

As refugees and internally displaced persons, women and girls are faced with extremely limited protection of their human rights. In

addition, women's low socio-economic status, lack of access to and control over empowering and emancipating resources such as land and property increases women's and girls' vulnerability. Dehumanizing cultural norms, beliefs and practices that undermine women's and girls' emotional, spiritual and psychological well being, choices and agency, bodily integrity and self esteem and still increases their vulnerability.

Noting with grave concern, little investment has been made in securing women's and girls' sexual and reproductive health rights in the context of a pandemic. It is of great concern that we need to increase investments at the national and international level in provision of HIV&AIDS information, prevention of new infections, treatment and care and increased legal litigations.

Great commitments by heads of state and government, need to be practically implemented. It is of great concern that women's human rights, and in particular ; the Convention on Elimination of all Forms of Discrimination Against Women (CEDAW) of 1979; Vienna Declaration on Human Rights (1993); International Conference on Population and Development (ICPD Plan of Action) of 1994; Beijing Declaration and Platform for Action (1995), All the African Regional Conferences on Women; The Millennium Declaration (2000); Protocol to the African Charter on the Rights of Women in Africa (2003); Solemn Declaration on Gender Equality in Africa (2004) amongst others are being slowly bearing fruits.

On the contrary, we have to acknowledge that limited progress has been made in the response to AIDS at global and national levels in respect to raising resources and extending access to services for those in need. It is therefore a high time that deep concern need to be taken for the various commitments to action. We need to the provide resources and the promotion and protection of the human rights as we combat HIV&AIDS.

Just like any other aspect in the country's economy can be attended with urgency, there is a critical need to move from rhetoric to action, and all African heads of state and government and other relevant stakeholders should take part, if we are to see a major change in the spread of the HIV&AIDS pandemic and its increasing and alarming feminization.

Great commitments by heads of state and government, need to be practically implemented to address the challenges faced by women and young girls.

Embrace ICTs: Kenyan Community Service Organizations Urged

Kenyan Civil Societies have been urged to embrace Information and Communication Technologies (ICTs) in all their programmes.

Speaking during KANCO national networking meeting held on 13th July 2006 at AMREF Training Centre, Allan Ragi, emphasized the need for CSOs to develop systems and capabilities of implementing quality ICT systems in their organizations.

“Although development partners often dictate on areas of implementation, there is need for Civil Societies to demand the need for ICTs in their programmes. There is no way we can network and combat HIV&AIDS unless we embrace ICTs in our activities”, he noted.

To this end, KANCO with financial support from United Nations Development Programme (UNDP) has embarked on training communities at grassroots on ICTs. Representatives of KANCO member organizations in Kenya are currently being trained on the basics of computing.

During the meeting, a taskforce of organizations interested in HIV&AIDS interventions on persons with disabilities was formed. The organizations will work closely with the KANCO policy department to advocate and lobby support for persons with disabilities. Members also called for persons with disabilities representation in the Kenya Global Fund governance.

On HIV&AIDS Prevention and Control Bill, the members were informed of the latest development in the enactment of the Bill. It was good news that the Parliamentary Health Committee breakfast meeting with Civil society stakeholders on 13th July, 2006 at the Panafric Hotel will facilitate the inclusion of Civil Society stakeholders amendments to the Bill which will be likely debated on before the end of the year. However, members were urged to push their respective MPs to support the much awaited HIV&AIDS Bill.

Members were also informed of the latest development in the Kenya Global Fund governance. It was noted that Kenyans will wait a little longer before approval of \$70 million for second phase of Kenya's HIV grant. Proposals for Round six are being processed and results will be out before the end of the year. Global Fund is the largest international financier of efforts to control malaria and tuberculosis and ranks among the top three funders of AIDS programs, making up 20 percent of international assistance.

The need to lobby for aligning prevention and treatment to ensure comprehensive response to HIV&AIDS was stressed. If effective prevention and treatment are scaled up jointly, the benefits, both in terms of new HIV infections and deaths will be averted. Consequently, successful HIV treatment can create



a more effective environment for HIV prevention. Second, intensified HIV prevention is needed to make AIDS treatment affordable and sustainable; and sustained progress in the response against AIDS will only be attained by intensifying HIV prevention and treatment simultaneously. In Sub-Saharan Africa, a comprehensive prevention and treatment package would avert 55% of the new infections that otherwise could be expected to occur until 2020.

National HIV&AIDS strategies were also focused on. Members were encouraged to familiarize themselves with national HIV&AIDS documents such as: *AIDS in Kenya 7ed. Trends Interventions and Impact* and the *Kenya National HIV&AIDS Strategic Plan (2005/6-2009/10)*. Already copies of these copies have been distributed to 850 KANCO members.

The national networking meeting aims to strengthen linkages among Kenyan Community Based Organization, Faith-Based Organizations, NGOs, Research and Learning institutions that have interest in HIV&AIDS response throughout the country. It is an avenue of sharing experiences, challenges and lessons learnt in implementation of HIV&AIDS programs at community grass root levels.

KANCO members participating in ICT training in Mombasa on June 2006

In Sub-Saharan Africa, a comprehensive prevention and treatment package would avert 55% of the new infections that otherwise could be expected to occur until 2020.

Protecting PLWHAs' Human Rights, A Prerequisite in Combating HIV&AIDS

By Anna Mugambi

Protecting human rights means supporting and defending people whose rights are threatened or abused, remedying and compensating for abuses when they occur and working to change the conditions of poverty, powerlessness and dependence that make people vulnerable to abuse of their rights

Promoting human rights in the context of HIV&AIDS means encouraging people to respect each other's rights; the government making sure that education and access to health care are available to everyone; educating people to help them overcome the fears, ignorance and prejudices that lead them to abuse the rights of others; holding the government accountable to the Human Right treaties it has signed (Convention of Elimination of Discrimination against women – CEDAW; Convention on the Rights of the Child – CRC. By signing these, Kenya has declared itself accountable to the principles of the Universal Declaration of Human Rights) and advocating with the government to ensure the UN guidelines on HIV&AIDS and Human Rights are followed

The role of human rights abuse in the spread of HIV&AIDS is not in doubt. Human rights are rights accruing to every human being by virtue of their humanity. They are universal, indivisible, inter-dependent and inter-related. Thus the abuse of one right eventually leads to the abuse of other rights. The abuse of human rights has a direct impact on the progress of HIV&AIDS in the society. Not only does it increase vulnerability, but worse still, it increases the adverse effects of the infection as it determines societal response to patients.

There exists a dangerous association between HIV&AIDS and human rights abuse. This is evident in the fact that

while human rights abuse is capable of increasing vulnerability to HIV infection, the presence of HIV&AIDS increases vulnerability to human rights abuse. This explains the consistent trend that the groups of people who generally face discrimination make up the bulk of People Living with HIV&AIDS (PLWHAs). They include women, children, prisoners, sex workers and the poor amongst others.

The protection and promotion of human rights is necessary both to the protection of the inherent dignity of persons affected by HIV&AIDS and to the achievement of the public health goals of reducing vulnerability to HIV infection, lessening the adverse impact of HIV&AIDS on those affected and empowering individuals and communities to respond to HIV&AIDS. One of the aspects of the linkage between the protection of human rights and effective HIV&AIDS programmes is apparent in the fact that HIV&AIDS is disproportionately high among some populations, that is, among groups who already suffer from a lack of human rights protection from discrimination or marginalized by their legal status.

A major problem that we have to deal with in this regards is as a society, we do not treat PLWHAs like any other people who are faced with ill health. Since the mid 1980s, it has been evident that discrimination, stigmatisation and denial are still very serious problems in our society. What is even worrying and disturbing is that, while the society stigmatises PLWHAs, and considers them as "immoral individuals", the tendency for faith based organizations to exclude such individuals on the basis of theology of sin even aggravates the situation.

It is a widely acknowledged fact that people living with HIV&AIDS and those affected by it will not seek any of the existing services such as voluntary counselling and testing or treatment and support services if it puts them at the risk of stigma, discrimination, lack of confidentiality and such other negative consequences. Discrimination prevents those most in need of care and support from receiving services.

A human rights approach to HIV&AIDS, as outlined in the International Guidelines on HIV&AIDS and Human Rights, is the most effective approach both in terms of human rights and public health. Some obvious abused rights include the human rights of privacy, dignity, establishment of a family and above all the human right to life.

The United Nations Commission on Human Rights in its resolutions has declared that the term "other status" in various international human rights instruments should be interpreted to cover health status, including HIV&AIDS. The commission has further affirmed that discrimination on the

Promoting human rights in the context of HIV&AIDS means encouraging people to respect each other's rights;

basis of HIV status, actual or presumed is prohibited by existing human rights standards and thus any discrimination against PLWHAs solely on the basis of their status is a violation of their human rights.

The promotion of human rights is essential to safeguard human dignity in the context of HIV&AIDS and to ensure effective, rights based response to HIV&AIDS. Such response requires the implementation of all human rights and fundamental freedoms of all people in accordance with existing international human rights standards. Public health interests do in general not conflict with human rights. On the contrary, it has been recognised that when human rights are protected, fewer people become infected and those living with HIV&AIDS and their families can better cope with their condition. People living with HIV&AIDS should enjoy all their human rights irrespective of their status.

People living with HIV&AIDS have rights that must be honoured by society and governments. As citizens of their countries and the world, PLWHAs have responsibilities that accompany these rights. These rights and responsibilities are rooted in a strong sense of social justice, individual and collective responsibility, and the principles of effective public health. These interlocking rights and responsibilities should serve as the basis of a new social contract on HIV&AIDS that honours the spirit and lives of the millions of men and women living with HIV&AIDS.

PLWHAs have the right to live free from discrimination of all kinds in all aspects of their lives. All people must be free from discrimination based on HIV status, race/ethnicity, culture, age, sex, gender identity, sexual orientation, religious belief, disability, socio-economic status, immigration status, incarceration history, addiction or recovery status, or other criteria. Protection against discrimination must extend to all aspects of PLWHAs lives, including (but not limited to) employment, housing, public accommodation, education, health care, insurance, criminal justice, and legal services. PLWHAs have the right to expect that governments and society will aggressively take the steps necessary to prevent and correct such discrimination.

Evolution of Kenya HIV&AIDS Legislations: Fact files

- 1984: First diagnosis of HIV&AIDS in Kenya. HIV&AIDS dealt as an health problem.
- 1984-1987: HIV&AIDS regarded as an epidemic but not a pandemic. Discussions of HIV&AIDS by the media was highly sensational and stigmatized. The government created the National AIDS Committee(NACC).
- 1987-1991: Government launched the five-year Medium Term Plan (MTPI) which focused on the blood Safety, mass awareness creation, promotion of safer sex and control of STDs. The National Guidelines were developed to help in prevention and reduction of infection and in ensuring blood safety. NASCOP began to reach out to the general public, which was starting to be confused by different views on HIV&AIDS.
- 1988-1991: The government recognized HIV&AIDS situation and acknowledged it as a key public health problem.
- 1999: The National HIV&AIDS Surveillance system was put in place to provide information to policy makers and programme planners for action.
- 1992-95: 1st HIV Surveillance data released in 1992. HIV was not only confined to health sector but also to other sectors.
- 1997: Sessional Paper No.4 of 1997 AIDS in Kenya, recommended two key strategies namely; prevention of transmissions and reduction of impact in society.
- 1999: Declaration of HIV&AIDS as a National Disaster and the formation of the National AIDS Control Council (NACC) by President Daniel Arap Moi on 26th November 1999. This provided the begging of a stronger co-ordination mechanism to tap the full potential of all sectors. Mobilization of all sectors begun to be felt.
- 2001: Attorney General established the Taskforce on Legal issues Relating to HIV&AIDS, through Gazette Notice No. 4015 of 22nd June 2001.
- 2002: Release of the Report of the Task force report on legal issues relating to HIV&AIDS.
- 2003: HIV&AIDS Prevention and Control Bill was first Published in September 2003.
- 2004-2006: The republished HIV&AIDS Prevention and Control Bill is yet to be enacted into law. The broad objective of the Bill is to *“to provide for the management and control of HIV&AIDS, to provide for the protection and promotion of Public Health, and for appropriate treatment, counseling, support and care for persons infected or at risk of HIV&AIDS infection”*.

Children, HIV&AIDS and Human Rights

By Grace Njeru

When discussing the issue of violence and human right abuse, we often overlook the fact that the worst form of violence and abuse is inflicted against the members of society least able to protect themselves—children in school, in orphanages, on the street, in refugee camps in fields and factories.

Unfortunately, the violence against children is most often perpetrated by the very individuals charged with their safety and well being. The HIV&AIDS scourge has led to disintegration of systems that existed to protect children leading to escalating cases of abuse of orphans and vulnerable children.

The scourge has led to millions of children who have no access to education and have to fend for themselves. They are forced to work long hours under hazardous conditions or to engage in unscrupulous behaviour to earn a living. For those who are taken into centres or orphanages, they are sometimes forced to endure inhumane conditions and daily assaults on their dignity.

In Kenya, children face many human rights abuses through most stages in life. The abuses range from sexual abuses and violence to coercion, discrimination including denial of inheritance rights. Others that expose especially the girls to the HIV&AIDS virus include early marriages and female genital mutilation. Further, the increase in child headed households has led into an increase of child labour. Many children are also engaging in commercial sex work and others are living in the streets where they are exposed to all forms of abuse.

Due to increasing poverty levels, very few people are willing to take up more children. Moreover, those who do so rarely have the



best interests of the children at heart and they end up disinheriting the children of land or property that has been left behind. The relatives who are also expected to take care of these children end up using them and denying them basic rights such as education and subjecting them to all forms of abuse. The children opt to live in streets or indulge in other negative social activities such as drug abuse and prostitution.

The abuses persist because children have few mechanisms for reporting violence and other human rights violations. They may be reluctant to speak out for fear of reprisals. Further, the society views children as being passive and their complaints are often not taken seriously. Even when children do make reports or abuse is exposed, perpetrators are rarely investigated or prosecuted. Those in a position to take action may be complicit in the abuse, reluctant to discipline or prosecute a colleague, or fearful of negative publicity. Adults who witness abuse by their own colleagues and attempt to report it may be fired for speaking up.

The law makes it hard for children to access justice. On issues of inheritance, children have little say. To access property, children need someone to seek a letter of administration on their behalf and also documents of identification. This becomes a barrier as most children do not have these documents and cannot even access them. Even for children who have parents or guardians, the high cost of legal representation and the poverty in which the majority of Kenyans live hinders them from seeking legal arbitration.

United Nations set a common standard on human rights with the adoption of the Universal Declaration of Human Rights in 1948. The declaration gives great moral weight to the fundamental principle that all human beings, rich and poor, strong and weak, male and female, of all races and religions, are to be treated equally and with respect for their natural worth as human beings and this includes children. As part of the framework of human rights law, all human rights are indivisible, interrelated and interdependent. Understanding this framework is important to promoting, protecting and realizing children's rights because the Convention on the Rights of the Child—and the rights and duties contained in it—are part of the framework.

Protection of children, especially orphans and vulnerable children

"In Kenya, children face many human rights abuses through most stages in life."

You Must now Know that Participation is a Children's Right

By Melania Trejo, (UNV-KANCO)

There are 3 articles addressing participation under the UN Convention on the Rights of the Child. These rights recognize that children should be enabled to play an active role in decisions affecting their own lives, in their communities and societies in preparation for responsible adulthood.

Participation is about having the opportunity to express a view, influencing decision-making and achieving change.

Children's participation is an informed and willing involvement of all children, including the most marginalized and those of different ages and abilities, in any matter concerning them either directly or indirectly. Children's participation is a way of working and an essential principle that cuts across all programmes and takes place in all arenas - from homes to government, from local to international levels. (Save the Children Canada: What we do Child Participation).

The way forward: Children as agents of change

Lets all empower children!! They can be effective actors in the development process at different levels. "When children are given an appropriate

Article 12: The child's opinion: The child has the right to express an opinion, and to have that opinion taken into account, in any matter or procedure affecting the child, in accordance with his or her age and maturity.

Article 13: Freedom of expression: The child has the right to obtain and make known information, and to express his or her own views, unless this would violate the rights of others.

Article 15: Freedom of association: The child has the right to meet with others and to join or set up associations, unless the fact of doing so would violate the rights of others.

way to participate in adult decisions and actions, those decisions and actions tend to be more positive, more creative, more energetic, and more fruitful", Carol Bellamy, UNICEF

A common barrier is the thought that empowering children promotes anarchy or disrespect for authority, or undermining parental authority but on the opposite, many examples show how a generation of young people empowered and aware about their own rights and responsibilities is more respectful and concerned about their rights and the rights of others. (UNICEF annual report, 2003).

Governments, community leaders, school teachers, parents and society in general must make sure that their laws, initiatives and programmes promote children's participation under a rights based approach. Making this possible will require, in the first instance, tackling exclusion by making children visible, attending their needs and listening to what they have to say. There are thousands of people and organizations working on behalf of children all around the world and many successful approaches, methodologies and networks promoting children's participation.

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is stipulated in a number of human rights instruments such as the International Covenant on Civil and Political rights (ICCPR) and United Nations Convention on the Rights of Children (UNCRC). Article 24 of the ICCPR guarantees the right of the child "to such measures of protection as are required by his status as a minor.

Protection of all children against "all forms of physical or mental violence, Injury or abuse, neglect or negligent treatment, maltreatment or exploitation including sexual abuse" is guaranteed in article 19 of the UNCRC. Article 20 ensures "special protection and assistance for a child temporarily or permanently deprived of his or her environment" including "alternative care for such a child. Article 3(2) provides that a child has the right to "such protection and care as is necessary for his or her well being." Article 32 guarantees the rights of the child to be protected from " economic exploitation and from performing

any work that is likely to be hazardous or to interfere with the child's education, or be harmful to the child's health, mental spiritual, moral or social development." Moreover article 12 guarantees the right of children to have the opportunity to be heard in all matters affecting them, particularly in any judicial or administrative proceedings affecting them.

Overlooking these rights of children impacts on medium term and long term economic and human development in our country. It is therefore imperative that strategies are put in place to ensure that the rights of children are not infringed upon and that all stakeholders are involved in supporting all children. National legislation should be developed to enforce inheritance rights of children to help in addressing the issue of the escalating street children population and reduce the practice of young girls engaging in sex to gain security and shelter, which puts them at a risk of being infected with HIV. Moreover, governments must take stronger action to implement the convention's provisions and fulfill their promises to the children of the world, thus creating a " World Fit for Children."

International AIDS Society: UNGASS Declaration Fails to Deliver Needed Commitments on HIV&AIDS

Geneva, Switzerland, 7th June 2006

The political declaration of the 2006 High-Level Meeting on AIDS (UNGASS) failed to establish concrete commitments to strengthen the response to the epidemic and adequately address the needs of HIV professionals, according to Helene Gayle, President of the International AIDS Society (IAS).

Dr. Gayle noted that, despite intensive input from the large numbers of civil society representatives at UNGASS, including the IAS, member states refused to put in place new targets aimed at expanding treatment, prevention and care services, and strengthening the health care workforce needed to deliver them.

"It is very disappointing that, while the need to strengthen and expand health care systems is recognized in the document, there are no concrete, measurable targets for countries and donors to aim for to achieve this goal."

Scaling up to universal access in treatment, prevention and care can only happen if the critical shortage of health care workers and other HIV professionals is addressed. The declaration also failed to provide any timelines or targets on training, remuneration and innovative approaches to leveraging health human resources to respond to the epidemic, such as task-shifting and strengthening community-based care delivery. As such, it will be seen as a failure by those of us who recognize that unless human resource shortages are addressed, we can never achieve universal access.

Ensuring that scientifically-proven, evidence-based approaches to HIV&AIDS care, treatment and prevention were reflected in the document also proved contentious. Where evidence-based interventions were referenced, they were often introduced by language that weakens their impact, such as the need to take into account "local circumstances, ethics and cultural values" when delivering programmes.

"Twenty-five years into this epidemic we should be able to state clearly and unambiguously which interventions work, and which communities are most vulnerable to HIV infection," said Dr Gayle. There is no reference to the need for substitution therapy in the declaration, despite many areas of the world where drugs such as methadone and buprenorphine are desperately needed to reduce opiate dependency and stem the tide of the epidemic among injecting drug

users. In fact, even identifying populations at high risk for HIV infection such as injecting drug users, sex workers and men who have sex with men, was not included, with a number of member states unwilling to reference them in the text.

Dr Gayle reinforced the need to learn from communities most at risk to HIV in delivering prevention, care and treatment programmes. "It is difficult but absolutely essential to talk about sexual behavior and drug use when we are talking about the drivers of this epidemic and the interventions that can have an impact; we cannot do that without being forthright about the communities and populations most vulnerable to HIV infection."

The IAS is the world's leading independent association of HIV professionals, with more than 7,000 members from 153 countries. The IAS is a non-profit organization founded in 1988, and acts as an independent voice in the global response to AIDS on behalf of its members. The IAS is the custodian of the International AIDS Conferences, the paramount gathering of all disciplines in HIV&AIDS, held every two years, and organizes the successful IAS Conference on HIV Pathogenesis, Treatment and Prevention.

"It is very disappointing that, ... no concrete, measurable targets for countries and donors (were made)."

Lets Recognize Herbal Medicine in HIV&AIDS Interventions

Lack of funding remains one of the challenges affecting research development in herbal medicine despite its increasing popularity as a treatment option for Opportunistic infections in Kenya.

According to Mr. Abduliladir Juma Ali of Kenya Traditional and Spiritual Healers Association, herbal traditional medicine plays a key role in treating HIV&AIDS opportunistic infections. "Despite governments zero rating of ARVs (in public hospitals), most PLWHAs opt for herbal ingredients to boost their immune response." Notes Mr. Ali.

However, lack of funding remains one of the challenges in meeting the goals of the association. Still, in Kenya, however, the role played by the herbalists is little appreciated by the government. Herbal medicine is often viewed with suspicion from both the government and international funding agencies.

As a coordinating agency, Kenya Traditional and Spiritual Healers Association aims to assist its members in operational problems, encouraging professionalism, through seminars, workshops in modern hygienic methods of preparing, storing and dispensing of herbs.

The government should appreciate and recognize the role played by herbal medicine in combating HIV&AIDS. This can be done through increased funding to herbal medicine practitioners, training and provision of research facilities to these institutions.

Lets Address Human Rights Abuse in Bars

By Elizaphan Ogechi

Little has been done to address violation of human rights among barmaids in the country.

This was revealed during the 1st National Bar Hostess Conference on HIV&AID in Kenya held on 10th -11th August 2006 at the City Hall Conference Nairobi, Kenya.

Participants during the event, Jane Wanjiku and Jancinta Wangari both of Unit Pub in Ongata Rongai pointed brunt abuse of their rights in the course of their work.

"We are paid so meager, we are often abused and even beaten by our clients because we lack concrete legal mechanism to respond to. Often when we report our abuses to the Police they consider our cases as petty and abuse us "Malaya" (a derogatory term for commercial sex workers) ." Said Wanjiku.

She also added that majority of general public associate bar hostess as an immoral profession, a perception which is totally wrong.

"We have societal obligations just like any other person. We have families, we have children and we do our work to feed and fend our families". Pointed Wanjiku.

Those interviewed during the event noted that financial problems remain a challenge to bar hostess community. Those in the profession are often underpaid despite the constrains and challenges associated with their job. The



Participants Jane Wanjiku and Jancinta Wangari during the 1st National Bar Hostess Conference

Ministry of labour has not come out clearly to define these abuses particularly on payment.

What is now needed is increased support and respect of those working in bars. We should support them through provision of microfinance to help them start income generating activities to substantiate their meager salaries. We should also increase the capacity of those in the bar industry to address the challenges faced by HIV&AIDS since they are highly vulnerable and often at risk of HIV&AIDS infections.

The conference with the theme *Empowering Bar Hostess to Fight HIV&AIDS* aimed at creating public interest and awareness on the rights of bar hostess and commercial sex workers in Kenya and address stigma and discrimination against vulnerable women. It also aimed to develop a manual to advice HIV&AIDS workplace management policy among bar hostesses and a manifesto on the same. It was also anticipated that the outcome of the conference will help in the formation of a National Bar Hostess Rights Network to address issues affecting bar hostess community. The conference was organized by Kenya Bar Hostess AIDS Programme.

Upcoming HIV&AIDS Conferences

World AIDS DAY-CHINA, 2006

1 to 3 December 2006

Tianjin TEDA Convention Center, Tianjin, China

Website: <http://www.aidsday2006.org>

Contact name: Emily Liu

World Aids Day-China, 2006(WADC, 2006), which will be held during December 1-3 in Tianjin, China. This is a technological, commonwealth, benevolent campaign as an echo to global anti- HIV&AIDS action.

Organized by: World High Technology Society

Deadline for abstracts/proposals: 15 October 2006

(Check the event website for latest details.)

7th Canadian Immunization Conference -

Celebrating Immunization in Canada

3 to 6 December 2006

Winnipeg,, Manitoba, Canada .Website: <http://www.phac-aspc.gc.ca/cnic-ccni/index.html>

Contact name: Conference Coordinator

Deadline for abstracts/proposals: Not available.

(Check the event website for latest details.)

McGill Model United Nations

25 to 28 January 2007

Montreal, Other . Website: <http://www.mcmun.org>

Bringing together over 1300 students from around the world, McMUN is one of Canada's premier collegiate International Relations conferences. To find out more information, please email chargee@mcmun.org
Organized by: IRSAM, Inc.
Deadline for abstracts/proposals: Not available.
(Check the event website for latest details.)

The 2nd World Congress on Gender-Specific Medicine

8 to 11 March 2007

Rome, Italy Website: <http://www.gendermedicine.com>

Contact name: Ms. Michal Pink

This Congress will present new frontiers in healthcare based on the biological, physiological pathological and therapeutic differences between women and men.

Deadline for abstracts/proposals: Not available.
(Check the event website for latest details.)

See also : www.kanco.org

Abstracts

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Policy paralysis: a call for action on HIV&AIDS-related human rights abuses against women and girls in Africa: published by Human rights watch, 2003

The toll on women and girls is beyond human imagination; it presents Africa and the world with a practical and moral challenge which places gender at the centre of human condition. This document addresses a range of human rights abuses against women and girls that is fueling HIV&AIDS in Africa. The publication also discusses issues pertaining abuses targeting girls, risks facing women and girls in long-term unions, the effects of susceptibility to HIV&AIDS of discrimination in property and inheritance rights and discrimination in access to basic health information and services. The author concludes by calling upon the African governments and donors to begin protecting the rights of an African women and girls as a central strategy in the fight against HIV&AIDS.

HIV&AIDS and Human Rights in Kenya: Published by Legal Resources Foundation (LRF), 2004

HIV&AIDS continues to be a problem that plagues our economy extensively. However, various strategies have been put into place to address the rights of HIV&AIDS in the society. This 57-page booklet is a combination of the English version and the Kiswahili version (**UKIMWI NA HAKI ZA KIBINADAMU NCHINI KENYA**). It recognizes that HIV&AIDS is not only a health issue but also a legal, developmental and national issue and that a lot needs to be done to ensure that all people are involved in the prevention and management. This booklet calls for people to join hands in the fight against the pandemic because inadequate information leads to increased transmission. In addition, it calls for respect of individual rights which will raise awareness to assist in the fight against HIV&AIDS.

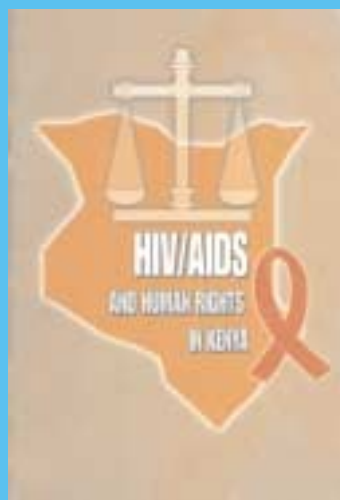
Declaration of Commitment on HIV&AIDS: Published by the United Nations General Assembly Special Session on HIV&AIDS, 2001

For many decades, nations, agencies, organizations and individual initiatives have tried to join hands in the fight against HIV&AIDS. However, it is a call for the whole world to unite and work as one in the fight for Human rights and HIV&AIDS elimination. This 47-page publication tries to bring into focus the need for HIV&AIDS and Human Rights knowledge which is a straight way in which people join hands to eliminate HIV&AIDS. In addition, the book fosters for engagement of governments in mobilizing citizens with an aim of signaling emergence of a response to HIV&AIDS. Consequently, more emphasis is put on the fight for human rights as a way of enlightening the suppressed about their HIV&AIDS rights.

The state of the World's Children: Excluded and Invisible. Published by UNICEF, 2006

For many years, the world, through United Nations Children Fund (UNICEF) has tried to fight for the right of the child. This 143-page publication highlights the state of world's children. It gives preference to children who have been ignored and side-lined for many decades. It gives more priority to children without adequate access of education, to life-saving vaccines and protection. Also, this report sheds light to a world

that is often hidden, neglected and abused- a world of vulnerable and exclusion, and therefore calls for everybody to speak up for the rights of the child and act on behalf of those who need our protection- the child and environment for children.



Partner

Relevant Websites

www.aidsalliance.org
www.federalfundingsources.com
www.fhi.org

www.fundraising-for-free.com
www.globalfundforwomen.org
www.grant-rating.com

www.aidandtrade.org
www.theglobalfund.org
www.unaids.org
www.usaid.gov