

**SOUTH ASIAN VIDEO CONFERENCE REPORT
HIV-RELATED LEGAL SERVICES**

**New Delhi, India
Colombo, Sri Lanka
Kathmandu, Nepal
Dhaka, Bangladesh**

31 January 2012

Acknowledgements

This report was prepared by Ms Naomi Burke-Shyne, IDLO Legal Officer Asia Pacific Region with support from Mr Shiva Lal Acharya, HIV and human rights consultant.

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1. Executive Summary

In June 2011 IDLO partnered with the World Bank to strengthen the legal enabling environment in South Asia. This included three components: (i) support for a regional consultation on HIV and law, (ii) a four country video conference on HIV-related legal services, and (iii) support for HIV-related legal services in Nepal.

This report summarizes the outcomes and themes of the South Asian Video Conference, component (ii) above.

The South Asian video conference was held on 13 December 2011 via World Bank/Global Development Learning Network video conference sites in New Delhi, Colombo, Kathmandu and Dhaka. The video conference brought together 51 lawyers, community representatives and stakeholders engaged in HIV-related legal aid services and rights-based initiatives focusing on people living with HIV (PLHIV) and key populations at higher risk of contracting HIV (key populations).¹

Participants highlighted the following key themes during the video conference:

- HIV-related legal services must be more sustainable.
- HIV-related legal services must be client centered, accessible and client driven.
- Participants reported insufficient coverage of general legal aid services across the region and limited specialized HIV-related legal services. Legal services tended to be urban centered and resource poor. Participants called for scale up of HIV-related legal services and capacity building initiatives for lawyers.
- Linkages between law and justice sector bodies must be strengthened.
- Lawyers emphasized the substantial influence of public interest litigation on society and the role it played in strengthening the legal enabling environment.
- Lawyers illustrated practical successes in mediating disputes, supporting clients in informal settings (out of court) and empowering communities with knowledge of their rights.
- Widespread stigma and discrimination from broader society still represents a significant impediment to the response to HIV.

The video conference running order is listed at **Annex 1**.

2. Background

In 2009 IDLO initiated the HIV and Health Law Program 2009-2012, with IDLO core funds and financial support from the OPEC Fund for International Development (OFID). The program goal is to protect and promote health through law by improving the legal and policy environment (laws, policies, practices, implementation).

In March 2011, IDLO conducted a needs assessment in Nepal, to:

- a) identify the legal needs of PLHIV and key populations;
- b) identify existing HIV related legal services; and
- c) investigate gaps in existing legal services.

The Needs Assessment indicated that while a number of organizations and lawyers provide legal aid services, the services are constrained by resources (human and financial), poorly coordinated and largely unavailable outside

¹ The term key populations encompasses men who have sex with men, transgender people, sex workers, vulnerable women and people who use drugs.

Kathmandu Valley.² Also apparent was the fact that PLHIV and key populations lacked awareness of their rights.

In June 2011 IDLO partnered with the World Bank to strengthen the enabling legal environment in South Asia. This included three components: (i) support for a regional consultation on HIV and law, (ii) a four country video conference on HIV-related legal services, and (iii) support for HIV-related legal services in Nepal.

3. Project Goal

To strengthen the enabling legal environment for the response to HIV in South Asia.

4. Video Conference Objectives

The objectives of the video conference were to:

- a) share lessons learned in the legal response to HIV focusing specifically on lessons learned in the delivery of legal services for PLHIV and key populations (HIV-related legal services);
- b) strengthen understanding of regional and international best practice in the delivery of HIV-related legal services; and
- c) support referral networks and ongoing sharing between legal professionals and advocates from positive communities and key populations.

5. Participants

The South Asian video conference was held on 13 December 2011 via World Bank/Global Development Learning Network video conference sites in New Delhi, Colombo, Kathmandu and Dhaka. The video conference brought together 51 lawyers, community representatives and stakeholders. The video conference specifically targeted legal professionals and advocates engaged in the delivery of HIV-related legal services and/or initiatives supporting the legal enabling environment; and civil society leaders and advocates from the positive communities and key populations.

Participants are listed at **Annex 2**.

6. Key Concepts

HIV-related Legal Services

The term 'HIV-related legal services' encompasses legal information or referral, advice or representation for HIV-related legal issues.

- Legal information - information about legal rights can be provided to individuals in person (for example through a one-on-one client-lawyer discussion or through group 'know your rights' or legal literacy sessions), in pamphlets, by telephone, or via the internet.
- Legal advice - Legal advice is usually provided to individuals by a lawyer. Legal advice pertains to a specific legal issue, defence or claim and may include recommendations. In some cases a paralegal provides broader legal information but reverts to a lawyer for legal advice.
- Legal representation - Representation may include written and oral advocacy, negotiation of disputes and preparation of documents. It can

² <http://www.idlo.int/Publications/NEPALNeedsAssessment2011.pdf>

take place in a range of formal and informal settings, including litigation (courts), settlement, conciliation, arbitration and mediation. Alternative dispute resolution such as arbitration, conciliation and mediation is often cheaper, faster and simpler than going to court.³

HIV-related Legal Issues

HIV-related legal issues are legal issues which impact upon a person's vulnerability to HIV or their HIV status. This term is intended to be broad and inclusive.

7. Video Conference Structure

The video conference was divided into two focus areas.

Focus area one covered different models and approaches to delivering legal aid and legal services, specifically:

- a) innovative and effective ways to provide and sustain legal services (including through government, non government legal clinics and broader community and service centers);
- b) the different ways ensuring accessibility and sensitivity of legal services; and
- c) the principles underpinning legal service models

The second focus area involved analysis of case studies that have effectively promoted and/or protected the rights of PLHIV and key populations. Participants shared groundbreaking public interest litigation as well as mechanisms and initiatives designed to improve access to justice or improve coordination between law and justice sector actors.

The video conference Event Description is listed at **Annex 3**.

8. Discussion and Key Themes

Focus Area 1: Models and Approaches to Delivering Legal Aid Services

India – Indian participants described different service delivery models varying from general non-governmental legal aid clinics, in-house lawyers at community organizations or service centers, legal outreach at healthcare sector clinics and /or hospitals, specialized government legal aid clinics and specialized NGO legal aid service providers.⁴ In India, legal aid services appeared to be well connected with communities or community led.

Participants stated that despite the number of access points to HIV-related legal services across India, greater coverage was required in order to strengthen the enabling legal environment and to effectively boost the response to HIV. Participants also advocated for capacity building initiatives for lawyers.

Indian legal aid service providers generally also conducted policy and advocacy initiatives, community legal empowerment or community legal information programs.

³ IDLO supports and implements HIV-related legal services in accordance with the collaboratively developed approach to HIV-related legal services, as set out in the *Toolkit: Scaling Up HIV-related Legal Services*, 2009, IDLO, UNDP, UNAIDS. The Toolkit builds on the *UNAIDS Guidance Note: Addressing HIV-related Law at National Level* (2008).

⁴ Including the Lawyers Collective, Tamil Nadu State AIDS Control Society legal aid clinics, SPACE in-house lawyer, the Commonwealth Human Rights Initiative and the Human Rights Lawyers Network.

Sri Lanka - Sri Lankan participants reported PLHIV and key populations could access legal services through general legal aid services and human rights organizations dedicated to serving marginalized populations.⁵ Participants noted that legal services were delivered via telephone hotline, mobile legal clinics and legal outreach (lawyers travelling to communities or detention centers to reach their clients).

Legal aid service providers and human rights organizations tended also to program and implement empowerment initiatives, community legal information sessions and advocacy initiatives.

A police representative reported that Sri Lankan police have a dedicated email address for reporting human rights violations and inquiries; as well as a telephone hotline to register human right violations perpetrated by police officers.⁶

Nepal – Nepali participants reported that although government funds legal aid for underprivileged communities, no specific provision is made for PLHIV or members of key populations. Advocates reported that non-governmental legal aid service providers fill the gaps in the system.

Participants described a range of legal aid service models including non-government legal aid clinics, in-house lawyers at community organizations, ad hoc legal outreach arrangements and retainer/consultant based arrangements. One legal aid service provider reported using radio talk back to discuss HIV-related legal issues and disseminate information about available legal services.

A small number of non-governmental legal aid organizations implemented legal training and community legal information sessions to complement legal aid services.⁷

Bangladesh – Similarly to Sri Lanka, no specialized HIV-related legal services were reported. However PLHIV and key populations were in part served under legal aid services for marginalized populations. Bangladesh participants described client focused approaches to legal aid, such as women lawyers providing legal services to vulnerable women and children.

Most legal aid institutions in Bangladesh reported they also conduct advocacy programs and rights-based interventions.

Focus Area 2: Analysis and Review of Case Studies that have effectively Promoted and/or Protected the Rights of PLHIV and Key Populations

India – Indian participants relayed examples of public interest litigation; proposing that public interest litigation had contributed to a stronger enabling legal environment, and improved access to services for PLHIV and key populations.

Indian participants noted that genuine partnership between legal service providers and communities was effective in advancing the rights agenda (illustrating with examples of collaboration between men who have sex with men (MSM), transgender communities and lawyers in the public interest litigation that

⁵ Including the Institute of Human Rights, the Consortium of Humanitarian Agencies, Women in Need, the Centre for Human Rights and Development, Muslim Women's Research and Action Centre and the Institute of Human Rights Sri Lanka.

⁶ This hotline service is administrated by a senior police officer.

⁷ Including the Forum for Women, Law and Development (FWLD), the Blue Diamond Society (in-house lawyers), the Nepal Environmental Lawyers Association.

successfully challenged the provision against sex between men in the Indian Penal Code (377)).

Sri Lanka – Participants reported efforts by the Sri Lanka police to boost coordination and communication between police and legal aid lawyers. Sri Lankan police headquarters have implemented a sensitization program for junior officers, specifically addressing the rights of PLHIV, minorities and victims.⁸

Sri Lankan participants noted the limitations of black letter law, advocating that accessible, practical legal aid services can fill the gaps. Participants also noted the systemic vulnerability of PLHIV and key populations and related widespread stigma and discrimination. Stigma and discrimination still represents a significant impediment to the response to HIV. Community representatives called for more (broad) community focused interventions to address this.

Nepal – Advocates described how they had built relationships with the national network of sex workers in order to strengthen access to justice for community members. Advocates described achieving positive results representing sex worker clients to defend charges under the Public Offences Act (legal representation resulted in significantly reduced fines).

A community advocate described the success of public interest litigation, led by specialized lawyers, in strengthening the enabling legal environment in Nepal. Public interest litigation succeeded in achieving recognition of the rights of the third gender by the Supreme Court of Nepal. Court orders were made requiring the government to recognize the third gender on identification cards.

A community representative also described the positive impact of community legal information and empowerment initiatives; empowering MSM and transgender people to deal with police harassment.

Bangladesh – Bangladesh participants described a program which effectively sensitized lawyers to the issues of sexual minorities. Participating lawyers were individually selected on the basis of their open mindedness. Participants reported the sensitization program strengthened lawyers' empathy and increased the number of lawyers willing to provide legal services for sexual minorities in Bangladesh.

Bangladesh participants also described initiatives designed to sensitize the media, reporting subsequent non-discriminatory reporting.⁹ Community representatives emphasized the power of the media to influence broader social attitudes.

9. Conclusion

The range of service delivery models in place illustrated a commitment to client centered services. Hotline, email, legal outreach and mobile clinic models represent efforts to make legal services more accessible to clients. Offering legal services within community organizations or at service centers, as part of a broader package of services, also reduce barriers to accessing lawyers. Participants called for more sensitized and trained lawyers.

Participants agreed that legal representation, public interest litigation and awareness of rights (on the part of PLHIV, key populations and the broader community) substantially contributed to addressing stigma and discrimination and

⁸ No examples of the impact of this program were provided.

⁹ A community organization engaged 10 journalists to write article that sensitizes society to the issues faced by sexual minorities.

supporting the enabling legal environment. These factors, in turn, support the response to HIV.

Participants agreed that sustainability of HIV-related legal services represents a critical issue.

There is demand for more sensitized and trained lawyers and greater sustainability of HIV-related legal services.

ANNEX 1 – VIDEO CONFERENCE RUNNING ORDER

Lessons Learned in the Legal Response to HIV: *HIV-related Legal Services and Access to Justice*

13 December, 2011

Colombo, New Delhi, Dhaka, Kathmandu

This video conference is one of a series of three activities under a partnership between IDLO and the World Bank in 2011; these activities aim to strengthen the legal enabling environment for the response to HIV in South Asia.

Objectives

The objectives of the video conference are to:

- a) share lessons learned in the legal response to HIV focusing specifically on lessons learned in the delivery of legal services for people living with HIV and key populations at higher risk (HIV-related legal services);
- b) strengthen understanding of regional and international best practice in the delivery of HIV-related legal services;
- c) support referral networks and ongoing sharing between legal professionals and advocates from positive communities and key populations at higher risk.

By the end of the video conference, participants will be familiar with the service delivery principles, modes and approaches adopted by colleagues across South Asia.

Venue

New Delhi

World Bank Office
70, Lodi Estate; New Delhi - 110003
Contact Person: Shafali Rajora
Tel (91-11) 414 79142

Colombo

World Bank Office
73/5, Galle Road, Colombo 3
Contact Person: Kerima Thilakasena
Tel: 5561318

Kathmandu

World Bank Office
Yak & Yeti Hotel, Durbar Marg
Contact Person: Jaya Karki
Tel:(977-1) 4226792 Ext.146

Dhaka

World Bank Office
Plot E-32 Agargpan, Sher-e-Bangla, Dhaka
(opposite Radio Bangladesh Office)
Contact Person: Nasreen Begum
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4342

**Lessons Learned in the Legal Response to HIV:
HIV-related Legal Services and Access to Justice**

Program/ Running Agenda
Tuesday 13 December 2011

Time (New Delhi, Colombo) GMT+5.30	Time (Kathmandu) GMT+5.45	Time (Dhaka) GMT+6.00	Duration	Contributor	Location	Details
1:00	1:15	1:30	30min	-	All	Participants arrive Video connection check
Opening						
1 :30	1:45	2:00	5min	Welcome from the World Bank	Delhi	Ms Mariam Claeson
1:35	1:50	2:05	8min	Chairperson IDLO	All	Ms Naomi Burke-Shyne Objectives and the running order
Subtopic 1						
Delivery of HIV-related legal services: legal service models focused on community access to justice						

Time (New Delhi, Colombo) GMT+5.30	Time (Kathmandu) GMT+5.45	Time (Dhaka) GMT+6.00	Duration	Contributor	Location	Details
1:43	1:58	2:13	5min	Mr Aditya Bondypandhyay, Lawyer	Delhi	Legal services for PLHIV and key affected populations in India Legal services through NGO legal aid model
1:48	2:03	2:18	5min	Ms Rathna Thara, TANSACS	Delhi	Legal services for PLHIV in Tamil Nadu through TANSACS, the Tamil Nadu state government legal aid model
1:53	2:08	2:23	4min	Mr Senaka Dissayayake, Sri Lanka Human Rights Commission	Colombo	Comments on complaints mechanisms through the National Human Rights Commission for PLHIV and key affected populations in Sri Lanka
1:57	2:12	2:27	4min	Mr Sujith Silva, Institute of Human Rights	Colombo	Legal services through the Institute of Human Rights in Sri Lanka as a component of legal programming and empowerment initiatives

Time (New Delhi, Colombo) GMT+5.30	Time (Kathmandu) GMT+5.45	Time (Dhaka) GMT+6.00	Duration	Contributor	Location	Details
2:01	2:16	2:31	4min	Mr Jeevan Thiagarajah, Consortium of Humanitarian Agencies	Colombo	Legal services through the Consortium of Humanitarian Agencies, a non-profit network of humanitarian agencies/ service providers focused on vulnerable populations in Sri Lanka
2:05	2:20	2:35	4min	Mr Rup Narayan Shrestha, Forum for Women Law and Development (FWLD)	Kathmandu	Legal services for PLHIV and key affected populations in Nepal through a specialized HIV/AIDS Legal Cell in a rights focused NGO
2:09	2:24	2:39	4min	Ms Sushma Gaudam, FWLD	Kathmandu	Delivery of legal aid services for PLHIV and key affected populations in Kathmandu
2:13	2:28	2:43	4min	Mr Rajesh Jha Recovering Nepal	Kathmandu	Access to legal services for the drug user community in Nepal. The consultancy model used - ad hoc legal services for people who use drugs

Time (New Delhi, Colombo) GMT+5.30	Time (Kathmandu) GMT+5.45	Time (Dhaka) GMT+6.00	Duration	Contributor	Location	Details
2:17	2:32	2:47	4min	Ms Towhida Khondoker, BNWLA	Dhaka	Legal services through the Bangladesh National Woman Lawyers' Association (BNWLA) as a component of community and legal based projects run by the association
2:21	2:36	2:51	4min	Ms Sataria Jannat Network of PLHIV (NOP+)	Dhaka	Comments on access to legal services for the positive community in Bangladesh
2:25	2:40	2:55	15min	All	Questions and Comments	Questions and comments from participants
Subtopic 2						
Analysis and case studies in effectively promoting and protecting the rights of PLHIV and key affected populations						
2:40	2:55	3:10	5min	Mr Aditya Bondypandhyay, Lawyer	Delhi	Comments on public interest litigation in India
2:45	3:00	3:15	5min	Mr Rupesh Chettri, P-	Delhi	Comments on the role of the law and access to legal services for PLHIV and key affected

Time (New Delhi, Colombo) GMT+5.30	Time (Kathmandu) GMT+5.45	Time (Dhaka) GMT+6.00	Duration	Contributor	Location	Details
				Smart		populations in India
2:50	3:05	3:20	5min	Mr Anjan Joshi, SPACE	Delhi	Comments on the respective roles of lawyers and communities in protecting/advancing the rights of MSM and TG in India
2:55	3:10	3:25	5min	Ms Rosanna Flamer- Caldera, Equal Ground	Colombo	Comments on the limitations of black letter law in Sri Lanka. Comments on how accessible legal services can fill some of the gaps and support broader advocacy initiatives
3:00	3:15	3:30	5min	Mr Ajit Rohanna, Legal Division, Police Headquarters	Colombo	Comments on coordination between police and legal aid lawyers to support PLHIV and key affected populations dealing with the legal system in Sri Lanka
3:05	3:20	3:35	4min	Ms Muna Upadyahyay, FWLD	Kathmandu	Case studies - representing sex workers to defend charges under the Public Offences Act in Nepal

Time (New Delhi, Colombo) GMT+5.30	Time (Kathmandu) GMT+5.45	Time (Dhaka) GMT+6.00	Duration	Contributor	Location	Details
3:09	3:24	3:39	4min	Ms Manisha Dhakal, Blue Diamond Society	Kathmandu	The leadership of BDS in-house lawyers in advancing the rights of MSM and transgender persons through public interest litigation in Nepal
3:13	3:28	3:43	4min	Mr Shale Ahmed, Bandhu Welfare Society	Dhaka	Comments on the role of lawyers in protecting the rights of sexual minorities in Bangladesh. Examples of Bandhu initiatives designed to improve access to justice
3:17	3:32	3:47	4min	Dr Dipak Kumar Biswas, Hasab	Dhaka	Comments on access to justice and its role amongst other HIV-related services (health, counseling) in Bangladesh
3:21	3:36	3:51	4min	Ms Sipra Goswami/ Ad MS Karim, BLAST	Dhaka	Comments on legal services PLHIV and key affected populations in Bangladesh
3:25	3:40	3:55	15min	All	Questions and Comments	Questions and comments from participants
Conclusions and Sum Up						

Time (New Delhi, Colombo) GMT+5.30	Time (Kathmandu) GMT+5.45	Time (Dhaka) GMT+6.00	Duration	Contributor	Location	Details
3:40	3:55	4:10	10min	Chairperson, IDLO	Kathmandu	Ms Naomi Burke-Shyne Conclusions and sum up
3:50	4:05	4:20	5min	World Bank	Delhi	Ms Mariam Claeson Conclusions and thank you
Close						
3:55	4:10	4:25	-	FINISH		

ANNEX 2 - PARTICIPANTS

	INDIA		
1	Mrs R Rathna Thara	Lawyer	TANSACS (Tamil Nadu State AIDS Control Society)
2	Mr Aditya Bondyopadyay	Lawyer	ILG Law Association
3	Mr Anjan Joshi	TG Community	SPACE
4	Mr Umesh Chawla	UNDP	UNDP
5	Mr Ernest Nuronhha	UNDP	UNDP
6	Ms Alka Narang	UNDP	UNDP
7	Ms Mariam Claeson	WB	WB
8	Ms Iffat Mahmud	WB	WB
9	Mr Juan Carlos Alvarez	WB	WB
10	Ms Shafali Rajora	WB	WB
11	Ms Suneeta Singh	Amaltas	Amaltas
12	Ms Sangita Dasgupta	Amaltas	Amaltas
13	Mr Rupesh Chettri	Community	P-Smart
	SRI LANKA		
1	Mr Senaka Dissayayake	Human Rights Commission	Human Rights Commission
2	Mr Ajit Rohana	Government Rep	Legal Division, Police HQ
3	Ms Priyanathi Kumari	Positive Community	Lanka Plus
4	Mr Dinesh Silwa	Positive Community	Lanka Plus
5	Ms Rosanna Flamer Caldera	Community Advocate	Equal Ground (Sexual Minority Rights)
6	Mr Dilshan Hettiarachchi	Community Advocate	Equal Ground (Sexual Minority Rights)
7	Kishanthani Balan	Legal Aid	Centre for Human Rights and Development
8	Mr Jeevan Thiagarajah*	Services including Legal Aid	Consortium of Humanitarian Agencies
9	Ms Sharmila Perera	Legal Aid	Institute of Human Rights Sri Lanka
10	Mr Sujith Silva	Legal Aid	Institute of Human Rights Sri Lanka
11	Dr Dayanath Ranatunga*	UNAIDS	UNAIDS
12	Ms Kumari Navaratne	WB	WB
13	Ms Kerima Thilakasena	WB	WB
14	Ms Swairee Rupadinghe	UNDP	UNDP

NEPAL			
1	Mr Rup Narayan Shrestha*	Lawyer	Forum for Women Law and Development (FWLD)
2	Ms Muna Upadhyay*	Lawyer	FWLD
3	Ms Sushma Gaudam*	Lawyer	FWLD
4	Ms Sumi Devkota	Consultant	Consultant
5	Mr Shiva Acharya	Community Advocate	NAP+N/Consultant
6	Ms Manisha/ Suben Dhakal*	TG Community	BDS
7	Mr Rajesh Agrawal	IDU Community	Recovering Nepal
8	Ms Jaya Karki	WB	WB
9	Mr Bert Voetberg	WB	WB
10	Ms Naomi Burke-Shyne	IDLO	IDLO
11	Ms Anju Paudel	IDLO	IDLO
BANGLADESH			
1	Mr Shale Ahamed	MSM Community	Bondhu Social Welfare Society
2	ASM Ruhman Ulla Bhuiyan	MSM Community	Bondhu Social Welfare Society
3	Ms Shahanaz Begum	SW Community	Durjoy Nari Shangha
4	Ms Sipra Goswami	Legal Aid	BLAST
5	Adv. MS Karim	Legal Aid	BLAST
6	Adv. B. Hasan	Legal Aid	Bangladesh National Women's Lawyers Association (BNWLA)
7	Adv. Towhida Khondoker	Legal Aid	BNWLA
8	Dr. Dipak Kumar Biswas	NGO	Hasab
9	Ms Nasreen Begum	WB	WB
10	Mr Hasib Chowdhury	WB	WB
11	Ms Bushra Alam	WB	WB
12	Ms Satarai Jannat	NGO	Ashar Alo Society (AAS)
13	Ms Lene Andersonp	NGO	NGO

ANNEX 3 – VIDEO CONFERENCE EVENT DESCRIPTION

Lessons Learned in the Legal Response to HIV: HIV-related Legal Services

13 December, 2011

Colombo, Delhi, Dhaka, Kathmandu

Event Description

1. Background

It has long been recognized that discrimination against people living with HIV (PLHIV) and key populations impedes HIV prevention by discouraging HIV testing and limiting access to HIV prevention, care and treatment services. This discrimination often occurs in areas which are subject to legal regulation (e.g. employment, rental accommodation, education, health care and access to other goods and services).

The law can set normative standards which make HIV-related discrimination unacceptable. Legal education and interventions can help people living with HIV and from key populations to assert their rights, and social mobilization and publicity can deter discrimination against others.

Since the UN General Assembly Special Session on HIV/AIDS in 2001, there has been a heavy emphasis on the importance of law reform and the protection of legal rights in the context of HIV and AIDS. However law reform is often a lengthy process, and must include community education and enforcement mechanisms to be effective.

In September 2008, UNAIDS published a technical guidance note on the role of the law in response to HIV ('Addressing HIV-related Law at National Level'). While acknowledging the importance of law reform, UNAIDS suggests that we should also focus on community empowerment to access law, and appropriate law enforcement.

Research by the Nossal Institute for Global Health ('HIV and Legal Empowerment', 2009), suggests that legal services for people living with HIV and key populations can not only improve the quality of life for these groups, but can prevent HIV by increasing voluntary HIV testing, and improving access to HIV prevention, care and treatment services.

Expanded HIV testing and treatment for people who are positive (which reduces viral load and infectivity) is increasingly seen as part of a national HIV prevention strategy. Other components include behavior change campaigns, the promotion of condoms, needle and syringe programs, and opioid substitution therapy. The legal environment also impacts directly on these programs, including through the access to justice, criminal law and its enforcement.

2. HIV in South Asia

South Asia's HIV epidemic impacts disproportionately on most at key populations at higher risk; in particular sex workers, injecting drug users (IDUs), men who have sex with men (MSM), and transgender individuals. There are a diverse range of structural factors that amplify HIV vulnerability and risk in South Asia, including widespread poverty and inequality; stigma and discrimination;

cultural impediments to sex education and sexual discourse; high rates of injecting drug use; an extensive, cross border sex work industry; and high levels of mobility and migration – these complex socio-cultural issues are exacerbated by punitive and discriminatory legal frameworks, criminalization of key populations, and law enforcement practices.

3. Video Conference

This video conference is one of a series of three activities under a partnership between IDLO and the World Bank in 2011; these activities aim to strengthen the enabling legal environment for the response to HIV in South Asia.

4. Objectives

The objectives of the video conference are to:

- d) share lessons learned in the legal response to HIV focusing specifically on lessons learned in the delivery of legal services for people living with HIV and key populations at higher risk (HIV-related legal services);
- e) strengthen understanding of regional and international best practice in the delivery of HIV-related legal services;
- f) support referral networks and ongoing sharing between legal professionals and advocates from positive communities and key populations at higher risk.

By the end of the video conference, participants will be familiar with the service delivery principles, modes and approaches adopted by colleagues across South Asia.

5. Proposed Participants

The following participants will be invited to take part in the video conference:

- a) Legal professionals and advocates engaged in the delivery of HIV-related legal services and/or initiatives supporting the legal enabling environment
- b) Civil society leaders and advocates from the positive communities and key populations at higher risk.

Background Materials

- a) IDLO/UNAIDS/UNDP Toolkit: Scaling Up HIV-related Legal Services (2009)
- b) IDLO/UNAIDS/UNDP Toolkit: Scaling up HIV-related Legal Services - Report of Case Studies: Ukraine, Kenya, and India (2010)
- c) IDLO Ten reasons Why HIV-related Legal Services are Essential for a Comprehensive National Response to HIV and AIDS (2010)
- d) UNAIDS Guidance Note: Addressing HIV-related Law at National Level (2008)