

## **A Call to Table the HIV/AIDS Bill in Parliament Immediately...!**

**As members of civil society and representatives of People Living with HIV (PLHIV), Men who have Sex with Men, Sex Workers and Injecting Drug Users –**

We note that the HIV/AIDS Bill, which was finalized by National AIDS Control Organization (NACO) in July 2006, continues to be pending with the government and has not been tabled in the Parliament till date. Constant delay in bringing the Bill to Parliament is a cause of great concern.

Instances of discrimination against people living with and affected by HIV have been increasing of late. Time and again, there have been reports of HIV affected children being discriminated in schools. Additionally, people living with HIV are facing discrimination in employment because of their HIV status. Women living with and affected by HIV are facing increasing levels of violence within and outside the home. Apart from the fact the State is unable to provide assured ARVs and drugs for opportunistic infections (the recent events in Manipur are a stark reminder of this), people living with HIV live the uncertainty of not being able to access the required second line, third line and new treatment therapies which will assure them a life of dignity. A law on HIV would have addressed all these issues.

However, it seems that government hasn't realized the necessity of bringing the long pending Bill to the Parliament on an urgent basis. In August 2007, the Bill was sent to the Law Ministry. From 2007 to 2010, the Law Ministry released six different drafts of the Bill. Important provisions from the chapters of informed consent, disclosure of information, treatment, IEC, social security and Health Ombudsman were deleted in these drafts, making them unacceptable to the civil society, networks of PLHIV and NACO. It was the sixth draft of the Bill, which was sent by the Law Ministry to the Health Ministry in March 2010, which was acceptable to the community, civil society and NACO.

However, as on November 2011, we were told that the Bill has been sent back to the Law Ministry once again. The text of the same is not known to us and kept a secret. This is despite the fact that civil society and the community has been joint partners in the drafting process at every stage.

The 2001 UN Declaration of Commitment on HIV/AIDS required countries to, amongst others, enact legislation to eliminate all forms of discrimination against PLHIV and groups at high risk of HIV and ensure their full enjoyment of all human rights and fundamental freedoms by 2003. In August 2010, the Parliamentary Committee on Empowerment of Women, in their report '*Women Victims of HIV/AIDS*', observed that stigma associated with HIV prevented women from accessing treatment, information and preventive services. It recommended that the HIV/AIDS Bill be finalised and introduced in Parliament expeditiously. Most recently, on World AIDS Day, 1<sup>st</sup> December 2011, the Hon'ble Minister for Health, Shri Ghulam Nabi Azad, stated at a public function that the Bill would be finalised without delay. However, the Bill continues to linger between different ministries of the government.

In spite of repeated requests, the recent draft of the Bill, which the Health Ministry has sent to the Law Ministry, has not been shared with us. This sudden departure from the transparent and participatory way of functioning, which NACO was following all these years and has been its USP, in contrast to other government departments, is a cause of disappointment for us.

The Bill was drafted after consultations with important stakeholders like PLHIV, communities at risk of HIV, civil society organizations, doctors, lawyers and State AIDS Control Societies (SACS), thus ensuring that the draft Bill which was finalized by NACO in 2006 was comprehensive in nature and took care of the concerns of different segments of society. It is important that civil society, PLHIV and groups at risk of HIV are seen as equal partners in the drafting of the Bill and are meaningfully involved in the process at every stage.

**We call upon NACO to:**

1. Hold a meeting with the key stakeholders to discuss the future course of action of the HIV/AIDS Bill.
2. Share the latest draft of the HIV/AIDS Bill, which the Health Ministry has sent to the Law Ministry with all the important stakeholders.
3. Speed up the process of finalizing the HIV/AIDS Bill and ensure that the Bill is tabled in the Parliament immediately.

Sincerely,

1. Anand Grover - Lawyers Collective
  2. Ashok Row Kavi - Humsafar Trust
  3. P. Koushalya - Positive Women's Network
  4. Ratan Singh - Manipur Network of Positive People
  5. D. T. Thyagaraj - Karnataka Network of Positive People
  6. G. Chandrashekhara Gowda - Swasti
  7. Pradeep Dutta - Nai Umang
  8. Subhadip Roy - SAATHII
  9. Surendra Yadav - Sankalp Rehabilitation Trust
  10. Kishore Kr. Shaw - Bengal Network of People Living with HIV/AIDS
- Memorandum as drafted on March 26, 2012