STATEMENT

Panel Discussion on HIV and Human Rights
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Madame President, Excellencies and distinguished colleagues,

The International Labour Organization (ILO) wishes to express its sincere appreciation to the High Commissioner and her staff for its comprehensive report, which notes the broad range of human rights challenges that still remain to be overcome in the context of the global HIV response.¹

The report highlights the importance of the 2011 Political Declaration on HIV and AIDS, which affirms that human rights must remain at the heart of the global response and calls for the establishment of enabling national legal, social and policy frameworks to eliminate stigma, discrimination and violence—particularly gender-based violence. ILO notes the reference at paragraph 12 of the Council’s report to the need to address HIV-related discrimination in employment, and welcomes its reference to the ILO Recommendation concerning HIV and AIDS and the World of Work, 2010 (No. 200).

The 2011 Declaration recognizes the essential role of the workplace and its contribution to the HIV response at the international, regional and national levels. Given that ninety percent of those living with or affected by HIV globally are of productive working age, workplaces are vital entry points for reaching those most affected by the epidemic with HIV prevention and education.

Protection of human rights at work is essential. Workers living with or affected by HIV are often denied access to jobs or are unfairly dismissed due to their HIV status.² Mandatory HIV testing for accessing employment and failure to respect confidentiality of HIV status are common human rights violations encountered in the workplace. Where workers fear negative repercussions due to their HIV status, they are less likely to seek voluntary HIV testing and needed treatment. For this reason, workplace stigma and discrimination pose obstacles to achieving the goal of Zero new infections.

Recognizing the importance of including the workplace in national HIV responses, in the 2011 Declaration, Governments undertook to take measures to mitigate the impact of the epidemic on workers, their families, their dependants, workplaces and economies, including by taking into account the guidance provided by Recommendation No. 200 and other relevant conventions of the International Labour Organization. The Declaration calls on employers, trade and labour unions, employees and volunteers to eliminate stigma and discrimination, protect human rights and facilitate access to HIV prevention, treatment, care and support in and through the world of work.3

Recommendation No. 200 calls for the development, adoption and effective implementation of legislation to protect against HIV-related discrimination.4 It also calls for the development and implementation of national rights-based workplace policies and programmes that integrate the key human rights principles of the Recommendation.

ILO Recommendation No. 200 has already influenced the development of national legislation.5 It has been cited in three national court cases (in South Africa and Brazil) upholding the rights of HIV-positive workers.

Despite progress made, however, there is still much work to be done to eliminate stigma and discrimination in employment. Legislative protections must be enhanced in many countries, implementation mechanisms developed and access to justice ensured.

Madame Commissioner, distinguished delegates, ILO hopes that the Commission will maintain a focus on the protection of human rights at work as a necessary component of national HIV responses. ILO supports UNAIDS vision of achieving “Zero new HIV infections, Zero discrimination and Zero AIDS-related deaths” in and through the world of work.

Thank you for your attention.

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4 See ILO Recommendation concerning HIV and AIDS and the World of Work, 2010 (No. 200), at paragraph 12.
5 See, for example, the Law on HIV and AIDS, Law No. 135-11, adopted by the Dominican Republic on 7 June 2011.