

AGENDA

JUDICIAL DIALOGUE ON HIV, HUMAN RIGHTS AND
THE LAW IN EASTERN & SOUTHERN AFRICA

28th – 31st October 2013

Safari Park Hotel, Nairobi, Kenya.



*Empowered lives.
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Monday, 28th October 2013

Moderator: Mr. Ambrose Rachier, Chairperson KELIN

19:30 – 21:30 Reception cocktail and dissemination of "*Judging During the Epidemic – A Judicial Handbook on HIV, Human Rights and the Law*"

- **Welcome** – Judiciary
- **Remarks** – Alfredo Teixeira, UNDP, Deputy Country Director, Programmes
- **Living with HIV in Africa and Accessing Justice: A Real View** – Ms. Patricia Asero, Petitioner in the Anti-counterfeit case
- **Introduction to "*Judging During the Epidemic – A Judicial Handbook on HIV, Human Rights and the Law*"**– Ms. Susan Timberlake, Chief, Human Rights and Law Division, UNAIDS
- **Key Note Address** – Hon. Justice Edwin Cameron, Constitutional Court of South Africa

Tuesday, 29th October 2013

08:00 – 08:30 Registration

08:30 – 10:15 **Session One – HIV, the Law and the Judiciary: Introducing the Issues**

Chair: Hon. Justice Prof. Joel Ngugi, Head of the Judicial Training Institute (JTI), Kenya (10mins)

- **Keynote Address** – Ms. Nardos Bekele-Thomas, UNDP Resident Representative / UN Resident Coordinator (10min)
- **Remarks** – John Kamigwi, Ag. Director, National AIDS Control Council-(NACC), Kenya (10min)

09:00 – 09:20 • Group Photo

- 09: 20 – 10:15
- **The HIV Epidemic in Eastern and Southern Africa** – Ms. Maya Harper UNAIDS Country Coordinator (15min) TBA
 - **Why a Rights Based Approach in Dealing with HIV Issues** – Commissioner Catherine Muyeka Mumba, Commission on Implementation of the Constitution (15min)
 - **HIV and the Law: Key Issues and Considerations for the Judiciary** – Hon. Justice Edwin Cameron, Constitutional Court of South Africa (15min)

Discussion (20min)

10:15 – 10:45 REFRESHMENTS

10:45 – 12:45 **Session Two – Using the Law to End HIV-Related Discrimination and Other Human Rights Violations**

Chair: Hon. Justice Gatembu Kairu, Court of Appeal of Kenya (10min)

Interactive panel:

- **Experience of PLHIV Facing Discrimination** – Nelson Otwoma Coordinator (NEPHAK) (15min)
- **Legal Protection Against HIV-Related Human Rights Violations in Eastern and Southern Africa in Line with the Report of the Global Commission on Law and HIV** – Tenu Avafia, Policy Advisor, UNDP (15min)
- **Discussions** (40 min)
- **Adjudicating HIV Related Discrimination Cases: Factors to Consider** – Hon. Justice Edwin Cameron, Constitutional Court of South Africa (15 min)

12:45 – 14:00 LUNCH

14:00 – 15:30 **Session Three – Enabling Legal Environment in the Context of Women**

Chair: Hon. Justice Agnes Murgor, Court of Appeal of Kenya (10 min)

Interactive panel:

- **Perspectives from the Women Living with HIV (Accessing Reproductive and Maternal Health Services & Property Rights; 2 speakers (7 min each) –** Treezah Njoki and Rhoda Nafula (14min)
- **Property and Inheritance Rights of Women, the Botswana Experience–** Hon. Justice Ogaile Dingake High Court of Botswana (15min)
- **Discussion** (25min)
- **Engaging the Judiciary on the Protection of Women's Rights, Key Considerations –** Commissioner Winnie Lichuma, Chairperson Gender & Equality Commission (15min)

15:30 – 16:00 REFRESHMENTS

16:00 – 17:00 **Session Four – Enabling legal environment in the context Children and Youth**

Chair: Hon. Justice Grace Ngenye High Court of Kenya (10min)

Interactive panel:

- **Perspectives from a Youth Living with and Affected by HIV –** Dorcas Kawira, Kenya (15min)
- **Perspectives from NGOs Working with Children and Youth Living with and Affected by HIV. (Discrimination in Services).** Sr. Mary Owens, Executive Director, Children of God Relief Institute –Nyumbani, Kenya (15min)
- **Discussions** (20min)

Wednesday, 30th October 2013

08:30 – 10:00 **Session Five – The Role Of Criminal Law in The Epidemic**

Chair: Commissioner Otiende Amollo (Chairperson Commission on Administrative Justice- Kenya)(10min)

- **The Science on HIV & HIV Transmission Risk –** Prof. Walter Jaoko, Deputy Programme Director, Kenya AIDS Vaccine Initiative (15min)
- **HIV Testing, Counseling and Confidentiality, Key Considerations for the Judiciary and the Perspective on Criminalisation of HIV –** Hon. Justice Edwin Cameron, Constitutional Court of South Africa (20min)
- **Ending Overly Broad Criminalisation of HIV Non-disclosure, exposure and Transmission; UNAIDS Guidance book –** Ms. Susan Timberlake, Chief, Human Rights and Law Division, UNAIDS (15min)
- **Discussion (40 min)**
- **Adjudicating Cases of HIV Non- disclosure, HIV Exposure and/ or Transmission in a Sexual Context: Factors to Consider –** Mr. Ambrose Rachier, Chairperson KELIN (15min)

10:00 – 10:30 REFRESHMENTS

10:30 – 12:30 **Session Six – Enabling Legal Environment in the Context of Key and Affected**

Chair: Mr. Allan Maleche, Executive Director, KELIN (10min)

- **Public Health Versus Human Rights the Dilemma with Key & Affected Populations** – Prof. Walter Jaoko, Deputy Programme Director, Kenya AIDS Vaccine Initiative (20min)
- **Perspectives of Members of Key and Affected Populations: (Panel of MSM, Female Sexworker, Deputy Commissioner of Prisons, and Injecting Drug User** – Mr. Allan Maleche, Executive Director, KELIN (40min)
- **Discussion** (40 min)

12:45 – 14:00 LUNCH

14:00 – 15:40 **Session Seven – Access to Life Saving Treatment**

Chair: Hon. Justice Kanyi Kimondo High Court of Kenya (10min)

- **Access to medicines, HIV and the law: Perspective Of Persons Living with HIV**–Ms. Patricia Asero, Petitioner in the Anti-counterfeit case (10min)
- **Intellectual Property and Access to Medicines: Legal Challenges in Kenya and select African countries and the use of Competition Law to reduce Medicine Prices** – Umutyana Rugege Attorney SECTION27, Allan Maleche Executive Director, KELIN & Tenu Avafia, Policy Advisor, UNDP (40min)
- **Discussions** (30min)
- **Adjudicating Cases Involving Access to HIV and AIDS Related Treatment and Care: Some Factors to Consider** – Hon. Justice Mumbi, High Court of Kenya (15min)

15:40 – 16:15 **Wrap up and Closing**

- **Summary of the Two Day Session, Key Highlights and Way Forward**, Hon Justice Prof Joel Ngugi ,Director of JTI (15min)
- **Evaluation of the Judicial Dialogue** – KELIN (10min)
- **Concluding Remarks** – Ms. Maya Harper UNAIDS Country Coordinator (10min)

REFRESHMENTS



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