AGENDA
JUDICIAL DIALOGUE ON HIV, HUMAN RIGHTS AND THE LAW IN EASTERN & SOUTHERN AFRICA
28th – 31st October 2013
Safari Park Hotel, Nairobi, Kenya.
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
- 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 Mumma, 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)

- Discussions (40min)

- Adjudicating HIV Related Discrimination Cases: Factors to Consider – Hon. Justice Edwin Cameron, Constitutional Court of South Africa (15min)
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 (40min)
• 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  

- **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** – Umunyana Rugege Attorney SECTION27, Allan Maleche Executive Director, KELIN & Tenu Avafia, Policy Advisor, UNDP  
  (40min)

- Discussions (30min)

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