



Canadian  
HIV/AIDS  
Legal  
Network

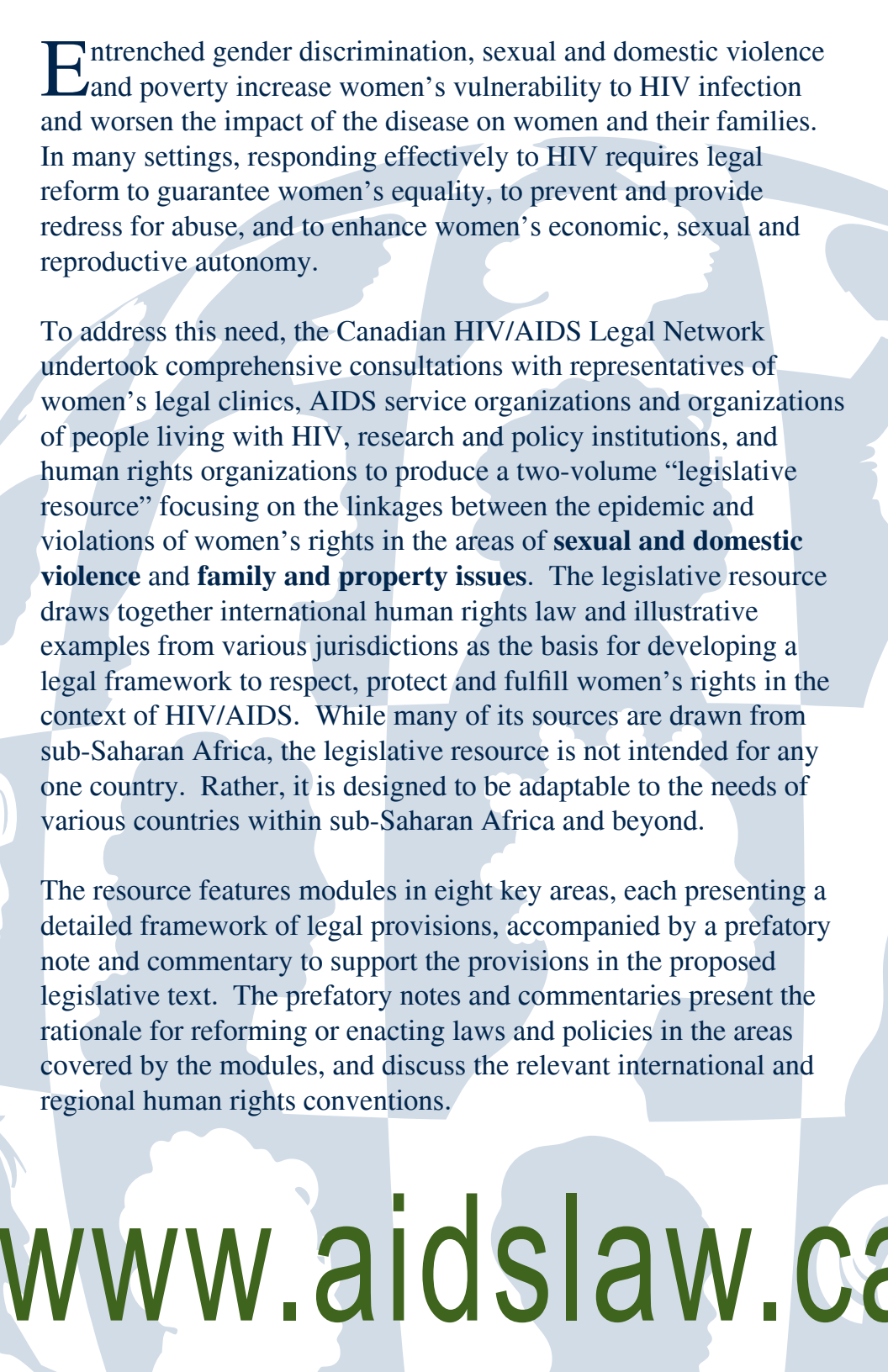
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# Respect, Protect and Fulfill:

## Legislating for Women's Rights in the context of HIV/AIDS

A legislative resource for  
advocates, law and policy makers

[www.aidslaw.ca/womensrights](http://www.aidslaw.ca/womensrights)



Entrenched gender discrimination, sexual and domestic violence and poverty increase women's vulnerability to HIV infection and worsen the impact of the disease on women and their families. In many settings, responding effectively to HIV requires legal reform to guarantee women's equality, to prevent and provide redress for abuse, and to enhance women's economic, sexual and reproductive autonomy.

To address this need, the Canadian HIV/AIDS Legal Network undertook comprehensive consultations with representatives of women's legal clinics, AIDS service organizations and organizations of people living with HIV, research and policy institutions, and human rights organizations to produce a two-volume "legislative resource" focusing on the linkages between the epidemic and violations of women's rights in the areas of **sexual and domestic violence** and **family and property issues**. The legislative resource draws together international human rights law and illustrative examples from various jurisdictions as the basis for developing a legal framework to respect, protect and fulfill women's rights in the context of HIV/AIDS. While many of its sources are drawn from sub-Saharan Africa, the legislative resource is not intended for any one country. Rather, it is designed to be adaptable to the needs of various countries within sub-Saharan Africa and beyond.

The resource features modules in eight key areas, each presenting a detailed framework of legal provisions, accompanied by a prefatory note and commentary to support the provisions in the proposed legislative text. The prefatory notes and commentaries present the rationale for reforming or enacting laws and policies in the areas covered by the modules, and discuss the relevant international and regional human rights conventions.

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**“Volume One: Sexual and Domestic Violence”** includes modules on:

- Rape and Sexual Assault
- Domestic Violence

**“Volume Two: Family and Property Issues”** includes modules on:

- Marriage
- Property in Marriage
- Inheritance
- Domestic Partnerships
- Divorce
- Implementation

Violations of women’s human rights in each of these areas are decisively linked to the HIV epidemic. Therefore, a comprehensive legal response to the HIV epidemic requires legislation in all key areas to be consistent with human rights, and law reform in one key area may need to be accompanied by reform in other areas. Because there is considerable overlap and intersection among all of these areas, readers are encouraged to consult all eight modules before engaging in law reform advocacy or legislative drafting.

### **How to use this resource**

Because the legislative resource does not focus on a specific country, on certain issues, two or more options for legislative texts are provided to allow countries to develop laws that are most suitable to their local contexts. As well, some of the provisions have been labelled as “optional.” These provisions may or may not be applicable, depending on the situation in a particular country.

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Moreover, each module in this resource is not intended to comprise a stand-alone bill or act, but rather to be the foundation for progressive, rights-protecting laws on each issue. Depending on the legislation currently in force in a given country, provisions adapted from this resource may be most appropriately placed within various other pieces of legislation; or sets of provisions could be enacted as specific bills, or expanded to include other technical provisions necessary for the legislation to function within the jurisdiction's legal framework. Some of the issues discussed in the modules have been addressed in legislation only recently or inadequately. Therefore, while all of the proposed provisions are based on the best available evidence and human rights principles, some have yet to be tested.

*Respect, Protect and Fulfill* is intended as a tool to assist human rights advocates and policy-makers as they reform or develop laws to meet the legal challenges posed by the HIV epidemic. It is an indispensable tool for legislators grappling with how to best revise the laws in their country, advocates promoting new bills or law reform where existing legislation is inadequate, and women's groups and HIV/AIDS community-based organizations engaged in campaigning, public education and training on legislation and law reform.

The Canadian HIV/AIDS Legal Network may be able to provide technical assistance to individuals or organizations advocating for law reform in the areas featured in the legislative resource. Please write **womensrights@aidslaw.ca** for more information about possible collaboration on law reform efforts, or to request a hard copy of the resource. The resource is also available for download at **www.aidslaw.ca/womensrights**, where you can learn more about the work of the Canadian HIV/AIDS Legal Network.

### **About the Canadian HIV/AIDS Legal Network**

The Canadian HIV/AIDS Legal Network ([www.aidslaw.ca](http://www.aidslaw.ca)) promotes the human rights of people living with and vulnerable to HIV/AIDS, in Canada and internationally, through research, legal and policy analysis, education, and community mobilization. The Legal Network is Canada's leading advocacy organization working on the legal and human rights issues raised by HIV/AIDS.