**FACULTY OF LAW CATHOLIC UNIVERSITY OF EASTERN AFRICA**

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**DEPARTMENT OF PUBLIC LAW**

**CLS 310 HIV and AIDS LAW**

**COURSE OUTLINE**

**Course description**

The course introduces students to approaches to HIV and AIDs LAW across the East African region, the social, economic and legal problems posed by HIV/AIDS and the possible ways that the law (particularly human rights law) can address such issues. The HIV Aids Prevention and Control Act is used as a case study but consistent with the CUEA philosophy of a regional orientation to the study of law, there will be generous comparison with the similar statutes of the states that form the East African Community and the region at large. The province of CUEA CLS 310 HIV & AIDS Law course is defined to provide clarity and scope; various concepts HIV& AIDS are discussed with sufficient detail and their practical application through normative statutory provisions as interpreted by the courts is analyzed. These issues under discussion are illustrated through an examination of relevant statutory provisions, the jurisprudence from the courts, the views of text writers and opinions expressed on current issues on the HIV & AIDS by academics, politicians and commentators.

**Course Objectives**

## At the end of the course, participants should be able to:

## Give a broad overview of the HIV & AIDS situation in Kenya

## Outline the legal, policy and institutional framework on HIV & AIDS in Kenya

## Identify the broad legal and ethical issues in HIV & AIDS

## Evaluate the extent to which the rights of persons living with HIV & AIDS is observed, respected, protected, promoted and fulfilled in Kenya.

## Identify gaps in the legal policy and institutional framework

## Render sound advice on the legal issues on HIV & AIDS

## **Teaching Methodology:**

Lectures, group presentations, guest presentations, study tours and projects

## **Instructional Materials**

Core text books, handouts, statutes, law reports and e-resources

## **Equipment:**

Whiteboard, overhead projectors and sound equipment

## **Course Assessment**:

## **Student Performance**

## Assignments, continuous assessment tests, term paper, end of semester examination.

CAT 30%

* Sit in open book 15%
* Project/Presentation 15%

Written Exam 70%

## **Academic staff performance**

Student evaluation, HOD evaluation, self-evaluation, peer evaluation, informal feedback from students etc.

**Reading Material for the Course:**

**Statutes**

1. The Constitution of Kenya 2010
2. HIV AIDS Prevention and Control Act No 6 of 2006
3. The HIV and AIDS Prevention and Control (Amendment) Bill, 2015
4. UN AIDS Strategy 2016-2021

**Core**

1. Course Module (For Soft Copy of Class presentations go to <http://cbgoumaadvocates.co.ke/cls-310-hiv-and-aids-law/> and select the version you prefer (full slides or six slides per page)
2. Kenya Aids Strategic Framework 2014/2015 - 2018/2019 <http://nacc.or.ke/wp-content/uploads/2015/09/KASF_Final.pdf>
3. Kenya HIV and AIDS Research Agenda 2014/15-2018/19 <http://nacc.or.ke/wp-content/uploads/2015/10/HIV_2.pdf>
4. The HIV and AIDS Tribunal Compendium of cases [www.ke.undp.org/content/.../the-hiv-and-aids-tribunal-compendium-of-cases.html](http://www.ke.undp.org/content/.../the-hiv-and-aids-tribunal-compendium-of-cases.html)
5. Compendium of judgments: Background Material. Judicial Dialogue on HIV, Human Rights and the Law in Eastern and Southern Africa Nairobi, Kenya, 28–31 October 2013 [www.undp.org/.../HIV.../Governance%20of%20HIV%20Responses/Compendium%20of](http://www.undp.org/.../HIV.../Governance%20of%20HIV%20Responses/Compendium%20of)...

**Further Reading:**

1. International Guidelines on HIV/AIDS and Human Rights (2006) UN Joint Programme on HIV/AIDS <http://www.unaids.org/en/resources/documents/2006/20061023_jc1252-internguidelines_en.pdf>
2. Lasry, A; Carter, MW & Zaric, GS (2011) Allocating Funds for HIV/AIDS: A descriptive study of KwaDukuza, South Africa. Health Policy Plan. 26: 33-42 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3119385/>
3. Meier, BM; Brugh, KN & Halima, Y (2012) Conceptualizing a Human Right to Prevention in Global AIDS policy. Public Health Ethics. 5:263-282 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3515946/>
4. Criminal Law, Public Health and HIV Transmission: A Policy Options Paper <http://data.unaids.org/publications/irc-pub02/jc733-criminallaw_en.pdf>
5. Fact Sheet 2015 Global Statistics on HIV AIDS <http://www.unaids.org/sites/default/files/media_asset/UNAIDS_FactSheet_en.pdf>
6. Kenya HIV County Profiles 2017 <http://nacc.or.ke/wp-content/uploads/2016/12/Kenya-HIV-County-Profiles-2016.pdf>
7. Kenya Aids Response Progress Report 2016 <http://nacc.or.ke/wp-content/uploads/2016/11/Kenya-AIDS-Progress-Report_web.pdf>

**Useful Online Resources**

1. HIV & AIDS Tribunal [www.judiciary.go.ke/portal/page/hiv-and-aids-tribunal](http://www.judiciary.go.ke/portal/page/hiv-and-aids-tribunal)
2. National AIDS Control Council <http://nacc.or.ke/>
3. Kenya Legal and Ethical Issues Network on AIDS <http://www.kelinkenya.org/>
4. UNAIDS [www.unaids.org](http://www.unaids.org/)
5. Kenya Law Reports <http://kenyalaw.org/caselaw/>

**Course Content**

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| **Week 1** | **Lesson 1**Introduction* Introduction to the course
* About HIV-AIDS
* HIV/AIDS :The situation in Kenya,
 | **Reading** KASF As per class presentation | **Tasks****General Discussion**Current and emerging issues on HIV AIDSExperience sharingGuest presentation |
| **Week 2** | **Lesson 2**Legal, policy and institutional framework | **Reading**As per class presentation | **Group presentation**HAPCAPolicy FrameworkThe Institutional Framework |
| **Week 3** | **Lesson 3**HIV and human rights,  | **Reading**As per class presentation | **Group Presentation** |
| **Week 4** | **Lesson 4**HIV & AIDS and the right to health* Treatment rights,
* Palliative care in the context of HIV
 | **Reading**As per class presentation | **Group Presentation**Selected casesStatutory provisions |
| **Week 5** | **Lesson 5**Stigma and discrimination | **Reading**As per class presentation | **Group Presentation** |
| **Week 5** | **Lesson 6*** Counseling
* Testing
* Confidentiality
 | **Reading**As per class presentation | **Group Presentation**Selected cases |
| **Week 6** | **SIT IN CAT** | **SIT IN CAT** |  |
| **Week 7** | **Lesson 7**HIV/AIDS and employment |  **Reading** As per class presentation | **Group Presentation**Selected cases |
| **Week 8** | **Lesson 8****Rights of Key Populations** | **Reading**As per class presentation | **Group Presentation**KASF |
| **Week 9** | **Lesson 9**HIV AIDS issues in marriage | **Reading**As per class presentation | **Group Presentation**Selected cases |
| **Week 10** | **Lesson 10**Criminalization | **Reading**As per class presentation | **Group Presentation**Selected cases |
| **Week 11** | **Lesson 11**The HIV AIDS Tribunal* Composition
* Jurisdictional issues
* Remedies for violation
* Evaluation
* Way forward
 | **Reading**As per class presentation | **Group Presentation**Selected cases |
| **WEEK 12** | **REVISION AND EXAMS** | **REVISION AND EXAMS** |  |

**CHARLES B G OUMA**

**LECTURER HIV & AIDS LAW**

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