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REPORT

First Eastern Europe and Central Asia Regional Judges' Forum on HIV, Human Rights and the Law 3-4 October 2019 Chisinau, Moldova

UNDP
December 2019



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BACKGROUND

The rate of new HIV infections is decreasing globally, however in Eastern Europe and Central Asia (EECA), the HIV epidemic continues to grow. According to UNAIDS, there are approximately **1.7 million people living with HIV** in the region. The HIV epidemic in EECA has grown by 29 percent since 2010, reflecting insufficient political commitment and domestic investment in national AIDS responses across much of the region.

Additionally, the legal, policy and regulatory frameworks that govern national efforts in prevention, treatment, care and support need significant strengthening. Some key obstacles include the *criminalisation of or increased punitive measures against HIV transmission, sex work, and drug use or possession for personal use; the introduction of homophobic and transphobic laws usually presented as “anti-propaganda” legislation; punitive “prevention” measures against people with HIV as those more likely to commit crimes; forced and coerced HIV testing; prosecution of the people who are not able to or willing to undergo TB treatment; and a shrinking space for civil society organizations to provide services for those living with HIV, TB and other key populations.*

In its flagship “Risks, Rights & Health” report of 2012 and subsequent 2018 Supplement, the Global Commission on HIV and the Law (GCHL) recognized that the law alone cannot stop HIV transmission, nor can the law alone be blamed when HIV responses are inadequate.

In its flagship “**Risks, Rights & Health**” report of 2012 and subsequent 2018 Supplement¹, the Global Commission on HIV and the Law (GCHL) recognized that the law alone cannot stop HIV transmission, nor can the law alone be blamed when HIV responses are inadequate. However, the GCHL found that legal environments can play a powerful role in the well-being of people living with or vulnerable to HIV². Without the contribution of judicial members in combatting HIV and related conditions, it is unlikely that significant change in how HIV and co-infections is comprehended on a societal, legal and medical level will be actualized.

¹ <https://hivlawcommission.org/supplement/>

² <https://www.undp.org/content/dam/undp/library/HIV-AIDS/Governance%20of%20HIV%20Responses/Commissions%20report%20final-EN.pdf>

In response to the Global Commission's recommendation, the United Nations Development Programme (UNDP) has been facilitating the work of the African Regional Judges' Forum on HIV and AIDS, which held its sixth meeting in 2019. As the Forum proved to be an important platform for information and experience exchange, raising awareness and sensitizing members of the judiciary on the issues of HIV and key and vulnerable populations, UNDP supported participation of EECA judges in the meetings of the African Judges Forum in 2018 and 2019. Thus far, the meetings were attended by four EECA judges (from Ukraine, Moldova and Tajikistan), creating a clear demand by these judges to replicate the experience in the EECA region.

The first meeting of the First EECA Judges' Forum on HIV and AIDS took place in Chisinau, Moldova, on 3-4 October 2019. It gathered over sixty participants, including members of the judiciary, representatives of national judicial training institutes, officers of UN country offices, and civil society and community activists from 11 countries of EECA, as well as representatives of headquarters and regional offices of UN agencies (Annex 1).

MEETING REPORT

The first day of the Forum started with welcoming remarks of Amitrajit Saha, HHD Team Leader for Africa, Addl. Charge of HHD teams in EECA and Arab States, UNDP IRH, Diana Scobioala, Director of the National Institute of Justice of the Republic of Moldova, Gerd Trogemann, Manager of the UNDP Istanbul Regional Hub, Dima Al-Khatib, UN Resident Coordinator a.i./UNDP Resident Representative for the Republic of Moldova, Ruslan Poverga, General Director of the NGO Positive Initiative, Moldova, and Judge Olena Volkova from Ukraine.



Welcoming notes were followed by group photo, introduction of participants, setting expectations and ground rules.

The first session, *Setting the Scene*, featured three presentations:



“Overview of governance and peace building in EECA (focus on human rights and access to justice)” by Ainura Bekkoenova, Human Rights, Rule of Law and Justice Specialist of UNDP IRH, “Global Commission on HIV and the Law – main findings and recommendations in-line with

2018 Supplement, and the role of the Law in ensuring effective responses to HIV” by Rosemary Kumwenda, HIV, Health and Development Team Leader for EECA, UNDP IRH, and “HIV and TB epidemics in Eastern Europe and Central Asia – Brief overview of key HIV, Law and Human Rights issues in EECA” by Svetlana Plamadeala, UNAIDS Country Manager in Moldova.

The second session of the day focused on criminalization of HIV transmission and exposure, which focused on international guidance with respect to laws criminalizing HIV transmission, covered by Amitrajit Saha, and then the biomedical and scientific information regarding HIV transmission, presented by Elena Vovc, Technical Officer of the WHO Regional Office for Europe.

The following four sessions explored the *impact of criminal laws on key populations*. **Session 3**, focusing on *people who use drugs*, featured four panellists. Bulat Mukhamedzhanov, Lawyer of the AGORA International



Human Rights Group, spoke about HIV, TB, Hepatitis C, people who use drugs and the law. Eliza Kurcevic, Membership and Programme Officer of the Eurasian Harm Reduction Association, addressed the importance of harm

reduction programmes as an evidence-based intervention, which significantly reduce the risk of transmission of HIV and other blood-borne infections among people who use drugs, contribute to improving the quality of their life and promote their access to other essential HIV services. Zhannat Kosmukhamedova, Head of UNODC Regional Programme Office for Eastern Europe, spoke about HIV, TB and Hepatitis C in prison settings. A personal story by Aidana Fedosik, NGO "New Life", Orenburg, Russian Federation, who was repeatedly sentenced and incarcerated because of her drug use, gave the participants an opportunity to reflect on the negative impact of extensive and unnecessary incarceration of people who use drugs, and the importance of harm reduction and rehabilitation programmes.

Session 4 focused on the *impact of criminal laws on LGBTI communities*, including men having sex with men (MSM) and transgender (TG) people. The panel had three members -- Vitaly Djuma, Executive Director of the Eurasian Coalition on Male Health, and Dragana Todorovic, Executive Co-Director of LGBTI Equal Rights Association for Western Balkans and Turkey (ERA), made a Legal overview of rights in the context of MSM and TG people, and Anastasia Eva Domani, member of ECOM and TransCoalition, who shared her story of transition and challenges she faced in family and social life. This session gave participants a unique opportunity to hear about the challenges faced by LGBTI communities and to understand how these challenges hamper access of LGBTI persons to HIV services.

Session 5, the first session of the second day, explored the *impact of criminal laws on sex workers*. The panelists included Andrey Poshtaruk, UNFPA Regional Advisor, Marina Avramenko, Chair of Sex Workers' Rights and Advocacy Network (SWAN) Management Committee, and Natalia Isaeva, Board member of the Global Network of Sex Work Projects (NSWP), who made a legal overview of rights in the context of sex work, and explained personal impact of criminalization. Participants learned that criminalization of sex work, stigma, discrimination and violence against sex workers all contribute to their vulnerability to HIV and limit their access to prevention, care and support services. The panelists also explained the difference between de-criminalization and legalization of sex work, stressing that de-criminalization, not legalization, is beneficial both for sex workers and for the society.

Session 6 had a double focus. The first part of the session unpacked the *impact of criminal laws on migrants*. It featured presentations by Jamie Calderon, Senior Health Advisor of the IOM Regional Office, and Igor Pchelin, Director of "Shagi" Foundation. Armed conflicts, natural disasters and severe poverty force millions of people to seek refuge in richer countries, and EECA is not an exception. It is a region with considerable labour migration, with Russia being the largest recipient country. Prevalent stigma, lack of legal protections and provisions on deportation of HIV-positive foreigners discourage labour migrants from seeking diagnosis, and the requirement to go through an HIV test in order to obtain work permit push many to illegal labour market.

During the second part of the session, devoted to *TB and the law*, Dr. Viorel Soltan from the Stop TB Partnership and Timur Abdullaev, Board member



of TBpeople, the global network of people affected by TB, presented basic facts about TB and gave an overview of the psychosocial and economic impacts of TB at all levels -- global, national, community and individual. Participants learned, also in comparison to HIV, that TB is more difficult

to prevent, diagnose, and treat, which explains why TB, being a preventable and curable disease, continues to be number one infectious killer in the world, and the main cause of death for people with HIV.

During Session 7 participants explored the *importance of strategic litigation cases, monitoring of rights violations and the provision of legal aid*. The panelists included Bulat Mukhamedzhanov, Lawyer of the AGORA International Human Rights Group, Olesia Doronceanu, Lawyer of IDOM, Moldova, and Evghenii Golosceapov, Member of the Council for Preventing and Eliminating Discrimination and Ensuring Equality. They described how strategic litigation can lead to changing laws and practices, giving real life examples of litigation in national and international courts (such as European Court of Human Rights).

At the end of the session, Dr. Amirajit Saha, HHD Team Leader for Africa, Addl. Charge of HHD teams in EECA and Arab States, UNDP IRH, shared the experience of establishing and further strengthening the Africa Judges' Forums, which was funded by GF Africa grant through UNDP Regional Service Centre for Africa.



The last session of the event, moderated by Judge Volkova from Ukraine, aimed to discuss next steps. The participants shared their impressions of participation in the first EECA Regional Judges Forum, such as the level of attention being paid by

the judiciary to the issues of HIV and the law, the positive impact Forum sessions had on judges, as well as the importance of having representatives of the communities sharing their personal stories in sensitizing Forum participants.

The First EECA Regional Judges Forum was closed by Dr. Rosemary Kumwenda, HIV, Health and Development, Team Leader for EECA, UNDP IRH and former Justice Olga Shapovalova.

It was agreed that the EECA Forum should also go beyond one-off event and become a sustainable platform for information and experience exchange among judges of EECA countries on matters related to HIV, TB, Hepatitis C and key and vulnerable populations. It was also agreed to form a steering committee consisting of Judge Olena Volkova and Olga Shapovalova from Ukraine, Judge Sharof Alanazarzoda and Manzura Raupova, Deputy Director of the Training Center under the Supreme Court, from the Republic of Tajikistan and Judge Igor Chiroasca from Moldova, who would coordinate the process of organizing second Judges' Forum, to take place in May 2020 in Dushanbe, Tajikistan. The participants also agreed to create a mailing list for the participants of the Forum to sustain communication.

In order to assess the logistics and substance of the event, the participants were offered to complete a survey (Annex 3). A total of 26 participants completed the survey. Overall, evaluations were very positive; on a scale from 0 to 5, an overwhelming majority of participants gave rating 3 and above, with near half of participants giving maximum score.

For more information about the event, including presentations, kindly visit the Judges' Forum: [mini-site](#)

HIV IN EASTERN EUROPE AND CENTRAL ASIA

1.7
Million
People

are living with HIV in Eastern Europe and Central Asia

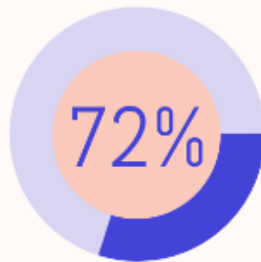
29%
increase
in new
infections from
2010 to 2018.

The annual number of new HIV infections increase reaching 150,000 in 2018

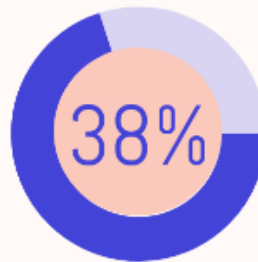
5%
increase
in AIDS-related
deaths since
2010

The annual number of AIDS related deaths increase reaching 13,000 in 2018

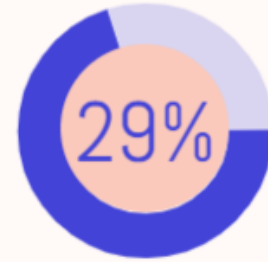
Figure 1: HIV testing and treatment cascade, Eastern Europe and Central Asia, 2018



People living with HIV who know their status



People living with HIV on treatment

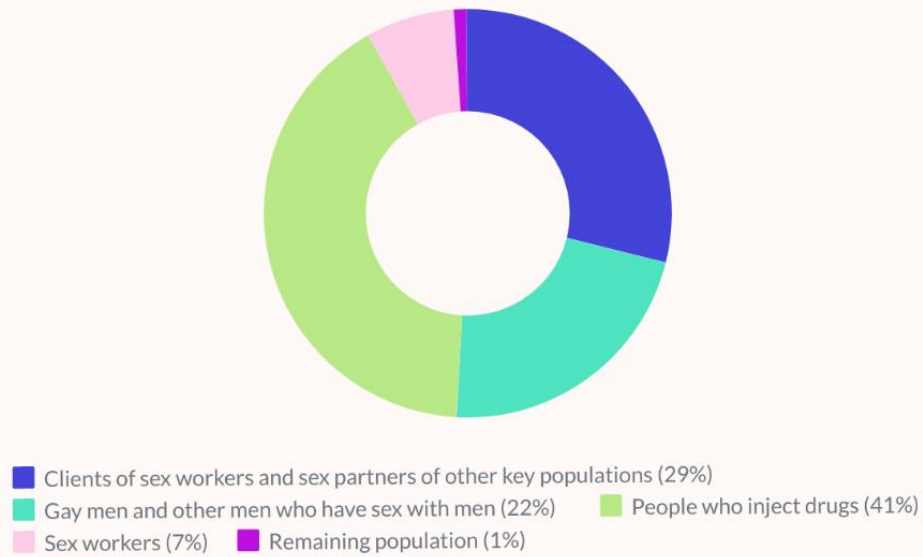


People living with HIV who are virally suppressed.

Source:

Communities at the Centre – Global AIDS Update 2019 - https://www.unaids.org/sites/default/files/media_asset/2019-global-AIDS-update_en.pdf

Figure 2: **Distribution of new HIV infections (aged 15 - 49 years), by population group Eastern Europe and Central Asia**



Source:

Communities at the Centre – Global AIDS Update 2019 -
https://www.unaids.org/sites/default/files/media_asset/2019-global-AIDS-update_en.pdf

ANNEXES

Annex 1: List of Participants³

#	Country	Name	Title
1	Belarus	Tatyana Tupik	Deputy Chairperson of Minsk City Court, Head of the Judicial Chamber for Criminal Cases of Minsk City Court
2	Belarus	Anzhelika Kozlova	Judge of the Court of Minsk Region
3	Belarus	Hanna Zakreuskaya	CCM Project Manager, UNDP Belarus
4	Georgia	Temur Gogokhia	Criminal Law Judge at Tbilisi City Court
5	Georgia	Keti Meskhishvili	Judge of the Tbilisi Court of Appeals
6	Georgia	Ramaz Zhghenti	Head of Internship at the High School of Justice
7	Kyrgyzstan	Ayvar Kuvatov	Osh Region Court
8	Kyrgyzstan	Cholpon Karimbaeva	Uzgen District Court
9	Kyrgyzstan	Marklen Narmyrzaev	Bazar-Korgon District Court
10	Kyrgyzstan	Zhenishbek Arzymatov	UNDP Kyrgyzstan
11	Kyrgyzstan	Baktygul Dzhumabaeva	Soros Foundation Kyrgyzstan
12	Moldova	Igor Chiroasca	District Court Judge
13	Moldova	Ion Chirtoaca	District Court Judge
14	Moldova	Vitalie Budeci	District Court Judge
15	Moldova	Igor Minascurta	Court of Appeal Judge
16	Moldova	Eugen Beselea	District Court Judge
17	Moldova	Irina Paduraru	District Court Judge
18	Moldova	Radu Greco	District Court Judge
19	Moldova	Victor Sandu	District Court Judge
20	Moldova	Valentina Contescu	National Institute of Justice
21	Moldova	Ecaterina Popa	National Institute of Justice
22	Moldova	Dumitru Obada	National Institute of Justice
23	Tajikistan	Sharof Alanazarzoda	Judge of the Supreme Court of the Republic of Tajikistan

³ Participants who were present at least one day of the Forum.

24	Tajikistan	Salom Safarbek Gulomzoda	Judge of the Supreme Court of the Republic of Tajikistan
25	Tajikistan	Manzura Tursunovna Raupova	Deputy Director of the Training Center under the Supreme Court of the Republic of Tajikistan
26	Ukraine	Olena Ivanovna Volkova	Judge of South Ukrainian City Court, Nikolaev region
27	Ukraine	Oksana Koval	Sviatoshinskiy Rayon Court of Kyiv City
28	Ukraine	Olga Shapovalova	National School of Judges
29	Ukraine	Olena Kryvko	Lead Human Rights Expert, UNDP Ukraine
30	Ukraine	Svilen Konov	Health and Transparency Specialist, UNDP Ukraine
31	Turkey	Amitrijit Saha	HHD Team Leader for Africa, Addl. Charge of HHD teams in EECA and Arab States, UNDP IRH
32	Turkey	Rosemary Kumwenda	HHD Team Leader for EECA, UNDP IRH
33	Turkey	John Macauley	Regional HHD Programme Specialist, UNDP IRH
34	Turkey	Ainura Bekkoenova	Human Rights Specialist, IRH
35	Moldova	Dima Al-Khatib	UNDP Resident Representative
36	Moldova	Alexandru Cocirta	Programme Analyst, Effective Governance, UNDP Moldova
37	Moldova	Svetlana Plamadeala	UNAIDS Country Manager Moldova
38	Moldova	Ina Tcaci	UNODC Moldova
39	Moldova	Diana Scobioala	Director, National Institute of Justice
40	Moldova	Ruslan Poverga	General Director, NGO Positive Initiative
41	Moldova	Constantin Cearanovski	NGO Positive Initiative
42	Russian Federation	Bulat Mukhamedzhanov	Lawyer, AGORA International Human Rights Group
43	Lithuania	Eliza Kurcevic	Membership and Programme Officer, Eurasian Harm Reduction Association (EHRA)
44	Ukraine	Zhannat Kosmukhamedova	Head, Regional Programme Office for Eastern Europe, UNODC
45	Estonia	Vitaly Djuma	Executive Director, Eurasian Coalition on Male Health - ECOM
46	Serbia	Dragana Todorovic	Executive Co-Director, LGBTI Equal Rights Association for Western Balkans and Turkey (ERA)
47	Turkey	Andrey Poshtaruk	Regional Advisor, UNFPA Regional Office for Eastern Europe and Central Asia
48	Russian Federation	Marina Avramenko	Forum SW Russia / Chair of SWAN Management Committee
49	Ukraine	Natalia Isaeva	LEGALIFE Ukraine / Board member of NSWP

50	Russian Federation	Igor Pchelin	Director, Shagi Foundation
51	Switzerland	Viorel Soltan	Head Country and Community Support for Impact CCS4i Team, Stop TB Partnership
52	Uzbekistan	Timur Abdullaev	TBPeople
53	Moldova	Olesea Doronceanu	The Moldovan Institute for Human Rights (IDOM)
54	Moldova	Evghenii Golosceapov	Council for Preventing and eliminating discrimination and ensuring equality
55	Austria	Jaime Calderon	Senior Health Advisor, Regional Office, IOM
56	Russian Federation	Aidana Fodesik	NGO "New life" (Orenburg, Russia)
57	Denmark	Elena Vovc	Technical Officer, Joint TB, HIV and Viral Hepatitis Programme, WHO Office for Europe
58	Ukraine	Anastasia Eva Domani	Member of ECOM and TransCoalition
59	Serbia/Hungary	Stasa Plecas	Executive Director, Sex Workers Advocacy and Right Network (SWAN)
60	Moldova	Timofti Vladimir	Supreme Court of Justice
61	Moldova	Guzum Jon	Supreme Court of Justice

Annex 2: Agenda

Day 1

Time	Topic	Presenter/Responsible person
08:30 – 09:00	Registration	
Session Moderator: Amitrajit Saha, HHD Team Leader for Africa, Addl. Charge of HHD teams in EECA and Arab States, UNDP IRH		
09:00 – 09:30	Welcoming/Opening remarks	Diana Scobioala, Director, National Institute of Justice, Moldova Gerd Trogemann, Manager, UNDP Istanbul Regional Hub (virtual) Dima Al-Khatib, UN Resident Coordinator a.i./UNDP Resident Representative Ruslan Poverga, General Director, NGO Positive Initiative, Moldova Judge Olena Volkova, Ukraine
09:30 – 09:40	Group photo	
09:40 – 10:00	Participants introduction, Expectations and ground rules	Judge Olena Volkova, Ukraine supported by UNDP
Session Moderator: Elena Vovc, Technical Officer, Joint TB, HIV and Viral Hepatitis Programme, WHO Office for Europe		

10:00 – 10:30	<p>Setting the Scene -</p> <p>Overview of governance and peace building in EECA (focus on human rights and access to justice)</p> <p>Global Commission on HIV and the Law – main findings and recommendations in-line with 2018 Supplement, and the role of the Law in ensuring effective responses to HIV</p>	<p>Ainura Bekkoenova, Human Rights, Rule of Law and Justice Specialist, UNDP IRH</p> <p>Rosemary Kumwenda, HIV, Health and Development, Team Leader for EECA, UNDP IRH</p>
10:30 – 11:00	HIV and TB epidemics in Eastern Europe and Central Asia – Brief overview of key HIV, Law and Human Rights issues in EECA	Svetlana Plamadeala, UNAIDS Country Manager in Moldova
11:00 – 11:30	Health Break	
Session Chair: Judge Olena Ivanovna Volkova, Ukraine		
11:30 – 13:00	<p>Criminalization of HIV transmission and exposure</p> <ul style="list-style-type: none"> - International guidance with respect to laws criminalizing HIV transmission - Medical and scientific information regarding HIV transmission 	<p>Amitrajit Saha, HHD Team Leader for Africa, Addl. Charge of HHD teams in EECA and Arab States, UNDP</p> <p>Elena Vovc, Technical Officer, Joint TB, HIV and Viral Hepatitis Programme, WHO Office for Europe</p>
13:00 – 14:00	Networking Lunch	
Session Chair: Judge from Georgia (TBD)		
14:00 – 16:00	<p>Impact of criminal laws on key populations (1)</p> <ul style="list-style-type: none"> - HIV, TB, Hepatitis C, People who use drugs and the Law - Importance of Harm Reduction programmes as evidence-based intervention - HIV, TB and Hep C in prison settings - Personal story 	<p>Bulat Mukhamedzhanov, Lawyer, AGORA International Human Rights Group</p> <p>Eliza Kurcevic, Membership and Programme Officer, Eurasian Harm Reduction Association (EHRA)</p> <p>Zhannat Kosmukhamedova, Head, Regional Programme Office for Eastern Europe, UNODC</p> <p>Aidana Fedosik, NGO “New Life”, Orenburg, Russian Federation</p> <p><i>(Panel discussion moderated by UNODC)</i></p>
16:00 – 16:30	Health Break	
Session Chair: Judge Igor Chiroasca, Moldova		

16:30 – 17:30	Impact of criminal laws on key populations (2) <ul style="list-style-type: none"> - Legal overview of rights in the context of LGBTI communities (MSM and TG) people - Personal story 	Vitaly Djuma, Executive Director, Eurasian Coalition on Male Health - ECOM Dragana Todorovic, Executive Co- Director, LGBTI Equal Rights Association for Western Balkans and Turkey (ERA) Anastasia Eva Domani, Member of the Eurasian Coalition on Male Health (ECOM) and TransCoalition <i>(Panel discussion moderated by LGBTI Equal Rights Association for Western Balkans and Turkey (ERA))</i>
17:30 - 17:45	Closing session and wrap-up	Judge (TBD)
19:00	Welcome dinner	Restaurant Vatra Neamului (20B Puskin Str., Chisinau)

Day 2

Time	Topic	Presenter
09:00 – 09:15	Brief recap from Day 1	Judge (TBD)
Session Chair: Ayvar Kubatov, Osh Region Court, Kyrgyzstan		
09:15 – 11:00	Impact of criminal laws on key populations (3) <ul style="list-style-type: none"> - Legal overview of rights in the context of sex workers - Personal story 	Andrey Poshtaruk, Regional Advisor, UNFPA Regional Office for Eastern Europe and Central Asia Marina Avramenko, Forum SW Russia / Chair of Sex Workers' Rights and Advocacy (SWAN) Management Committee Natalia Isaeva, LEGALIFE Ukraine / Board member of Global Network of Sex Work Projects (NSWP) <i>(Panel discussion moderated by UNFPA)</i>
11:00 – 11:30	Health Break	
Session Chair: Judge Sharof Alanazarzoda, Tajikistan		
11:30 – 13:00	Impact of criminal laws on key populations (4) <ul style="list-style-type: none"> - HIV, the Law and migrants - Personal story - TB and the Law - Testimony of a TB survivor 	Igor Pchelin, Director Shagi Foundation Jamie Calderon, Senior Health Advisor, Regional Office, IOM Dr. Viorel Soltan, Stop TB Partnership Timur Abdullaev, TBPeople
13:00 – 14:00	Networking Lunch	
Session Chair: Judge Oksana Koval, Ukraine		
14:00 – 14:45	- The importance of strategic litigation cases	Bulat Mukhamedzhanov, Lawyer, AGORA International Human Rights Group

	- Monitoring of rights violations and the provision of legal aid	Olesea Doronceanu, Lawyer, IDOM, Moldova Evghenii Golosceapov, Member of the Council for Preventing and Eliminating Discrimination and Ensuring Equality
14:45 – 15:30	- Experience from the Africa Judge's Forum	Judge Monica Mbaru (virtual/recording)
15:30 – 15:45	Health Break	
Session Chair: Judge from Belarus (TBD)		
15:45 – 16:45	Next steps – How do we take the Forum forward: what specific gaps will be addressed; leadership/convening; what results can be expected the role of technology (IT platform); follow up at national level; date and venue of next Forum	Judge Olena Ivanovna Volkova, Ukraine
16:45 – 16:55	Closing Remarks Vote of thanks	Amitrajit Saha, HHD Team Leader for Africa, Addl. Charge of HHD teams in EECA and Arab States, UNDP IRH Judge (TBD)
16:55 - 17:00	Short Forum evaluation	

Annex 3: Evaluation survey

1. How satisfied were you with the Forum? (on a scale from 0 to 5; 0 = not satisfied at all, 5 = totally satisfied)

2. How helpful was the Forum for your work? (on a scale from 0 to 5; 0 = not helpful at all, 5 = extremely helpful)

3. Which 2-3 sessions did you find most relevant and useful?

- Setting the scene
- Criminalization of HIV transmission and exposure
- Impact of criminal laws on people who use drugs and prisoners
- Impact of criminal laws on LGBTI communities
- Impact of criminal laws on sex workers
- Impact of criminal laws on migrants
- TB and the law
- Strategic litigation cases and legal aid
- Experience from the Africa Judges' Forum
- Next steps

How satisfied are you with the logistics?

4. Venue (on a scale from 0 to 5; 0 = not satisfied at all, 5 = totally satisfied)

5. **Lunches and health breaks** *(on a scale from 0 to 5; 0 = not satisfied at all, 5 = totally satisfied)*
6. **What are the key take-aways from the workshop for you?**
7. **For future potential Forums, which topics would you find most useful?**