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Resilient nations.*

A large, stylized red line-art illustration of a balance scale is positioned on the left side of the cover. The scale is tilted, with the right pan hanging lower than the left. The entire illustration is composed of simple red outlines on a white background.

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**

United Nations Development Programme

HIV, HEALTH AND DEVELOPMENT

Disclaimer

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A faint, light-colored illustration of a balance scale serves as a background for the entire page. The scale is centered vertically and horizontally, with its two pans hanging from a horizontal beam. The left pan is slightly lower than the right pan, suggesting it is heavier. The scale's base is a simple, stylized pedestal.

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TABLE OF CONTENTS

FOREWORD.....	6
I. INTRODUCTION	7
II. JUDGMENT SUMMARIES	9
2.1 NON-DISCRIMINATION.....	9
Discrimination in Health Care Services	9
<i>Georgina Ahamfule v. Imperial Medical Centre</i>	9
Non-Consensual Testing, Confidentiality and Privacy	11
<i>Kingaibe and Chookole v. Attorney General</i>	11
<i>J.A.O. v. Homepark Caterers LTD and Ors.</i>	12
<i>Diau v. Botswana Building Society</i>	13
<i>Irvin and Johnson Ltd v. Trawler and Line Fishing Union and Ors.</i>	16
<i>Joy Mining Machinery v. NUMSA and Ors.</i>	18
Employment Discrimination.....	20
<i>Allpass v. Mooikloof Estates (Pty) Ltd</i>	20
<i>South African Security Forces Union v. Surgeon General AO</i>	22
<i>Bootes v. Eagle Ink Systems KZ Natal (Pty) Ltd</i>	23
<i>Banda v. Lekha</i>	24
<i>Lemo v. Northern Air Maintenance (Pty) Ltd</i>	25
<i>Jimson v. Botswana Building Society</i>	27
<i>Hoffmann v. South African Airways</i>	29
<i>Haindongo Nghidipohamba Nanditume v. Minister of Defence</i>	30
<i>X v. The Commonwealth</i>	31
<i>Monare v. Botswana Ash</i>	33
Non-Disclosure, Confidentiality and Privacy Outside the Employment Setting.....	34
<i>C.O.M. v. Standard Group Limited and Anor.</i>	34
<i>NM and Ors. v. Smith and Ors</i>	35
<i>Harvey and Anor. v. PD</i>	38
<i>Jansen van Vuuren and Anor. NNO v. Kruger</i>	40
Discrimination Outside the Employment Setting.....	41
<i>State v. Marapo</i>	41
<i>Makuto v. State</i>	43
2.2 RIGHTS OF WOMEN IN THE CONTEXT OF HIV	45
<i>LM, MI and NH v. Namibia</i>	45
<i>Law and Advocacy for Women in Uganda v. Attorney General</i>	46
<i>Democratic Republic of Congo v. Burundi, Rwanda and Uganda</i>	48
<i>Midwa v. Midwa</i>	49
<i>Reitmair v. Reitmair</i>	50
<i>Mmusi and Ors. v. Ramantele and Anor</i>	51

2.3 RIGHTS OF CHILDREN AND YOUTH IN THE CONTEXT OF HIV	53
<i>Association for Social Justice and Research v. Union of India and Ors.</i>	53
<i>In re C (a child)</i>	54
<i>Nyumbani Children's Home v. The Ministry for Education and the Attorney General</i>	55
2.4 CRIMINALIZATION OF TRANSMISSION, EXPOSURE AND NON-DISCLOSURE.....	56
<i>R. v. Mabior</i>	56
<i>Simon Maregwa Githiru v. Republic</i>	57
<i>D.N. and Anor. v. Attorney General</i>	58
<i>Enhorn v. Sweden</i>	58
<i>Police v. Dalley</i>	60
<i>R. v. Dica</i>	62
<i>R. v. Cuerrier</i>	63
2.5 RIGHTS OF KEY POPULATIONS	65
Rights of Migrants	65
<i>Eneh v. Holder</i>	65
<i>Bosede v. Mukasey</i>	66
<i>De Bruyn v. Minister of Justice and Customs</i>	68
Rights of People Who Use Drugs	69
<i>New Directions Treatment Services v. City of Reading</i>	69
<i>McGlinchey v. United Kingdom</i>	71
Rights of Prisoners and Detainees	72
<i>Dudley Lee v. Minister for Correctional Services</i>	72
<i>Mazibuko v. Minister of Correctional Services</i>	74
<i>Yakovenko v. Ukraine</i>	75
<i>EN and Ors. v. South Africa</i>	77
<i>Odafe and Ors. v. Attorney General and Ors.</i>	79
<i>R. v. Secretary of State for the Home Department, ex parte Glen Fielding</i>	80
<i>Van Biljon and Ors. v. Minister of Correctional Services and Ors. (B v. Minister of Correctional Services)</i>	82
<i>Bailey v. Director of Public Prosecutions</i>	84
Rights of Sex Workers	85
<i>Canada v. Bedford</i>	85
<i>Tara v. State</i>	86
<i>Kylie v. Commission for Conciliation, Mediation and Arbitration</i>	87
<i>The Sex Worker Education and Advocacy Task Force v. Minister of Safety and Security and Ors.</i>	88
Rights of Transgender Persons	90
<i>Atkins v. Datacentrix (Pty) Ltd</i>	90
<i>Dr. Khaki v. Rawalpindi</i>	92
<i>Sunil Babu Pant and Ors. v. Nepal Government and Ors.</i>	93
<i>Jayalakshmi v. State of Tamil Nadu</i>	95
<i>Attorney-General v. Kevin and Jennifer, See also, Kevin and Jennifer v. Attorney-General, [2001] FamCA 1074</i>	96
<i>Bellinger v. Bellinger</i>	97
<i>Goodwin v. United Kingdom</i>	99
<i>Powell v. Schriver</i>	100
Rights of Men Who Have Sex with Men	102
<i>Kasha Jacqueline and Ors. v. Rolling Stone</i>	102
<i>Naz Foundation v. Government of NCT of Delhi</i>	103
<i>Victor Juliet Mukasa and Yvonne Oyo v. Attorney General</i>	104

<i>Secretary for Justice v. Yau Yuk Lung</i>	106
<i>DW v. Secretary of State for the Home Department</i>	107
<i>Yasser Mohamed Salah et al. v. Egypt</i>	108
<i>Smith and Grady v. United Kingdom</i>	109
<i>National Coalition for Gay and Lesbian Equality v. Minister of Justice</i>	110
<i>Toonen v. Australia</i>	111
<i>Dudgeon v. United Kingdom</i>	112
<i>Zimbabwe Human Rights NGO Forum v. Zimbabwe</i>	113
<i>Karner v. Austria</i>	114
<i>Modinos v. Cyprus</i>	115

2.6 ACCESS TO MEDICINES..... 116

<i>Minister of Health v. Treatment Action Campaign</i>	116
<i>Luis Rolando Cuscul Pivaral et al. v. Guatemala</i>	117
<i>Sahara House v. Union of India</i>	119
<i>Novartis AG v. Union of India</i>	120
<i>Cipla v. Aventis</i>	122
<i>Patricia Asero Ochieng and Ors. v. Attorney General</i>	124
<i>AIDS Access Foundation et al. v. Bristol Myers-Squibb and Department of Intellectual Property</i>	126
<i>Mangani v. Register Trustees of Malamulo Hospital</i>	128
<i>Sankalp Rehabilitation Trust v. Roche</i>	129

III. RESOURCES AND FURTHER READING 130

FOREWORD

HIV continues to be one of the greatest public health challenges of our time. As noted in the landmark report, *The Global Commission on HIV and the Law: Risks, Rights & Health*, HIV is also a crisis of law, human rights and social justice. In the context of recent scientific breakthroughs on HIV prevention and treatment, and the growing epidemic of inequality confounding health and development across the globe, addressing the legal and human rights barriers to effective HIV responses is as important as ever. It is increasingly recognized that protecting the human rights of people living with HIV and key populations is critical to ensuring access to HIV prevention, treatment, care and support for all.

The judiciary, as a protector of human rights, plays an important role in shaping legal environments for effective HIV responses, and in promoting rule of law and access to justice. Jurisprudence has at times had a positive and transformative impact on national HIV responses and on public perceptions of HIV. Across a range of countries, courts have developed enabling jurisprudence on HIV-related issues, such as non-discrimination, employment, access to education, medical insurance, treatment in prisons, segregation, confidentiality, access to medicines, same-sex relations, and the rights of sex workers and transgender people. Beyond the courts, members of the judiciary are leaders in their communities and societies. Their stance, attitudes and behaviour towards HIV-related issues, people living with HIV and key populations can influence social attitudes and challenge stigma and discrimination, inside courts and within the community at large.

As agents of justice, it is critical that members of the judiciary are empowered with up-to-date knowledge and understanding of the science of HIV transmission, prevention, treatment, care and support; epidemiological developments; and the evolving roles of the law and the judiciary in HIV responses. Enhancing the capacity of the judiciary to address HIV-related legal and human rights issues is a vital component of creating enabling legal environments that support effective national HIV responses. Building on the work of the Global Commission on HIV and the Law, *The Compendium of Judgments, HIV, Human Rights and the Law*, is a collation of progressive jurisprudence on HIV-related matters that highlights how the law has been used to protect individual rights. The compendium presents a user-friendly compilation of judgments from different national and regional jurisdictions.



Mandeen Dhaliwal

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