Women and HIV/AIDS in prison: a human rights approach. The Angola context.

Joana Alves 2009/2010

Supervisor: Prof. Francesca Vianello
University of Padua
Italy

ABSTRACT

Prisoners do not (should not) lose their rights while they are deprived of their liberty under the custody of the State besides the lawful limitations inherent to incarceration. They must be considered by the State as part of the population and Governments should not neglect their rights as human beings.

As prison systems have been primarily designed for men, who continue to be the majority of the prison population, prison policies and procedures often do not address women's rights and needs. Data on the health of women in prison and the health care provided for them, namely related with HIV/AIDS, is rare. This situation inhibits the States to adequately respect, protect and fulfil the inalienable human rights of women in prison even when they are provided by the national and international law.

As an example of this situation we chose the Angola's context. Among it, the current thesis aims to assess the problematic related with women prisoners affected by HIV/AIDS in a human rights perspective. It explores how the existing international, regional and national human rights instruments, to which Angola has adhered, guarantee the protection of women in this particular situation and the importance of systematic assessment necessary to effectively fulfil those rights.

TABLE OF CONTENTS

Introduc	ction and methodology	11
1. Ir	ntroduction	11
2. N	1ethodology	14
Chapter	I - Women's HIV/AIDS status in prison settings	15
1. T	he HIV/AIDS problematic	15
1	.1 HIV/AIDS in Africa	15
1	.2 HIV inside the prison	19
2. A	angola context	25
2	.1 The woman in the Angola's society	25
2	.2 HIV/AIDS in Angola	30
2	2.2.1 Situation in the prison system in Angola	34
Chapter	II - International and regional legal framework	39
1. Ir	ntroduction	39
2. Ir	nternational Standards	43
2	.1 The International Bill of Human Rights	43
	2.1.1 Universal Declaration of Human Rights	44
	2.1.2 International Covenant on Civil and Political Rights	45
	2.1.3 International Covenant on Economic, Social and Cultural	
	Rights	48
2	.2 Other United Nations treaties	53
	2.2.1 Convention against Torture and Other Cruel, Inhuman or D	egrading
	Treatment or Punishment	53
	2.2.2 Convention on the Elimination of All Forms of Discrimination	n against
	Women	56
	2.2.3 Convention on the Rights of the Child	58
	2.2.4 International Convention on the Protection of the Rights of All	Migrant
	workers and Members of their Families	59
2	.3 Other United Nations Human Rights instruments	59
	2.3.1 Declaration on the Elimination of Violence against Women	60

	2.3.2 The UN Standard Minimum Rules for the Treatment of Prisoners	61
	2.3.3 Body of Principles for the Protection of All persons under Any Form	of
	Detention or Imprisonment	63
	2.3.4 Basic Principles for the Treatment of Prisoners	63
	2.3.5 Principles of Medical Ethics relevant to the Role of Health Personn	nel
	particularly Physicians, in the Protection of Prisoners and Detainees again	ns
	Torture and Other Cruel, Inhuman or Degrading Treatment	OI
	Punishment	64
	2.3.6 The World Health Organization Guidelines on HIV infection and AI	DS
	in Prisons	65
	2.3.7 The International Guidelines on HIV/AIDS and Human Rights	66
3. 1	Regional Standards	67
3	3.1 Introduction	67
3	3.2 Regional Treaties	68
	3.2.1 African Charter on Human and Peoples` Rights and the Protocols	68
3	3.3 Other Regional Instruments	70
	3.3.1 Guidelines and Measures for the Prohibition and Prevention of Tortu	ıre
	Cruel, Inhuman or Degrading Treatment or Punishment in Africa (The Robl	oer.
	Island Guidelines)	70
Chapte	r III - Angola`s legal framework	73
1. 1	Introduction	73
2. 1	National standards	73
2	2.1 Angola Constitution	73
3. 1	Legislative and administrative measures	77
3	3.1 Legislative measures	77
	3.1.1 HIV/AIDS Law	77
	3.1.2 Penitentiary law	79
3	3.2 Administrative measures	80
Chapte	er IV - Analysis of the standards` implementation in Angola	85
1. 1	Introduction	85
2.	The compliance with international and regional standards	86

Bibliography		
Conclusions		
4. Need to report and monitor	94	
3.4 Promotion of human rights	93	
3.3 HIV/AIDS prison policy	90	
3.2 Equality and non-discrimination	89	
3.1 Prison conditions	88	
3. Lack of policy with a human rights approach	88	