

## Zero Discrimination Day 2019: Act to end laws that discriminate in Zimbabwe

Ending AIDS by 2030 is a noble vision that cannot be achieved without ending HIV related stigma and discrimination. Today, discrimination continues to affect the lives of millions of people globally, including HIV related discrimination against people living with HIV, key populations at higher risk of HIV and other marginalised groups. It is the moral and legal obligation of states under the Universal Declaration of Human Rights, human rights treaties, the 2030 Agenda for Sustainable Development, and other international obligations to remove discriminatory laws, and to enact laws that protect people from discrimination.

### *Zero Discrimination Day was established to ensure equality before the law*

Zero Discrimination Day was instituted in 2014 to sensitize the public on the need to support people living with HIV. In solidarity with people living with HIV as a movement for change, the

Day aims to celebrate individuality, inclusion and human rights, as well as the right for everyone to live a full, productive life with dignity. It is a day that promotes compassion, tolerance and peace whilst creating a unified movement to end all forms of discrimination, which could be a result of one's health status, race, gender, identity, disability and/or sexual orientation.

The theme for the 2019 Zero Discrimination Campaign is to act against discriminatory laws globally. In many countries, including Zimbabwe, discriminatory laws result in people being treated differently; facing restrictions, or being excluded from necessary services because of who they are or how they live their lives. These laws deny individuals of human rights and/or fundamental freedoms.

#### Five Actions for individuals

1. **Highlight discriminatory laws**- so that everyone can advocate for change; post initiatives for zero discrimination on social media.
2. **Be an ally**- call out discrimination when you see it.
3. **Demand change** from your parliamentarian, ombudsperson or human rights organization.
4. **Start a petition** to change the law.
5. **Donate** time money, time or expertise to an organization working for law reform, or start one.

#### Five Actions for civil society organisations

1. **Start a campaign** to change the law. Highlight laws that are discriminatory, so collectively we can advocate for change.
2. **Provide support and a safe space**, including legal support and pastoral care for discriminated people.
3. **Conduct awareness-raising sessions** on human rights in the workplace, schools, clinics or peer networks.
4. **Convey a request** to remove discriminatory laws to your parliamentarian or governmental representative, United Nations office or any national body responsible for monitoring human rights in the country.
5. **Adopt and promote** a policy that prevents and protects against discrimination in the civil society organisation workplace.

## **Laws that discriminate**

Zimbabwe's Bill of Rights offers extensive protection for people's rights, including the rights to equality and non-discrimination. The country has ratified several key regional and international human right treaties that also safeguard the rights of all people. Over the years, the country has also developed policies, strategies and plans that respond to HIV, TB, sexual and reproductive health and rights to promote the development of all people.

Protective provisions in laws and policies include: protecting women against sexual violence; protecting orphaned children; inclusion of disabled people in all sectors and protecting employees from discrimination in the work place. However, the Prevention of Discrimination Act does not include protection for women, children, disabled people and key populations from discrimination, and it does not mention that HIV is ground for non-discrimination to access finance.

Moreover, some specific laws may discriminate by criminalizing conduct or identity such as those on sex-work, same-sex sexual relations, the use or possession of personal drug, the non-disclosure of HIV status and wilful exposure of HIV.

Other laws prevent people from accessing benefits or services; for example, barriers towards sexual and reproductive health and the rights of young people, as a result of consent laws regarding the age of consent to sex and to access to medical information, diagnosis, prevention, treatment and care impact on access to healthcare services for young people. The attitude of healthcare providers to young people's sexuality, as well as stigma and discrimination against key populations are other reasons for the barriers.

Zimbabwe's commitment to attain gender equality is instituted within the Constitution and with the establishment of a Gender Commission. However, women and girls are not fully protected from gender inequality, harmful gender norms (including child marriage) and gender-based violence (GBV). The marriage act does not fully implement laws that seek to end early marriage. Stigma and discrimination against women with HIV in communities and at health service facilities still exists and fuels gender-based violence (GBV) in the home and in communities and creates barriers to access to healthcare.

These laws affect and impact the lives of people living with HIV, TB, key and vulnerable populations, infringing on their rights to adequate access to healthcare services such as HIV prevention, treatment, care and support and sexual and reproductive health services, with negative impacts on broader national responses to HIV. Key populations including young key populations face limitations imposed by structural and institutional frameworks, when it comes to equal access to efficient justice delivery and law enforcement.

## **Act to change laws that discriminate**

### **Five Actions for parliamentarians and governments**

1. **Inform yourself** about discrimination and affected people.
2. **Raise awareness** amongst other public servants, members of the judiciary and law enforcement officers.
3. **Facilitate platforms** of national and international parliamentarians, to commit to promote good laws that will advance the well-being and fundamental dignity of everyone, based on evidence and guided by human rights standards.
4. **Be an ally** and act on civil society requests to remove discriminatory laws and give civil societies platforms, from which their voices can be heard.
5. **Table amendments to laws** or call for a review of the legislation.

The Global Partnership to Eliminate All Forms of HIV-Related Stigma and Discrimination launched on the 10<sup>th</sup> of December 2018 with the goal of accelerating and catalysing the implementation of commitments made to end HIV-related stigma by United Nations member states, agencies, funds and programmes; bilateral and international donors, and non-governmental organisations and communities. The Partnership comprises of UNAIDS, UN Women, UNDP and the Global Network of People Living with HIV.

Launching the campaign, Mr Michel Sidibé, Executive Director of UNAIDS reiterated that “*All countries must carefully review their laws and policies, to ensure equality and protection for all people, no exceptions. On Zero Discrimination Day and everyday, let us act together to change discriminatory laws.*” Individuals, civil society organizations, parliamentarians, governments, partners and donor organisations are all required to take action, because these laws affect people from all walks of life. The campaign highlights the actions required across all key stakeholders as follows:

#### Five Actions for partners and donor organisations

1. **Inform yourself** about discrimination and its impact of affected people.
2. **Adopt and promote** a policy that prevents and protects against discrimination in the donor organization workplace.
3. **Commit to prioritizing** the reform of discriminatory laws in health and development programmes.
4. **Ensure that funding goes towards human rights, law reform, legal aid and legal education.**
5. **Work with local organizations** that are affected by discriminatory laws or that are working on law reform.

Ending discrimination and changing laws is the responsibility of all of us. Everyone can play a part in ending discrimination, and can try to make a difference, both big and small. The Zero Discrimination Day 2019 campaign challenges people to act against discriminatory laws in their country. The first step to making change is to know the law, recognize the ones that discriminate and highlight them to others.