

AIDS AND THE LAW TRAINING

INTRODUCTION

South Africa continues to have one of the fastest growing HIV epidemics in the world, with an estimated 4,7 million people currently living with HIV. Furthermore although the legal system provides a protective framework that prohibits unfair discrimination, widespread abuses of rights occur. This is in many respects due to:

- low levels of legal literacy regarding HIV/AIDS;
- the high levels of discrimination and stigma which act as a disincentive to persons who wish to take legal action that may expose them to publicity;
- a lack of expertise and knowledge within the legal profession on HIV and the law; and
- lack of legal support services such as NGOs to take on cases.

In the light of this, the Faculty of Law at the University is committed to working with key stakeholders to develop the capacity of law students to respond to the legal needs of all persons infected and affected by HIV/AIDS. One of its strategies in this regard is the offering of a vacation programme on HIV and the law for non-degree purposes.

BACKGROUND TO HIV/AIDS AND THE LAW WITHIN THE LLB CURRICULUM

The Faculty of Law at the University of Natal has over 1000 undergraduate students studying at its two centres: Pietermaritzburg and Durban. Currently these students are only introduced formally to HIV/AIDS and the law through:

- the Human Rights course taken by third year students; and
- a small section of the Labour law course taken by fourth year students.

They are also exposed informally to HIV and the law through:

- cases they may deal with in the Durban and Pietermaritzburg Campus Law Clinics; and
- the Street Law within the Faculty's Community Service Programme.

In order to enhance the exposure of law students to HIV and the law and to develop their capacity to respond to such issues the Faculty, in partnership with the Nelson Mandela Medical School, The Centre for HIV/AIDS Networking (HIVAN) and the AIDS Intervention Office piloted the above mentioned two-day training programme for intermediate and final year law students. This training took place at the Pietermaritzburg campus on 1 and 2 August 2002. Thirty students, from both Durban and Pietermaritzburg, received training.

OVERVIEW OF THE TRAINING PROGRAMME

The two-day programme covered the following topics:

- Introduction to HIV/AIDS including
 - Epidemiology of HIV/AIDS
 - Modes of transmission
 - Treatment including anti-retroviral therapy;
- HIV as a legal and human rights issue including discrimination;

- medical law (e.g. access to treatment);
- employment law; and
- welfare law.

The programme was taught using participatory learning techniques aimed at using the knowledge that students have acquired in other courses such as criminal law, delict, labour law and constitutional law.

OUTPUTS OF THE PROGRAMME

The key output of the programme was the training of students from Pietermaritzburg and Durban Law Schools on HIV/AIDS and the law. These students will form a core team, which will be able to use their knowledge to assist:

- Street Law programme when training on HIV and the law;
- Student support services who are faced with HIV and the law problems;
- Communities serviced by HIVAN in their HIV/AIDS outreach work; and
- The Campus Law Clinics.

The course also aimed at the following secondary outputs:

- developing students individual knowledge of HIV and their vulnerability to infection;
- assisting students to deal with stigmatising attitudes and fears regarding their own infection or the infection of others;
- developing the ability to better understand discrimination, and the mechanisms that are used to combat discrimination;
- developing their capacity to respond to HIV and the law knowledge when working in a legal practice; and
- raising awareness around key law reform issues relating to HIV.

The following skills were also developed:

- problem solving;
- analytical thinking; and
- introductory advocacy skills

COMMENTS FROM EVALUATIONS

“The training will help us to help the community because we will use them to start our discussions with friends.”

“Definitely, this was a positive experience and we must have more programmes like this.”

“Yes, it was better than I expected...I had expected a fairly academic programme but it was really interactive and engaging.”

“I found the course very well structured and organised, I particularly found the group work rewarding as I had a chance to hear my peers ideas and views on the material.”

“I knew HIV existed but I did not realise the seriousness and extent of its existence. I got a vast array of knowledge and experience that I will hold for a lifetime.”