

**Fifth meeting**  
**of the Eastern Europe and Central Asia Judges' Forum**  
**on HIV, Human Rights and the Law**  
**Chisinau, Moldova**  
**November 27-28, 2023**

**REPORT**

***Background***

The region of Eastern Europe and Central Asia (EECA) is confronted with multiple challenges. Uneven economic development, climate change, environmental risks and Russia's invasion of Ukraine, pose major risks to the region's development, leading to a new wave of migration and reversing progress already made. At the same time, the EECA region remains one of only three regions where the HIV epidemic is growing, with approximately 2 million people living with HIV<sup>1</sup>; it is also one of only two regions in the world where the annual number of AIDS-related deaths has been increasing: since 2010 it grew by almost 50%. Most new infections in the region occur among key populations - people who are already marginalized,<sup>2</sup> facing punitive legal environments, social stigma, and discrimination.

In recent years, the EECA region has made commendable progress in shaping a more favorable legal environment for HIV and health-related matters. Recognizing the link between legal frameworks and effective HIV responses, several countries in the region have taken steps to decriminalize HIV exposure and transmission, tackle discrimination against people living with HIV in the exercise of social rights, and improve the situation of key populations.<sup>3</sup>

Despite significant improvements in the HIV and health-related legal environment, in the EECA region barriers remain. Although the importance of protective legal environments is emphasized in numerous political documents and strategies, such as the Global AIDS Strategy 2021-2026,<sup>4</sup> the rights of people living with HIV and key populations are not sufficiently protected on the ground. Most countries in the region still criminalize HIV exposure and transmission in their laws or practices, inadvertently restricting access to life-saving services for key populations. People who use drugs are still the most impacted by the HIV epidemic in the region and are incarcerated at unprecedented rates. As a result, the region also has some of the highest incarceration rates in the world, contributing to a burgeoning tuberculosis (TB) epidemic and other health and social challenges for individuals upon release. Prior to the war in Ukraine, labor migration has been a significant driver of HIV and TB epidemics in EECA and currently internally displaced persons and refugees have limited access to vital health services, including HIV and TB, and legal support.<sup>5</sup> HIV decriminalization, as well as drug policy

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<sup>1</sup> UNAIDS data, <https://aidsinfo.unaids.org/>.

<sup>2</sup> UNAIDS considers gay men and other men who have sex with men, sex workers and their clients, transgender people, people who inject drugs and prisoners and other incarcerated people as the main key population groups. These populations often suffer from punitive laws or stigmatizing policies, and they are among the most likely to be exposed to HIV. Their engagement is critical to a successful HIV response everywhere—they are key to the epidemic and key to the response (UNAIDS Terminology Guidelines, 2015, [https://www.unaids.org/sites/default/files/media\\_asset/2015\\_terminology\\_guidelines\\_en.pdf](https://www.unaids.org/sites/default/files/media_asset/2015_terminology_guidelines_en.pdf)).

<sup>3</sup> UNAIDS, *Regional Report 2021-2022*. [https://open.unaids.org/sites/default/files/documents/EECA\\_Regional%20report\\_2021\\_0.pdf](https://open.unaids.org/sites/default/files/documents/EECA_Regional%20report_2021_0.pdf)

<sup>4</sup> UNAIDS, *Global AIDS Strategy 2021-2026: End Inequalities. End AIDS*. <https://www.unaids.org/en/resources/documents/2021/2021-2026-global-AIDS-strategy>.

<sup>5</sup> Study of Ukrainian Refugees in European Countries: Barriers, Solutions and Best Practices. Access to HIV and Tuberculosis Care [https://migrationhealth.group/wp-content/uploads/2023/09/Ukrainian-Refugees-in-European-Countries\\_Summary.pdf](https://migrationhealth.group/wp-content/uploads/2023/09/Ukrainian-Refugees-in-European-Countries_Summary.pdf)

reform, are long overdue in the region, left ill-equipped in addressing continuous socio-economic and geo-political challenges.

However, there is a growing recognition of the importance of harmonizing drug policies with health goals, which indicates a regional movement towards policies that prioritize public health and human rights, with the judiciary being pivotal in ensuring that punitive measures do not counteract positive health outcomes. As various countries in and neighboring the region, including Balkan countries, pursue European integration, they often look to align their national drug policies with European Union (EU) standards and best practices. In EU countries, drug policies have historically been centered around a balanced approach, combining prevention, harm reduction, treatment, and law enforcement measures. Countries like Albania, Croatia, and North Macedonia have undergone significant reforms in their drug policies over the years, focusing on rehabilitation and harm reduction rather than punitive measures. As they integrate with the EU, these experiences provide essential insights into crafting and upholding drug policies that are both effective and human rights-oriented.

**In this regard, the role of judges in addressing health and other social issues is critical.** The justice system can either impede or facilitate social and public health efforts to provide equitable health care, thus ultimately contributing to the achievement of universal health coverage. In addition, independent, impartial, accountable, and professional judicial system, as well as the protection of fundamental rights, is increasingly a topic of discussion in the region, where some countries are candidates for EU accession. The EECA Judges' Forum on HIV, Human Rights and the Law (hereinafter referred to as the Forum), established with the support of the United Nations Development Programme (UNDP), is driven by the vision that people living with HIV are free and protected by justice. It aims to provide a collegial environment for EECA judges to discuss the latest scientific, medical and epidemiological evidence, international and regional guidelines, social and structural factors that increase the vulnerability of people living with HIV and key populations, and judicial and legislative responses to HIV and related national, regional and international laws, and to share experiences and challenges in their work to protect people's rights in the context of HIV and co-infections.

The fifth Forum meeting took place in a hybrid format on **27 and 28 November 2023, in Chisinau, Moldova**. It gathered judges, representatives of National Institutes of Justice and UNDP country office HIV, health and development focal points from selected EECA countries, including Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Ukraine, and Uzbekistan. The official languages of the meeting were Russian and English with simultaneous interpretation provided from and to these languages.

The two-day Forum tackled a range of legal issues, particularly the intersection of HIV with other current challenges, such as migration, employment discrimination, drug policy, policy coherence in light of European integration, and others. The first day focused on drug policy and the judicial role in safeguarding human rights for people who use drugs. The second day included two plenaries, one on European integration and opportunities to address the HIV epidemic and response through law harmonization and best practice, and the other on HIV and migration (see **Annex 1: Agenda**).

### ***Meeting report***

The Forum meeting commenced with **Session 1: Greetings and Official Opening Remarks**, moderated by Vitalie Budeci, Judge of the Chisinau Court and Member of the EECA Forum Steering Committee from Moldova. During the opening, participants were welcomed by **Andrea Cuzyova**, Deputy Resident Representative/Officer in Charge a.i., UNDP Moldova, and **Veronica Mihailov-Moraru**, Minister of Justice of the Republic of Moldova. They outlined major challenges related to HIV and the law faced by the region and highlighted the importance of the Forum in promoting progressive jurisprudence

on HIV-related cases and therefore improving the protection of the rights of people living with and affected by HIV. The greetings were followed by the introduction of the participants and logistical information.

The second part of the session opened with a presentation by **Viatcheslav Grankov**, Medical Officer on HIV at the WHO Regional Office for Europe, who presented key facts about HIV and the latest WHO recommendations. He highlighted the progress in understanding, diagnosing and treating HIV. The speaker also presented the routes of transmission and pointed to the latest WHO guidance on HIV viral suppression, which concludes that an undetectable viral load means zero risk of sexual transmission of HIV. The next presenter, **Vera Ilyenkova**, Key Populations & Community Engagement Adviser at UNAIDS, provided an overview of the epidemiological situation in the region and the response, highlighting existing challenges in various areas, including legislation. **Mikhail Golichenko**, UNDP consultant, spoke about the context by providing an overview of key HIV, law, and human rights issues in EECA countries, emphasizing the futility of the punitive approaches and practices and their impact on law enforcement capacity, judicial system overload and negative public health outcomes.

The next session featured a panel discussion, moderated by **Timur Abdullaev**, UNDP consultant, on access to medicines. **Maria Shibaeva** from the International Treatment Preparedness Coalition, spoke about intellectual property and how it affects access to HIV and TB treatment in the region. She mentioned the challenges related to striking a balance between intellectual property rights and public health interests, emphasizing the negative impact of “evergreening” patents and not using flexibilities envisaged by the Doha Declaration. **Ruslan Poverga**, Director of NGO "Positive Initiative" from Moldova, presented the work of his organization in challenging patents for essential HIV and TB medicines. The panelists called on the participants for more vigorous protection of the rights of people living with HIV by avoiding judicial decisions that benefit the interests of the industry and sacrificing public health interests.

The following session, moderated by Judge **Khatuna Jinoria** from Tbilisi City Court, Georgia, was devoted to the role of the judiciary in the work and promotion of changes in the context of HIV and human rights. The session started with an intervention by **Professor Michel Kazatchkine**, a member of the Global Commission on Drug Policy and a Special Adviser to the WHO Office for Europe, who spoke about linking the judiciary to work on HIV and human rights. This was followed by a panel on the role of the judiciary in promoting change in the context of HIV and human rights. Judge **Ainura Satarova** from Kyrgyzstan focused on the importance of training judges to ensure effective protection of the rights of people living with HIV and key and vulnerable populations. **Sharof Alanazarzoda**, Judge of the Supreme Court of the Republic of Tajikistan and a Member of the EECA Forum Steering Committee, spoke about the challenges faced by judges in handling HIV-related cases, and the opportunities available to avoid unnecessary criminalization of people living with HIV and representatives of key populations. **Tetiana Deshko** from the Alliance for Public Health, Ukraine, spoke about the work her organization is conducting in tackling the problem of HIV criminalization in the region. **Tatiana Zhuravskaya**, Consultant of the Eurasian Network of Women Living with HIV, who joined online, spoke about the experience of community advocacy and support in protecting the rights of people living with HIV and key populations in the judicial system.

The final session of the first day, moderated by **Lena Kucheruk** from the Secretariat of the Commission on Drug Policy in Eastern and Central Europe and Central Asia, was a panel discussion on the perspectives on drug policy in the EECA region. The speakers included **Professor Michel Kazatchkine**, **Mikhail Golichenko**, and **Ganna Dovbakh**, Executive Director of the Eurasian Harm Reduction Association. The panelists spoke about the problems, challenges and opportunities in the area of drug policy in the region, as well as shared examples of cases that contribute to shifts in drug policy. The panel discussion was followed by presentations: **Ganna Dovbakh** spoke about the criminalization of substance use and possession in EECA and the role of judges in diminishing impacts of punitive laws,

and **Professor Aurelius Gutauskas**, Judge of the Constitutional Court of the Republic of Lithuania, spoke about court practice in drug cases in Lithuania, where despite punitive legislation, judges provide decisions that support public health. The session concluded with another panel discussion on the experience of referral to harm reduction programs. The panel included **Alexei Grosu**, Deputy Head of the National Inspectorate of Public Security of Moldova, **Ruslan Poverga**, and **Vitaliy Budeci**, Judge of Chisinau Court, and Member of the Forum Steering Committee in Moldova.

The second day opened with a panel session on global and regional efforts to protect the rights of people living with HIV and key populations, moderated by **Timur Abdullaev**. The session began with a presentation by **Ganna Dovbakh**, Executive Director of the Eurasian Harm Reduction Association. She spoke about the regional strategy to achieve the 10-10-10 targets, including the formation of a regional working group. **Marina Smelyanskaya**, Regional Team Leader for HIV and Health Group, UNDP IRH introduced the UNDP-led SCALE Initiative, which aims to help strengthen and scale the work of communities to counter the discriminatory laws, policies and HIV-related criminalization. The presentation was followed by a panel discussion, which started with **Velta Parkhomenko** from the European Network of People who Use Drugs (PWUD), and **Elvira Tilek** from Eurasian Coalition for Health, Rights, Gender and Sexual Diversity (ECOM), speaking about the realities faced by PWUD and LGBTI communities in terms of legal environment, stigma and discrimination. **Elena Volkova**, Judge of the Yuzhnoukrainsk city court of the Mykolaiv region of Ukraine and a Member of the EECA Forum Steering Committee, and **Sharof Alanazarzoda** spoke about the role of the judiciary in achieving the 10-10-10 targets.

The next segment featured presentations by **Natasha Boshkova**, attorney at law and Legal Adviser in HOPS Project, Macedonia, and **Mirjana Nikolovska Kalchinoska**, a Judge from North Macedonia who spoke about the role of the judiciary in protecting the rights of key populations and presented a case related to the rights of sex workers that after 12 years was positively resolved in the European Court of Human Rights.

Judicial protection and promotion of the rights of people living with HIV and key populations were the topics of the third session of the day, which featured a panel discussion moderated by **Oxana Gumennaia**, Deputy Ombudsman of the Republic of Moldova. Opening the session, the moderator spoke about the role of the Ombudsperson and how this institution can help in the protection of the rights of people living with HIV and key populations. The first panelist, **Daniel Kashnitsky** from the Regional Platform on Migrant Health, addressed the issue of migration and its impact on health in the region, pointing to existing challenges, such as migrants' limited access to healthcare, stigma and discrimination in receiving countries. **Janina Stemkovska**, Director of the Eastern Resource Center of the Charitable organization "Meridian", Ukraine, spoke about the situation of people in prisons in the context of ongoing war and other emergencies. **Olena Volkova** described how judges can help ensure the promotion and protection of the rights of people living with HIV and key populations. **Ilim Sadykov** from Open Society Foundation – Kyrgyzstan spoke about the importance of access to legal services and lessons learned from the work with paralegals and street lawyers. **Nurmakhmad Khalilov** from the Centre for Human Rights, Tajikistan, presented the work on monitoring and tackling human rights violations related to HIV in Tajikistan, and on the advocacy for improving the legal environment in the country.

The meeting concluded with a discussion on the next steps. Participants shared their opinions on the topics discussed during the meeting and made recommendations. One of the recommendations was to expand the Forum's Steering Committee in order to make it more geographically representative. There was a proposal to include a Judge from Kyrgyzstan on the Steering Committee.

## Annex 1:

## AGENDA

## DAY 1 – 27 NOVEMBER 2023, MONDAY

Time	Theme	Facilitator/Responsible Person
9:30-10:00	Registration and coffee	
<b>Moderator:</b> Vitalie Budeci, Judge, Chisinau Court, Member of the Forum Steering Committee, Moldova		
10:00-10:30	<b>Greetings and Official Opening Remarks</b>	Andrea Cuzyova, <i>Deputy Resident Representative/Officer in Charge a.i., UNDP Moldova</i> Veronica Mihailov-Moraru, <i>Minister of Justice of the Republic of Moldova</i>
10:30-11:00	<b>Presentation of participants and logistical information</b>	Moderator
11:00-11:30	<b>Coffee break</b>	
<b>Moderator:</b> Vitalie Budeci, Judge, Chisinau Court, Member of the Forum Steering Committee, Moldova		
11:30-12:00	<b>Presenting the context</b> Brief overview of key HIV, law and human rights issues in EECA countries: epidemiological trends and policy implications	Viatcheslav Grankov, Medical Officer on HIV, WHO Regional Office for Europe Vera Ilyenkova, UNAIDS Mikhail Golichenko, UNDP Consultant
<b>Moderator:</b> Timur Abdullaev, UNDP Consultant		
12:00-12:30	<b>Panel discussion: Access to medicines</b>	Maria Shibaeva, International Treatment Preparedness Coalition Ruslan Poverga, Director, "Positive Initiative", Moldova
12:30- 14:00	<b>Rest and Lunch Break</b>	
<b>Moderator:</b> Lena Kucheruk, Secretariat of the Commission on Drug Policy in Eastern and Central Europe and Central Asia (ECEACD)		
14:00-15:15	<b>Steps towards EU accession: requirements and determinants and their implications for the judiciary</b>	Drug legislation and practice in the European Union Brendan Hughes, Principal Scientist - Drug legislation, Support to policy sector, Public health unit, EMCDDA (online) European integration and prospects for drug policy reform Mikhail Golichenko, UNDP Consultant
	<b>Panel discussion: European Integration and Strategies for Harmonisation of Law and Practice</b>	Vytenis Andriukaitis, WHO Special Adviser for the European Region, former European Commissioner for Health and Food Safety Andris Piebalgs, Regional Commission on Drug Policy (online)
15:15 - 15:45	<b>Coffee break</b>	
<b>Moderator:</b> Khatuna Jinoria, Judge, Tbilisi City Court Chamber of Civil Cases, Georgia		
15:45- 16:00	<b>Linking the judiciary to work on HIV and Human Rights</b>	Michel Kazatchkine, Special Adviser to the WHO Office for Europe

<b>16:00-16:45</b>	<b>The role of the judiciary in promoting change in the context of HIV and human rights</b>	Satarova Ainura Melisovna, Judge (Kyrgyzstan) Alanazarzoda, Judge of the Supreme Court of the Republic of Tajikistan, Member of the Forum Steering Committee, Tajikistan Tatiana Zhuravskaya, Consultant, Eurasian Network of Women Living with HIV (online) Tetiana Deshko, Alliance for Public Health, Ukraine
<b>Moderator:</b> Lena Kucheruk, Secretariat of the Commission on Drug Policy in Eastern and Central Europe and Central Asia (ECECADC)		
<b>16:45-18:00</b>	<b>Perspectives on drug policy in the EECA region</b> Panel discussion - addressing problems, challenges and opportunities Examples of cases contributing to shifts in drug policy	<b>Panel Discussion: Problems, Challenges and Opportunities</b> Professor Michel Kazatchkine, Global Commission on Drug Policy, Regional Commission on Drug Policy Mikhail Golichenko, UNDP consultant Ganna Dovbakh, Executive Director, Eurasian Harm Reduction Association (EHRA)  Q&A Session  <b>Presentations:</b> Overview of legislation and policies in the EECA region. Presentation "Criminalization of substance use and possession in EECA. The role of judges in determining punishment", Ganna Dovbakh  Court practice in drug cases. Examples from Lithuania: Aurelius Gutauskas, Constitutional Court of the Republic of Lithuania  <b>Experience of referral to harm reduction programmes (panel discussion)</b> - Alexei Grosu, Deputy Head of the National Inspectorate of Public Security of Moldova - Ruslan Poverga, Director "Positive Initiative" (Moldova) - Vitaliy Budeci, Judge, Chisinau Court, Member of the Forum Steering Committee, Moldova
<b>18:00-18:15</b>	<b>Concluding remarks and summary</b>	Moderator

## DAY 2 – 28 NOVEMBER 2023, TUESDAY

Time	Theme	Presenter
<b>09:00 - 09:15</b>	Brief overview of the first day	Moderator
<b>Moderator:</b> Timur Abdullaev, UNDP Consultant		

<b>09:15 - 11:00</b>	<b>Panel Discussion: Global and Regional Efforts to Protect the Rights of PLHIV and Key Populations</b> Regional Strategy 10-10-10: informal discussion with judges and key populations	Marina Smelyanskaya, Regional Team Leader for HIV and Health Group, UNDP IRH Elena Volkova, Judge of the Yuzhnoukrainsk city court of the Mykolaiv region of Ukraine, Member of the Forum Steering Committee, Ukraine Sharof Alanazarzoda, Judge of the Supreme Court of the Republic of Tajikistan, Member of the Forum Steering Committee, Tajikistan Velta Parkhomenko, PWUD Elvira Tilek, ECOM
<b>11:00 - 11:30</b>	<b>Coffee break</b>	
<b>Moderator:</b> Natasha Boshkova, Attorney at law and Legal adviser in HOPS Project		
<b>11:30 - 13:00</b>	<b>Discussion of practical cases: the role of the judiciary in protecting the rights of key populations</b>	Natasha Boshkova, Attorney at law and Legal adviser in HOPS Project Mirjana Nikolovska Kalchinoska, Judge, North Macedonia (video address)
<b>13:00 - 14:00</b>	<b>Lunch</b>	
<b>Moderator:</b> Oxana Gumennaia, Deputy Ombudsman of the Republic of Moldova		
<b>14:00 - 15:00</b>	<b>Judicial protection and promotion of the rights of people living with HIV and key populations</b> Panel discussion	Daniel Kashnitsky, Regional Platform on Migrant Health (online) Janina Stemkovska, Director of the NGO "Meridian", Ukraine Olena Volkova, Judge of the Yuzhnoukrainsk city court of the Mykolaiv region of Ukraine, Member of the Forum Steering Committee, Ukraine Ilim Sadykov, Coordinator of the Public Health Program, Soros Foundation, Kyrgyzstan Nurmakhmad Khalilov, Centre for Human Rights, Tajikistan
<b>15:00 - 15:30</b>	<b>Coffee break</b>	
<b>Moderator:</b> Mindia Vashakmadze		
<b>15:30 - 16:30</b>	<b>Group work</b>	Participants
<b>16:30 - 17:00</b>	<b>Presentations of group work and presentation of results in plenary session</b>	Participants
<b>17:00 - 17:15</b>	<b>Concluding remarks Acknowledgements</b>	