

4th Asia Pro Bono Conference and Legal Ethics Forum Session

Presentation Plan Template

Name of Session: Pro bono and the right to health: The role of pro bono in supporting health outcomes amongst vulnerable populations

Session Description/Aim:

This session draws on a variety of regional and international experiences to highlight the multi-faceted ways that access to pro bono services can support enhanced individual and public health outcomes, particularly among vulnerable and marginalised populations including people who use drugs, prisoners, sex workers and migrant populations.

Suggested Structure of Panel

In the event that I can't get to Mandalay and in preparation for the panel, here are some suggestions to start the conversation about enhancing the role of Pro Bono with vulnerable populations at risk of negative interactions with the criminal justice system including police, courts, prisons or compulsory detention. Suggesting 10 slides maximum for each person

- Linn Bear to welcome the panelists and introduce them to the audience and some objectives of the session (Nick to provide ppt for this)

- Eamon to give an overview of key populations and the laws and law enforcement activities that bring these people into the criminal justice system across Asia Pacific Region (much of the literature is the legal and policy reviews in relation to HIV among Key Populations, the relevance for the audience is that while we conceptualise these laws as creating public health nightmares, it's also an opportunity to engage lawyers in helping us on 2 levels. One level is engaging lawyers in policy change and legislative change, the other level is increasing the number of lawyers involved in on the ground legal representation of vulnerable populations in terms of their access to justice and representing their legal needs – which doesn't happen much across the region and perpetuates the prison/compulsory detention model without much recourse. Perhaps give some examples of countries where lawyers through NGOs or other agencies are helping to change 'bad laws' for public health of vulnerable populations or groups that are representing people on the ground. Perhaps start to weave a narrative around how UNAIDS alone can not solve all of these issues (either the laws or access to justice) and therefore want to see pro bono/legal aid/law institutes working with public health issues especially in growing access to justice for people who need it most

- Nick to then give some ppts/video/skype/slides that talk specifically to the intersection of criminal justice systems and people who use drugs and opportunities for reform in the Asian region in the context of transitioning people away from compulsory detention or prison. Nick to then highlight

clear and present need and opportunity for pro bono and legal aid engagement in this issue and what this might look like from both a research perspective but also the need for growing a regional legal network of professionals committed to keeping young people out of detention. Nick to highlight how keen we are at BABSEA and the UN to see this type of network form as its the missing piece because we have the public health, human rights, UN and international experts towards transitioning away from CCDU but we don't have the lawyers doing the policy work or the work on the ground representing people.

- Lin Bear to talk about the intersection of laws, policing, sex workers and detention centres in Vietnam and opportunities to grow pro bono engagement
- Sid Naing (not sure of your background Sid) but am thinking given your role with Marie Stopes you would perhaps be talking about reproductive health including abortion and access to health services for criminalised activity - I really am taking a guess here Sid so please feel free to change
- Linh Bear to open up the floor for facilitated interaction between the panel and the audience and then to wrap with a call for interest in joining a regional network to grow pro bono/legal aid engagement in issues supporting the diverting of key populations such as sex workers, drug users away from prison and compulsory detention or in the context of both the law changes required but also representing the legal needs of vulnerable populations. The key point here is that pro bono/legal aid can have a huge positive impact on access to justice but that effort actually had a significant impact on individual and public health outcomes. If people are keen to know more they can email linn bear as we begin to develop the network of probono/legal aid required to change the game of increasing access to justice and bettering public health - a true partnership approach.

Session Plan:

Activity Step	Activity Description	Time (Min)	Presenters	Materials Needed
1	Introduce session and presenters	5		
2	Pair and share and then large group discussion on what is the intersection between public health and access to justice	10		
3	Short story of a person in need of legal support in order to achieve access to justice	5		
4	Present on the challenge of persons understanding the	5		

	relationship between public health and access to justice			
5	Speakers present on various initiatives that involve pro bono support and public health OR areas of public health that are in need of pro bono support but have a difficult time gaining support.	20		
6	Demonstrate lesson from UNAIDS PLHIV manual on right to health and A2J	20		
7	Question and Answer	10		
Total Time:		75		

INTERSECTION OF LAWS, POLICING, SEX WORKERS AND DETENTION CENTRES IN VIETNAM AND OPPORTUNITIES TO GROW PRO BONO ENGAGEMENT

Nguyễn Thị Thùy Linh
BABSEA CLE

OVERVIEW

Prostitution – the social evils that need to be repealed.

According to the Law on Handling Administrative Violations 2013, sex workers will be fined, instead of being sent to education centres after their arrests.

After July 1, nearly 1,000 sex workers at various localities was discharged from detention centres for community integration with some of them already infected with HIV.

- ▶ *Sex workers have been operating more openly since the country shut down its compulsory rehab centers,*



- ▶ Sex workers may be fined VND300,000 for their first offence and up to VND5 million for repeat offences.
- ▶ Solve the “social evils” by firing the sex buyers
- ▶ (167 decree) Those found paying for sex may be fined between VND500,000–VND10million, depending on the circumstances.

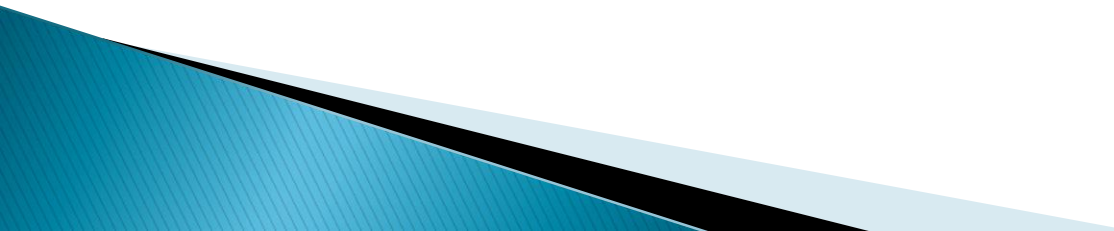
Fines are not big enough to have any deterrent effect



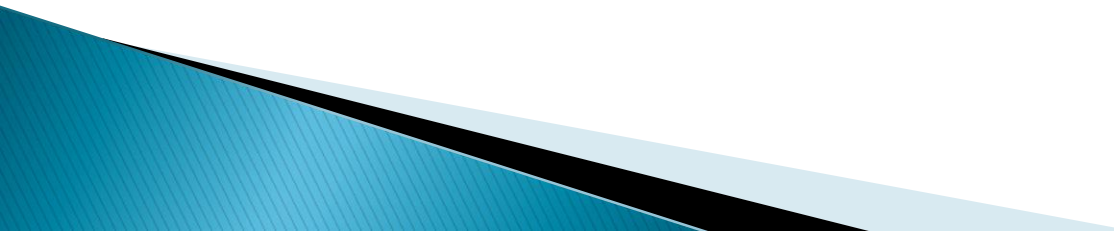
- ▶ Bach Dang hotspot is reported to have more than 30 sex workers from 13 to 60 years old. Some of them are drug addicts and HIV/AIDS carriers, pregnant.



CHALLENGES

1. Stigma and discrimination, gender equality
 2. Lack of pro bono lawyers, effective legal aid providers
 3. Legal awareness
 4. Collaboration
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MAKE CHALLENGES BECOME ADVANTAGES

1. Sexuality education and vocational training
 2. Case referral
 3. Harm reduction policies
 4. Social collaboration, partnership, network
 5. The engagement of law enforcement forces especially the police to the movement
 6. Prostitution is not a social evils. Sex workers are human, are women.
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PRO BONO AND THE RIGHT TO HEALTH

- ▶ CBOs
 - ▶ Pro bono lawyers and legal aid system
 - ▶ Syllabus of legal ethics and professional responsibility
 - ▶ Law clinic and community outreach program
 - ▶ Self help groups
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