



Launch of the Global Commission on HIV and the Law: “Addressing punitive laws and human rights violations blocking effective AIDS responses”

Geneva, 24 June 2010 – The United Nations Development Programme (UNDP), with the support of the UNAIDS Secretariat, launched the Global Commission on HIV and the Law today. The Commission’s aim is to increase understanding of the impact of the legal environment on national HIV responses. Its aim is to focus on how laws and law enforcement can support, rather than block, effective HIV responses.

The Global Commission on HIV and the Law brings together world-renowned public leaders from many walks of life and regions. Experts on law, public health, human rights, and HIV will support the Commissions’ work. Commissioners will gather and share evidence about the extent of the impact of law and law enforcement on the lives of people living with HIV and those most vulnerable to HIV. They will make recommendations on how the law can better support universal access to HIV prevention, treatment, care and support. Regional hearings, a key innovation, will provide a space in which those most directly affected by HIV-related laws can share their experiences with policy makers. This direct interaction is critical. It has long been recognized that the law is a critical part of any HIV response, whether it be formal or traditional law, law enforcement or access to justice. All of these can help determine whether people living with or affected by HIV can access services, protect themselves from HIV, and live fulfilling lives grounded in human dignity.

Nearly 30 years into the epidemic, however, there are many countries in which negative legal environments undermine HIV responses and punish, rather than protect, people in need. Where the law does not advance justice, it stalls progress. Laws that inappropriately criminalize HIV transmission or exposure can discourage people from getting tested for HIV or revealing their HIV positive status. Laws which criminalize men who have sex with men, transgender people, drug-users, and/or sex workers can make it difficult to provide essential HIV prevention or treatment services to people at high risk of HIV infection. In some countries, laws and law enforcement fail to protect women from rape inside and outside marriage – thus increasing women’s vulnerability to HIV.

At the same time, there are also many examples where the law has had a positive impact on the lives of people living with or vulnerable to HIV. The law has protected the right to treatment, the right to be free from HIV-related discrimination in the workplace, in schools and in military services; and has protected the rights of prisoners to have access to HIV prevention services. Where the law has guaranteed women equal inheritance and property rights, it has reduced the impact of HIV on women, children, families and communities.

With more than four million people on life-saving treatment and a seventeen per cent decrease in new infections between 2001 and 2008, there is hope that the HIV epidemic is at a turning



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point. To reach country's own universal access targets and the Millennium Development Goals (MDGs), persistent barriers like punitive laws and human rights violations will need to be overcome.

UNDP Administrator Helen Clark believes that the next generation of HIV responses must focus on improving legal, regulatory, and social environments to advance human rights and gender equality goals. "Some 106 countries still report having laws and policies present significant obstacles to effective HIV responses. We need environments which protect and promote the human rights of those who are most vulnerable to HIV infection and to the impact of HIV, and of those living with HIV/AIDS," Helen Clark said.

Michel Sidibé, UNAIDS Executive Director has made removing punitive laws a priority area for UNAIDS. "The time has come for the HIV response to respond to the voice of the voiceless," he said. "We must stand shoulder to shoulder with people who are living with HIV and who are most at risk. By transforming negative legal environments, we can help tomorrow's leaders achieve an AIDS-free generation."

The Global Commission on HIV and the Law is being supported by a broad range of partners and stakeholders, including donors such as the Ford Foundation and AusAID. Murray Proctor, Australia's Ambassador on HIV, expressed strong support for the Commission and the work it is tasked to do. "We commend UNDP and the UNAIDS programme for courageously taking this work forward, and we welcome the opportunity to contribute and support."

The Commission's work will take place over an 18 month period –mobilizing communities across the globe and promoting public dialogue on how to make the law work for an effective response to HIV. The findings and recommendations of the Commission will be announced in December 2011.

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UNAIDS: Leveraging the AIDS response, UNAIDS works to build political action and to promote the rights all of people for better results for global health and development. Globally, it sets policy and is the source of HIV-related data. In countries, UNAIDS brings together the resources of the UNAIDS Secretariat and 10 UN system organizations for coordinated and accountable efforts to unite the world against AIDS. www.unaids.org