



HIV and the Law: strengthening HIV responses and human rights protections for MSM and TG

Beyond Numbers, Getting to Zero: The forces driving HIV among MSM and transgender people in Asia Pacific

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Human Rights & HIV: The AIDS Paradox



*In order to prevent and control the spread of HIV, we **must protect and promote** the human rights of those most vulnerable, typically also the most marginalized parts of our societies.*



UNAIDS Joint Action for Results 2011 - 2015



“We can remove punitive laws, policies, practices stigma discrimination that block effective responses to AIDS: By collaborating with civil society and all stakeholders to uphold non-discrimination in all efforts, countering social judgment and the fear that feeds stigma and discrimination and punitive laws – including the areas of sex work, travel restrictions, homophobia and the criminalization of HIV transmission.”

UNAIDS Joint Action for Results 2011-2015





Declaration of Commitment on HIV/AIDS (2001) Political Declaration (2006 & 2011)

- - Pledge to promote....a social and legal environment that is supportive of and safe for voluntary disclosure of HIV status
- - For the first time a UNGA resolution specifically includes MSM

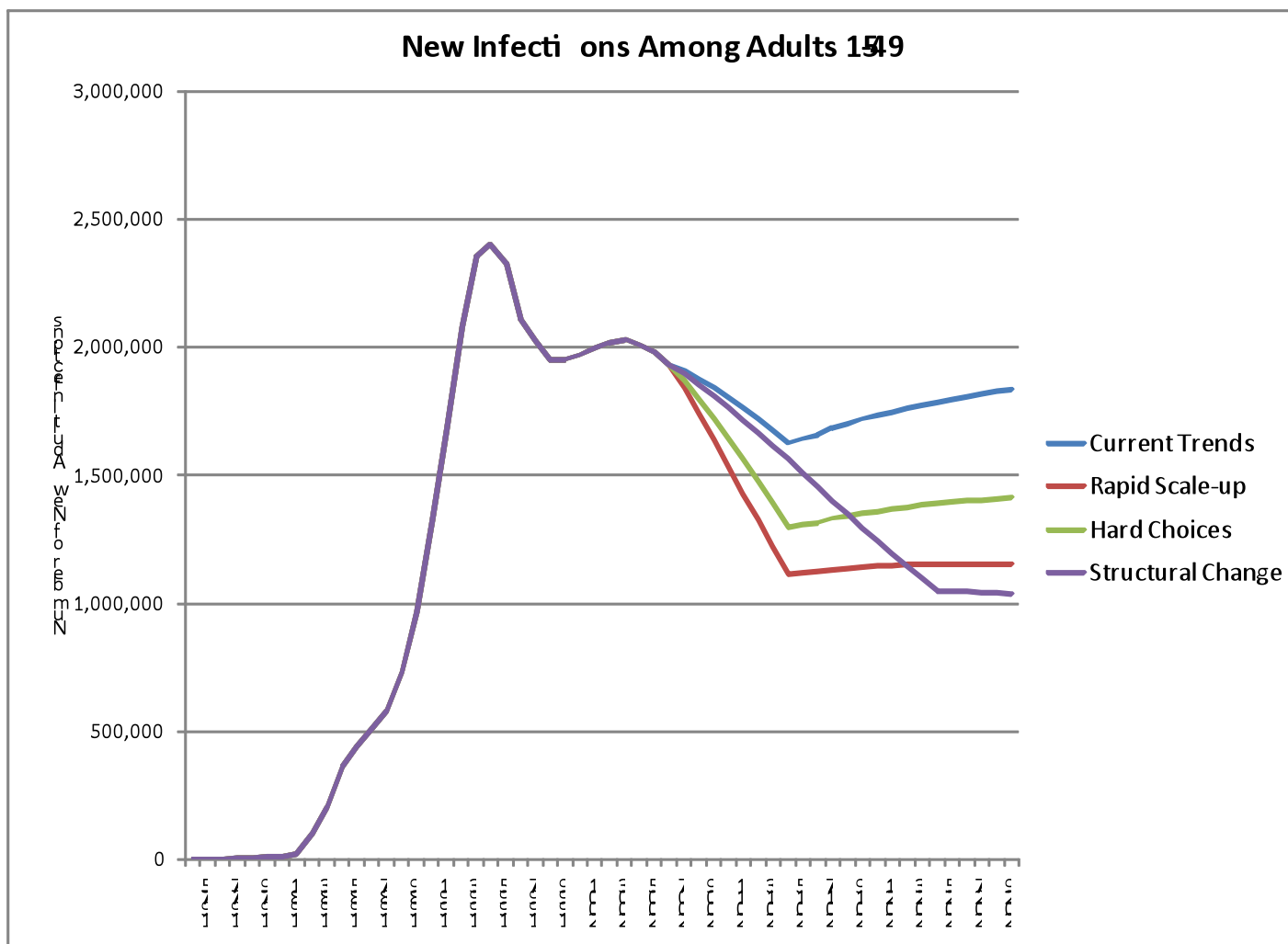




UNESCAP – Regional Resolutions

- **66/10** - Regional call for action to achieve universal access to HIV prevention, treatment, care and support in Asia and the Pacific
- **67/9** - Asia-Pacific regional review of the progress achieved in realizing the Declaration of Commitment on HIV/AIDS and the Political Declarations





Source: Cost and Finance Working Group, *aids2031*





Global Commission on HIV and the Law

- Global Commission on HIV and the Law, established in 2010 by UNDP to develop rights-based and evidence-informed recommendations
- 7 Regional Dialogues across the world
- Regional Dialogues involved civil society, key affected populations, law makers, policy makers, jurists in discussions and deliberations
- The Asia-Pacific Regional Dialogue - 200 participants from 22 countries and 4 Commissioners. As well as 135 written submission from across the region.



Regional Dialogue of the Global Commission on HIV and the Law , 17 February 2011, Bangkok



Some successes and important lessons:

- the legal environment (laws, law enforcement and access to justice) has a significant impact on access to HIV information, prevention, treatment, care and support
- the impact of punitive laws, policies, practices, stigma and discrimination is often most acutely felt by people living with HIV, men who have sex with men, sex workers, transgender people, people who use drugs
- punitive and discriminatory legal environments limit the capacity of communities to mobilize and thereby limit their ability to claim their rights





Global Commission on HIV and the Law

Update

What's been done

- Regional Dialogues completed in Asia-Pacific, Caribbean, Eastern Europe, Latin America, Africa and Middle East and North Africa.
- Improving human rights protections for MSM, including decriminalisation of same-sex relations were widely supported across multiple Regional Dialogues

What's next

- High Income Countries Regional Dialogue in September
- Final report with recommendations to be released by the end of 2011





Global Commission on HIV and the Law

Asia Pacific *Update*

- Asia-Pacific High-level Intergovernmental Meeting
- South Asia SAARCLaw Round Table
- Pacific Round Table on HIV and the Law
- Papua New Guinea National Consultation on HIV and the Law
- HIV and Law Legal Audits – India, Viet nam
- Engaging National Human Rights Institutions – Philippines





Towards a new type of response

- **Identify vulnerability and respond:** who, why, how
- **Shift coverage** – follow programmatic expenditure and coverage and move it to cover those really vulnerable
- **Shift content** – to programmes that empower, address legal and social vulnerabilities and other structural issues
- **Shift partners** – to Ministries of Interior, Justice, Labour, Education; Parliaments, Judiciary, Prisons, human rights and social justice groups, women’s groups, justice reform groups, migrant groups, labour unions
- **Take HIV out of isolation**, e.g. human rights defenders groups, sexual and reproductive health, faith communities, law reform
- **Go to scale**

Through national/regional working groups on human rights and law, and other alliances, identify and work to overcome the worst legal and social blocks to effective responses.





Thanks!

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