



Press release, UNAIDS

12 August 2011

In Sub-Saharan Africa, the region most heavily affected by HIV, legal, policy and social barriers, including stigma, discrimination, gender inequality and the criminalization of key populations at higher risk of HIV infection, continue to make people vulnerable to HIV and hamper the ability of individuals, communities and states to respond to the epidemic. This was the conclusion of the Regional Dialogue for sub-Saharan Africa, part of the Global Commission on HIV and the Law, held at the beginning of August in Pretoria, South Africa.

No taboo should be left unchallenged

A significant breakthrough came from the pledge of participants to highlight and discuss all aspects of the legal environment relating to HIV, including laws and practices related to stigma and discrimination, access to affordable treatment, children and adolescents, women's rights and gender-based violence.

"This regional dialogue is a great opportunity for us, as Africans, to confront the difficult issues including discriminatory and punitive laws that target sex workers and men who have sex with men, and other populations vulnerable to HIV," said Bience Gawanas, African Union Commissioner for Social Affairs.

The criminalization of drug use, sex work and same-sex sexual relations was also confronted by the participants in a bid to challenge all taboos. This is remarkable as recent punitive legal and policy developments in a number of countries in sub-Saharan Africa relating to the situation of members of key populations has raised concerns about the readiness of stakeholders in the region to confront this issue. Some 31 countries in the region criminalize sex work, and same-sex sexual relations constitute a criminal offence in at least 30 countries.

Legal and policy barriers act as obstacles to HIV responses in Africa

This regional dialogue is part of a series of seven consultations organized in all regions of the world to inform the Commission on the laws, policies and practices that represent barriers to effective responses to HIV. The Global Commission on HIV and the Law, launched by UNDP and UNAIDS in June 2010, was set up to make recommendations for possible means to address these barriers.

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Sheila Tlou, Regional Director of the UNAIDS Regional Support Team for Eastern and Southern Africa.

Recognizing the opportunity offered by the Commission to review and explore remedies to these challenges, civil society and government representatives came together from all parts of the region.

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Holding governments accountable to commitments made

In the Political Declaration on HIV/AIDS, unanimously adopted during the June 2011 United Nations General Assembly High Level Meeting on AIDS, all Member States committed to "intensify national efforts to create enabling legal, social and policy frameworks in each national context in order to eliminate stigma, discrimination and violence related to HIV." During the dialogue, representatives of people living with HIV, sex workers and men who have sex with men called upon parliamentarians, members of the judiciary, and other key government officials in the region to fulfil this commitment.

So far the dialogues of the Global Commission on HIV and the Law have been held in six regions, with the only outstanding session, which will focus on 'High Income Countries', scheduled to take place on 16-17 September 2011 in the United States.

Following this consultation process, the Global Commission on HIV and the Law will develop actionable, evidence-informed and human rights-based recommendations for effective HIV responses that promote and protect the human rights of people living with and most vulnerable to HIV. The findings will be announced in December 2011.