



Coming soon: 9 July 2012

RISKS, RIGHTS & HEALTH

How evidence and human rights based laws can end an epidemic of bad laws and transform the global AIDS response!

The final report of the Global Commission on HIV and the Law, presenting a coherent and compelling evidence base on human rights and legal issues relating to HIV, will be launched on 9 July 2012.

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Today is the launch of the much anticipated Global Commission on HIV and the Law report on how law and human rights can transform the global AIDS response with evidence-informed solutions for protecting the health and human rights of people affected by HIV. Over the past year and a half, the NGO Delegation has been posting about and has been involved in the regional consultations that have provided evidence for the report's research.

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The Report findings found that:

- In more than 60 countries, it is a crime to expose another person to or transmit HIV. More than 600 HIV-positive people across 24 countries have been convicted of such crimes. These laws and practices discourage people from seeking an HIV test and disclosing their status
- 78 countries criminalise same-sex sexual activity. These laws make it difficult to prevent HIV amongst those most vulnerable to infection.
- Even though they may provide harm reduction services informally, laws in some countries criminalise some aspects of proven harm reduction services for injecting drug users. In contrast, countries that legalise harm reduction services have almost completely stopped new HIV infections among injecting drug users.

- More than 100 countries criminalize some aspect of sex work. The legal environment in many countries exposes sex workers to violence and results in their economic and social exclusion. It also prevents them from accessing essential HIV prevention and care services.
- Laws and customs that dis-empower women and girls, from genital mutilation to denial of property rights, undermine their ability to negotiate safe sex and to protect themselves from HIV infection. 127 countries do not have legislation against marital rape.
- Laws and policies that deny young people access to sex education, harm reduction and reproductive and HIV services help spread HIV.
- Excessive intellectual property protections that hinder the production of low-cost medicines, especially second-generation treatments, impede access to treatment and prevention.

It concluded with dozens of recommendations on intellectual property, key populations, women, youth, discrimination and criminalization. One of the recommendations calls on countries not to enact laws or to repeal laws that explicitly criminalise HIV transmission, HIV exposure or failure to disclose HIV status. It also requests the UN Secretary General to "convene a neutral, high-level body to review and assess proposals and recommend a new intellectual property regime for pharmaceutical products". You can read the complete list of recommendations in the [full report](#).

In December 2011, the NGO Delegation submitted [its own report](#) that set out to understand the experiences of civil society around legal issues and HIV responses. Discussions with civil society aimed to understand the personal experiences of those involved, the common trends and difficulties encountered and the solutions needed in order to increase access to HIV prevention, treatment, care and support services.

The Global Commission's findings reinforce on a larger scale many of the conclusions reached by the UNAIDS board's NGO Delegation. Legal systems should be an integral part of protecting, not suppressing, human rights. Protective laws against stigma and discrimination need to be expanded and better implemented to protect individual freedoms. Criminalization of homosexuality, gender identity and/or expression, abortion, sex work and drug possession or use

can deny fundamental human rights and discourage individuals from seeking health services. Moreover, criminalization of HIV transmission, exposure and non-disclosure violates the rights of people living with HIV and is often an excuse for further repression of key populations, undermining universal access to HIV prevention, treatment, care and support.

Bad laws and stigma cost lives and exacerbate the HIV epidemic. This is why the NGO Delegation recommends to UNAIDS, its Cosponsors and Member States to:

- Support anti-stigma and HIV education campaigns designed for general populations, healthcare providers, criminal justice and law enforcement professionals, parliamentarians, and others as needed, in an effort to increase and enforce protective laws;
- Oppose and repeal laws that criminalize HIV non-disclosure, exposure or transmission, homosexuality, gender variance, sex work and drug use;
- Foster protective laws and knowledge of protective laws and human rights within the justice system; and
- Support and promote programmes to know your rights/laws and access justice.

Progress in improving access to HIV prevention, treatment, care and support requires an enabling legal environment.

Please note: our updated version of the 2011 NGO Report will be distributed at various venues during the XIX International AIDS Conference in Washington, DC from 21-27 July 2011 and posted online at that time.