



INFORMATION NOTE

Putting Rights First in the Global AIDS Response

“Discrimination should not be treated as a side-bar to national and international responses to HIV: it is a central obstacle to containing the epidemic...The stigmatization of and discrimination against people living with HIV is an active and continuing impediment to preventing HIV and transmission.”

Navi Pillay, UN High Commissioner for Human Rights

Thirty years into the AIDS epidemic, and 10 years since the landmark UN General Assembly Special Session on HIV/AIDS, the world will come together to review progress and chart the future course of the global AIDS response at the UN General Assembly High-Level Meeting on AIDS from 8–10 June 2011 in New York.

Member States are expected to review progress, provide recommendations and adopt a new Declaration that will commit them to guide and sustain the global AIDS response.

Since the early years of the epidemic, people living with HIV and human rights activists around the world have pushed the boundaries of the global AIDS response and elevated the human rights discourse. The lack of respect for human rights has not only fuelled the epidemic, it has brought to the surface pernicious and persistent forms of discrimination and marginalization, in multiple and overlapping manifestations.

In his report for the June meeting, UN Secretary-General Ban Ki-moon observed that “human rights violations continue to prevent open and compassionate discussion about the HIV challenge, deter individuals from seeking needed services, and increase individual vulnerability... Social attitudes need to be transformed, and resources must be allocated to anti-stigma strategies and other initiatives to promote and protect human rights.”

As leaders and Heads of State prepare to adopt a action-oriented declaration with new time-bound targets for 2015 and beyond, it is imperative that human rights continue to occupy a central place in the global response to HIV. New commitments must be bold, evidence-based and reflect progress made in the past ten years. Evidence from the AIDS response has never been more compelling. New data clearly shows that steady progress is being made towards zero new infections, zero discrimination and zero AIDS-related deaths. This positive trend must be sustained as current gains remain fragile.

The latest report of the Secretary-General to the Human Rights Council on the protection and promotion of human rights in the context of HIV/AIDS (A/HRC/16/69) poses critical questions. Why discrimination persists when the prevention of HIV-related discrimination is embodied in many national AIDS strategies and national laws? Why key populations at higher risk of exposure to HIV face structural factors beyond their control that exacerbate their vulnerability to HIV infection? In response to these questions a number of recommendations emerge which must be considered in the formulation of a new declaration. They include:

Strategic reorientation of global and national HIV responses

Human rights-related programmes often do not exist in national HIV responses or are not brought to scale, or are scattered and fragmented. A strategic shift is required to: (i) invest in better assessments of those most vulnerable to HIV and ensure adequate coverage of their



needs; (ii) ensure meaningful engagement of Ministries dealing with justice, law enforcement, prisons, human rights, gender, migration and labour, among others; and (iii) focus on the legal and social environments that are necessary for universal access to prevention, treatment, care and support.

Decriminalization and legal protections

The reform of punitive laws that impede HIV responses and strengthening human rights protections of vulnerable populations are essential to sustaining the AIDS response. Political leaders should be supported to confront issues involving decriminalization. Greater efforts must be made by States to reconsider the overly broad application of criminal law against HIV transmission and exposure, sex work, drug use and homosexuality. They should also reform laws that restrict sexuality education, impose travel restrictions on people living with HIV, require mandatory testing; and fail to address gender-based violence, the HIV-related rights of women, children and other key populations.

Increasing participation of those vulnerable to and living with HIV

The Greater Involvement of People Living with HIV/AIDS (GIPA) is a long-standing principle of the HIV response and one of its human rights successes. However, as the epidemic confronts a new generation of people vulnerable to HIV and of leaders to address it, it is critical to renew, expand and improve the participation of those vulnerable to and living with HIV in all aspects of the response.

Eliminating gender-based discrimination and violence

Many gender analyses show how subordination of women and girls and violence against them drive HIV transmission and raise gender-based barriers to care, treatment and support. The mobilization of Government, civil society and donors to scale-up programmes that address this issue is a priority.

Financing national programmes

The mobilization of both Governments and donors to invest financial and technical resources in human rights-centred programmes is urgently needed, as are resources for transparent and independent evaluation. More resources are needed for appropriate and comprehensive HIV education for children. Health-service professionals should be equipped to protect confidentiality, ensure informed consent, and have functioning mechanisms for redress when people are mistreated.

Universal access to prevention, treatment, care and support

With nearly two in three people eligible for antiretroviral therapy still lacking access, Member States will have to adopt reinvigorated approaches to the treatment, care and support needs of people living with HIV. This includes a recommitment to overcome legal and regulatory, trade and other barriers that block access to prevention, treatment, care and support.

A High Level Meeting on AIDS will be as much about human rights, as human rights is about AIDS. It is therefore, a unique opportunity for Member States to recommit themselves to the freedoms and human rights standards that are at the heart of the UN Charter, the 2010 Outcome Document of the Millennium Summit, the Universal Declaration of Human Rights and other international human rights instruments.

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