Press Release - For Immediate Release

Global Commission on HIV and the Law Reviews Legal Barriers Obstructing Progress on AIDS in Asia-Pacific

BANGKOK, 16 February, 2011—Thirty years after the first cases of HIV were diagnosed, 90 percent of countries in the Asia-Pacific region still have laws and practices that obstruct the rights of people living with HIV and those at higher risk of HIV exposure.

As part of a global drive to remove barriers to progress in the AIDS response, policymakers and community advocates will join experts from the Global Commission on HIV and the Law in Bangkok on 17 February for the first in a series of regional dialogues to be held across the world.

The Global Commission on HIV and the Law is an independent body comprising some of the world’s most respected legal, human rights and HIV leaders. At this week’s dialogue, approximately 150 participants from 22 countries will discuss and debate region-wide experiences of restrictive and enabling legal and social environments faced by key populations in the Asia-Pacific region, including people living with HIV.

According to UNDP Administrator Helen Clark, “The law and its application can have a profound impact on the lives of people, especially those who are marginalized and disempowered. The law is a powerful instrument to challenge stigma, promote public health, and protect human rights. We have much to learn from the positive and negative experiences in this region on the interactions between the law, legislative reform, law enforcement practices, and public health responses.”

Across the region, legislation and law enforcement often lag behind national HIV policies, with the result that the reach and effectiveness of HIV prevention, treatment and care programmes are undermined. For example, 19 countries still criminalize same-sex relations and 29 countries criminalize some aspect of sex work. Many countries in the region enforce compulsory detention for people who use drugs and in some cases (eleven countries in Asia) issue the death penalty for drug offences.

“In the Asia-Pacific region, and across the world, there are too many examples of countries with laws, policies and practices that punish, rather than protect, people in need of HIV services. Where the law does not advance justice, it stalls progress,” said Mr. Michel Sidibé, Executive Director of the Joint United Nations Programme on HIV/AIDS (UNAIDS), who will participate in the Commission’s dialogue in Bangkok. “Advancing human rights and gender equity would not only be a triumph for the AIDS response, but for human development as a whole.”

Responding on behalf of the Global Commission on HIV and the Law, the Hon. Michael Kirby, Commissioner and Co-Chair of the Commission’s Technical Advisory Group stated “the effectiveness of the HIV response will depend not just on the scale up of HIV prevention, treatment and care, but on whether the legal and social environment support or hinder programmes for those who are most vulnerable. This requires bold and effective legal and policy measures to reach out to vulnerable communities and individuals at risk”

The Regional Dialogue, hosted by the Global Commission on HIV and the Law, is jointly organized by UNDP and UNAIDS in partnership with the United Nations Economic and Social Commission on Asia and the Pacific (ESCAP). In mid-2010,
ESCAP’s Member States passed Resolution 66/10 in which countries committed to address policy and legal barriers to effective HIV responses.

“I am proud that, in our region, we have had such strong showing of collective will to handle these difficult issues,” said Noeleen Heyzer, Under-Secretary-General of the United Nations and Executive Secretary of ESCAP. “In adopting Resolution 66/10, our Member States highlighted the urgency of ensuring universal access to comprehensive prevention programmes, treatment, care and support. A major step towards achieving these goals is to foster an equitable and just legal and policy environment, with particular regard for key populations.”

Note to editors:

- **The Global Commission on HIV and the Law** was launched in June 2010 by UNDP on behalf of the UNAIDS family to provide global leadership on HIV-related legal and human rights issues by analysing what is known about the interactions between the legal environments, human rights and HIV; fostering evidence-informed public dialogue on the need for rights-based law and policy in the context of HIV; and identifying clear and actionable recommendations with a concrete plan for follow-up. ([www.hivlawcommission.org](http://www.hivlawcommission.org))

- The members of the Commission are: former President of Brazil, Fernando Henrique Cardoso (Brazil, Commission Chair), Justice Edwin Cameron (South Africa), Ms. Ana Helena Chacón-Echeverría (Costa Rica), Mr. Charles Chauvel (New Zealand), Dr. Shereen El Feki (Egypt, Commission Vice-Chair), Ms. Bience Gawanas (Namibia), Dame Carol Kidu (Papua New Guinea), the Honourable Michael Kirby (Australia), the Honourable Barbara Lee (United States), Mr. Stephen Lewis (Canada), His Excellency Mr. Festus Mogae (Botswana), Mr. JVR Prasada Rao (India), Professor Sylvia Tamale (Uganda), Mr. Jon Ungphakorn (Thailand) and Professor Miriam Were (Kenya).

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**UNAIDS**, the Joint United Nations Programme on HIV/AIDS, is an innovative United Nations partnership that leads and inspires the world in achieving universal access to HIV prevention, treatment, care and support. Learn more at [www.unaids.org](http://www.unaids.org)

**United Nations ESCAP**, headquartered in Bangkok, is the largest of the UN’s five Regional Commissions in terms of its membership, population served and area covered. The only inter-governmental forum covering the entire Asia-Pacific region, ESCAP works to promote sustainable and inclusive economic and social progress. More information on ESCAP is available at [www.unescap.org](http://www.unescap.org)