

GLOBAL COMMISSION ON HIV and the LAW

INFORMATION NOTE

"I urge all countries to remove punitive laws, policies and practices that hamper the AIDS response... Successful AIDS responses do not punish people; they protect them... We must ensure that AIDS responses are based on evidence, not ideology, and reach those most in need and most affected."

Ban Ki-moon
Secretary General
United Nations
World AIDS Day, 2009

The Global Commission on HIV and the Law was launched in June 2010 to 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. To this end, the Commission focuses on some of the most challenging legal and human rights issues in the context of HIV. These may include: (1) laws and practices that effectively criminalise people living with and vulnerable to HIV; (2) laws and practices that mitigate or sustain violence and discrimination as lived by women; (3) laws and practices that facilitate or impede treatment access; and (4) issues of law and HIV pertaining to children.

The Commission comprises eminent persons from public life who will provide global leadership on HIV-related legal and human rights issues by: (1) analysing what is known about the interaction between the legal environment and HIV; (2) fostering evidence-informed public dialogue on evidence and rights-based law and policy in the context of HIV; and (3) identifying clear and actionable recommendations with a concrete plan for follow-up.

Building on the UNAIDS Outcome Framework 2009-2011, the work of the Commission is constructed along three mutually reinforcing axes – findings and recommendations, a Technical Advisory Group to help generate and build consensus around the evidence base, and Regional Dialogues to ensure participation and inclusion of affected communities and law and policy makers. The work of the Global Commission on HIV and the Law will complement the UNAIDS High-Level Commission on HIV Prevention, ensuring that law, human rights and HIV prevention receive the interrogation and exposition necessary to facilitate the achievement of universal access to HIV prevention, treatment, care and support and the Millennium Development Goals (MDGs).

Context

“Every day, stigma and discrimination in all their forms bear down on women and men living with HIV, including sex workers, people who use drugs, men who have sex with men, and transgender people. Many individuals most at risk of HIV infection have been left in the shadows and marginalised, rather than being openly and usefully engaged... To halt and reverse the spread [of HIV], we need rational responses which shrug off the yoke of prejudice and stigma. We need responses which are built on the solid foundations of equality and dignity for all, and which protect and promote the rights of those who are living with HIV and those who are typically marginalised.”

Helen Clark
Administrator
United Nations Development Programme
Launch of the Global Commission on HIV and the Law
Geneva, 2010

The law can have a profound impact on the lives of people – especially those who are vulnerable and marginalised. The true test of a humane society is reflected in its commitment to protect the rights of minorities. Indeed, in recent years the law has been a positive force in advancing effective HIV responses. For example, judicial and legislative action has improved access to life-saving treatment and protected people living with HIV against discrimination. Where the law has guaranteed equal inheritance and property for women and girls, it has helped to mitigate the social and economic burden caused by HIV and AIDS.

Although enabling legal frameworks have been used to mitigate the causes and consequences of HIV, their adoption has been limited. For example, while the number of countries with laws to protect people living with HIV from discrimination has increased since 2003, one third of countries still lack HIV-specific legal protections. In many countries, legal frameworks that further entrench structural inequalities persist. Moreover, the degree to which existing anti-discrimination laws are enforced is unclear, and in some countries favourable legal frameworks are being undermined by the criminalisation of HIV transmission and exposure, sex work, adult consensual same-sex sexual relations, and drug use.

The United Nations Secretary General has reminded the world of the heavy toll of the HIV epidemic in the last three decades, particularly among the unpopular and stigmatised. This articulation re-emphasises what has been known for several years – the necessary and mutually reinforcing link between human rights and public health. To effectively control the spread of HIV and mitigate its impact, it is crucial to promote and protect the human rights of those most vulnerable to HIV or affected by it. In recognition of the importance of scaling up rights-based approaches

in order to achieve universal access to HIV prevention, treatment, care and support and the MDGs, UNAIDS, under the leadership of Michel Sidibé, committed to the removal of punitive laws, policies, practices, stigma and discrimination blocking effective HIV responses as a key priority.

Unfortunately, this has not been translated into reality in many parts of the world, despite Member States signing the Declaration of Commitment on HIV/AIDS in 2001 and the Political Declaration in 2006. Additionally, other international agreements have clarified the primacy of the right to health. In this context, although access to treatment has improved significantly with generic competition driving down the cost of medicines, there continue to be significant legal barriers impeding treatment access and scale up. If the full prevention benefits of anti-retroviral treatment are to be realised, health and community systems must be able to meaningfully engage those who are typically marginalised by punitive laws, policies, practices, stigma and discrimination. Sex workers, men who have sex with men, transgender people and drug users represent highly ostracised and stigmatised segments within all societies. They are not only rejected socially but further marginalised through legal frameworks that have cast them as criminals. Apart from continued criminalisation of individuals who manifest these behaviours and practices, recent times have also borne witness to an increasing propensity to inappropriately criminalise HIV transmission and exposure through specific punitive laws or broader penal statutes. A number of countries have had such HIV-specific laws for many years. In the last three years, at least fifteen nations have followed suit. Yet there is no compelling evidence to suggest that such laws reduce HIV transmission, and there is great concern that they both reinforce HIV-related stigma and discourage people from learning or disclosing their HIV status. Such laws have been reported to have a particularly harsh impact on HIV-positive women. In addition, in many cases legal frameworks entrench the unequal treatment of women, making them more susceptible to violence and economic insecurity, thereby exacerbating their vulnerability. Some data indicates the direct negative correlation between punitive laws and effective HIV prevention, for instance among men who have sex with men in the Caribbean. While there is some evidence and an ever-increasing body of documentation on human rights abuses stemming from punitive laws, policies and practices, plausible evidence on the impact of such laws, policies and practices on HIV and health outcomes, which can be translated into political will to advance effective HIV responses that realise the rights of people living with HIV and those most vulnerable is crucial.

Where evidence on the impact of punitive laws, policies and practices on HIV and health outcomes has been collated and used to influence law and policy makers, it has contributed to the enact-

ment of rights-based law and policy. For example, the Commission on Drugs and Democracy in Latin America developed robust evidence-informed and right-based recommendations on law and policy relating to drug use issues in Latin America and subse-

quently a number of Latin American countries have opted for some form of decriminalisation of drug use. Other efforts in this vein include the UNAIDS supported Commission on AIDS in Asia, and the Commission on AIDS in the Pacific.

Approach

The Commission will lead a participatory process by:

- Engaging people living with HIV and others impacted by discriminatory laws and practices; government representatives from the Executive branch (including National AIDS Councils, Ministries of Justice and Interior); parliaments and judiciary; donors and relevant international organisations, including the UNAIDS Cosponsors and Secretariat.
- Ensuring that the views and perspectives of women, men and transgender people, are heard and reflected in the work of the Commission.
- Making use of existing interactive dialogue mechanisms through websites that record the everyday experiences of people living with HIV and those most vulnerable to HIV, and the impact of legal structures and institutions vis-à-vis their citizenship, health and security.
- Galvanizing high-level leadership and local, national, regional and global action to encourage Member States to adopt and implement the recommendations.



Partners

The initiative is led by UNDP¹, on behalf of UNAIDS, working in close collaboration with a range of partners. Partners and supporters include governments, foundations, academia, UN agencies and civil society, including key population groups and networks.

UNDP is one of the Cosponsors of UNAIDS. Building on its core mandate in the area of human rights and access to justice, which has included its work supporting the Commission on Legal Empowerment of the Poor, UNDP serves as the Secretariat for the Commission.

The UNAIDS Secretariat², within its coordination function, plays a key role in engaging Cosponsors and linking the Commission with country consultations on universal access.

In its role as the Secretariat for the Commission, UNDP shall engage with civil society partners to ensure the effective participation of key populations and civil society in the Regional Dialogues. It shall link the Commission with the UNAIDS Light for Rights Campaign.

Commissioners

Justice Edwin Cameron
(**South Africa**, Constitutional Court Justice)

Former President Fernando Henrique Cardoso
(**Brazil**, former President)

Ms. Ana Helena Chacón-Echeverría
(**Costa Rica**, former Congresswoman)

Mr. Charles Chauvel
(**New Zealand**, Member of Parliament)

Dr. Shereen El Feki (**Egypt**, academic and author,
former journalist Al Jazeera & The Economist)

Ms. Bience Gawanas
(**Namibia**, Commissioner for Social Affairs, African Union)

Dame Carol Kidu
(**Papua New Guinea**, Minister of Community Development)

The Hon. Michael Kirby
(**Australia**, retired judge of the High Court of Australia)

Honourable Barbara Lee
(**United States**, Member of Congress)

Mr. Stephen Lewis
(**Canada**, Co-Director of AIDS-Free World)

His Excellency Mr. Festus Mogae
(**Botswana**, former President)

Mr. JVR Prasada Rao
(**India**, former Secretary Health) –
Member Secretary of the Commission

Professor Sylvia Tamale
(**Uganda**, former Dean, Faculty of Law, Makerere University)

Mr. Jon Ungphakorn
(**Thailand**, former Senator)

Professor Miriam K. Were
(**Kenya**, former Head of Kenya's National AIDS Council)

Technical Advisory Group

■ The Hon. Michael Kirby
(Co-Chair)

■ Allehone Mulugeta Abebe
(Co-Chair)

■ JVR Prasada Rao
(Member Secretary,
Commission)

■ Aziza Ahmed

■ Jonathan Berger

■ Chris Beyrer

■ Scott Burris

■ Joanne Csete

■ Mandeep Dhaliwal

■ Sophie Dilmitis

■ Vivek Divan

■ Richard Elliot

■ Sofia Gruskin

■ Wendy Isaack

■ Rick Lines

■ Annie Madden

■ Kevin Moody

■ Vitit Muntarbhorn

■ Cheryl Overs

■ Tracy Robinson

■ Purna Sen

■ Susan Timberlake

■ Matthew Weait

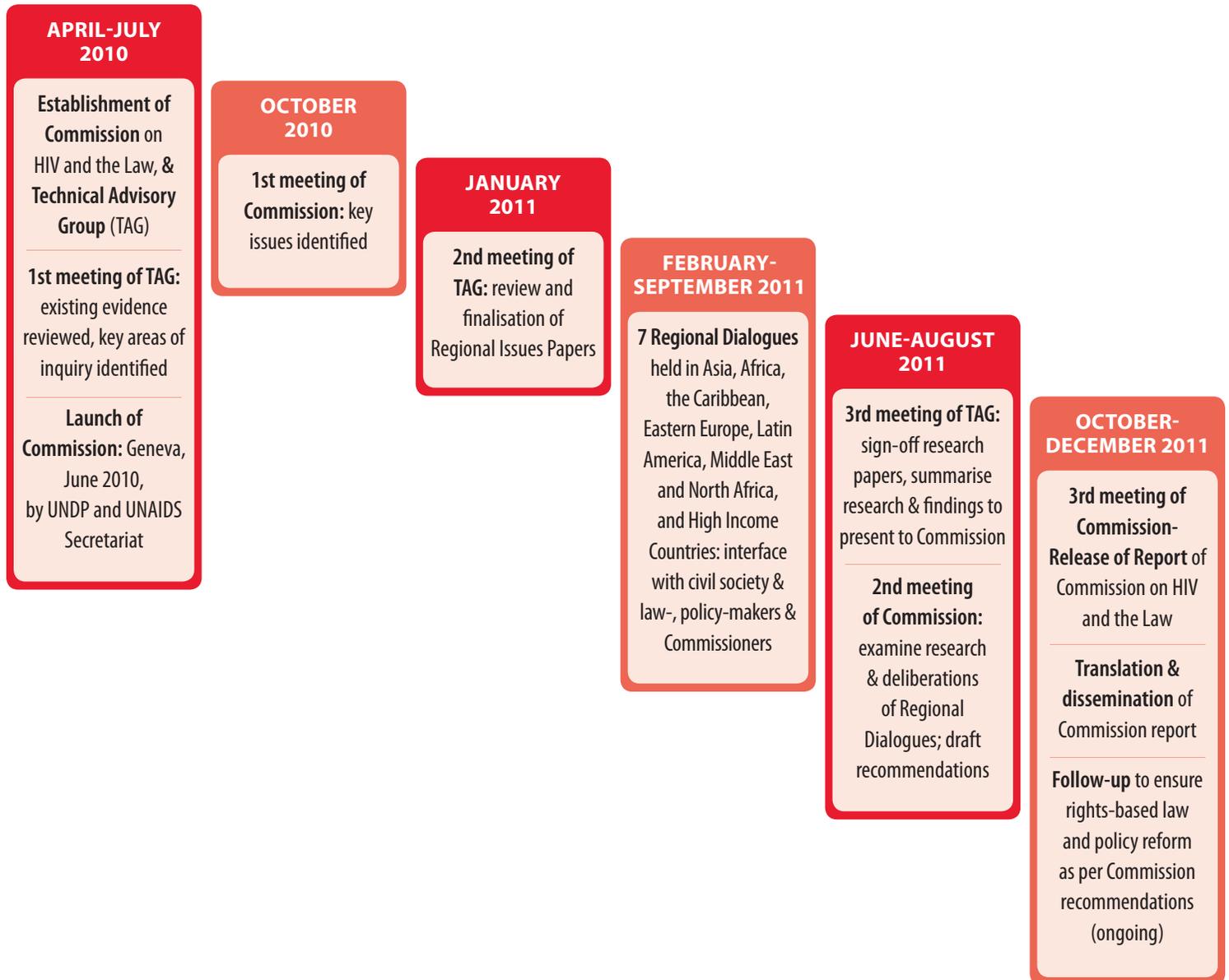
¹ **UNDP:** The United Nations Development Programme is the largest development agency in the world, working in 166 countries. UNDP focuses on the development dimension of HIV and health, recognising that addressing HIV is integral to achieving the Millennium Development Goals. As a Cosponsor of UNAIDS and building on its core mandate on human rights, UNDP focuses on enabling legal environments, stigma reduction, addressing inappropriate criminalisation, access to justice, gender – including sexual minorities, and human development.

² **UNAIDS:** UNAIDS is an innovative joint venture of the United Nations, bringing together the efforts and resources of the UNAIDS Secretariat and ten UN system organisations to respond to AIDS. The Secretariat headquarters is in Geneva, Switzerland with staff on the ground in more than 80 countries. Coherent action on AIDS by the UN system is coordinated in countries through the UN theme groups, and the joint programmes on AIDS. Cosponsors include UNHCR, UNICEF, WFP, UNDP, UNFPA, UNODC, ILO, UNESCO, WHO and the World Bank.

Milestones in the Commission's Process

The Global Commission on HIV and the Law provides an opportunity to shine a light on the continued human rights travails of those most vulnerable to HIV and build commitment from Member

States to implement rights-based measures that create meaningful citizenship and contribute to an effective HIV response. Indicative milestones are listed below:



Information about the Global Commission on HIV and the Law can be found at:
www.hivlawcommission.org and <http://www.undp.org/hiv/comissiononhivandthelaw/>

For further information contact: info@hivlawcommission.org
or visit: www.hivlawcommission.org

Follow the Commission on Facebook: www.facebook.com/HIVLawCommission and
on Twitter: www.twitter.com/HIVLawCom

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GLOBAL COMMISSION ON HIV and the LAW

THE COMMISSIONERS

"In countries without laws to protect sex workers, drug users and men who have sex with men, only a fraction of the population has access to prevention. Conversely, in countries with legal protection and the protection of human rights for these people, many more have access to services. As a result, there are fewer infections, less demand for antiretroviral treatment and fewer deaths. Not only is it unethical not to protect these groups; it makes no sense from a health perspective. It hurts all of us."

Ban Ki-moon
Secretary General
United Nations

XVII International AIDS Conference
Mexico City, 2008

Background

The Global Commission on HIV and the Law was launched in June 2010 to 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. To this end, the Commission focuses on some of the most challenging legal and human rights issues in the context of HIV. These may include: (1) laws and practices that effectively criminalise people living with and vulnerable to HIV; (2) laws and practices that mitigate or sustain violence and discrimination as lived by women; (3) laws and practices that facilitate or impede treatment access; and (4) issues of law and HIV pertaining to children.

The Commission will work by setting in motion a comprehensive effort involving research, analysis and extensive consultations with relevant stakeholders. The Commission will be supported by two inter-linked processes, Regional Dialogues (to provide an interface between the Commission and stakeholders) and a Technical Advisory Group (to advise the Commission on key research to inform the Commission's findings and recommendations).

The Commissioners

The Commission comprises eminent persons from public life who will provide global leadership on HIV-related human rights and legal issues by: (1) analysing what is known about the interactions between the legal environments, human rights and HIV; (2) fostering evidence-informed public dialogue on evidence and rights-based law and policy in the context of HIV; and (3) identifying clear and actionable recommendations with a concrete plan for follow-up. The Commission will meet 3 times over an 18-month time frame between June 2010 and December 2011. Commission members will also be invited to participate in Regional Dialogues.

Former President Fernando Henrique Cardoso (Brazil)



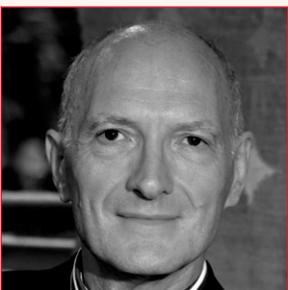
Fernando Henrique Cardoso was President of Brazil from 1995 to 2002 and is currently president of the Instituto Fernando Henrique Cardoso (São Paulo, Brazil). He is a former president of the Club of Madrid (Madrid), a founding member of the Elders, convener and co-chair of the Latin American Commission on Drugs and Democracy as well as member of Board of the Inter-American Dialogue, the World Resources Institute and the Thomas J. Watson Jr. Institute for International Studies of the Brown University (Providence, RI). A sociologist trained at the University of São Paulo, he emerged since the late 1960s as one of the most influential figures in the analysis of large-scale social change, international development, dependency and democracy. Cardoso was deeply involved in Brazil's struggle to restore democracy (1964-1985). Elected Senator in 1982, he was a founding member of the Party of the Social Democracy (PSDB). He served as Minister of Foreign Relations in 1992-1993 and Minister of Finance in 1993-1994. Former Full Professor of Political Science, today Professor Emeritus, at the University of São Paulo, he was Professor at the Universities of Santiago de Chile, California American (at Stanford and at Berkeley), of Cambridge (United Kingdom), of Paris-Nanterre, of the École de Hautes Études en Sciences Sociales and at the Collège de France. He was also President of the International Sociological Association (ISA) (1982-1986). His main works in English include *The Accidental President of Brazil* (2006, with B. Winter), *Charting a New Course: The Politics of Globalisation and Social Transformation* (2001, M. Font editor) and *Dependency and Development in Latin America* (with Enzo Faletto, 1979).

His Excellency Mr. Festus Gontebanye Mogae (Botswana)



His Excellency Mr. Festus Gontebanye Mogae is the former President of the Republic of Botswana and Chairman of the Champions for an HIV-Free Generation. He first became president in April 1998 as the leader of the Botswana Democratic Party and won a second term in 2004. Under his stewardship of the economy and careful management of the country's mineral resources, Botswana experienced steady economic growth that has characterised its post-independence history. Mr. Mogae has also won international praise for his efforts to combat the HIV epidemic in Botswana, one of the countries hit hardest by the disease. He is credited as one of the first heads of state in the world to publically test for HIV. He was one of the first African leaders to chair his country's National AIDS Council, and he continues to chair the council today. Under Mogae's administration, Botswana became the first country in Africa to provide free anti-retroviral therapy to citizens most in need. In 2004, he introduced routine "opt-out" HIV testing, which has since dramatically increased the number of people who know their HIV status. In August 2008, during the 17th International AIDS Conference in Mexico City, Mr. Mogae launched the Champions for an HIV-Free Generation, a group of former African presidents and other influential personalities with an aim to mobilise high-level leadership in renewed and revitalised responses to HIV and AIDS in Sub Saharan Africa. So far, the Champions have completed missions to four African nations, including Mozambique, Namibia, South Africa and Swaziland, where they advocated for stepped-up HIV prevention efforts from those countries' top leaders. Mogae has received a number of awards, including the 2008 Mo Ibrahim Prize for Achievement in African Leadership and the Grand Cross of the Legion d'Honneur by French President Nicolas Sarkozy. In September 2008, he was appointed by United Nations Secretary General Ban Ki-moon as one of his four Special Envoys on Climate Change. He also serves as chairman of the Advisory Board of Coalition of Dialogue on Africa (CoDA).

Justice Edwin Cameron (South Africa)



Edwin Cameron has served as a Justice of the Constitutional Court of South Africa, South Africa's highest court, since 1 January 2009. He is openly living with HIV. Before that, he was a judge in the Supreme Court of Appeal for eight years, and a high court judge for six. He joined the Johannesburg Bar in 1983, and from 1986 practised as a human rights lawyer at the University of the Witwatersrand's Centre for Applied Legal Studies. In 1994, President Mandela appointed him an acting judge and then a permanent judge of the High Court in 1995. Justice Cameron has received many awards, among them Honorary Fellowships of Keble College, Oxford and of the Society for Advanced Legal Studies, London; the Nelson Mandela Award for Health and Human Rights (2000); Stellenbosch University's Alumnus Award (2000), Transnet's HIV/AIDS Champions Award and the San Francisco AIDS Foundation's Excellence in Leadership Award (2003). In 2002 the Bar of England and Wales honoured him with a Special Award for his contribution to international jurisprudence and the protection of human rights. In 2006, his memoir, *Witness to AIDS*, was jointly awarded South Africa's most prestigious literary award for non-fiction, the Sunday Times/Alan Paton prize. In 2009, he was installed as an honorary Bencher of the Middle Temple. He holds honorary doctorates in law from King's College London and the University of the Witwatersrand.

Ms. Ana Helena Chacón-Echeverría (Costa Rica)



Ms. Ana Helena Chacón-Echeverría was born in Costa Rica, in 1961. Presently she is member of the Costa Rican Demographic Association, and Director Manager Consulting in Deloitte of Costa Rica. In Costa Rica, she has been a Congresswoman, Member of the Executive Committee of the Cooperation Committee of UNESCO, Vice-president of the Inter-American Parliamentary Group and Coordinator of the Costa Rican Parliamentarian Group, both of which oversee the attainment of objectives for the Millennium Development Goals, Deputy Minister of Public Security, Director General of the Triangle of Solidarity Program (against poverty and for decentralisation and citizen's participation), Member and President of the National Counsel for Rehabilitation and Special Education, Executive Director of the Campaign for the Improvement of the Image of the Physically Challenged Person, and Director for Central America and the Caribbean of the World Organisation for Physically Challenged Persons. Her lecturing circuit includes Central America, Dominican Republic, Mexico, Peru, Ecuador, Argentina, Colombia, Uruguay, Ethiopia, Thailand, Tunisia, Spain, and Switzerland, in matters regarding population and development, gender equality, violence against women, physical disabilities, tourism, national and public security, and sexual and reproductive health. She has published more than 45 documents on law, social and economic development. She has a university degree in International Relations, as well as diplomas in Administration and Negotiation Techniques, Social Development Management, Local Government, Public Decentralisation, and both formal and informal studies on gender equality, citizen's participation, national and public security, sexual and reproductive health, national and international politics, poverty, social exclusion and sexual exploitation. These studies were done in Europe, Asia, Africa and North and South America.

Mr. Charles Chauvel (New Zealand)



Mr. Charles Chauvel was elected to the New Zealand House of Representatives in August 2006, representing the opposition Labour Party. He is a member of the shadow cabinet, with responsibility for Justice and Environment Issues. He chairs the parliamentary privileges and regulations review committees, and was formerly parliamentary private secretary to the NZ Attorney-General. Prior to his election to Parliament he was a partner in the Minter Ellison legal group in Wellington, New Zealand, and Sydney, Australia. He was a member of the board of the NZ Public Health Commission in 1994 and Chair of the NZ AIDS Foundation Trust in 1995. Mr Chauvel is also a board member of the Pacific Friends of the Global Fund Against AIDS, TB and Malaria.

Dr. Shereen El Feki (Egypt)



Dr. Shereen El Feki is an academic, writer and broadcaster, whose current research focuses on sexual and reproductive life in the Arab region. Shereen is a former Fellow of the American University in Cairo; before joining AUC, Shereen was a presenter/reporter for Al Jazeera (English). From 1998 to 2005, Shereen was Healthcare Correspondent at The Economist, writing on biomedical research, the pharmaceutical and biotechnology industries, international public health, biomedical ethics, intellectual property rights and development. Dr. El Feki holds a B.Sc. from the University of Toronto, as well as an M.Phil in biochemistry and a Ph.D in molecular immunology from the University of Cambridge.

Ms. Bience Gawanas (Namibia)



Ms. Bience Gawanas was born and grew up in Namibia. After Namibia's independence, she worked as a lawyer at a human rights NGO, the Legal Assistance Centre and became a full-time member of the Public Service Commission from 1991 to 1996. She was appointed the Ombudswoman of Namibia in 1996 and held that position until 2003. As Ombudswoman, she received and investigated complaints relating to human rights violations, maladministration, corruption and degradation of the environment. Through her role as the Ombudswoman she advocates for a human rights approach in tackling poverty or addressing socio-economic development. She was elected as the African Union Commissioner for Social Affairs and assumed office in September 2003 until present. Her work involves advocacy and the harmonisation and coordination of regional and continental policies and programmes relating to social development issues including health, HIV/AIDS, Malaria, TB and other related infectious diseases, migration, population, culture and sport, drug control, social welfare of vulnerable groups, labour and employment. She has been appointed as the Sponsor for the African Union Commission Institutional Transformation Project. She also served as a member of the Global Task Team on Improving Coordination Amongst Multilateral Institutions and Donors and also served as a member of the Global Steering Committee on Universal Access to HIV Prevention, Care and Treatment. She is a member of the International Board of Trustees of the African Child Policy Forum, an African NGO based in Ethiopia. She holds an LLB Honours degree from the University of Warwick in the UK and an Utter Barrister degree from the Inns of Court School of Law and was called to the English and Irish Bar as a barrister and as an advocate to the Namibian High Court. She also holds an Executive MBA from the University of Cape Town.

Dame Carol Kidu (Papua New Guinea)



The Hon. Dame Carol Kidu is presently the only woman in the 109 member Papua New Guinea Parliament. She was first elected to Parliament in Papua New Guinea in 1997 and re-elected in 2002 and 2007. She has been the Minister for Community Development since 2002 and has been described as a "visionary reformer" because of her commitment to transform legislative and policy frameworks for social development in Papuan New Guinea societies as they interface with Western society. She has facilitated the preparation of major legislative reforms to the criminal code on rape and sexual assault, as well as new legislation on child sexual abuse and sexual exploitation of children; the review of the colonial Child Welfare Act with the passage of the new Lukautim Pikinini Act 2009 (Child Protection Act). She has spearheaded a major shift in public policy to refocus social development to an integrated community development approach. She established the Parliamentary Committee on HIV and AIDS in 2003 and has assumed political leadership in efforts to reform legislation that criminalises same sex relationships and prostitution. She was a Member of the Commission on AIDS in the Pacific that produced the UN Report on AIDS in the Pacific Region, and was a member of the Regional UN Committee on HIV and AIDS. Dame Kidu received the Imperial Award of Dame of the British Empire in January 2005 and was awarded International Woman of Courage Award by the Secretary of State of the United States of America in March 2007. She was named Pacific Person of the Year December 2007 and the 2008 Regional Rights Resource Team Pacific Human Rights Award winner for her contribution to promoting the rights of Pacific Islanders. In February 2009 she was honoured with the highest award for a non-citizen by the French Government - the Cross of Knight in the Order of the Legion d'Honneur. Dame Kidu represents Oceania on the FIFA Committee for Fair Play and Social Responsibility. She is the Pacific representative on the Board of the Commonwealth of Learning and is an international advisor on the Board of the Cairns Institute.

The Hon. Michael Kirby (Australia)



The Hon. Michael Kirby was appointed as Deputy President to the Australian Conciliation and Arbitration Commission in December 1974. In 1975 he was seconded to be the inaugural Chairman of the Australian Law Reform Commission. He served in that post until 1984. Between 1983 and 1984 he was a judge of the Federal Court of Australia followed by his appointment to the Presidency of the New South Wales Court of Appeal. He was elevated to the High Court of Australia in February 1996 and retired from that Court on 4 February 2009, six weeks short of the mandatory retiring age fixed by Section 72 of the Constitution. Michael Kirby has participated in many national and international bodies, including as President of the International Commission of Jurists and as the Special Representative of the UN Secretary General for Human Rights in Cambodia. He has served in many agencies of the UN, most recently UNAIDS, UNODC, ILO, WHO, UNDP and UNESCO. In 2007, the UN High Commissioner for Human Rights appointed him to be a member of the International Judicial Reference Group of her Office. He also serves as a member of the UNAIDS Global reference panel on human rights. On his retirement from the High Court Michael Kirby was elected an honorary life member of the Australian Bar Association and the NSW Bar Association. He is an honorary Bencher of the Inner Temple, and Fellow of the Society of Legal Scholars, both in London, and of the American Law Institute and the American Society of International Law in the United States. He holds fifteen honorary degrees from Australian and overseas universities. In March 2009 he was elected a Fellow of the Institute of Arbitrators and Mediators, Australia and a member of the Council of that body. In 2010, he was also appointed to be a member of the Eminent Persons Group advising on the future of the Commonwealth of Nations.

Hon. Barbara Lee (United States)



Congresswoman Barbara Lee has a distinguished record as an HIV champion, working tirelessly to stop the spread of HIV in the United States and around the world. Since her election to Congress more than a decade ago, the California Democrat has played a leading role in the development of every major HIV/AIDS bill, and has sought to build bipartisan support for efforts to combat a disease that knows no political or geographic boundaries. She has travelled to India, Africa and the Caribbean to examine these issues. She has worked to eliminate the abstinence provision as a requirement for countries to receive AIDS money. The Congresswoman was the co-author of the landmark legislation that created President's Emergency Plan for AIDS Relief (PEPFAR) in 2003. This law established a \$15 billion global AIDS initiative, at the time the largest financial commitment of any nation in history to combat a single disease. She writes about her HIV/AIDS work in her 2008 autobiography. In 2008, Congresswoman Lee was a co-author of the PEPFAR legislation that renewed the global AIDS program and included Caribbean nations, and successfully fought to increase the U.S. financial commitment to \$48 billion through 2013 to the fight against HIV/AIDS, tuberculosis, and malaria. She co-authored The Protection Against Transmission of HIV for Women and Youth Act of 2006 (PATHWAY) to reduce the vulnerability of women and girls to HIV infection. The Congresswoman has played a pivotal role in increasing domestic funding for HIV prevention, education, care and treatment programs, including the Minority AIDS initiative. She has strongly advocated for creation of a National AIDS Strategy with clear goals and timelines to provide accountability; backed HIV vaccine development, and secured House passage of a resolution supporting the goals and ideals of the National Black HIV/AIDS Awareness day. She led an effort to declare a state of emergency in Alameda County where the number of African Americans with HIV continued to climb. The Congresswoman has supported efforts to reduce the spread of sexually transmitted infections in federal and state correctional facilities, and has promoted programs to teach comprehensive sex education and reduce the rate of unplanned pregnancies and the spread of HIV and sexually transmitted infections among adolescents. She has worked to lift the ban prohibiting people living with HIV from travelling to the United States.

Mr. Stephen Lewis (Canada)



Mr. Stephen Lewis is co-director and co-founder of AIDS-Free World, an international advocacy organisation that works to promote more urgent and more effective global responses to HIV/AIDS. Stephen Lewis' work with the United Nations spanned more than two decades. He was the UN Secretary-General's Special Envoy for HIV/AIDS in Africa from June 2001 until the end of 2006. From 1995 to 1999, Mr. Lewis was Deputy Executive Director of UNICEF at the organisation's global headquarters in New York. In 1997, in addition to his work at UNICEF, Mr. Lewis was appointed by the Organisation of African Unity to a Panel of Eminent Personalities to Investigate the Genocide in Rwanda. The 'Rwanda Report' was issued in June of 2000. In 1993, Mr. Lewis became coordinator for the international study -- known as the Graça Machel study -- on the "Consequences of Armed Conflict on Children". The report was tabled in the United Nations in 1996. From 1984 through 1988, Stephen Lewis was Canadian Ambassador to the United Nations. In this capacity, he chaired the Committee that drafted the Five-Year UN Programme on African Economic Recovery. He also chaired the first International Conference on Climate Change, in 1988, which drew up the first comprehensive policy on global warming. In the 1960s and 1970s, Stephen Lewis was an elected representative to the Ontario Legislature. During this time he became leader of the Ontario New Democratic Party and leader of the Official Opposition. In addition to his work with AIDS-Free World, Mr. Lewis is a Distinguished Professor at Ryerson University in Toronto. He serves as a member of the Board of Directors of the Clinton Health Access Initiative and of the International AIDS Vaccine Initiative. Mr. Lewis is also the chair of the board of the Stephen Lewis Foundation in Canada. Mr. Lewis holds 32 honorary degrees from Canadian universities and in June 2010 he received an honorary degree from Dartmouth College in the United States. Mr. Lewis is a Companion of the Order of Canada, Canada's highest honour for lifetime achievement. In 2007, the Kingdom of Lesotho invested Mr. Lewis as Knight Commander of the Most Distinguished Order of Moshoeshoe. The order, named for the founder of Lesotho, is the country's highest honour.

Professor Sylvia Tamale (Uganda)



Professor Sylvia Tamale is a leading African feminist lawyer and scholar based in Kampala, Uganda. She is the immediate outgoing Dean of Law at Makerere University and has been a visiting professor at several academic institutions around the world. Professor Tamale has served on national and international boards and committees in multiple organisations, including the Uganda HIV/AIDS Alliance, the International Council on Human Rights Policy, the Equal Rights Trust, and the Open Society Initiative for Eastern Africa. In combining academia with activism, Professor Tamale adopts a critical approach to the law that aims at enhancing students' transformative personal growth and action. In 2006 she founded the Law, Gender and Sexuality Research Project at Makerere University. Professor Tamale has published and spoken publicly around the world on topics ranging from women's rights, gender and access to medicine, sexual minorities and HIV/AIDS. Her Reader on African Sexualities is to be published in late 2010 by Pambazuka Press. She has won several awards for defending the human rights of marginalised groups such as women, sexual minorities, people living with HIV and refugees. She holds a Bachelor of Laws from Makerere University, a Master of Laws from Harvard Law School and a Ph.D. in Sociology and Feminist Studies from the University of Minnesota.

Mr. Jon Ungphakorn (Thailand)



Mr. Jon Ungphakorn, a former Senator for Bangkok, is a Thai social activist who has spent most of his life working with Thai NGOs on human rights and development issues. His particular interests during the past 25 years have been HIV/AIDS (prevention, treatment, and rights), access to health, development of the welfare state, and development of civil society media. In 1991 he founded and was the first Executive Director of the AIDS Access Foundation, a Thai NGO which provides confidential counselling services for people living with HIV and their families, gives training and support to organisations of people living with HIV, campaigns against public stigma of AIDS, and advocates the rights of everyone to effective and affordable health treatment. In 2000 he was elected to the Thai Senate for six years with the support of the NGO and HIV communities, and in 2005 he was a recipient of the Ramon Magsaysay Award (a prestigious Asian award) for his advocacy work on human rights. Jon Ungphakorn is an advocate for Thailand and other developing countries to make full use of flexibilities allowed under the WTO TRIPS agreement and the 2001 Doha Declaration in order to provide their citizens with access to life-saving medicines that are readily available in developed nations. At present he is Vice-Chairperson of the Thai Foundation for AIDS Rights and a member of the Board of Governors of the Thai Public Broadcasting Service.

Professor Miriam K. Were (Kenya)



Professor Miriam K. Were is a Kenyan who has taught in the University of Nairobi Medical School (1974-1985) and worked in UNICEF (1985-1990), as Representative of the World Health Organisation (1990-1993) and as UNFPA Director for the Country Support Team that provided technical services in Population and Reproductive Health, which also covered HIV, in East, Central and Anglophone West Africa from 1993 to 2000 when she retired from the UN. In 1999, Miriam was Leader of a multi-agency Mission Ghana that established the basis for the Ghanaian HIV response. Following retirement from the United Nations, Miriam Were has been Chair of the Kenya National AIDS Control Council (2003-2009) during which period Kenya's National HIV Response had tremendous success. She has also been Chair of the African Medical and Research Foundation-AMREF (2002-2009) that addresses HIV in the African countries where AMREF works. Among her current responsibilities is Membership in the Champions for HIV-Free Generation. Miriam Were is also Co-founder of UZIMA Foundation with a focus on Youth empowerment towards good quality life which includes the control of HIV and AIDS. Among the honours bestowed on her is the prestigious Hideyo Noguchi Africa Prize by Japan first awarded in 2008 for outstanding achievements in increasing access to Medical Services. Other honours include Kenya's National Honour of the Elder of the Burning Spear, in 2007, the World YWCA Trail Blazer Award among Women Leading Change, The Queen Elizabeth II Gold Medal for Public Health, Knight in the French National Order of the Legion d'Honneur and in 2010, the AMREF Pioneering Public Health Award. Miriam very much values her community based health care (CBHC) work. Kenya presented its CBHC work at the Alma Ata Conference in 1978 at which the Primary Health Care Strategy was adopted. She holds a medical degree from University of Nairobi and also holds Master and Doctor of Public Health degrees from Johns Hopkins University.

Mr. JVR Prasada Rao (India) – Member Secretary of the Commission



Mr. JVR Prasada Rao is presently Special Advisor to the Executive Director, UNAIDS for the Asia-Pacific region, based in New Delhi, India, providing strategic advice and support to the Executive Director on AIDS-related policy and implementation issues. He is the former Permanent Secretary in the Ministry of Health, Government of India. In that role he was instrumental in drafting the National Health Policy, the National AIDS Prevention and Control Policy and the National Blood Transfusion Policy of India. He also initiated a large Reproductive & Child Health (RCH) project for the country. He served as the Regional Director, UNAIDS Asia Pacific Office from 2004 to 2009 and was the Director of India's National AIDS Control Organisation between 1997 and 2002, contributing to the successful launch of an enhanced, decentralised national AIDS response. Prasada Rao also served as Member Secretary to the Commission on AIDS in Asia and the Commission on AIDS in the Pacific. He has participated in important global initiatives, including the Transitional Working Group (TWG) for the Global Fund for AIDS, Tuberculosis and Malaria, and the High Level Forum established jointly by the World Bank, the World Health Organisation, and bilateral donors to monitor achievement of health-related Millennium Development Goals. He was also a member of the UNAIDS Programme Coordinating Board (PCB).

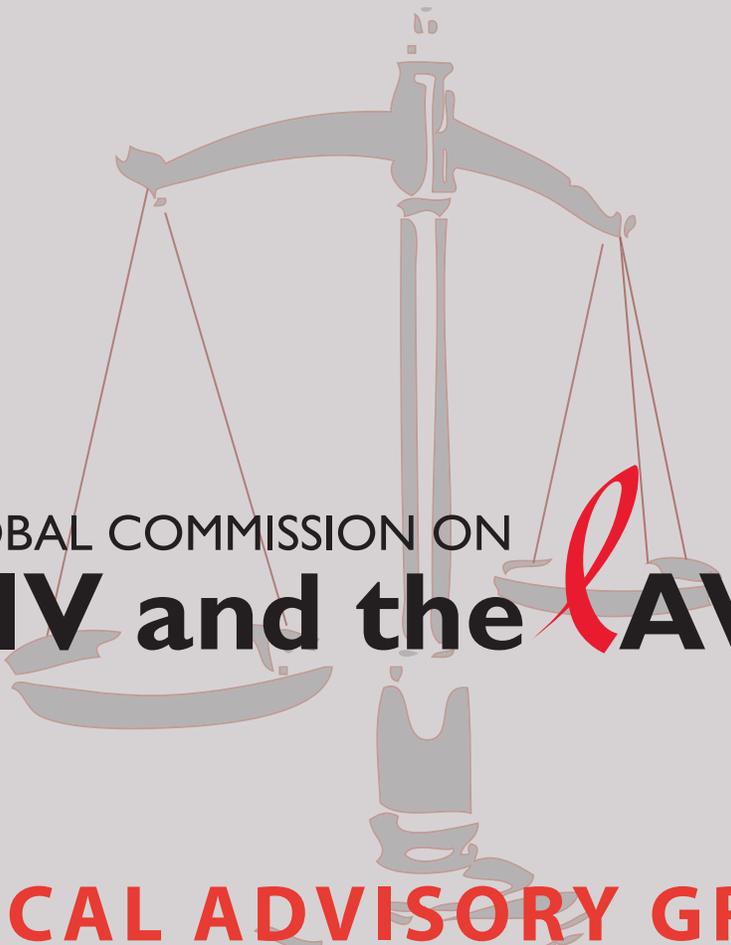
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GLOBAL COMMISSION ON **HIV and the LAW**

TECHNICAL ADVISORY GROUP

Background

The Global Commission on HIV and the Law was launched in June 2010 to 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. To this end, the Commission focuses on some of the most challenging legal and human rights issues in the context of HIV. These may include: (1) laws and practices that effectively criminalise people living with and vulnerable to HIV; (2) laws and practices that mitigate or sustain violence and discrimination as lived by women; (3) laws and practices that facilitate or impede treatment access; and (4) issues of law and HIV pertaining to children.

The law can have a profound impact on the lives of people – especially those who are vulnerable and marginalised. The true test of a humane society is reflected in its commitment to protecting the rights of minorities. In recent years the law has been a positive force in advancing effective HIV responses. For example, judicial and legislative action has improved access to life-saving treatment and protected people living with HIV against discrimination. Where the law has guaranteed equal inheritance and property for women and girls, it has helped to mitigate the social and economic burden

caused by HIV and AIDS. Although enabling legal frameworks have been used to mitigate the causes and consequences of HIV, their adoption has been limited. For example, while the number of countries with laws to protect people living with HIV from discrimination has increased since 2003, one third of countries still lack HIV-specific legal protections. In many countries, legal frameworks that further entrench structural inequalities persist. Moreover, the degree to which existing anti-discrimination laws are enforced is unclear, and in some countries favourable legal frameworks are being undermined by the criminalisation of HIV transmission and exposure, sex work, adult consensual same-sex sexual relations, and drug use. There is an ever-increasing body of documentation on human rights abuses stemming from punitive laws, policies and practices. Yet, plausible evidence on the impact of such laws, policies and practices on HIV and health outcomes, which can be translated into political will to affect the requisite rights-based reform has been elusive.

The Commission will work to achieve its goal by setting in motion a comprehensive effort involving state of the art research, analysis and extensive consultation with key stakeholders – especially

those most affected by punitive laws, policies, practices, stigma and discrimination in the context of HIV. The Commission is supported by two inter-linked processes, Regional Dialogues (to provide an interface between the Commission and affected stakeholders in regions across the globe) and a Technical Advisory Group (to advise the Commission on key technical issues and research to inform the Commission's findings and recommendations).

The Technical Advisory Group

The Technical Advisory Group (TAG) is co-chaired by a Commissioner and a member, both with expertise in HIV, human rights and the law. It comprises experts in the areas of law, human rights,

HIV and public health, people living with HIV, and members of civil society and marginalised communities. The TAG advises the Commission on key technical issues and research related to HIV and the law focusing on the impacts of punitive and enabling legal environments on scaling up effective HIV responses. It will assist in the technical review of all materials placed before and produced by the Commission. The TAG will provide guidance on appropriate research questions and methodologies as well as Regional Issues Papers, which will seek to highlight issues related to punitive and enabling laws, policies and practices, in the context of the specific regional considerations. Finally, the TAG will advise the Commission on the Regional Dialogues and strategies for following up the findings and recommendations of the Commission.

The Hon. Michael Kirby (Co-Chair)



The Hon. Michael Kirby (Co-Chair) was appointed as Deputy President to the Australian Conciliation and Arbitration Commission in December 1974. In 1975 he was seconded to be the inaugural Chairman of the Australian Law Reform Commission. He served in that post until 1984. Between 1983 and 1984 he was a judge of the Federal Court of Australia followed by his appointment to the Presidency of the New South Wales Court of Appeal. He was elevated to the High Court of Australia in February 1996 and retired from that Court on 4 February 2009, six weeks short of the mandatory retiring age fixed by Section 72 of the Constitution. Michael Kirby has participated in many national and international bodies, including as President of the International Commission of Jurists and as the Special Representative of the UN Secretary General for Human Rights in Cambodia. He has served in many agencies of the UN, most recently UNAIDS, UNODC, ILO, WHO, UNDP and UNESCO. In 2007, the UN High Commissioner for Human Rights appointed him to be a member of the International Judicial Reference Group of her Office. He also serves as a member of the UNAIDS Global reference panel on human rights. On his retirement from the High Court Michael Kirby was elected an honorary life member of the Australian Bar Association and the NSW Bar Association. He is an honorary Bencher of the Inner Temple, and Fellow of the Society of Legal Scholars, both in London, and of the American Law Institute and the American Society of International Law in the United States. He holds fifteen honorary degrees from Australian and overseas universities. In March 2009 he was elected a Fellow of the Institute of Arbitrators and Mediators, Australia and a member of the Council of that body. In 2010, he was also appointed to be a member of the Eminent Persons Group advising on the future of the Commonwealth of Nations.

Allehone Mulugeta Abebe (Co-Chair)



Allehone Mulugeta Abebe (Co-Chair) is an Ethiopian diplomat and lawyer with substantial background in public health, human rights and international law. Working as a human rights/legal expert in the Ethiopian Permanent Mission in Geneva, Switzerland since April 2007, he has represented Ethiopia at the WHO, UNAIDS and the UN Human Rights Council. Most recently he has served as the chair of the bureau of UNAIDS Program Coordinating Board (2008-2009) and is a member of a task force on the implementation of UNAIDS's Second Independent Evaluation. He has also served as coordinator of the African Group of experts on humanitarian affairs. Prior to his posting to the Ethiopian Mission in Geneva, Mr. Abebe worked in different capacities at the Ethiopian Ministry of Foreign Affairs. He has negotiated several multilateral regional and international human rights instruments and resolutions. In Ethiopia, Mr. Abebe coordinated and served as one of the lead authors for the country's public school text books on civic and human rights education which, among others, sought to incorporate HIV/AIDS prevention in national curricula. Mr. Abebe studied at the Centre for Human Rights, University of Pretoria (winner of UNSECO prize for human rights education, 2006) from where he holds an LLM in human rights law. He is currently writing a doctoral research on human rights of internally displaced persons in Africa at the University of Bern. He is the author of several research materials in leading academic journals. He lectures and speaks widely in international conferences.

JVR Prasada Rao (Member Secretary, Commission)



JVR Prasada Rao is presently Special Advisor to the Executive Director, UNAIDS for the Asia-Pacific region, based in New Delhi, India, providing strategic advice and support to the Executive Director on AIDS-related policy and implementation issues. He is the former Permanent Secretary in the Ministry of Health, Government of India. In that role he was instrumental in drafting the National Health Policy, the National AIDS Prevention and Control Policy and the National Blood Transfusion Policy of India. He also initiated a large Reproductive & Child Health (RCH) project for the country. He served as the Regional Director, UNAIDS Asia Pacific Office from 2004 to 2009 and was the Director of India's National AIDS Control Organisation between 1997 and 2002, contributing to the successful launch of an enhanced, decentralised national AIDS response. Prasada Rao also served as Member Secretary to the Commission on AIDS in Asia and the Commission on AIDS in the Pacific. He has participated in important global initiatives, including the Transitional Working Group (TWG) for the Global Fund to Fight Against AIDS, Tuberculosis and Malaria, and the High Level Forum established jointly by the World Bank, the World Health Organisation, and bilateral donors to monitor achievement of health-related Millennium Development Goals. He was also a member of the UNAIDS Programme Coordinating Board.

Aziza Ahmed



Aziza Ahmed is Assistant Professor of Law at Northeastern University Law School in Boston, Massachusetts. She was previously working with the Program on International Health and Human Rights (PIHHR) at the Harvard School of Public Health. Ms. Ahmed was a Women's Law and Public Policy Fellow with the International Community of Women Living with HIV/AIDS (ICW) supported by the Ford Foundation. Amongst other projects at ICW, Ms. Ahmed helped launch a project documenting the forced and coerced sterilisation of HIV positive women in Namibia. Ms. Ahmed has previously been a consultant to UNIFEM in the Eastern Caribbean and has worked with human rights organisations in Southern Africa, India, the United States, and the Caribbean. Ms. Ahmed's current research focuses on issues of HIV/AIDS, gender, sexuality, sexual and reproductive health and rights, and the intersection of criminal law and public health. She received her law degree from the University of California, Berkeley and her Master of Science in Population and International Health from the Harvard School of Public Health.

Jonathan Berger



Jonathan Berger is a senior researcher and head of policy and research at SECTION27, incorporating the AIDS Law Project. After serving as the legal education and advice officer at the National Coalition for Gay and Lesbian Equality from 1997 to 1999, he clerked for Justice Catherine O'Regan of the Constitutional Court of South Africa. Jonathan has been a member of the Medicines Control Council of South Africa since June 2009, and was appointed to the board of governors of Holy Family College – an independent school in Johannesburg – in early 2010. He is also an honorary research fellow at the University of the Witwatersrand, Johannesburg, where he co-teaches courses on HIV/AIDS & the Law and Medicines, Rights & Regulation. Until late 2007, Jonathan chaired the board of the Lesbian and Gay Equality Project, where he was integrally involved in the successful constitutional challenge to the exclusion of same-sex couples from the marriage laws of South Africa. He holds degrees in architecture and law from the University of the Witwatersrand, Johannesburg, as well as a Master of Laws degree from the University of Toronto that focused on the relationship between access to treatment for HIV/AIDS, international trade law and domestic constitutional law.

Chris Beyrer



Chris Beyrer is Professor of Epidemiology, International Health and Health, Behavior and Society at the Johns Hopkins Bloomberg School of Public Health. He is the founder and Director of the Center for Public Health and Human Rights at Johns Hopkins, which is engaged in research, teaching, and policy work on public health and human rights issues. He also serves as Associate Director for Public Health of the Johns Hopkins Center for Global Health, a consortium of the Schools of Medicine, Public Health, and Nursing. He has served as Director of the JHU Fogarty AIDS International Training & Research Program. In 2008 Dr. Beyrer was elected to the Governing Council of the International AIDS Society as a representative for North America. He currently has HIV/AIDS program or training activities in Thailand, China, Burma, India, Kazakhstan, Russia, Malawi, Uganda, Ethiopia, South Africa, Namibia and Botswana. Dr. Beyrer has served as a consultant to the Office for AIDS Research of the U.S. NIH, the World Bank, amfAR, the International Partnership for Microbicides, the Asia Society, the Levi Strauss Foundation, and The Thai Red Cross Program on AIDS. He is a member of the Global Health Advisory Committee of the Open Society Institute and a Trustee of the Institute for Asian Democracy. Dr. Beyrer has an undergraduate degree in History from Hobart & Wm. Smith Colleges, did his medical school training at the State University of New York, Downstate Medical Center in Brooklyn, NY, and his public health and infectious diseases training at Johns Hopkins.

Scott Burris



Scott Burris is a Professor of Law at Temple University, where he directs the Center for Health Law, Policy and Practice, and the Robert Wood Johnson Foundation's Public Health Law Research program. His work focuses on how law influences public health, and what interventions can make laws and law enforcement practices healthier in their effects. He is the author of over 100 books, book chapters, articles and reports on issues including urban health, HIV/AIDS, research ethics, global health governance, and the health effects of criminal law and drug policy. His work has been supported by organisations including the Open Society Institute, the National Institutes of Health, the Bill and Melinda Gates Foundation, the UK Department for International Development, and the CDC. He has served as a consultant to numerous U.S. and international organisations including WHO, UNODC and UNDP. He has been a visiting scholar at RegNet at the Australian National University, and a Fulbright Fellow at the University of Cape Town Law School. Professor Burris is a graduate of Washington University in St. Louis and Yale Law School.

Joanne Csete



Joanne Csete is associate professor of Clinical Population and Family Health at Columbia University Mailman School of Public Health, New York. She focuses her research and teaching on health and human rights, particularly the impact of criminalisation and gender-based subordination on access to health services for people who use drugs, sex workers, and others vulnerable to HIV. At Human Rights Watch and the Canadian HIV/AIDS Legal Network, she documented and engaged in advocacy on human rights abuses against marginalised people facing severe health risks in more than 20 countries. She worked on HIV/AIDS and other health and nutrition programs and policies in Africa for over 10 years, including in complex emergency situations. She holds a PhD from Cornell University, a Master of Public Health from Columbia, and a bachelor's degree from Princeton University.

Mandeep Dhaliwal



Mandeep Dhaliwal joined the United Nations Development Programme (UNDP) HIV/AIDS Group in December 2008 as the Human Rights, Gender and Sexual Diversities Cluster Leader. She is a physician and a lawyer and most recently she was working as an independent consultant on issues of health, human rights and HIV and served as a senior advisor to the Dutch Royal Tropical Institute's Programme on AIDS. Her previous experience includes working for the International HIV/AIDS Alliance's Policy, Research and Good Practice Team in the United Kingdom. At the International HIV/AIDS Alliance, Mandeep was instrumental in expanding the Alliance's technical support and policy work on issues of HIV care, treatment and support in Asia, Africa, Eastern Europe and Latin America. While at the Alliance, she led the development of an operations research initiative in Zambia on community engagement for anti-retroviral treatment. Mandeep was the founding coordinator of the Lawyers Collective HIV/AIDS Unit in India, establishing the Unit's legal aid, capacity building, research, advocacy and legal literacy work. Mandeep obtained her M.D. and LLB in Canada, and has extensive experience working with people living with HIV and other key populations (e.g.: sex workers, men who have sex with men, transgender people and people who use drugs) in India and a number of developing countries in Asia, Africa and Eastern Europe.

Sophie Dilmitis



Sophie Dilmitis is a human rights advocate with a deep commitment for the rights of women and young people. Sophie has been living with HIV for 16 years and her professional experience includes working in the women's and AIDS movements. She has lived and worked in developing and developed countries and has an excellent understanding of issues and challenges around HIV in diverse country contexts. Sophie has worked with young people living with HIV on stigma and discrimination, disclosure, self-empowerment and offered capacity building to develop their own effective prevention programmes. In 2003, Sophie ran an award winning weekly newspaper column called Factor Positive, on issues related to HIV for the Sunday Mirror, Harare. In 2001 Sophie founded the Choose Life Trust in Zimbabwe, an organisation that addressed HIV in communities and schools. Sophie's work, grounded in human rights and the Greater Involvement of People Living with HIV (GIPA) extended beyond Zimbabwe. Since 2006, Sophie has worked for the World YWCA as the Sexual and Reproductive Health and Rights and HIV Coordinator, in Geneva. At the global level Sophie has advocated for policies and programmes that work for all women in communities. Sophie has also presented and written extensively on issues related to women, SRHR and HIV. She has worked on numerous global policy processes, brokered high level discussions and facilitated presentations and trainings to address different aspects of development and human rights for women around HIV.

Vivek Divan



Vivek Divan, a lawyer from Bombay, works with the UNDP HIV/AIDS Group's cluster on Human Rights, Gender and Sexual Diversities in New York. As Coordinator of Lawyers Collective HIV/AIDS Unit in India from 2000 to 2007 he oversaw and was involved in the legal aid, advocacy, research, capacity-building and legal literacy work of the Unit. In that time he was part of the team that drafted legislation on HIV/AIDS for India and strategized campaigns and lobbying on law and human rights issues related to sex work and treatment access. He was closely involved in the public interest litigation related to Section 377 of the Indian Penal Code, India's anti-sodomy law, including legal research and strategy and extensive community mobilisation around the case. He has been an outspoken activist on human rights as they relate to HIV and LGBT issues in India. In 2002 he provided his expertise to re-drafting of Guideline 6 of the International Guidelines on Human Rights & HIV/AIDS. In 2008 and 2009 as Senior Advisor-HIV/AIDS at the Royal Tropical Institute in Amsterdam he taught in its Masters in Public Health course. He has been on the International Advisory Board of the International Gay & Lesbian Human Rights Commission since 2000. He obtained a BA LLB from the National Law School of India University in 1994 and an LLM from the Cornell University School of Law in 1995.

Richard Elliott



Richard Elliott is the Executive Director of the Canadian HIV/AIDS Legal Network. Before joining the Legal Network 11 years ago, he was a civil litigator in private practice and appeared before various levels of Canadian courts, including the Supreme Court of Canada. He has served on the boards of various HIV and human rights organisations. Between 2001 and 2007, he was a member of the Ministerial Council on HIV/AIDS, an expert body advising Canada's federal Minister of Health. He has served as technical advisor to UNAIDS and WHO on HIV-related legal issues, and was the rapporteur and principal author for the international expert consultation that produced the updated International Guidelines on HIV/AIDS and Human Rights issued by UNAIDS and the Office of the UN High Commissioner for Human Rights. He has presented widely at international conferences and at the UN General Assembly, testified before numerous Parliamentary committees on HIV-related legal issues, and has authored numerous reports, papers and articles on various legal and human rights issues related to HIV/AIDS. He currently holds a Community Leadership in Justice Fellowship from the Law Foundation of Ontario at the University of Toronto's Faculty of Law. Richard holds an undergraduate degree in economics and philosophy from Queen's University in Kingston, Ontario, and obtained his LLB and LLM from the Osgoode Hall Law School of York University, Toronto.

Sofia Gruskin



Sofia Gruskin is the Director of the Program on International Health and Human Rights and an Associate Professor in the Department of Global Health and Population at the Harvard School of Public Health. Her work emphasises the conceptual, methodological, policy and practice implications of linking health to human rights, with particular attention to HIV/AIDS, women, children, gender issues, sexuality and vulnerable populations. She has extensive experience in research, training and programmatic work with nongovernmental, governmental and intergovernmental organisations working in the fields of health and human rights around the world. Professor Gruskin is the principal investigator for several UNAIDS, WHO and UNFPA sponsored projects intended to strengthen the health and human rights research and policy agenda – particularly in the areas of HIV/AIDS, sexual and reproductive health, child and adolescent health and gender-based violence. At a programmatic level, current efforts include clarifying the value of human rights for making public health work more effective through the design and testing of models and tools in a range of countries and documenting the effects of legal and policy environments on people living with HIV and other key populations. Professor Gruskin serves on numerous boards and committees nationally and internationally, and within the Harvard School of Public Health serves as chair of The Group on Reproductive Health and Rights, Harvard Center for Population and Development Studies, and co-director of the Interdisciplinary Concentration on Women, Gender and Health. She holds a JD and a Master of International Affairs.

Wendy Isaack



Wendy Isaack is a human rights activist and lawyer from South Africa. From 2000-2005, Wendy worked as a Legal Advisor for the Lesbian and Gay Equality Project. Until December 2009, Wendy was employed as a Candidate Attorney by the Legal Resources Centre, South Africa's largest public interest law centre. She is currently working as Manager of the Legal Services & Advocacy Programme for People Opposing Women Abuse, a women's rights organisation based in Johannesburg. Her work has focused on women's rights, specifically violence against women and the rights of lesbian, gay, bisexual and transgender people. In her professional and feminist activist work over the years, she has developed and implemented multi-pronged women's rights legal advocacy strategies at national, regional and international levels. She has engaged extensively in law and policy reform processes, including making written and oral submissions in parliament on laws that impact on violence against women, sexual minorities and other vulnerable and marginalised groups. Wendy Isaack has been actively engaged in human rights advocacy work at the African Commission on Human & Peoples' Rights, the Human Rights Council and the United Nations Commission on the Status of Women. She holds a B. Proc degree from the University of Durban-Westville (1995-2000) and an LLM in International Human Rights Law from the University of Ulster in Northern Ireland (2005-2007).

Rick Lines



Rick Lines is the Deputy Director of the International Harm Reduction Association in London. A Canadian citizen, he has been working in HIV/AIDS, human rights and drug policy research and advocacy since the early 1990s. Rick is known for his leading work on prisoners' rights, harm reduction and the death penalty for drug offences, and regularly published and speaks internationally on these and other issues. Rick has held senior posts with non-governmental organisations in Canada, Ireland and the United Kingdom, and has acted as a technical assistance advisor on HIV in prisons for several UN agencies. He is a Core Member of the Reference Group to the United Nations on HIV/AIDS and Injecting Drug Use, and in 2009 co-founded the International Centre on Human Rights and Drug Policy. He holds Masters Degrees in both Sociology and International Human Rights Law, and is currently a PhD candidate in Law at the Irish Centre for Human Rights.

Annie Madden



Annie Madden is currently the Executive Officer of the Australian Injecting & Illicit Drug Users League (AIVL) which is the national peak organisation representing people who use illicit drugs and those on opioid substitution treatment (OST) in Australia. She has been working in the areas of injecting drug use, HIV, hepatitis C, peer education and drug user representation for 20 years. Annie has a degree in the social sciences majoring in politics, gender representations and Asian societies and cultures. She is currently undertaking postgraduate studies in law with an interest in drug law reform, human rights and international law. As an activist and advocate Annie has experience in representing the drug user perspective in research, program development, in the media and through parliamentary and ministerial advisory structures. At the international level Annie has represented drug users in a range of UN and other fora and is acting as representative of the International Network of People Who Use Drugs (INPUD) on the TAG for the Global Commission on HIV & the Law.

Kevin Moody



Kevin Moody is the International Coordinator and CEO of the Global Network of People Living with HIV (GNP+). Since Kevin joined GNP+ in 2006, GNP+ has developed evidence-gathering and advocacy tools driven by people living with HIV based on their needs. Under Kevin's leadership, GNP+ has grown into a strong, effective and accountable network representing people living with HIV globally with its roots firmly planted in networks at country level. Prior to GNP+, Kevin worked as a Technical Officer for WHO from 2003-2006, where he focussed on HIV treatment preparedness, as well as the competency and certification of health workers. From 2000-2002, he worked with the Medecins Sans Frontieres' Campaign for Access to Essential Medicines, helping country teams to implement affordable treatment programmes for HIV, TB, malaria and often-ignored tropical diseases, such as Leishmaniasis. Kevin started his career as a pharmacist in Canada in community and hospital pharmacies. From 1991-1998, he taught Pharmacy Administration and directed the Continuing Pharmacy Education Programme at the University of British Columbia in Vancouver. He holds a Bachelor of Science degree in Pharmacy (BScPhm, 1986); Master of Business Administration (MBA, 1991) and Doctor of Education (EdD, 2000).

Vitit Muntarbhorn



Vitit Muntarbhorn has been working at the Faculty of Law, Chulalongkorn University, in Bangkok, for more than 30 years. He was also a Lecturer and Trainer at many human rights programmes in Thailand and other countries. He was the United Nations Special Rapporteur on the sale of children, child prostitution and child pornography from 1990-1994, and from 2005 has been the Special Rapporteur on the Situation of Human Rights in Democratic People's Republic of Korea (North Korea). His work mostly deals with human rights issues, including the rights of sexual minorities. He was invited as a guest speaker, a panellist, or a participant at many seminars focusing on such issue. In 2004, he was awarded the UNESCO Prize for Human Rights Education. He received his Bachelor and Master degrees of Laws from Oxford University.

Cheryl Overs



Cheryl Overs, began advocating for sex work law reform in Melbourne in the early 1980's and co-founded local and national sex workers organisations, the Prostitutes Collectives of Australia, which campaigned successfully for law reform and pioneered rights-based harm reduction services early in the HIV pandemic. In Europe from 1989, she focussed on networking among sex worker groups internationally and influencing international policy on sex work and HIV through the Asia Pacific Network of Sex Workers and the Global Network of Sex Work Projects (NSWP) which she founded with Brazilian activist Paulo Henrique Longo. Since 2000, Cheryl has worked for INGOs, sex work networks, UN agencies and human rights organisations providing technical support to HIV programmes for male, female and transgender sex workers in several countries in Africa, Asia and Latin America. From 2009, Cheryl works as a Senior Research Fellow in the Michael Kirby Centre for Public Health and Human Rights at Monash University, where she focuses on developing understandings of the impact of economic and legal conditions on sex workers health and human rights that can better inform interventions and policy. She also works within the Paulo Longo Research Initiative, a group of academics and sex workers conducting research and policy analysis linked to the NSWP. Cheryl is currently Co-chair of the Global Village Working Group for the 2010 International Conference on AIDS. She has published various articles, reports and book chapters based on her own experiences in the field. She was born in Australia and lived in Melbourne where she worked in the sex industry and studied Legal Studies at Latrobe University.

Tracy Robinson



Tracy Robinson is a Senior Lecturer in the Faculty of Law, University of the West Indies (UWI) Cave Hill, Barbados. She joined the Faculty of Law as a lecturer in 1996, having completed postgraduate degrees at University of Oxford and Yale Law School. She course directs undergraduate courses in Family Law, Gender and the Law, Constitutional Law and Commonwealth Caribbean Human Rights Law. In addition to her academic publications in the area of public law, family law, gender and citizenship and legal feminism, she has authored and co-authored a number of important expert reports on the law in the Caribbean relating to sexual harassment, sex work, children and intimate domestic relationships and same-sex sexuality. Between 1997 and 2005 she served as the editor of the Caribbean Law Bulletin, a UWI Faculty of Law publication that highlighted current legal developments in the Caribbean. She is a co-founder and a co-coordinator of the UWI human rights litigation project (Faculty of Law UWI Rights Advocacy Project, U-RAP).

Purna Sen



Purna Sen, prior to joining the Commonwealth Secretariat was with Amnesty International as Director for the Asia-Pacific Programme and had previously taught Gender and Development at the Development Studies Institute (DESTIN) at the London School of Economics (LSE). Since the early 1990s, her work has included research, publications and activism on violence against women, culture and human rights, particularly in relation to sexual violence, trafficking, civil society organising against violence, as well as social development issues and race equality in the UK. She has worked in a number of countries including India, Jordan, Morocco, Indonesia and the Nordic region. She has regional expertise in Asia and the Pacific, engaging especially in the conflict areas of Sri Lanka and Nepal and has worked on human rights issues in Malaysia, Indonesia, Papua New Guinea, South Korea and many other countries in the region. She has consulted with many organisations including Article 19 and the British Council. She holds a visiting senior fellowship at DESTIN.

Susan Timberlake



Susan Timberlake was a staff member of the United Nations High Commissioner for Refugees (UNHCR) for 19 years where she functioned as a UNHCR Protection Officer in Thailand, as the UNHCR Legal Officer in the United States, as the UNHCR Senior Legal Advisor for Asia and the Pacific, and as Executive Assistant to the Deputy High Commissioner for Refugees. Seconded from UNHCR, she served as the Human Rights Advisor for the WHO Global Programme on AIDS (1994-1996); and as Senior Human Rights and Policy Advisor for UNAIDS (1996-2000). From 2000-2004, she worked as an independent consultant for UNAIDS, WHO, UNFPA, UNIFEM and others. In November 2004, Susan rejoined UNAIDS as the Senior Human Rights and Law Adviser. She and her team work to promote a human rights-based approach and a protective legal environment for the HIV epidemic with governments, civil society, and multilateral institutions. She received a Bachelor of Arts in anthropology from Stanford University in 1976. In 1982, she graduated Cum Laude from the University of Georgia School of Law, and in 1984 received an LLM in international law from Cambridge University in England.

Matthew Weait



Matthew Weait is Reader in Socio-Legal Studies and Assistant Dean in the School of Law, Birkbeck College, University of London. He has held academic posts at the University of Oxford (1986-1992), Birkbeck College (1992-1999), the Open University (2000-2004) and Keele University (2004-2007). He has been a Visiting Professor at Cardozo Law School, the American Bar Foundation and the Centre for Feminist Legal Studies at the University of British Columbia. In 2002-2003 he was Parliamentary Research Officer at the Odysseus Trust, where he supported Lord Lester of Herne Hill QC in his work on the Joint Committee on Human Rights. Matthew studied law and criminology at the University of Cambridge and completed his doctoral research at the Centre for Socio-Legal Studies, University of Oxford. Matthew's research centres on the impact of law on people living with HIV and AIDS, with particular emphasis on human rights and the legal construction of responsibility and the relationship between law and public health. His monograph, *Intimacy and Responsibility: the Criminalisation of HIV Transmission* was published by Routledge in 2007. He has been a member the Expert Advisory Group on AIDS (Department of Health) and has worked in an advisory capacity for a number of international organisations, including the WHO, HIV in Europe and UNAIDS.

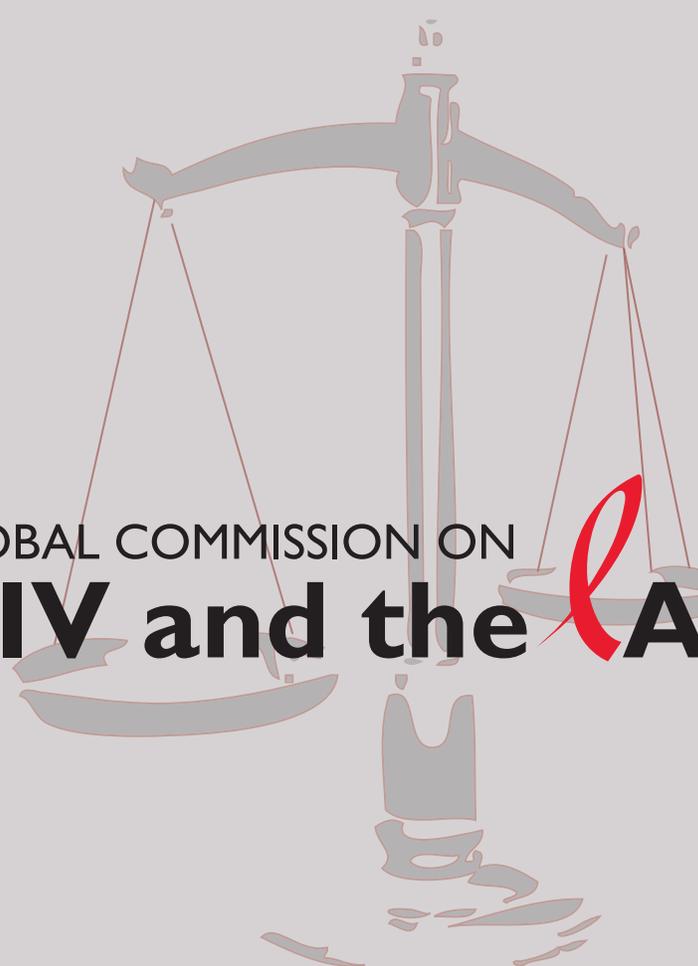
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