Africa Dialogue of the Global Commission on HIV and the Law

Burgers Park Hotel, Pretoria South Africa
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STATEMENT BY
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AFRICAN UNION COMMISSION
Honorable Ministers of Justice

Honorable Ministers of Health

Excellencies

Members of Diplomatic Corp

Ladies and Gentlemen

It is an honor and a privilege for me to address this opening ceremony and bring you greetings from the Chairperson of the African Union Commission, H.E. Dr. Jean Ping. I would like to thank the organizers of this Africa Dialogue of the Global Commission on HIV and the Law that provides an opportunity to discuss the role of justice and human rights in the response to HIV and AIDS which contributed immensely to Africa's heavy burden of disease.

In 2001, African leaders declared AIDS as "a State of Emergency on the Continent". They recognized that the epidemic constitutes not only a major health crisis, but also a formidable threat to Africa's development, social cohesion, political stability, and food security, as well as to the survival and life expectancy of the African people.

In an effort to combat HIV and AIDS on the Continent, our Heads of State have spearheaded several initiatives and developed policies which include the Africa Health Strategy, the Abuja Call Towards Accelerated Access to HIV, TB and Malaria Services as well as the Continental Policy Framework on Sexual Reproductive Health and Rights with its Maputo Plan of Action, and our vision of "a high standard of well-being, social justice and empowerment for all African peoples."
Permit me to quote paragraph 12 of the Abuja Declaration of 2001 which stated that “We are aware that stigma, silence, denial and discrimination against people living with HIV/AIDS increase the impact of the epidemic and constitute a major barrier to an effective response to it. We recognize the importance of greater involvement of people living with HIV/AIDS in control programmes”. This has led to the development of a Continental Framework for Harmonization of Approaches among Member States and Integration of Policies on Human Rights and People Infected and Affected by HIV/AIDS in Africa. The objectives of this framework include to:

1. Raise awareness on and reverse the negative impact of HIV/AIDS on communities, particularly the vulnerable and marginalized groups;

2. Advocate for enactment or strengthening of legislation to protect People Living with HIV and AIDS (PLHIV), in the framework of National Human Rights Strategies;

3. Address known cases of violation of human rights of PLHIV;

4. Integrate policies on human rights for people infected and affected by HIV and AIDS into national Human Rights Frameworks; and

5. Harmonize approaches to human rights of PLHIV at regional and continental level.

This Dialogue is timely in that it will discuss important issues related to Human Rights laws on HIV in Africa. We must remember that respect
for Human Rights includes freedom from stigma and discrimination, access to health services, nutrition, employment, inheritance, education and other requirements for basic human welfare.

Excellencies, Distinguished Guests, Ladies and Gentlemen

Although the fight against HIV and AIDS remains high on the agenda, laws that reinforce HIV-related stigma and discrimination impede both HIV prevention efforts and access to treatment. They do so by making populations at particular risk of infection (including intravenous drug users, men who have sex with men, migrants and sex workers) hardest to reach, and by sustaining the social and economic exclusion of people living with HIV. Despite evidence to this effect, some countries across our continent persist in the enforcement of existing discriminatory and punitive laws, and in introducing new ones. Particularly egregious examples include the criminalization of non-intentional HIV exposure, women who transmit HIV to their infant children, and efforts to criminalize same sex marriage. One can reasonably assume that faced with the spread of HIV among the population at risk, the priority of governments would be to recognize HIV/AIDS as a public health crisis rather than an opportunity to punish and marginalize the population at risk.

On behalf of the African Union Commission, I hereby express our appreciation of this Dialogue for recognizing that it is not only HIV that harms people – but also bad laws harm them too.

I therefore call upon all stakeholders to support the noble and desirable objectives of the Africa Dialogue. Where there is an absence of law that makes discrimination on grounds of HIV status unlawful,
employers and service providers have no incentive to accommodate the particular needs of PLHIV, or to ensure that their rights to fair and equal treatment are respected.

I thank you for your kind attention and wish the Dialogue fruitful deliberations and success.