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Press Release - For Immediate Release

Global Commission on HIV and the Law Reviews Legal Barriers Obstructing Progress on AIDS in High Income Countries¹

OAKLAND, CALIFORNIA 16 September, 2011—Thirty years after the first cases of HIV were diagnosed in the US, HIV is far from over - high income countries continue to struggle to end AIDS. The total number of people living with HIV in North America and Western and Central Europe grew from an estimated 1.8 million in 2001 to 2.3 million in 2009—an increase of 30%. 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 Oakland on 17 September for the final in a series of seven dialogues which have been 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, 65 participants from 15 countries will discuss and debate region-wide experiences of enabling and restrictive legal and social environments faced by people living with HIV, other key populations and those affected by HIV in high income countries.

According to UNDP HIV Practice Director Jeffrey O'Malley, *"The law and its application can have an 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 know that the laws and policies of High Income countries also affect developing countries. We have much to learn from the positive and negative experiences in high income countries on the interactions between the law, legislative reform, law enforcement practices, and public health responses."*

Legal responses in the context of HIV across high income countries are varied and evolving. For example, high income countries have accounted for the vast majority of criminal prosecutions relating to HIV non-disclosure, exposure or transmission. In 2010, the US launched a National AIDS Strategy which calls for an end to the criminalization of HIV transmission and exposure. Recently a number of countries including Norway and Finland have begun a review legal provisions which criminalize of HIV transmission and exposure. In 2001, Portugal became the only EU member state to explicitly decriminalize illicit drug possession and use - since then number of newly reported cases of HIV among people who use drugs has declined substantially every year since 2001 and drug use has not increased.

Responding on behalf of the Global Commission on HIV and the Law, Congresswoman Barbara Lee (D) of Oakland, a Commissioner stated *"the effectiveness of the global 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 Bipartisan Congressional HIV/AIDS Caucus, which I co-chair will deal with these very issues."*

¹ Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Israel, Italy, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, United Kingdom and United States

The Regional Dialogue, hosted by the Global Commission on HIV and the Law, is jointly organized by UNDP, on behalf of the UNAIDS family, and the University of California, Berkeley Law, The Miller Institute for Global Challenges and the Law.

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)
- 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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