



UNAIDS 29th Programme Coordinating Board

Thematic Segment: HIV and Enabling Legal Environments

Palais des Nations
Salle XIX
15 December 2011
Geneva, Switzerland

**Opening remarks by Commissioner JVR Prasada Rao,
Member Secretary, Global Commission on HIV and the Law**

Distinguished PCB Chair, UNAIDS Executive Director, Delegates and the Moderator,

I speak to you today as Member-Secretary of the Global Commission on HIV and the Law – an independent body which was constituted and led by UNDP as an outcome of PCB discussions. Under the leadership of Fernando Henrique Cardoso, the former President of Brazil, we are 15 Commissioners who have spent the last 18 months reviewing HIV-relevant laws and legal practices from around the world, synthesizing the evidence on the association between legal environments and HIV outcomes, and testing current practices against internationally agreed human rights commitments.

True to well-established norms in the HIV response, we have also put people at the centre of our deliberations. We have received and reviewed 680 written submissions from 133 countries. In seven regional dialogues, we have heard from almost 700 people closely involved in these issues - people living with HIV, other key populations, people who had been unjustly prosecuted and persecuted, prison directors, religious leaders from the Arab world, Ministers of Justice, Health and Home Affairs. We received more inputs from Africa than from any other region. In addition to being informed by vital community perspectives, we were also assisted by experts in areas of law, human rights, public health, and gender.

This past weekend, the Commissioners held their last meeting, here in Geneva. We agreed on our most salient findings and crafted our recommendations. Over the weeks ahead, a final report will be prepared that I am sure will become an important resource in strengthening HIV responses worldwide.



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As always, Michel Sidibe eloquently summarized the state of the global response to AIDS in his opening report to this PCB. We have never before had the tools, the experience and the systems that make getting to zero a realistic aspiration rather than a distant pipe-dream. At the same time, we have never before faced such a dramatic funding crisis, with internationally available resources for the HIV response now shrinking rather than growing.

We have long known that law, human rights, access to justice and the fight against stigma are essential components of AIDS responses. Nevertheless, I have just reminded us all of Michel's opening remarks because the current opportunities for getting to zero and the current funding crises make the securing an enabling legal environment all the more urgent.

How can we promote 'test and treat' when many countries around the world criminalize people living with HIV?

How can we reach, involve and empower the populations most at risk of HIV when in far too many settings, they risk prosecution simply for being identified as sex workers, men who have sex with men, transgender people or drug users?

How can women safely seek and benefit from PMTCT+ services when far too often, they have no legal protection against the risk of gender based violence that may arise from disclosing their status?

Fortunately, for all the challenges we face, there is a growing body of good practice from around the world, showing how countries use the law to protect human rights, improve the impact of their HIV programming and increase efficiency and effectiveness. I am delighted that this is the focus of today's discussions.



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How do countries craft and implement anti-discrimination legislation that really protects people living with HIV?

How have countries used trade law to lower the price of key drugs and other commodities, thereby getting more people on treatment for less money? Do TRIPS and DOHA meet the health needs of people living with HIV?

How are children affected by AIDS protected and empowered by the right legal environment?

How can we use the legal environment to ensure that our HIV responses are as effective, sustainable, humane and efficient as possible?

Today's discussions could not be more timely or more valuable. Some of what you share may well be relevant to include in the Global Commission's final report will definitely be taken into consideration. Even more importantly, I am confident that you will begin to already go beyond the Commission's work - to discuss not just WHAT needs to be done to ensure that legal environments are as enabling as possible, but HOW this can be done.

The Commissioners and I eagerly look forward to your deliberations.