



*Empowered lives.  
Resilient nations.*

**Statement by the UNDP HIV Practice to the  
Nineteenth session of the Human Rights Council  
Thematic Panel Discussion on HIV/AIDS and Human Rights**

**20 March 2012**

**Geneva**

Mr President, members of the panel, distinguished delegates, ladies and gentlemen,

UNDP thanks the Human Rights Council for the opportunity to speak before this panel and welcomes resolution 16/28 of the Human Rights Council<sup>i</sup>.

The path to sustainable human development is illuminated by the respect for the human dignity that is common to all countries, cultures and communities<sup>ii</sup>. We have long known that human rights, law, access to justice and the fight against stigma are essential components of the response to HIV<sup>iii</sup>. And human rights can be practically translated into material improvements in people's lives. A human rights based approach to HIV calls for an enabling legal environment that: (1) challenges discrimination and stigma, (2) reduces risk and vulnerability and (3) promotes universal access to treatment and prevention for all.

For the last eighteen months, UNDP, on behalf of the UNAIDS family, has supported the work of the Global Commission on HIV and the Law.<sup>iv</sup> Since, its inception the Commission has examined the impact of legal environments on HIV outcomes and the relationship between legal responses, human rights and HIV.

The evidence generated through the Commission's consultation with a diverse range of government, civil society and community stakeholders leaves no doubt that punitive legal environments are confounding effective HIV responses and that stigma and discrimination associated with HIV have contributed to counter-productive and unjust laws. The Commission received submissions from 140 countries. 40 per cent of the submissions were from Africa and over 70 percent of the submissions described the daily reality of stigma, discrimination, marginalization, verbal and even physical abuse experienced by people living with HIV. 60 percent of the submissions noted human rights violations lived by women, including barriers to sexual and reproductive health and equal inheritance and property rights. 50 per cent of submissions highlighted the negative health and human rights impact of criminal laws. Submissions also highlighted issues such as the negative impact of laws on age of consent which don't recognise the evolving capacity of the child and prevent young people from accessing HIV and health services and the problems posed by the current intellectual property regime and trends in intellectual property enforcement, such as free trade agreements, which are impeding the scale up of life sustaining treatment.

It is also clear that where legal environments support sound public health interventions and human rights, especially for the most vulnerable and marginalized, better HIV outcomes are achieved. Where women and girls are empowered and protected from violence, their vulnerability to HIV is decreased. Where the law facilitates young people's access to age-appropriate sex education and health services, investments in HIV prevention yield benefits. Where effective legal aid can make justice and equality a reality for people living with and affected by HIV, this contributes to better health outcomes. The current funding crisis, one of the most important human rights issues confronting the global HIV response, makes securing an enabling legal environment that much more critical. We can afford no less.

UNDP is hopeful that the Commission's findings and recommendations will form the basis of the next generation of HIV responses, where governments and their citizens embrace the power of human rights and enabling legal environments to deliver the effective and efficient HIV responses essential to sustainable development.

Thank you.

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<sup>i</sup> Human Rights Council, Resolution 16/28 about the protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS), 13 April 2011, A/HRC/RES/16/28.

<sup>ii</sup> Human Rights Council, Report of the United Nations High Commissioner for Human Rights on the protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS), 14 December 2011, A/HRC/19/37.

<sup>iii</sup> See Marius Pieterse, "Legislative and executive translation of the right to have access to health care services" (2010) 14 *Law, Democracy and Development* 1 at 3.

<sup>iv</sup> See [www.hivlawcommission.org](http://www.hivlawcommission.org)