

Legal barriers to fast tracking HIV/TB response in Africa

The second Africa Regional Dialogue, hosted by the AIDS and Rights Alliance for Southern Africa (Arasa) in partnership with the UNDP, under the Africa Regional Grant on HIV: Removing Legal Barriers are meeting in Johannesburg on 3-4 August 2017.



Over 140 representatives of government ministries, civil society, members of parliament, the judiciary, UN agencies and development partners will take stock of progress on the implementation of the Global Commission on HIV and the Law recommendations and discuss how to overcome challenges that remain in the HIV and TB response. It is five years since the report was released and six years since the first Africa Regional Dialogue on HIV and the Law.

“While most African countries have made national, regional and international commitments to protect human rights and address HIV and TB, legal barriers continue to impede the health and rights of people on the continent,” said Michaela Clayton, director of the Aids and Rights Alliance for Southern Africa.

“This is an important opportunity for us to review how far we have come in implementing the recommendations of the Global Commission report, to identify the barriers that remain to implementing these recommendations and to identify how we can overcome these barriers.”

Delegates will discuss progress in Africa on the implementation of the recommendations of the Global Commission on HIV and the Law, evaluate their impact, highlight issues and countries that continue to face challenges and make strategic recommendations on the way forward. Given the high rates of HIV and TB co-infection in Africa, the dialogue is also focusing on the impact of laws, policies and practices on the TB response.

Significant challenges remain

Although significant progress has been made in the HIV and TB responses across Africa, significant challenges remain with respect to legal and policy environments for key and vulnerable populations, including people living with HIV and TB, sex workers, people who use drugs, men who have sex with men and lesbian, gay, bisexual, transgender and intersex people.

The first Africa Regional Dialogue was held in 2011 and helped to inform the Global Commission on HIV and the Law, whose 2012 report revealed that bad laws and policies were obstructing the global HIV response. The Commission advised governments to dismantle legal barriers to HIV prevention and treatment, end discrimination against people living with and affected by HIV and to implement laws and policies that are grounded in evidence and human rights.

“For UNDP, human rights are central to effective HIV responses and to the 2030 Agenda for sustainable development and the commitment of ‘leaving no one behind’,” said Mandeep Dhaliwal, director, HIV, Health and Development Group, UNDP. “We are pleased to be working with government, civil society and UN partners in 88 countries to advance the recommendations of the Global Commission on HIV and the Law. Work on law and policy is vital from both a public health and development perspective. It is challenging but we know that progress is possible and essential.”

“The question is what needs to be done differently to include those who are already being left behind, such as people living with HIV or TB and key populations and vulnerable groups,” said Advocate Bience Gawanas, special advisor to the Namibian minister of poverty eradication and social welfare. “These groups need to have their voices heard and this dialogue is an important mechanism to do so.”

This week’s dialogue features sessions on laws, policies and practices that:

- mitigate or exacerbate violence and discrimination lived by women
- discriminate and create barriers to services for children and young people
- create barriers to access to HIV and TB treatment
- effectively criminalise people living with HIV and TB and key populations

Progress in Africa

Since the Commission’s report in 2012, significant progress has been made in addressing legal barriers to effective HIV and TB responses across Africa. For example, Mozambique has revised its law on criminalising unintentional HIV transmission and the High Court of Kenya has found a law criminalising HIV transmission to be unconstitutional.

Further, Seychelles decriminalised adult consensual same-sex relations in 2016 and the High Court of Botswana has ruled that foreign prisoners living with HIV are entitled to receive lifesaving antiretroviral treatment. In Ghana, a stigma and reporting system has been developed that allows key populations and people living with HIV to file complaints about human rights abuses and seek redress.

“Robust evidence-based law reform creates conditions that can accelerate an end to the HIV and TB epidemics and premature deaths amongst the poorest populations in the African region. The time is now!” said Vuyiseka Dubula, programmes director at Sonke Gender Justice.

Catch the debate on <http://africadialogue.net/live-streaming/>.

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