

## Consultation on Human Rights in the HIV response

### **Promoting human rights in HIV response: *Regional and subregional strategies and best practices***

**12-13 February 2019, Room XII, Palais des Nations, Geneva, Switzerland**

#### **“Developing principles to address the detrimental impact on health, equality and human rights of criminalization with a focus on select conduct in the areas of sexuality, reproduction, drug use and HIV”**

13 February 2019

Your Excellency, esteemed experts, distinguished delegates, colleagues:

The International Commission of Jurists welcomes Council resolution 38/8 and this important consultation on human rights in the HIV response.

Punitive laws – including misuse and abuse of criminal law in relation to HIV non-disclosure, exposure and transmission – violate States’ international human rights obligations. Respect, protection and fulfillment of all human rights for all people have been emphasized as prerequisites for addressing stigma, discrimination, violence and abuse in delivering an effective HIV response.

Unjust, unfair and ineffective criminalization continues to be a major barrier to the realization of human rights – fostering and perpetuating stigma, discrimination, violence and abuse. The International Commission of Jurists commends the High Commissioner, the Special Procedures, the Treaty Bodies, UNAIDS, other agencies and civil society for their bold leadership on these challenges.

International and regional consultations, and the important work of civil society, have identified a need to *engage jurists* to address the unjust application and detrimental effects on equality, health and human rights of criminal law – be it in relation to HIV, or consensual sexuality, reproduction or drug use.

Responding to this need, the International Commission of Jurists – in collaboration with UNAIDS, OHCHR and UNDP – convened a Jurists’ Meeting last May. This meeting endorsed civil society’s call for jurists to elaborate a set of principles to assist legislatures, the courts, administrative and prosecutorial authorities, and advocates address the deleterious impact on health, equality, and human rights of criminalization of sexual and reproductive healthcare services, including abortion; of consensual sexual conduct, including consensual sex work, consensual sex outside marriage, consensual same-sex relations, and consensual adolescent sexual activity; of drug use, of possession of drugs for personal use; and of HIV non-disclosure, exposure and transmission.

To arrive at a set of jurists' principles that is highly effective, and ensures protection for the most at-risk groups, particular attention has to be paid to the elaboration process, as much as to the content of the principles themselves. Thus, broad consultation with a wide range of stakeholders, including civil society organizations, is planned.

**Distinguished panelists:**

How do you see this work feeding into the current efforts to "leave no one behind" both at the regional and global level in the context of an effective HIV response?

And how would a set of jurists' principles addressing the detrimental impact of criminalization on health, equality and human rights be useful in fighting stigma, discrimination, violence and abuse?