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# in focus

Civil Society Perspectives on the 2011 HIV/AIDS HLM  
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# The 2011 Political Declaration on HIV/AIDS

The United Nations General Assembly High Level Meeting (HLM) on HIV/AIDS was held in New York from 8 to 10 June 2011. The meeting took stock of progress and challenges in the AIDS response since the 2001 UN Special Session on HIV/AIDS (UNGASS) and the 2006 HIV/AIDS Political Declaration where UN Member States committed to moving towards universal access to HIV prevention, treatment, care and support.

Heads of state, ministers and other government representatives participated in the 2011 HLM where negotiations on further commitments to the AIDS response were concluded. Members of civil society participated in the meeting as members of their country's official delegation, as presenters and observers in the various plenary and panel discussions, and as advocates to government representatives sitting in negotiations.

Seventeen pages- and 105 paragraphs-long, the 2011 Political Declaration on HIV/AIDS (UN Resolution 65/277) is the outcome document of the 2011 HIV/AIDS HLM.

## *in a nutshell*

With the 2011 Political Declaration, governments:

- commit to “redouble efforts” to achieve universal access to HIV prevention, treatment, care and support by 2015
- commit to “working towards” providing treatment to 15 million people living with HIV by 2015
- commit to “working towards” halving sexual transmission of HIV by 2015
- commit to “working towards” halving HIV transmission among people who use drugs by 2015
- commit to “working towards” eliminating vertical transmission of HIV by 2015
- commit to increased funding to the HIV and AIDS response
- reaffirm that fulfillment of human rights for all is essential to an effective HIV response
- commit to eliminate HIV and AIDS-related stigma and discrimination in legal, social and policy frameworks
- acknowledge that globally, women and girls are still the most affected by HIV and AIDS and that the epidemic has a disproportionate impact to women and girls
- commit to eliminate gender inequalities and gender-based abuse and violence
- affirm commitment to invest in evidence-based HIV prevention
- acknowledge the need to focus prevention strategies on populations most at risk of infection including men who have sex with men, people who use drugs, and sex workers

## *unpacking key paragraphs*

### *References to Human Rights* (Paras. 2, 38, 39, 77, 81, 83, 85)

The Political Declaration has a total of seven references to human rights and particularly very strong language on protecting the human rights of people living with HIV (PLHIV), including ensuring respect for confidentiality, informed consent and privacy.

Review of laws and policies that hinder effective HIV response is mentioned but it should be noted that the commitment is only to review but not amend or eliminate such laws and policies. Explicit references to decriminalization of sex work, HIV transmission and same sex relationships would have strengthened this commitment significantly.

Language reaffirming the sovereign rights of nations and giving prominence to ‘cultural, ethical and religious values’ is a potential loophole in the Declaration. Concessions to ‘cultural, ethical and religious values’ and national sovereignty often undermine programming and policies based on evidence.

### *References to Specific Targets* (Paras. 62, 63, 64, 66, 75)

There are five paragraphs committed to achieving specific targets by 2015: reducing sexual transmission of HIV by 50%; reducing transmission of HIV among people who inject drugs by 50%; elimination of vertical transmission of HIV; reducing tuberculosis deaths in PLHIV by 50%; and achieving universal access to anti-retroviral treatment for people who need it. Of these, only the last is a definite commitment, the other four being commitments to “work towards” achieving such targets.

### *References to Funding* (Paras. 13, 14, 17, 55, 60, 86, 88, 92, 93, 94, 97, 100)

The Declaration commits to “working towards” closing the global HIV and AIDS resource gap by 2015 through, among others, continued domestic and international funding. It strongly urges developed countries to meet their pledges of giving 0.7 per cent of their gross national product for official development assistance by 2015. It likewise commits to scale up new, voluntary and innovative financing mechanisms, and to provide the “highest level of support” for the Global Fund to Fight AIDS, TB and Malaria. Importantly, it commits to ensure that financial resources for prevention are targeted to evidence-based measures.

### *References to Access to Affordable Medicines*

(Paras. 35, 36, 71, 72, 87)

The Declaration commits to removing by 2015, “where feasible,” obstacles that limit the capacity of developing countries to provide HIV prevention and treatment medicines and commodities, including by reviewing national laws and regulations, “as deemed appropriate” by governments to optimize the full use of existing flexibilities under the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement.

Four paragraphs mention the importance of access to and trade of generic medicines and calls for implementation of intellectual property rights measures in a manner which do not undermine the capacity of countries to protect public health and promote access to health for all.

## References to People Living with HIV (PLHIV)

(Paras. 8, 11, 33, 38, 40, 44, 56, 59I, 65, 66, 68, 69, 75, 82, 83)

15 paragraphs of the Declaration mention PLHIV, recognising their critical role in the response, emphasising the importance of protecting their human rights and promoting the principle of their meaningful involvement in AIDS policy and programme design, planning, implementation, monitoring and evaluation. These references are echoes of progressive language already adopted in the 2006 Political Declaration.

## References to Men Who Have Sex With Men, People Who Use Drugs and Sex workers

(Para. 29)

Paragraph 29 of the 2011 Political Declaration is groundbreaking for the explicit acknowledgement and naming, for the first time in a high level political declaration, of men who have sex with men, people who inject drugs and sex workers as groups at higher risk of HIV infection.

Governments dismally failed in including transgender people in the declaration. They also failed to guarantee human rights protection for the groups mentioned in paragraph 29. Without guarantees for human rights protection, the paragraph leaves the groups vulnerable to further stigma, discrimination and rights violations such as being subjected to mandatory testing or counseling.

On the other hand, the Declaration paves the way for other marginalised sexual and gender identity-based groups—lesbian, bisexual, transgender, intersex and queer people—to demand legitimate inclusion in high level policy and decision-making spaces from here on.

In paragraph 59h, the Declaration gave a welcome, albeit weakly stated commitment from governments of “giving consideration, as appropriate,” to implement and expand drug user risk and harm reduction programmes.

## References to Migrants

(Paras. 60, 84)

The Declaration commits to address migrant and mobile people’s HIV vulnerabilities. However, it calls for working within the system or “according to national legislation,” rather than urging for improving laws and policies in either migrant origin or destination countries to support the groups’ access to HIV prevention, treatment, care and support.

## References to Women and Girls

(Paras. 19, 21, 22, 41, 53, 60, 69I, 81)

There are a number of good text on women and girls at the 2011 Political Declaration although the language has not really moved forward from what already at the 2006 Political Declaration.

Gender equality, the empowerment of women and girls, elimination of gender-based abuse and violence, and access to health care and services, including sexual and reproductive health (no mention still of sexual and reproductive rights) continue to be recognised as fundamental to reducing women and girls’ vulnerabilities to HIV.

Same as in paragraph 30 of the 2006 Declaration, mention in paragraph 81 of the 2011 Declaration of eliminating “sexual exploitation of women, girls and boys, including for commercial reasons” to “protect” their human rights and reduce their vulnerability to HIV, may leave female sex workers more vulnerable to state-sanctioned rights violations.

## References to Young People and Adolescents

(Paras. 25, 26, 27, 43, 56, 59, 60, 68, 83)

The Declaration has several references to young people, recognising that they account for a huge percent of all new HIV infections and acknowledging their still limited access to needed HIV and sexual and reproductive health information and programmes.

But despite the fact that abstinence programmes are proven not to work, the Declaration still promotes “reducing risk taking behaviour and encouraging responsible sexual behaviour, including abstinence, fidelity” for young people. And while it mentions expansion of good-quality youth-friendly information and *sexual health education and counselling services*, it does not support the much preferred *comprehensive, accurate and facts-based sexuality education and sexual and reproductive health services* for young people.

Lastly, the commitment in the Declaration of promoting laws and policies that ensure the realization of all human rights and fundamental freedoms of young people is shadowed by the mention of taking into account “cultural, religious and ethical factors in reducing the vulnerability of children and the young.”

## References

2011 Political Declaration on HIV/AIDS: Intensifying our Efforts to Eliminate HIV/AIDS (A/RES/65/277; June 2011) available at <[http://www.un.org/ga/search/view\\_doc.asp?symbol=A/65/L.77](http://www.un.org/ga/search/view_doc.asp?symbol=A/65/L.77)>

2006 Political Declaration on HIV/AIDS (A/RES/60/26; June 2011) available at <[http://data.unaids.org/pub/Report/2006/20060615\\_hlm\\_politicaldeclaration\\_ares60262\\_en.pdf](http://data.unaids.org/pub/Report/2006/20060615_hlm_politicaldeclaration_ares60262_en.pdf)>

Realizing Sexual and Reproductive Justice (RESURJ). Analysis of the Outcome Document by the RESURJ Alliance (June 2011) available at <<http://www.awid.org/Media/Files/RESURJ-Analysis-HLM-on-HIV-and-AIDS>>

International HIV/AIDS Alliance. UN Political Declaration to Shape HIV Response (June 2011) available at <<http://www.aidsalliance.org/newsdetails.aspx?id=290951>>

# Making Use of the Political Declaration

Being a negotiated document, the 2011 Political Declaration is far from being perfect. But it does provide leverage to HIV and AIDS activists for making the response more relevant to communities most affected by the epidemic. Though not legally binding, it is a useful and influential tool for advocacy, including for holding governments accountable for promises they have made.

Achieving Universal Access and the Millenium Development Goals within the context of UNAIDS's Three Zeroes strategy requires a multi-sectoral approach. We call on:

- civil society to engage in critical analysis of the Political Declaration with their networks and partners, and maintain engagement with follow-up actions
- development partners, including UNAIDS and bilateral donors, to facilitate and support meaningful engagement in the process by civil society organisations and networks
- governments to fulfill and fund their commitments

## APCASO & the Comprehensive Review on AIDS

Before, during and after the High Level Meeting in June, APCASO has engaged with the 2011 Comprehensive Review of AIDS through:

- dissemination of a series of multilingual advocacy alerts for community advocates beginning in late 2009 through 2010
- conduct of a Regional Universe Access Research Project from late 2010 to 2011 covering six countries
- leading and organizing a civil society HLM preparatory forum in May 2011
- developing, managing and promoting a regional listserv for rapid dissemination of news and information on the HLM among civil society
- developing, managing and promoting an Asia-Pacific HLM delegates group page at Facebook
- facilitating discussions and sharing of information among Asia and Pacific delegates at the HLM in New York
- organising sessions to facilitate civil society's understanding and use of the 2011 Political

Declaration, such as the Community Forum session at the 10th International Congress on AIDS in Asia and the Pacific (ICAAP)

- coordinating with in-country civil society groups in the region about their follow-up actions on the HLM

Over the coming months, APCASO will be producing a range of briefing papers on the HLM, its implications for the Asia and Pacific regions, along with key advocacy messages and tools so that community organisations and civil society can more effectively use the document in their advocacy work. If you would like to receive these, want to know more about the HLM, or be involved in this work, please contact the APCASO secretariat.

The Asia Pacific Council of AIDS Service Organizations (APCASO) is a civil society network of non-governmental (NGOs) and community based organisations (CBOs) that provide HIV and AIDS services within the Asia and Pacific regions.

We support and promote the role of CBOs and NGOs in their responses to HIV and AIDS, particularly those representing communities most affected by the pandemic, namely people living with HIV, sex workers, people who use drugs, men who have sex with men, transgender people, migrant and mobile populations, young people and women.

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