

STATEMENT BY THE HUMAN RIGHTS CAUCUS* AT THE HIGH LEVEL MEETING ON HIV AND AIDS, NEW YORK (2 June 2006)

In 2001, governments acknowledged that the full realization of human rights for all persons is central to mounting an effective response to the pandemic. Today's political declaration does not implement this basic insight. It marginalizes human rights based approaches.

Governments and civil society actors from all sectors, such as health service provision, law, advocacy, PLWHA, research and development, private sector and labor, trade, faith-based, youth and health—articulated at many points during the High-Level meeting, the importance of ensuring a human rights approach in addressing the HIV and AIDS pandemic. Despite repeated appeals during the Interactive dialogue, panels and roundtables, and commitments already agreed to, the current political declaration undermines the realization of human rights and is detrimental to an effective response. For human rights to be respected, protected and fulfilled in relation to HIV and AIDS, cultural exceptionalism cannot qualify human rights provisions; ideology cannot inform programmatic responses; abstinence cannot be endorsed instead of comprehensive sexual education. The greater involvement of people living with HIV and AIDS must not be tokenism. In addition, fighting stigma and discrimination, while important in their own right, cannot be used as “stand-in” for fulfilling human rights.

We, as human rights activists, are deeply concerned by the inadequate and weak human rights language in the current political declaration.

Firstly, people around the world face human rights abuses in relation to the epidemic. These violations include acts perpetrated and/or tolerated by governments such as restrictions of movement, gender-based violence, discrimination, police harassment, threats to privacy and freedom of assembly. It also includes denial of care and treatment, education and access to basic health and social services, especially for marginalized groups.

Secondly, we are concerned by the dearth of language stressing the necessity of rights-based approaches to HIV and AIDS policy, programming and services. We are concerned not only because this is an obligation of governments but also because it makes work more effective. Rights-based approaches require ensuring the participation of affected communities, non-discrimination in program delivery, attention to the legal and policy environment in which interventions take place, and accountability for what is done, and how it is done.

Human rights must be at the centre of a comprehensive response, including: specific, measurable and time-bound targets - implemented according to a human rights principles in the areas of universal access to treatment, prevention, care and support; protection and empowerment of vulnerable groups; harm reduction and substitution therapy; sexual and reproductive health and rights; comprehensive, evidence-based sexuality education.

The political declaration represents a missed opportunity and must not undermine the crucial role of human rights in the response to HIV and AIDS.

*The human rights caucus consists of individuals from the following organizations and institutions: Action Aid International, Amnesty International, Human Rights Watch, Center for Women's Global Leadership, Center for Reproductive Rights, Human Rights Program/Harvard Law School, Program on International Health and Human Rights/Harvard School of Public Health, Arc International, International Women's Health Coalition (for informational purposes only.)