



UNAIDS and UNDP: Call for enhanced action to promote and protect the human rights of men who have sex with men, transgender people, lesbians, gays and bisexuals in the context of the HIV epidemic

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The unanimous commitments of Member States to achieve universal access to HIV prevention, treatment, care and support by 2010 and Millennium Development Goal (MDG) 6 – to halt and reverse the spread of HIV by 2015 – include commitments to further the realization of human rights for all, including for all those vulnerable to HIV infection and to the impact of AIDS.¹ Such commitments confirm the fact that the realization of human rights for all is not only right but also leads to the most effective response to HIV and generates broader health and development benefits.

However, many people at risk of HIV infection, including men who have sex with men, transgender people, lesbians, gays and bisexuals cannot protect themselves from such infection or live successfully if infected due to the discrimination, violence, marginalization and other violations of human rights that they face.

Many governments either deny the existence of men who have sex with men, transgender people, lesbians, gays and bisexuals in their societies, and/or have not adequately invested in their health and human rights. This has a pernicious impact in terms of hampering their access to HIV and health services and making them even more vulnerable to HIV. For example, recent evidence shows that, in some regions, as few as 12% of men who have sex with men have access to HIV services.^{2 3} Furthermore, where these groups are marginalized or criminalized, many fear to take up the HIV, health and other services that are available, because of the likelihood of facing discrimination, and in some places, violence or criminal prosecution.

Resources allocated to appropriate HIV programming for men who have sex with men, transgender people, lesbians, gays and bisexuals falls far short of what is required to realize Member States' commitments to achieve universal access to HIV prevention, treatment, care and support and MDG 6. Urgent and enhanced action is required to scale

¹ Political Declaration on HIV/AIDS (A/Res/60/262), Declaration of Commitment on HIV/AIDS (2001) A/Res/S-26/2; United Nations Millennium Declaration (2000) UN Document A/Res/55/2.

² Joint United Nations Programme on HIV/AIDS, *2008 Report on the global AIDS epidemic*, UNAIDS, Switzerland.

³ amFAR 2008, *MSM, HIV, and the Road to Universal Access - How Far Have We Come?*, Special Report, amFAR, USA.

up effective and rights-based responses for men who have sex with men, transgender people, lesbians, gays and bisexuals in the context of the HIV epidemic.

Like all people, men who have sex with men, transgender people, lesbians, gays and bisexuals enjoy all human rights, in particular the rights to be free from murder, torture, violence, arbitrary arrest, vilification, discrimination, and violations of privacy.⁴ They also enjoy the right to the highest attainable standard of health. The realization of their human rights is essential for their dignity, their protection in a world with HIV, and for an effective response to the HIV epidemic. There is no more time for “business as usual”.

For further information, please see the UNAIDS Action Framework: Universal Access for Men Who Have Sex With Men and Transgender People which was adopted by UNAIDS Cosponsors and the UNAIDS Secretariat (December 2008).

“In countries without laws to protect... men who have sex with men, only a fraction of the population has access to prevention. Conversely, in countries with legal protection and the protection of human rights for these people, many more have access to services. As a result, there are fewer infections, less demand for antiretroviral treatment and fewer deaths. Not only is it unethical not to protect these groups; it makes no sense from a health perspective. It hurts all of us.”

(Secretary General Ban Ki-moon, August 2008)

“Six decades after the Universal Declaration of Human Rights was adopted, it is shocking that there should still be discrimination against those at high risk.”

(Secretary General Ban Ki-moon, June 2008)

⁴ United Nations. *Universal Declaration of Human Rights*, the *International Covenant on Civil and Political Rights*, and the *International Covenant on Economic, Social and Cultural Rights*.