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UGANDA TAKES A GIANT LEAP BACKWARDS IN THE GLOBAL STRUGGLE AGAINST HIV & AIDS

Networks of Women Living with HIV condemn the passage of the HIV Prevention and AIDS Control Bill 2010 by the Uganda 9th Parliament. The Bill endangers the lives of Ugandans, women living with HIV and further undermines Uganda's already backsliding response to HIV.

KAMPALA, Uganda— Today's passage of the **HIV Prevention and AIDS Control Bill** represents a dangerous backslide in Uganda's efforts to respond to HIV. While the bill may have been intended to facilitate and improve the HIV response in Uganda, the bill contains many poorly conceived and fear-induced provisions that have no place in a public health and human-rights-based response to HIV. As passed, this bill will actually weaken Uganda's HIV prevention efforts and will have a detrimental and disproportionate impact on the rights of women and girls and in particular women living with HIV.

The International Community of Women Living with HIV Eastern Africa is extremely concerned about the devastating impact this law will have on the daily lives of women in Uganda. ***"It is disappointing that the Members of Parliament that we have engaged for so long, have ignored all the evidence, science and reason that we advanced as civil society organisations together with technocrats and scientists and chose instead, to act out of fear and unfounded hysteria – betraying the very will of the people that elected them to Parliament to represent their issues"*** said Lillian Mworeko, Regional Coordinator ICW EASTERN AFRICA.

The bill includes outdated and dangerous provisions for mandatory testing for pregnant women and their partners under Clause 14 (b) and (c). Mandatory testing of people living with HIV is a violation of fundamental human rights and accepted principles of informed consent and will negatively impact antenatal care attendance. Women—who will likely be the frequent target of these provisions— will shy away from hospitals and medical services. The devastating result will be that more children will be infected through mother to child transmission of HIV. Uganda is currently making strong strides towards zero infections from mother to child through use of proven strategies that emphasize voluntary counseling and testing. But Uganda's gains could be lost if women are forced to test every time they visit a health facility. HIV testing of pregnant women, their partners and victims of sexual offenses must always be voluntary and conducted with informed consent.

"The fact that Uganda is even considering mandatory testing of pregnant women or victims of sexual offenses, represents a major step backwards for a country which showed early promise as an effective responder to HIV. Unfortunately, fear and ignorance have won the day in Uganda." said Jessica Whitbread, Global Director of the International Community of Women Living with HIV.

Despite growing international consensus that criminalization is actually counter productive to the HIV prevention strategies, the Bill creates unnecessary and ill-advised additional criminal laws that criminalize attempted and intentional transmission of HIV. The International Community of Women living with HIV unequivocally opposes the criminalization of HIV status. The existing penal code already includes sufficient provisions to address criminal acts, creating additional parallel set of laws will just serve to persecute and punish people living with HIV. Criminalization will disproportionately impact women, who are more likely to know their HIV status through pregnancy related medical care. This provision will do little else but result in increased stigma and discrimination against people living with HIV, which are key drivers of the HIV epidemic.

Furthermore, the bill empowers medical workers to disclosure a person's HIV sero status to a third party. Clause 21 (e); *"where any other person with whom an HIV infected person is in close or continuous contact including but not limited to a sexual partner, if the nature of contact, in the opinion of the sexual medical practitioner, poses a clear and present danger of HIV transmission to that person;"* Not only is this provision a clear violation of human rights and confidentiality but it is ripe for abuse by medical workers. Disclosure by medical workers of a person's HIV status based purely on an individual opinion represents an institutionalized form of stigma and discrimination and dramatically increases the likelihood of violence against women living with HIV.

These poorly considered provisions at their best violate human rights and enshrine stigma and discrimination into law and at their worst will cause many people to shy away from accessing programs that work, such as prevention, treatment and care and support services including elimination of mother to child transmission services (eMTCT). Sadly, this bill undermines the very services that Uganda needs more than any other country in the world.

"Uganda is already facing a serious backslide from its early advances in responding to HIV, Uganda is currently one of three African countries experiencing increases in their HIV prevalence rates previously from 6.5% to 7.3 %. The passage of this Bill will only serve to increase this backslide and the President must save Uganda from this backlash", says Margaret Happy, the Sexual Reproductive Health and Rights Officer, ICW Eastern Africa.

ICW Eastern Africa urges His Excellency Yoweri Kaguta Museveni, the President of Uganda, to rise above all and not assent to this Bill which is in contradiction of the commitments made by his wise assent to the East African Community HIV & AIDS Prevention and Management Act, 2012 .

The International Community of Women living with HIV Eastern Africa is a Regional Advocacy Network and membership based organisation that exists to give visibility to Women living with HIV in Eastern Africa.

The International Community of Women Living with HIV (ICW) is the only global network by and for women living with HIV. ICW envisions a world where all women living with HIV live free of gender oppression, realizing and claiming our full rights inclusive of sexual, reproductive, legal, social, economic and health rights.

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