

CALL FOR SUBMISSIONS

for the High Income Countries Dialogue



LAW can **change your life**
LAW can transform **HIV** responses

BUT IT STARTS WITH YOUR VOICE

SPEAK UP AND LEAD!



ARE YOU:

- ***A person living with HIV, a sex worker, drug user, gay or transgender? And have you been denied access to services or goods or wrongfully jailed or harassed by police because of who you are or what you do? Do you face the constant threat of criminal law because of who you are or what you do?***
- ***A woman or a child who has HIV or is widowed or orphaned due to HIV? Have you suffered discrimination or violence and have been unable to get help from the police or the courts?***
- ***An individual or organisation that provides legal or other services to people living with or affected by HIV, members of marginalised groups? If so, have you documented how the law has meaningfully improved their lives or hindered the full enjoyment of their rights thereby enabling or disabling them from accessing HIV-related services?***
- ***Seeing the effects of intellectual property laws and policies on access to HIV-related treatment?***
- ***An academic or advocate who contributes to the evidence-base on legal and human rights issues in the context of HIV through research and advocacy work?***

**Share your experience with the Commission
Make a submission TODAY!**

*Your submissions will shape the Commission's conclusions
Selected submissions will be invited to the Dialogue!*

Why a Dialogue for High Income Countries?

The total number of people living with HIV in North America and Western and Central Europe grew by 30% - from an estimated 1.8 million in 2001 to 2.3 million in 2009. Stigma, marginalisation and inequality have played an important role in fuelling this increase. Historically HIV was concentrated among injecting drug users, sex workers and men who have sex with men. In 2008, in the United States, a quarter of people diagnosed with HIV were female, and three quarters of these women were infected as a result of heterosexual sex. In Canada in the mid-2000s, aboriginal people represented 3.8% of the national population and 13% of people newly infected with HIV annually (UNAIDS data).

Some high income countries have shown leadership in creating enabling legal environments for effective HIV responses. In 2001, Portugal became the first European country to formally decriminalise drug possession for personal use, reaching its primary goal of reducing the adverse health consequences of drug use. Other countries, such as Switzerland, went beyond decriminalisation and applied a multi-sectoral approach with justice, law enforcement and HIV prevention programmes working together while reducing crime. However, despite growing evidence demonstrating the effectiveness of harm reduction measures in reducing HIV infections among drug users, some high income countries still criminalise drug use and/or possession. The Ontario Court of Appeal last year struck down three key anti-prostitution laws — keeping a common bawdy house, communicating for the purposes of prostitution and living on the avails of the trade. The judge ruled that the laws made increased victimization and risk for sex workers.

Recent developments show some countries repealing and suspending laws on criminalization of transmission and/or exposure to HIV. In February 2011, Denmark suspended a law criminalizing wilful infection or exposure to the risk of infection of HIV while it considers revising its law, either to limit criminalization in cases of actual transmission, or abolishing the HIV-specific law entirely. In July 2010, the United States made a significant policy change announcing that “the continued existence and enforcement of these types of laws [criminalizing HIV infection] run counter to scientific evidence about routes of HIV transmission and may undermine the public health goals of promoting HIV screening and treatment.” However, there is substantial evidence that the criminalisation of HIV transmission has been on the increase, specifically across Europe and North America, where a growing number of people have been prosecuted and jailed for transmitting HIV to their sexual partners.

The Global Commission on HIV and the Law wants to further efforts in high income countries to improve HIV responses by strengthening legal environments. On 16-17 September 2011, the Commission will host a High Income Countries Dialogue to learn from individuals, communities, policy and law makers and law enforcement in these countries. The Dialogue will be an opportunity for those profoundly and directly affected by and vulnerable to HIV, including those whose voices are silenced by restrictive legal environments, to be heard. The dialogue will also be the opportunity to share and learn from positive examples of enabling legal and social environments for people living with HIV and vulnerable to it, and discuss how the law can be a powerful instrument to challenge stigma, promote public health and protect human rights.

What is the Global Commission on HIV and the Law?

The Global Commission on HIV and the Law was launched in June 2010 to develop **actionable, evidence-informed** and **human rights-based recommendations** for effective HIV responses that protect and promote the human rights of people living with and most vulnerable to HIV.

To this end, the Commission shall focus on some of the most challenging legal and human rights issues in the context of HIV, including **criminalisation of HIV transmission, behaviours and practices** such as **drug use, sex work, homosexuality**, and issues of **prisoners, migrants, children's rights, discrimination and violence against women**, and **access to treatment**.

For more information on the Commission, please visit: www.hivlawcommission.org

How can the law play a central role in the HIV response?

Imagine living in a world where the law fully protects the human rights and dignity of all. In that world women, children and people living on the fringes of society – sex workers, drug users, homosexuals, transgender people, prisoners and migrants – could safely and freely take steps to protect themselves against HIV infection and to stay healthy if they are living with HIV. They would be able to access services that benefit not only them but those that they come into contact with.

The law can protect those vulnerable to and living with HIV against abuse and harassment by the police and against discrimination by healthcare workers and employers. The law can make it possible for people at risk of HIV to access the tools they need to stay HIV-free. Likewise, the law can make it possible for people living with HIV to access life-sustaining treatment. **A world in which laws support human rights for all can be a world without HIV!**

Why is your submission important?

To have the greatest impact, the Commission is seeking inputs from diverse civil society groups and individuals, including those advocating for human rights, women's issues, etc. The Commission is looking to learn from the **experiences and knowledge** of those most affected by both disempowering and empowering laws and practices. By speaking out now, **your experience and knowledge will help to shape the Commission's thinking and recommendations, and influence the HIV response in your region.**

WHAT TO SUBMIT

The Commission wants to learn from your **experience or knowledge**.

1. In high income countries, as in other parts of the world, the law treats people living with HIV and vulnerable to HIV like criminals. In some places, HIV transmission and exposure is criminalized and it is illegal to be a sex worker, a homosexual, a transgender person, a drug user or a migrant. Even in places where these behaviours are not crimes, law enforcement agencies, including police officers, harass or abuse members of these groups. **Are you are a member of one these groups who has been cast as a criminal or mistreated by police because of who you are? Do you work with marginalised people whose lives are criminalised? Share your experience of how the law impacts your life or the lives of those you work with.**
2. Living with HIV or being a sex worker, drug user, a gay man or a transgender person can also meant that you are denied access to services and goods including healthcare, admission in educational institutions or an opportunity to be employed. **Have you encountered such situations? Share your experience with the Commission.**

3. Similarly, women and children often experience violence and discrimination, increasing their vulnerability to HIV. Too often, the law does little to prevent this discrimination and violence or to help those who have suffered. **Have you lived this experience? Do you work with people who have? Share your experience with the Commission.**
4. In many places, intellectual property laws create barriers to HIV-related treatment access, resulting in inflated prices and reduced supplies of life-saving medicines. **Are you an academic, researcher or human rights advocate who has been working on intellectual property rights in the context of HIV-related treatment access in your country? Share your work and your perspective with the Commission.**

HOW TO SUBMIT

1) Countries covered by this call

You are invited to make a submission if your experience has been in any of the following countries: **Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Israel, Italy, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, United Kingdom and United States.**

Submissions will be reviewed by a Dialogue Advisory Group constituted by the Secretariat of the Global Commission on HIV and the Law based on which submitters will be invited to participate in the dialogue.

2) Language

Submissions are welcome in English.

3) Confidentiality of Submissions

Submissions can be made at two levels: **Public** or **Confidential**. You should **clearly state if you would like it to remain confidential**. All submissions will be collected by the Secretariat of the Global Commission on HIV and the Law for an objective review. The Secretariat will then submit the relevant submissions to a Dialogue Advisory Group which will select the submissions to be shared at the Dialogue. On behalf of the Commission, the Dialogue Advisory Group will be convened by UNDP and UNAIDS and will involve members from civil society advocacy networks and human rights advocates.

If you would like your submission to be treated as confidential, then please provide **two versions** of the submission: (1) a confidential version, which will be viewed only by the Commission Secretariat, (2) a public version with all confidential information removed, which will be submitted to the Dialogue Advisory Group for review.

Please note that while only some submissions will be selected for the Dialogue, all submissions sent to the Dialogue Advisory Group are important and will inform and shape the Commission's findings.

4) Format of Submissions

All submissions must follow the template for submissions prescribed below.

- **Letter format:** Submissions should be no more than 3 pages long (maximum 1500 words in the main body of the submission), on A4 size paper. If sent by email, submissions should be in PDF (.pdf), RTF (.rtf) or Word Doc (.doc; docx) format. (Please note if your submission is confidential, only the public version will be shared with the Dialogue Advisory Group for review).
- **Audio/Video format:** Submissions in audio or video format should be no more than 10 minutes long. (If your audio or video submission is confidential, please do not mention your name and contact details in the submission. Instead, please include this information in the submission template accompanying your submission.)
- **Online Audio/Video submissions:** Submissions that cannot be sent via mail or email can be submitted online. They may be uploaded on "youtube.com", "dailymotion.com" or "vimeo.com" using a personal account. Please make sure to secure your video as "private" and send us the link and password to your video.

5) Deadline

7 August 2011

Please note that only 1 submission per individual or organisation will be accepted.

Send your entries to:

- **Via Email to:** info@hivlawcommission.org
Subject line should be: "Submission High Income Countries Dialogue-level of confidentiality-Key issue(s)". (e.g. *Submission High Income Countries Dialogue-Public-Criminalisation of drug use*).
- **Via Mail to:** Global Commission on HIV and the Law – Secretariat
United Nations Development Programme
BDP, HIV/AIDS Practice
304 East 45TH Street – FF1180
New York, NY 10017, USA

Download the submission form:

Word: http://www.hivlawcommission.org/images/stories/rd_highincomecountries_call_en.doc

PDF: http://www.hivlawcommission.org/images/stories/rd_highincomecountries_call_en.pdf

For more information, questions or concerns, please contact: info@hivlawcommission.org

 **Join the Commission on Facebook:** <http://www.facebook.com/HIVLawCommission>

 **Follow the Commission on Twitter:** <http://twitter.com/HIVLawCom>

HIGH INCOME COUNTRIES DIALOGUE 2011

SUBMISSION FORM

Contact Details	
Name of Author:	
Name of Organisation:	
<p>Are you submitting as an Individual or on behalf of an organisation?</p> <p> <input type="checkbox"/> Individual <input type="checkbox"/> Organisation </p> <p>Please note that you can only make 1 submission per person and per organisation.</p>	
Phone Number:	
Email address:	
Website:	
Date of submission:	
Address:	
City:	
Country:	
Submission:	Maximum 1500 words. Please attach additional sheets.
Confidentiality	
<p>Submissions can be made at two levels: Public or Confidential. You should clearly state if you would like it to remain confidential. All submissions will be collected by the Secretariat of the Global Commission on HIV and the Law for an objective review. The Secretariat will then submit the relevant submissions to a Dialogue Advisory Group which will select the submissions to be shared at the Dialogue.</p> <p>Do you want this submission to be treated as confidential? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>If YES, please submit two versions of the submission: (1) the confidential one which will remain with the Commission Secretariat, (2) the public one with the confidential information removed for selection by the Dialogue Advisory Group.</p>	
Submissions Deadline	
Submissions should be received by email or mail, by close of business Sunday, 7 August 2011 .	