

## “Intensifying our Efforts to Eliminate HIV and AIDS”

### Position of Latin American Civil Society

The civil society organizations of Latin America and the Caribbean, represented by 98 delegates taking part in the United Nations High Level Meeting on HIV and AIDS, welcome the fact that the document approved establishes realistic goals [1] to be achieved in the prevention and treatment of HIV and AIDS and its determination of the support to be provided to people living with AIDS through to the year 2015.

We believe it is strategic that the Member states commit themselves to carrying out better compiling and analysis of data on populations at greatest risk of infection, and to guaranteeing the provision of confidential, voluntary testing and counseling services. The document also reiterates that the observance of fundamental human rights and liberties for all is essential to the global response to HIV and further recognizes that responses to stigma and discrimination directed at people living with, or thought to be living with HIV are of fundamental importance in the fight against the epidemic.

We further welcome the document insofar as, in addition to enumerating the prevention measures that should be taken, for the first time direct reference is made to condom use and not just to ‘access’ to them, and the text goes on to consider their use to be ‘responsible sexual behavior’.

We value the urging of Member States to identify and review their restrictions on the entry, stay or residence of people living with HIV, with a view to eliminating such restrictions

We adhere to the positions defended by the governments of Brazil, Argentina, Uruguay, Paraguay, Chile, Bolivia, Peru, Ecuador, Colombia, Venezuela, Costa Rica, Guatemala and Mexico who called for more progressive attitudes in an effort to guarantee a Declaration that would effectively respond to the current courses of the global epidemic. We note with concern, however, that in spite of all the efforts there continues to be a considerable lack of political will among fundamentalist governments and governments that place financial and commercial interests before those of human life and that has led to a Declaration that has made little progress on many essential points, namely:

- The second paragraph approved undermines the credibility of the references to human rights insofar as it suggests those local laws and social, cultural and religious norms should take priority over human rights obligations.
- The only goal that specifically concerns women is restricted to the issue of vertical transmission alone and as such does not consider women or girls or guarantee them access to health, and the enjoyment of their sexual and reproductive rights and to integral sexual education and a life free from violence.

- We welcome the explicit references made to men that have sex with men, drug users, sex workers and their clients, although we are concerned that the text fails to guarantee the unfolding of any concrete actions regarding the human rights of such populations. Furthermore the text of paragraph 26 stigmatizes drug users by failing to make any reference to their human rights.
- There is evidence that in Latin America the most intensely affected populations are the Trans groups (transvestites, transsexuals and transgenders), even so, they have not been included in the document as such and so their invisibility continues as before, due to the refusal of some Member States to acknowledge their existence.
- We believe that the language used to address the issue of migrant populations is too weak in view of the strong impact of the epidemic on them. Furthermore we must point out that indigenous and traditional peoples and users of drugs other than injecting drugs have not been considered.
- Paragraphs 77 and 85 omit to mention homophobia, transphobia and the discrimination of sex workers as factors that significantly increase the risk of HIV infection in those groups. Also the phrasing of “including commercial exploitation” to qualify the focus on the sexual exploitation of women (but not of boys and girls) used in paragraph 18 (as it was in the 2006 declaration) stigmatizes sex workers, both male and female and undermines the recognition of sexual work as labor.
- It worries us that the United Nations only considers those in the 15 to 24 age group as young people and the Declaration leaves the 10 to 14 age bracket completely unprotected by its terms; it is all the more worrying when regional requirements for parents’ or guardians’ consent and other legal barriers jeopardize untrammelled access to health for thousands of youngsters.
- It is important that the Declaration recognizes that the countries should have access to low cost medicines including generics, to protect public health and foster access to medicines. That includes the commitment to eliminate obstacles that limit developing countries’ capacities to supply diagnosis, care, prevention and treatment materials as well as medicines and materials for HIV and other opportunistic diseases. Also for the first time, international organizations like WIPO, UNIDO, UNDP, UNCTAD, the WTO and the WHO are being pressed to take steps to assist developing countries to create their own national capacity in order to increase access to medication and treatments, and that includes the adoption and activation of the flexibilities that already exist in the TRIPS agreements. However it does call for the early acceptance of article 31 of those agreements that impedes the concession of a compulsory license for the sole or main purpose of exporting to a country that needs medicines.
- We are concerned that the terms of the financial commitments are couched in such a way that there is no formal obligation established for the donor countries to supply the resources. Furthermore the need for funds for prevention programs is not formally expressed or dimensioned. Once more we are disturbed to note that the document makes no specific mention of Latin America which will make it very difficult to channel funds to our region and that will exacerbate the funding crisis already badly affected by the withdrawal of international cooperation from our countries.

Finally we feel that the commitments made by the Member Countries must be seen as an opportunity to strengthen the follow up on them. The weakness of the follow up actions set out in the declaration is a source of great concern. Accordingly, we the civil society of Latin America and the Caribbean demand the following:

- That governments in the region, the United Nations Agencies and the International Cooperation Agencies fulfill the commitments made in the Regional Consultation and High-level Meeting on Universal Access held in Mexico (March 2011), making the necessary alignments with the Global Declaration (“Intensifying our Efforts to Eliminate HIV and AIDS”) that has been approved in the United Nations today.
- A regional plan and consultation for the evaluation of the achievement of goals among governments, civil society, United Nations and International Cooperation Agencies in the year 2014;
- The Holding of a global High Level Meeting on HIV and AIDS in 2016;

New York, June 10, 2011.