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**Legal environments, human rights and
HIV responses among men who have sex with men
and transgender people in Asia and the Pacific:
*An agenda for action***

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ISBN: 978-974-680-271-0

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Design: Inís Communication – www.iniscommunication.com
Printed in Thailand

Legal environments, human rights and HIV responses among men who have sex with men and transgender people in Asia and the Pacific: An agenda for action

John Godwin
July 2010



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"I urge all countries to remove punitive laws, policies and practices that hamper the AIDS response... Successful AIDS responses do not punish people; they protect them... We must ensure that AIDS responses are based on evidence, not ideology, and reach those most in need and most affected."

Ban Ki-moon

Secretary General
United Nations
World AIDS Day, 2009

"Every day, stigma and discrimination in all their forms bear down on women and men living with HIV, including sex workers, people who use drugs, men who have sex with men, and transgender people. Many individuals most at risk of HIV infection have been left in the shadows and marginalized, rather than being openly and usefully engaged... To halt and reverse the spread [of HIV], we need rational responses which shrug off the yoke of prejudice and stigma. We need responses which are built on the solid foundations of equality and dignity for all, and which protect and promote the rights of those who are living with HIV and those who are typically marginalized."

Helen Clark

Administrator
United Nations Development Programme
Launch of the Global Commission on HIV and the Law
Geneva, 2010

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Foreword

The Asia Pacific region is truly at a critical moment in its response to HIV. One of the biggest and most immediate challenges is confronting the rapidly rising rates of infection among men who have sex with men and transgender people. This in a region already mired in long-running challenges from legal and social barriers that inhibit effective programming and resource allocation, and from deep-rooted stigma in health care settings. Urgent action is required. This new, ground breaking report spells out not only these challenges but also provides recommendations for governments, civil society, development partners and the UN family to address these challenges swiftly and effectively.

Legal environments, human rights and HIV responses among men who have sex with men and transgender people in Asia and the Pacific: An agenda for action clearly documents how both punitive and protective laws, policies and practices impact comprehensive HIV responses. To support the findings and recommendations, the report maps out recent judicial, legislative and policy developments and community responses at the global, regional and national levels. Together, these findings demonstrate why it is necessary for stakeholders across the spectrum to adopt a rights-based approach to universal access and proactively address policy and legal barriers to effective HIV responses. Finally, the report recommends that each government, development partner and UN agency take bold and effective programmatic and policy measures to reach out to communities and individuals at risk, particularly those living with HIV.

All is not doom and gloom. Recent progress by the UN system and member states provides momentum to build upon. Globally, the UNAIDS Secretariat and Cosponsors are guided by the *Joint Action for Results: UNAIDS Outcome Framework 2009-11*, which defines the priorities of work towards the removal of punitive laws, policies and practices, and empower men who have sex with men and transgender people to protect themselves from HIV and, where necessary, fully access antiretroviral therapy. Addressing the specific concerns of HIV among men who have sex with men and transgender people is one of the UN family's key priority areas.

In another key development, the recent *UN Economic and Social Commission for Asia and the*

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