

In their own words: Government recognition of the harms caused by regulating sexuality

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Background:

Laws and policies that regulate sexuality exist in every corner of the globe. Communities have long been aware of the harms to individuals and populations caused by repressive legal environments. Changing these laws requires not only advocacy but recognition by governments and institutions of power of the harms caused. Monitoring and evaluation of HIV prevention efforts has provided a valuable evidence base of the extent to which the legal and policy environment can facilitate or impede efforts to address HIV, particularly with respect to vulnerable populations. Governments' self-reported assessment of these issues is a useful tool to inform NGO advocacy and promote government accountability for their international commitments.

Methods:

A review was conducted of publicly available 2008 data from the 133 countries that submitted reports under United Nations General Assembly Special Session (UNGASS), with a focus on laws and policies relevant to addressing HIV among vulnerable populations. We carried out this analysis based on information from two sources: governmental responses to specific questions as reported under the National Composite Policy Index (NCPI), and additional relevant comments from other parts of the narrative reports submitted by countries.

Results/Conclusion:

Government responses are striking. Even with significant regional variations, 63% of countries report laws, policies or regulations that present obstacles to their ability to deliver effective HIV prevention, treatment, care and support for vulnerable sub-populations. Of the 133 national reports analyzed, 44%, and 32% respectively report laws that create barriers to accessing services for sex workers and men who have sex with men (MSM). On the flip side, it is worth noting that 33 countries (25%) report protections for MSM, and 28 countries (21%) report protections for sex workers.

Conclusions and Next Steps:

These data indicate strong recognition by governments of the need to improve their legal and policy environments. Urgent action is needed to revise harmful laws and policies. Strategic use of this information can help support advocacy and much needed law reform.