

## **Australian Joint Standing Committee on Foreign Affairs, Defence and Trade Inquiries**

### **Human Rights Sub-Committee:**

#### **Human rights issues confronting women and girls in the Indian Ocean – Asia Pacific**

### **Overview**

Eliminate gender inequalities and gender-based abuse and violence and increase the capacity of women and girls to protect themselves from HIV<sup>1</sup>

For the AIDS response in the Asia Pacific region to be effective, it is imperative to tackle gender inequalities, gender-based abuse and violence as well as harmful gender norms and practices that promote unsafe sex and reduce access to HIV and sexual and reproductive health services for women and girls including transgender women and girls. HIV services should be tailored to be needs-sensitive and to respect and protect sexual and reproductive health and rights, particularly of women living with HIV and women and girls at higher risk.

To increase the capacity of women and girls to protect themselves from HIV, women and girls in all their diversity – and especially those at higher risk – must have equitable access to services. This includes promoting empowerment and addressing underlying economic, social and legal factors, such as lack of access to education, employment, resources and decision-making power, that impede women and girls' ability to protect themselves from HIV.

Eliminate stigma and discrimination against people living with and affected by HIV through promotion of laws and policies that ensure the full realization of all human rights and fundamental freedoms<sup>2</sup>

Governments in Asia and the Pacific acknowledge that HIV-related stigma and punitive legal environments are holding back progress in the regional HIV response, and countries in the region are more aware than ever about the specific barriers within their local contexts. It is time to focus on eliminating punitive laws, enforcing protective laws, empowering communities to know and claim their rights, and institutionalizing programmes to reduce stigma and discrimination in key sites in institutions – namely healthcare and law enforcement settings.

There are specific implications for women and girls, particularly female key populations at higher risk of HIV and key affected women and girls, some of which are highlighted below.

### **Some key issues for women and girls and HIV in Asia and the Pacific**

#### HIV Key affected women and girls

While 'HIV key affected women and girls' needs to be defined depending on the circumstance and country, at the regional level, it has been defined by civil society (Unzip the Lips platform: ) and UN partners as including: women and girls who are living with HIV, transgender women and girls, female and transgender sex workers, women and girls who use drugs, mobile and migrant women, female

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<sup>1</sup> Elimination Commitment Target 7. of the United Nations General Assembly 2011 Political Declaration on HIV and AIDS

<sup>2</sup> Elimination Commitment Target 8. of the United Nations General Assembly 2011 Political Declaration on HIV and AIDS

prisoners, women with disabilities, women in sero-discordant relationships, as well as intimate female partners of men who engage in behaviours that put them at higher risk of HIV infection.

It is critical to highlight the needs of women and girls in all their diversity, and especially those at higher risk of HIV.

➤ **Sexual and reproductive health and rights (SRHR) of women and girls living with HIV in healthcare settings** (Key UN partners: UNDP, UNICEF)

Women living with HIV (WLHIV) face a range of violations of their basic rights. In healthcare settings, violations of their sexual and reproductive health rights can include denial of obstetric and gynecologic care or the delivery of substandard care. Healthcare providers may also knowingly or unknowingly misinform them standards of care and pressure patients to undergo unwanted procedures, such as medically unnecessary abortions or sterilizations, without their full consent.

➤ **Sexual and reproductive health and HIV services** (Key UN partners: UNFPA, UNICEF)

While there is a strong policy commitment in the region to integration of sexual and reproductive health and HIV services, there is limited experience in how to tailor service integration so that services are accessible to women living with and those at higher risk of HIV. Too often, HIV prevention efforts among female key populations are narrowly focused on access to HIV prevention commodities and diagnosis and treatment of sexually transmitted infections – missing a critical opportunity to address reproductive health needs.

➤ **Female and transgender sex workers<sup>3</sup>** (Key UN partners: UNFPA, UNDP, UN Women)

Laws, policies and practices that are harmful to the HIV responses in the context of sex work and human rights of sex workers include: criminalization of sex work; punitive law enforcement practices; confiscation of condoms; criminalization of clients; mandatory, compulsory or coerced HIV or STI testing; lack of labour rights and social security rights; denial of identity documents and citizenship rights; compulsory detention centres; anti-trafficking laws, policies and practices (conflation of sex work and trafficking); 100% condom use programmes.

Key related recommendations: legal empowerment of sex worker communities underpins effective HIV responses; positive public health and human rights outcomes have been achieved in jurisdictions that have decriminalized sex work; licensing and registration models have not been effective; each country needs to define its own priorities and achievable and relevant law reform and changes to law enforcement practices, etc.

➤ **Violence against women (VAW) and HIV** (Key UN partners: UNFPA, UNDP, UN Women)

While research conducted in sub-Saharan Africa and in hyper-epidemic settings have established that violence against women drives and fuels the HIV epidemic, there has been limited analysis done in countries with concentrated epidemics such as those in the Asia-Pacific region. However, existing evidence suggests that violence is a risk factor for HIV, with women living with HIV more likely to report a history of violence and that HIV is a risk factor for violence, including from intimate partners, and that key HIV-affected groups of women and girls, particularly sex workers

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<sup>3</sup> Defined as all adults who sell or exchange sex for money, goods or services, even if they do not identify as sex workers, or consider the activity to be 'work.'

and female drug users, face disproportionate violence. Where there is evidence, transgender women are also reported to face high levels of violence.

- **Female partners of men who engage in behaviours that put them at higher risk of HIV infection – Intimate partner transmission of HIV** (Key UN partners: UNDP, UN Women, UNFPA, UNICEF, UNODC)

‘HIV transmission in intimate partner relationships’ describes the transmission of HIV to people from their regular partners who inject drugs or have sex with other people, including with other men and/or sex workers. In concentrated HIV epidemics, efforts to prevent such transmission includes engaging with key populations, including female sex workers and their client, people who inject drugs and men who have sex with men, preventing intimate partner violence (including sexual violence), promoting gender equality, reducing economic inequalities, promoting property rights, mitigating vulnerability associated with migration, reducing stigma and discrimination, and improving disclosure within serodiscordant couples.

According to the Asian Epidemic Model regional estimates for the Commission on AIDS in Asia (2009) the proportion of infections among women from those not in any-risk population have been growing from around 50% in 1990 to 90% in 2012 (versus around 10% in female sex workers – injecting and non-injecting in 2012).

Annex: Select sources from the region

➤ **Overview of key issues related to women and girls and HIV in Asia and the Pacific**

**HIV in Asia and the Pacific, UNAIDS report 2013**

(Target 7: Eliminate gender inequalities and gender-based abuse and violence and increase the capacity of women and girls to protect themselves from HIV)

[http://www.unaids.org/en/media/unaids/contentassets/documents/unaidspublication/2013/2013\\_HIV-Asia-Pacific\\_en.pdf](http://www.unaids.org/en/media/unaids/contentassets/documents/unaidspublication/2013/2013_HIV-Asia-Pacific_en.pdf)

**The Asia Pacific Community of Practice on HIV, Gender and Human Rights [HIVAPCoP]**

An interactive and dynamic knowledge network jointly established by UNDP, UNAIDS, UN Women, UNOHCHR, and APN+ in response to the challenges faced by the Asia Pacific countries on HIV, gender and human rights. This network is open to a broad range of actors working on these issues, including all relevant UN family partners, networks of people living with HIV, national and local governments, key civil society organizations, and academic and research institutions.

<http://www.hivapcop.org/>

**Summary of E-discussion on Key Affected Women and Girls in Asia and the Pacific**

This report captures the E-discussion on Key Affected Women and Girls in Asia and the Pacific conducted on the Asia Pacific Community of Practice on HIV, Gender, and Human Rights (HIV-APCoP) in February 2012. The E-discussion, which coincided with the UNESCAP Asia-Pacific High-level Intergovernmental Meeting on the Assessment of Progress against Commitments in the Political Declaration on HIV/AIDS and the MDGs in Bangkok, succeeded in stimulating dialogue to ensure that proper policy attention is being paid to key affected women and girls.

<http://www.hivapcop.org/sites/default/files/resource/hivapcopediscussionsummarykeyaffectedwomensgirls.pdf>

**Summary Report – online consultation on key affected women and girls**

<http://unzipthelips.org/wp-content/uploads/2011/08/Summary-Report-online-consultation-on-key-affected-women-and-girls.pdf>

**Recommendations for the Evaluation of the Gender Equality Strategy of the Global Fund to Fight AIDS, Tuberculosis and Malaria: Based on Findings from a Virtual Consultation and Focus Group Discussions**

[http://unzipthelips.org/wp-content/uploads/2011/08/Recommendations-for-the-Evaluation-of-the-Gender-Equality-Strategy-of-the-Global-Fund-to-Fight-AIDS-Tuberculosis-and-Malaria\\_Based-on-Findings-from-a-Virtual-Consultation-and-Focus-Group-Discussions.pdf](http://unzipthelips.org/wp-content/uploads/2011/08/Recommendations-for-the-Evaluation-of-the-Gender-Equality-Strategy-of-the-Global-Fund-to-Fight-AIDS-Tuberculosis-and-Malaria_Based-on-Findings-from-a-Virtual-Consultation-and-Focus-Group-Discussions.pdf)

**Factsheet of ATHENE NETWORK on “HIV Priorities for Positive Change, as identified by women from across Asia and the Pacific towards achieving Universal Access.**

[http://unzipthelips.org/wp-content/uploads/2011/08/factsheet\\_AP\\_0526.pdf](http://unzipthelips.org/wp-content/uploads/2011/08/factsheet_AP_0526.pdf)

**APA APCASO Women and Girls 2011 Political Declaration**

[http://unzipthelips.org/wp-content/uploads/2012/03/APA\\_APCASO\\_Women\\_and-Girls\\_2011\\_Political\\_Declaration.pdf](http://unzipthelips.org/wp-content/uploads/2012/03/APA_APCASO_Women_and-Girls_2011_Political_Declaration.pdf)

**Unzip Call at ICAAP Bangkok (November, 2013)**

[http://unzipthelips.org/wp-content/uploads/2014/02/Unzip-Call-at-ICAAP-Bangkok\\_FINAL\\_Final.pdf](http://unzipthelips.org/wp-content/uploads/2014/02/Unzip-Call-at-ICAAP-Bangkok_FINAL_Final.pdf)

### **UNZIP Call to Women Deliver Conference Delegates (May, 2013)**

<http://unzipthelips.org/wp-content/uploads/2014/02/UNZIP-Call-to-Women-Deliver-Delegates.pdf>

#### ➤ **Women and girls living with HIV**

##### **Protecting the rights of key HIV-affected women and girls in health care settings: A legal scan**

Jointly produced by UNDP, SAARCLAW and WAP+, examines existing constitutional provisions and legal means in Bangladesh, India, Pakistan and Nepal to provide protection and redress for violations of rights at health care facilities. While strong evidence from these countries demonstrates that some health care institutions are sites of discrimination, violence and abuse towards HIV-affected women and girls who seek service, the findings show that although the constitutions in all four countries guarantee equality under the law and prohibit discrimination based on sex, there are almost no laws or legal mechanisms that women can use if their rights are violated at health care settings.

<http://www.hivapcop.org/sites/default/files/resource/rbap-hhd-2013-protecting-rights-of-key-hiv-affected-wg-health-care-settings.pdf>

##### **Report of the Special Rapporteur on Torture on abuses in health-care settings**

This report focuses on certain forms of abuses in health-care settings that may cross a threshold of mistreatment that is tantamount to torture or cruel, inhuman or degrading treatment or punishment. It identifies the policies that promote these practices and existing protection gaps. [http://www.hivapcop.org/sites/default/files/resource/a.hrc.22.53\\_english.pdf](http://www.hivapcop.org/sites/default/files/resource/a.hrc.22.53_english.pdf)

##### **Positive and Pregnant – How dare you**

A 2011 study by the Asia Pacific Network of People Living with HIV (APN+) on WLHIV's access to reproductive and maternal healthcare services in six South and South East Asian (SSEA) countries found that WLHIV often face discriminatory treatment in the healthcare setting, including denial of sexual and reproductive healthcare services.

<http://unzipthelips.org/wp-content/uploads/2011/08/Postive-and-Pregnant-How-dare-you.pdf>

##### **Experiences and Perspectives of Women Living with HIV in Fiji and Papua New Guinea**

<http://unzipthelips.org/wp-content/uploads/2011/08/Experiences-and-Perspectives-of-Women-Living-with-HIV-in-Fiji-and-Papua-New-Guinea.pdf>

#### ➤ **Transgender women and girls (UNDP, UNAIDS, UN Women)**

##### **Lost in Transition: Transgender People, Rights and HIV Vulnerability in the Asia-Pacific Region (June 2012)**

<http://www.undp.org/content/undp/en/home/librarypage/hiv-aids/lost-in-transition--transgender-people--rights-and-hiv-vulnerabi0/>

#### ➤ **Female and transgender sex workers (UNFPA, UNDP, UNAIDS, UN Women)**

##### **Sex Work and the Law in Asia and the Pacific**

<http://www.undp.org/content/undp/en/home/librarypage/hiv-aids/sex-work-and-the-law-in-asia-and-the-pacific/>

**HIV and Sex Work Collection: Innovative responses to sex work and HIV in Asia and the Pacific**

<http://www.unaids.org/en/resources/presscentre/featurestories/2012/december/20121212sexworkasia/>

**Implementing comprehensive HIV/STI programmes with sex workers: practical approaches from collaborative interventions**

[http://www.who.int/hiv/pub/sti/sex\\_worker\\_implementation/en/index.html](http://www.who.int/hiv/pub/sti/sex_worker_implementation/en/index.html)

**Sex work and violence: understanding factors for safety and protection: A multi-country study** under way by the UNFPA, UNDP, the Asia Pacific Network of Sex Workers, Partners for Prevention (P4P), and UNAIDS with country-level sex work organizations in Indonesia, Myanmar, Nepal and Sri Lanka. (Summary attached)

➤ **Women and girls who use drugs (UNODC)**

**Turning the tide for women and girls who use drugs (Afghanistan)**

<http://www.unodc.org/unodc/en/hiv-aids/turning-the-tide-for-women-and-girls-who-use-drugs-in-afghanistan.html>

**Women Who Use Drugs and Female Partners of Men Who Use Drugs**

<http://www.whatworksforwomen.org/chapters/7-Prevention-for-Key-Affected-Populations/sections/11-Women-Who-Use-Drugs-and-Female-Partners-of-Men-Who-Use-Drugs>

➤ **Mobile and migrant women (UNDP, ILO, UNAIDS)**

**Joint UN Initiative on Mobility & HIV/AIDS in South East Asia (JUNIMA)**

➤ **Female prisoners (UNODC)**

**Women and HIV in prison settings**

[http://www.unodc.org/documents/hiv-aids/Women\\_in\\_prisons.pdf](http://www.unodc.org/documents/hiv-aids/Women_in_prisons.pdf)

**HIV prevention, treatment and care in prisons and other closed settings: a comprehensive package of interventions (2013)**

[http://www.unodc.org/documents/hiv-aids/HIV\\_comprehensive\\_package\\_prison\\_2013\\_eBook.pdf](http://www.unodc.org/documents/hiv-aids/HIV_comprehensive_package_prison_2013_eBook.pdf)

**UNODC publications:**

<https://www.unodc.org/unodc/en/hiv-aids/publications.html>

➤ **Female partners of men who engage in behaviours that put them at higher risk of HIV infection**

**KAWG issues paper: Why is intimate partner transmissions of HIV a critical issue for key affected women and girls? (2012)**

<http://www.aidsdatahub.org/sites/default/files/kawg/hiv-intersections/KAWG-Key-Issues-One-Page-IPT.pdf>

**HIV Transmission in intimate partner relationships in Asia (2009)**

[http://data.unaids.org/pub/Report/2009/intimate\\_partners\\_report\\_en.pdf](http://data.unaids.org/pub/Report/2009/intimate_partners_report_en.pdf)

**HIV and Intimate Partner Transmission: A Call for Action (ICAAP 9, 2009)**

<http://www.snap-undp.org/elibrary/Publications/IPTSymposiumReport.pdf>

➤ **GBV/VAW and HIV**

**Discussion paper: Linkages between violence against women and HIV in Asia and the Pacific (2013)**

[http://asia-pacific.undp.org/content/rbap/en/home/library/hiv\\_aids/discussion-paper--linkages-between-violence-against-women-and-hi/](http://asia-pacific.undp.org/content/rbap/en/home/library/hiv_aids/discussion-paper--linkages-between-violence-against-women-and-hi/)

**Summary of E-discussion on Linkages between Violence-Against-Women and HIV in Asia and the Pacific**

The document presents a summary of the e-discussion on linkages between violence-against-women (VAW) and HIV, which took place in 2012 on the Asia Pacific Community of Practice on HIV, Gender and Human Rights (HIV-APCoP) website, and coincided with the 16 Days of Activism on violence-against-women.

<http://www.hivapcop.org/sites/default/files/resource/hiv-2013-hivapcop-ediscussion-summary-vaw-hiv-linkages.pdf>

**Why Do Some Men Use Violence Against Women and How Can We Prevent It? Quantitative Findings from the UN Multi-country Study on Men and Violence in Asia and the Pacific (September 2013)**

The report was conducted in Bangladesh, Cambodia, China, Indonesia, Sri Lanka and Papua New Guinea. It explores the prevalence of men's use of violence against women in the survey sites, and shows what factors make men more or less likely to use violence.

<http://www.partners4prevention.org/node/515>

**Rapid Assessment of Institutional Readiness to Deliver Gender-Based Violence and HIV Services in Five Provinces of Papua New Guinea**

This report provides a detailed assessment of the organizational readiness of Papua New Guinea in delivering services related to the dual challenges of gender-based violence and HIV across the health, justice, and social sectors. The study was conducted by the National AIDS Council of Papua New Guinea with support from the United Nations Development Programme (UNDP) Country Office in Papua New Guinea and the UNDP Asia-Pacific Regional Center.

<http://www.hivapcop.org/sites/default/files/resource/hiv-2013-rapid-assessment-gbv-hiv-png.pdf>