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## Press Release

### 9th International Congress on AIDS in Asia and the Pacific

#### 90 per cent of men having sex with men have no access to HIV prevention and care

**Nusa Dua, Bali, August 11:** More than 90 per cent of the men having sex with men in Asia Pacific do not have access to HIV prevention and care services and if interventions are not urgently intensified, the spread of HIV among this marginalized population will be steep in a short period of time, said speakers at a high level symposium here at the 9<sup>th</sup> ICAAP today.

Due to the increased availability of epidemiological data on HIV among MSM in recent years, there is a better understanding of the magnitude and nature of the epidemic amongst MSM and TG within the Asia Pacific region, they said. There is still a dramatic lack of HIV interventions for MSM and TG which comprehensively address their HIV prevention, treatment, care and support needs throughout the region. A 2006 survey of the coverage of HIV interventions in 15 Asia-Pacific countries estimated that targeted prevention programmes reached less than 8% of MSM.

The Symposium was organized by the United Nations Development Programme (UNDP) and the Asia Pacific Coalition on Male Sexual Health (APCOM) and was titled “**Overcoming legal barriers to comprehensive prevention among men who have sex with men (MSM) and transgender people (TG) in Asia and the Pacific**” during the 9th International Congress on AIDS in Asia and the Pacific (ICAAP).

This ground breaking symposium discussed how effective and comprehensive HIV prevention among MSM and TG can take place only when a conducive and enabling legal environment is created that allows unimpeded dissemination of prevention messages and services, appropriate provision of treatment, care and support services, and the creation of confidence among the most marginalized and vulnerable to seek essential information and access services.

According to Jeffrey O’Malley, the Global Director of UNDP’s HIV Group, “in order to achieve universal access to HIV prevention, treatment, care and support and realize the Millennium Development Goals, we must facilitate an enabling legal environment and human rights based HIV policies and programmes for MSM and TG. This will mean stepping up our investment in legal and social programmes which effectively address discrimination and stigmatization amongst MSM and TG.”

Currently 20 countries in the Asia Pacific Region criminalize male to male sex behavior, and these laws often taken on the force of vigilantism, leading to abuse and human rights violations. Even in the absence of criminalization, other provisions of law which violate the rights of MSM and TG and arbitrary and in appropriate enforcement obstruct HIV interventions, advocacy and outreach, and service delivery. These structural barriers significantly increase the vulnerability of MSM and TG to HIV and have an immense adverse effect on their



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health and human rights. This very debate was at the heart of the recent landmark ruling by the Delhi High Court that Section 377 of the Indian Penal Code unfairly discriminates against MSM and consenting adults in general.

“A strategy of prevention requires bold and effective legal and policy measures to reach out to the vulnerable communities and individuals at risk,” stated Honourable Michael Kirby. “It is here that reform of laws concerning MSM must be seen as affording important steps in the path of reducing the isolation, stigma and vulnerability felt by MSM communities and individuals. Enhancing their self-respect and dignity as citizens; and protecting their legal rights, including receiving information on safer sex practices.”

Developing strategic partnerships and alliances between affected communities, the legal profession, human rights bodies, parliamentarians and policy makers is critical to successfully address discriminatory legal and structural barriers that impede effective and comprehensive HIV services for MSM and TG populations.

“The recent case of the reading down of Section 377 of the Indian Penal Code that the Delhi High Court addressed is a shining example of such an approach, where education and sensitization of these different sectors was central to the success of the case,” said Shivananda Khan, APCOM chairperson. He added that, “Other key rulings in the region include the 2007 Nepal Supreme Court ruling recognizing the rights of sexual minorities, and the June 2009, Pakistan Supreme Court ruling that *hijras* are a minority community.”

In circumstances of the current global financial and economic crisis and the ever-increasing bill for life-saving anti-retroviral treatment, the impetus for effective comprehensive prevention becomes even stronger. Only a strategy of comprehensive, right based prevention - supported by an enabling legal environment offers a possibility of reducing the numbers of persons infected with HIV each year. In this context, it is both cost-effective and imperative to implement legal and social programmes which counter discrimination and stigmatization for MSM and TG.

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**For more information contact Edmund Settle, UNDP HIV policy specialist at [edmund.settle@undp.org](mailto:edmund.settle@undp.org) or +66 (0) 818369300**