

Law & Policy Progress on Human Rights, Equality, Stigma and Discrimination in Eastern and Southern Africa (ESA):

The 10-10-10 Targets

The Global AIDS Strategy 2021-2026 recognizes that ending inequalities is essential to ending AIDS. Since 2010, the global AIDS response has made remarkable progress—tripling the number of people on ARV treatment and reducing deaths by 39%. But globally, only 26 countries are on track to achieve the goal of a 90% reduction in AIDS-related mortality by 2030 and only 23 countries are on track to reduce new HIV infections by 90%. Most countries in the world did not achieve the 90-90-90 treatment goals by 2020.

A major reason the world has not achieved the 2020 goals can be found in the law and policy environment. Criminalization, stigma, and discrimination against PLHIV, key populations,

women and girls, and other marginalized populations create very real barriers to people accessing HIV prevention and treatment services. The Global AIDS Strategy sets new 10-10-10 targets on the removal of punitive laws that criminalize key populations and expansion of supportive laws and policies to fight stigma, discrimination, gender-based violence, and gender inequity. UNAIDS estimates that achieving these targets will prevent 2.5 million new HIV infections and 1.7 AIDS-related deaths by 2030.

This policy brief highlights seven laws and policies that countries should adopt to achieve the 10-10-10 targets and describes the current state of the region.

Criminalizing Laws & Rights-Supporting Laws in Eastern and Southern Africa

Countries in every region and every income level have adopted key laws that align with the 10-10-10 targets and support the end of AIDS. But data from the HIV Policy Lab shows that ESA countries have a long way to go to achieve these targets. At present, **no country in the region has adopted all seven of these laws/policies**, although 18 of the 21 ESA countries have adopted at least one of them.

The 10-10-10 targets call for removing punitive laws that criminalize same-sex relationships, sex work, drug use and HIV exposure/transmission. Most countries have adopted a non-criminalizing approach for at least one of these—only four countries for which we have data fully criminalize all four components.

However, another two countries criminalize one, 11 criminalize two, and four criminalize three of four. Meanwhile, the 10-10-10 targets call for legal environments supportive of fighting stigma and gender inequity. Two countries have incorporated nondiscrimination protections that cover sexual orientation, gender identity, and HIV status, as well as creating independent human rights institutions and enforceable gender-based violence laws, and 18 countries have adopted at least one of these rights-supporting laws/policies. Countries around the world are making progress in adopting these critical policies, as the map shows. But faster change is needed to reach the 10-10-10 goals by 2025.

To find out more, visit hivpolicylab.org

Progress Towards the 10-10-10 Targets

Target

<10% of countries have punitive laws & policies by 2025

Sub-target

<10% of countries criminalize sex work, possession of small amounts of drugs, same-sex sexual behavior, and HIV transmission, exposure or nondisclosure by 2025

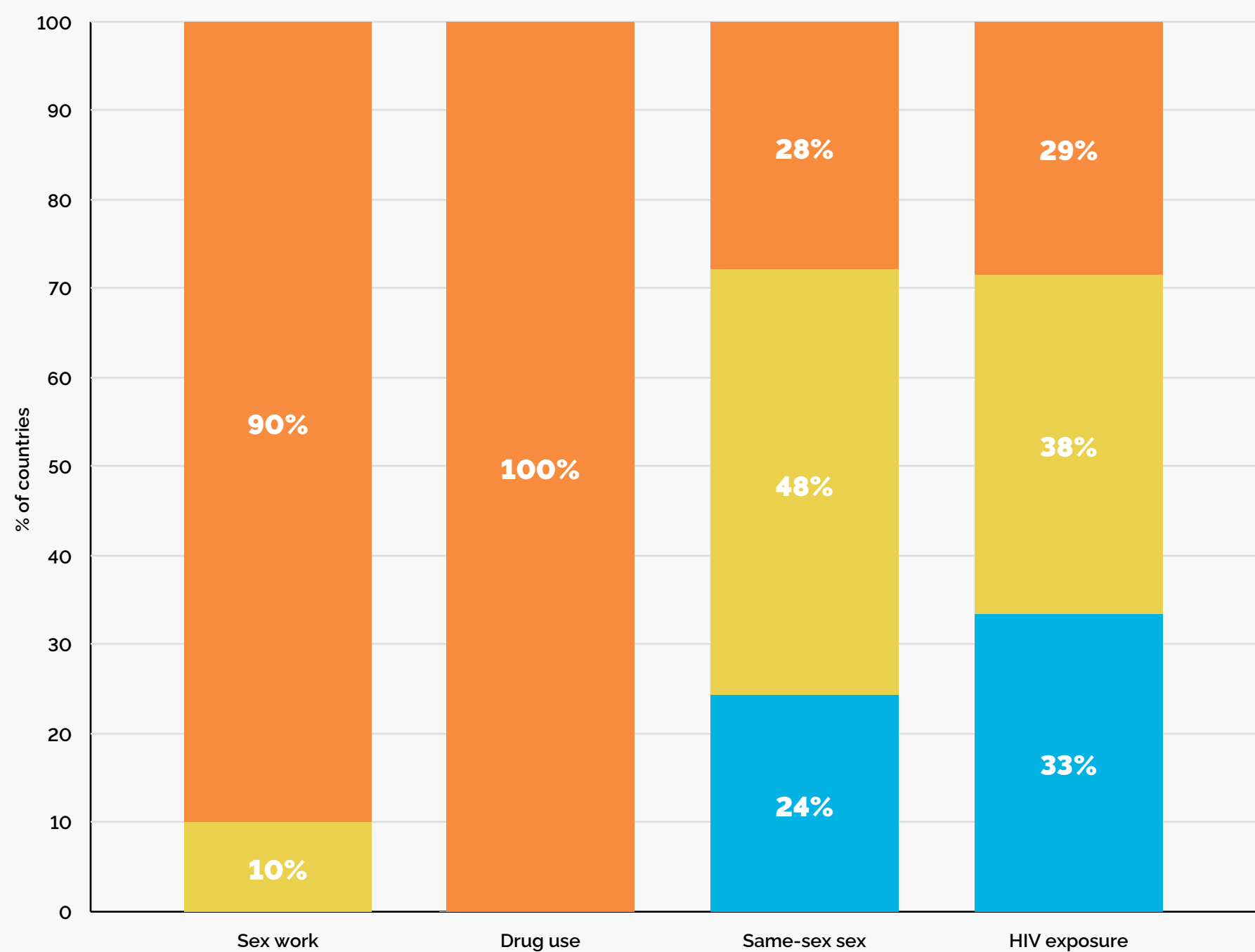
By targeting and stigmatizing PLHIV and key populations, criminalization laws/policies create barriers to accessing HIV and other health services. The Global AIDS Strategy calls on countries to repeal or reject such laws/policies.

Status

100% of countries are missing this target. Every country in the region partially or fully criminalizes at least one of these four components. But for some of these components, real progress is being made—24% of countries do not criminalize same-sex relationships and 33% do not criminalize HIV exposure/transmission/non-disclosure.

% of countries that criminalize/partially criminalize/do not criminalize same-sex relationships, sex work, drug use/possession, and HIV exposure/transmission

- Policy adopted
- Policy partially adopted
- Policy not adopted

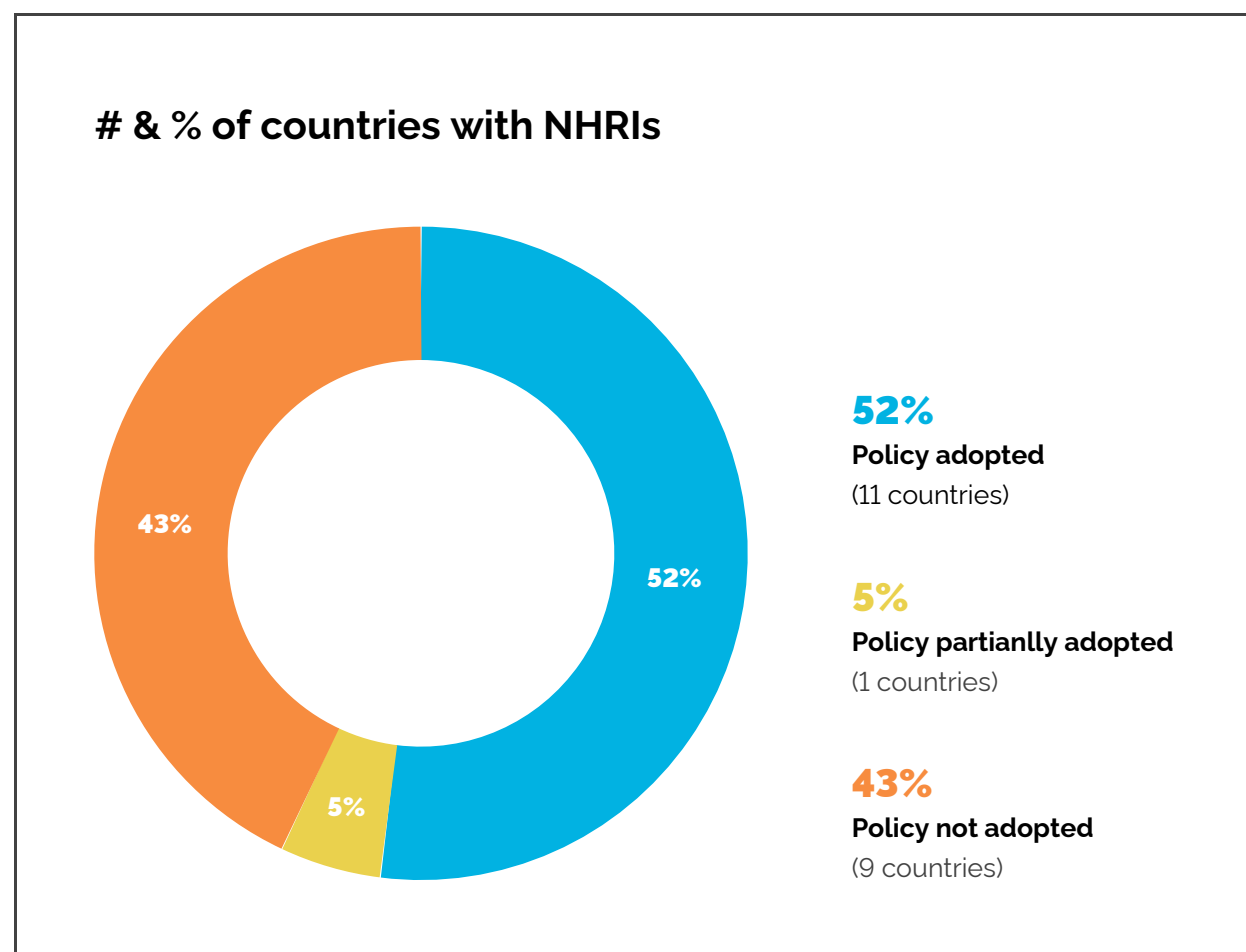


Data is available for: Sex work- 21 countries; Drug use-21 countries; Same-sex sex-21 countries; HIV exposure-21 countries

Sub-target

<10% of countries lack mechanisms for people living with HIV and key populations to report abuse and discrimination and seek redress by 2025

The Global AIDS Strategy calls on countries to create mechanisms through which PLHIV and key populations who experience abuse and discrimination can report these incidents and seek redress.



Status

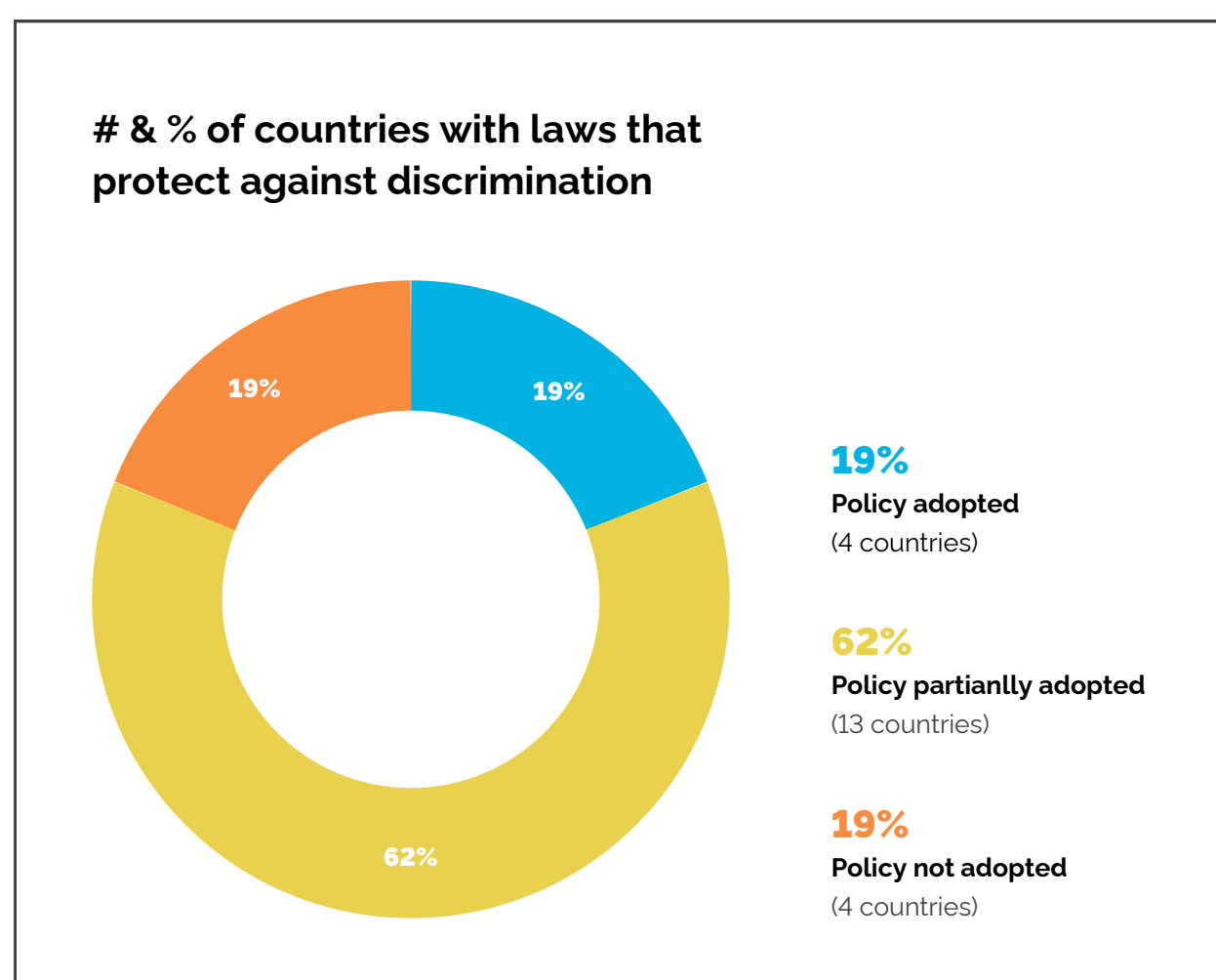
48% of countries are missing this target.

52% of countries have accredited national human rights institutions (NHRIs) that are fully compliant with the Paris Principles. Another 5% have accredited NHRIs that are partially compliant with the Paris Principles.

Target

<10% of PLHIV and key populations experience stigma and discrimination by 2025

The Global AIDS Strategy recognizes that stigma and discrimination against PLHIV and key populations fuel inequalities that undermine AIDS responses. National laws and policies that protect people from discrimination on the basis of sexual orientation, gender identity, and HIV status are crucial to safeguard human rights and signal that there is no place for stigma in society.



Status

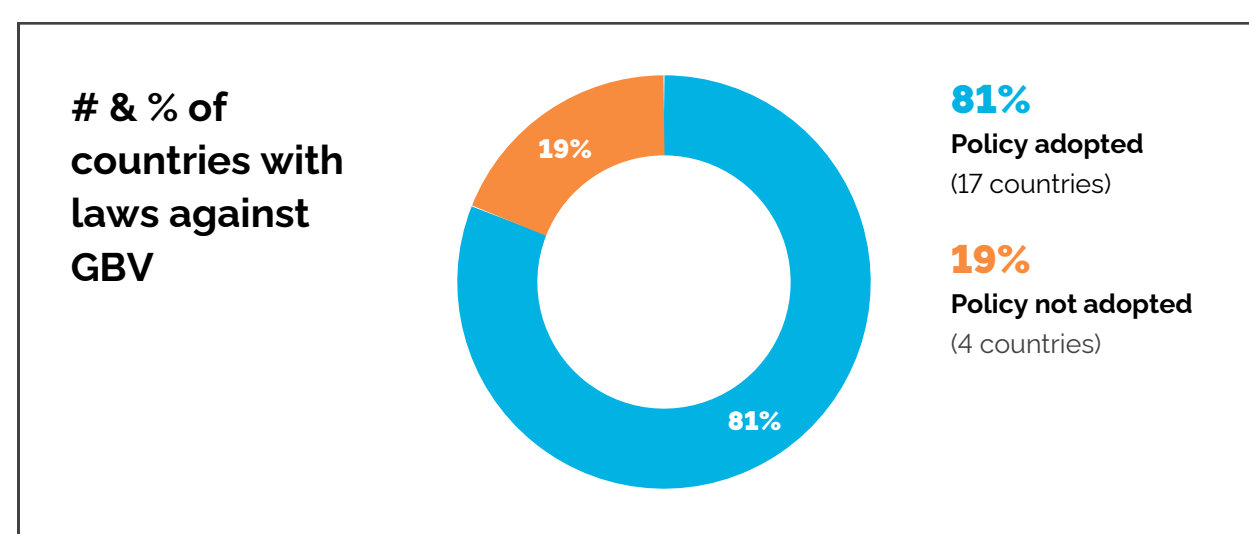
81% of countries have laws/policies that are not aligned with this target.

Only four countries have adopted laws that protect people from discrimination on the basis of sexual orientation, gender identity, and HIV status. But taking each individually shows more progress—seven countries have laws that protect people from discrimination on the basis of sexual orientation; at least seven countries have laws that protect people from discrimination on the basis of gender identity; and at least 15 countries have laws that protect people from discrimination on the basis of HIV status.

Target

<10% of women, girls, PLHIV and key populations experience gender inequality and violence by 2025

According to UNAIDS data, women and girls account for 59% of new HIV infections in the region in 2019. Unequal power dynamics between genders, harmful gender norms, and the threat of gender-based violence leave women and girls more vulnerable to HIV infection and less able to see HIV prevention and treatment services. Laws that impose enforceable penalties for gender-based violence are key to protecting the health and wellbeing of women and girls.

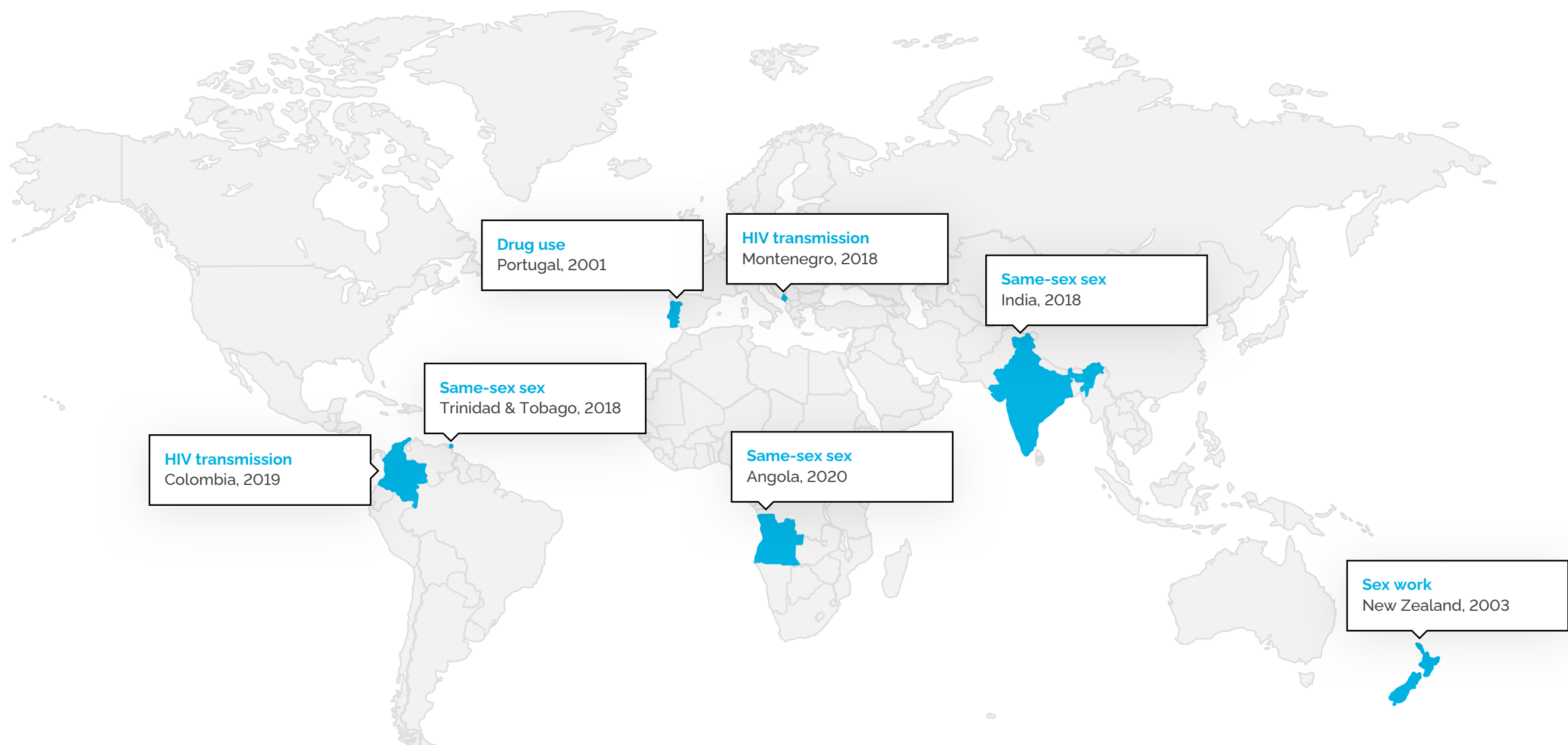


Status

19% of countries have laws/policies that are not aligned with this target. At least 17 countries have adopted laws with enforceable penalties against gender-based violence.

Law & Policy Change is Possible

Here are some countries that have decriminalized...



SAME-SEX RELATIONSHIPS

Angola: In 2019, Angola's parliament repealed a colonial-era penal code that criminalized same-sex sex. The President signed the new penal code into law in late 2020.

India: In 2018, the Supreme Court of India ruled unanimously that discrimination on the basis of sexual orientation and criminalization of same-sex sex relations is a fundamental violation of rights and is unconstitutional.

Trinidad and Tobago: In 2018, Trinidad and Tobago decriminalized consensual same-sex sex when the High Court of Trinidad & Tobago ruled that the sections of the penal code that criminalized it violated the right to privacy and freedom of expression.

DRUG USE/POSSESSION

Portugal: In 2001, Portugal decriminalized the possession of drugs for personal use.

SEX WORK

New Zealand: In 2003, New Zealand fully decriminalized sex work and extended to sex workers the labor law and human rights protections available to all other workers.

HIV EXPOSURE

Colombia: Colombia's Penal Code formerly made it a criminal offense for PLHIV to engage in practices through which the virus might be transmitted. In 2019, Colombian Constitutional Court declared this article unconstitutional, and it has since been repealed.

Montenegro: In 2018, Montenegro's legislature repealed an article of the criminal code that criminalized HIV exposure and transmission.

To find out more, visit hivpolicylab.org

National progress towards the 10-10-10 targets

- ✓ Policy adopted
- ✓ Policy partially adopted
- ✗ Policy not adopted

| Country | Same-sex sex non-criminalization | Sex work non-criminalization | Drug use non-criminalization | HIV exposure non-criminalization | National human rights institutions | Non-discrimination protections | Gender based violence laws |
|-------------------------------|----------------------------------|------------------------------|------------------------------|----------------------------------|------------------------------------|--------------------------------|----------------------------|
| Angola | ✓ | ✗ | ✗ | ✓ | ✗ | ✓ | ✓ |
| Botswana | ✓ | ✗ | ✗ | ✓ | ✗ | ✓ | ✓ |
| Comoros | ✓ | ✗ | ✗ | ✓ | ✗ | ✓ | ✓ |
| Eritrea | ✓ | ✓ | ✗ | ✓ | ✗ | ✗ | ✗ |
| Eswatini | ✓ | ✗ | ✗ | ✓ | ✗ | ✓ | ✓ |
| Ethiopia | ✓ | ✗ | ✗ | ✓ | ✓ | ✓ | ✓ |
| Kenya | ✗ | ✗ | ✗ | ✗ | ✓ | ✓ | ✓ |
| Lesotho | ✓ | ✗ | ✗ | ✗ | ✗ | ✗ | ✓ |
| Madagascar | ✓ | ✗ | ✗ | ✓ | ✓ | ✗ | ✗ |
| Malawi | ✓ | ✗ | ✗ | ✓ | ✓ | ✓ | ✓ |
| Mauritius | ✓ | ✗ | ✗ | ✓ | ✓ | ✓ | ✓ |
| Mozambique | ✓ | ✓ | ✗ | ✓ | ✗ | ✓ | ✓ |
| Namibia | ✓ | ✗ | ✗ | ✓ | ✓ | ✓ | ✓ |
| Rwanda | ✓ | ✗ | ✗ | ✓ | ✓ | ✓ | ✓ |
| Seychelles | ✓ | ✗ | ✗ | ✓ | ✗ | ✓ | ✓ |
| South Africa | ✓ | ✗ | ✗ | ✗ | ✓ | ✓ | ✓ |
| South Sudan | ✗ | ✗ | ✗ | ✓ | ✗ | ✓ | ✗ |
| Tanzania (United Republic of) | ✗ | ✗ | ✗ | ✓ | ✓ | ✓ | ✓ |
| Uganda | ✗ | ✗ | ✗ | ✗ | ✓ | ✓ | ✓ |
| Zambia | ✗ | ✗ | ✗ | ✗ | ✓ | ✓ | ✓ |
| Zimbabwe | ✗ | ✗ | ✗ | ✗ | ✓ | ✗ | ✓ |

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Non-discrimination protections:

Do national laws/policies include protections from discrimination on the basis of sexual orientation, gender identity, and HIV status?

Same-sex sex non-criminalization:

Does national law/policy refrain from criminalizing and prosecuting people for consensual same-sex sexual acts?

Gender based violence:

Does the law explicitly address domestic violence with enforceable penalties?

HIV exposure non-criminalization:

Does national law refrain from criminalizing and prosecuting people for HIV exposure/ transmission?

National human rights institutions:

Is there an independent national human rights institution to which violations can be reported, in accordance with the Paris Principles?

Sex work non-criminalization:

Does national law avoid criminalizing sex work (buying, selling, and organizing of sex work)?

Drug use non-criminalization:

Does national law refrain from criminalizing personal drug use/ possession?