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**Stigma, discrimination and HIV criminalisation.**

A human rights approach needs to be supported by protective legislation to reduce stigma and discrimination. People living with HIV must be enabled to protect themselves and others, through empowerment and with dignity.

Health, development and human rights need to be harmonised for the promotion of health and wellness for people living with HIV, including equitable access to treatment and health services.

People living with HIV need human rights, despite having five consecutive National Strategies responding to HIV/AIDS some essential rights are still not observed – examples of discrimination continue to be recorded in the workplace, in health care settings, in access to insurances and other areas of social life.

There is significant concern about the ‘criminalisation of HIV’.

What is HIV criminalisation meant to be achieving? It is not a trend that supports prevention efforts – internationally there is a movement away from criminalisation responses.

Why are there extra laws / protections for this disease? There are existing laws to deal with these and similar matters and health and protection guidelines should be following best practice with regards to information, education and infection control.

Why do people not accept human rights arguments? National programs and efforts should be focused on dispelling fear and providing information – not promoting further fear and ignorance by criminalising the behaviours of individuals with HIV.

PLHIV have an essential role to play in preventing HIV transmission, and are vital contributors to the success of prevention efforts. The criminalisation of HIV is counter-productive as a consequence people may be reluctant to come forward for testing, treatment and care.

National HIV responses need to endorse HIV prevention interventions that focus on preventing the onward transmission of HIV, as well as the health and prevention needs of PLHIV. Preventing HIV transmission is a shared responsibility of all individuals, irrespective of HIV status. Sexual and reproductive rights, regardless of HIV status, must be recognised.

While legislative initiatives may assist in response to the above problems, human rights education responses specifically addressing discrimination (in this case against people living with HIV) are being sought by NAPWA.