UNAIDS EXECUTIVE DIRECTOR **REMARKS**

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Thank you, Solome.

I am so honoured to sit on a panel of such distinguished African leaders.

I also want to recognise, of course, our honourable Minister of Justice, my brother, the Honourable Norbert Mao, and all of you in your distinguished capacities, particularly those of you who've come all the way from other parts of Africa to be here.

Let me thank Professor Ben Twinomugisha, the Chair of Ahaki, and Dr. Moses Mulumba, the Director General of Ahaki.

Thank you so much for inviting me to join this important Baraza on a conversation very close to my heart.

I'm going to start at September 11th. I'm sure all of you know that date, don't you? September 11th, everybody knows the world changed. It's associated with bin Laden, Al Qaeda, bombing of the Twin Towers, all that happened.

When all that was happening, I never saw it. I was in jail. I was in a prison. Please, I didn't steal anything. I didn't rape a man. I was there for political reasons. I was disagreeing with President Museveni. When you don't agree with you, he imprisons you. Even right now, my husband is somewhere in a court asking for bail, because he disagrees with him.

So anyway, I was in a prison. I think I remember Honourable Mao came to see me there. And when I came out a couple of days later, I said that I had an education there that was much, much more than anything I had learned at a university. And I meant it.

In that cell where I was, I shared the cell with three other women. There was a fourth one who came, but I won't talk about her. One was a woman called Adidja. She was a housewife. She was there, and she was taken every morning early in the morning to another police station, where she would be thrashed and beaten, and told to confess.

She herself was actually not the suspect, but she was there because her husband was suspected of being a car robber. Police had come and searched their home and found there parts of cars, number plates, things like that, indicating that he was probably involved in stealing cars. And they wanted her to tell them where her husband was and where his friends were. And she said she didn't know, but every day they'd take her and whip her, and she'd come back crying, and they went on, because they knew she knew something. So she was there to tell them about her husband. That was Adidja.

The other woman was a market vendor. She had her stall at a market. And in her stall, she sold vegetables and all of that. She fell in love with a man, and they started to live together. Four years on, they were living together, she was working in her stall, but she had no children.

So one day she comes back home, and she finds that their one room home was locked, their slum dwelling. And she goes to the neighbour and says,

"Did my husband leave my keys with you? And the woman says, "No." So, she says, "Where is he?" And her neighbour says, "You mean you don't know?" "Know what?" Reluctantly, the neighbour says to her that "Your husband has gone together with my husband and some other friends, and he's going to marry a second wife. He's at the wedding right now."

In her anger, she goes and gets someone, she cuts the padlock, opens, takes out all her stuff. She said that everything in that little room was hers, including the bed. She had them put on a lorry and she disappeared. Of course, when the husband came, and found nothing in the flat with his new bride, in his humiliation, he also went to the police, reported burglary, they looked for her, and indeed, they found Margaret. She was now in jail for burglary. Burgling her own house, breaking into her own home, she was there. Put there by her husband. That was Margaret.

The third one is the one I never forget. I mean, I'll never forget the three, but Sophie remains in my heart. Because Sophie was about 16 or 17. She couldn't have been 18. She couldn't speak any language I understood. I learned she was from the east. She was Teso.

Sophie had been brought from the village in Teso by a woman, a rich woman who came home looking for a house girl. The neighbours gave her Sophie, take her, she can work for you. She lived there in Kampala, a city she didn't know, working as a domestic worker for this family.

One day, the head of the home, the man, forced himself on her, started abusing her. When the woman would be away to work, the man would return home and sleep with her. She soon found out, she beat her so badly, the girl fled, went on the streets, found other girls there, and became a sex worker.

She still did not speak Luganda, she didn't speak Swahili, she spoke Ateso. So it was so hard to communicate, because I was trying to find out why are you here, what happened.

In a few English words, I got this story about how she came to Kampala, how she ran away from her home where she was abused by the man and abused by the woman of the home and was on the street. She said she was hanging around with other girls, and the police said we were idle and disorderly, and I'm here now. She didn't know why she was there, but she knew that sex work is illegal, that's why she was there.

So those are the stories of the women I met in prison. But I spent my days there thinking, "What is the law? Is this justice? No justice, no justice for women. I came out radicalised, and you might think I was radicalised about women's rights. I already was, but no. I came out very angry on the question of class.

Class, because the law works for some people. The law works for rich men and rich women. The law doesn't work for poor people. These were poor women. That was their difference with me. I was also in prison. Actually also for a man, because my man had run away. They had escaped Museveni and I was also arrested and told to explain what he was doing and what I was doing. This is why this question is so important to me of incarceration.

In prison, I found there women. And that's why she's my idol, our Justice Lillian Tibatemwa-Ekirikubinza. I read her book about incarcerated women

and she called it "More sinned against than sinning". That book touched my heart, because it spoke to what I had seen.

And so, here is what I'm going to talk about:

I'll talk to you about how criminalisation of marginalised people drives the AIDS pandemic, because I am the leader of the global HIV response for the United Nations, so I'll talk about my area of work. And I will talk about how criminalisation of marginalised people of women, drives the pandemic, actually increases it, rather than decreases it.

I'll talk about how the power of communities seeking reproductive justice and human rights through litigation and legal mechanisms—I'll talk a little about that: the power of communities;

And then I wanted to talk about some of the work that we do as the UN, but I think that's not as important for this discussion. My third point will be about our African solutions.

So first, HIV is often described as a disease of poverty. Yes it is. But I also call it a disease of inequalities.

When people are pushed to the margins of society, when their rights are not respected, when they face stigma, discrimination and criminalisation, they are more vulnerable to being infected or to die of AIDS. That's the truth. So it is inequalities. If you are rich, if you are educated, if you have rights, if you can assert your rights, you are not likely to get infected, or if you are infected you will be on treatment and you will live a full life. So its inequalities.

The inequalities that you are addressing in this whole theme of reproductive justice are part of the inequalities that drive HIV and its an intersection of inequalities: its gender inequalities, its inequalities because of sexual orientation, its inequalities you face because of gender identity, it's inequalities that could be racial inequalities—in some countries, if you look at our data in the United States, the disease is concentrated amongst people of African descent, African Americans. If you go to Canada indigenous peoples continue to be among the groups disproportionately affected by HIV. And of course income inequality, inequality in access to education, all of these inequalities drive HIV.

Gender inequalities in particular drive this epidemic here in Africa. Do you know that every week, 4000 adolescent girls and young women acquire HIV? 4000 is the figure globally. In Africa it is 3300. So the majority of girls and young women being infected every week are our girls here. Maybe they are not able to negotiate condom use, maybe they did not have comprehensive sexuality education, because our traditional and religious leaders continue to resist it, maybe they didn't go to school—that's the biggest factor. Not being in school when you are young, not having a framework that is safe. All these factors, all these inequalities, make our girls the most vulnerable to infection in the cohort between age 15 and 24. Three out of four HIV infections in this age group on this continent are of girls and young women. And if you go lower and say the cohort of 15 to 19, six out of seven new infections are girls, one is a boy. Its about inequalities.


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We are talking about criminalisation. Criminalisation of HIV transmission also drives this epidemic.

In Malawi, a young woman living with HIV, was criminally charged for "endangering life" after a child briefly latched onto her breast at a village meeting. The child did not contract HIV—the mother had HIV. Yet this woman was sentenced to nine months in prison and hard labour for endangering the life of her baby.

That conviction was later overturned by a judge who recognised the absence of intent, the lack of transmission, and the injustice of punishing a woman for an act of care for her baby. Her case inspired a movement of women living with HIV to successfully advocate to block a proposed HIV-specific criminal law. So from injustice came resistance.

Because we are not powerless. Communities and civil society in our world continue to challenge unjust laws and overturn them.

It is true that, all too often, laws are used not to protect, but to marginalise the most vulnerable, as the stories I have told you. We are here to change that.

Studies have consistently found that HIV policies grounded in human rights achieve the best results. But yet for the first time since we at UNAIDS began reporting on this disease, we are the custodians of the data, we annually publish data on this disease, we reported that the number of countries criminalizing what we call key populations (the most at risk groups) has increased this year. There is some form of criminalization of:

- same-sex relations in 64 countries;
- Some form of criminalisation of sex work in 168 countries;
- Some form of criminalisation of personal possession of small amounts of drugs in 152 countries; and
- Some form of criminalisation of HIV transmission, exposure and non-disclosure in 156 countries.

A lot of work to do to change laws, to save lives.

And we know what is driving this backlash, because as I said we have been seen people fighting and overturning these laws, but today there's a globally coordinated anti-rights and anti-gender campaign. They are well organized, extremely well-funded, and they are pushing us back. And we must assert.

And that's why this Baraza is so important. We have to assert.

The people fighting back, these well funded, well organised people, they use the language of development and they say they are protecting "African Values" in inverted commas, but their project is fundamentally neocolonial aimed at restricting the rights of women and girls, controlling our bodies, criminalising LGBTQ people for being different, and completely reversing sexual and reproductive health and rights that we have been winning in the last century.

The consequences are devastating. Already, 700 000 women and girls are incarcerated around the world—an increase of 50% since the year 2000. People in prisons and other closed settings are twice as likely to be living with HIV compared with other adults—there's risk also being in prison. And women in prison are twice as likely to be living with HIV as the men in prison. Criminalisation doesn't just restrict rights—it exacerbates and magnifies the harms experienced by specific communities of people.

Yet litigation—the work of you people in this room—can be that force against criminalisation and the harm it causes.

We've seen the incredible impact of strategic litigation to challenge unjust laws, with individuals backed by strong community movements, I underline that, going to court to reclaim their rights. Examples:

- Botswana, Mauritius, Namibia, young activists have overturned colonial-era laws that criminalised same-sex relationships.
- In Kenya and Zimbabwe, HIV-specific criminal provisions have been repealed or struck down.

These are not just legal victories for the books. They are life-saving, era-defining moments that change lives –and they are won through the courage of communities and the power of litigation.

I'm going to go straight to what we must do as African people.

You know, you know best what you can do, using your legal knowledge.

But I want to tell you that for the majority of our people here on this continent—and I've travelled it all—their lives, the lives of ordinary people, are regulated by informal law. Their lives are regulated by religion, by customs and traditions. And these are resistant to change.

The law that you work on is important, because it drives also the change in informal laws. There is a connection. But you need to make that connection. It doesn't just happen naturally. It's not a trickle down theory of the neoliberals, where they maximise at the top and they hope something drops to the bottom. No. The formal law needs to be connected to the informal law. It must keep changing, making informal more and more progressive and more and more in line with the formal law.

That's why you need to work with movements. That's why I believe in the power of movements. Without them, your work here will be limited in what it can achieve for people on the ground.

I'll tell you one story and then take my seat, to demonstrate this. When I was a member of Parliament, I lived near Luzira Prison, and I often got letters from prisoners. And living a busy life of a politician, I didn't always reply. But there was one woman who wrote to me, and I felt compelled even to go to the prison to see her.

I went to see her. She was called Lydia, and she was from my home area in Mbarara. We spoke the same language. She had a little child. She was in a prison with her baby. Her baby seemed to be like three, four years old.

She'd already been there for two years on remand, so she must have come with a breastfeeding baby. She was on remand, she had never been to court.

So I asked, "What's your crime? What did you what are you said to have done?"
She said, "Well, somebody was killed in our village, and they came and arrested all of us and brought us here."
"All of you? How many?"
"About 10 of us", she said.
"So, do you know about the other 10?"
"No, I don't know, they are men, they are in the men's prison." She had no idea.
"So have you been to court?"
"No."

So I could see that this is someone who could be forgotten on remand forever.

I promised I was going to go get her a lawyer to come and help her push her case and get her out on bail. I regret to say I didn't do it. I was too busy.

About a year later, I woke up one morning and I found her sitting on my veranda.

I said "Lydia, Where are you coming from?"
Do you know what she said to me?
She said, "They forgave me.
I said, "Lydia, who forgave you?"
She said, "The government."
I said, "What do you mean?
She said, "They've released me."
I said, "But forgive you for what? Did you kill the person?"
"No, I didn't. But they forgave me from prison."

Her sense of rights was not there. She just knew that the government can't take you. and they can release you when they want. Now they had forgiven her. She was grateful.

Now, this is my last message to you. That on this agenda of reproductive rights, it is about the rights of women—it's the rights of women in poverty who are not aware of these rights that you are fighting for for them. Their awareness is important—the narrative to them about their rights, control of their bodies. Because that's their front line of the struggle for gender equality—control of our bodies.

For them to know this and own this as their own agenda—not a Western agenda, not an agenda being funded by foreigners. We have to reach them. And it's you who must frame a language around this. Don't just be concentrated on the language for the parliamentary place where the law will be struck out. Frame also the language for the ordinary woman to know that "I have a right to decide. I can decide how many children I want, I can decide, I will not accept to be beaten in a marriage."

Frame a good language around reproductive health for us to claim as an African language, and I'm so happy to know that that's what Ahaki is focussing on. An African narrative about sexual reproductive health, and rights—we will not let that rights bit go away.

So, in conclusion, we have to fight. It's a fight. Health and human rights are inseparable. The denial of rights is a denial of health.

We must ensure that no woman is criminalised for breast feeding her child, as I mentioned.

That no girl who's been raped by her uncle or her teacher dies while trying to remove an unwanted pregnancy from that incest or abuse because abortion is illegal.

That no person fears a diagnosis because they know it will lead to being imprisoned. People fear to go to test. I'm talking about homosexual men, trans women. They fear to go for services because they will be arrested, because there's a law here that threatens their lives.

So we must change these laws, but we must also change hearts and minds. And that means introducing an African argument for sexual reproductive rights.

We must lift voices. We must get women to own this battle and fight it. We have to lift the voices of women on the question of the control of their own bodies.

We must never forget when we protect rights, we save lives.

Thank you so much.

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