

June 2014

**The Developing Country NGO Delegation to the Board of The Global Fund Calls President Yoweri Museveni to not sign The HIV Prevention and Control Bill 2010 by the Ugandan Parliament.**

Your Excellency,

As a Board Delegation of health, community, civil-society, and legal organizations, representing NGOs in developing countries at the Global Fund against AIDS, Tuberculosis and Malaria, we commend Uganda's effort and attempt to reduce national rates of HIV infection.

Specifically, we recognise the Parliament of Uganda's intent to reduce transmission rates, as evidenced by its passage of the HIV Prevention and Control Bill 2010, on 13 May 2014, noting the importance of having an enabling legal environment to facilitate the provision of prevention and treatment services.

This Act does include positive steps, such as:

- Promoting holistic voluntary counselling and testing (Sections 6 and 20)
- Encouraging inclusion of affected populations such as people living with HIV (PLHIV) as key stakeholders in responses to the epidemic (Section 27)
- Promoting counselling and testing, and
- Requiring informed consent for biomedical research (Section 29).

Section 44 also addresses the issue of poor Antiretroviral Therapy adherence and the cessation of treatment under the false pretence of being cured. This has been a concern of PLHIV in Uganda for years, and indicates that their leaders have been listening.

Some provisions of the HIV Prevention and Control Bill 2010, however, we believe and history and research has proven could have, deleterious effects that would fuel a resurgence of stigma and discrimination against the very populations we want to help. In fact, these clauses directly contravene both international law and best medical practice, and promote violations of fundamental human rights.

For instance, the Bill at Section 14 proposes mandatory HIV testing for pregnant women and their partners and in situations of rape, under the guise of routine testing. This goes against the principle of informed consent. Sections 12(a), 13, 16(2) and 17(1) equally need to be revised as they have components that would allow for violation of the right to informed consent.

Of equal concern is the criminalisation of persons, at Sections 39 and 41, believed to have accidentally or wilfully put someone at risk of HIV infection with penalties of up to 10 years in prison. To this we are in vehement opposition. We note that other

institutions including the [International Community of Women Living with HIV](#) and the [Global Commission on the Law and HIV](#) have written extensively about the dangers of this provision.

Your Excellency, no HIV law can succeed if it fails to recognize the applicability of human rights to the fight against HIV and AIDS.

Fortunately there is a clear and simple alternative. You have already signed the East African Community HIV & AIDS Prevention and Management Bill 2012, which upholds human rights principles and is and more likely to aid in the reduction of HIV rates and ensure those who are already infected access effective treatment services.

The Developing Country NGO Delegation therefore respectfully calls upon Your Excellency to refrain from signing this bill. Instead, we urge you, Your Excellency, and the Ugandan Parliament to fully adopt the East African Community HIV & AIDS Prevention and Management Bill 2012, which has already been signed by Kenya & Burundi, and to call upon your fellow Heads of State of the Republics of Rwanda and Tanzania to sign the law. This will enable the law to be operational in all the five East African Countries.

The EAC legislation, once adopted and implemented, would truly serve the millions of Ugandans and East Africans affected by HIV and AIDS in a manner that respects their dignity and rights. Undoubtedly, such a step would, once again, give Uganda an opportunity to be a diamond example in the fight against HIV and AIDS in Africa and the World. We respectfully call upon you not to sign the HIV Prevention and Control Bill 2010 passed by the Ugandan Parliament.

Yours sincerely,

**Loretta Wong, Board Member**  
**Jae Nelson, Alternate Board Member**  
**Developing Country NGO Delegation to the Board of the Global Fund**

Contact: *Jomain McKenzie*  
*Communications Focal Point*  
*jomainm@gmail.com*

*Loretta Wong*  
*Board Member*  
*lor820@gmail.com*

**Loretta Wong**  
**Board Member**

**Jae Nelson**  
**Alternate Board Member**

**Jomain McKenzie**  
**Communications Focal Point**