

<http://somatosphere.net/2012/07/3716.html>

## Release of Report on “HIV and the Law”

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By Thomas Cousins

Today the Global Commission on HIV and the Law released its report [“HIV and the Law: Risks, Rights & Health”](#), and we think it’s a pretty significant publication that deserves a critical and appreciative response.

In their words, “The final report of the Global Commission on HIV and the Law presents a coherent and compelling evidence base on human rights and legal issues relating to HIV”.

*“The landmark report finds evidence that enforcing punitive laws hinders HIV responses and wastes resources. The Commission urgently calls for laws that protect human rights to save lives, save money and end the epidemic”*

There’s also a [TEDtalk by Shereen El-Feki](#) who argues that that these laws, “based in stigma”, are actually helping to spread the disease.

What’s striking is the picture of the law that is operative in the report, as well as the range of actors arrayed around the figure of the HIV positive person. The set of human rights that undergird this figure of the law, and which structure the report, reveal a kind of CAT-scan of the socio-political topography of the epidemic (the chapters include sex work, MSM, LGBT rights, sex in prison, travel restrictions, rape in marriage, treatment affordability, trade restrictions, access). I have in mind Mark Heywood’s article [Shaping, Making and Breaking the Law](#) and [Combining Law and Social Mobilisation](#), both on South Africa’s Treatment Action Campaign, which show how particular histories of struggle have informed the appeal to legal norms in the absence of clear progressive state policies. (See also [Kapczynski and Berger](#)).

In the various strong and weak forms of activism around treatment access, sexuality, research ethics, and political intervention, I wonder what effects this report will produce? What bodies are imagined to populate the law (see [Das 2006](#) for example)? What limits are entertained for the purposes of jurisprudential purchase? What horizons opened up? What new arrangements of human and non-human are recognised or misrecognised in this report?

If others have responses and reactions to the report, we'd love to hear them.

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