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Element 3: Policy and Legal Environment

Purpose

This element reflects progress in the development and implementation of national HIV policies and laws aimed at ensuring that men and women have equal access to prevention, treatment, care and support, protection of their rights, and protection against discrimination.

Included questions

The information is reported on the basis of UNGASS Indicator 2, the National Composite Policy Index (NCPI). The NCPI is a questionnaire with over a hundred questions grouped into 8 themes. The first four of these themes are answered by government representatives and the last four by representatives from civil society, bilateral agencies and UN organization.

The following four NCPI questions were selected for this element:

| NCPI questions* | |
|-----------------|---|
| AI: 1.2 | If there is a multisectoral strategy/action framework to combat AIDS, (a) are women included as a specific sector, and if so (b) does the women sector have a specific HIV budget for its activities? |
| AI: 1.3 | Does the multisectoral strategy/action framework address (a) women and girls and (b) gender empowerment and/or gender equality? |
| AI: 2.2 | If HIV/AIDS is integrated into central development plans, is (a) <i>reduction of gender inequalities as they relate to HIV prevention/treatment, care and/or support</i> , and (b) <i>women's economic empowerment</i> included as policy areas? |
| All: 1.1 | If there is a policy or strategy that promotes information, education and communication on HIV to the general population, are the following two key messages explicitly promoted: (a) <i>fight against violence against women</i> , (b) <i>greater involvement of men in reproductive health programmes</i> ? |
| BI: 2.1 | Does the country have non-discrimination laws or regulations which specify protection for women? |
| BI: 3.1 | Does the country have laws, regulations or policies that present obstacles to effective HIV prevention, treatment, care and support for women? |
| BI: 8 | Does the country have a policy to ensure equal access for women and men, to prevention, treatment care and support? In particular, to ensure access for women outside the context of pregnancy and childbirth? |

* Note that the formulation and structure of these questions have been revised somewhat to increase the clarity of the presentation here.

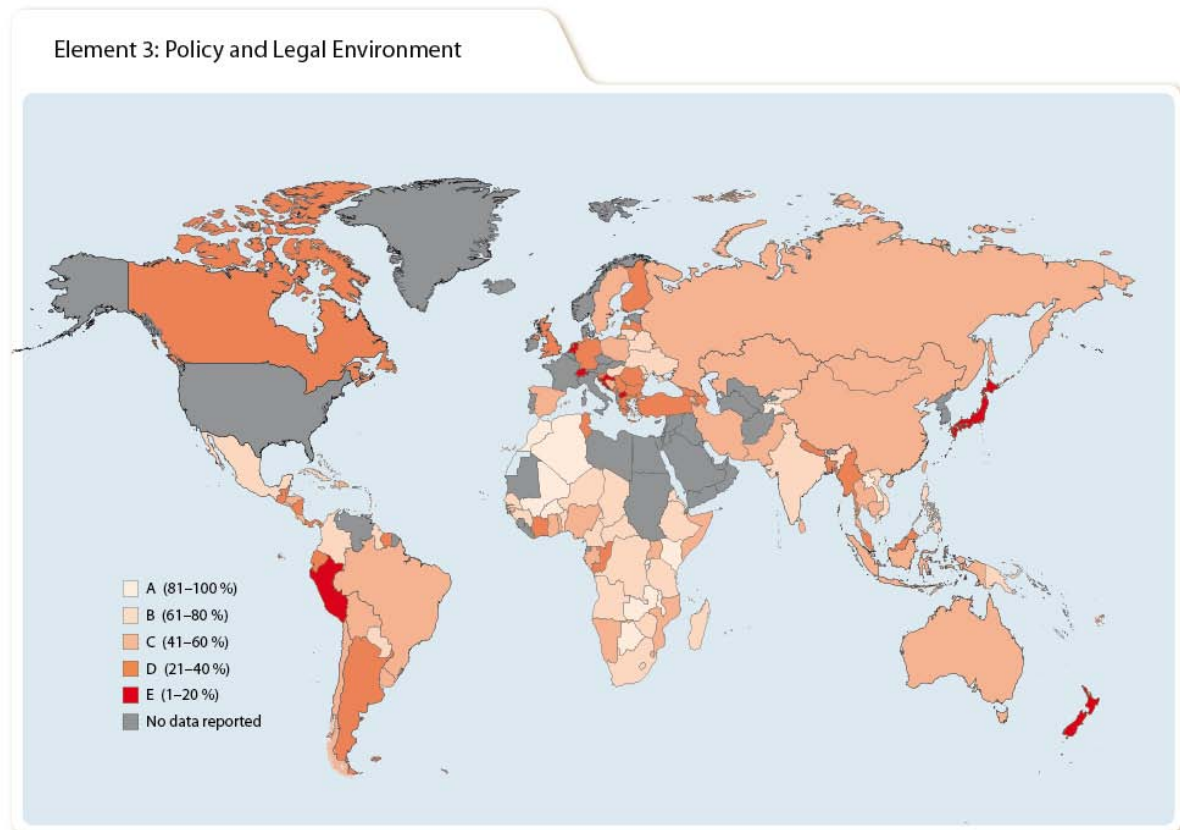
Data analysis and grading

To some extent, element 3 is a broader and more inclusive element that includes some but not all questions that were the basis for the previous element 2. The same qualifications for the scoring that were presented for question AI:2.2 under element 2 therefore applies also to this element.

Issues

Two particular features to this element are worth pointing out. The first is that the three last questions listed above were responded to by non-government stakeholders in civil society, bilateral agencies and UN organizations. One of these questions, question BI:3.1 asks whether there are legal obstacles for women in accessing treatment and services in an equitable fashion. In countries where civil society organisations affirmed responded that such laws exist, one point was deducted from the country total of points (-1).

Results



Some 70% of countries reported data on this element, with an average score of 2.1 (out of a maximum score of 5.0). Reporting was much better from countries with generalized and hyperendemic epidemics, with average scores of 3.2 and 4.0 respectively. A majority of countries (64%) reported having identified women as a vulnerable group that need particular policy interventions in the response to AIDS. In the two regions of North Africa and the Middle East and Western and Central Europe, however, this figure was only 22% and 31% respectively.

Less than half of all countries (47%) reported that their laws provide special protection to women in the context of AIDS, and only 37% had an earmarked budget for such policies and interventions. Some 57% of countries with generalized epidemics had made such a budget provision, but only 3% of countries in Western and Central Europe had done so.

Just over half of all countries (58%) reported that women have some support in policy and law as sexually active adults in their own right. This figure was as high as 73% in countries with generalized epidemics, but dropped to 22% in countries in North Africa and the Middle East.



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