



Age of Consent as a Policy Barrier: Implications and Future Directions for Prevention in the East Asia/Pacific Region

Global Webinar: Novel Approaches for Addressing Age of Consent as a Barrier to Adolescents' Care Utilization and Engagement

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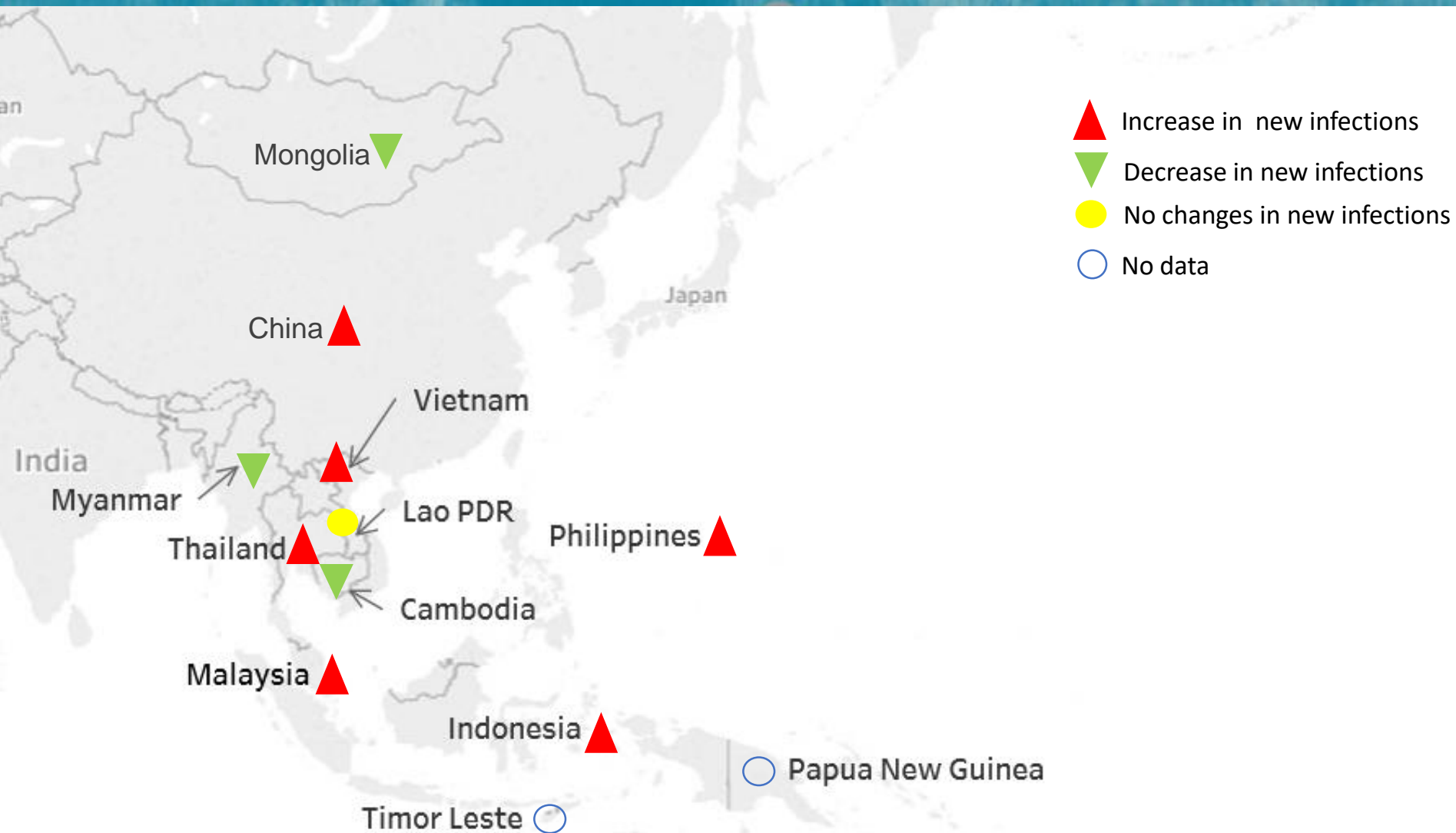
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HIV among young MSM under 25 years, between 2011 and 2017

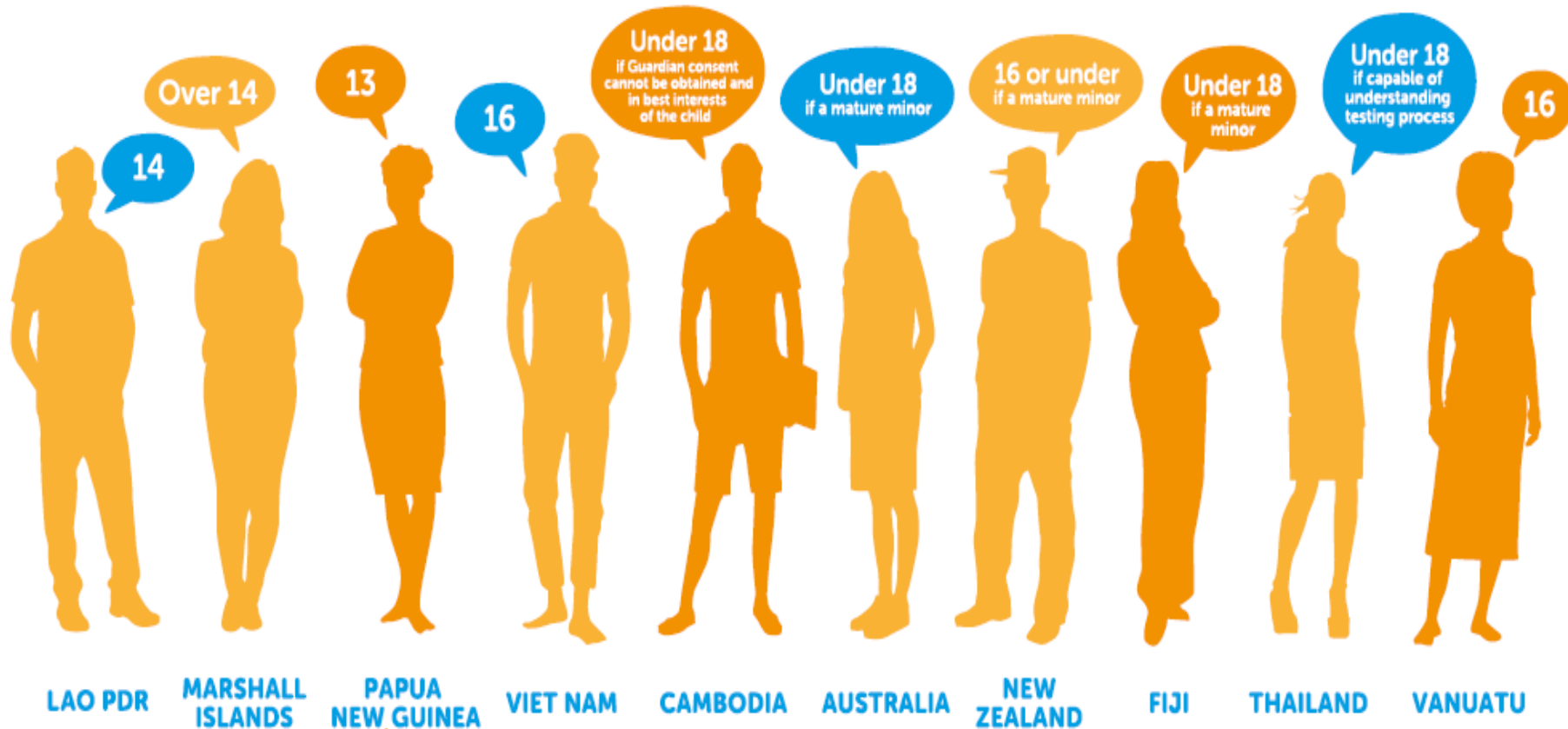


Source: UNAIDS. GAM Online Reporting Tool. <https://aidsreportingtool.unaids.org>. Note: Myanmar and Thailand are between 2011 and 2016. Lao PDR and Malaysia are between 2013 and 2017. Mongolia is between 2011 and 2017.

Current Laws and Policies

- Laws and policies related to consent are absent or unclear, or contradictory
- Legal age of consent is set at a higher age than average age at which adolescents become sexually active or experiment with drugs
- There are no legal provisions or policy guidelines on HIV testing of unaccompanied minors (or those whose parent, legal guardian, or next of kin cannot be located), abandoned, orphaned, street children, or minors engaged in commercial sexual exploitation who are not in the custody of the appropriate government authority.

Age of legal capacity to consent independently to an HIV test - 11 countries in Asia-Pacific



Source: UNESCO, UNFPA, UNAIDS, UNDP and Youth Lead, the Asia-Pacific Network of Young Key Affected Populations: Young people to access HIV testing and services, UNESCO Bangkok, 2015 - <http://unesdoc.unesco.org/images/0023/002316/231629E.pdf>



Laws relating to age varies between jurisdictions

Country	Legal Provision
Viet Nam	Law on HIV/AIDS Prevention and Control, 2006, Article 27. HIV testing shall only be conducted on the basis of voluntariness of persons to be tested. Persons who voluntarily seek HIV testing must be full 16 years or older and have full civil act capacity.
Fiji	HIV/AIDS Decree 2011, Section 29(2)(b) - A person under 18 may consent to an HIV test if, in the opinion of the person providing pre-test information, the minor is capable of understanding the nature and consequences of an HIV test.
Thailand	Thailand Medical Council revised the guideline (December 2014) to include the right of under 18 to take a test without parental consent. The guideline encourages health workers to counsel those younger than 18 so that they fully understand what an HIV test is and its implications
Bangladesh	Ministry of Health and Family Welfare (MoHFW) issued an interim national directive based on risk / vulnerability approach that allows “HIV and SRH services without parental consent to MARA (Most At Risk Adolescents) who are below 18 years of age, or who are orphans or who do not live with their guardian or live outside of parental control.”



Ongoing advocacy efforts in Asia-Pacific

Asia-Pacific Interagency Task Team on Young Key Populations (led by UNFPA and UNESCO with partners) and DLA Piper

Young People and the Law in Asia and the Pacific: Legal Advocacy Toolkit

- To understand the legal and policy barriers that young people face in accessing sexual and reproductive health services, and
- to advocate for the removal of these barriers in their country.



Thank you



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#EndAdolescentAIDS