



Photograph of participants at a rally of sex workers in Bangladesh

United Nations Development Programme

HIV/AIDS

ANALYSIS OF KEY HUMAN RIGHTS PROGRAMMES IN GLOBAL FUND-SUPPORTED HIV PROGRAMMES



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AIDS	Acquired immunodeficiency syndrome
BCC	Behavior change communication
CCM	Country Coordinating Mechanism
CHLN	Canadian HIV/AIDS Legal Network
CSS	Community Systems Strengthening
Global Fund	The Global Fund to Fight AIDS, Tuberculosis and Malaria
HIV	Human immunodeficiency virus
IEC	Information, education and communication
MDGs	Millennium Development Goals
OSI	Open Society Institute
PR(s)	Principal Recipient(s)
RCM	Regional Coordinating Mechanism
SDA	Service Delivery Area
SOGI	Sexual Orientation and Gender Identity
TB	Tuberculosis
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDP	United Nations Development Programme
UNGASS	United Nations General Assembly Special Session on HIV/AIDS
WHO	World Health Organisation



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[A] supportive social, legal, and policy environment is a prerequisite of a successful and sustainable response to HIV....[P]rogrammes to reduce discrimination and other human rights abuses and increase access to justice in national HIV responses...include, for example, legal services, law reform programmes, training of health care workers and law enforcement agents, and programmes to promote the rights of women."

Michel Kazatchkine,

Report of the Executive Director to the Global Fund Twenty-first Board Meeting, April 2010

The promotion and protection of human rights is central to human development. It is also the cornerstone of effective and sustainable HIV responses – including in generalized and hyper epidemic settings to address issues such as sexual and gender-based violence, access to treatment, food and nutrition for people with HIV, gender inequality and the rights of orphans and vulnerable children. Stigma, discrimination and violence – including punitive legal environments – against people living with HIV and other key populations including men who have sex with men, transgender people, sex workers, and people who use drugs remain widespread¹. Governments, civil society and other stakeholders at the country, regional and global levels increasingly acknowledge the negative effects of human rights violations on effective HIV responses². In 2010, 91 percent of governments reported that they address stigma and discrimination as cross-cutting issues in their national AIDS strategy. However, countries do not routinely monitor or report on relevant aspects of the social and legal environment, or the details of the programmatic response to human rights in the context of HIV. In light of continued reports of high levels of stigma and discrimination blocking effective HIV responses, there is an urgent need for increased understanding of what is being done and what more can be done to implement key human rights programmes in national HIV responses.

The Global Fund to Fight AIDS, Tuberculosis and Malaria ("Global Fund") is one of the major financiers of national HIV responses. It is a partnership committed to supporting evidence-informed, rights-based responses to HIV, AIDS, tuberculosis and malaria. This study was carried out by UNDP, the UNAIDS Secretariat and the Global Fund to answer the following three overarching questions:

- (1) Are key human rights programmes included in successful Global Fund Round 6 and 7 HIV proposals and grants, and who are they intended to benefit?
- (2) Are these human rights programmes funded in approved grant budgets?
- (3) What progress has been made toward implementing these human rights programmes? i.e. Do performance frameworks include indicators for these programmes, and if so, what are the results reported against targets?

1 Joint United Nations Programme on HIV/AIDS (2010), *Report on the Global AIDS Epidemic 2010*. Available from <http://www.unaids.org/globalreport/default.htm>

2 Ibid.



EXECUTIVE SUMMARY

This study included all Global Fund HIV programmes from Round 6 and 7 – a total of 59 successful proposals, covering 74 countries and including three multi-country proposals across all regions. Within this sample, six key human rights programmes³ were identified and analysed in proposals, grant agreements and other related documentation. Data including programme type, beneficiary populations, budget amount, indicators and performance against targets were collected from the source documents. Analyses of programmes and beneficiaries by region and epidemic type were also conducted of the individual country proposals. Data were triangulated with data on punitive laws for more in-depth analysis.

SELECT KEY FINDINGS

Successful HIV proposals included an average of three of the key human rights programmes. The majority of key human rights programmes identified in successful proposals were included in work plans with budgets, but 23 percent did not make it into work plans. ‘Stigma and discrimination reduction’ programmes were the most common of the six programme types in proposals and work plans, and received the most funding overall.

Individual country proposals from countries with low or concentrated epidemics included more comprehensive human rights programming than those from countries with generalized epidemics. There were also differences in the types of human rights programmes planned and beneficiary populations between the epidemic types. For example, the human rights programmes planned by countries classified as having generalized epidemics appeared to largely ignore men who have sex with men and transgender people, sex workers, people who use drugs, and prisoners.

Men who have sex with men, transgender people, sex workers, people who use drugs and prisoners, many of whom are more vulnerable to HIV due to the impact of the criminal law, were each named as beneficiaries in less than a quarter of the identified programmes. These populations were more likely to be beneficiaries of programmes that address stigma and discrimination in the community, health care and justice sectors, than of empowering programmes, such as law reform, legal services and ‘know your rights’ programmes.

Key human rights programmes, where monitored, show good performance against targets. However, more than one third of the indicators were too broadly framed to meaningfully monitor programme implementation. ‘Training and sensitization of police, other law enforcement agents, lawyers and/or judges on HIV-related human rights issues’ and ‘stigma and discrimination reduction’ programmes were

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