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# NATIONAL DIALOGUES ON HIV AND THE LAW

A Practical Manual for  
UNDP Regional HIV Teams and Country Offices

January 2014

United Nations Development Programme

HIV, HEALTH AND DEVELOPMENT

## **National Dialogues on HIV and the Law**

A Practical Manual for UNDP Regional HIV Teams and Country Offices

January 2014

The United Nations Development Programme (UNDP) is the UN's global development network, advocating for chance and connecting countries to knowledge, experience and resources to help people build a better life.

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# TABLE OF CONTENTS

Acknowledgments .....	3
Abbreviations.....	4
Foreword.....	5
1. About this Publication.....	6
2. Background: HIV, Human Rights and the Law .....	6
3. The Global Commission on HIV and the Law .....	7
4. Translating the Global Commission’s Report into Action.....	8
4.1 What is a National Dialogue on HIV and the Law?.....	9
4.2 What is a Legal Environment Assessment?.....	12
4.3 What is the Link between a Legal Environment Assessment and a National Dialogue?.....	13
5. Guidelines for Planning a National Dialogue .....	14
6. Key Steps in Planning a National Dialogue .....	15
6.1 Role of UNDP Regional Service Centres and Country Offices.....	16
6.2 Advisory Committee .....	16
6.3 Concept Note for the National Dialogue .....	18
6.4 Determining the Focus and Scope of the National Dialogue.....	20
6.5 Selecting Participants in the National Dialogue .....	25
6.6 Selecting Speakers and Developing the Meeting’s Running Order .....	29
6.7 Selecting and Briefing the Moderator .....	29
6.8 Format and Agenda of the National Dialogue Meeting .....	31
6.9 National Dialogue Report .....	39
7. Follow-up to the National Dialogue .....	40
8. Media and Communications Strategy .....	40
9. Budget.....	41
10. Conclusion.....	41
ANNEX 1 .....	43
ANNEX 2.....	45
ANNEX 3.....	48
ANNEX 4 .....	51
ANNEX 5 .....	52
ANNEX 6 .....	54

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# ABBREVIATIONS

<b>AIDS</b>	Acquired immunodeficiency syndrome
<b>ARV</b>	Antiretroviral therapy
<b>CARICOM</b>	Caribbean Community
<b>CSO</b>	Civil Society Organisation
<b>HIV</b>	Human immunodeficiency virus
<b>IACHR</b>	Inter-American Court of Human Rights
<b>LEA</b>	Legal Environment Assessment
<b>MDG</b>	Millennium Development Goal
<b>MSM</b>	Men who have sex with men
<b>NGO</b>	Non-Governmental Organisation
<b>OAS</b>	Organisation of American States
<b>PANCAP</b>	Pan Caribbean Partnership against HIV and AIDS
<b>PLVIH</b>	People Living with HIV
<b>TRIPS</b>	Trade-Related Aspects of Intellectual Property Rights
<b>UN</b>	United Nations
<b>UNAIDS</b>	United Nations Joint Programme on HIV/AIDS
<b>UNDP</b>	United Nations Development Programme
<b>UNESCAP</b>	United Nations Economic and Social Commission for Asia and the Pacific

# FOREWORD

Despite recent declines in AIDS-related deaths and new HIV infections, AIDS continues to be among the most serious of today's contemporary health and development challenges. The landmark report of the Global Commission on HIV and the Law, 'HIV and the Law: Risks, Rights & Health', clearly demonstrates that an effective response to HIV requires protective national legal frameworks and the promotion of human rights-based interventions. There is today a longstanding and now urgent need to address the laws and policies that intensify inequalities, drive gender inequality, deepen marginalization and perpetuate violations of human rights. Meeting this need is paramount if countries are to honor the commitments made in the '2011 Political Declaration on HIV and AIDS'.

Rights-based laws and policies are invariably enacted whenever law makers and policy makers are guided by evidence of the negative impact that punitive laws, policies and practices have on HIV and health outcomes. This evidence is also vital for effective civil society advocacy. National dialogues present an opportunity to determine how the law can advance health and human rights. National Dialogues can provide an opening for frank, constructive multi-stakeholder exchanges on sensitive issues. To date, a number of these dialogues have created a unique platform from which to raise contentious issues regarding the role of the law in the AIDS response. They have also facilitated a dialogue between those who develop, interpret and enforce laws on the one hand, and those who experience their impact on the other. In addition, key stakeholders involved in National Dialogues can become vital agents who help to create legal environments that support effective HIV responses.

This manual is intended to assist UNDP managers and programme staff to support governments and civil society actors to organize a National Dialogue resulting in concrete action planning for strengthening the legal and social environment. This manual can also help the Country Dialogues being undertaken to inform the development of HIV concept notes and proposals for the Global Fund to Fight AIDS, Tuberculosis and Malaria. It provides case studies, tools and resources to guide the national process. It draws on experiences and lessons learned from the Global Commission on HIV and the Law as well as from a number of countries who have already convened a National Dialogue. Ultimately, this report provides a roadmap for following through on the Global Commission's findings and recommendations.



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# 1. ABOUT THIS PUBLICATION

**“The dialogue concept is not about holding a typical meeting or consultation, where someone speaks, presents a well-known point of view and then there are a few questions and comments from the audience. The dialogue is about creating opportunities for the different stakeholder groups to prepare themselves in advance, to share and exchange perspectives and to try to find common ground for moving the HIV and human rights agenda forward”**

*Kitty Grant, UNDP Consultant*

This manual provides guidance on planning and holding a National Dialogue on HIV and the Law<sup>1</sup>. It highlights key principles, processes, best practices and lessons learned from Regional Dialogues held by the [Global Commission on HIV and the Law](#) in 2011, and from countries that have already held a National Dialogue to advance the recommendations of the Global Commission. The manual includes links to practical tools that may be adapted to a specific country context, as well as other resource materials.

Although this manual is primarily intended as a resource for United Nations Development Programme (UNDP) staff members in Regional Service Centres and Country Offices who are already involved in staging a National Dialogue, it can also be a useful resource for civil society organizations, national AIDS control bodies as well as national and international actors more broadly. Still other stakeholders in the National Dialogue such as Advisory Committee members can make use of this manual. This manual can also help the Country Dialogues being undertaken to inform the development of HIV concept notes and proposals for the Global Fund to Fight AIDS, Tuberculosis and Malaria.

## 2. BACKGROUND: HIV, HUMAN RIGHTS AND THE LAW

Three decades' of experience have shown that the promotion and protection of human rights are essential for preventing HIV transmission and reducing the impact of HIV and AIDS. A rights-based approach to HIV prevention, treatment and care coupled with enabling legal environments that safeguard those rights, helps to reduce vulnerability to HIV, ensure that HIV services are accessible to those most at risk and facilitates the participation of affected communities in planning and implementing effective interventions. On the other hand, laws that criminalize HIV transmission, sex between men, sex work and drug use, or laws that fail to protect the rights of women and children, are major barriers to accessing HIV services and interventions. Bad laws also reinforce stigma and discrimination and hinder effective grassroots responses to the

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