

Progress towards conducting national reviews and consultations on legal and policy barriers to access to HIV services in Asia and Pacific region



Political commitments and regional processes

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2011 General Assembly Political Declaration on HIV/AIDS: A Global Commitment to Eliminate HIV/AIDS

- Bold **new targets** and commitments for 2015
- Recognized **key populations** men who have sex with men, people who inject drugs, and sex workers
- Committed to creating **enabling legal and policy frameworks** – including eliminating HIV-related stigma and discrimination **(critical to achievement of ALL targets)**



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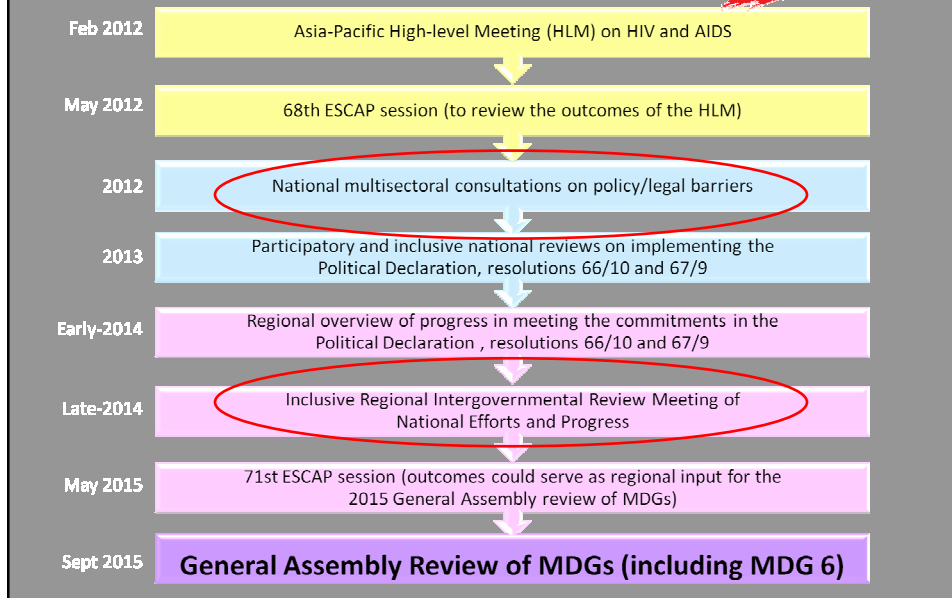
At regional level governments have committed to:

- "...ground universal access in human rights and undertake measures to address stigma and discrimination, as well as policy and legal barriers to effective HIV responses, in particular with regard to key affected populations". (**ESCAP Resolution 66/10**)
- "...initiate, as appropriate, in line with national policies, a review of national laws, policies and practices to enable full achievement of universal access to with a view to eliminating all forms of discrimination against people at risk of infection or living with HIV, in particular key affected populations." (**ESCAP Resolution 67/9**)
- "organise national, multi-sectoral consultations on legal and policy barriers to universal access..." (**Roadmap endorsed at 68th ESCAP Commission**)

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Regional roadmap for ESCAP members on HIV



Global Commission on HIV and the Law

Convened by UN agencies to explore how legal environments help or hinder HIV responses.



METHODS:

- Commissioned research and examined the existing evidence base
- Received 680 written submissions from 133 countries
- Convened 7 Regional Dialogues. AP held in Feb 2011.

RESULT: Recommendations for creating enabling legal environments in countries / a blueprint to guide national reviews and consultations

From commitments to action

18 countries have conducted national reviews and/or consultations on legal and policy barriers since mid-2011

South Asia	South East Asia	Pacific	Planned for 2014
*Bangladesh	Cambodia	Fiji	India
*Bhutan	China	PNG	Pakistan
*Sri Lanka	*Indonesia	Kiribati	Nepal
India (state)	*Malaysia	Samoa	Bhutan
	Myanmar	Solomon Islands	
	*Philippines	Tuvalu	
	Thailand	Vanuatu	
	Viet Nam		

Different models and approaches

1. Planning stage

- **Partnerships for planning:** Steering Committees best practice; pooled funding (UNDP, ESCAP, UNAIDS, Gov't); linkages with existing coordination mechanisms
- **Scope:** covering legal environments impacting on all key populations (eg. Bangladesh, Myanmar, Cambodia, Pacific), or focusing on specific issues of concern (eg. China, Viet Nam, Bhutan).
- **Global Commission on HIV and the Law:** a direct blueprint/framework for reviews and consultations in some countries (eg. Cambodia); JVR Prasada Rao presented key findings from Commission (eg. Pacific)
- **Global Fund:** UNDP leveraging support from two multi-country Global Fund grants; additional opportunities to support countries include follow-up activities into NFM

Observations

- Intellectual property issues often not covered (identified as too technically complex/different stakeholders needed).
- IP-specific consultations held in a number of countries in 2012-3 (eg. Cambodia, India, Myanmar, PICs, Viet Nam)

2. Review Stage

- **Role of the national review:** Some countries have only conducted the written review to date (eg. Pakistan); others moved straight to consultation (eg. BGD, Bhutan). Most countries linked the two processes – i.e. draft review validated at consultation and subsequently finalised.
- **Methodology:** Completed as a desk review by individual national or international consultants; building on existing reviews/analysis where available; some involved FGDs, stakeholder interviews.

Observations

- Engagement of communities and broader stakeholders varied.
- Awareness of content of written reviews by participants in the consultations varied.
- Some contained recommendations, others did not.

3. Consultation stage

- 1-2 days usual length
- Average number of participants: 40
- **Strong, multi-sectoral approach common:** UN, MOH/NAC, PLHIV and key populations. And in most cases, some:
 - Ministry of Justice, police, National Human Rights Institutions, Parliamentarians, Law Reform Commission representatives, CSOs
- **Agenda/format:** Plenary presentations → small group discussion of issues and development of recommendations by population group → refinement in plenary and consensus
- **Typical outputs:** consensus-based action plans for addressing priority legal and policy barriers by 2015.

Observations

- Good involvement of communities of KPs.
- Limited time/opportunity for hard prioritization based on political opportunities and potential impact.
- Some discussion of 'next steps'/modalities for taking forward the recommendations, but this varied.
- Most consultations commenced in plenary, with no separate preparation time for community groups.

4. Implementation and monitoring progress stage

Multi-stakeholder coordination mechanisms vested with mandate to support the implementation of recommendations/action plans –

- Usually led by Law ministry or NAC. Ideally communities, national human rights bodies and UN also engaged.
- In some cases, existing mechanisms empowered to take forward (eg. Indonesia)
- Strong leadership and coordination is key – UN has an important role here at country level



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Reviews and reports of consultations available on AIDS Data Hub website.



Observations

- Not all consultations have resulted in identified mechanism for follow up of action plans.
- Challenges around maintaining momentum, focus and inclusive approach

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Outcomes and impact so far...

- Improved strategic information on the impact of legal environments on the HIV response at country level, including perspectives and direct inputs from affected communities
- Dissemination/discussion of Global Commission on HIV and the Law findings and recommendations
- Stigma Index data utilized
- Broad consensus on prioritised, national action plans for eliminating legal and policy barriers by 2015
- Law reform (e.g. Viet Nam ended compulsory detention of sex workers; legal recognition of transgender in Bangladesh)
- Policy reform (e.g. 3 priority recommendations from legal consultations integrated into new NSPs of Solomon Islands and Vanuatu)
- Key partners engaged for the achievement of specific goals – eg. police, faith based organizations, judiciary, parliamentarians, NHRI

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Regional support

- Ad Hoc RITA on Enabling Legal Environment
- Practical Guidance Document for country partners
- Technical and catalytic financial support
- ESCAP/UNDP/UNAIDS Expert Group Mtg (12 countries, postponed to Q1 2014) to:
 - Share lessons learned, particularly around what works
 - Support countries that haven't yet completed reviews/consultations
 - Discuss effective mechanisms for implementing recommendations at country level
 - Develop regional strategy to support next steps at country level

