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Economic and Social Commission for Asia and the Pacific

Joint United Nations Programme on HIV/AIDS

United Nations Development Programme

Expert Group Meeting on the Implementation of the Outcome of the Asia-Pacific High-level Intergovernmental Meeting on the Assessment of Progress against Commitments in the Political Declaration on HIV/AIDS and the Millennium Development Goals

11 December 2013

Bangkok

**REPORT OF THE EXPERT GROUP MEETING ON THE IMPLEMENTATION OF
THE OUTCOME OF THE ASIA-PACIFIC HIGH-LEVEL INTERGOVERNMENTAL
MEETING ON THE ASSESSMENT OF PROGRESS AGAINST COMMITMENTS
IN THE POLITICAL DECLARATION ON HIV/AIDS AND
THE MILLENNIUM DEVELOPMENT GOALS**

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I. BACKGROUND

1. The Expert Group Meeting on the Implementation of the Outcome of the Asia-Pacific High-level Intergovernmental Meeting on the Assessment of Progress against Commitments in the Political Declaration on HIV/AIDS and the Millennium Development Goals, was organized by the Economic and Social Commission for Asia and the Pacific (ESCAP) in cooperation with UNAIDS and UNDP, on 11 December 2013 in Bangkok.

2. The Meeting was attended by experts and stakeholders from the United Nations system as well as regional networks of civil society organizations (CSOs). The list of participants is attached as Annex I.

II. OVERVIEW OF THE MEETING

3. On behalf of the organizers, Mr. Srinivas Tata, Chief, Social Policy and Population Section, Social Development Division (SDD), ESCAP, welcomed participants and partners to the Meeting. He briefly outlined the background, main objectives and the proposed structure of the Meeting. The objectives of the Expert Group Meeting were to take stock of the current status of the implementation of the ESCAP Roadmap to 2015, and to discuss status of other relevant region-specific and international processes affecting the delivery on HIV-related commitments, including the Eleventh International Congress on AIDS in Asia and the Pacific and the discussions of the Open Working Group on Sustainable Development Goals. Mr. Tata noted that the expected outcomes of the Meeting included an increased awareness among stakeholders from the Asia-Pacific region of the implementation of the Outcome of the Asia-Pacific High-level Intergovernmental Meeting on the Assessment of Progress against Commitments in the Political Declaration on HIV/AIDS and the Millennium Development Goals, including the key legal and policy barriers to universal access to HIV and AIDS prevention, treatment, care and support; and a draft strategy for the organization of the 2014 inclusive regional intergovernmental meeting on national efforts and progress to address the HIV epidemic, and its preparatory process.

4. Ms. Maren Jiménez, Social Affairs Officer, SDD, ESCAP, explained that, during the High-level Intergovernmental Meeting on Assessment of Progress against Commitments in the Political Declaration on HIV/AIDS and the Millennium Development Goals, held from 6 to 8 February 2012 in Bangkok, Asia-Pacific countries adopted a regional framework for action on HIV and AIDS. Ms. Jiménez explained that this framework, or “ESCAP roadmap to 2015”, was designed to support the ESCAP members and associated members in the implementation of the 2011 Political Declaration on HIV/AIDS and ESCAP resolutions 66/10 and 67/9. The presenter noted that the ESCAP roadmap included an inclusive regional intergovernmental review meeting on national efforts and progress to address the HIV epidemic to be convened by ESCAP in late 2014. Ms. Jiménez ended by noting that the outcome of the regional intergovernmental review meeting would be submitted for consideration by the Commission at its seventy-first session in 2015. The Commission, at that session, could decide to submit a regional input for the 2015 General Assembly global review of progress in achieving the Millennium Development Goals.

5. The participants agreed that the ESCAP roadmap should serve as a tool to bolster civil society advocacy efforts at the national level in order to remind countries of the commitments made in the ESCAP resolutions.

6. In the discussion that followed, a question was raised regarding plans for a survey on the implementation of the 2011 Political Declaration on HIV/AIDS and ESCAP resolutions 66/10 and 67/9. There was consensus that the planned survey on the implementation of ESCAP resolutions 66/10 and 67/9 should focus on commitments included in the ESCAP resolutions not reviewed in depth in the mid-term review of implementation of the Declaration, such as progress towards addressing critical legal and policy barriers to HIV services, coverage of key populations and the financing of HIV responses. In addition, it was mentioned that, where possible, synergies should be ensured with other ongoing processes, such as the 2014 review of the implementation of the Beijing Platform for Action in Asia and the Pacific. It was also recommended that the planned survey methodology draw upon lessons learned from previous experiences, such as the recent survey on

disability in the Asia-Pacific region, in which both Governments and civil society provided responses.

7. In addition, UNDP reported that it had recently conducted a review on lessons learned in achieving Millennium Development Goal 6, particularly with regard to HIV and governance. Among the findings highlighted was the success in meeting Millennium Development Goal 6 through strong national leadership, the participation of people living with HIV and AIDS and community-based organizations, and the focus on the social determinants of health. It was suggested that the findings of the forthcoming white paper on this issue could inform the planned survey on the implementation of ESCAP resolutions 66/10 and 67/9.

III. COUNTRY EXPERIENCES IN CONDUCTING NATIONAL REVIEWS AND CONSULTATIONS ON LEGAL AND POLICY BARRIERS TO UNIVERSAL ACCESS TO HIV SERVICES

8. The session was facilitated by Mr. Edmund Settle, Policy Adviser – HIV, Rights, Law and Sexual Diversity, UNDP Asia-Pacific Regional Center.

9. Ms. Brianna Harrison, Human Rights and Law Advisor, UNAIDS Regional Support Team for Asia and the Pacific, presented the progress made in conducting national reviews and consultations on legal and policy barriers to universal access to HIV services. She stated that a variety of different approaches and models had been used in the 18 countries in Asia and the Pacific that had conducted at least one national review or consultation. The presenter mentioned that some countries had only conducted the written review to date, whilst others had moved straight to the consultation stage; most countries had, however, linked the two processes. The organizers noted that documentation from national reviews and consultations were available through the AIDS Data Hub website (aidsdatahub.org/thematic-areas/legal-environment) and ESCAP website (<http://www.unescapsdd.org/hiv/reviews-consultations-legal-barriers-hiv>).

10. She noted that intellectual property issues were generally not well covered in the national reviews and consultations as they were perceived to be too technically complex and/or requiring the involvement of different stakeholders. Thus, addressing intellectual property issues during the national consultations would risk the loss of focus on targeted interventions for key populations. Recognizing this, Ms. Harrison informed the Meeting that UNDP and UNAIDS had been supporting governments to hold separate consultations on intellectual property issues, including the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS), as legal and policy barriers to access to treatment, and to link these dialogues with broader processes. Reviews or consultations specific to intellectual property issues had been held in several countries in the region, including China, Cambodia, Indonesia, Myanmar, Papua New Guinea, and Viet Nam.

11. Ms. Harrison reviewed the successful aspects of the national consultations conducted in the region to date, including Government leadership and participation in steering committees to organize national reviews and consultations in countries such as Bangladesh, Cambodia, Indonesia and Myanmar, the pooling of funding and leveraging of resources, the active engagement of communities in planning and participating in consultations, and the creation of linkages with existing national coordination mechanisms. Additionally, the Ad Hoc United Nations Regional Interagency Team on AIDS (UN-RITA) on Enabling Legal Environments, chaired by UNDP and ESCAP and supported by the UNAIDS Regional Support Team for Asia and the Pacific, had proved a successful mechanism for information sharing and coordination of support to legal reviews, consultations and related programmatic efforts at the regional level.

12. Ms. Harrison emphasized that most of the national consultations had resulted in a consensus-based action plan for addressing priority legal and policy barriers by 2015, supported by various multi-stakeholder coordination mechanisms, which were in turn, vested with a mandate to ensure the implementation of the action plan. She noted that certain challenges remained around maintaining momentum, focus and ensuring an inclusive process in the implementation of the national action plans. The Expert Group Meeting on the Implementation of National Reviews and Consultations on Legal and Policy Barriers to Universal Access to HIV Services to be

organized by ESCAP, UNAIDS and UNDP during the first quarter of 2014 would support countries in the region to plan and implement concrete actions to address legal and policy barriers to achieving universal access to HIV and AIDS prevention, treatment, care and support. A regional strategy for United Nations support to countries in conducting and following up with national reviews and/or consultations on legal and policy barriers to universal access to HIV services would also be agreed upon during the course of that Meeting.

13. Ms. Harrison ended by indicating the achieved impact in the region so far, including improved strategic information on the impact of legal environments on HIV responses at the country level, legal reforms in countries such as Bangladesh and Viet Nam, policy reforms in countries including Solomon Islands and Vanuatu, and the increased engagement of key partners.

14. In the discussion that followed, it was recommended that the discussion on HIV services should be two-pronged. One area of focus should be the affordable access to HIV drugs, whilst the other should focus on legal and policy barriers to HIV services, such that the former does not dominate the latter. In addition, it was cautioned that countries should be encouraged to allow for sufficient time to ensure an effective, high-quality review and consultation process. Furthermore, the Meeting emphasized that it was critical to ensure the involvement of parliamentarians and to consider the strategic value of the involvement of the media in the consultations. The Meeting also suggested that it would be useful to have a preparatory meeting with civil society representatives prior to national and regional consultations in order to allow representatives of key populations time to discuss and refine their positions. In this regard, it was reiterated that national consultations on legal and policy barriers were an ongoing process and thus, future consultations could be improved as a result of past experience.

15. There was an observation made that, given the difficulty in changing laws themselves, efforts should be focused on identifying where there was a lack of protective legislation, areas for strengthening the enforcement of existing protective laws, and improving access to justice as a means of changing how existing laws were being applied, including by working with police and health care providers. In

addition, it was remarked that issuing executive orders or directives could improve the way that laws were enforced or implemented. Additionally, it was highlighted that supporting changes in local laws and local ordinances were also very effective strategies for creating enabling legal and policy environments.

16. During the Meeting, the case of Mongolia was highlighted as a good practice for two reasons. First, although the country had not held a national consultation on legal and policy barriers as set out in the Guidance Document¹, there had been an ongoing dialogue involving parliamentarians and the LGBT community on reviewing existing punitive measures and the criminal code. Second, the country had innovatively used funds earmarked for activities focusing on men who have sex with men (MSM) and transgender persons as an entry point for engaging with other key populations. It was emphasized that success stories such as this helped to build the momentum for advancing enabling legal and policy environments for the HIV and AIDS response in the Asia-Pacific region. The Meeting noted that regional partners had an opportunity to use the results of national consultations as an evidence base for governments and CSOs to access resources from the Global Fund to Fight AIDS, Tuberculosis and Malaria's new funding model. Supporting national stakeholders to integrate the outcomes of the national reviews and consultations into national planning for HIV responses and funding proposals would be key to ensuring impact and leveraging the resources needed for follow up.

IV. THE HIV AND AIDS RESPONSE IN ASIA AND THE PACIFIC: UNTIL 2015 AND BEYOND

17. Mr. Steve Kraus, Director, UNAIDS Regional Support Team for Asia and the Pacific, facilitated the discussion during Session IV on "The HIV and AIDS Response in Asia and the Pacific: Until 2015 and Beyond." Mr. Kraus acknowledged the strong partnership between UNAIDS and ESCAP in supporting Asian and Pacific governments to commit to regional-specific action on HIV and AIDS. He highlighted

¹ *Creating Enabling Legal Environments: Conducting national reviews and multi-sectoral consultations on legal and policy barriers*, available from:
http://www.undp.org/content/rbap/en/home/library/hiv_aids/creating-enabling-legal-environments--conducting-national-review.html.

the importance of reviewing both the lessons learned from the recently held Eleventh International Congress on AIDS in Asia and the Pacific, including discussions during the Congress on the inclusion of HIV and AIDS in the development agenda beyond 2015.

18. Mr. Pradeep Kakkattil, Deputy Director, UNAIDS Regional Support Team for Asia and the Pacific, presented the experiences and lessons learned from the Eleventh International Congress on AIDS in Asia and the Pacific (ICAAP-11). He highlighted that the discussions at ICAAP-11 highlighted the need for focus (both geographically and on key populations), the need to position MSM issues at the centre of HIV responses in the region, as well as emphasized the need for innovation in responses, including consensus around community-based testing and treatment and the need for smarter and more innovative financing of HIV responses.

19. Mr. Kakkattil outlined that the key successes of ICAAP-11 included wide media coverage, large participation by persons who had not previously attended ICAAP, particularly young people, and the placement of MSM and transgender issues at the forefront of the Congress. In addition, he noted the high level of engagement by key stakeholders, as well as the excellent use of technology. The presenter illustrated that some of the areas for improvement in future congresses, including organizing fewer sessions and avoiding simultaneous scheduling of sessions on similar issues. He ended by presenting the key messages that emerged from the Congress, which were as follows: i) HIV is still relevant and should not be left out of the development agenda beyond 2015; ii) there is a broad consensus on the need for greater focus in HIV responses– both geographically and in emphasizing on key populations; ii) there is a need to scale up treatment, including through prioritizing community-based testing and treatment; iii) all key stakeholders recognize the changing financial landscape and the need for domestic resource mobilization and prioritisation to avoid dependency on external funding sources; and iv) There is a need for human rights-centred responses to address stigma and discrimination.

20. Following the presentation, the Meeting discussed the main purpose of ICAAP as a platform for networking and sharing of experiences of the reality on the

ground. In this regard, it was agreed that the Congress was a good opportunity to generate consensus and momentum that can be taken back to countries in the region. However, it was agreed that ICAAP-11 was a missed opportunity for community and political leaders to directly engage with each other.

21. It was recommended that the rapporteurs' summaries of sessions and the community newsletter distributed during ICAAP be used as sources of the critical areas for action after the Congress, including in the preparation of documentation for the 2014 Asia-Pacific High-level Intergovernmental Meeting on HIV and AIDS to be convened by ESCAP and UNAIDS, and other partners from the United Nations system. There was also concern expressed with regard to the role of the AIDS Society of Asia and the Pacific (ASAP) as the custodian of the Congress.

22. Mr. Srinivas Tata, Chief, Social Policy and Population Section, SDD, ESCAP, presented the key elements of health-related discussions on the development agenda beyond 2015, which had focused to date on universal health care coverage, non-communicable diseases, and the key determinants of health. He also outlined the United Nations System Task Team inputs which included the proposal of one overreaching health goal together with a hierarchy of more sectoral and programme-specific goals, targets and indicators. Additionally, he noted that the High-level Panel to advise the United Nations Secretary-General on the global development agenda beyond 2015 recommended twelve illustrative goals, which included one goal on the need to ensure healthy lives. Going forward, Mr. Tata emphasized the need to advocate for the inclusion of an independent goal on health in the final proposal on the Sustainable Development Goals (SDGs), to set clear targets and indicators, to integrate health and HIV into other proposed SDGs, as well as to promote national level advocacy and capacity building.

V. PLANS FOR THE ASIA-PACIFIC HIGH-LEVEL INTERGOVERNMENTAL MEETING ON HIV AND AIDS

23. Ms. Nanda Krairiksh, Director, SDD, ESCAP, indicated that the purpose of the session was to initiate early consultations with civil society and other partners in

the planning of the forthcoming Asia-Pacific High-level Intergovernmental Meeting on HIV and AIDS, which was scheduled to be held in September 2014. The Intergovernmental Meeting was part of the planned activities under the ESCAP Roadmap to 2015 adopted by member States at the 2012 Asia-Pacific High-level Intergovernmental Meeting on the Assessment of Progress against Commitments in the Political Declaration on HIV/ AIDS and the Millennium Development Goals.

24. The above-mentioned 2012 Intergovernmental Meeting, convened by ESCAP in cooperation with UNAIDS, UNDP, UNODC, UNFPA, UN Women, UNICEF, and WHO, had been pioneering in bringing together multi-ministerial representatives from a range of sectors, including justice, law enforcement, drug control, health/HIV, and social welfare and protection, to review together legal barriers impeding universal access, particularly for key populations.

25. The outcome of the 2012 Intergovernmental Meeting, namely the endorsement of a regional Roadmap for national legal reviews and reform was a key milestone for the Asia-Pacific region. Under the roadmap, the forthcoming 2014 Intergovernmental Meeting would, *inter alia*, serve as a regional review platform to assess progress and gaps by member States in their implementation of the ESCAP Roadmap. Therefore, a useful accountability mechanism had been integrated in the Roadmap by member States for follow-up purposes.

26. As an input for the Intergovernmental Meeting, Ms. Krairiksh informed the Meeting that a regional intergovernmental survey would be conducted in early 2014 on the implementation by member States of ESCAP resolutions 66/10 and 67/9. Ms. Krairiksh indicated that the survey was intended to add value to the on-going work of UNAIDS. UNAIDS endorsed this approach and suggested that the survey focus on measuring progress in meeting region-specific commitments that were not included in the 2011 Political Declaration on HIV/ AIDS.

27. Ms. Krairiksh attributed the success of the 2012 Intergovernmental Meeting to the strong role of civil society in advocacy and the partnership among UN system partners, which had resulted in bringing together the resources and networks of the UN system at the regional and national levels. Ms. Krairiksh stressed that the lessons learned and good practices adopted for the 2012 Intergovernmental Meeting should

provide a basis for the planning of the forthcoming Intergovernmental Meeting, which was proposed to be held from 22-24 September 2014 in Bangkok.

28. Ms. Tracey Tully, Advocacy and Communications Officer, Asia Pacific Network of Sex Workers (APNSW), indicated that civil society had been very happy with ESCAP's inclusive approach in engaging communities in the planning and convening of the 2012 Intergovernmental Meeting, and commended it as a model for the holding of future meetings.

29. The Meeting endorsed, in principle, the above-mentioned dates (22-24 September 2014), bearing in mind that there was a possibility that the dates would coincide with a one-day special session of the General Assembly in New York on the follow-up to the Programme of Action of the International Conference on Population and Development beyond 2014.

30. In the discussions that ensued, there was consensus on the critical need to ensure the inclusion of civil society views in the Intergovernmental Meeting and its preparatory process, including in the planned survey on implementation of ESCAP resolutions 66/10 and 67/9, in order to ensure a holistic picture of the challenges in implementation of the resolutions, particularly on the ground. Additionally, the Meeting recommended that the model of civil society consultation for the Intergovernmental Meeting and its preparatory process follow the same approach as was done during the 2012 HIV Intergovernmental Meeting as well as the Sixth Asian and Pacific Population Conference (APPC) that had been recently convened by ESCAP in cooperation with UNFPA. ESCAP indicated that the success of the APPC, including its ground breaking outcome document that, *inter alia*, recognized "sexual orientation and gender identity" and "sexual and reproductive health and rights", was due in large part to the constructive engagement between governments and civil society.

31. The Meeting also suggested that ESCAP encourage Governments to include civil society representation in national delegations to the Intergovernmental Meeting, as had been done for the 2012 Intergovernmental Meeting. It was proposed that ESCAP inform regional civil society organization networks of the composition of the national delegations so that consultations at the national level could be held to

prepare position papers in advance of the Intergovernmental Meeting to support delegates' participation in the Intergovernmental Meeting.

32. In terms of the key topics to be addressed at the Intergovernmental Meeting, it was agreed that, aside from the focus on addressing legal and policy barriers to universal access, particularly for key populations, the issue of financing should be also addressed at the Meeting. In that regard, the Meeting suggested that invitations to the Intergovernmental Meeting be extended to the Asian Development Bank, the World Bank and the Global Fund to Fight AIDS, Tuberculosis and Malaria.

33. Under the framework of legal and policy barriers, UNICEF requested consideration of the issue of parental consent for adolescents and young people be highlighted.

34. Mr. Kraus pointed out that goal 7 of the 2011 Political Declaration on HIV and AIDS (Eliminate gender inequalities and gender-based abuse and violence and increase the capacity of women and girls to protect themselves from HIV) was not accompanied by indicators to measure progress in meeting the commitment. As such, participants recognized the importance of identifying two or three indicators to monitor progress in meeting that commitment. The Meeting also acknowledged synergies could be achieved between the Intergovernmental Meeting with the Beijing+20 regional review conference to be convened by ESCAP in cooperation with UN-Women from 10 to 14 November 2014.

35. The main decisions from this session were as follows:

- i) The Intergovernmental Meeting was tentatively scheduled to be held from 22 to 24 September 2014.
- ii) The documentation for the Intergovernmental Meeting would be prepared on the basis of a survey to assess region-specific commitments, including ESCAP resolutions 66/10 and 67/9. The survey instrument would be developed in collaboration with United Nations partners and civil society.

iii) ESCAP in cooperation with UNAIDS, and other interested UN partners, would hold further planning sessions with civil society, including on the preparation of the relevant background documents for the Intergovernmental Meeting.

iv) Participation at the Intergovernmental Meeting would follow the same precedent, as established by the 2012 Intergovernmental Meeting, where countries were encouraged to nominate senior officials from the following sectors: public security; law enforcement; drug control; health and/or National Commission on AIDS; and social welfare/protection. Invitation letters would also suggest the inclusion of civil society representatives as members of national delegations.

v) Invitations would be extended widely to civil society organizations operating at the regional and subregional levels, and not be limited to only those with ECOSOC accreditation.

vi) The agenda of the Intergovernmental Meeting would focus on legal barriers to effective HIV responses, including national progress in the implementation of the 2011 Political Declaration on HIV/AIDS and ESCAP resolutions 66/10 and 67/9. The issues related to financing programmes on HIV would also be integrated into the agenda.

vii) A meeting with regional civil society organization networks would be scheduled in early 2014 to map civil society engagement in the Intergovernmental Meeting and its preparatory process, including views on organizing a civil society forum immediately prior to the Intergovernmental Meeting.

viii) ESCAP would consult with UNAIDS and enquire with other United Nations entities about their interest in co-organizing/sponsoring the Intergovernmental Meeting.

ix) The Expert Group Meeting on Implementation of Legal Reviews and Consultations would be re-scheduled for the first quarter of 2014 at a date to

be agreed by UNDP, ESCAP and UNAIDS. Outputs of this meeting would inform the Intergovernmental Meeting.

VI. MEETING EVALUATION AND CLOSING

36. On behalf of the Meeting organizers, Mr. Steve Kraus, Director, UNAIDS Regional Support Team for Asia and the Pacific, thanked all the participants for their continued commitment and active participation. He emphasized the intrinsic link between justice and human rights in ensuring access to and quality of HIV services. He referred to the fact that participants at the 17th International Conference on AIDS and STIs in Africa (ICASA) committed to ending AIDS and ensuring zero HIV by 2030. Mr. Kraus added that this was a true testament to the host country of South Africa, which included freedom from discrimination on the basis of sexual orientation in their constitution promulgated by President Nelson Mandela. Mr. Kraus stated that it was time to reject double standards and end the discrimination against key populations. He ended by emphasizing that the organizers were looking forward to working closely with its partners in the preparatory process for the Intergovernmental Meeting.

ANNEX I

LIST OF PARTICIPANTS

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