



**Issue Paper for the Session:  
Challenges and Opportunities in Implementing Rights-Based  
Approaches to HIV  
*UNAIDS: Challenges and Opportunities at the Country Level***

**Defining the Issue**

1. UNAIDS has been quite successful in placing the epidemic on global and national agendas and gaining widespread commitment to greater funding.<sup>1</sup> Now UNAIDS is concentrating on making these achievements produce successful results against national epidemics. Towards this end, the UNAIDS Secretariat has restructured itself to increase its capacity to support countries and is promoting a number of principles and operational concepts to increase aid effectiveness. The following overview describes these developments in terms of opportunities and challenges to support rights-based approaches at country level.

**UNAIDS Secretariat reorganization**

2. Both the Country and Regional Support Department (CRD) and the Policy, Evaluation and Partnerships Department (PEP) (formerly SMI, Social Mobilization and Information) have undergone significant structural changes this year in order to enhance the primacy of country support in the work of the UNAIDS Secretariat. With regard to CRD, this includes reorganization, as well as a significant increase in the numbers of UNAIDS Secretariat staff in countries. In Geneva, CRD has brought together a team of Geographic Liaison Managers in the Country Programming and Liaison unit to provide technical support to regional and country teams and to facilitate contact with other technical support. In the field, the UNAIDS Secretariat has created seven Regional Support Teams (Asia and Pacific; East and South Asia; West and Central Africa; Middle East and North Africa; Caribbean; Europe; Latin America) comprising 47 staff members. At country level, the staffing situation at present is the following: 65 UNAIDS Country Coordinators, 24 UNAIDS Country Officers, 17 Social Mobilization Officers, 29 Monitoring and Evaluation Officers, and some additional 50 staff members in various professional roles. The reorganisation has strengthened UNAIDS regional and country presence, moved decision-making closer to the point of programme delivery, and among other things, enhanced capacity to mobilise civil society and to monitor and evaluate programmes.
3. CRD has also led the development of the UNAIDS Secretariat Country and Regional Implementation Support Plan (CRISP) in an effort to improve work planning, strengthen cross-departmental and cross-divisional coordination, and avoid duplicative and overlapping functions. The Plan is also intended to link the UNAIDS Unified Budget and Workplan – the biennial programme for the Secretariat and ten Cosponsors – and the country-level programming and planning processes of the UNAIDS Secretariat. The Plan sets out in detail the objectives and tasks to be undertaken by different UNAIDS Departments/Divisions and Teams to support country work, including those related to human rights.
4. Notably, the CRISP outlines responsibilities with regard to the promotion of a human rights-based approach to the epidemic.<sup>2</sup> UNAIDS Country Coordinators and officers are directed to support initiatives that address human rights issues arising in the context of relevant legislation; discrimination against people living with HIV; the rights of women, children and vulnerable groups; and initiatives challenging harmful gender norms, harmful customary law and harmful traditional

<sup>1</sup> UNAIDS (2002), Five-year Evaluation of UNAIDS: Final Report. UNAIDS/PCB(13)/02.2. [http://www.unaids.org/html/pub/governance/pcb03/pcb\\_13\\_02\\_02\\_en\\_pdf.pdf](http://www.unaids.org/html/pub/governance/pcb03/pcb_13_02_02_en_pdf.pdf) See also Thirteenth meeting of the Programme Coordinating Board, Decisions, Recommendations and Conclusions. Lisbon, Portugal, 2002. [http://www.unaids.org/html/pub/governance/pcb03/pcb\\_13\\_02\\_07\\_decisions\\_en\\_pdf.pdf](http://www.unaids.org/html/pub/governance/pcb03/pcb_13_02_07_decisions_en_pdf.pdf)

<sup>2</sup> UNAIDS Country and Regional Implementation Support Plan (CRISP) 2005-2007 (version: 22 July 2005), Key Result 8: Support to Country Level Programming Scale Up, para 9, at p.44.

practices. UNAIDS staff are directed to provide support to civil society groups working on human rights, ethics and law in relation to women, people living with HIV, and members of marginalized groups. UNAIDS staff are also to ensure that human rights and gender are effectively integrated into national plans and their implementation, including through the facilitation of the participation of human rights actors in national partnership forums and participatory reviews of national AIDS action frameworks, and through the inclusion of networks of people living with HIV, youth organisations, women's groups and faith-based organisations, amongst others, in the national AIDS response.

5. UNAIDS Executive Director Peter Piot recently underlined in his speech to the 3rd IAS Conference on HIV Pathogenesis and Treatment that there are four “non-negotiables” in everything UNAIDS does: “One is the promotion of human rights when it comes to fighting AIDS. Two is equality between men and women; three, that science is the basis of our work; and four, is accountability, not only to the funders, those who give us money, but also to the people with whom we work.”<sup>3</sup> The restructuring of Department of Social Mobilization and Information (SMI) into the Department of Policy, Evidence and Partnerships (PEP) follows broadly these imperatives. It is intended to increase policy coherence in the response, enhance the development and strategic use of evidence (now more needed than ever), and broaden and support the involvement of civil society, including women and people living with HIV.
6. The reorganization of the UNAIDS Secretariat, the increase in UNAIDS Secretariat staff and its greater capacity to provide support to countries provide expanded opportunities to influence national level responses towards rights-based approaches. However, significant challenges remain. These include: articulating a coherent, action-oriented, programmatic response to HIV-related rights understandable to staff, government and other partners; building cross-cutting capacity in issues of human rights and gender; motivating staff and governments with regard the promotion of rights-based and gendered approaches, including their acceptability and added-value; getting political and financial support for such approaches; fitting them into current national plans, frameworks and monitoring and evaluation systems, or changing these as need be; and taking right-based approaches to meaningful scale.

#### **Aid effectiveness: the Three Ones**

7. The response to the AIDS epidemic is furthering the elaboration of the concept of “international assistance and cooperation” along two important lines – quantity of assistance and quality of assistance. Having promoted greater funding for the epidemic, UNAIDS is now promoting more efficient and accountable funding mechanisms among donors and for recipient countries. In terms of aid effectiveness at country level, there have always been significant challenges in the response to AIDS (and development) with regard to: (a) coordination among those providing assistance (multilaterals and bilaterals) and those receiving it (various government and nongovernmental entities); (b) information-sharing and dialogue among government ministries, international aid agencies, community-based organizations and other players carrying out AIDS interventions, and (c) inefficiency stemming from parallel financing, planning, programming and monitoring efforts. These challenges have increased as the response to AIDS has become more multi-sectoral and dimensional, as well as the object of more funding modalities.
8. On 25 April 2004, UNAIDS and the governments of the United Kingdom and United States co-hosted the Consultation on Harmonization of International AIDS Funding in Washington, DC. At the consultation, representatives from donor and host countries and international organizations formally endorsed the “Three Ones” principles and agreed to collaborate to support their implementation. The Three Ones are: one agreed HIV and AIDS action framework, one national AIDS coordinating authority, and one agreed monitoring and evaluation framework.

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<sup>3</sup> “Special Lecture – The Status of the Response: What will it take to turn the epidemic around?” 3rd IAS Conference on HIV Pathogenesis and Treatment, Rio de Janeiro, 27 July 2005.

9. UNAIDS is providing assistance to country-led efforts to apply the Three Ones principles, and intensive assistance to implement the Three Ones in 12 countries (Ethiopia, Haiti, India, Indonesia, Kenya, Malawi, Mali, Mozambique, Tanzania, Ukraine, Viet Nam and Zambia.) The following global targets have been established:
  - 'First One' Target - One comprehensive national AIDS framework, fully costed (i.e., with work plan and budget), negotiated and endorsed by key stakeholders in 15 countries by the end of 2005 and in 20 additional countries by the end of 2006;
  - 'Second One' Target - One national AIDS coordinating authority, recognized in law and with broad-based multisectoral support and full technical capacity for coordination, monitoring and evaluation, resource mobilization, financial tracking, and strategic information management in 15 countries by the end of 2005;
  - 'Third One' Target - One national monitoring and evaluation system, integrated into the national AIDS framework, with a set of standardized indicators endorsed by key stakeholders in 20 countries by the end of 2005.
  
10. The Three Ones present significant opportunities to implement key human rights principles in the following terms:
  - one action framework - that is inclusive and ensures a wide-range of actors (e.g. government, multi and bilaterals, civil society, people living with HIV, human rights groups and institutions) and beneficiaries (e.g. women, people living with HIV, the poor, the marginalized, the most at risk)
  - one coordinating authority that ensures government responsibility and accountability and has a broad base that includes not just the health ministry but also labour, interior, legislature, judiciary, law enforcement, and armed forces;
  - one monitoring and evaluation system that enables accountability and provides opportunities to disaggregate data by sex, age, ethnicity and income and track discrimination on basis of HIV and other relevant categories.
  
11. The challenges, however, comprise:
  - How would a rights-based approach reorient the approach to the Three Ones in political and programmatic terms and what would the value added be?
  - How to "operationalize" rights in the context of the Three Ones?
  - How to encourage/ensure that governments/the UN system/bilaterals/civil society to include human rights actors and perspectives in the implementation of the Three Ones?
  - How to encourage/ensure that governments/the UN system/bilaterals/civil society provide adequate political and financial support to rights-based approaches including law reform and appropriate enforcement, campaigns against stigma and harmful gender norms, and disaggregation of data according to relevant categories?

#### **Aid Effectiveness: the Global Task Team**

12. Recognizing the urgent need to ensure that money currently available for AIDS is provided and used more efficiently at country level, a Global Task Team on Improving AIDS Coordination Among Multilateral Institutions and International Donors, made up of some 55 governments and organizations, and facilitated by the UNAIDS Secretariat, was formed in March 2005 to make recommendations on:
  - coordination within international institutions, including the United Nations, Global Fund and World Bank, to resolve areas of duplication and gaps in the global response to AIDS; and
  - ways by which the multilateral system can streamline, simplify and harmonize their AIDS and funding procedures and practices to ensure that AIDS responses are country-led, are responsive to country needs, and do not place undue burdens on countries.

13. Prior to the meeting of the UNAIDS Programme Coordinating Board in June 2005, the Global Task Team submitted a report containing 10 actionable recommendations for change.<sup>4</sup> The recommendations underline that countries must lead an inclusive AIDS response with concrete action plans, and international organizations must ensure that they are operating in response to country plans and in harmony with each other. The recommendations represent an implicit rights-based approach as they are explicitly grounded in principles of national ownership and responsibility, inclusiveness, and international alignment and accountability. The challenges include articulating how and why the recommended actions should be driven by human rights concerns, and how to ensure in concrete terms that an “effectiveness agenda” is also a human rights agenda in terms of processes, coverage and outcomes.

#### **Development, AIDS and human rights and UN reform agendas**

14. The international community has already engaged in considerable efforts to streamline, harmonize, and strengthen the development cooperation field. The most recent advance on this front was the March 2005 Paris Declaration on Aid Effectiveness of the OECD Development Assistance Committee (DAC), which is the culmination of several years of earlier commitments to improve the effectiveness of the international community’s action for development. For the last several years, UNAIDS, donors and recipient countries have recognized that, given the links between development and AIDS, efforts to eradicate AIDS must be located in efforts that support development and in efforts to streamline development cooperation. The Global Task Team has also seen the importance of mainstreaming AIDS efforts through development processes and reforms, stating that coordination, alignment and harmonization must be strengthened in the context of the “Three Ones” principles, UN reform, the Millennium Development Goals, and the OECD/DAC Paris Declaration on Aid Effectiveness.<sup>5</sup> These efforts are essential for the rapid and effective scale-up of the AIDS response.
15. For some years, the UN Secretary-General has promoted UN reform at country level, by seeking to harmonize UN country support through the UN Country Teams under the UN Resident Coordinators. In *In Larger Freedom*,<sup>6</sup> the UN Secretary General has advocated major UN reform which includes a much stronger UN Human Rights Council and a much stronger, more operational Office of the High Commissioner for Human Rights. This is in part based on his belief that “we will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights.”<sup>7</sup> In 2003, the UN developed its Common Understanding to Rights-based Approaches to Development.<sup>8</sup> In October 2004, the Secretary-General’s Office launched Action 2, which is an effort to get all UN country teams to ensure that human rights are mainstreamed throughout UN activities at country level, including through all development assistance.
16. As the development, human rights and AIDS agendas are brought closer together, there should be greater opportunities, as well as obligations, to promote rights-based approaches to development, to AIDS and to both together at country level. Because there is greater understanding and acceptance of the links between development and AIDS and development and human rights, there should be greater opportunities to increase the acceptance of the links

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<sup>4</sup> UNAIDS (2005), Global Task Team on Improving AIDS Coordination among Multilateral Institutions and International Donors Final Report. Geneva: Joint United Nations Programme on HIV/AIDS.

[http://www.unaids.org/html/pub/publications/irc-pub06/jc1125-globaltaskteamreport\\_en\\_pdf.pdf](http://www.unaids.org/html/pub/publications/irc-pub06/jc1125-globaltaskteamreport_en_pdf.pdf)

<sup>5</sup> Organisation for Economic Co-operation and Development, Development Assistance Committee (2005), Paris Declaration on Aid Effectiveness. Paris High-Level Forum, 28 Feb – 2 Mar 2005.

<http://www1.worldbank.org/harmonization/Paris/FINALPARISDECLARATION.pdf>

<sup>6</sup> Report of the Secretary-General (2005), *In Larger Freedom: towards development, security and human rights for all*. A/59/2005.

<sup>7</sup> *Ibid*, at para 17.

<sup>8</sup> “The Human Rights Based Approach to Development Cooperation – Towards a Common Understanding Among the UN Agencies”, The Second Interagency Workshop on Implementing a Human Rights-based Approach in the Context of UN Reform, Stamford, CT, USA, 5-7 May 2003.

[http://www.undp.org/governance/docshurist/030617Stamford\\_Final\\_Report.doc](http://www.undp.org/governance/docshurist/030617Stamford_Final_Report.doc)

between human rights and AIDS. There should also be greater opportunities to promote rights-based responses to AIDS through UN activities and assistance at country level. This would be particularly the case if the Office of the High Commissioner for Human Rights, with whom UNAIDS Secretariat has a close working collaboration,<sup>9</sup> is significantly strengthened in terms of its field presence. However, it is not yet clear how successful the reform proposals of the Secretary-General will be, and there are political forces that do not support stronger human rights mechanisms or the use of rights-based approaches. Furthermore, Action 2 is in its infancy and – depending on the direction and shape of UN reform proposals – may or not be strengthened and implemented.

**Questions for discussion:**

- a) How would the Reference Group advise the UNAIDS Secretariat to promote rights-based approaches to HIV at country level given its current functions and structures?
- b) Are there ways that the present approaches to addressing aid effectiveness might be modified to more explicitly address human rights, or make use of human rights-based approaches?
- c) What can human rights mechanisms and approaches – for example, those related to the right to development – bring to the aid effectiveness agenda and how might UNAIDS make use of them?

**Supporting documents**

1. UNAIDS (2005), The “Three Ones” in Action: where we are and where we go from here. Geneva: Joint United Nations Programme on HIV/AIDS. [http://www.unaids.org/html/pub/publications/irc-pub06/jc935-3onesinaction\\_en\\_pdf.pdf](http://www.unaids.org/html/pub/publications/irc-pub06/jc935-3onesinaction_en_pdf.pdf)
2. UNAIDS (2005), Global Task Team on Improving AIDS Coordination among Multilateral Institutions and International Donors Final Report. Geneva: Joint United Nations Programme on HIV/AIDS. [http://www.unaids.org/html/pub/publications/irc-pub06/jc1125-globaltaskteamreport\\_en\\_pdf.pdf](http://www.unaids.org/html/pub/publications/irc-pub06/jc1125-globaltaskteamreport_en_pdf.pdf)

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<sup>9</sup> At present, the UNAIDS Secretariat and the Office of the High Commissioner for Human Rights collaborate on a number of initiatives including providing information on HIV-related human rights issues to the human rights treaty bodies and special rapporteurs. Further consideration is needed with regards to how to best make use of human rights frameworks and mechanisms to further the aid effectiveness agenda and rights based responses to HIV.