



**Issue Paper for the Session:
Update on 2006 High-Level Meeting on AIDS –
Review of Government and Civil Society Country Reports**

Defining the Issue

1. One of the key gaps identified in the 2003 review of the implementation of the Declaration of Commitment on HIV/AIDS (DOC), was the lack of attention to human rights in the responses from governments. Leading up to the 2005 government reporting effort, UNAIDS revised its Guidelines for Core Indicators, including the National Composite Policy Index, and as discussed at previous Reference Group meetings, efforts were made to better capture human rights concerns. Under these revised guidelines, over 100 reports were submitted by governments by the end of March 2006. A parallel process resulted in the production of 26 “shadow reports” by civil society organizations. A human rights-based review of these reports is critical to ensure human rights are addressed sufficiently in the events surrounding the High Level Meeting, and subsequently to support UNAIDS in setting national-level priorities from a human rights perspective in its future work. This issue paper will present outcomes of the preliminary review of government reports done by the Reference Group Secretariat (Program on International Health and Human Rights).

Preliminary review of country reports from a human rights perspective

2. In February 2006, UNAIDS asked the Reference Group Secretariat to conduct a macro review and content analysis of the government reports received to identify major trends and gaps regarding HIV-related human rights issues in time for input into the Secretary-General's Report, as well as the Report on the Global AIDS Epidemic (to be released prior to the XVI International AIDS Conference). The Secretary General's Report focuses on progress made on the implementation of the DOC up through the end of 2005.
3. The secretariat reviewed the then available 64 country reports and 14 civil society reports, and a brief analysis of these reports was submitted to UNAIDS. In addition, graphs were put together using data derived from the two questions at the end of the NCPI human rights section. These questions attempt to capture governments' self-reported ratings on the existence and enforcement of laws and policies that promote and protect human rights in the context of HIV and AIDS. As government reports came in they were added to these materials, and statistics on a total of 91 countries were included in the final analysis submitted to UNAIDS. Since completion of this analysis, more reports have come in but these have not yet been reviewed.
4. The analysis and graphs summarize the key conclusions identified. In addition, four outcomes of this review are worth noting:
 - 1) Overall, governments are reporting increased attention to human rights in their response to HIV/AIDS, even as this is still not sufficient.
 - 2) Even where governments report the existence of laws and policies to promote human rights, implementation is weak.
 - 3) There is a positive trend in governments' willingness to acknowledge the existence of laws and policies that are obstacles to the success of HIV prevention and care policies and programmes, and to acknowledge that underlying determinants of vulnerability such as gender and poverty will need to be addressed in order to ensure access to HIV prevention and care, even in the context of an ostensibly conducive legal and policy environment.

- 4) The subjective nature of the questions (all NCPI indicators are self-reported yes/no questions), provides an incomplete, and potentially unrealistic, picture. Analysis in conjunction with the narrative reports from governments and civil society highlights additional challenges and gaps.

Next Steps: Setting Priorities at the Country Level

The lessons learned and gaps highlighted from this initial review make it clear that a much more thorough analysis of the information contained in these reports is needed. This can serve three main purposes:

- 1) to identify and understand national level governmental and civil society engagement to HIV and AIDS from a human rights perspective;
- 2) to provide UNAIDS with a detailed analysis from a human rights perspective of the reports; and
- 3) to support UNAIDS in determining and setting national-level priorities from a human rights perspective beyond the AIDS Review 2006.

Question for discussion:

- Based on these preliminary findings and the data that exists, what are the Reference Group's recommendations to UNAIDS on how to strengthen and ensure attention to human rights at the national level: a) at the 2006 High Level Meeting; and b) beyond.

This issue paper was prepared by the Reference Group Secretariat to facilitate discussion at the Reference Group's April 2006 meeting.