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# NATIONAL DIALOGUES ON HIV AND THE LAW

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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

# ACKNOWLEDGMENTS

The 'National Dialogues on HIV and the Law: A Practical Manual for UNDP Regional HIV Teams and Country Offices' was written by Ian Grubb, in collaboration with Tenu Avafia, UNDP Cluster Leader a.i. Governance and Human Rights, and Emilie Pradichit, UNDP Human Rights Consultant for the HIV, Health and Development Group. The document aims to support UNDP staff members in Regional Service Centres and Country Offices and other national stakeholders thinking about or planning to hold a National Dialogue on HIV and the law.

Special thanks to all UNDP colleagues who provided insightful comments and suggestions for the improvement of the document: Mandeep Dhaliwal, Director, HIV, Health and Development Practice; Kitty Grant, Consultant; Amitrajit Saha, Senior Advisor; Vivek Divan, Policy Specialist; Tania Martins Fidalgo, Policy Analyst; Maria Tallarico, Regional HIV Team Leader for Latin America; Edmund Settle, UNDP Policy Adviser; Ferdinand Strobel, Programme Specialist; Boyan Konstantinov, Programme Specialist; Ludfine Anyango, Programme Officer; Philip Castro, Programme Officer; Alka Narang, Assistant Country Director, and Angela Pires Pinto, Programme Officer.

Thanks also go to Tilly Sellers, Regional HIV Team Leader, UNDP Regional Centre for Africa and Nadia Rasheed, UNDP Practice Manager, HIV, Health and Development Practice, for their final review and inputs.

Copy-editing by Ms. Anaga Dalal.

Design by Createch Ltd.

# 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 HIV epidemic.

In 2001 and 2006, all UN member states made a commitment to strengthen laws that eliminate discrimination against people living with HIV and vulnerable groups, and ensure that they enjoy the full range of their human rights and can access health care and legal protection without prejudice. These commitments were reiterated in the 2011 Political Declaration on HIV/AIDS when UN Member States pledged to create legal, regulatory and social environments that advance and safeguard dignity, health and justice in the context of HIV. While some progress has been made on these fronts in the last decade, there is still a long way to go.

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<sup>1</sup> The phrase “National Dialogue” is used throughout this manual, but it can be adapted to a specific regional or country context. For example, the term “multi-sector consultations” is preferred in Asia and the Pacific. In Kenya, “National Symposium” was the used term.

Criminalization of HIV status along with discrimination, punitive law enforcement practices, human rights abuses and the failure to enforce protective laws continues to undermine the positive responses to the HIV epidemic in many countries.

### **Key References: HIV, Law and Human Rights**

Global Commission on HIV and the Law, 'HIV and the Law: Risks, Rights & Health', Global Commission on HIV and the Law, New York, 2012, available at: <http://www.undp.org/content/undp/en/home/librarypage/hiv-aids/hiv-and-the-law--risks--rights---health/>.

United Nations General Assembly, 'Declaration of Commitment on HIV/AIDS', A/RES/S/26/2, New York, 2001, available at: <http://www.un.org/ga/aids/coverage/FinalDeclarationHIVAIDS.html>.

United Nations General Assembly, 'Political Declaration on HIV/AIDS', A/RES/60/262, New York, 2006, available at: [http://www.unaids.org/en/media/unaids/contentassets/dataimport/pub/report/2006/20060615\\_hlm\\_politicaldeclaration\\_ares60262\\_en.pdf](http://www.unaids.org/en/media/unaids/contentassets/dataimport/pub/report/2006/20060615_hlm_politicaldeclaration_ares60262_en.pdf).

United Nations General Assembly, 'Political Declaration on HIV and AIDS: Intensifying Our Efforts to Eliminate HIV and AIDS', A/RES/65/277, New York, 2011, available at: [http://www.unaids.org/en/media/unaids/contentassets/documents/document/2011/06/20110610\\_un\\_a-res-65-277\\_en.pdf](http://www.unaids.org/en/media/unaids/contentassets/documents/document/2011/06/20110610_un_a-res-65-277_en.pdf).

UNAIDS, GNP+, IHA, ILGA, IPPF, 'Making the law work for the HIV response: A snapshot of selected laws that support or block universal access to HIV prevention, treatment, care and support', 2010, available at: [http://www.unaids.org/en/media/unaids/contentassets/documents/priorities/20100728\\_HR\\_Poster\\_en.pdf](http://www.unaids.org/en/media/unaids/contentassets/documents/priorities/20100728_HR_Poster_en.pdf).

Human Rights Council, (1995), 'The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS)', General Assembly, A/HRC/RES/16/28, New York, 2011, available at: <http://www.ohchr.org/EN/Issues/HIV/Pages/Documents.aspx>.

Office of the United Nations High Commissioner for Human Rights and UNAIDS, 'International Guidelines on HIV and Human Rights', Switzerland, 2006, available at: [http://www2.ohchr.org/English/issues/hiv/docs/consolidated\\_guidelines.pdf](http://www2.ohchr.org/English/issues/hiv/docs/consolidated_guidelines.pdf).

## **3. THE GLOBAL COMMISSION ON HIV AND THE LAW**



In June 2010, UNDP on behalf of the Joint United Nations Programme on HIV/AIDS (UNAIDS) launched a Global Commission on HIV and the Law. The Commission has been charged with developing evidence-informed and human rights-based recommendations for effective responses to the HIV epidemic that protect and promote the human rights of people living with, and most vulnerable to HIV. The Commission consulted with a range of actors for 18 months, including through a series of Regional Dialogues in 2011, to discuss some of the most challenging legal and human rights issues in the context of HIV. The Commission's report, '[HIV and the Law: Risks, Rights and Health](#)', was released in July 2012. Although every country is guided by its own HIV context, the recommendations of the Commission focus on the need for country level action in the following six key areas within the overall global context:

- HIV-related discrimination;
- Criminalization of HIV transmission, exposure and non-disclosure of HIV status;
- Criminalization of key populations<sup>2</sup> (people who use drugs, sex workers, men who have sex with men (MSM), transgender people, prisoners and migrants);
- Gender-based violence and disempowerment of women;
- Children and youth in the context of HIV; and
- Intellectual property law and access to treatment.

UNDP, which acted as the Secretariat for the Global Commission, is taking a leading role in the implementation of the Commission's report by supporting country-level action on its recommendations.

### **Key References: Global Commission on HIV and the Law**

To view any of the materials relating to the Global Commission on HIV and the Law, see <http://www.hivlawcommission.org>.

## **4. TRANSLATING THE GLOBAL COMMISSION'S REPORT INTO ACTION**

UNDP, working in partnership with UNAIDS and other co-sponsors, governments and civil society, is supporting the work of countries to advance the Commission's recommendations. Since 2012, activities have been documented in 82 countries encompassing the following broad categories:

- Legal Environment Assessments (LEA) or legal audits, including related advocacy;
- Legislative review or legislative reform, including related advocacy;
- National Dialogues on HIV and the law, including action planning;
- Human rights training, capacity strengthening, and consultations with members of the judiciary;
- Parliamentarian outreach, capacity development and consultation;
- Access to justice and legal services, including rights-based trainings for law enforcement;
- Community-based advocacy on stigma and discrimination, including through the media, community and religious leaders.

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2 The term "key populations" is used throughout this manual and includes sex workers, MSM, transgender people and people who use drugs. Depending on the country context, it can include other populations considered key to the national HIV response such as prisoners, migrants and truck drivers. As explained by the UNAIDS terminology, key populations refers to those most likely to be exposed to HIV, or to transmit it. As such, their engagement is critical to a successful HIV response – i.e., they are key to the epidemic and key to the response. See UNAIDS, UNAIDS Terminology Guidelines, Revised Version, Geneva, 2011, available at: [http://www.unaids.org/en/media/unaids/contentassets/documents/unaidspublication/2011/JC2118\\_terminology-guidelines\\_en.pdf](http://www.unaids.org/en/media/unaids/contentassets/documents/unaidspublication/2011/JC2118_terminology-guidelines_en.pdf).



## 4.1 What is a National Dialogue on HIV and the Law?

During its consultation phase in 2011, the Global Commission on HIV and the Law held [seven Regional Dialogues](#) that brought together civil society and government participants in a town-hall style meeting to discuss key HIV-related legal and human rights issues for their respective regions.

Subsequently, a number of country representatives expressed interest in building upon the success of the Regional Dialogues by replicating its process at the national level.

A National Dialogue is a meeting for a range of stakeholders—primarily from government and civil society actors—to share insights and experiences on HIV, law and human rights. It is a policy space where those who influence, write and enforce laws, and those whose lives are impacted by them, engage in constructive, frank and pragmatic dialogue. A National Dialogue may address all legal and human rights issues related to HIV and AIDS in a country, or it may focus on a more limited number of priority issues.

It is recommended that National Dialogues, following the success of Regional Dialogues, should consist of a three- or four-month preparatory and planning phase that culminates in a two-day meeting.

By June 2013, some 24 National Dialogues have either progressed to advanced planning stages or come to fruition. Some of the main goals and outcomes of selected National Dialogues held to date are described in Box 1.

### **Box One:**

### **Countries Leading the Way with National Dialogues on HIV and the Law**

The [Belize National Dialogue](#) held on 12–13 October 2011 and the [Panama National Dialogue](#), held on 5–6 December 2011 led the way with the dialogues. Their purpose was to advance human rights-based legal reforms that are sensitive to the needs of people living with HIV and other vulnerable populations; to raise awareness of human rights and HIV-related legal issues; and to sensitize decision makers and the population at large on human rights and HIV. Promising follow-up plans were taken to strengthen HIV responses and to create enabling legal environments for people living with HIV and other vulnerable populations. For more information, see the [Panama National Dialogue report](#).



The [El Salvador National Dialogue](#), was held on 12–13 June 2012 with the participation of 120 people from civil society, government and other participants considered observers. The objective of the dialogue was to elaborate upon strategies to tackle HIV-related discrimination and identify obstacles as well as best practices. Recommendations were made for each of the specific issues discussed at the National Dialogue including the recommendation to review the national AIDS law. As an outcome of the meeting,

the recommendation on how to ensure access to antiretroviral therapies (ARV) was followed up with trainings on intellectual property, the Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS) and access to medicines as requested by the Ministry of Health.

The [Moldova National Dialogue](#) which took place on 12–13 July 2012, focused on how the country's legal environment promotes an effective AIDS response, and resulted in an [Action Plan](#) to ensure that the law works for people living with HIV. Moldova recently adopted legislative and regulatory amendments to ensure non-discrimination on the grounds of HIV, to put in place safeguards for confidentiality and medical safety as well as to remove HIV as a grounds for restricting people's right to entry and residence.

The Ukraine National Dialogue was held on 27–28 September 2012 with the support of UNDP and the European Union. The exchange led to an Action Plan with recommendations that were used to draft the 2013-2017 Ukraine National AIDS Strategic Plan. The recommendations included provisions on the decriminalization of HIV transmission, non-disclosure of HIV status, and coordination of the health care and social care of people with opioid dependence. Other recommendations included the development of university curricula that tackles HIV-related stigma and discrimination. In addition, the Ukraine National Dialogue led to the creation of a regional network of free legal aid providers for people living with HIV.



The [Kenya National Symposium](#) was held on 30–31 October 2012 with 300 national stakeholders working to advance the findings of the Global Commission on HIV and the Law report. The theme of the symposium was 'Respect! Protect and Fulfill Human Rights'. The meeting aimed to facilitate a dialogue among attendees such as legal professionals, law enforcement agencies, communities of people living with and affected by HIV, key populations, service providers, government officials and institutions that are mandated to protect and

uphold human rights. The symposium issued a number of recommendations that focused on increased advocacy for a legal and human rights-based approach to the HIV epidemic. It was followed by some concrete activities undertaken at the country level by different stakeholders such as a regional [judicial dialogue on HIV, human rights and the law](#) for judicial officers from Eastern and Southern Africa.

The [Costa Rica National Dialogue](#), held on 29–30 November 2012, brought together people living with HIV and key populations to present evidence on issues that were otherwise suppressed by restrictive legal environments. More than 100 people from civil society organizations and the government met to craft solutions to challenges concerning discrimination, education, employment, sex work, police abuse, and access to treatment. Participants pledged to train and sensitize various officials on the rights of people living with and affected by HIV. The Ombudsperson of the National Dialogue vowed to follow up on the requests and feedback from government authorities.

The [United States National Dialogue](#), which took place on 4 December 2012, addressed the criminalization of HIV transmission, exposure and non-disclosure and focused on the role that the United States and its federal government should play in advancing the HIV response in the country. All participants emphasized the need to apply a [public health approach to ending HIV criminalization](#). A month after the National Dialogue, in January 2013, the President's Advisory Council on AIDS (PACHA) passed a landmark '[Resolution on Ending Federal and State HIV-Specific Criminal Laws, Prosecutions, and Civil Commitments](#)'.



The resolution calls on the Department of Justice and the Centers of Disease Control and Prevention (CDC) to issue clear guidance to states and public health departments on the counterproductive effects of policies that criminalize HIV.

The [Pacific Multi-Sector Consultation](#) was held on 17–19 April 2013 in Fiji with the participation of 23 representatives from seven Pacific countries. This consultation was a follow up to a first meeting held on Accelerating HIV Law Reform in Selected Pacific Island Countries in 2011. The objectives were to review and consult on the legal and policy barriers to an effective, rights-based response to the HIV epidemic, and to develop an action plan that would accelerate the reduction or removal of these barriers. The ensuing prioritized action plans to be implemented at the country level until 2015 range from supporting the progress of HIV legislation through parliament to advance the decriminalization of sex work and homosexuality in some countries; to awareness-raising on key legal and human rights issues with the judiciary and law enforcement agencies as well as increased access to justice.



## Key References: Materials from Regional Dialogues

Reports and other materials from the regional dialogues are available at: <http://hivlawcommission.org/index.php/regional-dialogues-main>.

Regional Dialogue videos are available at: <http://vimeo.com/hivlawcommission>.

Secretariat of the Global Commission on HIV and the Law, UNDP, 'Regional Dialogues 101—Practical manual for UNDP Regional Service Centres and Country Offices', 2011, available from the Commission Teamworks Space at: <https://undp.unteamworks.org/node/273455>.

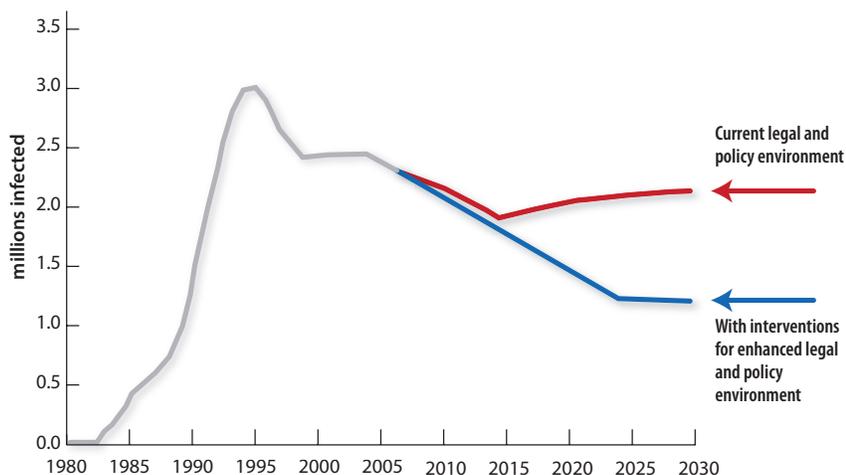
## 4.2 What is a Legal Environment Assessment?

### WHY THE LAW MATTERS

Annual number of new HIV infections among adults aged 15–49

- historical trend
- current trend
- structural change\*

\* change to legal and policy environment



Source: Results for Development Institute, Costs & Choices: Financing the Long-Term Fight Against AIDS, An aids2031 Project, 2010.

A Legal Environment Assessment (LEA) is a review or mapping of the legal, regulatory and policy framework in a country and an analysis of the extent to which it supports or hinders national and local responses to HIV and AIDS. The LEA enables a country to build a comprehensive picture of the strengths and weaknesses of its laws and legal practices, including its compliance with regional and international HIV, human rights and health commitments.

The LEA may aim to identify and examine all important legal and human rights issues affecting the HIV response in a country, such as those discussed in the report of the Global Commission on HIV and the Law. Alternatively, it may focus on a specific issue of concern such as access to justice for people living with HIV. The assessment may also focus on key populations and any related policies and practices of law enforcement agencies and officials. The LEA usually contains recommendations and an action plan for reforms or other measures needed to promote access to HIV and AIDS services, and supports rights-based responses to the HIV epidemic. It provides a strong argument for national legal reviews and reforms.

LEAs are often conducted by expert consultants working with UNDP, in close collaboration with Technical Working Groups composed of key stakeholders such as government offices, UN partners, civil society organisations, people living with HIV and key populations.

A separate guidance manual has been developed on conducting LEAs. (See UNDP, 'Legal Environment Assessment for HIV: An operational guide to conducting national legal, regulatory and policy assessments for HIV', New York, 2013.)

### **Key References: Legal Environment Assessment**

UNDP, 'Legal Environment Assessment for HIV: An operational guide to conducting national legal, regulatory and policy assessments for HIV', New York, 2013.

American Bar Association, 'HIV/AIDS Legal Environment Assessment Tool: Assessment Methodology Manual', Washington D.C., 2012, available at: [http://www.americanbar.org/content/dam/aba/directories/roli/misc/aba\\_rol\\_i\\_hiv\\_aids\\_legal\\_assessment\\_tool\\_11\\_12.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/directories/roli/misc/aba_rol_i_hiv_aids_legal_assessment_tool_11_12.authcheckdam.pdf).

OHCHR and UNAIDS, 'International Guidelines on HIV and Human Rights', 2006 Consolidated Version, OHCHR and UNAIDS, 2006, available at: [http://www2.ohchr.org/English/issues/hiv/docs/consolidated\\_guidelines.pdf](http://www2.ohchr.org/English/issues/hiv/docs/consolidated_guidelines.pdf).

UNDP, Pretoria University Law Press, 'Compendium of key documents relating to human rights and HIV in Eastern and Southern Africa', South Africa, 2008, available at: <http://www.undp.org/content/dam/aplaws/publication/en/publications/hiv-aids/compendium-of-key-documents-re-human-rights-hiv-in-eastern-and-southern-africa/203.pdf>.

UNAIDS, 'Outcome Framework—We can remove punitive laws, practices, stigma and discrimination that block effective responses to HIV', UNAIDS, 2010, available at: [http://www.unaids.org/en/media/unaids/contentassets/documents/unaidspublication/2010/20100801\\_JC1963\\_Punitive-Laws\\_en.pdf](http://www.unaids.org/en/media/unaids/contentassets/documents/unaidspublication/2010/20100801_JC1963_Punitive-Laws_en.pdf).

## **4.3 What is the Link between a Legal Environment Assessment and a National Dialogue?**

A National Dialogue should ideally be linked to an LEA process. For example, the National Dialogue can be used to help kick start the assessment process by generating consensus among national stakeholders on the focus areas for the assessment and buy-in to the LEA process itself. A National Dialogue can be based on the findings of a finalized LEA report by attempting to discuss issues raised and outline next steps.

To date, most countries have found National Dialogues to be most useful in the feedback and finalization stages of an LEA as well as on the dissemination stages. These dialogues help key stakeholders with relevant skills, expertise and experience in HIV, law and human rights come together to discuss the central issues identified in the LEA and agree upon next steps for moving the Assessment's themes and recommendations forward.

While LEAs and National Dialogues are frequently linked, some countries may wish to hold a National Dialogue on HIV and the law without performing or planning to undertake an LEA. In such cases, other ways of informing the National Dialogue should be identified. These might include using the report of the Global Commission on HIV and the Law or reports from regional dialogues as reference points. Another option is to undertake background research and analysis or develop discussion papers on key topics. This preliminary research will provide key legal and policy information on HIV as a starting point for discussions during a National Dialogue. Some countries may also wish to undertake a modified call for submissions to gather strategic information from a large range of stakeholders. A submission refers to a discussion paper or case study on HIV, human rights and the law that is submitted to meeting organisers for consideration and in advance of the National Dialogue. This process was a successful element of the Regional Dialogues. (For more information, see Section 6.)

### Practical Tool: Call for submissions

Annex 6: Sample call for submissions

## 5. GUIDELINES FOR PLANNING A NATIONAL DIALOGUE



The design, planning and implementation of a National Dialogue should be guided by a human rights-based approach that is rooted in core principles of participation, transparency, accountability, equality and non-discrimination.

The following additional guidelines should be kept in mind at all stages of planning a National Dialogue on HIV and the law:

- **Evidence-informed National Dialogue:** Some form of background research, analysis or documentation of the national legal, regulatory and policy environment in the context of HIV is necessary to help identify discussion topics for the Dialogue. The type of background research and analysis or other inputs for the Dialogue will depend upon the country context and available resources (see Section 6.4).
- **Participation and active engagement of all key stakeholders:** It is essential that the National Dialogue creates space for constructive and frank discussions. Careful consideration should be given to the selection and appropriate involvement of key populations, people living with HIV, government and elected officials involved in making laws and policies and other people with relevant expertise in HIV, human rights and the law (see Section 6.5). It is critical for follow-up purposes to involve participants with the right rank, expertise and governmental influence to make a difference.

- **Safety and confidentiality of key populations and people living with HIV:** One of the key objectives of the National Dialogue should be to highlight legal and human rights issues for key populations and people living with HIV. It is important to provide a platform for these groups to voice their concerns about punitive laws, policies and practices that impact their lives, prevent access to health services and increase vulnerability to HIV. It is particularly important for these participants to feel their experience at the National Dialogue is positive and does not jeopardize their safety or confidentiality.
- **Balancing the interests and engagement of all constituencies:** Another important objective of the National Dialogue should be to provide a platform for government and elected officials involved in making laws and policies and other people with relevant expertise in HIV, human rights and the law to express their concerns. The experience should be positive for participants and should safeguard the confidentiality of participants.
- **Consensus building through dialogue:** The purpose of a National Dialogue is not simply to have a consultation meeting, or a debate on HIV and the law. Rather, the dialogue should be seen as an opportunity for a constructive exchange that aims to share good practices and identify solutions. A dialogue should aim to increase understanding between those making laws and policies and affected communities through the identification of common ground and potential joint actions for advancing the national HIV and AIDS legal agenda.
- **Thorough planning and organisation:** Thorough preparation is essential for the success of any National Dialogue. This includes identifying clear objectives and the scope of the issues to be discussed, managing the expectations of participants, adequately preparing those who will speak and ensuring that the dialogue report clearly identifies who is responsible for follow-up activities and next steps.
- **Well-briefed and well-prepared moderator:** As the quality of the exchanges between stakeholder groups is key to the outcome of the National Dialogue, the selection and briefing of the moderator for the town hall meeting on the second day of the dialogue are also critical steps in the planning process (see Section 6.7).

## 6. KEY STEPS IN PLANNING A NATIONAL DIALOGUE

### Key Elements of a Successful National Dialogue

- Ownership of the National Dialogue process;
- Careful selection, briefing and preparation of participants;
- A skilled, trusted and well-prepared moderator;
- Two-day format: Day one for constituencies to prepare, day two for a town hall-style meeting that brings together all participants;
- A venue and seating plan that encourages interaction; and
- A well-prepared agenda for the town hall meeting that features short interventions and actively moderated discussion, following a prep

## 6.1 Role of UNDP Regional Service Centres and Country Offices

The role of UNDP Regional Services Centres and Country Offices is to increase ownership of the National Dialogue by a national government coordinating body in collaboration with key stakeholders in the country. Securing political commitment from national stakeholders even before the planning stage—is critical to the success of the Dialogue, particularly for any concrete and sustainable follow-up activities. Bearing this in mind, UNDP Country Offices in partnership with key stakeholders must help to secure the buy-in of the national government and the technical and financial support of UNDP Regional Service Centres. These Centres can provide oversight and technical advice based upon the demands and needs of UNDP Country Offices. In Kenya and Ghana, for example, UNDP Country Offices together with key stakeholders were running the National Dialogues with support from the Regional Service Centre in Africa especially in the review of Terms of Reference and participation in initial meetings.

UNDP Country Offices are supporting the establishment of an Advisory Committee at the national level. Country Offices would liaise with this Committee to manage the substantive work and planning of National Dialogues. Specific tasks therein might include the commissioning of background research; the selection of key participants; briefing the moderator; preparing the running order; running the preparatory meetings on day one of the National Dialogue; liaising with the moderator on day two; and producing the meeting report.

## 6.2 Advisory Committee

### Terms of Reference

An Advisory Committee should be established to support the planning process and beyond that to support any follow-up activities related to the National Dialogue. The Committee can also encourage ownership in the National Dialogue by involving key stakeholders in everything from the conceptualization of the dialogue to the planning stage to follow-up activities. Depending on the country context, the Terms of Reference for the Advisory Committee may include guiding and overseeing all substantive and logistical tasks in the planning process. Alternatively, an Advisory Committee could focus on specific tasks that require expert input, such as helping to define the scope of the National Dialogue, reviewing submissions and selecting participants for the meeting (see Sections 6.4 and 6.5). Where the role of the Advisory Committee is focused on specific expert tasks, the logistical arrangements for the National Dialogue may be delegated to a smaller planning team made of key national level experts from civil society, government and UNDP/UNAIDS staff.

Terms of reference for the Advisory Committee should detail the following key responsibilities, with clear notes on those activities that are best delegated to a smaller planning team:

- Identifying human and financial resources required for the National Dialogue process;
- Preparing or commissioning background research, analysis and briefing materials;
- Determining the scope of the National Dialogue;
- Selecting or inviting and preparing participants;
- Selecting and preparing meeting moderators;

- Following up with the identified moderators and presenters;
- Selecting and finalizing the meeting venue;
- Managing logistics for participants (travel, accommodation, per diem);
- Developing the agenda and running order for the National Dialogue meeting;
- Facilitating the two parallel sessions on the first day of the National Dialogue;
- Managing meeting logistics;
- Producing a meeting report, and
- Supporting follow-up activities, where appropriate.

### **Composition of the Advisory Committee**

Membership in the Advisory Committee will depend on the country context, available resources and the Committee's assigned responsibilities. To ensure ownership in the Committee on a national level, a government coordinating body should lead, convene and coordinate the work of the Committee, or may choose to leave these roles to the UNAIDS or UNDP Country Offices. Involvement of the Joint United Nations Country Team is also important.

Membership in an Advisory Committee should include representatives from each of the following constituencies:

- The national people living with HIV group;
- A national group serving women, children, or both;
- A national group led by or serving MSM;
- A national group led by or serving sex workers;
- A national drug user group;
- Providers of legal, health care or other services to people with HIV and key populations;
- NGOs involved in the protection of human rights, HIV and the law or lawyers with expertise in human rights and HIV/health. These individuals should be involved in or familiar with the LEA or other background research and analysis that is undertaken to prepare for the National Dialogue;
- The primary HIV/AIDS coordinating body, such as the Ministry of Health or National AIDS Commission;
- A representative of a broader international regional group or human rights mechanism;
- UNDP Regional and Country Offices, as appropriate;
- The UNAIDS Country Office; and
- The Joint United Nations Country Team on AIDS.

Attention should be given to geographical and gender diversity.

## Staff, funding and technical support

The Advisory Committee or planning team should ensure that adequate staff time is allotted for any planning or preparation related to the National Dialogue. Based on National Dialogues held to date, there should ideally be two full-time support staff available for a period of up to four months before the National Dialogue meeting. One staff member would be charged with managing content development such as the preparation of briefing materials, an agenda, an overview of submissions, coordinating the selection of participants and the meeting's running order together with the Advisory Committee itself. The second staff member could be solely charged with managing participant logistics.

Technical and eventually financial support can be provided by Regional Service Centres based on the needs of Country Offices. The Advisory Committee can put in place a resource mobilization strategy that includes funding proposals for potential donors. However to ensure national ownership, the budget should be funded by a broad range of actors. To engender a sense of ownership and commitment to the National Dialogue process, some funding should come from members of the Advisory Committee itself.

### **Practical Tool: Advisory Committee**

Annex 2: Sample terms of reference for Advisory Committee

## 6.3 Concept Note for the National Dialogue

A concept note for the National Dialogue should be developed to promote and explain the event to participants and other stakeholders. The concept note should at a minimum include the objectives and anticipated outcomes of the National Dialogue, and a blueprint for the meeting along with a strategy for achieving the desired outcomes.

### **Objectives and anticipated outcomes**

The objectives of the National Dialogue will depend upon the particular national context and key issues at stake. Possible goals might include the following:

#### *Objectives*

- To provide a safe and conducive environment for a range of stakeholders from different sectors including people living with HIV and vulnerable groups to engage openly in an evidence-informed dialogue on HIV, law and human rights;
- To share experiences of the impact of law, policies and practices in the context of HIV and highlight gaps, positive examples and best practices in current legal and policy frameworks;
- To identify and discuss the challenges and barriers to accessing HIV services and rights and mitigating HIV-related stigma and discrimination as well as ways forward;
- To review and discuss the findings and recommendations of the Global Commission on HIV and the Law or the relevant Regional Dialogue and determine their applicability to the national context or;

- To review specific law(s) or human rights issue(s) that are major priorities or concerns for the country and to make relevant recommendations or;
- To initiate a commitment to an LEA process that is commencing, or to review the findings of and finalize an LEA and determine priorities for action and next steps or;
- To build on the findings of a finalized LEA and solidify a commitment to identify next steps for a sustainable legal environment.

#### *Potential outcomes*

The outcomes of any National Dialogue will depend upon the goals identified during the meeting and the particular country context. Some examples could typically include a mix of the following:

- Increased understanding of the impact of laws, policies and practices on public health, the response to HIV and the daily lives of people living with HIV, key populations and other affected communities or;
- Increased understanding of the importance of rights-based laws and policies in the context of the national HIV response or;
- Partnership-building such as between civil society and government, or the health and justice sectors;
- Consensus on the scope and process of an LEA that is commencing and commitment by all stakeholders to the LEA process, or finalization of an LEA with recommendations for an action plan with next steps;
- Consensus on the findings of a finalized LEA and adoption of concrete actions in creating a sustainable legal environment; or
- A concrete plan to finalize, review or reform any specific HIV-related laws or policies that were discussed at the National Dialogue.

#### **Procedural and implementation arrangements**

The concept note should briefly summarize the roles and responsibilities of lead partners in the National Dialogue, including the Advisory Committee and planning team; the date and location of the event; the process for selection of participants; focus areas for the dialogue where these have been clearly determined (for example, a review of the LEA, review of a draft law, other specific themes); and any anticipated outputs or follow-up activities.

#### **Practical Tool: Concept Note**

Moldova Concept Note on National Stakeholder Meeting on HIV and the Law, 2012, available from Commission Teamworks space at: <https://undp.unteamworks.org/node/273446>.

Ghana Concept Note on National Dialogue on HIV and the Law, 2013, available from Commission Teamworks at: <https://undp.unteamworks.org/node/348393>.

## 6.4 Determining the Focus and Scope of the National Dialogue

The focus and scope of a National Dialogue will depend on each country's context and the key issues at stake. However, it is useful to decide if the focus of the meeting should be broad or narrow. When there are in-country sensitivities regarding specific issues (e.g., criminal law issues relating to key populations), a broad scope may be preferable to a single focus on one controversial issue that may generate a limited commitment from stakeholders. On the other hand, a narrow focus provides an opportunity for a detailed and in-depth discussion of one particular issue.

Whether the National Dialogue has a narrow or broad focus, it should always be informed by the evidence.

### **Background research and analysis, including Legal Environment Assessments**

Background research and analysis is crucial to defining the key topics at issue during a National Dialogue. Background materials can also help to develop an understanding of these issues during the preparatory phase of the meeting or serve as a resource during the Dialogue itself. To the extent possible, background research and analysis should:

- Identify key populations affected by HIV and AIDS and describe their cultural, social and legal status and context, including the security, visibility and capacity of civil society organizations;
- Describe national and, where relevant, sub-national legal, regulatory and policy framework(s) for HIV, including strengths, gaps and the impact of laws, policies and law enforcement practices on the response to HIV and on people living with HIV, key populations and other affected communities;
- Describe the extent to which the national HIV strategic plan addresses legal and human rights issues and promotes rights-based interventions; and
- Suggest measures to strengthen the national legal, regulatory and policy framework for HIV and promote rights-based responses within the national HIV and AIDS strategic plan.

If an LEA has been undertaken in the country, this information should be contained in the LEA report. The Advisory Committee should determine whether the LEA report is adequate for the purpose of identifying issues to be discussed at the National Dialogue. In addition, the Committee should decide if summaries of the LEA report or additional discussion papers, fact sheets or other materials are necessary and how they should be produced.

When there has been no LEA process in the country, or when there is no other relevant or up-to-date background research and analysis, it may be necessary to develop or commission relevant materials, such as discussion papers or fact sheets. The Advisory Committee should determine the scope of these papers, such as whether the full range of national issues on HIV, human rights and the law can or should be addressed, or whether the materials should focus on a limited number of priority challenges. The framework used in the report of the Global Commission on HIV and the Law and the reports from the Regional Dialogues may provide a useful basis for the structure and content of discussion papers and fact sheets.

The Advisory Committee or planning team should decide how to develop these materials, for example, by using human resources available within the country, or at the regional level, or by commissioning consultants to do the work.

## Practical Tools: Background Materials

The following resources may be of assistance in the development of discussion papers and participant briefing materials:

Global Commission on HIV and the Law, 'HIV and the Law: Risks, Rights & Health', New York, 2012.

Global Commission on HIV and the Law, 'Fact Sheet on HIV and the Law: Risks, Rights and Health', New York, 2012, available at: <http://www.hivlawcommission.org/resources/report/HIV&Law-Factsheet-EN.pdf>.

Global Commission on HIV and the Law, 'Regional Dialogues Reports and Issue Briefs' (Asia-Pacific, Caribbean, Latin America, Africa, High-Income Countries), 2011-2012, available at: <http://hivlawcommission.org/index.php/regional-dialogues-main>.

Global Commission on HIV and the Law, '18 Working Papers on Key Legal and Human Rights Issues in the Context of HIV', available at: <http://hivlawcommission.org/index.php/working-papers>.

Global Commission on HIV and the Law, '11 Selected Bibliographies on Issues Covered in the Commission Report', available at: <http://hivlawcommission.org/index.php/selected-bibliographies>.

The People Living with HIV Stigma Index, Regional Analysis of People Living with HIV Stigma, available at: [www.stigmaindex.org](http://www.stigmaindex.org).

## Call for submissions

The regional dialogues on HIV and the law held in 2011 included a [“call for submissions” process](#). This process expanded the range of inputs available to the Global Commission on HIV and the Law in advance of the Regional Dialogue meetings, especially from a civil society perspective. Government experts were specifically identified for a submission in order to present a balanced perspective on any given issue. The submissions addressed the Commission's areas of work<sup>3</sup> and provided the experiences and strategic information upon which the Regional Dialogues would be built (see Annex 6 for an example).

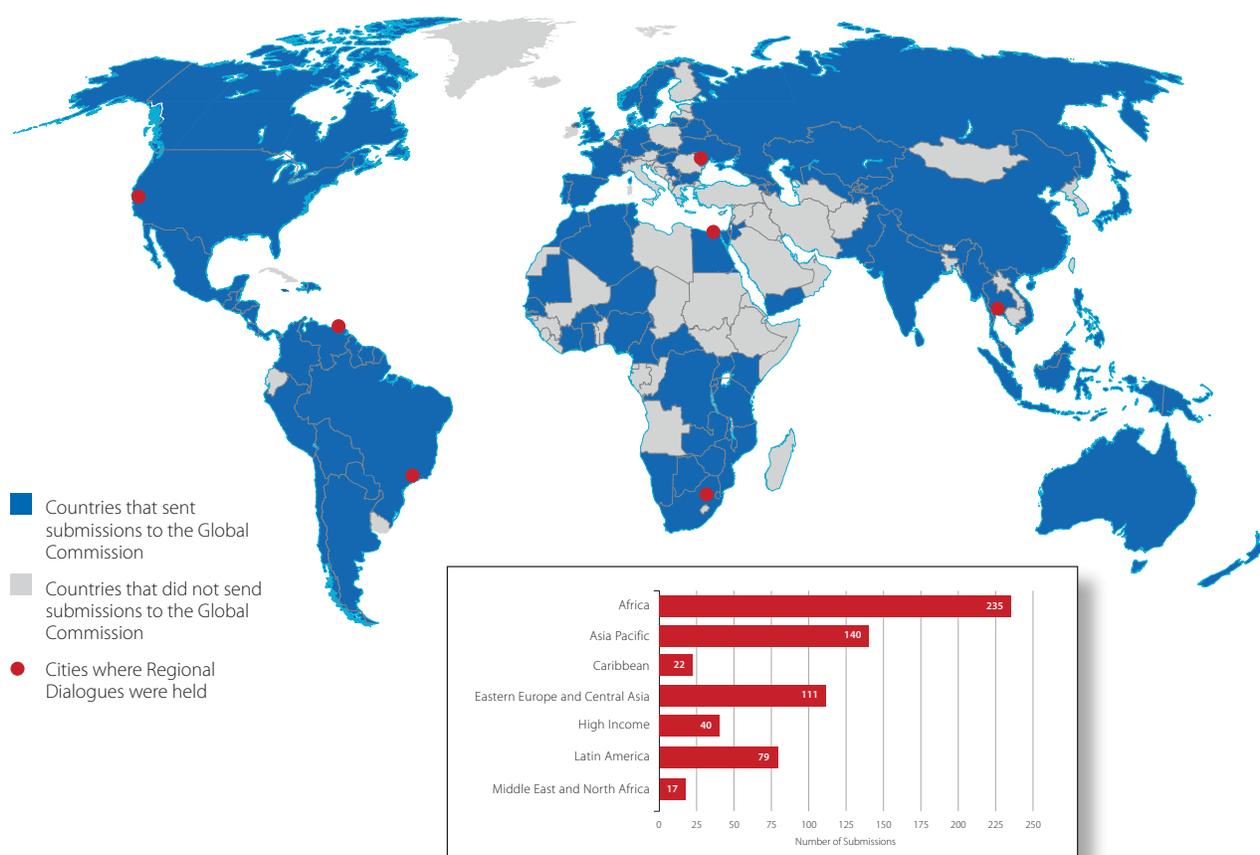
Submissions could be made public or remain confidential if accompanied by a clear statement requesting confidentiality. Confidential submissions would be presented anonymously to the Advisory Committee. Submissions can also help shape briefing materials and presentations and assist dialogue organizers in selecting meeting participants and anticipating issues that might arise during discussions.

Depending on available resources, a modified form of the regional call for the submissions process may be suitable at the national level. A wide dissemination of the call for submissions via existing networks and social media is required for a large turnout. The following points should be kept in mind when deciding whether and how to call for submissions:

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<sup>3</sup> The areas of work of the Commission were: (1) laws and practices that effectively criminalise people living with HIV and vulnerable to HIV; (2) laws and practices that mitigate or sustain violence and discrimination as lived by women; (3) laws and practices that facilitate or impede access to HIV related treatment; and (4) issues of law pertaining to children and young people in the context of HIV.

## WRITTEN SUBMISSIONS RECEIVED BY THE COMMISSION



Note: Total Submissions: 680. 644 submissions were received for Regional Dialogues and 36 specialist submissions were received from experts and specialist organisations on HIV, health and the law.

Sources: Submissions received from November 2010 to October 2011. This includes all submissions for the Regional Dialogues and the Specialist Submissions. The world map has been inspired from AIDS-Free World.

- The Advisory Committee should identify and describe a transparent set of clear criteria for the submissions selection process.
- A call for submissions may be especially useful in countries where there are few documented experiences of people living with HIV and other key populations. The call could also be useful when these populations lack robust and inclusive representation.
- The objectives of the call for submissions should be clearly stated. These objectives might include the need to influence the agenda and issues for discussion at the meeting, or to guide the selection of participants.
- The call for submissions should be disseminated as widely as possible through NGOs and community-based networks and networks of Advisory Committee members as well as through social media such as Facebook and Twitter.
- Consideration should be given to extending the call for submissions to individuals or organizations in other countries in the region with particular expertise in key areas, such as advocacy, NGO capacity building, or knowledge of highly technical subjects such as intellectual property law and access to treatment.
- There should be some flexibility in the format of acceptable submissions (for example, by letter or email, in the form of audio or video statements or through social media).

- People should be given the opportunity to make either public or confidential submissions by supplying a statement of confidentiality. Those whose submissions are confidential should be asked if they wish to speak on the issues raised in their submission on the second day of the National Dialogue.
- The Advisory Committee should consider what capacity building or technical support could be offered to individuals or organizations that wish to make submissions. This support could include announcing the availability of an independent facilitator to help understand, fill out, and review submissions.
- The Advisory Committee should give itself adequate time to review the submissions received.

## **Key questions**

Defining key questions in the call for submissions will help to shape the type of submissions received. Some examples of key questions are:

- Are you a person living with HIV or a member of a group (such as a sex worker, MSM, drug user, migrant, prisoner or transgender person) who has been discriminated against or mistreated because of who you are? Has this discrimination or mistreatment limited your access to HIV or other health services? Please share your own experience or, if you work with these groups, describe their experiences.
- Women and children may experience violence, discrimination and unequal access to services that increase their vulnerability to HIV. If this is your own experience, please share it, or describe the experience of women and children that you work with.
- Are you an advocate, academic or researcher working on intellectual property rights in the context of accessing HIV-related treatment? Please share your work and your perspective, or highlight key issues that might inform the National Dialogue.

## **Reviewing submissions**

The Advisory Committee is in charge of reviewing submissions received. Depending on the country context, a smaller and limited team can be set up to avoid a conflict of interest in reviewing submissions. If a key objective of the call for submissions is to identify potential participants in the National Dialogue, it is important to be transparent by developing broad criteria by which to assess and select the submissions received. These criteria could include:

- The extent to which the submission reflects experience or acquired knowledge of:
  - Laws or practices that effectively criminalize or contribute to discrimination against people living with and vulnerable to HIV;
  - Laws and practices that mitigate or contribute to violence and discrimination against women;
  - Laws and practices that relate to HIV and children; or
  - Laws and practices that facilitate or prevent access to HIV-related services, including antiretroviral treatment.
- Whether the experience or acquired knowledge was obtained through:
  - Direct, personal experience;
  - Work with affected and vulnerable populations; or
  - Advocacy, research or academic work.
- The extent to which the submission contributes to understanding the impact of law, law enforcement practices and human rights violations on:

- The HIV epidemic in the country;
- The lives of members of key population groups;
- The vulnerability of women and children to HIV; or
- Access to HIV-related treatment and care.

The practical manual prepared for Regional Dialogues included a suggested scoring system for assessing the content of submissions. While this may not be needed in all cases, it may help in prioritizing the best of a large number of submissions when there is a limited number of people who can participate in the National Dialogue. A scoring system can also ensure that the process of selection is fair, equitable and transparent.

Some validation of submissions is desirable to ensure that the person making the submission exists or has the experience or affiliation claimed. This may be done by making calls to the relevant individual, or to their organization.

## **Practical Tools: Submissions**

Annex 6: Sample call for submissions.

Call for submissions from the Africa dialogue, including key questions, available on the Commission Teamworks Space in English and French. See <https://undp.unteamworks.org/node/210039/folder/134366>.

Secretariat of the Global Commission on HIV and the Law, 'Regional Dialogue 101 – Practice Manual', including submission templates, available at: <https://undp.unteamworks.org/node/273455>.

Seven sample submissions are available on the Commission website at: <http://hivlawcommission.org/index.php/regional-dialogues/submissions-to-the-regional-dialogues>.

Regional dialogue reports are available on the Commission website at: <http://hivlawcommission.org/index.php/regional-dialogues-main>.

## Box Two: Examples of Thematic Areas Addressed in National Dialogues

### National dialogue with submissions—Panama

To inform and organize the Panama National Dialogue, which took place on 5-6 December 2011, a call for submissions was published on the UNDP Country Office website on 26 October 2011. In total, 48 submissions were received covering the following issues:

- Human rights of people living with HIV;
- Discrimination experienced in social, economic, legal and health services;
- Political and law enforcement abuses;
- Sex work, HIV and the law;
- Women's issues;
- Sexual orientation and gender identity;
- Access to treatment; and
- Youth and children's issues.

### National Dialogue without submissions—USA

No call for submissions was disseminated for the United States National Dialogue, which focused on the specific issue of criminalization of HIV transmission, exposure and non-disclosure, with a focus on the role of states and the Federal Government. In cooperation with national stakeholders, an [agenda](#) was developed covering the following key areas related to the criminalization of HIV in the United States:

- Risks and consequences of HIV transmission in 2012;
- The realities of HIV in hard-hit U.S. communities;
- Prosecution for HIV transmission, exposure and non-disclosure;
- Promoting safe and voluntary disclosure of HIV status in the United States: Mainstreaming the open discussion of intimacy in relationships; and
- Preparing a solution and action plan.

## 6.5 Selecting Participants in the National Dialogue

### General principles

The number and type of participants in the National Dialogue will depend upon the country's capacity, size, available resources and the range of issues to be discussed. In 2012, more than 100 people attended the [National Dialogue in Kenya](#), which focused on a broad range of legal and human rights issues in the HIV response. By contrast, around 60 people attended a [National Dialogue in the United States](#), which focused on the specific issue of criminalization of HIV transmission, exposure and non-disclosure and looked at the role that federal and state governments should play. A range of 50 to 80 participants is probably ideal for most countries.

Attention should be paid to the following criteria in the selection of participants:

- Ensuring balanced representation across two broad constituency groups: 1) civil society and key populations, including non-governmental and academic experts and advocates in the field of human rights, health and HIV; 2) government officials, including those who make laws and policies; and health, justice and law enforcement professionals;
- Ensuring representation from across the country, including non-capital cities and rural and remote locations;
- Gender balance; and
- The representation of young people.

### **Civil society and key population groups**

#### *Potential approaches to selection*

Participants from civil society may be selected using one or a combination of the following approaches:

- A call for a submissions process, as described in Section 6.4.
- A process of nomination by stakeholders that does not require a submission, but requests a statement of the experience or expertise that a prospective participant would bring to the National Dialogue. This process would also require some review of applications and communication with nominees if they have been selected.
- Targeting of specific individuals or organizations identified by Advisory Committee members and their networks.

In addition, there can be an open invitation for anyone who wishes to attend the National Dialogue, but has not been recommended.

#### *Principles to guide the participation of civil society and other key populations*

The civil society and key populations constituency at the National Dialogue should, to the extent possible, reflect the epidemiology of the country and its region. It is important to ensure that the following groups are appropriately represented:

- People with direct, personal experience of the HIV epidemic and related legal and human rights challenges, including
  - People living with HIV;
  - Women and children, including those affected by sexual violence;
  - Sex workers;
  - People who use drugs;
  - MSM;
  - Transgender people;
  - People who have been incarcerated;
  - People who are, or who have been, refugees or internally-displaced;
  - Migrants; and
  - Other people who have been denied access to justice or health or HIV-related services because of who they are, or what they do.

- People who work with the affected and vulnerable populations listed above, their organizations or networks and who can speak to connections between laws, human rights and HIV vulnerability. These may include representatives from legal and health services, advocacy groups and human rights organizations.
- People who work for or represent an organization that has lobbied successfully for a positive change in the law or legal practice, and that has improved access to HIV prevention, treatment and care, especially for affected and vulnerable populations.
- People involved in academic, research, advocacy and policy work that is part of an evidence base linking laws, human rights and HIV vulnerability; intellectual property and treatment access; and human rights and public health outcomes.
- Priority may be considered for civil society participants who responded to the call for submissions and indicated that they would like to participate in and speak at the National Dialogue.

### *Confidentiality and safety*

Members of key population groups who do not feel comfortable attending the National Dialogue should be given an opportunity to make confidential submissions rather than participate in person. Confidential submissions should remain anonymous and include a written consent form when given to the Advisory Committee.

Members of key population groups who do wish to attend the National Dialogue – particularly those whose behaviour has been criminalized – may require further reassurance that they can participate in the National Dialogue anonymously or through the use of a pseudonym. These options may be offered to participants from key populations during the registration process. If the National Dialogue is to be recorded or filmed, all participants must sign a consent form to be filmed, video recorded and photographed as well as consent to the use of their image as taken from audio or video recordings, photographs and footage (See Annex 5 for an example of a consent form). Participants may be given the option of being seated in an area that will not be filmed, or be assured that their voices and images will be edited out of the final video and audio tracks.

In some countries, members of key population groups may have concerns about their safety and may appreciate support such as being met on arrival, provided with transport to and from their place of arrival, hotel and the meeting venue. Organizations represented on the Advisory Committee or other local NGOs and UN agencies may be able to provide such assistance. Consideration should also be given to negotiating cooperation and support from relevant government ministries and law enforcement authorities.

### **Selecting participants from government and other sectors**

Government participation should be by invitation only through the nomination of specific senior individuals and representatives of key ministries, institutions and agencies. Priority should be given to influential individuals involved in decision making about public health, laws and policies, and their enforcement. It is important for the purposes of sustainable follow-up activities to involve members of government who possess the appropriate seniority and expertise. The following individuals, agencies or groups should be appropriately represented:

- Members of parliament and other elected officials, especially those with interest or experience in HIV, human rights and public health;
- Government officials with the greatest possible ranking of seniority who are responsible for justice, home affairs, interior affairs, police, health, trade and intellectual property, community services and women's

affairs along with other relevant officials in these departments. Examples include ministers or their senior representatives, and principal secretaries of ministries;

- The municipal representatives of the locality where the National Dialogue is being held;
- Active and retired legal professionals, including advocates and members of the judiciary;
- Senior officials of the police force and other relevant law enforcement agencies;
- Active and retired police or other law enforcement officers;
- Senior officials from prisons and other detention centres; and
- Representatives from other key sectors, such as leaders from the religious or business communities.

#### *Making government representatives committed and sensitized*

Government officials should be approached well in advance so that they are available to participate on both days of the National Dialogue. To explain the importance of a National Dialogue, its unique format and the need for senior officials to participate, it may be necessary to lobby the staff of senior officials.

Government participants are expected to play a constructive role in the National Dialogue. Some government officials and religious leaders whose participation in the meeting is considered important may not be familiar with issues relating to HIV and human rights, or may be hostile to key population groups, including sex workers, drug users and MSM. It is therefore essential to ensure that government participants are adequately briefed about the National Dialogue objectives and process and that they understand who will be participating in the event. They should specifically understand that members of key populations will be speaking on day two of the dialogue and that government participants will be called upon to respond to their interventions and speak with them on issues of concern.

It is also important to ensure that the government constituency includes an appropriate number of people who champion human rights, public health and issues related to HIV. Many of these advocates were mobilized through the Regional Dialogue process and are now key actors in advancing law reform. They may be enlisted to build support and ensure buy-in for the National Dialogue process among their peers.

#### **Engaging regional mechanisms and bodies**

In order to build and strengthen the commitment of intergovernmental bodies and national governments, but also to influence policies at the regional level, the National Dialogues should be designed and implemented to engage key regional bodies. Several regional mechanisms with considerable expertise in the areas of health and human rights and who played an important role in the Regional Dialogues include the following:

- The Caribbean Community (CARICOM) and the Pan Caribbean Partnership against HIV and AIDS (PANCAP);
- The Organization of American States (OAS) and its Inter-American Court of Human Rights (IACHR);
- The African Union and its Committee on the Protection of the Rights of People Living With HIV (PLHIV) and Those at Risk, Vulnerable to and Affected by HIV;
- Secretariat of the Pacific Community and the UN Economic and Social Commission for Asia and the Pacific (UNESCAP).



For example, in the Asia-Pacific region, UNESCAP had a significant and positive policy influence on the issues of HIV and the law. The organisation helped to raise awareness among key officials and generated momentum for follow-up action. Following the Regional Dialogue in Asia and the Pacific, UNESCAP Member States and civil society discussed the importance and challenges of law reform for HIV responses in the region during the Asia-Pacific High-Level Intergovernmental Meeting on the Assessment of Progress against Commitments in the Political Declaration on HIV/AIDS and the MDGs held in February 2012.

Selected invitations to regional ombudspersons, or members of councils or commissions along with regional parliamentary representatives and other regional advocates may help to influence National Dialogues, and bring a broader set of positive law reform examples to the table.

### **Observers**

UN organizations, bilateral donors or other interested groups may wish to participate in the National Dialogue as observers. In order to ensure that the National Dialogue is a country-owned process, however, these observers should be discouraged from speaking at the meeting, and the moderator should enforce this rule. Seating arrangements can help by ensuring that observers are situated at the back of the room to follow the discussions.

## **6.6 Selecting Speakers and Developing the Meeting's Running Order**

Once the scope and focus of the National Dialogue has been determined, a draft agenda for each day of the meeting should be developed (see Section 6.8 for more on the meeting format).

For day two, the Advisory Committee can identify civil society participants and experts in key topic areas for brief interventions. Committee members can review submission papers and access their own networks to identify potential candidates. The names of any speakers and their areas of focus should be included in an annotated agenda (also understood as the running order or script) that is developed only for use by the moderator during the Dialogue.

## **6.7 Selecting and Briefing the Moderator**

An effective and well-prepared moderator is critical to the success of a National Dialogue.



### *Role*

The primary role of the moderator is to guide the discussion at the town hall meeting on day two of the National Dialogue and ensure that a genuine dialogue between the stakeholder groups takes place. It is important for the moderator to be perceived as a neutral participant during the discussions. The responsibilities of the moderator include the following:

- Encouraging greater understanding between the respective stakeholders present at the dialogue;

- Encouraging stakeholders to share positive examples of how the effective enforcement of good laws can enhance the response to HIV; and
- Advancing human rights within legal frameworks to engender an effective, national HIV response.

In guiding the dialogue, the moderator should specifically pay attention to:

- Following the running order and maintaining the overall flow of the dialogue while remaining flexible enough to allow for spontaneous interventions when necessary;
- Ensuring that the participation of stakeholders is balanced and that government representatives are prepared to intervene when asked;
- Moderating the time that any one person or stakeholder group has to share their perspective;
- Linking and synthesizing points made throughout the discussion;
- Helping participants collaborate, identify solutions and agree upon future plans of action; and
- Sidestepping any attribution of blame for human rights violations, or the lack of legal protection.

### *Skill set*

The following attributes are desirable for a moderator:

- Nationally known and respected: A well-known authority figure that is viewed as an impartial interlocutor, such as a television or radio commentator or personality, can make a strong moderator.
- Experience leading large discussion groups: A good moderator has a demonstrated ability to lead, guide and synthesize discussions at large meetings or debates. Respected media figures often possess these skills.
- Familiarity with the issues: While not essential, some knowledge of human rights, HIV, health and development is highly desirable for a moderator although whoever is chosen will be briefed in advance of the meeting date.

### *Payment*

It is appropriate to pay the moderator an honorarium for his or her work.

### *Briefing and preparing the moderator*

The Advisory Committee should ensure that adequate staff time is devoted to briefing the moderator and helping him or her prepare for the National Dialogue. It is recommended that the following moderator briefing packages be prepared:

- An orientation package is helpful for the purposes of acquainting prospective moderators with the aims and objectives of the National Dialogue and the roles and responsibilities of the moderator therein. The package should include the national dialogue concept note, moderator terms of reference and relevant background materials. These materials might include available research and analysis on the national HIV context such as the LEA report if available, and background on the work of the Global Commission on HIV and the Law such as the report from the regional dialogue.
- Once the moderator has agreed to participate, additional briefing packages should provide more detailed information about the National Dialogue, including a summary of any submissions received and the running order of the town hall event. A face-to-face meeting with the moderator is preferable as the meeting date approaches.

The moderator should be invited to attend day one of the National Dialogue to develop a working relationship with meeting participants. A support person should also be assigned to assist the moderator for the duration of day two.

#### **Practical Tools: Moderator**

Annex 3: Sample terms of reference for Moderator

Annex 4: Tips for the moderator (Example from Africa Regional Dialogue)

Overview of the Africa Regional Dialogue prepared for the Moderator, available on the Commission Teamworks Space at: <https://undp.unteamworks.org/node/348400>.

Country context on HIV and the Law – Key challenges relating to human rights and legal issues (High Income Countries dialogues), available on the Commission Teamworks Space at: <https://undp.unteamworks.org/node/348401>.

## **6.8 Format and Agenda of the National Dialogue Meeting**

The dialogue concept represents a conscious departure from a typical meeting that involves seminar-style presentations followed by a question and answer session. Traditional meeting formats are often ideal when conveying well-established points of view without providing opportunities for a more dynamic exchange among participants. In contrast, use of the dialogue format for sensitive topics facilitates a deeper conversation among attendees and encourages them to identify potential solutions and move a shared agenda forward.

The objective of day one is to explain the format of the town hall meeting, to clarify the roles of participants, provide civil society and government participants with an opportunity to prepare their interventions and for all attendees to get acquainted. The goal of day two is to intervene, exchange and identify solutions together.

## **Day one: Preparatory day for the respective stakeholder groups**

The initial day of a National Dialogue is set aside for preparatory discussions about the format of the meeting, key concerns and messages, and appropriate interventions for the town hall exchange that follows on day two. There are two sets of discussions on the first day of the meeting—one for civil society organizations and key population groups, and another for government participants. Both groups come together for a town hall-style meeting on day two.

Support staff should be available throughout day one to provide assistance to participants and familiarize themselves with the range of stakeholder discussions. Members of the Advisory Committee or staff involved in planning the National Dialogue should facilitate the parallel meetings on day one.

A two-day format is recommended for National Dialogues. However depending on the country context and the available resources, a half day preparatory meeting with each constituency can be sufficient if it is well prepared. A shortened meeting format may help encourage some participants, particularly government representatives, to fully commit to and participate in discussions.

### *Preparatory meeting for civil society and key populations*

By the end of day one, participants should have a clear understanding of their role in the town hall and feel ready to share their submissions, or contribute to discussions.

For representatives of civil society, using day one to prepare for interventions on day two is particularly essential when they have made no prior submissions. There should be clear guidance on these objectives for day one and participants should be assigned to working groups that reflect the area of expertise for which they will be asked to make interventions on day two. For example, if a sex worker intends to speak out about the criminalization of sex work, the person should be assigned to the work group that will discuss that subject. If a person living with HIV wishes to raise a point about the discrimination that they have experienced, they should participate in a related working group on day one.

Participants should understand that the moderator may call upon them on day two to make brief interventions about their area of expertise. Preparing for this exchange is the focus of day one.

The Advisory Committee should select facilitators to lead working groups on issues for which they possess a high level of expertise. The role of the facilitator is to help participants make points effectively and comprehensively during the town hall meeting without repeating previous discussions.

Below is the agenda for day one that was used in the Africa Regional Dialogue in 2011. It may provide a template for other civil society preparatory meetings at National Dialogues:

	Activity	Presenter /responsible person	Practical tools and resource materials
<b>Morning</b>	Brief plenary presentation of work of Commission on HIV and the Law, relevant regional dialogue(s) and follow-up activities, including LEAs and National Dialogues held to date (1 hour with Q&A)	Member of Planning Committee	Intro presentation Day 1 for CSO & government experts Intro Presentation Day 1 of the Africa dialogue available on the Commission Teamworks Space at: <a href="https://undp.unteamworks.org/node/273435">https://undp.unteamworks.org/node/273435</a>
	Longer plenary presentation on national legal and regulatory framework for HIV (findings of LEA and/or other background research and analysis; summary of any submissions received by the Advisory Committee) (2 Hours with Q&A)	Member of Planning Committee	Overview of submissions Day 1 for CSO & Government experts Overview of submissions Day 1 presentation of the Africa dialogue available on the Commission Teamworks Space at: <a href="https://undp.unteamworks.org/node/273441">https://undp.unteamworks.org/node/273441</a>
<b>Afternoon</b>	Review format/agenda of the National Dialogue on Day 2; introduction of the moderator; provide guidance for preparation of interventions in group work (30 min)	Member of Planning Committee	Instructions for group work Instructions for group work of the Caribbean dialogue available on the Commission Teamworks Space at: <a href="https://undp.unteamworks.org/node/348390">https://undp.unteamworks.org/node/348390</a>
	Group work to prepare and rehearse key messages and interventions for Day 2 (2.5 hours)	Support and facilitation provided by Advisory Committee members	
	Wrap up (30 min)	Member of Planning Committee	
<b>Evening</b>	Reception/informal opening ceremony hosted by Advisory Committee and attended by all participants and moderator		



*Preparatory meeting for the government constituency*

The objective of day one of the National Dialogue is to familiarize government participants with the format of the town hall meeting that will follow on day two, to explain how the meeting will unfold, who else is participating, what issues may arise and to clarify what is expected of participating government representatives. Day one also provides an opportunity for government representatives to seek clarifications, meet each other and

the moderator and speak privately and candidly about the issues that will be raised at the town hall. By the end of the meeting, participants should have a clear understanding of their role on day two and feel ready to respond to civil society interventions, share their views, or otherwise contribute to the discussions.

Because government participants are accustomed to responding and reacting to members of civil society, day one’s afternoon sessions need not focus on preparing interventions. Instead, the afternoon session could stage a mock plenary discussion on issues raised in the morning presentations, including how to respond to members of civil society and how to explore solutions. The following questions can guide the discussion:

- What did the overview that we saw this morning tell us about the law, the lack of laws and their non-implementation in the context of HIV?
- What are the key challenges for government in strengthening laws and practices for more effective HIV responses?
- What do you see as the key issues that civil society groups will raise tomorrow?
- What solutions can government bring to the table given the issues likely to be raised? What solutions can or should civil society groups offer?

The following agenda from the Africa Regional Dialogue can guide the format of the preparatory meeting for government participants:

	Activity	Presenter /responsible person	Resource materials
<b>Morning</b>	Brief plenary presentation of work of Commission on HIV and the Law, relevant regional dialogue(s) and follow-up activities, including LEAs and National Dialogues held to date (1 hour with Q&A)	Member of Planning Committee	Intro presentation Day 1 for CSO & government experts Intro Presentation Day 1 of the Africa dialogue available on the Commission Teamworks Space at: <a href="https://undp.unteamworks.org/node/273435">https://undp.unteamworks.org/node/273435</a>
	Longer plenary presentation on national legal and regulatory framework for HIV (findings of LEA and/or other background research and analysis, highlighting issues that will be raised by civil society, including in any submissions received by the Advisory Committee) (2 hours with Q&A)	Member of Planning Committee	Overview of submissions Day 1 for CSO & Government experts  Overview of submissions Day 1 presentation of the Africa dialogue available on the Commission Teamworks Space at: <a href="https://undp.unteamworks.org/node/273441">https://undp.unteamworks.org/node/273441</a>

	Activity	Presenter /responsible person	Resource materials
<b>Afternoon</b>	Review format/agenda of the National Dialogue on Day 2; introduction of the moderator (30 min)	Member of Planning Committee	
	Facilitated discussion on issues raised in morning presentations (including tea break) to encourage law- or policy-makers to share successful approaches and challenges encountered in tackling legal barriers in the response to HIV, focusing on the role of government and law enforcement (2.5 hours)	Support and facilitation provided by Advisory Committee members	
	Wrap up (30 min)	Member of Planning Committee	
<b>Evening</b>	Reception / informal opening ceremony attended by both civil society groups and law- and policy-makers		

### *Role of the moderator on day one*

The moderator should attend meetings for both constituencies on day one to introduce him or herself to participants and make brief remarks about his or her expectations for the meeting, as well as to begin developing relationships with participants. It is also useful for the moderator to observe afternoon discussions for both sets of constituents so that he or she is familiar with some of the likely inputs for day two and can begin to identify participants who are likely to make useful or provocative interventions.

### *Day one debriefing*

One or two representatives from each of the day one constituent streams should be invited to a debriefing with the moderator, working group facilitators and support staff. This will help refine the running order for day two and ensure that the moderator is prepared, particularly to handle any potential provocateurs.

### **Day two: The National Dialogue meeting**

The purpose of the town hall format on day two is to ensure that a genuine dialogue on the issues is encouraged and that all participants have the opportunity to share their experiences and concerns. The aim of the dialogue is not to apportion blame for human rights violations or gaps in the legal and regulatory framework for HIV, but to promote a better understanding of the current situation and seek consensus on steps that can be taken to move the agenda forward on a national level.



To diversify the pace and content of the town hall meeting and to keep participants interested, consider airing short videos (even from YouTube) that relate to the discussion.

## Draft Agenda for Day Two of the National Dialogue

**A typical agenda for the town hall meeting on day two includes the following components:**

- **Welcome, Introductory Remarks and Introduction of Moderator**

(Head of UNDP Country Office or Chair of Advisory Committee)

- **Explanation of Town Hall Mechanics (Moderator)**

Useful background materials include: confidentiality considerations<sup>4</sup>, an overview of the agenda, themes for discussion, roles of the moderator and participants, anticipated outcomes.

- **Context Setting Sessions (Moderator)**

This session should consist of short presentations or a moderated panel discussion featuring selected civil society participants and national experts on HIV, the law and human rights. The session should highlight the following:

- The link between HIV, the law and human rights;
- Key HIV, law and human rights issues in the country, including the legal, regulatory and policy framework, how laws are implemented and enforced, and the key legal and human rights issues facing people living with HIV and key populations; and
- Examples of effective regional, national and local responses to HIV that are based on legal mechanisms and a human rights orientation.

In the context of a panel discussion, the moderator may pose questions to panelists so that they can elaborate on key issues, such as:

- What do laws and human rights issues have to do with HIV and AIDS?
- How do laws and the way that they are enforced affect people with HIV?
- What are key populations? How do laws relating to them affect the HIV response? How do we better reconcile current laws and practices with human rights and public health needs?
- What kinds of legal responses to the HIV epidemic are we seeing here and in other countries? What works and what does not work?
- If you were a parliamentarian or policy maker, what three things could you do to reduce the impact of HIV on people's lives?

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4 This is based on the principle of the Chatham House Rule which states that "participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed" without the consent of the participants. This principle may be invoked at meetings to encourage openness and the sharing of information. For more information, see: <http://www.chathamhouse.org/about-us/chathamhouserule-translations> or impede access to HIV related treatment; and (4) issues of law pertaining to children and young people in the context of HIV.

## • Dialogue Sessions (Moderator)

For the remainder of day two, selected topics or themes are addressed in a town hall format. Dialogue is provoked by brief, selected interventions that may not exceed five minutes. Those making the interventions are either members of civil society or expert participants who prepared for their interventions on day one. The moderator can use question prompts to invite a dialogue about the issues raised in the interventions, ensuring that all stakeholders are called upon, including government representatives, and those who raise their hands spontaneously. Some examples of possible moderator questions, broken down by topic, include the following:

### **TOPIC: Discrimination**

Possible experts include people living with HIV who can describe being denied access to services, or ostracized within their communities.

#### **Question Prompts by the Moderator:**

- How have such cases impacted your health?
- How do such cases affect the national response to HIV?
- How can laws help to prevent this type of discrimination?
- How can government help to address these issues?

### **TOPIC: Criminalizing the Behaviour or HIV Status of Key Populations**

Possible experts include sex workers, MSM and drug users who can describe their interactions with police or the justice system. In order to address these issues comprehensively, it may be appropriate to hold a separate dialogue session for each key population group at the dialogue.

#### **Question Prompts by the Moderator:**

- How do these punitive laws and policies impact your access to HIV services?
- How could laws or practices enhance your access to services and public health outcomes?
- How can the government help to address these issues?

### **TOPIC: Access to Justice**

Possible experts include HIV-positive populations who typically describe their experiences in seeking redress, for example, for a breach of confidentiality by a health worker, or mistreatment by a law enforcement officer.

#### **Question Prompts by the Moderator:**

- What would you expect of the health worker in this case?
- What would you expect of our justice system in this case?
- How could positive or negative experiences be promoted or prevented?

## • Dialogue Sessions (Moderator)

### TOPIC: Women and Children

Possible experts include women with experiences of domestic violence, sexual assault or forced sterilization and who can talk about how this is related to their HIV status. Other possible experts are women and children who have suffered from the impact of customary laws or had positive experiences of empowerment.

#### Question Prompts by the Moderator:

- What is the impact of such practices on the response to HIV?
- How does or should law enforcement respond to these cases?
- How can the legal framework ensure that women's rights are protected?
- How can men and boys be better engaged?

### TOPIC: Access to Treatment

Possible experts include lawyers who typically describe country experiences using flexibilities under the Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS), access to antiretroviral treatment, or treatments that activists describe as quack therapies that victimize people living with HIV.

#### Questions Prompts by the Moderator:

- How could the country use TRIPS more effectively?
- How could the regulatory framework for medicines better protect people with HIV from quack therapies?

## • Wrap-up Session

The moderator should invite a pre-selected participant from each stakeholder group to make closing remarks. UNDP and UNAIDS representatives should also make closing remarks, emphasizing follow-up steps to the dialogue process, including the estimated publication date for the meeting report.

### *Annotated agenda or running order*

The moderator should use the running order to help determine who should make interventions during the dialogue sessions. The running order may also list questions and talking points for the moderator to use when guiding the dialogue. The use of the running order should be balanced against spontaneous interventions.

### *Set-up of the room*

The room set-up should facilitate engagement and discussion and avoid static presentations from a podium. A circular or horseshoe seating arrangement with the moderator in the middle of participants is particularly suitable for a town hall format.

#### **Practical Tools: Running Order**

Day two running orders or scripts prepared for the Asia-Pacific, Caribbean, Eastern Europe and Central Asia, Latin America, Africa and High Income Countries Dialogue are all available on the Commission Teamworks Space at: <https://undp.unteamworks.org/node/273444>.

## **6.9 National Dialogue Report**

A rapporteur should be present throughout day two to create a transcript that can be used to prepare the meeting report. The report should summarize the discussions and key interventions by stakeholder groups without identifying specific individuals. Special care should be taken to protect the confidentiality or anonymity of participants who requested it. The report should emphasize practical outcomes and any concrete follow-up steps identified during the dialogue. It should also compile the recommendations adopted at the meeting for each specific issue.

#### **Practical Tools: National Dialogue Report**

Day two running orders or scripts prepared for the Asia-Pacific, Latin America, Caribbean, Eastern Europe and Central Asia, Africa and High Income Countries Dialogue are all available on the Commission Teamworks Space at: <https://undp.unteamworks.org/node/273444>.

Regional Dialogue videos available at: <http://vimeo.com/hivlawcommission>.

Regional Dialogue reports available at: <http://hivlawcommission.org/index.php/regional-dialogues-main>.

UNDP, et al., 'The National Symposium on HIV, Law and Human Rights, Theme: "Respect, Protect and Fulfil Human Rights"', Kenya, 30 and 31 October 2012, available at: <https://undp.unteamworks.org/node/372016>.

PNUD, 'Dialogo Nacional sobre el VIH y el Derecho, Informe y recomendaciones: El Salvador', PNUD, 2012. El Salvador National Dialogue Report available at: <https://undp.unteamworks.org/node/372016>.

Panama National Dialogue Report available at: <https://undp.unteamworks.org/node/273454>.

## 7. FOLLOW-UP TO THE NATIONAL DIALOGUE

The Advisory Committee should meet soon after the National Dialogue to review and plan follow-up steps, possibly in the form of a detailed action plan. The action plan should be concrete in identifying the priorities that need to be taken forward for an effective, national HIV response. Other follow up steps may include:

- A dissemination plan for the National Dialogue report;
- Addressing any further research needs that may have been identified during the dialogue meeting. These activities may feed into the LEA process;
- Follow-up on commitments made by government participants;
- Follow-up meetings or other activities identified during the dialogue. These might include training or sensitization for law enforcement officials, members of the judiciary, health care workers and government officials. There might also be capacity building or “know your rights” training for people living with HIV, civil society and key populations; and
- Identification of resource needs for follow-up activities and deciding on the future role of the Advisory Committee.

### **Practical Tools: Action Plan**

Moldova Action Plan available at: <https://undp.unteamworks.org/node/273453>.

## 8. MEDIA AND COMMUNICATIONS STRATEGY

The communications plan for the meeting will depend significantly on the country context and should be developed in close collaboration with UNDP and UNAIDS communications experts. In some countries, media will not be allowed in the town hall whereas other countries might accept them at the National Dialogue.

In countries with hostile social and media environments, outreach should be limited. For example, a media advisory for trusted journalists and a press release at the conclusion of the National Dialogue meeting may be sufficient in these contexts. Positive quotes from participants, including government representatives, should be emphasized, with respect for the confidentiality of civil society participants.

In less hostile media environments, the following activities may be considered:

- Use of social media and web technologies for broader engagement and awareness raising that may generate submissions. Social media can also be used to make relevant materials available and to promote the outcomes of the National Dialogue;
- Holding a press conference with representatives of civil society (people living with HIV, women, key populations and human rights champions in the government);
- Issuing a media advisory or press release; and

- Working with UNDP/UNAIDS communications experts to identify possible media opportunities, including blogs and social media; media conference calls; web, print, radio and TV interviews.

### **Practical Tools: Communication Materials**

Press release from Moldova National Stakeholder Meeting on HIV and the Law, 2012, available at: <https://undp.unteamworks.org/node/273451>.

Press release from the launch of the Commission Report, 2012, available at: <http://hivlawcommission.org/index.php/press-releases?task=document.download&id=104>.

Media teleconference script for the launch of the Commission report, 2012, available at: <https://undp.unteamworks.org/node/348396>.

Tough media Q&A for the launch of the report of the Global Commission on HIV and the Law, 2012, available at: <https://undp.unteamworks.org/node/348395>.

## **9. BUDGET**

The Advisory Committee or planning team should develop a budget for the National Dialogue process that takes into account the following:

- Per diems for participants and UNDP Regional Service Centre staff;
- Participant travel costs;
- Additional costs for local transport (e.g., a bus for key population groups to/from hotel and meeting venue);
- Moderator fees, travel and accommodation;
- Venue;
- Catering (food, beverage, coffee breaks);
- Report writer fees;
- On-site translation; and
- Audio or video recording.

## **10. CONCLUSION**

The seven Regional Dialogues organized by the Global Commission on HIV and the Law in 2011 have played an important role in generating an evidence base on the impact of laws, policies and law enforcement practices on HIV responses. In a number of instances, the discussions which took place during Regional Dialogues resulted in the convening of National Dialogues to explore in greater depth some of the issues raised and to develop country-specific action plans for legal reform in support of effective HIV responses.

The National Dialogues convened to date have created opportunities to translate the findings and recommendations of the report of the Global Commission on HIV and the Law into country-specific contexts. In several instances, National Dialogues have provided the space to absorb and translate the findings of legal environment assessments and legal reviews into national action plans. This manual will 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.

Country-level action is often essential to improving the human rights environment. In El Salvador, for instance, steps to review or reform laws following a National Dialogue in June 2012 resulted in promising efforts to revisit the national AIDS law and draft a gender identity law similar to the Argentinean 'Gender Identity and Health Comprehensive Care for Transgender People Act' (Gender Identity Law) 2012. In the Pacific, the April 2013 multi-sectoral consultations on legal and policy barriers to HIV services led to the adoption of country-specific action plans to support the progress of rights-based HIV legislation through Parliament. In some countries, these consultations resulted in the adoption of progressive laws in relation to key populations. In Ghana, following the National Dialogue held in April 2013, the Government decided to review the draft HIV Bill containing a provision to criminalise HIV. These promising results show that National Dialogues can pave the way to effective HIV responses by enabling legal environments that are respectful of human rights.

# ANNEX 1

## Working Timeline for National Dialogue Planning Process

No.	Task	Timeline	Staff	Notes
1	<b>Set up Advisory Committee / planning team</b> Invitation, ToRs drafted Identify budget and staffing needs	3–4 months before National Dialogue (ND)		
2	<b>Develop Concept Note and provisional agenda for the ND</b>	3–4 months before ND		
3	<b>Develop and issue Call for Submissions</b>			
4	<b>Identify government participants</b> Invitation letters sent, follow-up phone calls to staff	2–3 months before ND		
5	<b>Identify and book meeting venue and accommodation for participants</b>	2-3 months before ND		
	<b>Last date for Call for Submissions</b>	2 months before ND		
6	<b>Develop ToRs for moderator; Identify and book moderator who should be given a contract to sign</b>	2–3 months before ND for ToR and 2 months before ND for moderator contract		
7	<b>First briefing materials sent to moderator</b>	6 weeks before ND		
8	<b>Identify and contract with report writer</b>	2 months before ND		
9	<b>Instructions for Advisory Committee to review submissions</b>	2 months before ND		
10	<b>Advisory Committee to review submissions</b>	2 months before ND		
11	<b>Civil society / Key Population participants identified and invited; Send background materials</b>	6 weeks before ND		
12	<b>Identify presenters and facilitators for day one of ND; Identify speakers and panelists for day two of ND</b>	4 weeks before ND		
	<b>Develop running order for moderator</b>			
13	<b>Second briefing package to moderator; Face to face meeting with moderator to review agenda and running order</b>	3 weeks before ND		
14	<b>Plan media strategy; Develop advisory, press release, arrange interviews</b>	3 weeks before ND		
15	<b>Finalization and registration of participant list</b>	3 weeks before ND		

No.	Task	Timeline	Staff	Notes
16	Address security and logistical needs of key population participants	2 weeks before ND		
17	Venue and logistical arrangements; Stage press conference	2–3 days before ND		
18	NATIONAL DIALOGUE MEETING DAY ONE Evening debriefing with moderator, adjust agenda and running order			
19	NATIONAL DIALOGUE MEETING DAY TWO Media activities			
20	Advisory Committee meeting debrief and follow-up	As soon as possible after ND		
21	Disseminate report from ND	Within a month of ND		
22	Follow-up action plan	Within 6 weeks of ND		

## ANNEX 2

### Sample Terms of Reference for Advisory Committee

The following draft Terms of Reference are for members of the Advisory Committee that can be used to guide the National Dialogue.

#### Background

[INSERT 3–4 PARAGRAPHS OVERVIEW OF COUNTRY NATIONAL AIDS RESPONSE]

The Global Commission on HIV and the Law, an independent body convened by UNDP on behalf of the UNAIDS family examined the impact of the law on responses to the HIV epidemic with the aim of catalysing country-level action for the promotion of legal environments that protect human rights and stem the tide of HIV. Since its launch in June 2010, the Global Commission on HIV and the Law has put in motion an inclusive and dynamic process to generate and analyse 680 written submissions from 130 countries on how laws impact HIV responses. The Commission also convened seven Regional Dialogues on issues of HIV, human rights and the law with almost 700 participants from a diverse range of constituencies.

The Commission's final report in 2012, *'HIV and the Law: Risks, Rights and Health'*, is a comprehensive examination of how laws and human rights-based legal environments can play a critical role in the well-being of people living with HIV and those vulnerable to HIV. Based on persuasive evidence, the report demonstrates that punitive laws and discriminatory practices create and punish vulnerability, hinder access to prevention and treatment and contribute to increasing stigma. By contrast, laws that place human rights at their centre can improve HIV prevention, increase the coverage, uptake and quality of treatment programmes, enhance social support for people affected by the epidemic, protect their rights and increase the cost-effectiveness of investments.

Based on the Global Commission on HIV and the Law process, a National Dialogue is intended to enhance national awareness, dialogue, engagement and ownership in a plan to affect real change in people's lives and health.

#### National HIV context

[INSERT 3-4 PARAGRAPH OVERVIEW OF COUNTRY RESPONSE TO HIV & HUMAN RIGHTS that might include the following points:

Key steps toward a rights-based, national response to the HIV epidemic such as:

- Broad overview of a country's legal and policy framework in relation to human rights and HIV;
- Key HIV, law and human rights issues of concern;
- Current response, if any, to strengthening the legal and policy framework;
- Impact on key populations and other populations considered vulnerable to HIV; and
- Key gaps and challenges in responding to HIV.]

## Role

The role of the Advisory Committee should be to support the conceptualization, planning and implementation of the National Dialogue. More specifically the role of the Advisory Committee is to serve the following functions:

- **Oversight:** To guide and monitor the National Dialogue process and ensure that it is consultative, inclusive and grounded in principles of human rights;
- **Guidance:** To provide technical input throughout the various stages of the National Dialogue such as the selection of participants, or an assessment of submissions or policy proposals;
- **Implementation:** To support or actively help carry out the National Dialogue based on available resources.
- **Follow up:** To see recommendations from the dialogue through to their fruition.

## Roles and Responsibilities

The responsibilities of the Advisory Committee may include:

- Conceptualizing, planning and implementing all the stages of the National Dialogue;
- Guiding the dialogue in accordance with human rights principles and accepted meeting norms;
- Facilitating fund-raising and resource mobilization for expenses related to the Dialogue;
- Providing ongoing technical support to the planning, implementation and follow-through of the National Dialogue;
- Overseeing and monitoring the National Dialogue process throughout each stage of the process;
- Raising awareness of crucial HIV, law and human rights issues;
- Helping to strengthen the political commitment to the National Dialogue process;
- Reviewing and endorsing all documents, papers, materials and calls for submission developed through the National Dialogue;
- Reporting outcomes back to key stakeholders; and
- Following up on the outcomes and recommendations of the National Dialogue.

More specifically, the Advisory Committee will be responsible for carrying out the following key activities:

- Identifying the human and financial resources that are required for the National Dialogue process;
- Preparing or commissioning background research, analysis and briefing materials;
- Determining the scope of the National Dialogue;
- Selecting, inviting and preparing participants;
- Selecting and preparing moderators;
- Following up with the moderators and presenters;
- Organizing the venue for the National Dialogue meeting;
- Managing logistics for participants (travel, accommodation, per diem);
- Developing the agenda and running order for the National Dialogue meeting;
- Facilitating two parallel sessions on day one of the National Dialogue meeting;

- Managing logistics for the National Dialogue meeting;
- Producing a report from the National Dialogue meeting; and
- Supporting follow-up activities, where appropriate.

## **Composition**

For ownership purposes, a national government coordinating body should lead, convene and coordinate the work of the Advisory Committee. This role might be delegated or left to either the UNAIDS or UNDP Country Office.

The make-up of the Advisory Committee should include representation from the following key groups:

- The national people living with HIV (PLHIV) group;
- A national group serving women, children, or both;
- A national group led by or serving MSM;
- A national group led by or serving sex workers;
- A national drug user group;
- Providers of legal, health care and other services to people with HIV and key populations;
- NGOs involved in the protection of human rights, HIV and the law, or lawyers with expertise in human rights and HIV or health. These individuals should be involved in or familiar with the LEA or other background research and analysis that is undertaken to prepare for the National Dialogue;
- The primary HIV/AIDS coordinating body, such as the Ministry of Health or National AIDS Commission;
- A representative of an international regional entity or human rights mechanism;
- UNDP Regional or Country Offices, as appropriate;
- The UNAIDS Country Office; and
- The Joint United Nations Country Team on AIDS.

### **Attention should be given to geographical and gender diversity.**

[Details could be added here according to country context, available resources and assigned responsibilities.]

# ANNEX 3

## Sample Terms of Reference for Moderator

The following draft Terms of Reference is for the expert moderator of the National Dialogue.

### Background

UNDP is the UN's global development network, an organization advocating for change and connecting countries to knowledge, experience and resources to help people build a better life. UNDP has offices in 166 countries, working with national counterparts on their own solutions to global and national development challenges.

UNDP is a founding co-sponsor of the Joint UN Programme on HIV/AIDS (UNAIDS), a partner of the Global Fund to Fight AIDS, Tuberculosis and Malaria, and a co-sponsor of several other international health partnerships. UNDP's work on HIV, health and development leverages UNDP's core strengths and mandates in human development, governance and capacity development to complement the efforts of specialist health-focused UN agencies. UNDP delivers three types of support to countries in HIV, health and development.

[INSERT 3–4 PARAGRAPH OVERVIEW OF COUNTRY NATIONAL AIDS RESPONSE]

The objective of the National Dialogues is to follow up on the findings and recommendations of the Global Commission on HIV and the Law that launched its 2012 report 'HIV and the Law: Risks, Rights and Health'. This will be done through submissions and evidence-informed inputs and by engaging policy and law makers, law enforcement officials and members of the public. It is important for the national process to benefit from the views expressed by civil society including the experiences of those most affected by both disempowering and empowering legal environments. This is also important for enhancing awareness, dialogue, engagement and ownership within national stakeholders on the actions that are required to affect real change in people's lives and health.

[INSERT 1–2 PARAGRAPHS WITH INFORMATION ABOUT THE NATIONAL DIALOGUE]

### Objective

The National Dialogue will include preparatory meetings, one with civil society and one with law and policy makers, on [include date]. A moderated town-hall style dialogue involving [include number of participants] participants and law and policy makers will take place the following day, on [include date]. The town hall component will contribute to making this a more inclusive process and enhance the dialogue aspect of the process. Therefore, an expert moderator to facilitate the National Dialogue, [include place and date] will need to be recruited.

### Duties and Responsibilities

Under the overall supervision of the [include name and title], the Expert Moderator will be responsible for the following:

### ***Specific Deliverables***

- Work with the UNDP Country Office and the Advisory Committee
- Facilitate planning and discussions during the preparatory meetings for day one of the National Dialogue
- Act as expert moderator during the Town Hall meeting [include place and date of the National Dialogue]

All deliverables will be the property of UNDP, copyright vesting with UNDP.

### ***Reporting***

The Expert Moderator will directly report to [include name and title].

### ***Travel***

[Include information here as necessary].

### ***Timeframe***

As per the objectives of the assignment and expected deliverables, it is proposed that the time scale for carrying out the consultancy, will be a maximum of [include days of work necessary and timeframe].

### ***Evaluation***

Applicants will be screened against qualifications and competencies specified below through a desk review process. Those selected for the next stage of the selection process will be reviewed based on a combination of their technical and financial scores.

### ***Payment***

The Expert Moderator will be paid a daily rate. Please submit a financial proposal for [include number of days] working days based on a daily rate, including a trip [include information as necessary].

## **Technical competencies**

### ***Corporate competencies:***

- Demonstrates integrity by modeling the UN's values and ethical standards
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability

### ***Functional competencies:***

- Strong analytical, negotiation and communication skills

### ***Communications and advocacy experience:***

- Strong presentation skills in meetings with the ability to adapt to different audiences
- Strong capacity to communicate clearly and quickly
- Strong interpersonal, negotiation and liaison skills

**Qualifications:**

- Degree in Journalism, Public Affairs, Political Science, Development, Anthropology, or any other related field

**Professional experience:**

- International media professional with over five years' of journalism experience
- Past experience working with a globally recognized media outfit such as CNN, BBC or Al Jazeera
- Demonstrated ability to lead discussions, as evidenced by previous experience moderating large meetings, dialogues, Q&A sessions, or other similar events
- Previous experience working with international agencies
- Strong understanding of development issues, including HIV
- Previous UN experience preferred
- Ability to work in English as well as [FILL IN THE RELEVANT NATIONAL LANGUAGE(S)]

# ANNEX 4

## Tips for the Moderator

(Example from Africa Regional Dialogue of the Global Commission on HIV and the Law)

TIPS FOR THE MODERATOR	
What / When	Africa Regional Dialogue of the Global Commission on HIV and the Law, 4 August 2011
Format	Town-Hall Dialogue style
Number of Participants	<p>Approx. <b>180 participants</b>:</p> <ul style="list-style-type: none"> <li>• 12 Commissioners</li> <li>• 61 Civil Society Participants &amp; Individuals</li> <li>• 30 Government Experts</li> <li>• 15 Regional Advisory Group Members</li> <li>• 52 Observers (no right of speaking)</li> <li>• 9 Organizers (Commission Secretariat / UNDP ESA/ Report Writer)</li> </ul>
Purpose	<p>To ensure that a <b>genuine</b> dialogue on the issues considered by the Commission is encouraged, and where almost all participants have an opportunity to share their experiences, views and concerns:</p> <ul style="list-style-type: none"> <li>• Civil society participants voice their perspectives; and</li> <li>• Government experts share their experiences, vocalize their concerns and respond to civil society perspectives.</li> </ul>
Outcomes	<ol style="list-style-type: none"> <li>1. To move the conversation towards better understandings of the predicament of those represented at the dialogue,</li> <li>2. To share innovative ways in which law and its enforcement can support rights-based HIV responses, and</li> <li>3. To locate opportunities for advancing human rights within legal frameworks that can contribute effectively to the HIV response and social development priorities.</li> </ol>
CHALLENGE	Will not be possible to give the floor to all participants within the limited time allocated
ROLE OF MODERATOR	<ul style="list-style-type: none"> <li>• Follow the 'running order' and maintain the overall flow of the dialogue</li> <li>• Keep the balance and encourage genuine interaction</li> <li>• Try to link the points and synthesize</li> <li>• Try to push the participants to think about the solutions or future steps</li> <li>• What are the future expectations from the Regional Dialogue? How do we move on? What are the solutions?</li> <li>• Creates and generates new partnerships and dialogue within and across the countries of the region</li> </ul>
RED FLAGS	<ul style="list-style-type: none"> <li>• No avenue to apportion blame for human rights absence or violations in the various contexts that will be discussed</li> <li>• No place to create conflicts or negative/wrong debates</li> </ul>

## ANNEX 5

### Sample Consent and Release Form

(Example from Africa Regional Dialogue of the Global Commission on HIV and the Law)



#### Consent and Release form

I hereby freely grant the United Nations Development Programme (UNDP) permission to create audio or video recordings, photographs and footage of me during the Africa Regional Dialogue of the Global Commission on HIV and the Law, taking place at the Burgers Park Hotel in Pretoria, from 3-4 August 2011. In particular, my consent extends to the following:

1. I consent to being filmed for the live webcast of the event on August 4<sup>th</sup>, to be accessed by civil society organisations who made unsuccessful submissions to the Africa Regional Dialogue, and who have been invited to participate by webinar  
 YES  NO
2. I consent to being filmed as a background participant of the Africa Regional Dialogue on August 4<sup>th</sup> in Pretoria  
 YES  NO
3. I consent to being filmed while making verbal submissions during the Africa Regional Dialogue on August 4<sup>th</sup> in Pretoria  
 YES  NO

I fully understand that:

- any audio or video recordings or photography taken during this two-day event will be used only to promote the activities of UNDP to protect people living with HIV and vulnerable to populations, and to document the Africa Regional Dialogue of the Global Commission on HIV and the Law,
- there will be a live webcast of the event on August 4<sup>th</sup> which will be accessed by a limited audience of civil society organisations who made unsuccessful submissions to the Regional Dialogue, to ensure greater regional participation in the dialogue, and
- UNDP is the rights-holder of the footage of the event, and will produce a video as part of its mandate to generate enhanced outreach of information and services.

I fully understand that any audio or video recordings or photography taken during this two-day event may therefore be shown through multiple channels, including online media, public screenings, DVD distributions and exhibitions.

I understand that all images and recordings captured by UNDP will be used solely as promotional materials to protect people living with HIV and vulnerable populations and not for any commercial purposes.

I hereby release UNDP, UNAIDS and the African Union Commission and all of its employees, of all claims of every account of such use and I waive any rights of compensation or ownership thereto.

I confirm that the content of this consent form has been explained to me, and that, I fully understand the meaning.

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(Date)

---

(Name)

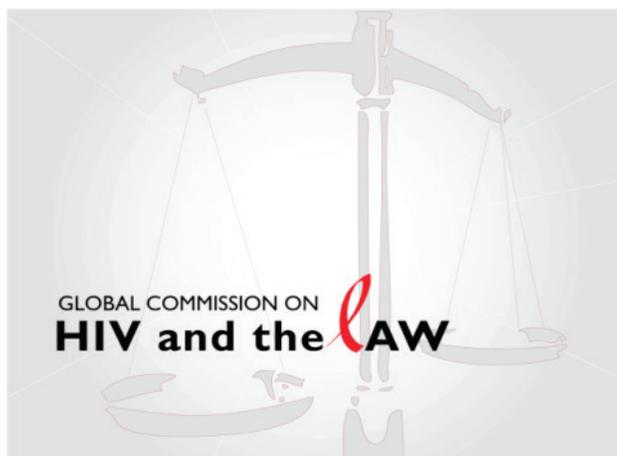
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(Witness)

## ANNEX 6

### Sample Call for Submissions

(Example from Africa Regional Dialogue of the Global Commission on HIV and the Law)



**LAW** can change your life  
**LAW** can transform **HIV** responses  
**BUT IT STARTS WITH YOUR VOICE**  
**SPEAK UP AND LEAD!**



- **Have you experienced discrimination or unfair treatment because of your HIV status?**
- **Are you a woman with HIV who experiences stigmatisation, blame, violence from partners or discrimination from health carers because of HIV? Do you feel that the law and the police protect you?**
- **Are criminal laws used to penalise and discriminate against you because you are HIV positive, a drug user, transgender person, sex worker, or a man who has sex with men? Do you experience violence and harassment? Does this make it difficult for you to use HIV health care services?**
- **Are you a child or young person affected by HIV? Are you orphaned or caring for other family members? Are you treated badly at school and at clinics? Can you get health care and social assistance?**
- **Have you been treated unfairly by health care workers [or employers] because of your HIV status?**
- **Are cultural norms and practices putting you at risk of HIV?**
- **Are you able to access treatment for HIV and AIDS? Is your government doing enough to provide HIV-related health care? Are intellectual property laws restricting (or increasing) access to treatment?**
- **Can you get legal assistance from the state or NGOs to protect you from HIV-related discrimination? Can you bring these problems to court?**
- **Do you provide legal services to people living with HIV, women, children, people who inject drugs, men who have sex with men, sex workers, prisoners, migrant workers or mobile populations?**
- **Do you work to develop protective laws, challenge laws in court and improve the legal situation of people living with HIV, women, children, people who use drugs, men who have sex with men, sex workers, prisoners, migrant workers and mobile populations?**
- **Are you a researcher or activist whose work builds evidence around the impact of human rights on HIV and AIDS?**

## **Why a Regional Dialogue in Africa**

The latest data from the UNAIDS Report on the Global AIDS Epidemic find that Africa, particularly sub-Saharan Africa, continues to bear the greatest burden of the global HIV epidemic, with over two-thirds of the global total of people living with HIV coming from sub-Saharan Africa, and more women than men living with HIV. The epidemic has long been fuelled by stigma, discrimination and the limited realisation of basic human rights, issues which have not been adequately addressed through national legal systems. Several countries still have policies that interfere with the accessibility and effectiveness of HIV-related measures for prevention and care. Examples include laws perpetuating the unequal status of women, criminalising HIV transmission or exposure, criminalizing consensual sex between men, criminalising aspects of sex work, prohibiting condom and needle access for prisoners and prohibiting young people from accessing HIV prevention independently of their parents. At the same time, laws and regulations protecting people with HIV from discrimination are not enacted, fully implemented or enforced.

The Global Commission on HIV and the Law seeks to further efforts in the region to improve HIV responses by addressing key legal barriers and promoting enabling legal environments. On 3–4 August 2011, the Commission will host an Africa Regional Dialogue in Johannesburg, South Africa to learn the experiences and perspectives of individuals, communities, policy and law makers and law enforcement actors in the region. The Regional Dialogue will be an opportunity for those profoundly and directly affected by and vulnerable to

HIV, including **those whose voices are silenced by restrictive legal environments**, to be heard on issues of human rights, law and HIV.

### What is the Global Commission on HIV and the Law?

The Global Commission on HIV and the Law was launched in June 2010 to develop **actionable, evidence-informed and human rights-based recommendations** for effective HIV responses that protect and promote the human rights of people living with and most vulnerable to HIV.

To this end, the Commission shall focus on some of the most challenging legal and human rights issues in the context of HIV, including **criminalisation of HIV transmission, behaviours and practices such as drug use, sex work, homosexuality**, and issues of **prisoners, migrants, children's rights, violence against women, and access to treatment**.

For more information on the Commission, please visit: [www.hivlawcommission.org](http://www.hivlawcommission.org).

### How can the law play a central role in the HIV response?

**Imagine living in a world where the law fully protects the human rights and dignity of all.** In that world women, children and people living on the fringes of society – sex workers, drug users, homosexuals, transgender people, prisoners and migrants – could safely and freely take steps to protect themselves against HIV infection and to stay healthy if they are living with HIV. They would be able to access services that benefit not only them but those that they come into contact with.

The law can protect those vulnerable to and living with HIV against abuse and harassment by the police and against discrimination by healthcare workers and employers. The law can make it possible for people at risk of HIV to access the tools they need to stay HIV-free. Likewise, the law can make it possible for people living with HIV to access life-sustaining treatment. **A world in which laws support human rights for all can be a world without HIV!**

### Why is your submission important?

To have the greatest impact, the Commission is seeking inputs from diverse civil society groups and individuals, including those advocating for human rights, women's issues, etc. The Commission is looking to learn from the **experiences and knowledge** of those most affected by both disempowering and empowering laws and practices. By speaking out now, **your experience and knowledge will help to shape the Commission's thinking and recommendations, and influence the HIV response in your region.**

## WHAT TO SUBMIT

The Commission wants to learn from your **experience or knowledge**.

1. In many parts of Africa, as in other parts of the world, the law treats people vulnerable to HIV as criminals. Many African countries criminalise a wide range of behaviors that may expose a person to HIV, making potential criminals of people living with HIV. In other countries, it is illegal to be a sex worker, a homosexual, a transgender person, a drug user or a migrant. Even in places where these behaviours are not crimes, law enforcement agencies, including police officers, harass or abuse members of these

groups. **Are you a member of one of these groups who has been cast as a criminal or mistreated by police because of who you are? Do you work with marginalised people whose lives are criminalised? Share your experience of how the law impacts your life or the lives of those you work with.**

2. Similarly, women and children often experience violence, discrimination and inequality, and are unable to access basic rights for survival, increasing their vulnerability to HIV. Too often, the law does little to promote equal access to their rights, prevent discrimination and violence or to help those who have suffered. **Have you lived this experience? Do you work with people who have? Share your experience with the Commission.**
3. In many places, intellectual property laws create barriers to HIV-related treatment access, resulting in inflated prices and reduced supplies of life-saving medicines. **Are you an academic, researcher or human rights advocate who has been working on intellectual property rights in the context of HIV-related treatment access in your country? Share your work and your perspective with the Commission.**

## HOW TO SUBMIT

### 1) Countries covered by this call

You are invited to make a submission if your experience has been in a country within the African Union.

Submissions will be reviewed by a selection committee created by the United Nations and the Global Commission and a set of authors of submissions will be invited to Johannesburg to participate in the Regional dialogue, which will be conducted with simultaneous translation between English, French and Portuguese.

### 2) Languages

Submissions are welcome in English, French and Portuguese.

### 3) Confidentiality of Submissions

Submissions can be made at two levels: **Public** or **Confidential**. You should **clearly state if you would like it to remain confidential**. All submissions will be collected by the Secretariat of the Global Commission on HIV and the Law for an objective review. The Secretariat will then submit the relevant submissions to a Regional Advisory Group which will select the submissions to be shared at the Regional Dialogue. On behalf of the Commission, the Regional Advisory Group will be convened by UNDP and UNAIDS and will involve members from regional civil society advocacy networks and human rights advocates.

If you would like your submission to be treated as confidential, then please provide **two versions** of the submission: (1) a confidential version, which will be viewed only by the Commission Secretariat, (2) a public version with all confidential information removed, which will be submitted to the Regional Advisory Group for review.

**Please note that while only some submissions will be selected for the Regional Dialogue, all submissions sent to the Regional Advisory Group are important and will inform and shape the Commission's findings.**

## 4) Format of Submissions

All submissions must follow the template for submissions prescribed below.

- **Letter format:** Submissions should be no more than 3 pages long (maximum 1500 words in the main body of the submission), on A4 size paper. If sent by email, submissions should be in PDF (.pdf), RTF (.rtf) or Word Doc (.doc; docx) format. (Please note if your submission is confidential, only the public version will be shared with the Regional Advisory Group for review).
- **Audio/Video format:** Submissions in audio or video format should be no more than 10 minutes long. (If your audio or video submission is confidential, please do not mention your name and contact details in the submission. Instead, please include this information in the submission template accompanying your submission.)
- **Online Audio/Video submissions:** Submissions that cannot be sent via mail or email can be submitted online. They may be uploaded on “youtube.com”, “dailymotion.com” or “vimeo.com” using a personal account. Please make sure to secure your video as “private” and send us the link and password to your video.

## 5) Deadline

### 3 June 2011

Please note that only 1 submission per individual or organisation will be accepted.

Send your entries to:

- **Via Email to:** info@hivlawcommission.org  
Subject line should be: “Submission Africa Regional Dialogue-level of confidentiality-Key issue(s)”. (e.g. Submission Africa Regional Dialogue-Public-Criminalisation of drug use).
- **Via Mail to:** Global Commission on HIV and the Law – Secretariat  
United Nations Development Programme  
BDP, HIV/AIDS Practice  
304 East 45<sup>TH</sup> Street – FF1180  
New York, NY 10017, USA

## AFRICA REGIONAL DIALOGUE 2011

### SUBMISSION FORM

Contact Details	
Name of Author:	
Name of Organisation:	
Are you submitting as an Individual or on behalf of an organisation? <input type="checkbox"/> Individual <input type="checkbox"/> Organisation	
<b>Please note that you can only make 1 submission per person and per organisation.</b>	
Phone Number:	
Email address:	
Website:	
Date of submission:	
Address:	
City:	
Country:	
Submission:	Maximum 1500 words. Please attach additional sheets.
Confidentiality	
<p>Submissions can be made at two levels: <b>Public</b> or <b>Confidential</b>. You should <b>clearly state if you would like it to remain confidential</b>. All submissions will be collected by the Secretariat of the Global Commission on HIV and the Law for an objective review. The Secretariat will then submit the relevant submissions to a Regional Advisory Group which will select the submissions to be shared at the Regional Dialogue.</p>	
Do you want this submission to be treated as confidential? <input type="checkbox"/> YES <input type="checkbox"/> NO	
<b>If YES, please submit two versions of the submission: (1) the confidential one which will remain with the Commission Secretariat, (2) the public one with the confidential information removed for selection by the Regional Advisory Group.</b>	
Submissions Deadline	
<b>Submissions should be received by email or mail, by close of business Friday, 3 June 2011.</b>	



**UNITED NATIONS DEVELOPMENT PROGRAMME**

**Bureau for Development Policy, HIV, Health & Development Group**

304 East 45<sup>th</sup> Street, 11<sup>th</sup> Floor • New York NY, 10017 • United States of America