

Draft recommendations on human rights in country dialogue

Global Fund Human Rights Reference Group
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Country dialogue produces concept note

What the country dialogue is

- Country-owned and led
- Built on existing coordination mechanisms in health and development
- Country Coordinating Mechanisms (CCMs) should take a leading role in coordinating discussions with other stakeholders
- Should include CCMs; Governments; the private sector; the public sector; civil society; academia; key affected and most-at-risk populations and networks; and bilateral, multilateral and technical partners in-country
- The process should help to identify a country's prioritized needs and ultimately prepare the submission of concept notes to the Global Fund

Country dialogue promotes investment for impact, ensuring that health interventions reach those who need them

- Helps to ensure that the concept note ensures resources and programmes meet the needs of all those affected, including highly marginalized and the criminalized
- Creates a forum to explore needs for mainstreaming gender
- Identify current challenges and any needed cross-cutting interventions, including
 - *health systems strengthening (HSS)*
 - *community systems strengthening (CSS)*
 - *Interventions that effectively reach key populations*
 - *programmatic interventions to address human rights barriers to accessing health services*

Country dialogue helps to create concept note

A robust, multi-stakeholder country dialogue incorporates respect for human rights

- Countries ratify international human rights treaties and must uphold them
- Treaties include civil and political rights, and economic, social and cultural rights
- Countries must report to the UN High Commissioner for Human Rights on implementation of these treaties

Multilateral donors can support countries to do this by promoting:

- Public participation
- Social accountability
- Transparency and right to information
- Rights to freedom of opinion and freedom of expression
- Rights to freedom of association and assembly

Challenges

- A robust, multi-stakeholder country dialogue is resource-intensive
- Differing views on who should be at the table -- whenever someone is included, someone else is excluded
- Challenges experienced with CCMs may be repeated or magnified in country dialogues
- Some key populations may lack representatives or advocates - esp. people with disabilities, prisoners, children, migrants, rural people, indigenous people, and others
- Risk of conflict of interest among participants in the country dialogue
- Need for processes to ensure accountability
- Varying capacities, resources, understanding and expectations of and by civil society and technical partners
- Risk of retaliation against those who speak out
- Risk of imbalance in the three diseases representatives

Recommendations: Preparing to address human rights

1. Based on the epidemiology, identify 3-4 “less-consulted” groups
 1. Such as: indigenous peoples, ethnic groups, people with mental or physical disabilities, loggers, miners, migrants, children, rural communities, refugees, fishermen, farmworkers, homeless, etc.
2. Take steps to consult “less-consulted” groups:
 - a. Hold side meetings in rural or hard-to-reach communities
 - b. Reach out to labor unions, groups working on poverty, refugee camps, or other less-traditional partners
 - c. Use online consultation
3. Consult with human rights experts to learn about the context
 - a. OHCHR, UNDP, National Human Rights Institutions, Members of Parliament, Ministry of Justice, domestic and regional human rights groups and experts
 - b. Identify human rights barriers to accessing health services
 - c. Identify domestic human rights interventions already underway that could be supported
 - d. Identify any existing spaces for community consultation, such as health assemblies

Recommendations: Consultation

1. Caucus with civil society organizations (CSOs) in advance of country dialogue national meetings
 - a. Ensure CSOs understand the epidemic and who is most affected
 - b. Ensure they understand the new funding model, the concept note, and the measurement framework
 - c. Ensure they know what HSS, CSS, gender and human rights interventions the Global Fund will support
 - d. Encourage them to identify collective priorities
 - e. Invite multiple representatives of each constituency, since one individual may not be able to participate regularly or consistently
 - f. Meet in settings where key populations already gather, such as a CBO office
2. Ensure national country dialogue meetings:
 - a. Have a specific time slot on plenary agenda to discuss human rights barriers
 - b. Have a human rights expert (GF staff or consultant) on hand to help civil society discuss needs
 - c. Enable community participants to join with specific support – eg, per diems, transportation, child care, access to ARVs and OST
 - d. Hold all discussions and presentations in the local language, and spell out any acronyms
3. Address and manage risk
 - a. Discuss with technical partners about how to ensure individuals or groups can raise human rights
 - b. Respect confidentiality of participants who are living with HIV and/or key populations – offer the use of pseudonyms if they prefer
 - c. Follow up with people who are outspoken in meetings to check they are safe after the country team leaves
 - d. In risky environments, select meeting venues with private/side entrances
 - e. Consider meeting informally over dinner instead

See Canadian HIV/AIDS Legal Network, “Nothing About Us Without Us” - <http://www.aidslaw.ca/publications/interfaces/downloadFile.php?ref=67>

Recommendations: Accountability

Two elements of accountability

- **Answerability:** description and justification for public actions
- **Enforcement:** mechanisms to sanction unsatisfactory actions

Applicants should be answerable:

- Include representatives of key populations and civil society in the writing group that creates the concept note
- Countries should periodically update country dialogue participants about status and contents of proposal and budget
- Build in time for review of concept note and budget by participants
- If participant recommendations were decided against, give feedback about the reasons

Enforcement?

Options that have been floated include

- In-country mechanisms (through the CCM, through National Human Rights Institutions, etc.)
- Anonymous observational audits of country dialogue processes
- Complaints mechanisms at the Secretariat (through the Inspector General, toll-free numbers, email, etc.)
- What steps would be taken?

Global Fund Human Rights Reference Group

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