**Civil Society Space Report – Input**

The United Nations Development Programme (UNDP) recognizes that civil society input has been crucial for the successes of the Millennium Development Goals and will be essential for achieving the Sustainable Development Goals (SDGs). In recent years, UNDP has successfully created space for civil society partners to have dialogues with government counterparts about the changes necessary to improve policy and legal environments in order to stem HIV epidemics. Where governments have been more reluctant to make reforms, UNDP has provided support to strengthening regional civil society networks and facilitating linkages between advocates from different countries who are facing similar challenges. UNDP’s engagement on providing space for civil society involves supporting sustainable civil society-driven advocacy movements, particularly movements among marginalized populations that are most affected by HIV: gay men and other men who have sex with men, sex workers, transgender people and people who use drugs. Here we cite examples of notable work at the global, regional, and country levels.

**Amplifying Civil Society Voices at Global, Regional and National Levels: Dialogues to inform the work of the Global Commission on HIV and the Law.**

The Global Commission on HIV and the Law was an independent body, convened by the United Nations Development Programme (UNDP) at the request of the Joint United Nations Programme on HIV/AIDS (UNAIDS). The work of the Commission was supported by a Secretariat housed at UNDP. The Commission was created to examine links between legal environments and HIV responses and to catalyse country level action for legal environments that protect human rights and halt and reverse HIV. In so doing, the Commission undertook extensive research, consultation, analysis and deliberation over a period of two years. The conclusions and recommendations of the Commission are included in its final report 'HIV and the Law: Risks, Rights and Health' (July 2012). Input by civil society partners during various stages of the Commission’s work played a key role in shaping its understanding how laws, policies and practices impact the spread of the HIV epidemic and access to health services among marginalized populations.

Critical to the Commission’s work were seven regional dialogues that convened local participants from Asia-Pacific, the Caribbean, Eastern Europe and Central Asia, Latin America, the Middle East and North Africa, sub-Saharan Africa, and high-income countries. Following an open call for public submissions, the Commission heard from nearly 700 individuals and organizations in 140 countries. To give a voice to individuals who otherwise could be silenced by restrictive legal environments, the process for collecting input provided an opportunity to make submissions anonymously. The submissions from each region were reviewed by relevant Regional Advisory Groups comprised of civil society and other experts. Submissions were categorized by: personal experiences, including work-place experiences of affected populations, academic research, or advocacy. Individuals and representatives of organizations, whose submissions were selected by a Regional Advisory Group, were invited to take part in regional consultations. These consultations convened civil society, government representatives, human rights bodies, academics, and other key stakeholders for open dialogues. The dialogues created a space in which civil society representatives came as individual experts to speak with parliamentarians, ministers, members of the judiciary, health workers, law enforcement officials and other government representatives responsible for making, interpreting or enforcing the law.

Facilitated by experienced mediators, these dialogues focused on complex issues, but allowed participants to speak without fear of repercussions and instead focus on resolving crises, and together address the most dire challenges brought on by the HIV epidemic. The dialogues were beneficial to both government and civil society, as they increased awareness among government leaders about the most pressing issues and among civil society representatives on what barriers and limitations their government representatives were facing. In addition, the regional framework of the dialogues created a safe space for focusing on the impact of local and national laws, law enforcement practices, and access to justice on the lives of people living with or affected by HIV. The dialogues did so in a way that resulted in no individual country or government feeling as if it was being singled out. They also examined the role of police, courts, ministries of law and justice, prisons, detention centers, national human rights institutions and civil society organizations in addressing the challenges posed by HIV, and provided invaluable evidentiary contributions to the Commission’s analysis, findings and recommendations.

Following the release of the Commission’s report in July 2012, UNDP facilitated country dialogues led by steering committees made up of civil society, government, academia, and human rights counterparts. As a neutral institution, supporting and partnering with all stakeholders, UNDP, working with other UN agencies in country, provided space for these discussions to take place that was considered legitimate and acceptable. These national level dialogues allowed for zeroing-in on country-specific issues. They also demonstrated the need for allowing civil society an active part in resolving those issues. This process actively involved civil society representatives in all discussion. For example, in cases where health worker stigma towards marginalized groups was identified as one of the key barriers to health access, civil society partners representing marginalized groups were invited to develop a curriculum and conduct sensitization trainings together with WHO and UNDP. In other instances, country follow up consisted of further open dialogues between civil society and affected populations’ representatives and members of the judiciary. In some locales these conversations set never-before observed precedents for reaching consensus.

The experiences of these national dialogues laid the foundation for the Manual produced by UNDP on [organizing national dialogues on HIV and the Law](http://www.undp.org/content/dam/undp/library/HIV-AIDS/Governance%20of%20HIV%20Responses/UNDP%20Practical%20Guide%20on%20National%20Dialogues%20on%20HIV%20and%20the%20Law%20FINAL.pdf).

**Asia-Pacific: The Being LGBT in Asia initiative**

In the Asia-Pacific region, the experiences of the Global Commission dialogues provided momentum for advocacy on the issues related to sexual orientation and gender identity, gender expression and rights, and this led to the initiative *Being LGBT in Asia.* This is a regional effort to better understand and bring to light the successes of, and challenges faced by, the varied lesbian, gay, bisexual, transgender and intersex activists and community-based organizations, beyond just the issues of HIV. National and regional dialogues were utilized for convening advocates, human rights lawyers, and government officials in environments that fostered learning experiences for all.

In this case, dialogues began at the national level. Since many countries in the region still maintained legal prohibitions on same-sex behavior, the topic of LGBT rights remained sensitive, and this reality instructed the specific approach of the national dialogues. LGBT community members guided selection of participants from the government sector, and UNDP again used its position as a neutral and trusted partner to provide a safe and open space for dialogues. In some instances, where environments were more restrictive, government officials were invited in their personal capacity, not as representatives of their particular agencies or ministries. This allowed ministers and other high-level government stakeholders to participate and ask questions, while still building personal relationships with advocates and activists. As these country dialogues gained attention in the region, more and more government Ministries and bodies were willing to participate in official capacities.

The dialogues uncovered inequalities within LGBT communities, as well as issues faced by LGBT individuals in healthcare, education, employment, and myriad other areas; thus highlighting the negative social and economic impacts of exclusion of, and violence and discrimination against, LGBT people. Country reports on the dialogues were produced in the languages of each country and highlight key issues and potential solutions. A regional dialogue then took place to discuss how LGBT inclusion could be advanced. Submissions were obtained from countries in the same manner as they were for the Global Commission consultations, with groups or individuals able to contribute anonymously. The regional dialogue brought common and recurring issues into greater focus, with countries gaining awareness of how exclusion of LGBT people and disregard for LGBT rights has serious economic, health, and political impacts.

As in the case of the Global Commission on HIV and the Law, so with *Being LGBT in Asia*, UNDP contributed resources not just to organizing these meetings and dialogues, but to the follow through, supporting civil society involvement in finding solutions to the identified problems. This is what UNDP sees as a key priority for working with civil society: not only creating a space but also supporting sustained relationships between civil society actors and government partners which can be utilized to resolve issues that are preventing development and growth.

**Eastern Europe and Central Asia: Strengthening Civil Society Capacity, Advocating for Expanded Access to HIV Services, and Asserting Rights**

In Eastern Europe and Central Asia key populations affected by HIV (gay men and other men who have sex with men, sex workers, transgender people, and people who use drugs) often experience violations of their rights as well as difficulties in accessing HIV prevention, treatment, care and support. UNDP convenes the UNAIDS work on legislation and policy reforms related to protecting the rights of these HIV key populations; and, together with UNFPA, UNDP co-convenes the work on empowering men who have sex with men, sex workers and transgender people to protect themselves from HIV and to fully access ARV treatment when needed. UNDP supported the creation of a [Regional HIV Legal Network](http://hiv-legalaid.org/en/index.php?r=2.1) and facilitated the creation of an umbrella NGO of organizations working with MSM and transgender people ([ECOM](http://ecom.ngo/homepage/)). Furthermore, UNDP is recognized as a strategic partner of the East Europe and Central Asia Union of PLHIV (ECUO) and the Eurasian Harm Reduction Network. At country level, UNDP supports numerous NGOs working with HIV key populations, including through a three-year project on rights and universal access.

UNDP with the support of other UN agencies provided space for government and civil society discussion on current issues in accessing HIV treatment and prevention for people who use drugs, sex workers and men who have sex with men in multiple countries. These dialogues were designed to provide an opportunity for government and non-government actors to devise joint action plans that would lead to improved treatment and prevention access for these key populations. These country-level dialogues fed into a larger follow up regional dialogue where strategies were discussed and shared by civil society partners.

Relying on innovative approaches to organize better legal aid provision to key populations affected by HIV in the region, UNDP has also organized a series of e-trainings on HIV laws and policies for lawyers involved in providing support to people affected by HIV. The Regional HIV Legal Network was established to provide people with HIV and HIV key populations with quality free legal aid. The Network has a secure system for electronic requests for legal aid and a website to serve as a repository of laws, policies, and cases related to HIV services access and human rights in the region. Serving as a resource, the Network’s site also provides for a virtual space for civil society convening on issues related to HIV and the law.

As a result of this work several civil society organizations have moved into watch dog and/or partner roles with governments to ensure that national HIV services are answering the demand of the populations most in need, and that services are delivered effectively and without fail. That they are so delivered is a matter of life and death for many.

**Sub Saharan Africa: Expanding Human Rights of Key Populations and Women and Girls Affected by HIV.**

In Sub-Saharan Africa – a region where competing priorities limit focus on key populations – the UNDP regional team has focused on strengthening national environments to enable sex workers, men who have sex with men, people who use drugs, transgender individuals and women and girls affected by HIV to fully realize their human rights. Utilizing its neutral and convening power, UNDP has provided a space for dialogues between civil society members and government representatives, sometimes together, and sometimes separately to express concerns with current legislative proposals and shortcomings. Even in the most restrictive environments, where key populations have been targeted by state actors, this had led to unequivocal progress. For example, in a number of countries, such as the Democratic Republic of the Congo, representatives of HIV key populations have taken part in devising new national HIV strategies.

In follow up to the Global Commission on HIV and the Law process described above, the UNDP Africa regional team is also involved in supporting countries in conducting Legal Environment Assessments (LEAs). A UNDP devised tool for HIV, these LEAs support countries in gaining national consensus on legal issues that pose barriers for access to services for HIV key populations and involve a comprehensive consultative process in which civil society members play prominent roles by contributing input and discussing potential solutions. As an outcome, the process also delivers an agreed upon action plan that countries require for executing Global Fund for AIDS, TB and Malaria grants, and other grants related to HIV prevention. So far 10 countries in the region have participated in the LEA processes.

To facilitate the work related to advancing the rights and access of key populations to essential HIV prevention and treatment services in Africa, UNDP has also provided support to creation of a Regional Key Populations Experts group that includes more than 35 individuals from across the continent, representing people who use drugs, sex workers, transgender people, and gay men and other men who have sex with men from 16 countries in Africa. The Regional Key Population Experts group is now a very active and relevant body and has collaborated to submit a regional proposal to the Global Fund, and launched several research and monitoring initiatives to assess and monitor the situation of human rights and HIV prevention, treatment and support services for key populations in Africa.

**Latin America and the Caribbean: Focusing on Municipalities, Fostering Inclusion, and Building Sustainable Key Population Movements**

In Latin America and the Caribbean (LAC), where violence against HIV key populations prevails and stigma and discrimination hinder access to HIV services for many affected by or living with HIV, UNDP has focused on local governments and civil society groups in cities to foster collaboration and raise awareness of human rights violations of key populations. A good example of this work comes from Guyana where two large municipalities have conducted open dialogues between government officials, health workers and law enforcement representatives with representatives of key populations and networks of people living with HIV. These dialogues led to the municipalities producing declarations that provide for protection against discrimination based on race, colour, sex, gender, sexual orientation, gender identity, language, religion, property, birth or other status. More importantly, however, these dialogues opened up a channel for opportunities to further collaboration between the affected populations and government agencies, thus mobilizing civil society from the ground up and providing for eventual change at the national level.

Another area of focus for UNDP in the LAC region is violence against transgender communities and UNDP is collaborating with the regional network of trans women to promote policies and programming that would put a stop to this violence. Under an innovative memorandum of understanding with a community network, UNDP now provides technical support to REDLACTRANS (The Latin American and Caribbean Network of Transgender People) to monitor hate crimes and other forms of violence against trans women in the region, engages the group in participating in the upcoming meeting of the Organization of the American States to promote a declaration on human rights, sexual orientation and gender equality, and provide training for national level organizations on how to make their programming sustainable. UNDP engagement in this way with civil society partners on a regional level opens up opportunities for dialogue, activity, and sustainability of civil society efforts.

**Conclusion**

The work of UNDP at global, regional, and national levels provides many and varied examples of a multilateral partner facilitating and creating space for civil society vis-à-vis government decision-makers. This model for creating and maintaining space consists of the following key elements 1) creating a physical and political environment for an open dialogue between civil society and government partners, where all parties feel safe and where collaboration is promoted; and 2) ensuring that civil society partners are involved in the follow up and implementation of the programming that is designed to serve them. For UNDP, the meaningful involvement of civil society must be supported at all stages of policy and programme reform. This is what it takes to effectively address social and economic exclusion of marginalized populations. Addressing such exclusion is a prerequisite for building fair and just societies.