

**CONTRIBUTION TO THE UN SECRETARY GENERAL’S REPORT, PURSUANT TO THE GENERAL ASSEMBLY RESOLUTION 72/247 ON THE ‘20TH ANNIVERSARY AND PROMOTION OF THE DECLARATION ON THE RIGHT AND RESPONSIBILITY OF INDIVIDUALS, GROUPS ORGANS OF SOCIETY TO PROMOTE AND PROTECT UNIVERSALLY RECOGNISED HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS’**

This report highlights examples of how the Joint United Nations Programme on HIV/AIDS (UNAIDS) contributes to the promotion and protection of individuals in the context of ending the AIDS epidemic. It focuses on two case studies: first, the protection of the rights of men who have sex with men in Nigeria and second, the promotion of a civic space for human rights defenders.

**Case study 1: protection of the rights of men who have sex with men in Nigeria**

The adoption of the Same-Sex (Marriage) Prohibition Act in January 2014 triggered a wave of violence against suspected gay men in Nigeria. In February 2014, 12 young men were assaulted, arbitrarily arrested and kept in police detention on charges of engaging in same-sex sexual relations, in Bauchi, a northern Nigerian state. A few weeks later, 15 other young men were brutalised by an angry mob, forced out of their homes and cast out of their community in Gishiri, a village within the Nigerian capital. To urgently respond to the spate of violence and mass arbitrary arrests of suspected gay men, UNAIDS, in close partnership with local civil society organisations, convened an ad-hoc support group to coordinate efforts towards the release of the young men in Bauchi State and securing the safety of the ones in Gishiri. Representatives of the embassies of the USA and The Netherlands, representatives of the High Commissions of Canada and the United Kingdom and members of the Nigerian civil society were on the ad-hoc support group. Using mediation with local authorities and local communities, the ad-hoc group was successful in protecting the 27 men from further violation of their rights.<sup>1</sup>

In order to provide a sustainable and local response to violence against gay men and other key populations (men who have sex with men, sex workers, people who use drugs, people living with HIV) in Nigeria, UNAIDS provided a local organisation of human rights lawyers with funds and technical capacity to form a network of on-call volunteer lawyers to prevent and manage similar crisis situations of massive arrests. The network, called Coalition of Lawyers for Human Rights (COLaHR), works on increasing legal literacy and access to justice among key populations; advancing their sexual and reproductive health rights through evidence-based advocacy; and promoting a legal environment conducive to the HIV response, including through litigation and legal commentaries. Since February 2015 when it was set-up, COLaHR was able to empower communities with knowledge and protection of their rights; engage with national budget-making processes in Parliament and with the UN human rights mechanisms in the wake of Nigeria’s universal periodic review by the Human Rights Council.

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<sup>1</sup> The streak of violence against young men for suspicion of same sex relationships continued (12 men (peer HIV educators) were reportedly arrested and held in police custody in Kaduna state in June 2015 on charges of same-sex sexual relationship; 21 men were arrested and held in police custody in Oyo state in May 2015; 21 men were arrested and held in police custody in Delta state in November 2015; 6 men were arrested and paraded before the press in Edo state in May 2016; 42 men were arrested and held in police custody in Lagos state in August 2017). However, local solutions were found in each situation.

In that particular example, UNAIDS played a catalytic role in creating a momentum for local communities and expertise to organise themselves to respond local trends of rights violations.

### Case study 2: the promotion of a civic space for human rights defenders

Growing restrictions on civil society in some countries undermine the commitments made in the Political Declaration on HIV and AIDS and threaten to impede achievement of the SDGs. It against such a backdrop that the Joint United Nations Program on HIV/AIDS (UNAIDS) has called on states to ensure that civil society's legal and political space is protected so that it can fully support the response to the epidemic.<sup>2</sup>

In order to assess and document the capacity of civil society organisations to operate freely in countries, UNAIDS supported an investigation of the civic space in four countries.<sup>3</sup> The report reveals that in Ethiopia, since the introduction of the government's Proclamation on Charities and Societies in 2009, the civil society sector has shrunk by nearly half because of restrictions on its funding and operations. These restrictions have severely limited CSOs' capacity to reach key populations<sup>4</sup> and advocate on their behalf. In addition, in Uganda, recent burdensome laws have criminalized key populations and constrained organizations that seek to work with them—for example, by posing obstacles to their registration, day-to-day operations, and convening of public meetings. Furthermore in Kenya, a thriving and vocal civil society sector has pushed back successfully against attempts to close its space, but the Non-Governmental Organizations Coordination Board (NGO Board) and other government agencies have deregistered and taken other punitive measures against hundreds of organisations in recent years. The investigation report contains recommendations aimed at national governments, national human rights institutions, the African and AU human rights mechanisms and the donor community.

In all three countries, the criminalisation of key populations has been used to justify curtailment of the work of CSOs focused on HIV. CSOs in Ethiopia and Uganda that work with key populations describe difficulties opening bank accounts, holding public gatherings, and even posting signs over their front doors. As a result, CSOs that could energetically combat HIV among hard-to-find key populations are instead tied down by bureaucratic red tape, including the filing and re-filing of paperwork, negotiations with bank and government officials, and even court cases challenging their right to exist. While organisations confront these serious obstacles, all three countries continue to have difficulty identifying and reaching key populations with effective programs that address their health and HIV-related needs. The stifling of civil society organisations is a threat to human rights, to the end of AIDS agenda and the SDGs as a whole.

In this particular example, UNAIDS played a supportive role in lending its expertise to support civil society organisations articulate the closing civic space and its impact on the HIV response.

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<sup>2</sup> Michel Sidibé, "Confronting Discrimination, Advancing Health," speech, October 2, 2017, [http://www.unaids.org/sites/default/files/media\\_asset/20171002\\_SP\\_EXD\\_confronting-discrimination-advancing-health\\_en.pdf](http://www.unaids.org/sites/default/files/media_asset/20171002_SP_EXD_confronting-discrimination-advancing-health_en.pdf).

<sup>3</sup> International Center for Not-for-Profit Law (ICNL), 'Reinforcing marginalisation: the impact of the closing of civic space on HIV response in Ethiopia, Kenya and Uganda', 2018.