



UNAIDS Submission to the Office of the High Commissioner for Human Rights pursuant to Human Rights Council resolution 32/31 on civil society space

Input into the report on “Civil society space in multilateral institutions”

October 2017

Introduction

Civil society, including people living with and affected by HIV, have played a crucial role in the global AIDS response since the beginning of the epidemic. Civil society organisations, including networks of people living with HIV and of key populations¹, participate in the AIDS response as advocates and watch-dogs, monitoring and reporting on countries’ progress towards global AIDS targets and also as providers of HIV prevention, treatment, care and support services. The importance of civil society participation led by people living with HIV is enshrined in the Greater Involvement of People with AIDS (GIPA) principle, originally agreed to at the Paris AIDS Conference in 1994 and adhered to by most global health institutions since.

The Joint United Nations Programme on HIV/AIDS (UNAIDS) upholds the GIPA principle and is committed to the meaningful and inclusive participation of civil society at all levels of the AIDS response. The present submission focuses on the engagement of civil society in UNAIDS governance structures.² The submission serves to highlight the important space that civil society organizations enjoy within UNAIDS governance as members of the UNAIDS Programme Coordinating Board, a unique, inclusive governance body of the UN system.

Context

The 2030 Agenda for Sustainable Development calls for a whole-of-society approach in the efforts to achieve its 17 Sustainable Development Goals (SDGs). Involvement of civil society, including in decision-making, is now ever more crucial as the world accelerates action towards

¹ Key populations, or populations at higher risk in the context of HIV are groups of people who are the most likely to be exposed to HIV or to transmit it and whose engagement is critical to a successful HIV response. In all countries key populations include people living with HIV. In most settings, men who have sex with men, transgender people, people who inject drugs and sex workers and their clients are at higher risk of exposure to HIV than other groups. However, each country should define the specific populations that are key to their epidemic and responses based on the epidemiological and social context.

² The submission does not include information on the programmatic work of UNAIDS with regard to the engagement of civil society at global, regional and country levels. Such programmatic work includes bringing civil society organisations together with governments, donors, private sector actors and others to develop plans, budgets, and funding proposals; engagement of civil society in the monitoring the AIDS response; advocacy for law and policy reform to ensure a safe and enabling environment for civil society within national AIDS responses; prevention and response to HIV-related human rights crises; provision of technical assistance to countries to integrate community responses into national AIDS strategies and plans; and facilitating civil society coordination. For more information on UNAIDS’ programmatic work involving civil society, please see www.unaids.org, especially <http://www.unaids.org/en/topic/rights>, <http://www.unaids.org/en/topic/community>, <http://www.unaids.org/en/topic/key-populations>, and <http://www.unaids.org/en/topic/young-people>.

achieving these goals and ensuring no one is left behind. The 2030 Agenda demands new approaches and new ways of working collaboratively. UN Secretary General António Guterres has called on the UN development system to meet this challenge by increasing the pace of UN reform to become more nimble, efficient and effective. Among other things, this involves having more transparent governance at all levels that better engage civil society. The AIDS response has been a pioneer in establishing inclusive governance mechanisms, including the UNAIDS Joint Programme.

UNAIDS Governance

UNAIDS was established by the United Nations Economic and Social Council (ECOSOC) resolution 1994/24 of 26 July 1994 to undertake a joint and co-sponsored United Nations programme on HIV/AIDS. UNAIDS brings together the efforts and expertise of the UNAIDS Secretariat and 11 other UN system organizations (UNAIDS Cosponsors).³ It remains the only cosponsored joint programme of the United Nations system.

The UNAIDS Joint Programme is guided by the Programme Coordinating Board (PCB), a governance structure unique in its level of inclusiveness, with Member States, Cosponsors and civil society, including organizations representing people living with and affected by HIV, as its members. Its openness to granting observer status further enhances inclusiveness.

The PCB is composed of 22 UN Member States from all geographic regions; 11 Cosponsors; and five NGOs representatives, (as well as five alternate NGOs) from different regions. ECOSOC resolution 1995/2 granted voting rights to the Member States, but not the Cosponsors and NGOs. However, to date, the PCB has operated a consensus model of decision-making. Recommendations are proposed within agenda items discussed in plenary, refined in an informal consultation and then agreed back in plenary. The NGO delegation is one of the most active constituencies in the informal consultations.

The work of the PCB is supported by the PCB Bureau – with representatives of the PCB Officers (Chair, Vice Chair and Rapporteur), the Chair of the Committee of Cosponsoring Organisations (CCO)⁴ and the NGO Delegation. One of the main functions of the Bureau is the preparation of the PCB agenda.

Civil society participation in the UNAIDS PCB

UNAIDS was the first United Nations programme to have formal civil society representation on its governing body.⁵

Five NGOs, three from developing countries and two from developed countries or countries with economies in transition, represent the perspectives of civil society, including people living with HIV on the UNAIDS board. The five organisations have one representative each and they are supported by five other NGO organisations, which stand as alternate members. A broad range of civil society organisations are eligible: “Local, national, regional and international NGOs, networks of people living with HIV (PLHIV Networks), AIDS service organizations (ASOs),

³ The UNAIDS Cosponsors include UNHCR, UNICEF, WFP, UNDP, UNFPA, UNODC, UN Women, ILO, UNESCO, WHO and the World Bank.

⁴ The CCO is comprised of the representatives of the UNAIDS Cosponsors and the UNAIDS Secretariat.

⁵ See the Modus Operandi of the UNAIDS PCB:

http://www.unaids.org/sites/default/files/media_asset/PCB_modus_operandi_en.pdf

community-based organizations (CBOs), AIDS activist organizations, faith-based organizations (FBOs) and networks or coalitions of AIDS organizations.”⁶

It is the NGOs themselves who select members for the PCB NGO delegation, with the nominations formally approved by the Board. NGOs normally serve for a term of two years, but may extend to three. They work on a voluntary basis and are expected to allocate at least 10 hours per week to their role. The costs for attending PCB Meetings are covered by the UNAIDS Secretariat.

According to its Terms of Reference (TORs), the mission of the NGO Delegation is: “To bring to the PCB the perspectives and expertise of people living with, most affected by, and most at risk of, vulnerable to, marginalized by, and affected by HIV and AIDS, as well as civil society and nongovernmental entities actively involved in HIV work, in order to ensure that their human rights and equitable, gender-sensitive access to comprehensive HIV prevention, treatment, care and support are reinforced by the policies, programmes, strategies and actions of the PCB and UNAIDS.”

The Delegation’s role includes participating objectively and independently in the workings of the PCB; undertaking various forms of proactive and informed advocacy within the structures and processes of the PCB; and enhancing the transparency and accountability of relevant PCB decision-making and policy-setting, helping especially to meet the requirements for accountability towards the people, communities and constituencies affected by HIV.

The NGO delegation is supported by the Communications and Consultation Facility (CCF). The CCF provides the NGO delegation independent support while liaising with the UNAIDS Secretariat. It supports the internal management of the Delegation and helps facilitate communication and consultation with wider civil society to ensure that the PCB NGO Delegation is appropriately equipped to represent civil society at large at the PCB.

The CCF is hosted by different NGOs and is contracted and funded by the UNAIDS Secretariat with the approval by the NGO Delegation. From 2008 to 2010 it was hosted by the World AIDS Campaign, Netherlands; from 2010 to 2012 by the International Council of AIDS Services Organizations (ICASO), Canada; and since 2013, by the Asia-Pacific Network of People Living with HIV (APN+), based in Bangkok, Thailand.

The NGO delegation has its own website (<https://www.unaidspcbngo.org/>) and blogs in several languages to share information about the work of the delegation and about the PCB meetings. It independently organizes a process to recruit NGOs to fill vacant positions in the delegation.

Contribution of civil society to the work of the UNAIDS Board

The participation of civil society at the UNAIDS board has been essential in ensuring the effective inclusion of community voices in the key global policy forum on AIDS, and the NGO delegation has substantially contributed to the work of the UNAIDS Board over the years.

A 2012 review of the engagement of civil society in the UNAIDS Programme Coordinating Board found that civil society participation at the Board was universally seen as an important

⁶ Terms of Reference of the UNAIDS PCB NGO Delegation. <https://www.unaidspcbngo.org/wp-content/uploads/2009/11/UNAIDS-PCB-NGO-Delegation-Terms-of-Reference.pdf>

principle and a valued asset to the PCB by all stakeholders even though some Member States questioned the degree and nature of such participation. All stakeholders acknowledged that civil society brings value-added to UNAIDS Governance, in particular in providing a reality check through the voices of those living with and affected by HIV.⁷

More recently, in 2017, the Global Review Panel on the Future of the UNAIDS Joint Programme Model recognized the inclusive governance which ensures civil society engagement in decision-making as one of the strengths of the UNAIDS Joint Programme.⁸

Through its participation at the PCB Bureau, the NGO delegation contributes to the setting of the Agenda for the PCB meetings and plays a vital role in ensuring that agenda items relevant to civil society are brought to the table and receive adequate attention.

Annually, the NGO delegation presents a report on a specific topic to the PCB in plenary. This is an important opportunity for the delegation to present civil society perspective on critical issues of concern affecting the community to the Board.

The NGO representatives ensure the engagement of civil society organizations around the world in the work of UNAIDS by actively seeking input from their respective communities on key issues related to UNAIDS policies and programmes, and advocate with Members States and Cosponsoring organizations for meaningful improvements in the implementation and evaluation of AIDS policies and programmes.

The NGO delegation has been credited with keeping civil society central to the ethos of the PCB. For example, at the 19th PCB Meeting it influenced the inclusion of “based on the meaningful and measurable involvement of civil society, especially people living with HIV and populations most at risk of HIV infection” as a guiding principle for all the PCB decisions. At the 24th PCB Meeting, “based on the principle of non-discrimination” was included as an additional guiding principle after the issue was highlighted in an NGO Report.

The NGO delegation has also played a vital role in shaping the strategic, administrative and accountability frameworks of UNAIDS, ensuring that such frameworks are human rights based and evidence informed and that they respond to the needs of civil society and people living with and affected by the epidemic.

An excellent example of the NGO delegation’s capacity to influence global governance and maintain HIV on the global agenda was the push of the NGO Delegation at the PCB in 2014, in the midst of negotiations of Agenda 2030, to encourage Member States to consider a UN General Assembly High Level Meeting on AIDS in 2016. Following negotiations, the PCB decided to encourage the consideration of a such meeting, which was subsequently agreed to by the General Assembly, and led to the very ambitious 2016 UNGA Political Declaration “On the Fast Track to Accelerating the Fight against HIV and to Ending the AIDS Epidemic by 2030”.

The NGO delegation also has, perhaps a more implicit, yet crucial role, in championing the rights and needs of people living with and affected by HIV and reminding the other PCB

⁷ See UNAIDS/PCB(31)/12.CRP.3

http://files.unaids.org/en/media/unaids/contentassets/documents/pcb/2012/20121116_PCB31_CRP3_Review_Civil_Society_Participation_in_UNAIDS_Final_en.pdf

⁸ See *Refining and Reinforcing the UNAIDS Joint Programme Model*

http://www.unaids.org/sites/default/files/media_asset/refining-reinforcing-unaids-model_en.pdf

members of the realities on the ground. In its Delegate's Manual, the NGO delegation refers to this role as "speaking truth to power"⁹. It involves raising sensitive and controversial issues and bringing the real live perspectives of people to the table. The NGO delegation often raises issues related to human rights, discriminatory laws, criminalization of key populations, punitive law enforcement practices, stigma and discrimination, intellectual property, sexual rights, and gender equality issues at the Board. The Delegation has also proactively facilitated participation of civil society in UNAIDS, including representation in ad hoc Interagency Task Teams, global and regional meetings, and in the PCB meeting and Thematic Segment..

By championing the rights and needs of people living with and affected by HIV, the NGO delegation helps hold the UNAIDS Joint Programme accountable to the people the UN ultimately serves. Having a place at the table at a global policy-making forum allows the PCB NGO delegation to influence strategies, plans and accountability frameworks that help create and maintain safe and enabling environments for civil society also at the country level.

In the spirit of broader UN development system reform, the PCB NGO delegation also plays a key monitoring role in promoting policy coherence across the Boards of the different UNAIDS Cosponsors.

Conclusion

The promise of leaving no one behind in the achievement of the SDGs calls for efficient and inclusive governance mechanisms based on a participatory approach, transparency, accountability and engagement of all parts of society. UNAIDS has been a pioneer in such approaches. The UNAIDS PCB provides a space for effective participation of civil society in line with the recommendations of the 2016 report of the United Nations High Commissioner for Human Rights on *Practical Recommendations for the creation and maintenance of a safe and enabling environment for civil society*¹⁰.

The inclusion of civil society members representing people living with HIV and key affected populations on the UNAIDS Board is a unique example of how the UN governance systems can take forward the SDGs in a way that is accountable to and owned by the people the United Nations seeks to serve and provides a useful model to consider in the context of the UN development system reform.

⁹ See the PCB NGO Delegates' Manual: <https://www.unaidspcbngo.org/wp-content/uploads/2009/11/UNAIDS-PCB-NGO-Delegates-Manual.pdf>

¹⁰ A/HRC/32/20. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/073/52/PDF/G1607352.pdf?OpenElement>