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Issue Paper for the Session:
Reference Group Issues

Background to the Reference Group

The UNAIDS Reference Group on HIV and Human Rights was established in 2002 to advise UNAIDS on all matters relating to HIV and human rights. It was initiated by the UNAIDS Secretariat, in collaboration with the Office of the United Nations High Commissioner for Human Rights (OHCHR), which serves as a permanent observer.

UNDP joined the UNAIDS Secretariat in co-management of the Reference Group in 2006, after it had been given the lead on human rights, gender, law and governance under the UNAIDS technical support division of labour. (In 2011, under a new Division of Labour, the UNAIDS Secretariat assumed overall responsibility for human rights and gender equality in the joint programme and UNDP became responsible for taking forward the priority areas on (a) removing punitive laws, policies, practices, stigma and discrimination, (b) empowering men who have sex with men, sex workers and transgender people; and (c) meeting the needs of women and girls and stopping gender-based violence.)

In February 2007, at the seventh meeting of the Reference Group, the UNAIDS Executive Director decided that under certain circumstances the Reference Group may speak and act publicly on its own initiative in a way which may not reflect the views of UNAIDS and is independent of UNAIDS.

Within the UNAIDS Secretariat, the Reference Group on HIV and Human Rights is often referred to as a good model for a Reference Group and seen as a success – because it is fairly “lean”; membership ranges across various levels but comprises dedicated, hardworking people; it has spoken out independently on difficult issues; and is constructive. Nevertheless, any such group should re-evaluate what it is doing, how it is doing it, and what could be done better. Nearly 10 years after the Reference Group was established, the appointment of two new co-chairs and the continuing leadership of the outgoing chair provide the Reference Group with a good opportunity to reflect on what works, what does not work, and how to strategically move forward.

In January 2011, before the twelfth meeting of the Reference Group, the new Reference Group co-chairs met with the former chair, the Reference Group secretariat, and the UNAIDS Secretariat to start a discussion on these issues and to develop some suggestions for changes in focus and activities. This issue paper summarizes the main issues discussed at that meeting, for discussion at the twelfth meeting.

General Background

The context for the work of the Reference Group on HIV and Human Rights has changed dramatically since its creation in 2002. For the first time, human rights represents a pillar of the UNAIDS strategy, as well as a key component of the HIV/AIDS strategy of the World Health Organization and the draft strategic plan of the Global Fund to Fight AIDS, Tuberculosis and Malaria. The inclusion of a strategic direction on “advancing human rights and gender equality” in the UNAIDS
2011-2015 Strategy: Getting to Zero provides an unprecedented opportunity for the Reference Group to advise the UNAIDS Secretariat and Joint Programme on how to translate that commitment into tangible advocacy and programs at the country level.

At the same time, the challenges of implementing human rights approaches to HIV remain profound. Human rights violations against the most vulnerable and marginalized in society still rage with impunity. Human rights defenders face a backlash against the decriminalization of sodomy, sex work and drug use, the advancement of women’s reproductive and sexual rights, and other politically sensitive human rights issues. Efforts to scale up HIV prevention, treatment, care and support services continue to neglect the importance of an enabling human rights environment, in part because of pressures to simplify programs and reduce costs. The risk that “human rights” will become a slogan that appears everywhere in strategies but nowhere in reality has never been greater.

Key Issues for Consideration by the Reference Group

Vision of what the RG should do or focus on

The list of activities/objectives in the RG’s terms of reference is very long and has not been re-examined for some time, if ever; and over the last years, many new members have joined the RG without ever having participated in a discussion of what we want the RG to be about/focus on. As a result, there is no longer a shared understanding of what the RG should and should not do, and what is expected from members.

The terms of reference of the Reference Group contain the following list of objectives and activities:

1. To advise UNAIDS on the strengthening of government, civil society and private sector capacity to protect human rights related to HIV prevention, treatment, care, support, impact mitigation, and research
2. To support UNAIDS to provide strong, coherent and strategic human rights advocacy for a rights-based response to HIV at the global, regional and national levels
3. To bring emerging HIV-related human rights issues to the attention of UNAIDS, at and between meetings, for appropriate action
5. To participate in the development of and/or review of UNAIDS policy, strategy and advocacy documents, and support the application of human rights standards in the work of UNAIDS
6. To produce for UNAIDS ad hoc papers responding to policy, programme and research priorities and their relation to human rights, as requested by UNAIDS or initiated independently by the Reference Group

1 The term “UNAIDS” refers to the Joint Programme, including the Secretariat and the Cosponsors.
7. To promote the understanding of the relationships between neglect, violation, promotion or fulfilment of human rights and HIV-related risk, vulnerability and impact
8. To support the development of human rights tools and methods to support countries in the design, implementation, monitoring and evaluation of national AIDS strategies, and HIV-related legislation, regulation and policy
9. To support the development of training modules and/or materials for the integration of human rights issues into the response within and without the UN system, and to extend the human rights capacity and expertise of UNAIDS
10. To support, through UNAIDS, the integration of HIV-related issues in the work of UN human rights treaty bodies, charter-based bodies and other human rights mechanisms
11. To speak and act publicly in an independent capacity in a way which may not reflect the views of UNAIDS, after having informed the UNAIDS Secretariat beforehand that it intends to do so and having engaged in dialogue with the UNAIDS Secretariat on the relevant issues.

This is a long list and there are a number of activities the Reference Group has never initiated independently or been asked to undertake by the UNAIDS Secretariat.

Over the years, the Reference Group has been good at doing a number of things:

- Supporting UNAIDS to provide strong, coherent and strategic human rights advocacy for a rights-based response to HIV (number 2 in the list of objectives; but this has primarily or exclusively happened at the global level, not at regional and national levels): we have done this by consistently pushing the UNAIDS Secretariat (and the Executive Director in our meetings with him) to be outspoken, to refine its messages, to include human rights considerations in documents/strategies where they were missing;
- Participating in the development of and/or review of UNAIDS policy, strategy and advocacy documents (number 5 in the list of objectives): whenever we were provided with an opportunity to participate in the development or (most often) review of key documents, we provided comments and input that have been taken seriously and often led to revisions of the documents/strategies; the problem has been that the UNAIDS Secretariat failed to ask the RG for input on many key documents, such as most recently the Treatment 2.0 document, or has provided documents without sufficient time to comment;
- On occasion, speaking and acting publicly in an independent capacity in a way which may not reflect the views of UNAIDS (number 11 in the list of objectives). The decision to allow the RG to speak and act independently, under certain circumstances, was taken in February 2007, at the 7th meeting of the Reference Group. At the 8th meeting in December 2007, these circumstances were clarified and the TORs revised to reflect them. According to the current TORs, the Reference Group can “speak and act publicly in an independent capacity in a way which may not reflect the views of UNAIDS, after having informed the UNAIDS Secretariat and UNDP beforehand that it intends to do so and having engaged in dialogue with the UNAIDS Secretariat and UNDP on the relevant issues”. The Reference Group decided to issue public statements only in exceptional cases, such as when it feels that an issue is not being adequately addressed by the UNAIDS Secretariat and/or co-sponsors and there is a serious threat to the human rights of people living with or at risk of HIV. It further decided that it would “always attempt to issue
consensus statements and recommendations, but if necessary reflect where issues remain contentious among Reference Group members and make majority statements”. The most contentious public statement was that on “Scaling up HIV testing and counselling”, mainly because in this statement the Reference Group clearly criticized the policy guidance provided not only by UNAIDS, but also WHO, and provided an alternative approach. Other statements were released on issues like “Human Rights & Universal Access to HIV Prevention, Treatment, Care & Support”; the UNAIDS Guidance Note on HIV and Sex Work”; the draft “Gender Guidance for National Responses to HIV”; “Criminalization of HIV Transmission” etc. Some of the statements have been very widely disseminated, were featured on the home page of the UNAIDS website at the time of their release, and remained available on the Reference Group website until the recent overhaul of the UNAIDS website (which resulted in the deletion of the Reference Group page and all Reference Group documents – see below for a discussion). Some of the statements were sent not only to the UNAIDS Executive Director, but copied to the heads (or heads of HIV programmes) of all or some UNAIDS co-sponsors; and some contained recommendations not only about what the UNAIDS Secretariat should do, but also specifically mentioned UNDP and other Co-sponsors.

At its 9th meeting, Reference Group members sought feedback from the UNAIDS Secretariat about the Reference Group’s use of its capacity to speak and act publicly and independently, what impact it has had, and how the Reference Group is perceived within the UNAIDS Secretariat. Susan Timberlake said she felt that the Group and its statements have had an impact, conveying the expert views of a diverse human rights constituency, and focusing attention on critical issues that need greater attention by the UNAIDS Secretariat and the Co-sponsors. However, she emphasized that it would remain a constant challenge for the Reference Group to choose its battles and issues carefully, being selective enough that its voice retains power and impact, and further developing its capacity for follow up when the Group does speak up. Members also discussed how dissemination of Reference Group statements could be improved, and agreed that Reference Group statements, if they relate to issues under consideration by the UNAIDS Programme Coordinating Board, should be sent to all “UNAIDS Global Coordinators”.

In contrast to these three areas, the Reference Group has been less successful at bringing emerging issues to the attention of UNAIDS and being pro-active and visionary (number 3 in the list of objectives). Nor has UNAIDS been good at keeping the Reference Group informed of relevant developments between meetings or Reference Group members keeping themselves informed of UNAIDS activities. This has been due to capacity issues but has also meant that at each Reference Group meeting a great deal of time is spent briefing the Reference Group on UNAIDS activities and initiatives so that the Reference Group can provide meaningful input. Thus, sometimes it appears that UNAIDS provides more input to the Reference Group members than the Reference Group members do to UNAIDS. Part of this may be due to the fact that the depth and sophistication of human rights activities being undertaken by the UNAIDS Secretariat is greater than when the Reference Group first started, so it requires much more effort to get the group “up to speed” and identify questions on which our input is genuinely needed.
At their meeting in late January, the new co-chairs, the former chair, the Reference Group secretariat and the UNAIDS Secretariat, after reviewing the current objectives and past activities of the Reference Group, came up with a draft, for consideration by Reference Group members, refining the original ten objectives of the Reference Group into three priority areas of focus that reflect the current context:

1. To provide UNAIDS with ongoing and practical advice on the implementation of the human rights elements of all three strategic directions in the UNAIDS 2011-2015 Strategy
2. To highlight and catalyze action by UNAIDS on pressing and neglected issues that are not adequately addressed in its Strategy
3. To keep UNAIDS abreast of emerging human rights developments at the local, national and international level that affects its work and the response to HIV

In addition to focusing its work on these objectives, the Reference Group would continue:

4. To participate in the development of and/or review of UNAIDS policy, strategy and advocacy documents
5. To speak and act publicly in an independent capacity in a way which may not reflect the views of UNAIDS, after having informed the UNAIDS Secretariat and UNDP beforehand that it intends to do so and having engaged in dialogue with the UNAIDS Secretariat and UNDP on the relevant issues.

The idea is that the RG would move away from dealing with a large number of substantive issues at each of its meetings, recognizing in part that other commissions (the Secretariat-led High Level Prevention Commission and the UNDP-led Global Commission on HIV and the Law) or advisory groups (such as the Sex Work Advisory Group) now exist that cover a number of the issues to which the Reference Group has provided input. Instead, the Reference Group would focus on providing ongoing and practical advice on the implementation of the human rights elements of the new UNAIDS Strategy; highlighting pressing and neglected issues; and keep UNAIDS abreast of emerging issues.

**Issues for discussion:**

a. What does the new context described above—greater attention to human rights on paper, if not in practice—mean for the Reference Group?

b. Do members agree with the new objectives and proposed activities?

c. Is there anything else that the revised list should include?

**Member engagement, particularly in-between meetings**

Some members have missed a number of consecutive meetings or have contributed little to the discussions at meetings. In-between meetings, very few members comment on the documents sent to them, and some never do. Sub-committee work has often been nearly exclusively driven by the Reference Group secretariat. In part, this is natural because members are very busy. Nevertheless, an effort should be made to increase member engagement, particularly in-between meetings.

At the 9th Reference Group meeting, it was suggested that members be asked to self-evaluate their participation each year, and that members who are unable to
attend -- in person or through electronic communication -- more than two consecutive meetings should resign.

**Issues for discussion:**

a. What can the co-chairs, the Reference Group secretariat, and UNAIDS Secretariat do to facilitate greater, meaningful involvement by all members of the Reference Group?

b. What do Reference Group members see as the most valuable uses of their time for RG activities?

c. As we plan for the future, what do RG members think is a reasonable expectation of time commitment in-between meetings?

**Broader membership issues**

In recent years, the number of Reference Group members has increased, as more new members have been rotated on than old members rotated off. As a result, the Reference Group currently has 20 members (up from 17 a few years ago) – 13 from middle- or low-income countries (2 from Latin America, 1 from the Caribbean, 2 from Eastern Europe and 1 from Central Europe, 1 from China, 2 from India, 4 from Africa) and seven from high-income countries (1 each from Australia, Canada, Belgium and the UK and 3 from the United States). Some regions continue to be under-represented, as are people living with HIV (only 2 of the members live openly with HIV). 11 members are male and 9 female. Six members have been on the Reference Group since 2002 (Michael Kirby, Mark Heywood, Anand Grover, Mabel Bianco, Ralf Jürgens and Meena Seshu). The increased number of members has not necessarily led to increased activity or even diversity or expertise, while adding substantially to the cost of holding Reference Group meetings.

At its 9th meeting, the Reference Group discussed membership and made the following suggestions to support the diversity of the Group and its expertise: increase participation from Eastern Europe and Central Asia, as well as expertise on issues related to injecting drug use and prisons; add a youth representative, recognizing the energy and vision of young people at AIDS 2008, including on human rights issues; increase representation of people living with HIV; increase expertise on public health programming. Some of these issues have since been addressed. More recently, ILO asked that an expert on employment rights and/or representative of a labour union be added.

While continuing to seek to fill any obvious gaps in membership, it may now be important to go back to a slightly “leaner” membership of 15-17 active members, which would reduce the cost of meetings and open up the possibility of inviting one or a couple of external experts to a particular meeting, to supplement existing expertise on the Reference Group, when the Reference Group feels it needs to discuss certain issues, but does not necessarily have as much expertise on these issues as would be required to make cutting-edge, well-informed recommendations.

**Issues for discussion:**

a. What should be the membership priorities (in terms of expertise, region, etc.) in the next years as new members will be rotated on and old members rotated off?

b. Do we have the right expertise on the Reference Group, in light of the current context and revised objectives of the Reference Group?
c. Should the Reference Group rely on external experts to supplement existing expertise on the Reference Group, when the RG feels it needs to discuss certain issues but does not necessarily have as much expertise on these issues as would be required to make cutting-edge, well-informed recommendations?

Sub-committees
At its 8th meeting, the Reference Group decided to establish three sub-committees (gender, legislation, and universal access) in order to increase engagement by members in-between meetings and follow-up on decisions taken at the meeting. More recently, another sub-committee was established, on programming. According to the TORs of the sub-committees, they are meant to “follow up on commitments made by the Reference Group on specific issues discussed at a Reference Group meeting by providing input into documents or processes, drafting letters or Reference Group statements, or undertaking other activities decided upon at a Reference Group meeting, as reflected in the summary of recommendations of the meeting”. It was intended that sub-committees may finish their work within six to eight months, before the meeting of the Reference Group following the meeting during which a decision to establish a sub-committee was taken. However, a sub-committee “may propose at the next meeting of the Reference Group to continue its work, or the Reference Group as a whole may suggest to the sub-committee that it continue its work and suggest additional activities the sub-committee should undertake”.

Each of the sub-committees established at the 8th meeting met regularly by teleconference between the 8th and 9th meeting, drafting letters and/or statements and otherwise following up on decisions of the Reference Group. In addition to members of the Reference Group, sub-committees have asked a small number of external experts to join their work, and have asked that these experts be allowed to participate in the part of the Reference Group meeting that will discuss issues related to the work of the sub-committee. These experts brought new energy and additional expertise to the group. At the 9th meeting, a decision was taken to allow the sub-committees to continue their work. However, there have been only a few sub-committee meetings since, and none over the last year, with the exception of the programming sub-committee that has continued to meet fairly regularly.

Issues for discussion:
- a. Have the sub-committees that were established at the 8th meeting accomplished their objectives?
- b. Should any new sub-committees be established?
- c. What lessons learned are there from our initial experiment with subcommittees?

Is the RG a priority for UNAIDS?
There is a concern that the Reference Group is not (enough of) a priority for staff and senior management at UNAIDS Secretariat and even less so among Cosponsor management and staff. There are several aspects to this concern: (1) The human rights team at the UNAIDS Secretariat is so busy that sometimes the Reference Group cannot get the attention it requires, leading to lack of follow-up on things discussed at Reference Group meetings, missing opportunities for Reference Group input into key documents, etc. Part of the problem here is that, as mentioned,
it takes a lot of time to adequately brief the Reference Group so that it can provide input; (2) Other key staff at UNAIDS Secretariat (in Geneva and probably even more so in the regions and countries) may not be aware enough of the Reference Group and what it does and does not do; or may find engagement with the Reference Group burdensome, not useful enough, and only adding to their workload – for all these reasons, they do not engage with the Reference Group and fail to bring key documents/strategies to the attention of the Reference Group, for potential input; (3) While Michel Sidibé is clearly committed to human rights, some of the UNAIDS Secretariat senior staff seem less so and there has been little if any engagement with them.

There is even less awareness/impact among the Cosponsors. (See discussion below).

**Issues for discussion:**

There are a few potential solutions to the issues outlined above:

(1) The Reference Group could once more draw to the attention of Michel Sidibé the need to increase the capacity of the human rights team, both in Geneva and in the regions, through the appointment of Regional Human Rights Advisors. This could, among many other things, enable the team in Geneva to focus more on Reference Group issues.

(2) The Reference Group could proactively identify what the key activities, documents, strategies and events are for the UNAIDS Secretariat in any given year and ask senior management to come to the Reference Group meeting and discuss how the Reference Group could provide input.

(3) The Reference Group could ask Michel Sidibé to actively participate in a “relaunch” of the Reference Group, highlighting it in speeches, asking the communications people to highlight the Reference Group and its activities on the UNAIDS home page after the Reference Group meeting.

a. Do you agree with these suggestions?

b. What else could be done?

**Delays in getting meeting reports out/change of secretariat**

The secretariat has sometimes not delivered meeting reports on time, which makes timely follow-up on issues discussed at meetings difficult. A larger issue is whether there should be more regular changes in the secretariat. According to the TORs, it is envisaged that the secretariat changes every three years.

During the meeting in January, the secretariat committed to always circulate the list of main recommendations coming out of any Reference Group meeting to members for comments within no more than two weeks after a meeting; and to issue the final report no later than four weeks after a meeting. In addition to being sent to members, these documents will also be circulated within UNAIDS; and a short summary will be published on the web.

With regard to the secretariat, it is important to find a person and/or institution with the time and the expertise to support the RG. The expertise involves someone who knows UNAIDS, can provide meaningful input to global and UN institutions, can be the bridge between local and global human rights issues and has very strong
research, writing and analytical abilities. Finding these characteristics has been difficult.

**Issues for discussion:**

a. Given this challenge, how often should the Secretariat be changed?

b. At a minimum, should there be a transparent appointment process soon? In light of the fact that complete trust is required among UNAIDS Secretariat, the chair/co-chairs and the secretariat, how can this best be ensured?

**Relationship with other advisory groups/initiatives: Prevention Commission; Commission on AIDS and the Law; sex work advisory group**

The UNAIDS Secretariat made a commitment to try to include the participation of one or more Reference Group members in major UNAIDS groups and initiatives. They have fulfilled that commitment probably slightly more than 50%. However, even when Reference Group members participate in other groups/initiatives, they seldom report back to the Reference Group or to the UNAIDS Secretariat human rights team and usually they appear to be participating in their own capacity, not as a Reference Group member.

UNDP has created the Global Commission on HIV and the Law and the technical advisory group for the Commission on AIDS and the Law. The role of the RG vis a vis the Global Commission and the technical advisory group is unclear, and there is a need for clearer communications, interaction, coordination and mutual support. Yet it is unclear how this could work, particularly given the challenges cited above with regard to the engagement of RG members in-between meetings.

There is also a need to clarify the relationship between the Reference Group and the Prevention Commission and, to a minor extent, the Sex Work Advisory Group. In a letter to Michel Sidibe, some of the members of the Reference Group, including the two co-chairs, expressed the following concerns with regard to the work of the commissions and said that Reference Group members look forward to providing input into the work of both commissions:

*Third, we applaud your decision to create a High Level Commission on HIV Prevention and to support the Global Commission on HIV and the Law. We are however worried that human rights and protective laws have not figured prominently in any of the documents concerning the High Level Commission on HIV Prevention, and that there also has been no mention of the central role of civil society and the need for greater accountability. From the beginning, both commissions should work together closely, to ensure that their messaging on human rights, law and prevention (and treatment as a necessary component of prevention) will be complementary and consistent. We therefore urge you to ensure that a clear mechanism be created for the Commissions to interact, including by holding a joint meeting, and that their communication activities be coordinated. Members of the Human Rights Reference Group look forward to providing input into the work of both Commissions.*

There has not yet been a response to this letter. There has been some movement in trying to bring the work of the two commissions closer together by cross-attendance of commissioners at each others initiatives.
With regard to the Sex Work Advisory Committee, the Reference Group could seek regular updates on its work, but there is probably no need to get involved further since Meena Seshu is a member of both groups and there is additional, strong human rights expertise on the Advisory Committee.

Three major initiatives during 2011 should involve serious engagement by Reference Group members: (1) regional universal access consultations; (2) regional Policy Dialogues under the auspices of the Global Commission on HIV and the Law; and (3) preparations for the High Level meeting in June for the UNGASS review. This does not include processes related to Treatment 2.0 and the Prevention Revolution, both of which raise profound human rights concerns. Dedicated efforts should be made by the Secretariat and UNDP to foster this engagement.

**Issues for discussion:**

a. What recommendations should the Reference Group make with regard to its relationship to the various other advisory groups and initiatives?

b. How can collaboration be fostered, while avoiding duplication of efforts?

c. What alternative means besides engagement of RG members are there for ensuring a meaningful human rights voice at these various consultations?

**Relationship/interface with other co-sponsors (and with the Global Fund)**

This issue was discussed at the 8th and 9th Reference Group meetings. According to the current version of the TORs, the Reference Group interfaces with other Cosponsors: (1) “through UNDP with UNDP functioning as liaison with the other Cosponsors on issues of human rights and gender”; and (2) “through ad hoc invitation and attendance by Cosponsors at Reference Group meetings depending on the issue”. In its statements and letters, the Reference Group has sometimes explicitly provided advice or made recommendations not only to the UNAIDS Secretariat, but also to UNDP. While UNDP joined the UNAIDS Secretariat in the co-management of the Reference Group in 2006, the TORs were never amended to explicitly include the possibility that the Reference Group would advise not only UNAIDS, but also UNDP on human rights issues. On occasion, the Reference Group also discussed how other Co-sponsors could be engaged more systematically, reflecting the fact that they have lead roles in areas of great concern to the Reference Group (e.g, UNODC on drug use and prisons, UNFPA on sex work, etc). Co-sponsors have occasionally been invited to attend those parts of Reference Group meetings that pertained to issues within their mandate, but many of the Co-sponsors have never attended a meeting, although some of them have expressed an interest in participating and discussing issues of concern to them with the Reference Group.

At the 8th and 9th meeting, members discussed whether the mandate of the Reference Group should be extended to include provision of advice not only to UNAIDS, but also to UNDP; how interaction with other Co-sponsors could be increased without overwhelming the group and fundamentally changing its character; and whether Co-sponsors should be able to turn to the Reference Group for advice.

Reference Group members made a plea for greater engagement with UNAIDS Co-sponsors in the work of the Reference Group, covering human rights issues across a wider range of technical areas, and building on the engagement to date with WHO,
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UNDP, UNFPA and UNODC. One member noted the example of drug use, harm reduction, and human rights, an area in which the Reference Group has done some work and involved UNODC at one of its meetings, but where a lot of work remains to be done. Members also recognized that many of the UNAIDS Co-sponsors have never participated in a meeting (UNHCR, UNICEF, WFP, UNESCO, World Bank), although some of them have expressed an interest in discussing issues of concern to them with the Reference Group.

With the new role of the UNAIDS Secretariat to provide (a) leadership, including strategic information; (b) coordination; and (3) accountability of the Joint Programme toward rights-based and gender-sensitive HIV responses, the Secretariat has the role of monitoring, coordinating, and creating/supporting accountability for human rights across the Programme. This role gives it a much more explicit direction to use the Reference Group to influence the entire Programme. It may also mean that the Secretariat creates an Inter-agency Working Group comprised just of Programme staff on human rights. There may be a way to have overlapping meetings of the Reference Group and Inter-agency Working Group.

Members made several suggestions about how, in practice, interaction with other Co-sponsors can be increased without overwhelming Reference Group meetings with heavy meeting agendas or more "external" participants than actual Reference Group members. Generally, they felt that there should be prioritization based on the timeliness and urgency of the issues for consideration, not just engagement for the sake of engagement. The guiding questions therefore should be: (1) What issues does the Group see as needing greater attention? (2) Who needs to be around the table to have a meaningful discussion about these issues?

**Issues for discussion:**

a. Does this issue need to be re-opened or are we fine with the decisions taken at the 9th meeting?

b. What should the relationship be between the Reference Group and the Global Fund?

c. Is it more or less important for the Reference Group to deepen its engagement with UNAIDS regional and country offices than with co-sponsors?

**Reference Group communications**

In recent years, since the mandate of the Reference Group was expanded to include making independent statements, the Reference Group has made an effort to ensure its statements are widely disseminated, not only via the UNAIDS Secretariat website, but also through listservs and by asking members to assist with further dissemination, particularly in the regions. Most of the statements have also been translated, mainly into French and Spanish.

Recently, UNAIDS Secretariat completely changed its website and human rights issues are now featured much less than they originally were, since the new focus is on UNAIDS’ 10 “strategy goals by 2015” and on the organizational structure. For the latter, human rights got buried (i.e. Programme Branch -> Evidence, Strategy and Results Department -> Prevention, Vulnerability and Rights Division). For the former, the human rights team is considered the “section owner” for the page on punitive laws – but there is a need to make sure human rights do not get reduced to punitive laws. Rather, human rights/gender equality and participation should be highlighted in
each of the other areas as well. Overall, the format of the website will be driven by stories.

Soon, the website will be revised yet again to reflect the three pillars of the new UNAIDS strategy / three elements of the vision (zero new infections, zero discrimination, zero AIDS-related deaths).

In the meantime, the content of the Reference Group section of the old website has been moved off the main web site. This has also happened for all other reference groups and Inter-agency Task Teams. The Reference Group has been told it could “anchor” content on the Reference Group with a box on the Division’s page, and publish stories (e.g. in relation to meetings, other guidance being provided to UNAIDS).

Three main options have been presented to the Reference Group for housing the Reference Group’s work:

(1) independent web site: possible models include the UNAIDS PCB NGO web site (http://unaidspcbngo.org/) or the Reference Group to the United Nations on HIV and Injecting Drug Use (http://www.idurefgroup.unsw.edu.au/).

(2) blog: a possible model would be “HIV This Week” (http://hivthisweek.unaids.org/). The content is hosted on UNAIDS servers, using a platform maintained by UNAIDS IT, but all content has to be uploaded/managed independently (i.e. without support from communications).

(3) AIDSspace: the Reference Group could set up an AIDSspace group (http://aidsspace.org/), with the possibility of having both private and public content, and interaction with a wider circle of people beyond the Group (if this is useful/desirable).

The “HIV This Week” blog looks good, but should the Reference Group have a blog? This would imply posting things at regular intervals and with a particular style. We could be a lot more proactive in posting materials, but then would risk to duplicate what AIDSLEX and the “Human Rights and HIV/AIDS: Now more than ever” websites are doing.

Setting up an AIDSspace group would seem to be the least desirable option since there are too many hurdles for people to access the site and participate. It would probably take a while before even all members of the Reference Group registered. Looking at the various discussions etc on the space, it quickly becomes clear that few people use such “spaces”.

Because of the limitations of a blog or the AIDSspace option, creating an independent web site seems like the best option. Both the UNAIDS PCB NGO website and the HIV and Injecting Drug Use website are not great, but the Reference Group could have a nicer and more user friendly web site designed for it. The web site could also be linked to (or even more closely integrated with) AIDSLEX and/or the “Human Rights and HIV/AIDS: Now more than ever” websites.

In addition to creating an independent website (in English only, or in a few other languages?), the Reference Group could

1. ask that the website be “anchored” with a box on the page of the “Prevention, vulnerability and rights” Division
2. make sure we regularly publish “stories” (including at the time of each of the Reference Group meetings)
3. express concern with UNAIDS senior management about the fact that human rights are so hidden in the new website, and make concrete suggestions about changes that should be made.

**Issues for discussion:**

a. Do members agree with the approach proposed above? If not, what concretely should be done differently?

b. How should the Reference Group best communicate its statements and materials, beyond using the UNAIDS website and eventually its own website?

**Monitoring and evaluation of the Reference Group**

The Reference Group has existed for nine years and has regularly discussed its own activities, constantly striving to be as relevant and effective as possible, and to have a noticeable positive impact on UNAIDS’ capacity to advance human rights issues in the context of HIV, as well as on human rights issues generally. As noted above there is consideration of the establishment of an inter-agency task team or working group on human rights (this was also recommended by UNDP at the 8th meeting), with representation from staff of all co-sponsors, and some members of the Reference Group. When this issue was discussed at the 8th meeting, members felt that the establishment of such a task-team could be beneficial. They suggested that such a task-team, if established, should complement, but not replace, the Reference Group, as it could never fulfil the important role of providing independent, expert advice, and “pushing UNAIDS to do the right thing on HIV and human rights”.

At its 9th meeting, the Reference Group discussed, but members did not resolve the issue of whether the Reference Group should recommend to then incoming Executive Director Michel Sidibe that its work be evaluated by an independent expert. Generally there was agreement that the work of the Reference Group should be monitored and evaluated. However, before making a decision, members felt they needed to know whether any of the other UNAIDS Reference Groups has been evaluated. In the absence of a broader initiative to evaluate reference groups, they wondered how an evaluation of the Human Rights Reference Group would be perceived. One member suggested that asking for an independent evaluation by external experts may not be required, but that it would be good to undertake a process of reflection about when the Reference Group has been most effective, and why. It was suggested that such a process should ideally be led by an external facilitator and support the Reference Group to make more informed decisions about which issues to prioritize in its future work. Another member suggested that it would be appropriate for the UNAIDS Secretariat to conduct an external review of all its Reference Groups. This would be preceded and informed by individual Reference Group internal reviews, based on a common framework to be suggested by an external review panel in consultation with the Reference Groups. There has now been a review of all existing Interagency Task Teams.

**Issues for discussion:**

a. Does the Reference Group support the establishment of an inter-agency task team or working group on human rights? If yes, what should its relationship with the Reference Group be?

b. Should the Reference Group recommend to the UNAIDS Executive Director that its work be evaluated by an independent expert? If so, when?
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