Background
1. 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.

Membership
2. The membership of the Reference Group consists of 19 people from the HIV and human rights community, including seven new members who joined in July 2008. Members of the Reference Group serve at the discretion of the UNAIDS Executive Director. According to the Terms of Reference (TORs) of the Reference Group (see Appendix 1), approximately one-fifth of the Reference Group members are to be rotated off the Reference Group each year and new members rotated on. However, in 2007, only one member of the Reference Group was replaced. Thus, in 2008 a larger number of members were rotated off and new members invited to join by the UNAIDS Executive Director. Through this round of rotation, representation from low- and middle-income countries was increased, including members from Caribbean, francophone West Africa, and Eastern Europe. The Reference Group now has three members from Latin America, one from the Caribbean, two from Eastern Europe, one from China, two from India, four from Africa, and six from high-income countries (Australia, Canada, France and the United States of America). Some regions continue to be under-represented, as are people living with HIV. Eleven members are male and eight female. To promote continuity, nine members who have served on the Reference Group since 2002 have been retained; however, it is foreseen that some of them will be included in subsequent rounds of rotation.

Issues for discussion: Should the Reference Group make any recommendations to the incoming Executive Director with regards to the membership of the Reference Group? If so, what perspectives and constituencies should be included to further enhance the impact and relevance of the group as new members are rotated on and old members rotated off?

Independent voice
3. In February 2007, at the seventh meeting of the Reference Group, a decision was taken by the UNAIDS Executive Director to allow the Reference Group to speak and act independently, under certain circumstances. At the eighth meeting
of the Reference Group in December 2007, these circumstances were clarified and the TORs revised to reflect them. According to the revised 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; UNDP and/or other Cosponsors 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”.

4. In 2007, the Reference Group released one public statement, on “Scaling up HIV testing and counselling”. In 2008, statements were issued on: (1) “Human Rights and Universal Access to HIV Prevention, Treatment, Care and Support”; (2) the UNAIDS Guidance Note on HIV and Sex Work”; (3) the draft “Gender Guidance for National Responses to HIV”. In other areas, such as harmful HIV legislation, the Reference Group wrote two letters to Peter Piot, but to date has not made a public statement. Some of the statements have been widely disseminated, featured on the home page of the UNAIDS web site at the time of their release, and remain available on the Reference Group page of the UNAIDS web site as well as on the UNDP web site. Some statements were sent not only to Peter Piot, but copied to the heads (or heads of HIV programmes) of all or some UNAIDS cosponsors; and some contained recommendations not only about what the UNAIDS Secretariat should do, but also specifically mentioned UNDP and other UNAIDS Cosponsors. One statement, on the draft “Gender Guidance for National Responses to HIV”, was not disseminated widely. The Reference Group had prepared that statement with the intention that it be tabled at the PCB meeting in April by UNDP, as part of the discussions on the draft Gender Guidance. However, the statement was ultimately not brought into discussions.

**Issues for discussion:** Has the Reference Group used its ability to speak and act independently to good effect? What could be done to further improve dissemination of Reference Group statements? Could and should Reference Group statements, if they relate to issues under consideration by the UNAIDS Programme Coordinating Board, be sent to all “UNAIDS Global Coordinators”, who represent UNAIDS co-sponsor agencies, funds and programmes on the

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1 At the time of the ninth meeting, the gender sub-committee was considering releasing a statement with regards to the revised sex work guidance.

2 The legislation sub-committee, however, recently prepared a statement on criminalization of HIV transmission, which supports the UNAIDS and UNDP policy brief, but raises broader issues regarding legislative trends.

UNAIDS Board? What recommendations should the Reference Group make to the incoming Executive Director about these issues?

Interface with other UNAIDS Cosponsors

5. Related to the questions above are broader questions about the relationship between the Reference Group and other UNAIDS cosponsors. According to 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, recognizing that UNDP has the lead agency role on human rights under the technical support division of labour. On occasion, the Reference Group has also discussed how other cosponsors could be engaged more systematically, reflecting the fact that they have lead roles in areas of great concern to the Reference Group. Cosponsors have been invited to attend those parts of Reference Group meetings that pertained to issues within their mandate (e.g., WHO on HIV testing and counselling, UNODC on drug use and prisons, UNFPA on sex work), but many of the Programme’s cosponsors 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.

Issues for discussion: Is this arrangement sufficient, and if not, how can interaction with other Cosponsors be increased without overwhelming Reference Group meetings? What are priority human rights issues related to the work of cosponsors the Group has not yet engaged with (i.e. UNHCR, UNICEF, WFP, ILO, UNESCO, World Bank)? What recommendations should the Reference Group make to the incoming Executive Director about these issues?

Monitoring and evaluation of the Reference Group

6. The Reference Group has existed for six 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. At the eighth meeting, UNDP suggested that an “inter-agency task team on human rights” be established, with representation from staff of all UNAIDS cosponsors, and some members of the Reference Group. While it was felt that such the establishment of such a task team could be beneficial, it was concluded that such a task team should complementary to, but not replace, the Reference Group, as it could never fulfil the important role of providing independent, expert advice, and “supporting UNAIDS to do the right thing on HIV and human rights”.

Issues for discussion: Should the Reference Group recommend to the incoming Executive Director that its work be evaluated by an independent expert, so that its work can be further strengthened?
Secretariat

7. The Reference Group is supported by a secretariat, contracted by UNAIDS (see the Secretariat TORs in appendix 2). In 2007, the UNAIDS Secretariat and UNDP approached Ralf Jürgens about his availability to serve as the Secretariat of the Reference Group until the end of 2007 or until a new Secretariat could be selected through a tendering process. At the eighth meeting of the Reference Group, plans by the UNAIDS Secretariat and UNDP to send out a selective call for tenders were discussed. Reference Group members raised the importance of ensuring continuity and asked Ralf Jürgens about whether he would be willing to consider continuing to serve as the Secretariat. In April, the UNAIDS Secretariat and UNDP extended Ralf Jürgens’ contract until the end of November 2008.

Questions for discussion: If UNAIDS and UNDP send out a selective call for tenders for the performance of the Secretariat function as of 1 April 2009, which individuals or groups would the Reference Group recommend be included in the call? Should there be an express preference for groups or individuals based in low- or middle-income countries, followed by groups or individuals in high income countries working closely with counterparts in low- or middle-income countries? Should expertise, capacity and track record on HIV and human rights be the primary criteria, with location (low- and middle-income countries vs high-income countries) as a secondary consideration?

Sub-committees

8. At its last 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. According to the TORs of the sub-committees (see Appendix 3), 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 before the next meeting of the Reference Group. 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 met three times by teleconference since the last meeting of the Reference Group in December 2007, and drafted letters and/or statements and otherwise followed up on decisions of the Reference Group. In addition to members of the Reference

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4 The following groups and individuals have been considered in earlier calls and could be included again: Accion Ciudadana Contra el SIDA (Venezuela); AIDS Law Project (South Africa); AIDS and Rights Alliance for Southern Africa (Namibia); Asia and Pacific Council of AIDS Service Organizations (Malaysia); Canadian HIV/AIDS Legal Network (Canada); Ethical Globalization Initiative (USA); Georgetown Law, Center for Law and the Public’s Health (USA); Harvard School of Public Health (USA); Open Society Institute Public Health Program (USA); International HIV/AIDS Alliance (United Kingdom); R Jürgens – independent consultant (Canada); Lawyers Collective (India); Physicians for Human Rights (USA).
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. Establishment of the sub-committees may have been particularly important this year due to the long period since the last Reference Group meeting (nearly one year instead of the anticipated 8 months).

Issues for discussion: Have the sub-committees accomplished their objectives? What, if anything, should be changed? How can engagement of members in-between meetings be further increased? Should the Reference Group go back to meeting approximately every eight months, budget permitting?

Availability of Reference Group products in other UN languages

9. The Reference Group has produced its documentation exclusively in English up until now. The Group is asked to consider if it should request that the UNAIDS Secretariat and UNDP make documents available in other UN languages.

Issues for discussion: Which products should be translated (e.g. only statements? Statements and meeting reports?) Among other UN languages apart from English (Arabic, Chinese, French, Spanish, Russian), what are priority languages for translation if resources are limited?
Annex 1

Terms of Reference5

UNAIDS Reference Group on HIV and Human Rights
(revised on the basis of discussions at the eighth meeting of the Reference Group, December 2007)

Background

1. The UNAIDS Reference Group on HIV and Human Rights was established in 2002 to advise the Joint United Nations Programme on HIV/AIDS 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.

2. The membership of the Reference Group brings together people from the HIV and human rights community, including advocates, jurists, ethicists, people living with HIV, people working in the NGO and community sector, people working in the government sector, and academics.

3. The Reference Group is supported by a secretariat, contracted by UNAIDS, and led by a Chair.

4. In 2006, UNDP, as lead UNAIDS Cosponsor on human rights, gender, law and governance under the UNAIDS technical support division of labour, joined the UNAIDS Secretariat in co-management of the Reference Group.

5. In February 2007, at the seventh meeting of the Reference Group, the UNAIDS Executive Director decided that, under certain circumstances as described in paragraph 8 in the section on working methods and outputs, 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.

Objectives and activities of the Reference Group

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

4. To advise UNAIDS on how to operationalise human rights, gender and GIPA commitments set forth in the Declaration of Commitment (2001) and the Political Declaration of the 2006 High Level Meeting (2006) in policy and programmatic action at country and regional levels

5 Status of the Terms of Reference of the Reference Group:

   a) The Terms of Reference of the Reference Group will be circulated at each meeting for information and orientation.

   b) The UNAIDS Secretariat and UNDP reserve the right to modify the Terms of Reference to ensure that the Reference Group can best respond to the needs of the organization. This will be done in consultation with the Reference Group.

   c) The Terms of Reference will be reviewed every two years. At this time, proposals for amendments to the Terms of Reference will be invited from members of the Group, and circulated to all members with Issue Papers and other background materials for discussion at the next meeting.

This issue paper was prepared by the Secretariat to the UNAIDS Reference Group on HIV and Human Rights, with support by the UNAIDS Human Rights and Law team, for the ninth meeting (November 2008) of the Reference Group. It does not necessarily reflect the views of the Reference Group, the UNAIDS Secretariat or the Co-sponsors of UNAIDS. Please do not reproduce, redistribute or cite. *The Reference Group is an advisory group to UNAIDS that speaks with a voice independent of UNAIDS.
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

7. To promote the understanding of the relationships between neglect, violation, promotion or fulfillment 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 and UNDP beforehand that it intends to do so and having engaged in dialogue with the UNAIDS Secretariat and UNDP on the relevant issues.

Interface with other UNAIDS Cosponsors

1. Through UNDP with UNDP functioning as liaison with the other Cosponsors on issues of human rights and gender

2. Through ad hoc invitation and attendance by Cosponsors at Reference Group meetings depending on the issue

Direct beneficiaries of the Reference Group

1. UNAIDS Secretariat and UNDP

2. Other UNAIDS Cosponsors

Indirect beneficiaries of the Reference Group

1. Governments

2. People affected by and/or living with HIV

3. Human rights organizations and institutions

4. Civil society groups engaged in the response to HIV

Membership in the Reference Group

1. Membership in the Reference Group is on the basis of invitation only by the UNAIDS Secretariat and UNDP. Membership in the Reference Group comprises experts on HIV and human rights from a broad range of fields, backgrounds and approaches. Decisions regarding membership will take into account expertise, gender balance, geographical representation, and nature and orientation of professional activities, e.g. advocacy, law, standard-setting, programming, and support. Current members of the Reference Group are welcome to suggest possible candidates with these criteria in mind.
2. Members of the Reference Group serve at the discretion of the UNAIDS Secretariat and UNDP. The UNAIDS Secretariat and UNDP reserve the right to terminate membership at any time.

3. Membership in the Reference Group is subject to rotation. It is foreseen that approximately one-fifth of the Reference Group members (i.e. three of 17) will rotate off the Group annually. Decisions regarding appointments and rotation will be made by the UNAIDS Secretariat and UNDP, in consultation with the Chair of the Reference Group. After being rotated off the Group, former members are eligible for reappointment after a separation of one year.

4. OHCHR is a permanent observer of the Reference Group.

Honorary Status

1. Members of the Reference Group serve on an honorary basis and are not compensated for their participation in the Reference Group while performing standard functions of such membership. Travel costs and per diem associated with meetings of the Reference Group will be provided.

2. On an exceptional basis, Members of the Reference Group may be compensated in the context of their participation in the Reference Group under the following criteria:

   ▪ When requested to perform work, provide input, produce papers or presentations which extends beyond the standard activities described above and involves significant amounts of time. “Significant” does not include meeting time, and is defined as more than 5 hours a month.

   ▪ When requested to travel so as to provide work or input on a selected issue involving time, effort and expense beyond the standard activities described above.

   ▪ In such circumstances, all Members will be compensated at UNAIDS or UNDP remuneration rates according to output. Members will enter into a contractual arrangement with the UNAIDS Secretariat or UNDP which outlines the terms of reference, the expected outputs, the time-frame and the requirement that compensation be paid upon timely and satisfactory completion of the work. Such contracts may be subject to audit by external and internal auditors of UNAIDS.

Terms of participation

1. Members commit to active participation and engagement in carrying out the Terms of Reference of the Reference Group. This includes active and regular participation in meetings, provision of advice and insight to UNAIDS during meetings and between meetings, review of papers and products prepared in relation to the Reference Group, writing short papers/presentations for input into the meetings, and response to requests for input into UNAIDS policies and positions between meetings.

2. In their work both as Reference Group members and in their own independent professional capacity, members agree to promote and uphold human rights, gender equality, and the greater involvement of people living with HIV and other groups affected by HIV in the response. In this regard, it is expected that the knowledge and experience gained in the Reference Group will inform the professional activities of the members, which are and should remain independent of the Reference Group, just as the professional activities of the members will inform the advice and activities of the Reference Group.
3. Members participate in the group in their own personal capacity, and do not represent the organization or institution they are attached to professionally.

4. Members of the Reference Group agree to maintain confidentiality and discretion with regard to their input and activities as members of the Reference Group. Members should not engage in public communication as members of the Reference Group unless there has been prior agreement with the UNAIDS Secretariat and UNDP. Members of course are not in any way constrained in terms of their activities and statements when acting in their own professional capacity, independent of membership in the Reference Group.

Conflicts of interest

1. Members of the Reference Group agree to declare any conflict of interest that could constitute a real, potential or apparent conflict of interest with respect to their involvement in the work of the Reference Group. This includes conflicts that may arise in the context of relationships between members and (a) commercial entities, (b) sources of funding, e.g. governments, foundations and the UN; (c) governments; and (d) non-governmental or civil society organizations.

2. Conflict of interest means that the individual has a financial, political or other interest that could unduly influence the member with respect to her/his ability to independently carry out work associated with the Reference Group and any subject-matter being considered by the Reference Group. An apparent conflict of interest exists when an interest would not necessarily influence the individual but could result in her/his credibility being questioned by others. A potential conflict of interest exists with an interest which any reasonable person could be uncertain whether or not should be reported.

3. Any resources, other than those provided by UNAIDS/UNDP under these Terms of Reference, received and used by members to carry out work that is, or appears to be, related to the work of the Reference Group, should be declared to UNAIDS/UNDP and the Reference Group and discussed in terms of possible conflicts of interest.

Chair

1. A Chair of the Reference Group will be selected by the UNAIDS Secretariat and UNDP, after nominations from members. The UNAIDS Secretariat and UNDP reserve the right to change the chair at any time. However, it is expected that the Chair will normally serve for two years.

2. The role of the Chair comprises facilitating the smooth functioning of the Reference Group during and between meetings through her/his leadership role, including serving as a liaison between Reference Group members and UNAIDS/UNDP and/or the Secretariat, as needed.

3. The Chair may engage in public communication as chair of the Reference Group and speak independently on issues related to HIV and human rights, provided the Chair has engaged in dialogue first with the Secretariat and has sought the agreement of the members of the Reference Group to publicly speak on a particular issue. The Chair must make it clear through appropriate disclaimers that s/he is acting, and can act, independently of UNAIDS.
Working methods and outputs

1. Reference Group members, UNAIDS Secretariat and UNDP are expected to work in a context of collegiality, informality, mutual respect and trust, and professionalism.

2. Reference Group members are encouraged to maintain regular contact with each other, with the secretariat, and with UNAIDS Secretariat and UNDP so as to share information, concerns and advice.

3. With regards to requests for input from UNDP and/or the UNAIDS Secretariat arising between meetings, Reference Group members should, as a general rule, have at least two weeks to respond. At the end of this period for comment, the Reference Group secretariat will produce a compilation of responses and send the compilation to the UNAIDS Secretariat and/or UNDP, with a copy to the Chair of the Reference Group, within three working days.

4. The Chair and/or the secretariat of the Reference Group, in consultation with UNAIDS, may wish to establish sub-groups to provide input or develop papers on particular issues. Sub-groups are expected to report to the Reference Group with oral and written reports on their work.

5. Reports, issue papers and other documents prepared by or for the Reference Group are confidential, unless cleared by the UNAIDS Secretariat and UNDP for public distribution.

6. Where possible and appropriate, the UNAIDS Secretariat and UNDP will clear Reference Group documents for public distribution and disseminate such products through appropriate channels, such as the UNAIDS/UNDP web sites.

7. Attribution to the authors and the Group will be given as appropriate.

8. Whenever the Reference Group decides to issue a public statement independently of UNAIDS, all Reference Group members shall have an opportunity to provide input into the statement, usually within a two-week period. Such public statements will only be issued in exceptional cases, such as when the Reference Group feels that an issue is not being adequately addressed by the UNAIDS Secretariat, UNDP and/or co-sponsors and the Reference Group perceives a serious threat to the human rights of people living with or at risk of HIV. In such cases, the Reference Group will always attempt to issue consensus statements and recommendations. If consensus on the wording of a statement cannot be reached, majority statements will be issued and individuals can request that their disagreement with the statement or with particular aspects of the statement be expressly stated in the statement. The Reference Group will make it clear through appropriate disclaimers that it is acting, and can act, independently of UNAIDS.

Meetings

1. It is anticipated that the Reference Group meets three times each biennium – approximately once every eight months, budget permitting.

2. Meeting dates should be fixed as far in advance as possible, and not later than three months before the meeting.

3. The Issue Papers for the meeting should be circulated at least one week in advance of the meeting.

4. The secretariat to the Reference Group, in consultation with UNAIDS, will identify the recommendations and action points coming out of the deliberations of the Reference Group and circulate them for comment from
Reference Group members within two weeks of the Reference Group meeting.

5. The Reference Group secretariat will circulate a draft report of the Reference Group meeting within four weeks of the conclusion of the meeting.

Agenda

1. The agenda will be developed by the UNAIDS Secretariat and UNDP, with suggestions of Reference Group members solicited in advance by the Reference Group secretariat.

2. At the beginning of each meeting, the Reference Group secretariat will provide a report on the implementation of the recommendations from the previous meeting.

3. Each meeting will include an agenda item on emerging issues that allows Reference Group members to briefly inform the group on critical issues and trends they are witnessing and/or responding to in their work.
Annex 2

Terms of Reference
Secretariat to the UNAIDS Reference Group on HIV and Human Rights
(revised on the basis of discussions at the eighth meeting of the Reference Group, December 2007)

Status of the secretariat
1. In order to provide support to UNAIDS and the UNAIDS Reference Group on HIV and Human Rights, the UNAIDS Secretariat has selected, and will select, in consultation with UNDP, organization(s) or individual(s) to function as the secretariat to the Reference Group.
2. The organization(s) or individual(s) that is chosen as the secretariat agrees to enter into a contractual relationship with the UNAIDS Secretariat, the terms of which will be mutually concluded between the UNAIDS Secretariat and the organization or individual, in consultation with UNDP. The contract will set forth its terms, including duration, remuneration and the workplan.
3. Representatives of the secretariat will also be members of the Reference Group.
4. In its advisory role, the Reference Group may identify and suggest possible organizations or individuals to function as secretariat.

Objectives and activities of the secretariat
In consultation with UNAIDS (UNAIDS Secretariat and UNDP):
1. To facilitate regular and productive communication between members of the Reference Group and UNAIDS (UNAIDS Secretariat and UNDP), and between members of the Reference Group
2. To solicit advice and input from Reference Group members on draft UNAIDS policies, strategies and advocacy documents under review
3. To assist the Reference Group to identify emerging HIV and human rights issues, and communicate these to UNAIDS
4. To assist with the organisation of Reference Group meetings, in close consultation with UNAIDS Secretariat, UNDP and the Chair of the Reference Group, and solicit input from Reference Group members during the development of the meeting agenda
5. To assist with the development of background, issue or briefing papers for consideration by the Reference Group at or between its meetings
6. To assist with the development of Reference Group statements
7. To support effective follow-up of the meetings of the Reference Group, including the preparation of a summary of decisions and recommendations, and a report of the meeting
8. To assist with the development of specific outputs, for consideration of the Reference Group, including tools and products that would assist legislators, policy makers and programmers to implement rights-based responses
9. To provide support with regard to the dissemination of input, materials and resources developed by Reference Group, and to maintain a database of Reference Group materials
10. To compile and maintain a database of HIV-related human rights expertise by region and subject
11. To facilitate periodic review of the modalities for the work of the Reference Group and the secretariat to the Reference Group
12. To fulfil the terms of its contract with the UNAIDS Secretariat.
Standards of conduct

1. The organization or individual that is selected as secretariat to the Reference Group is expected to act with the highest professional and ethical standards, to maintain confidentiality, and to act with discretion and good judgement with regard to all Reference Group activities.

2. As any member, the individual or the representatives of the organization acting as Secretariat should maintain a clear line between acting in their separate and independent organizational capacity and acting as the secretariat to the Reference Group.

Conflicts of interest

1. The organization or individual that acts as the secretariat is asked to declare any interests that could constitute a real, potential or apparent conflict of interest with respect to their involvement in the work of the Reference Group or with UNAIDS. This includes conflicts that may arise in the context of relationships between the individual or organization and (a) commercial entities, (b) sources of funding, e.g. governments, foundations and the UN; (c) governments; and (d) non-governmental or civil society organizations.

2. Conflict of interest means that the organization or individual has a financial, political or other interest that could unduly influence the organization’s or individual’s position with respect to the role as the secretariat, ability to carry out work associated with the Reference Group and any subject-matter being considered by the Reference Group and/or UNAIDS. An apparent conflict of interest exists when an interest would not necessarily influence the organisation or individual and their actions but could result in their credibility being questioned by others. A potential conflict of interest exists with an interest which any reasonable person could be uncertain whether or not should be reported.

3. Any resources, other than those provided by UNAIDS/UNDP under these Terms of Reference, received and used by members to carry out work that is, or appears to be, related to the work of the Reference Group, should be declared to UNAIDS/UNDP and the Reference Group and discussed in terms of possible conflicts of interest.

Change of Secretariat

1. The UNAIDS Secretariat, in consultation with UNDP, reserve the right to terminate the relationship with the organization or individual selected as the secretariat, at any time, in line with the terms of the contract. However, it is envisioned that the secretariat to the Reference Group will change every three years, preferably through a process of competitive bidding.

2. In the event of a change in secretariat, the outgoing secretariat should provide all files (electronic and paper), as well as an exit report identifying what it perceives to be the strengths and weaknesses of the secretariat’s working methods, key HIV and human rights challenges and opportunities for the Reference Group to address them, and any other suggestions or critiques.

3. The incoming secretariat to the Reference Group will be invited to provide a report outlining current areas of HIV and human rights work and possible complimentarity with the objectives and activities of UNAIDS and the Reference Group.
Annex 3

Terms of Reference
Sub-committees (or “sub-groups”) of the UNAIDS Reference Group on HIV and Human Rights

Background
According to the terms of reference of the Reference Group, “[t]he Chair and/or the secretariat of the Reference Group, in consultation with UNAIDS, may wish to establish sub-groups to provide input or develop papers on particular issues. Sub-groups are expected to report to the Reference Group with oral and written reports on their work.”

In December 2007, at the 8th meeting of the Reference Group, the group as a whole decided that, in order to increase engagement by members in-between meetings and follow-up on decisions taken at its meetings, sub-committees should be established on a small number of issues requiring follow-up by members of the Reference Group before the next Reference Group meeting.

These terms of reference aim to clarify the objectives and activities of Reference Group sub-committees. Unless otherwise specified, the terms of reference of the Reference Group regarding issues such as terms of participation, conflicts of interest, and other general areas of functioning also apply to the sub-committees.

Objectives and activities of the Reference Group sub-committees
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.

Duration
Sub-committees are intended to follow up on work the Reference Group agrees to undertake at its meetings. As such, they may finish their work before the next meeting of the Reference Group. 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.

Membership in sub-committees
Reference Group members will be invited to join one or several sub-committees established by the Reference Group at its meetings. Reference Group members will self-select based on their expertise on, and interest in, particular issues, and their membership in sub-committees is voluntary.

Upon the recommendation of the Chair of the Reference Group, the Secretariat, or the Chair of a sub-committee, the UNAIDS Secretariat and UNDP may invite one or several experts who are not Reference Group members to participate in the work of a sub-committee, to enhance the capacity of the sub-committee. Decisions regarding membership will take into account expertise, gender balance, and geographical representation.

Members of sub-committees serve on an honorary basis and are not compensated for their participation while performing standard functions of such membership. On an exceptional basis, members of a sub-committee may be compensated in the context of their participation in the sub-committee when requested to perform work that involves significant amounts of time.
“Significant” does not include meeting time, and is defined as more than 16 hours a month.

In such circumstances, members may request to be compensated at UNAIDS or UNDP remuneration rates according to output. Members will enter into a contractual arrangement with the UNAIDS Secretariat or UNDP which outlines the terms of reference, the expected outputs, the time-frame and the requirement that compensation be paid upon timely and satisfactory completion of the work. Such contracts may be subject to audit by external and internal auditors of UNAIDS.

Chair

Each sub-committee will select a Chair from among the members of the sub-committee that are also members of the Reference Group.

The role of the Chair comprises facilitating the smooth functioning of the sub-committee during and between meetings through her/his leadership role, including serving as a liaison between the sub-committee and the Chair and Secretariat of the Reference Group and/or UNAIDS/UNDP, as needed; identifying and circulating relevant documents for the sub-committee; and providing oral and written reports about the sub-committee’s work to the Reference Group and UNAIDS/UNDP.

The Chair of the sub-committee may not engage in public communication or speak independently on any issue addressed by the sub-committee.

Working methods and outputs

Sub-committees are expected to carry forward work the Reference Group agrees to undertake at its meetings by producing draft documents for broader input by all Reference Group members and finalization by the Reference Group Chair and Secretariat. Any draft letters, position statements, or other documents initiated by a Sub-committee will ultimately be circulated to all Reference Group members, finalized with the support of the Reference Group Chair and Secretariat, and be released as Reference Group documents. The contribution of the sub-committee will be acknowledged as appropriate.

Meetings

It is anticipated that sub-committees meet by telephone conference, usually no more than three times in between meetings of the Reference Group.

Agenda

The agenda will be developed by the chair of the sub-committee, with suggestions of sub-committee members solicited in advance by the chair.

Support to the work of the Sub-committees

The Reference Group Secretariat will provide support to the work of the sub-committees and will participate in its meetings. Support will include setting up conference calls, circulating draft documents to Reference Group members and UNAIDS/UNDP, and finalizing documents after input from all members has been received.