UNAIDS contribution to the Stop TB Partnership Task Force on TB and Human Rights and the development of a policy framework for a rights-based approach to TB prevention, care and control

Background

Previous Reference Group consideration of issues related to HIV, TB and human rights

The Reference Group first considered issues related to HIV, tuberculosis (TB) and human rights at its tenth meeting in July 2009 and issued a paper on “HIV and tuberculosis: ensuring universal access and protection of human rights” in March 2010.\(^1\) At the time, it noted that a human rights-based approach to HIV/TB infection had largely been neglected despite the serious human rights and ethical implications of multiple aspects of the TB transmission-to-treatment cycle. The Reference Group recognized that consideration of HIV/TB-related human rights issues was critical to the protection of the human rights of persons living with HIV and considered some of the major human rights concerns associated with TB at all stages of the disease, from access to treatment to poor infection control to the detention of people with TB.

It welcomed the inclusion of TB as a priority issue in the UNAIDS Outcome Framework, in view of the large numbers of deaths attributable to HIV and TB co-infection; the stigma and misunderstanding that still surrounded TB; the fact that TB was associated with many human rights violations; the fact that the discourse was to a large extent limited to the issue of detention, while human rights issues are much broader, requiring a broadening of the debate; and the fact that many governments were still stuck in the old model of TB control. The Reference Group noted that the inclusion of TB as one of the priority areas in the Outcome Framework represented an excellent opportunity to ensure that human rights issues and considerations be integrated in the strategies that would be developed. It welcomed an invitation to be involved in the Task Force on TB and Human Rights that the Stop TB Partnership was planning to convene. Finally, it called on the UNAIDS Executive Director to ensure that TB is understood as a human rights issue, requiring a human rights approach; and encouraged UNAIDS and WHO to monitor and provide guidance to country offices on restrictive and unnecessary laws and policies related to drug-resistant TB.

The Task Force on TB and Human Rights

At the Stop TB Partnership Global Partners Forum in 2009, UNAIDS and WHO representatives and others stimulated a recommendation for the establishment of a Task Force on TB and Human Rights. In 2010, the WHO Strategic and Technical Advisory Group for Tuberculosis (STAG-TB) also requested WHO to pursue

guidance on a rights-based approach to TB. WHO Stop TB Department and UNAIDS agreed to serve as co-secretariat for the Task Force.

The Stop TB Partnership TB and Human Rights Task Force was established in 2010 and includes representatives of affected communities and risk groups, UN agencies, human rights and civil society organizations, health and human rights experts (including a member of the Reference Group) and development partners. It has started developing a policy framework for a rights-based approach to TB. The framework will be available in draft in early 2012 for review, first by the Task Force members/constituencies and then by peer reviewers. Feedback from the broader public will be sought through posting the draft framework on the Stop TB Partnership website. The final version will be submitted for formal approval and co-publication by WHO, Stop TB Partnership, UNAIDS, and the Office of the High Commissioner for Human Rights and for endorsement by others.

Case studies are also being developed to highlight approaches to addressing selected elements of the framework, as applied to particular vulnerable groups.

A dissemination plan and approaches to finance follow-up work and critical actions on some of the top issues addressed in the framework will be addressed by the Task Force in 2012. There is significant interest among many partners to find means to collaborate on particular issues, including rights violations among communities affected by both TB and HIV, including detainees/prisoners, people who use drugs; rights violations affecting migrants; and violations associated with involuntary detention and/or hospitalization.

Funding for the work of the Task Force has been provided by WHO, UNAIDS, Open Society Foundation and the Stop TB Partnership.

**Summary of the discussion at the thirteenth Reference Group meeting**

On behalf of the Task Force, Diana Weil (Coordinator, Policy and Strategy, Stop TB Department, WHO) and Reference Group member Joe Amon presented a draft one-page overview of the framework, as well as an outline of the full paper on a rights-based approach to TB. A complete draft will become available for review in early 2012 and the final version will be submitted for formal approval and co-publication by WHO, Stop TB Partnership, UNAIDS, and the Office of the High Commissioner for Human Rights. Weil and Amon noted that there was significant interest among many partners to find means to collaborate on issues related to TB and human rights, including rights violations in communities affected by both TB and HIV such as detainees/prisoners and people who use drugs; rights violations affecting migrants; and violations associated with involuntary detention and/or hospitalization.

The Reference Group expressed support for the work of the Task Force and agreed to review and provide comments on the draft policy framework for a rights-based approach to HIV once it will become available. It was concerned about the lack of human and financial resources available for the work of the Task Force and, more generally, the important work on HIV, TB and human rights. In particular, it expressed concern about the fact that UNAIDS Secretariat will no longer have a staff person dedicated to TB, exactly at the time as the Task Force is about to release its framework, requiring a dedicated effort to ensure the political commitment and
programmatic action required to move the agenda forward. Reference Group members were concerned about conditions in pre-trial detention settings in many countries, noting research showing very high rates of transmission of TB in those settings. Making a link to the previous session, on human rights and the strategic use of ARVs for treatment and prevention, they referred to research showing that earlier initiation of ART prevents not only HIV, but also TB, providing further public health and human rights arguments for rapid scale up of HIV treatment. They also made a link to the earlier session on the Global Fund and its human rights strategy and highlighted the need to make sure that TB and human rights issues will be part of the Global Fund’s human rights agenda. Specifically, they suggested that the Task Force review the seven HIV and human rights programmes that according to UNAIDS should be part of every national HIV response, to determine which of these programmes could be useful also in the context of TB and to maximize synergies between HIV and TB human rights programming. Finally, they agreed that the Reference Group should consider issuing a statement on HIV, TB and human rights, in support of the work of the Task Force.

Recommendations

1. The Reference Group endorses the next steps proposed for the Human Rights Task Force, supports the idea of a review of the TB and human rights policy across the Joint Programme, and agrees to comment on a draft of the policy framework when it becomes available.

2. The Reference Group urges UNAIDS and WHO to provide leadership and dedicate adequate human and financial resources to ensure adequate attention be devoted to HIV, TB and human rights issues, specifically the follow-up action to the recommendations of the Stop TB Partnership TB and Human Rights Task Force.

This issue update was prepared by Diana Weil, WHO, and Reference Group member Joe Amon to facilitate discussion at the Reference Group's December 2011 meeting. It was revised after the meeting by the Reference Group Secretariat to include a summary of the discussion at the meeting and the Reference Group recommendations.