Draft recommendations on human rights in country dialogue

Global Fund Human Rights Reference Group
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Country dialogue produces concept note

What the country dialogue is
• Country-owned and led
• Built on existing coordination mechanisms in health and development
• Country Coordinating Mechanisms (CCMs) should take a leading role in coordinating discussions with other stakeholders
• Should include CCMs; Governments; the private sector; the public sector; civil society; academia; key affected and most-at-risk populations and networks; and bilateral, multilateral and technical partners in-country
• The process should help to identify a country’s prioritized needs and ultimately prepare the submission of concept notes to the Global Fund

Country dialogue promotes investment for impact, ensuring that health interventions reach those who need them
• Helps to ensure that the concept note ensures resources and programmes meet the needs of all those affected, including highly marginalized and the criminalized
• Creates a forum to explore needs for mainstreaming gender
• Identify current challenges and any needed cross-cutting interventions, including
  • health systems strengthening (HSS)
  • community systems strengthening (CSS)
  • Interventions that effectively reach key populations
  • programmatic interventions to address human rights barriers to accessing health services
Country dialogue helps to create concept note

A robust, multi-stakeholder country dialogue incorporates respect for human rights
• Countries ratify international human rights treaties and must uphold them
• Treaties include civil and political rights, and economic, social and cultural rights
• Countries must report to the UN High Commissioner for Human Rights on implementation of these treaties

Multilateral donors can support countries to do this by promoting:
• Public participation
• Social accountability
• Transparency and right to information
• Rights to freedom of opinion and freedom of expression
• Rights to freedom of association and assembly
Challenges

- A robust, multi-stakeholder country dialogue is resource-intensive
- Differing views on who should be at the table -- whenever someone is included, someone else is excluded
- Challenges experienced with CCMs may be repeated or magnified in country dialogues
- Some key populations may lack representatives or advocates - esp. people with disabilities, prisoners, children, migrants, rural people, indigenous people, and others
- Risk of conflict of interest among participants in the country dialogue
- Need for processes to ensure accountability
- Varying capacities, resources, understanding and expectations of and by civil society and technical partners
- Risk of retaliation against those who speak out
- Risk of imbalance in the three diseases representatives
Recommendations: Preparing to address human rights

1. Based on the epidemiology, identify 3-4 “less-consulted” groups
   1. Such as: indigenous peoples, ethnic groups, people with mental or physical disabilities, loggers, miners, migrants, children, rural communities, refugees, fishermen, farmworkers, homeless, etc.

2. Take steps to consult “less-consulted” groups:
   a. Hold side meetings in rural or hard-to-reach communities
   b. Reach out to labor unions, groups working on poverty, refugee camps, or other less-traditional partners
   c. Use online consultation

3. Consult with human rights experts to learn about the context
   a. OHCHR, UNDP, National Human Rights Institutions, Members of Parliament, Ministry of Justice, domestic and regional human rights groups and experts
   b. Identify human rights barriers to accessing health services
   c. Identify domestic human rights interventions already underway that could be supported
   d. Identify any existing spaces for community consultation, such as health assemblies
Recommendations: Consultation

1. Caucus with civil society organizations (CSOs) in advance of country dialogue national meetings
   a. Ensure CSOs understand the epidemic and who is most affected
   b. Ensure they understand the new funding model, the concept note, and the measurement framework
   c. Ensure they know what HSS, CSS, gender and human rights interventions the Global Fund will support
   d. Encourage them to identify collective priorities
   e. Invite multiple representatives of each constituency, since one individual may not be able to participate regularly or consistently
   f. Meet in settings where key populations already gather, such as a CBO office

2. Ensure national country dialogue meetings:
   a. Have a specific time slot on plenary agenda to discuss human rights barriers
   b. Have a human rights expert (GF staff or consultant) on hand to help civil society discuss needs
   c. Enable community participants to join with specific support – eg, per diems, transportation, child care, access to ARVs and OST
   d. Hold all discussions and presentations in the local language, and spell out any acronyms

3. Address and manage risk
   a. Discuss with technical partners about how to ensure individuals or groups can raise human rights
   b. Respect confidentiality of participants who are living with HIV and/or key populations – offer the use of pseudonyms if they prefer
   c. Follow up with people who are outspoken in meetings to check they are safe after the country team leaves
   d. In risky environments, select meeting venues with private/side entrances
   e. Consider meeting informally over dinner instead

Recommendations: Accountability

**Two elements of accountability**
- **Answerability**: description and justification for public actions
- **Enforcement**: mechanisms to sanction unsatisfactory actions

**Applicants should be answerable:**
- Include representatives of key populations and civil society in the writing group that creates the concept note
- Countries should periodically update country dialogue participants about status and contents of proposal and budget
- Build in time for review of concept note and budget by participants
- If participant recommendations were decided against, give feedback about the reasons

**Enforcement?**
Options that have been floated include
- In-country mechanisms (through the CCM, through National Human Rights Institutions, etc.)
- Anonymous observational audits of country dialogue processes
- Complaints mechanisms at the Secretariat (through the Inspector General, toll-free numbers, email, etc.)
- What steps would be taken?
Global Fund Human Rights Reference Group

Permanent observers
UNAIDS Human Rights and Law Department
WHO Global TB Programme [TBC]

Individual members
Michaela Clayton, ARASA
Joanne Csete, Open Society Foundations
Mandeep Dhaliwal, UNDP
Andrew Hunter, Asia-Pacific Network of Sex Workers
Karyn Kaplan, Treatment Action Group
Elly Macha, African Union of the Blind
Amani Massoud, Egyptian Initiative for Personal Rights
Joel Gustave Nana, African Men for Sexual Health and Rights
David Ruiz, Stop AIDS Alliance
Rebecca Schleifer, Human Rights Watch

Alberto Colorado (TB advocate) and Meg Davis (Global Fund), co-chairs