



UNAIDS PROGRAMME COORDINATING BOARD

UNAIDS/PCB (32)/13.12
Issue date: 16 May 2013

THIRTY-SECOND MEETING

Date: 25-27 June 2013

Venue: Executive Board Room, WHO, Geneva

Agenda item 7

**Follow-up to the thematic segment from the 31st
PCB meeting: Non-Discrimination**

Additional documents for this item: *none*

Action required at this meeting - the Programme Coordinating Board is invited to:

Take note of the summary report of the Thematic Session on Non-Discrimination.

Cost implications for decisions: *none*

BACKGROUND

1. At its 29th meeting in December 2011, the UNAIDS Programme Coordinating Board (PCB) agreed that the subject for the thematic segment of the 31st Board meeting (11-13 December 2012) would be “Non-Discrimination”.¹ The Working Group of the thematic segment recognised the importance of the many reports and discussions which have, over the years, detailed the devastating impact of HIV-related discrimination on individuals and on the AIDS response.² Because of this, the Working Group decided to use the opportunity of the thematic segment to highlight concrete, programmatic efforts to reduce discrimination. Thus, the Working Group tailored the thematic day to focus on showcasing programmes to reduce discrimination, as well as encouraging the expansion of such programmes within national HIV responses.
2. The Thematic Segment Background Note referenced the *Political Declaration on HIV/AIDS* (2011) in which UN Member States renewed their commitment to eliminating HIV-related stigma and discrimination.³ These commitments relate to engaging people living with and affected by HIV to address stigma and discrimination⁴; creating enabling legal, social and policy frameworks⁵; ensuring non-discriminatory access to education, health care, employment and social services⁶; inclusion of programmes aimed at eliminating stigma and discrimination against people living with and affected by HIV in national strategies⁷; eliminating discrimination against women⁸ and young people⁹; and calling on all actors in the world of work to eliminate stigma and discrimination and facilitate access to HIV prevention, treatment, care and support¹⁰.
3. The 2011 *Political Declaration* built on the commitments to reduce HIV-related discrimination in the *Declaration of Commitment on HIV/AIDS* (2001) and the

¹ See *Decisions, Recommendations and Conclusions of the 29th Meeting of the UNAIDS Programme Coordinating Board, 13-15 December 2011*, available at http://www.unaids.org/en/media/unaids/contentassets/documents/pcb/2011/12/20111216_29PCB%20decisions%20final_en.pdf. For more information, see *Next Programme Coordinating Board Meetings, Document prepared by the PCB Bureau* UNAIDS/PCB(29)/11.25, available at http://www.unaids.org/en/media/unaids/contentassets/documents/pcb/2011/12/20111125_Next%20PCB%20meetings_en.pdf. These sub-themes have informed the preparations for the thematic segment and this background note.

² See, for example, *Non-discrimination in HIV-responses*, UNAIDS/PCB(26)/10.3, available at http://www.unaids.org/en/media/unaids/contentassets/dataimport/pub/basedocument/2010/20100526_non_discrimination_in_hiv_en.pdf; Report by the PCB NGO Representative, 26th meeting of the UNAIDS PCB, UNAIDS/PCB(26)/10.2, available at

http://www.unaids.org/en/media/unaids/contentassets/dataimport/pub/agenda/2010/20100504_ngo_report_final_en.pdf; Report by the PCB NGO Representative, 29th meeting of the UNAIDS PCB, UNAIDS/PCB(29)/11.18.rev1, available at http://www.unaids.org/en/media/unaids/contentassets/documents/pcb/2011/12/NGO%20Report_Rev1.pdf; *Report of the Global Commission on HIV and the Law: Risks, Rights, and Health*, Chapter 1, July, 2012, available at <http://www.hivlawcommission.org/resources/report/FinalReport-Risks.Rights&Health-EN.pdf>

³ *Political Declaration on HIV/AIDS: Intensifying our Efforts to Eliminate HIV/AIDS* (UN Resolution 65/277). June 2011, United Nations: New York, available at http://www.unaids.org/en/media/unaids/contentassets/documents/document/2011/06/20110610_UN_A-RES-65-277_en.pdf.

⁴ *Political Declaration on HIV/AIDS: Intensifying our Efforts to Eliminate HIV/AIDS* (UN Resolution 65/277), para 57, June 2011, United Nations: New York, available at

http://www.unaids.org/en/media/unaids/contentassets/documents/document/2011/06/20110610_UN_A-RES-65-277_en.pdf.

⁵ *Id.* at para 77.

⁶ *Id.*

⁷ *Id.* at para 80.

⁸ *Id.* at para 81.

⁹ *Id.* at para 83.

¹⁰ *Id.* at para 85. For more information on the full range of key programmes to reduce stigma and discrimination and increase access to justice, please see the UNAIDS Guidance Note on key programmes, available at http://www.unaids.org/en/media/unaids/contentassets/documents/document/2012/Key_Human_Rights_Programmes_en_May2012.pdf

Political Declaration on HIV/AIDS (2006).¹¹ The thematic segment also furthers UNAIDS' goals of "zero new infections, zero AIDS-related deaths, zero discrimination" as outlined in the *UNAIDS Strategy 2011-2015, Getting to Zero*.¹²

PROGRAMME COORDINATING BOARD THEMATIC SEGMENT INTRODUCTION AND KEYNOTE SPEECH

4. The 31st Programme Coordinating Board thematic segment on "Non-Discrimination" was moderated by journalist Nisha Pillai, who, at the opening of the segment, highlighted that the day was about communicating, sharing experience and learning from each other. She challenged the participants at the Programme Coordinating Board to "walk away with one new idea" about reducing discrimination that they could take forward in their countries.
5. The UNAIDS Executive Director, Michel Sidibé, opened the meeting by speaking about the importance of addressing discrimination. He noted that, though there have been scientific breakthroughs to push forward the momentum of getting to zero new infections and zero AIDS-related deaths, there has been less progress on the goal of *zero discrimination*. Furthermore, he underlined that this third zero is the hardest yet, and it will take significantly increased action to address it. The Executive Director also underscored the devastating impact of HIV-related discrimination, both in and of itself, and on the uptake of HIV-related prevention, treatment, care and support services. In this way, the Executive Director added, discrimination threatens efforts to attain the goals regarding prevention and treatment.
6. The Executive Director gave one example of progress made in reducing discrimination. This involves the fact that eight countries, including China, the Republic of Korea and the United States, have lifted their HIV-related restrictions on entry, stay and residence since 2010. Finally, the Executive Director reminded the participants that the thematic segment is not about formulating policy and norms, but rather about reaching better understanding, sharing views, and finding solutions, in this case with regard to the issue of HIV-related discrimination.
7. The keynote speech of the thematic segment was given by Reverend MacDonald Sembereka, a civil and human rights activist from Malawi, who shared his own experience of discrimination when he was diagnosed with HIV. In a powerful presentation, he told how he faced HIV-related discrimination in his community and in his church – the very institutions that were supposed to support him. Reverend Sembereka noted that discrimination continues to disenfranchise individuals, as well as make the poor poorer.
8. Reverend Sembereka called for participants to consider what they can do to reduce discrimination, including by holding governments accountable for discrimination reduction goals, campaigning for legal reform and challenging sexual and gender-based violence. Finally he urged participants to be "on the right side of history"—the time is now, he noted, to take action to address discrimination.

RESPONSES IN SECTORS – DISCUSSION OF OPPORTUNITIES AND CHALLENGES WITH REGARD TO THE REDUCTION OF HIV-RELATED DISCRIMINATION IN VARIOUS SECTORS

¹¹ *Declaration of Commitment on HIV/AIDS*, United Nations General Assembly, para 37, 58, 66 (2001), available at http://www.unaids.org/en/media/unaids/contentassets/dataimport/publications/irc-pub03/aidsdeclaration_en.pdf; *Political Declaration on HIV/AIDS*, United Nations General Assembly, A/RES/60/262, para 29, 30, 31 (2006), available at http://data.unaids.org/pub/Report/2006/20060615_hlm_politicaldeclaration_ares60262_en.pdf.

¹² *UNAIDS Strategy 2011-2015: Getting to Zero* (2011). *Supra* note 5.

9. It was recognized that, because HIV-related discrimination takes place in the many different places where people live, work and interact, efforts to reduce it should be tailored to the realities of these sectors. Thus, the first part of the Thematic Segment covered five main sectors: health care, employment, education, justice and community; and the discussion and presentations focused on responses to HIV-related discrimination in each of these sectors. During this section of the thematic day, participants noted that even though HIV-related discrimination is recognized as unjust under many religious, social and legal standards, it remains highly prevalent and injurious to the people who experience it. It also acts as a barrier to the uptake of HIV prevention, treatment and care services.

a. Health Care

10. HIV-related discrimination in the health care sector has long been identified as a major problem in the AIDS response. People living with HIV and other key populations face denial of services, judgmental or condemnatory attitudes, lack of confidentiality, segregation and rejection at the hands of health care workers. Health care workers who are living with HIV also face discrimination and dismissal.
11. During this section of the thematic day, participants described a variety of programmes that have been implemented in order to reduce discrimination within the health care sector. One participant shared a positive experience of working with medical professionals and people living with HIV to develop training on the reduction of discrimination in hospital settings. Another participant talked about an effective grassroots campaign to improve HIV-related knowledge and reduce discrimination among young people.
12. Throughout the discussion, several factors were identified by participants as being helpful in reducing HIV-related discrimination in health care settings. These factors included protection and promotion of patients' rights; capacity-building of health care and institutional staff on non-discrimination and medical ethics; and consulting and supporting vulnerable populations such as persons with disabilities, men who have sex with men, sex workers, and women living with HIV, in accessing quality health care services. Board participants noted that there is no "one programme" that resolves discrimination in health care; in order to successfully address discrimination, it is critical to adopt a variety of programmes and approaches.

b. Employment

13. The second section focused on discussing HIV-related discrimination in the world of work. One participant noted that employment can be seen as a basic starting point to getting to *zero discrimination*, as being employed can reduce poverty and inequality, as well as provide individuals with stable and productive options for self and family support, as well as for the future. Unfortunately, since the beginning of the HIV epidemic, the workplace has been, and continues to be, rife with HIV-related discrimination.
14. To address HIV-related employment discrimination, various countries and organizations have come up with innovative and effective ideas for discrimination reduction in the workplace. During the discussion, participants shared several programmes that emphasized the implementation of protective legal and workplace policies in response to HIV-related discrimination. One participant described an HIV tribunal that specializes in delivering swift and effective legal decisions to reduce HIV-related discrimination. Most of the cases that come before the tribunal involve

discrimination in the workplace. In reference to standards of legal protection, ILO's *Recommendation 200 on HIV and AIDS in the World of Work*¹³ was cited as a strong policy instrument by which to address HIV-related discrimination in employment. Another contributor noted the importance of ensuring that employers understand their responsibility in protecting people living with HIV through effective workplace policies. Other interventions focused on the importance of protecting vulnerable populations in the world of work, including migrant workers, who are often at increased vulnerability to HIV, have little protection against discrimination and have little access to health care services.

15. Another participant spoke about creative programmes implemented by members of key populations in response to HIV-related discrimination in the world of work. The speaker highlighted the discrimination that sex workers face and noted that sex work organizations have come up with innovative solutions relating to the educational and financial challenges that often confront sex workers and their families, at times even starting their own schools and banks. A video on HIV-related restrictions on entry, stay and residence was also screened. This video illustrated how such restrictions are both discriminatory against people living with HIV and bad for businesses. Not only are employees harmed, but employers cannot freely move their talent around to where they need them.

c. Education

16. Participants noted that education is a fundamental building-block to ensure that children grow into safe, HIV-free and productive lives. Evidence shows that education is generally associated with lower rates of HIV infection. In particular, education can reduce children's and adolescents' vulnerabilities to HIV through enhancing their access to information on HIV prevention and care.
17. Several participants also noted that it is critical to start early to reduce HIV-related discrimination in schools, through working with teachers, school personnel and students. One speaker discussed a teaching model for sensitising students to HIV-related issues, including discrimination, that also encompassed efforts toward acceptance of lesbian, gay, bisexual and transgender (LGBT) people. This model involved helping students to understand discrimination, empathize with the person who is being discriminated against, and develop skills to address their own prejudices. Peer education was also cited as an effective method of reducing HIV-related discrimination among students. Other participants urged countries to fulfill their responsibility to provide comprehensive sexuality education to children and young people on HIV-related issues, including discrimination, as well as to ensure that children and young people living with HIV have equal access to quality, non-discriminatory education.

d. Justice

18. Participants discussed how laws and practices within the justice sector can have a significant impact, positively or negatively, on HIV-related discrimination. Several participants noted that problematic laws and law enforcement can fuel the HIV epidemic; they perpetuate fear among those subject to them, which, in turn, can drive people away from testing and treatment. However, some participants made the point that while it is indeed necessary to replace punitive laws and law enforcement with protective ones, these laws in themselves are not enough to ensure discrimination reduction. Instead, it is vital to have methods through which people

¹³ For more information on ILO Recommendation no. 200, please see http://www.ilo.org/ilc/ILCSessions/99thSession/texts/WCMS_142613/lang--en/index.htm.

living with and vulnerable to HIV can access the legal system and claim their legal and human rights, i.e. increase access to justice for those living with and affected by HIV.

19. One participant discussed an effective legal aid programme for vulnerable populations in which lawyers are sensitized to use the legal system to obtain pragmatic decisions that improve the lives of individuals affected by HIV (e.g. obtaining identification cards to ensure that an individual can access health care services).
20. Other speakers spoke about the importance of training legal professionals and police to be aware of HIV-related issues and to reduce HIV-related discrimination, as well as illegal police activities targeted against key populations. Another participant highlighted the importance of reducing discrimination in prisons, noting that prison-based HIV programmes should not only ensure that prisoners living with HIV receive quality and consistent HIV treatment, but also that those vulnerable to HIV, such as LGBT persons, have access to HIV prevention and are protected from discrimination and violence in prison settings.
21. One participant stated that one of the most serious forms of discrimination in the AIDS response takes the form of discussions about HIV-related discrimination that “airbrush” out controversial or sensitive issues related to key populations. The speaker urged participants to avoid performing this “epidemiological photoshop” of the HIV epidemic. Highlighting the strong findings and recommendations of the Global Commission on HIV and the Law¹⁴, the speaker noted that the law can indeed help in achieving effective AIDS responses, but only if people are willing to have honest discussions on the complex issues related to HIV.

e. Community

22. The sectors discussion ended on the topic of HIV-related discrimination within communities. On this topic, speakers shared various programmes that reduce discrimination in communities.
23. For example, some participants spoke about and showcased a variety of media campaigns that addressed discrimination. They noted that media campaigns can have a long-term impact and can also be cost-effective, because they reach a large audience. Participants also cited another important and effective programme for discrimination reduction: the provision of community-based support to people living with HIV. One participant spoke about a programme that provided psycho-social support to people living with HIV, enabling them to have better knowledge and awareness about topics relevant to living with HIV, such as nutrition and mental health.
24. Another participant spoke about peer support groups for children living with HIV and their families – these groups provide vital information to families affected by HIV, with the aim of raising children living with HIV in positive and friendly environments. One participant underlined that people living with HIV can and are doing critical work to reduce discrimination in communities, but are not receiving the political support and funding they need to take such work to scale.

¹⁴ For more information, please see the report *Risks, Rights and Health* from the Global Commission on HIV and the Law (2012), available at <http://www.hivlawcommission.org/resources/report/FinalReport-Risks,Rights&Health-EN.pdf>.

STRATEGIES FOR EXPANDING PROGRAMMES TO REDUCE HIV-RELATED DISCRIMINATION IN NATIONAL RESPONSES

25. The second part of the thematic segment focused on strategies for *expanding* successful programmes to reduce HIV-related discrimination. This section presented three topics for discussion: (i) integration of programmes to reduce discrimination into national AIDS responses, (ii) funding programmes to reduce discrimination and (iii) putting people living with HIV and other key populations at the centre of efforts to reduce discrimination.

a. Integration of programmes to reduce HIV-related discrimination into national AIDS responses

26. While many national-level stakeholders often speak about the importance of programmes to reduce discrimination, rarely are such programmes fully integrated into national AIDS responses. They may even be included in National Strategic Plans, but seldom are they costed, budgeted, implemented and evaluated.

27. This session was dedicated to discussing the ways in which countries have integrated the reduction of HIV-related discrimination into their national responses and why it is important that such integration occurs. One participant spoke about his country's national strategic plan, and noted the importance of having people living with HIV and other key populations involved in the development of programmes to support non-discrimination and other human rights goals within the plan. Several participants reinforced the idea that national AIDS responses should be built on a human rights-based approach. Another participant noted that programmes to support human rights in the context of HIV (non-discrimination and access to justice) can be a pragmatic way to demystify the concept of human rights and turn it into concrete and tangible actions in a national AIDS response. The speaker stressed that in order to ensure that programmes to support human rights are integrated into national strategic plans, it is critical to cost, budget, monitor and evaluate such programmes.

b. Funding programmes to reduce HIV-related discrimination

28. Funding is a vital issue when discussing the implementation and expansion of programmes to reduce HIV-related discrimination. A representative of the Global Fund on Tuberculosis, AIDS and Malaria (Global Fund) highlighted the importance of non-discrimination, human rights and accountability in the new Global Fund funding mechanism. The new mechanism aims to ensure that countries adequately address human rights issues within their funding proposals, including through programmatic efforts. While this was positive news with regard to programmatic funding, one participant noted that many of the strong programmes to reduce discrimination that were discussed during the thematic segment are in danger of receiving inadequate funding for their work. The speaker noted that programming for non-discrimination and other human rights goals continues to be seriously underfunded. In fact, these programmes are often the first to be dropped as the overall funding for AIDS decreases.

29. Other speakers also urged countries and donors to increase funding to support human rights-related HIV programmes, including those to reduce HIV-related discrimination. One speaker noted that the only way to make shared responsibility and global solidarity sustainable within the AIDS response is to ensure that these themes are also based on, and supportive of, relevant human rights. Many of the participants underlined that the AIDS response can only adequately address human rights issues, including non-discrimination, if there is enough funding available for effective programmes to support human rights in the context of HIV.

c. Putting people living with HIV and other key populations at the centre of efforts to reduce HIV-related discrimination

30. The meaningful participation and engagement of people living with HIV and vulnerable populations has been cited by many as a pillar of any effective AIDS response. Participants of the thematic segment overwhelmingly agreed with this principle of participation, with one speaker living with HIV declaring “nothing for us, without us”.
31. Participants stressed that putting people living with HIV and other key populations at the centre of efforts to reduce discrimination both empowers these individuals and addresses the realities on the ground. One participant noted that meaningful participation, however, cannot happen if people living with or vulnerable to HIV are marginalized or criminalized. The speaker called on all participants to reform laws and practices that discriminate against people living with and vulnerable to HIV and act as a hindrance to putting them at the centre of efforts to reduce discrimination.
32. One speaker, a transgender participant, provided her story as an example of what can and should be done within institutions, including the United Nations, to reduce discrimination based on people’s gender identity and HIV status. Another participant presented an HIV speaker programme, which capacitates people living with HIV to speak and interact with various groups. These speakers change discriminatory attitudes and have positive and long-lasting effects on their audiences. The participant noted that people living with HIV can be powerful advocates and teachers. She stressed that people living with HIV are the most valuable resource that any country has to ensure a successful AIDS response, including efforts to reduce discrimination. However, people living with HIV are still incredibly under-utilized as agents of change in national AIDS responses.

CLOSING OF THE 31st PROGRAMME COORDINATING BOARD THEMATIC SEGMENT

33. In closing the thematic segment on “Non-Discrimination”, Jonathan Cohen, Co-chair of the UNAIDS Reference Group on HIV and Human Rights, summarized the many important points made by speakers throughout the day.
34. Discrimination, he stated, was not only a human rights imperative, but also a public health imperative. Fear of HIV-related discrimination continues to drive individuals away from HIV testing, care and treatment, he noted. Building on the word “paradox”, which was used by other participants in their remarks, Mr Cohen talked about the irony of the “discrimination paradox”, i.e. the more that discrimination is talked about and consensus is reached on the issue, the less seems to get done about it. While Mr Cohen acknowledged the litany of examples of discrimination-related injustices that speakers shared, he also noted the array of effective, actionable solutions that were presented. Programmes now allow people living with and vulnerable to HIV to obtain legal redress and be protected from harmful and unjustified discrimination. Some programmes are working to change prejudicial attitudes toward those living with and vulnerable to HIV. He asserted that some progress had been made through these initiatives to reduce HIV-related discrimination. However, Mr Cohen noted, in order to fully achieve non-discrimination within the AIDS response, there needs to be sufficient funding and a firm commitment to the cause. Mr Cohen ended his summary by referencing the upcoming September 2013 General Assembly meeting, where the UN Secretary-General will report on progress in meeting the *2011 Political Declaration* targets, including for non-discrimination. He asked participants to seriously think about this report and posed the following question: Will this be yet

another report that remarks on the continuing impact of discrimination and mentions that something can and should be done about it? Or will this be the report where because of real money, real commitment and real courage at all levels, significant progress will finally be made towards the “hardest *zero*”?

35. UNAIDS Deputy Executive Director Jan Beagle closed the session by stating that the thematic segment shows UNAIDS at its best--in its ability to bring together a diverse group of people to discuss a complex issue in an environment that promotes respect for varying views. Ms Beagle continued by stating that the discussions highlighted how no ‘magic bullet’ for discrimination exists and that a multitude of approaches is required.
36. Ms Beagle paid tribute to UN Plus for its work in raising awareness of discrimination in the workplace against people living with HIV within the UN system. She also referenced the Secretary-General’s 11 December 2012 remarks on “[Leadership in the Fight against Homophobia](#)” in which he said that the UN must lead on ending LGBT discrimination among its own staff and ensure its policies are protective, not discriminatory. She ended by reiterating UNAIDS’ and its partners’ commitment to ending all forms of HIV-related discrimination.

CONCLUSION

37. The thematic segment underlined once again that high levels of HIV-related discrimination continue to have a significant negative impact on the lives of people living with HIV and other key populations, and to undermine the effectiveness of national AIDS responses. It highlighted the urgent and critical need to address discrimination, as a fundamental factor in responding to HIV and AIDS. While there is some excellent work being done to reduce HIV-related discrimination, this work often remains isolated and at the project level. Efforts to reduce HIV-related stigma must be significantly expanded and integrated into national AIDS responses so as to have meaningful impact.
38. The programmes highlighted during the thematic segment demonstrate that political will and programmatic efforts within the AIDS response can take on one of the world’s greatest challenges: discrimination. This is yet another example of how the response to HIV can and has led to greater social justice, beyond HIV and health. But it represents a job only partially completed. Participants agreed that the current level of political commitment, funding and programming are insufficient to reach the goal of *zero discrimination*. The thematic segment made it clear that all stakeholders involved in the AIDS response, from Member States to civil society organizations to the Joint Programme, should, as a priority, increase their focus on, and commitment to, reducing HIV-related discrimination. Where there are increased commitment, resources, programmes and meaningful engagement of people living with and vulnerable to HIV, HIV-related discrimination becomes an actionable issue.

[End of document]