

## **3<sup>RD</sup> MEETING OF THE UNAIDS ADVISORY GROUP ON HIV AND SEX WORK**

**7–9 September 2011, UNESCO HQ, Paris**

### **Notes for Record**

Co-Chairs: Jenny Butler (Senior Technical Advisor, UNFPA) and Ruth Morgan Thomas (Global Coordinator, NSWP).

Thematic Day Chair: Mariangela Simao (UNAIDS Secretariat)

#### **Present:**

Alison Crocket (UNAIDS Secretariat)  
Andrew Hunter (NSWP – Asia Pacific, not present for Thematic Day)  
Antonio Gerbase (WHO)  
Chris Castle (UNESCO)  
Elena Reynaga (RedTraSex – Latin America)  
Iris Semini (World Bank)  
Jana Villayzan Aguilar (Independent – NSWP nominated Global Transgender Representative)  
Jenny Butler (UNFPA)  
Joanne Csete (Independent – Columbia University)  
Macklean Kyomya (NSWP – Africa)  
Mandeep Dhaliwal (UNDP)  
Meena Seshu (Independent – SANGRAM)  
Nandinee Bandyopadhyay (Independent – PLRI)  
Naomi Akers (NSWP – North America)  
Riku Lehtovuori (UNODC)  
Ruth Morgan Thomas (NSWP – Europe)  
Selvi Abdullah (NSWP – Asia Pacific, not present for Thematic Day)

#### **Unable to attend**

Marie Denou (NSWP – Africa – unable to obtain visa from French embassy)

#### **Apologies:**

Anna Torriente (ILO)  
Kieran Daly (Independent – Gates Foundation)  
Gabriela Leite (NSWP – Latin America)

#### **Observers:**

Andy Seale (Global Fund – permanent observer)

#### **Invited Experts (Thematic Day):**

Barbara Sidoti (UNODC)  
Cheryl Overs (Michael Kirby Centre for Public Health and Human Rights – Monash University)  
Mariangela Simao (UNAIDS Secretariat)  
Robin Landis (World Food Programme)  
Susan Timberlake (UNAIDS Secretariat)

#### **In attendance:**

Neil McCulloch (Advisory Group Secretariat)

The agenda is attached at Appendix 1.

### **Welcome and Introductions**

The chair welcomed everyone to the Thematic Day. Apologies were noted, including the two NSWP Asia Pacific representatives who were meeting with Michel Sidibé in Geneva to discuss the extreme violence meted out against protesters at the recent ICAAP meeting in South Korea, hoping to resolve issues particularly in regard to the local UNAIDS response. Additionally, the NSWP representative from Mali was unable to get a visa to attend despite interventions from UNFPA with 3 different Schengen embassies. It was noted that NSWP members report that it is becoming increasingly problematic to obtain a Schengen visa for France for francophone Africans.

### **Opening Remarks**

By way of introduction to the day, it was noted that the AG had agreed to have a thematic session on HIV, sex work and the law as the first major topic. The aim of the thematic day is to have an interactive and in-depth discussion to inform the AG.

### **Cheryl Overs from Michael Kirby Centre for Public Health and Human Rights – Monash University/PLRI presentation of pilot legal mapping project funded by UNDP & UNFPA**

There are many different frameworks relating to the criminal law in relation to sex work across the world and the literature available also gives confusing accounts of what the law is in each country – with a lack of uniformity of terminology regarding the precise nature of criminalisation or decriminalisation. The researchers came to a view that there was a need to get a systematic description of the law and moreover the effect of the law on sex work and sex workers. They identified the RAR methodology (developed by Scott Burris) that it was felt worked well, look at the law 'on the books' and how it is implemented in reality. They then carried out a literature search on everything that has been written about that country, then legal research – quite technical examinations of legislation and judgements. They looked at laws broadly, not just those that mention sex work, but including laws on STI testing and treatment, abortion, the notification of disease, HIV testing, family law, administrative law, laws regarding access to social services, pensions and unemployment benefits and laws on personhood / citizenship. Lack of citizenship often leads to the oppression of sex workers as much as the criminal law.

The first report circulated examines the situation in Ethiopia.

The report highlighted that it is estimated that over 90% of sex workers are without access to most health and social services because of lack of documentation needed to obtain services because they are away from their place of origin, that there is no enforcement of laws to protect children from commercial sexual exploitation and that police violence is minimal. It is expected that studies of Fiji, Malaysia and Cambodia & Myanmar will be completed by December 2011.

UNDP welcomed the results of the Ethiopia study, deepening the analysis of the diversity of laws affecting sex workers, not just criminal law. The legal mapping will provide important depth as to where to prioritise efforts, particularly in the 31 UNAIDS priority countries over the next 2 years. Consideration needs to be given to how the legal mapping results can be disseminated to influence national and international policy

### **Key discussion points and recommendations:**

- Crucial in this will be ensuring that all groups are captured, including undocumented migrant sex workers, Transgender and HIV positive sex workers.
- In relation to cost, we know the cost of not engaging in HIV prevention, however given the current fiscal crisis it would be useful for the rapid assessment to include capturing the high financial cost to society of the implementation of criminal law in sex work (e.g. cost of mass incarceration) as an argument against abolitionist approaches.
- It will be critical to identify how to message the results, achieving traction with governments, by presenting a package which provides incentives for those in power to change the way

laws are implemented, to act on the information and determine how this is changed at country level.

- It was suggested that there should be plans to use country reports to work with UN country offices.
- This includes recognising sex workers as citizens before the law, having labour rights, access to services and stopping police violence – as well as addressing the question of the inappropriateness of any criminal sanctions in the area of sex work.
- Moral policing, child commercial sexual exploitation and trafficking laws often do more harm than other laws. Removing criminal laws is a necessary, but not a sufficient, response.
- The group noted the proposal of a new law on sex work in Argentina due to go before the congress in December and the crucial element of sex worker involvement in developing the proposal.
- Regarding the methodology employed, the group noted the need to empower local organisations to adapt this and take it forward at a local level so that countries outside the initial pilot can utilise it.
- Often the law criminalises sex work, not just sex workers – impacting on sex workers who choose to work for someone else in safe and healthy workplaces. The analysis must therefore include laws that target clients, family and managers.
- This methodology deepens the analysis beyond the criminal law and provides guidance to people working on the ground to work strategically on the ground and where to strategically invest to ensure access to justice, law reform and enforcement of laws.
- One of the benefits of this methodology is the active engagement of sex workers in the process increases their legal literacy and understanding of laws.
- One of the strengths of this methodology is that it is adapted at national level in the initial phase of the mapping, however there is a need to identify accurate costings for the project and each country (it was estimated that the Ethiopia research cost \$10,000).
- Need to identify how to implement methodology when sex workers are not mobilised in country.
- It was noted that there was an opportunity to potentially mobilise Global Fund funding for this operational research to become part of the phase 1 grants.

Further studies and more detail on the methodology will be shared with the Advisory Group in due course.

### **Mandeep Dhaliwal UNDP: Global Commission – learning from Regional Dialogues and update from 2<sup>nd</sup> Commission meeting**

The Global Commission on HIV and the Law is an independent commission, convened on behalf of UNDP and the UNAIDS family, advised by a Technical Advisory Group (TAG). There have been six regional dialogues (with a seventh dialogue planned mid September for high income countries), at which two thirds of participants have been from civil society and the remaining third from government, which have added a real life perspective to the research being considered by the Commission. The excellent sex worker input at the dialogues has influenced the Commissioners greatly. There have also been in excess of 600 written submissions from civil society and specialist submissions from international NGOs – all sent to the Commissioners and shared with the TAG. The Commission is looking at 4 key areas:

- Criminalisation of HIV transmission and exposure, sex work, men who have sex with men, drug use
- HIV treatment access
- Discrimination and violence
- The law pertaining to children and women

The Commission has made an effort to engage with key regional mechanisms to ensure buy-in, has been purposeful in its selection of government participations who were specifically invited to ensure a broader range of participants.

#### **Key discussion points and recommendations:**

- In relation to sex work some felt that, rather than more research, action was needed – sex work needs to be recognised as work. It was noted that at the recent UN High Level meeting, despite some antagonism in relation to MSM, the tone had changed in relation to sex workers, even from conservative governments. However, regarding ILO and Recommendation 200, more discussion is needed within the UN - linked with the work of the Global Commission – as to whether this clarified sufficiently the position on sex work as work.
- Regarding the conflation of trafficking and sex work, the UNODC position is to avoid the criminalisation of sex workers and their in-house training does not assume all sex workers are trafficked. However, in terms of the implementation in-country, some interventions have ended with the opposite results.
- There is a need for coherence within the UN family. Also a need to agree a harm reduction strategy – do less harm – especially for country officers. The UN is encouraged to identify in reach compliance approaches whereby all UN staff implement agreed policy and not personal opinions.
- Some regional dialogues resulted in some participants discussing issues such as HIV for the first time. Follow up training has been arranged in some regions as a result and the Commission intend that the work will continue with local groups and government officers. This will ensure that, especially in some countries where action is urgently needed, all tools to influence policy will be utilised.
- UNAIDS regional thematic groups should be asked to actively follow up and implement recommendations from the regional dialogues.
- A number of governments have not understood the overreach of anti-trafficking legislation or the extent of police violence against sex workers, and some are proposing to seek to influence the training of police and the judiciary.
- The Commission report is officially launched in January, with a soft launch in December. They then plan to follow up work at country level.

#### **Discussion of legal policy issues and future legal environment research**

#### **Key discussion points and recommendations:**

- There is a need to better document violence and abuse against sex workers perpetrated by law enforcement agencies, uniformed men, and community and religious leaders – who often incite violence against sex workers – and a need for research that doesn't just focus on violence from clients and partners.
- Additionally research and advocacy should include violence against activists, not just when travelling to and attending international events but in their own countries as well.
- We need to also focus on the laws to protect sex workers. Looking at health and HIV in a human rights framework, with health as a central part of human dignity.
- Experience from the regions and countries, where there are very good sex worker-led interventions e.g. in Sangli, have shown that it is possible to deliver good outcomes (for example in relation to trafficking) can and should inform global programming but investment is badly needed. There is still a lack of investment.
- UNAIDS is encouraged to continue to focus on in-reach training to ensure both international and national staff work to implement agreed operational guidance and interventions around sex work in national responses to HIV. The UNFPA's development results framework now requires country officers to report on their active engagement with sex worker-led organisations as a key component of annual performance.

- There were seven key programmatic areas identified for getting funding to sex worker communities for legal advocacy: stigma reduction, legal services, legal literacy/know your rights, training of police, training of health care workers, reduction of harmful gender norms/gender based violence, and law reform.
- There is a need to find ways to engage with parliamentarians to address lack of knowledge about what the laws are, why the laws exist and the harms laws can do.

## DAY 1 – 8<sup>th</sup> September

The co-chairs welcomed everyone to the Advisory Group meeting.

### **Feedback from APNSW members meeting with Michel Sidibé**

The APNSW members met with Michel Sidibé and senior UNAIDS staff yesterday in Geneva regarding the lack of response from UNAIDS about the violence against protesters at the ICAAP meeting in South Korea. A letter was delivered to Michel Sidibé from the regional networks in Asia Pacific which called for a strong statement on Free Trade Agreements and access to medications and a strong message of support from UNAIDS. They emphasised the need to plan for UN responses to police violence at big international events. The lack of a key contact person and a lack of medical care for those injured were also outlined clearly. The representatives raised the fact that this kind of oppression happens all the time and UN offices staff members do not step in to provide support. The representatives will now discuss this further in the AP region, prepare a statement from the community and APN+ will follow up with Michel Sidibé's office regarding the statement from UNAIDS.

### **Action & Recommendations:**

- The UNAIDS Secretariat representative was asked to follow up these issues and report back to the Advisory Group
- It was agreed that both statements must also look forward to future events including ICASA 2011 and IAC 2012.
- It was suggested that the NSWP should come up with 3 or 4 examples from each region to illustrate how frequently these kinds of abuses take place. Also there should be a show of solidarity across the networks, beyond people living with HIV/AIDS, in speaking out regarding FTA's, STI diagnostics, access to medicines and the issue of patenting. FTA is a critical issue in terms of the impact on pricing, stock-outs and they will decrease the availability of ARV's for sex workers who are already discriminated against.
- The examples would allow the UN to move to a position where there was a good systematic response and show the urgency of the situation. Examples of good practice would also highlight the access points for UN staff to intervene. Guidance for staff should include descriptions of what UN staff can do when there is a violation of human rights and guidance on what they can/must do rather than what they must not do.
- The UNAIDS Secretariat was tasked to liaise with colleagues working on the civil society partnership document, which will tie in of the UN family and Co-sponsors into direct responsibility with civil society.
- The Advisory Group wishes to institute a regular communication with Michel Sidibé to keep him informed about developments and achievements.
- The WHO representative was tasked to raise the issues within the WHO at senior level regarding FTA's and HIV and STI treatment.

### **AG input into the work of the Global Commission on HIV and the Law**

The Advisory Group specialist submission to the Global Commission has been received and sent to Commissioners, including three of the four Guidance Note annexes, the final annex addressing enabling legal and policy environments will be sent to the commission on its completion. The Global

Commission would also welcome any additional key messages the Advisory Group would wish to send.

#### **Action & Recommendations:**

- The Advisory Group will send an additional few short paragraphs supporting key positions on the following (and their impact specifically on sex workers):
  - Drug use and the criminalisation of drug use and its impact upon sex workers
  - Intellectual property laws, their relationship with access to services and impact on treatment and diagnostics
  - The criminalisation of transmission

#### **Discussion on the final annexe to the Guidance Note (Impact of Legal and Policy Environments)**

The group was updated on progress on the draft of this paper.

#### **Key discussion points:**

- It is critical that this annexe is finalised and be launched with the Guidance note and other Annexes this year.
- The current draft has been agreed as a draft for discussion and is not a copy-edited final draft.
- There was some concern raised that the current draft had lost some of the key messages from the previous version and, in its current form, is over-long.
- It was felt that the current draft is not ready to be sent for copy-editing yet.
- 4 key areas that need to go back in the draft are:
  - A clear statement on the decriminalisation of sex work, including the change in emphasis from states 'can' to states 'should' move away from criminalisation of all parties – sex workers, clients and managers and other third parties
  - Highlight state and societal violence, and emphasise the need to address this with sanctions, going beyond merely training the police
  - An explanation of the complexity of laws beyond the criminal law that are discriminatory
  - Ways in which health regulation are part of discrimination and standards need to be developed when reviewing the legal and policy environment
- In relation to the French translation of the Guidance Note (2009) the language must be changed to reflect appropriate terminology for 'sex work' (from 'commerce du sexe' to 'travail du sexe'.)

#### **Action & Recommendations:**

- The 4 key messages for inclusion were agreed, along with the change in the French translation of the Guidance Note.
- The Advisory Group's advice to the joint programme is that decriminalisation of sex workers alone is not enough – clients and managers have to be included or this will create additional vulnerabilities.
- It was agreed that the Guidance Note 2009 needs to be properly launched, particularly as many national AIDS strategies and strategies on sex work are being based on the 2007 Guidance note as people are not aware of the 2009 Guidance Notes' existence.
- The Advisory Group will undertake a short focussed piece of work on how the Guidance note and its Annexes are going to be implemented.
- Two members of the group agreed to work up a final draft for consultation within the next 2 weeks – and the Advisory Group will have a 48 hour turnaround for comment – using the silence procedure (no response = agreement).
- The paper will then go for copy-editing on the same basis as the other annexes, then proceed for approval in the UNAIDS Secretariat.
- The Guidance Note and Annexes will be published and launched by the end of the year.

## **WHO Guidelines development, NSW Sex Worker Values & Preferences survey and systematic review**

These WHO guidelines concern HIV prevention, treatment, care and support services in lower and middle income countries for female, male and transgender sex workers and their clients. When published, the guidelines will include specific recommendations for health care providers as well as good practice in areas of community mobilisation, human rights and violence against sex workers.

Since the last Advisory Group meeting, the guidelines development group have agreed which areas will be covered in the guidelines. The UN have consensus on the fact that health is not just the absence of disease but includes social wellbeing, therefore there is broad scope to include what we want in the guidelines.

The guidelines development group have agreed that 3 systematic reviews were needed:

- Empowerment of sex workers
- Offering of STI screening
- Offering of periodic presumptive treatment where no STI testing is available

The final consensus meeting will include the findings of the values and preferences survey commissioned from NSW by the WHO, in collaboration with UNFPA. This survey will include sex workers from each region, using teleconferences and will be inclusive of all genders and HIV status of sex workers. The guidelines will then go to the drafting committee, be subject to selected peer review and then submitted. The final consultation meeting will be held over three days (originally late November now likely to be late January 2012, changed since the AG meeting). Preceding this will be a consultation on identifying sex-worker led good practice approaches towards reducing/eliminating violence against sex workers. NSW has been asked to nominate sex worker representatives to both consultations.

The preliminary finding of the values and preferences survey, which will be ready by mid to end of October, include:

- Responses regarding human rights violations and the legal context within which sex workers are operating.
- The violence experienced features quite prominently.
- Male and transgender sex workers, in particular, have reported particularly high levels of restrictions on access to health services.
- There has been unanimous support for condom promotion, access to ARVs, periodic voluntary screening (as opposed to rounding up sex workers to take them to clinics) and access to counselling.
- Sex workers were also resoundingly against initiatives such as periodic presumptive treatment, mandatory testing and provider-initiated testing due to the pressure put on sex workers by providers to be tested.

### **Action and Recommendations:**

- Concerns were raised about regional offices acting independently and ability to ignore international guidance like that being developed by WHO, preferring to develop their own guidance. It was agreed this is a problem within an organisation like Who which is a federation. However, WHO will apply pressure internally on regional offices, to ensure that global decisions are not overturned, at the same time as NGO's applying pressure externally.
- The need to plan for the dissemination of the guidelines and train people in the field to use them was also raised.
- A strong message needs to be sent regarding the importance of community participation and community empowerment.

## **Draft Operational Guidelines for Monitoring and Evaluation of HIV Programmes for Injecting Drug Users**

These guidelines have been developed over several years. They aim to monitor and evaluation implementation of a comprehensive package of HIV services for people who use drugs. These guidelines provide the tools for programme managers to use in the field. The guidelines have now been approved. UNODC and partners are mindful of the need to develop an implementation plan to see that the guidelines are used by the people who need them most, especially the NGO service provision sector. A mechanism needs to be in place to facilitate data flows to sub-national and national level and concrete NGO involvement.

The main conclusions of the work so far:

- The value of discussing and reaching a national consensus on the wide range of interventions that comprise the 'comprehensive package' in each country;
- The set of indicators proposed in the Target Setting Guide are broadly accepted as a starting point for harmonised indicators and targets for HIV interventions for people who inject drugs. However, there is a need for support for operational use of these indicators;
- Need to consider differences in supportive environments for implementation and scaling up of key services, in particular needle and syringe programmes (NSP) and opioid substitution therapy (OST)
- Many countries are in need, and actively looking for support for, improving their population size estimates; while size estimates were available for most of the countries involved in the field-testing, the quality of these data is variable;
- Availability of services varies considerably and essential interventions may be available only in few major cities;
- Quality of the programmes is variable;
- Overall, there is a tendency to select realistic and achievable targets; however, these often fall short of the levels necessary to have an impact on the HIV epidemic.

### **Action & Recommendations:**

- The Public Health Questions approach needs to consider human rights factors that act as structural barriers. This could be stronger in the guidelines and quality monitoring should look at these issues.
- Even agreeing the 9 elements of the 'comprehensive package', which member states globally have agreed to, has been a major step forward, in that only a few years ago we could not even discuss harm reduction in some states. However, it was acknowledged that this is not as comprehensive as it ideally could have been.
- UNODC is working on a comprehensive package for non-injecting drug users; to this end, UNODC is organising, in partnership with the Government of Brazil, a "Global Technical Meeting on Stimulant drugs use and HIV" in January 2012 in Latin America (Brazil) to develop a stronger framework for HIV responses among this population group.

## **Draft Operational Guidelines for Monitoring and Evaluation of HIV Programmes for Sex Workers, Men who have Sex with Men, and Transgender People**

The Advisory Group were asked to review the draft guidelines and provide feedback by December 15<sup>th</sup> 2011. This is an important task for the AG and respective organisations at the country level. The draft guidelines represent an attempt to introduce monitoring and evaluation at the national level, but more importantly at the sub national and service delivery levels. Key issues for the AG are: how easy the guidelines are to read (or not); appropriateness of language; whether they are sufficiently practical; how can they be improved; should the separate levels be disaggregated to make three smaller documents? In short, what is needed to make them usable?

### **Key discussion points and actions:**

- The draft guidelines seek to provide alternative sources of evidence and information to the highly disputed UNGASS data.



- Transgender statistics are disaggregated within these guidelines, unlike in the UNGASS data.
- The comprehensive package of service provision has not yet been agreed so there is an opportunity for input from the group and others in the networks here.
- The deadline for comments is 15th December 2011.
- UNFPA will look at how best to facilitate meaningful consultation. Unfortunately the draft is only in English. UNFPA to see whether translation is possible but if it is not recommends that UNFPA, UNDP, WHO, UNODC and UNAIDS Secretariat all request the regional and country offices assist sex work organisations and networks in going through the draft guidelines and providing feedback
- In the meantime the guidelines are also available on the websites of the various partners (including Global Fund, CDC, University of Carolina and US Government websites and the UNAIDS Secretariat.

### **World Bank Global Analysis of HIV in Sex Workers**

This global analysis has been undertaken to provide evidence to inform resource allocation and establish the best combination of effective interventions to reduce new HIV infections. The mobilisation within the sex worker movement has been an example of good partnership since the early days of the response, however in terms of effective interventions this has not been commensurate with the needs of the community. Access to services is limited and not sufficient to limit the trajectory of new infections, violence and discrimination continue to undermine the response. The analysis is being guided by a human rights framework and includes female, male and transgender sex workers. Despite there being less evidence available on the transgender community the point of the review is also to identify what research needs are outstanding.

The analysis aims to answer the following questions:

- What fraction of the global burden of HIV is attributable to sex work?
- Where are we in terms of coverage for prevention, treatment, and care for SWs?
- Why should countries and implementing partners invest in HIV prevention, treatment, and care programs for those involved in sex work? To what extent can interventions modify HIV transmission dynamics?
- What are the most cost-effective HIV prevention, treatment, and care interventions in the context of sex work?
- How and where should HIV resources be allocated for the optimal impact of HIV programs in sex work settings?
- What are recommendable policy changes and critical interventions for scale-up and investment, based on the analysis of the epidemic and modeled costs and returns?

### **Key discussion points & Recommendations:**

- It is important to build up a compelling argument to encourage governments to make the necessary changes and ensure that governments do not inflict human rights abuses.
- The criteria for country selection were meant to be illustrative for the region but recognise that one country cannot represent all countries within that region
- The results of the NSWP values and preferences study for WHO will be included in the analysis
- There is a consultation event in Bangkok at the end of September to discuss the first draft of the report so that amendments can be made.
- The final report is planned for release at the IAC in Washington in 2012, however this will be discussed further due to the travel restrictions placed upon sex workers. It may be that the planned alternative gathering (potentially in Calcutta) to coincide with the IAC would be most appropriate.

### **Global Fund 5-year strategy, Round 11 & Human Rights study**

The Global Fund 5 year strategy has been in consultation mode for most of the last year. Global Fund are confident that the key themes will focus on finding the right thing, at the right time, for the right people. Partnership is a major element in the strategy and countries are encouraged to include all stakeholders. Last years' specific reserve for MAPRs has been expanded to include TB and Malaria.

For Round 11, Global Fund has clearly heard the complaints regarding the framework of the SOGI strategy and so now is inclusive of MSM, TG and sex workers. There is more robust Country Co-ordinating Mechanism (CCM) guidance which states that populations disproportionately affected should be represented at the table, and the Technical Review Panel will look very closely at this.

Every CCM should have put out a call already. The deadline for R11 is 15<sup>th</sup> December.

Round 11 contains new guidance for Human Rights and Equity which aims to:

- Reaffirm a commitment to human rights and acknowledges its distinct role as a catalyst for improving legal, policy and social environments that hinder scale-up of effective disease responses
- Encourage increased investment in key programs that increase effectiveness and efficiency by addressing human rights-related barriers to effective HIV, tuberculosis and malaria responses
- Evaluate programmes according to whether they meet key elements of the right to the highest attainable standard of health (including meeting population needs)
- Ensure due diligence to ensure Global Fund does not support interventions that violate or contribute to the violation of human rights

## **DAY 2 – 9<sup>th</sup> September**

### **AG recommendations around UNAIDS Strategy 2011-15, UBRAF 2012-15 and 'Investment Framework'**

The PCB has endorsed the UBRAF but has asked for additional stakeholder consultation in order to allow further development and a sharpening up of the deliverables. The amount of money allocated to UBRAF (\$483 million over the biennium) is not huge in comparison to the global spend on HIV/AIDS which totals around \$16 billion. Additionally the 20+ country focus has been expanded further to 31 countries. Two-thirds of the money that is allocated to UNAIDS is utilised by the UNAIDS Secretariat and the remaining one-third to all ten Cosponsors combined. In addition, the Cosponsors are expected to mobilise internal and external resources to supplement the allocation from the UBRAF.

In a time of financial austerity the UN agencies are collectively being asked to deliver more results from less financial resources and reflects the reality that funding for HIV/AIDS is not going to be increasing at the same rate as it has been. Internally, the major change is that UN agencies are now accountable for results, rather than reporting only on expenditure. The challenge is to look at how to work differently and to work collectively, whilst ensuring that men who have sex with men, sex workers, transgender people and people who use drugs do not fall off the agenda.

UN agencies are being encouraged to use their own existing M&E systems and not to create additional ones just to monitor the UBRAF allocation. It has been a huge challenge to bring together UNAIDS and all the Cosponsors in one programme document.

### **Key discussion points, Recommendations and Actions:**

- It was clarified that there is money for municipality work within the allocations.
- There is also allocation for a partnership budget but it is not identifiably allocated for supporting partnership working with civil society municipal, global and regional networks.

This is of concern to all the global networks. There is a need for a pooled fund for civil society global networks.

- It was stated that civil society groups at country level can also approach country offices to ask for support and to review their plans to ensure the needs of sex workers are being taken into account.
- The point was made that civil society are always being asked to do more for less money
- Clarification was given that just because countries are not included in the '20+' priority group does not mean that no work will be programmed in other countries.

In relation to the 'Investment Framework' article published in the Lancet:

- The main authors had agreed to go back and look at the costing and how they had arrived at the figures. Representations had been made regarding the validity of the baseline figures and the false assumptions that the paper is based upon.
- Concerns were raised regarding the perceived 'status' of the paper and the fact that the UNAIDS Secretariat and some agencies/funds are indeed using it as a 'blueprint for action' and preparing implementation plans based on its content.
- It was clarified that the Joint Programme was not involved in writing the document, it is not an official UNAIDS document and there is a need for appropriate consultation.
- Subsequent to the Advisory Group having written to the authors, the AG had been asked to write a short brief on what key interventions on sex work need to be included in plans for implementation of the investment framework. There is a lack of clarity regarding what is exactly required and by when. The UNAIDS Secretariat representative was tasked with clarifying exactly what the AG were being asked to provide and for the request to be put in writing so we are clear what is required.

### **Vulnerabilities of Young People in sex work & lack of access to services**

The issue of reaching vulnerable young people with HIV and other services is fraught with difficulties and often overlooked as it is seen as 'too difficult'. There are lots of problems involved in even approaching this topic, what the appropriate role of adult projects might be in reaching out to them and sharing experience and expertise. UNESCO provided a useful briefing on its lead on the education response within the UNAIDS Division of Labour.

Data from the UNGASS indicators also showed that only a small percentage of young people can identify how to prevent HIV infection and schools have a critical role to play here. Issues of age of consent, confrontation in providing sexuality education for all and building support for necessary interventions were outlined. UNESCO's approach is based on using evidence on what works, generating good practice examples and developing good programmes based on that evidence. While it is not expected that this group in any way has sole responsibility for taking this issue on, there will be significant amounts of expertise within the group that can be of benefit.

UNESCO had to curtail their presentation due to time demands however the AG was grateful for the presentation by UNESCO and unanimous in its support for having the issues of the vulnerabilities of young people in sex work as the thematic focus of the next Thematic Day

### **Action & Recommendations:**

- There is a need to unpack the issues involved such as age of consent, definitions of 'young people', the inflammatory way in which anti-sex work organisations use the term 'child' as a headline-grabbing technique, the stigma attached to young people being sexual beings and the data relating to the rates of HIV in young people involved in sex work – all of which need to be messaged as a major priority in terms of HIV.
- If sex work is seen as work, then we are talking about sexual exploitation as well as child labour which gives us some protection from the moral agenda.

- It was also suggested that other key populations (such as organisations/networks of men who have sex with men, transgender people and people who use drugs) could be brought into the discussion to see how we can best tackle this together.
- It was agreed that this issue was too critical to discuss within the time constraints for this meeting as it poses such important issues and deserves a full discussion at the next thematic day.

### **Future of the Advisory Group**

In addition to the commitment in earlier discussions that the Annexes to the Guidance Note would be finished by November, the group reviewed and discussed its future possible role. During discussion it was agreed that the role of the group had never been solely about the production of the Annexes and that the Terms of Reference for the group reflected that.

There was widespread support for the continuation of the unique role that the group had carved out for itself and its vital nature, so many years into the HIV epidemic. The Advisory Group had helped lead to a quantum shift in how thinking was done within the UN family and a shift in the core principles of how people work. Members of the group gave examples of how their organisations / agencies had benefitted greatly from being involved in the Advisory Group. It was agreed that this space which allows sex workers to remind the UN family of its mandate should not be lost.

### **Action & Recommendations:**

- The group has a vital role to play in ensuring that the Guidance Note and the Annexes are appropriately used and implemented.
- The idea was raised of extending the watchdog role of the Advisory Group to establish what the money in-country is being used for.
- The AG should also make recommendations re intervening in national plans by developing a very practical approach in the next year to ensure there is capacity building amongst vulnerable groups to encourage meaningful participation in the development of national plans.
- The AG would look to expand its role with regard to the implementation of various plans (e.g. World Bank analysis, WHO Guidelines) and write it into the Terms of Reference that these plans should come to the AG to ensure coherence between the various strategies and what various agencies are doing in relation to sex work.
- The AG can also bring failures to the attention of the UNAIDS and governments where there is a lack of delivery on the ground. The work-plan of the group should include evaluation of the community response to HIV and expose the mismatch between allocation and communities (e.g. the World Bank can share with the group examples where only 10% of money is currently reaching community based organisations.)
- It was agreed that a short progress report (2 pages maximum) should be prepared for Michel Sidibé on the achievements and value of the group.
- The Thematic Day was an example of how the group identified areas where further work was needed.
- The group agreed to come up with a range of potential activities, including being proactive and expanding the evidence base as an opportunity to shift to a more 'aggressive' stance by having our own rigorous evidence in our armoury to combat the communication techniques employed by the opposition forces.
- The Terms of Reference will be re-circulated to the group and people will be asked to make formal suggestions for key activities for the Advisory group to undertake.
- Discussions are ongoing with the UN about the size of the group and its level of funding. There was support for the make-up of the group, including all the co-sponsors and independent members. There was also unanimous support for the continuation of annual face-to-face meetings.

- The Advisory Group sought assurances from the UNAIDS Secretariat regarding ongoing funding for the group.

**The co-chairs thanked all the representatives and the interpreters for working so hard over the past three days.**