

UNGASS in SHARP Focus **Sexual Health and Rights and the 2006 UNGASS Review**

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Editor's note: UNGASS in SHARP Focus is an initiative of the OSI/SHARP (sexual health and rights project). Its purpose is to provide information about key sexual health and rights issues and activities arising in the process of the UNGASS review. It is directed both toward those attending the special session and those who are not. There will be 6 issues released. The first two will be issued prior to the review, in order to provide background information about the status of negotiations and planned activities during the UNGASS. Three issues will be released during the UNGASS (May 31 – June 2), at the end of each day. Finally a wrap-up report will be issued following the end of the session. For more information or to share events, strategies and activities, please contact Susana T. Fried at susana.fried@gmail.com or Rachel Thomas, OSI/SHARP at rthomas@sorosny.org.

PLEASE FEEL FREE TO SEND INFORMATION ABOUT EVENTS, STRATEGIES AND PROPOSED ACTIONS. WE WILL DO OUR BEST TO DISSEMINATE THE INFORMATION.

Finally, we offer our thanks to Family Care International and the International Women's Health Coalition for 2006 HIV/AIDS UNGASS Review e-bulletin, from which we have borrowed liberally. And a special thanks to Shannon Kowalski for her input for this issue of UNGASS in SHARP Focus

Issue 1: Background Information – Preparing for your participation

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Getting from there to here: the current status of negotiations

The year 2006 marks the five-year anniversary of the adoption of the Declaration of Commitment on HIV/ AIDS (DoC), the consensus document agreed to at the United Nations General Assembly Session (UNGASS) on HIV/ AIDS in 2001. The DoC set time-bound goals and targets aimed at stopping and reversing the spread of HIV and AIDS. Yet, five years later, as sexual health and rights advocates and service providers can attest, many governments have fallen far short on reversing the disease and the stigma, discrimination and marginalization that both fuels it and results from it. Since few governments have achieved the targets set

for 2003 and 2005, the “UNGASS review,” scheduled for May 31 – June 2 at UN headquarters in NY, is an important occasion for governments to take stock and recommit to implementation of the DoC, evaluate challenges and obstacles, and reassess what needs to be done in order to effectively combat the pandemic. For sexual health and rights advocates, this meeting offers an opportunity to highlight the growing impact of HIV and AIDS on women and young people, the links between HIV/ AIDS and social exclusion and marginalization, as well as the connections between sexuality and health and rights and HIV/ AIDS information and

services. It is, moreover, a chance to underscore the critical relationship between human rights, sexuality and marginalization. Indeed, even in 2001, many felt that the DoC was not strong enough on human rights and gender. In this context, advancing the discussion on HIV (and sexuality) from a rights-based perspective remains a formidable challenge.

Over the past few months, mobilization, research and the preparation of documentation related to the UNGASS review have been picking up pace - by UN agencies (with UNAIDS in the lead), governments and civil society coalitions. While some of the most contentious issues may be particular to the context of the HIV/AIDS pandemic, some are familiar from a variety of inter-governmental settings and negotiations. One of the abiding tensions results from trying to balance an effort to achieve consensus among all participating nations versus the pressure to highlight some of the most pressing - and controversial - issues, among them, sexual and reproductive health and rights and the identification of specific marginalized groups as vulnerable to HIV/AIDS. The issues of most concern to likely readers of this UNGASS background document, are, not surprisingly, among the most tendentious and least acknowledged by governments in their negotiations. Repeatedly, efforts to specify and address sexual and reproductive health and rights - of women and girls, of men who have sex with men, of sex workers or injecting drug users - become points of acute tension. Often, the final result is that any explicit naming of these groups - whether in a listing of "vulnerable" groups or in relevant discussions about barriers to prevention, treatment, care and support - are dropped early on or in the final moments of negotiating the language to be agreed in the DoC.

The Review and High-Level Meeting at a glance:

- The UN Secretary General submitted a **report** six weeks before the review **on progress achieved and challenges remaining in realizing the commitments in the Declaration of Commitment**;
- A **short political declaration** is now being negotiated and will be adopted at the end of the meeting reaffirming and recommitting to the full implementation of the Declaration of Commitment;
- A person living with HIV/AIDS has been invited to speak at the **opening plenary session**;
- Civil society representatives will have the opportunity to dialogue with governments during an **informal, interactive hearing**;
- **Five to ten civil society representatives** will be invited to participate with governments in each of the **concurrent roundtable sessions**.
- Civil society representatives will be invited to speak on **concurrent panel sessions**; and
- **Summaries from the roundtables, panels and the civil society hearings** will be presented to a plenary meeting scheduled for June 1, 2006.

The complete resolution can be found in all six official UN languages by searching for symbol A/RES/60/224 on the UN Documents Website: <http://documents.un.org>.

In the immediate run up to the UNGASS review, the issues of these so-called "vulnerable groups" are, once again, pointedly at issue for reference or elision. (*Editor's note: I use the phrase 'so-called' "vulnerable groups" as a way to signal the possibility that groups are not inherently "vulnerable," but rather they are systematically marginalized and targets of injustice, inadequate health care and/or service provision and/or human rights abuses*). Government representatives are currently in "informal" (meaning closed door and sometimes off-the-record) negotiations on what will be called a "Political Declaration" that speaks to efforts to stem and reverse the HIV/AIDS pandemic.

Political Declaration Negotiation Process

The President of the General Assembly asked Ambassador Christopher Fitzherbert Hackett from Barbados and Ambassador Laxanachantorn Laohaphan from Thailand to facilitate negotiations on the short political declaration to be adopted at the close of the high-level meeting on June 2. In response, Member states of the UN have called for a short, forward-looking document that reaffirms the DoC and grapples with the recommendations of the national, regional and global-level processes on scaling up HIV/AIDS prevention, treatment, care, and support with the aim of coming as close as possible to universal access.

From early on, the co-chairs have stressed to member states and civil society their desire to avoid issues that are “controversial” or “culturally sensitive” in their quest to facilitate consensus. Among these are issues of critical concern to sexual health and rights advocates, including explicitly naming vulnerable groups, in particular men who have sex with men and sex workers; identifying the promotion and protection of sexual rights as critical factor to addressing HIV/AIDS – especially for

women; challenging abstinence-only policies; and promoting comprehensive sexuality education. In keeping with this position by governments, neither their initial draft political declaration, nor their second chairs’ text included explicit references to these issues, despite strong calls from some member states to do so. However, they have included language urging states to strengthen health systems by integrating HIV interventions with other services, including sexual and reproductive health services.

In UN negotiations, governments generally negotiate in regional groups. However, other groupings do operate, such as the OIC (Organization of Islamic Council) which often heavily influences the positions of its members. The Vatican also participates in negotiations, operating as a state, despite its “permanent observer status” at the UN (it is important to note that the Holy See is only religious institution to have this status).

The document is now in its second draft and informal consultations will now take up the revised text and will continue until consensus has been reached.

Key Sexual Health and Rights Issues in the Political Declaration

Vulnerable Groups

Significant disagreement remains over references to particular, “vulnerable” groups (such specific references were NOT included in the 2001 DoC, after much controversial debate). Some countries (Syria, for example) have made it clear that the use of the term “vulnerable groups” itself is especially unacceptable if it is taken to include men who have sex with men, injecting and other drug users, sex workers, people living in poverty, prisoners, migrant labourers, people in conflict and post-conflict situations, and refugees and internally displaced persons (this refers to the list contained in footnote 12 of the report *Towards universal access: assessment by the Joint United Nations Programme on HIV/AIDS on scaling up HIV prevention, treatment, care and support*.) The Organization of the Islamic Conference and the African Group have maintained consistent opposition to including the specific list of vulnerable groups in the text, as well as use of the terms “vulnerable groups” and “affected communities.”

Other countries (Norway, for example) have introduced language that specified a list of vulnerable groups in a paragraph on combating stigma and discrimination against people living with HIV/AIDS and vulnerable groups. However, under intense pressure, the proposal was replaced with “individuals

with higher risk behavior.” Despite this, the EU reintroduced the list in their own proposals, and a number of countries have voiced support for its explicit inclusion in the text.

Sexual Rights

Several countries, including the EU and Peru, have proposed including the phrase “sexual and reproductive rights,” and this has been roundly opposed by many others, including the US, the Holy See, the African Group, and others.

Sexuality Education

Several Latin American countries have called for references to access to sexuality/sexual education for young people in order to empower them to protect themselves from HIV infection, with support of a number of other countries (including Australia, the EU, Brazil, Cuba, Uruguay, Norway, Switzerland and Canada). While the African Group has supported the inclusion of this concept, they have asked for the use of the term “sex education” rather than sexual or sexuality. The US has not explicitly opposed this language, but it has sought to qualify sexuality education as “age-appropriate” before references to education, and to include references to behavior change, which has sometimes been taken to imply abstinence from sexual activity.

Human Rights

Many countries have stated their concern that the political declaration was weak on human rights, as, indeed, many felt was the case in the 2001 Declaration of Commitment. A range of proposals have been made, but human rights, in general, remains contentious. Brazil, for example, proposed the inclusion of an early paragraph that would reaffirm “that the full realization of human rights and fundamental freedoms for all is an essential element in a global response to the HIV/AIDS pandemic.” In informal consultations, the US has opposed general and “overly broad” references to the realization of human rights and gender equality, stating its view that that they are outside the scope of the document. Other countries, including the African Group, have concurred.

NGO Positions

Sexual health and rights have been central components in the two position papers from the NGO community, endorsed by more than 250 organizations. The two papers have called for explicit recognition of vulnerable groups, protection of human rights, including sexual rights, and increased access to sexual health services and sexuality education.

The most recent civil society recommendations, a 7-page draft declaration prepared on May 18, 2006, NGOs call for:

- recognition that **gender inequality, stigma, discrimination, particularly discrimination based on race and sexual orientation, social exclusion and denial of human rights and fundamental freedoms** are driving the pandemic in the *chapeau* (opening paragraph¹);
- commitments to provide **access to comprehensive sexual education and youth-friendly services** for young people, while safeguarding their rights to privacy, confidentiality and informed consent (in paragraph 12);
- commitments to develop targets by 2007 in national prevention policies and plans that specifically cater to **the needs of vulnerable populations** (paragraph 17);
- commitments to **protect the rights of people living with HIV/AIDS** including “women and girls, youth, older people, men who have sex with men, injecting and other drug users, sex workers, transgender people, people living in poverty, prisoners, migrant labourers, orphans, people in conflict and post-conflict situations, refugees and

¹ In a UN negotiated document (and many other UN documents), each paragraph is numbered.

internally displaced persons, as well as HIV/AIDS outreach workers and advocates for people living with HIV/AIDS and vulnerable groups (paragraph 20);

- commitments to protect **women's human rights, including their sexual and reproductive rights** (paragraph 23);
- commitments to protect **women's right to have control over and decide freely on all matters related to their sexuality**, including their sexual and reproductive health, free of coercion, discrimination and violence (paragraph 24).

In advocating for these issues in the UNGASS review, several "reference" documents may provide useful points of leverage. The key sexual and reproductive health and rights commitments by UN member states can be found in the Declaration and Programme of Action of the International Conference on Population and Development (ICPD) and its reviews, the Beijing Declaration and Platform for Action from the Fourth World Conference on Women and its reviews, as well as the African Union Common Position, the Commission on the Status of Women, Resolution on Women, the Girl Child and HIV/AIDS (E/CN.6/2–6/L.2/Rev.1) and the Universal Access Report by UNAIDS.

Preparing yourself: key activities and documents to read in advance

Official UN documents, civil society position papers and recommendations, go to <http://www.ungasshiv.org>.

National Reports (by country) and shadow reports by civil society, go to <http://www.unaids.org/en/Publications/2005ungassreporting/default.asp>

Civil Society Recommendations for the Political Declaration

The International Council of AIDS Service Organizations (ICASO) has led an inclusive process to develop a set of civil society recommendations for the Political Declaration, including strong recommendations on women, girls, adolescents, comprehensive sexuality education and sexual and reproductive health. For the complete set of recommendations and to add your endorsement, go to www.icaso.org.

NGO Participation in the UNGASS Review

The Civil Society Task Force advising the President of the General Assembly on the HIV UNGASS review has made recommendations for civil society participation in the plenaries, hearings, roundtables and panels that will take place during the three-day meeting. A good number of women and young people from women's and sexual and reproductive rights organizations are among those selected to participate. More information on and recommendations of the taskforce are at www.ungass.org. See also Break-the-Silence at www.break-the-silence@forums.healthdev.org or join the HealthGAP e-forum at healthgap@critpath.org.

Human rights specific recommendations and actions (Amnesty International)
www.amnestyusa.org/hiv_aids/ungass2006.html

Civil Society Coalition Pre-Meeting 2006 – Orientation and Strategy Session

A pre-meeting will be held on Tuesday May 30, from 9 am to 5pm for civil society organizations to prepare and develop advocacy strategies for the HIV UNGASS at the Cooper Union Great Hall in Cooper Square in New York's East Village. Pre-register at events@iwhc.org. For more information, contact Zonny Woods at zwoods@iwhc.org.

Key Activities during the UNGASS

Civil Society Hearing

A three hour informal civil society hearing will begin at 10am on the first day of the UNGASS. It will include remarks by the President of the General Assembly who will chair the session and remarks by the UN Secretary General. A civil society representative will then address the session before introducing a video presentation showing civil society perspectives from four different regions of the world. Following this, there will be 12 four minute long interventions from civil society speakers on the following themes: the greater involvement of people living with HIV and AIDS; addressing the needs of marginalized groups; gender equality, women's empowerment, human rights of women and girls in the context of AIDS; sexual and reproductive health and rights; research and development; the private sector and labour: the workplace role and response to AIDS; trade; resources for health; children and AIDS; the role of religion and AIDS; demonstrating commitment and accountability; and, human rights. The session will then open up for interaction between civil society and member states before concluding remarks from civil society.

Civil Society Caucus Room

Conference Room B in the basement of the

building has been reserved for civil society delegates' caucuses and workshops. A photocopier will be available but you will be expected to bring your own paper. A schedule of events in the Caucus Room will be posted on the notice board inside Conference Room B. A daily schedule of events will be distributed at the registration desk and at the morning briefings in Conference Room 2.

Civil Society Daily Briefings

Daily briefings will be conducted in Conference Room 3: from 8:00 to 8:45am on Wednesday 31 May and 9:00 am to 9:45 am on Thursday 1 June and Friday 2 June.

NGO Side Events during the UNGASS

For a listing of daily events in NY connected to the UNGASS, go to

http://www.ungasshiv.org/index.php/ungass/ungass/daily_events.

With Women Worldwide: A Compact to End HIV/AIDS

A call to action outlining priorities for making global HIV/AIDS prevention, treatment, and care strategies work for women. Developed by a group of women advocates for use in 2006 negotiations on HIV/AIDS, it is available in French, Portuguese, and Spanish at www.withwomenworldwide.org.

What can you do to prepare for the UNGASS – for those attending and those who are not

1. **GET INFORMATION:** Find out who is on **your country's delegation** and their positions on key sexual health and rights issues.
2. **COMMUNICATE AND PROVIDE INFORMATION:** Initiate communication with them, **provide them with information** about key sexual health and rights issues.
3. **TAKE ACTION.** Attached to this briefing note is a **sample letter** prepared by NGO advocates who are closely monitoring the informal negotiations in English to send to your Ministers/missions highlighting some of the key points that still remain lacking in the current draft. It is also available in Spanish. Please send it out and follow up.
4. **KEEP COMMUNICATING:** For those who will be attending, **let your government's delegates know who you are**, what your main concerns are, and that you will be attending. Encourage them to meet with you on a regular basis during the UNGASS
5. **HOLD THEM ACCOUNTABLE:** Get information about how you might be able to reach them in NY and **engage in regular communication** with them, forwarding NGO documentation, negotiating positions, etc.
6. **PREPARE YOURSELF:** Make sure that you have **read the key documents** – the Declaration of Commitment, civil society recommendations, the Secretary-General's report, the UNAIDS report, your country's report, key relevant national decisions or policies.
7. **NETWORK:** Find out **which other NGOs from your country will be attending** or paying attention and work together. Make sure you know how to keep in touch and share information and strategies during the UNGASS – whether or not you are in NY.

[Sample letter to be sent to UN Missions in New York, Ministries of Health
and National AIDS Coordinating Bodies]

Dear Ambassador/Minister,

I/we am/are writing on behalf on behalf of ORGANIZATION NAME, a non-governmental organization from COUNTRY to express deep concern about recent draft versions of the official political declaration now reviewed for the High-level meeting on AIDS to be held from 31 May to 2 June 2006.

In particular, we are concerned that the May 19, 2006 draft fails to acknowledge the feminization of the HIV and AIDS epidemic; fails to assert unequivocal support for and real commitments to promoting reproductive and sexual rights and health, particularly of women and girls; fails to articulate clear political leadership for the basic human rights of vulnerable and marginalized populations, such as commercial sex workers; and fails to commit either governments or international donor institutions to measurable targets for which they can be held accountable.

A declaration that does not explicitly acknowledge and commit to action in each of these areas will be a failure.

As you know, fifty per cent of all new infections worldwide are occurring among young people between the ages of 15 and 24. We are alarmed at the overall expansion and feminization of the epidemic especially among young women in this age group. Women now represent roughly half of those infected with HIV worldwide, and 60 percent of those infected in sub-Saharan Africa. The majority of new infections worldwide are sexually transmitted. The rapid rise in new infections among women and girls is in part a reflection of lack of access to effective reproductive and sexual health services, information, and technologies, all of which are strongly amplified by gender disparities in age-at-marriage, access to education, control over economic resources, and widespread discrimination against women and girls.

Moreover, throughout the world, stigma and discrimination is increasing against vulnerable and marginalized populations, such as commercial sex workers and men who have sex with men, in part in response to regressive policies put in place by donor nations, and in part because of the failure of governments everywhere to recognize and promote the human rights of all persons irrespective of occupation or sexual identity.

We know how to respond to these challenges: What is needed is unambiguous political support for and real financial commitments to, among other things, investments in basic reproductive and sexual health care services everywhere; changes in regressive laws and policies and real enforcement of progressive legal instruments; and investments in programs that reach the most vulnerable and enable them to make decisions about what works best for them in their own circumstances.

The final Declaration must simultaneously recognize these links and take an unmitigated position in support of the promotion and protection of the basic human rights, including reproductive and sexual rights, of **all** persons. The Declaration must make strong, measurable commitments for supporting efforts to address gender-based violence, support women's economic empowerment, and increase reproductive and sexual health services. The Declaration must force us all to confront, acknowledge and promise to address the widespread stigma and discrimination that fuels disease and death among so many.

The failure to do so will stall progress in the global response to HIV and AIDS and contribute needlessly to untold numbers of new HIV infections, AIDS-related illnesses, and countless deaths. We therefore strongly support recommendations put forward in the Draft Declaration by Civil Society, endorsed by over 250 organizations worldwide and intended to secure real commitments for moving forward.

Specifically, we urge the inclusion in the final UNGASS declaration of **all of the points outlined below** regarding the strengthening of efforts to promote both sexual and reproductive rights and expanded

access to critical services. (Summary of points below; full points outlined in the Civil Society Recommendations (CSR) attached.)

We further ask that you communicate your unwavering support for the inclusion of these points to our country's delegation at the United Nations.

We have no doubt of the good intentions of all those working on the text in New York and elsewhere. However, good intentions alone are not sufficient to turn the tide of the epidemic. With so many lives at stake, these issues are non-negotiable. Leadership, clear direction and resolve are needed more than ever. You have the power to change the course of this Declaration and we call on you to do so.

Sincerely,

Key Points on the Rights and health of Women, Girls, and Vulnerable and Marginalized Populations for the UN Political Declaration

Drawn from the Civil Society Recommendations

- *Recognize* the widespread feminization of the HIV and AIDS epidemic, and the rapid spread of new infections particularly among young women ages 15 to 24;
- *Affirm* the right of all people to comprehensive HIV/AIDS services. (See point 8, CSR for full text for inclusion)
- *Commit* to redouble to meet the needs of pregnant women living with HIV; (See Point 13, CSR);
- *Pledge* to ensure that by 2010 at least 95 percent of young men and women ages 15 to 24 have access to the information, education, skills, and services necessary to reduce their vulnerability to HIV infection.... (Point 14, CSR for full text for inclusion)
- *Commit* removing by 2007 all legal, regulatory, trade, tax, tariff or other barriers that block access to effective HIV prevention interventions, commodities and services; (Point 16, CSR)
- Develop by 2007 clear targets in national prevention policies and plans to ensure the inclusion of all vulnerable populations, so that the goal of universal access to treatment, care and prevention is realized in an equitable and sustained way; (Point 17, CSR)
- *Commit* to redouble our efforts to protect and promote the AIDS related human rights of people living with HIV, women and children, and people in vulnerable groups; (Point 18, CSR)
- *Commit* to prevent, investigate and provide redress for human rights violations that fuel the HIV/AIDS pandemic; (Point 19, CSR); and *Commit* by 2007 to review, adopt, implement, and enforce legislation and policies to protect and promote the rights of people living with and affected by HIV and AIDS; (Point 20, CSR);
- *Commit* to take all necessary measures to create an enabling environment for the empowerment of women and to protect and promote their full enjoyment of all human rights and fundamental freedoms, including their sexual and reproductive rights; (Point 23, CSR);
- *Recognize* that violence against women and girls, inter alia rape, including marital rape, female genital mutilation, incest, early and forced marriage, violence related to trafficking and sexual and economic exploitation increases their vulnerability to HIV/AIDS, that HIV infection further increases women's and girls' vulnerability to violence, and that violence against women and girls contributes to the conditions fostering the spread of HIV/AIDS and create, reform and enforce legislation to protect women and girls from violence, and, in this regard, stress that women have the right to have control over and decide freely on matters related to their sexuality, including their sexual and reproductive health, free of coercion, discrimination, and violence *(Point 24, CSR).