

# **Child Protection Framework**

June 2021

## 1. Preamble

The Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund) is a worldwide movement to defeat HIV, TB and malaria and ensure a healthier, safer, more equitable future for all.

The Global Fund supports the principles contained in the United Nations Convention on the Rights of the Child (UNCRC) and helps partner countries fulfill the right to health for children as set forth therein. The Global Fund contributes to the achievement of the United Nations Sustainable Development Goals (SDGs), in particular, SDG3, *Ensure Healthy Lives and Promote Well-Being for All at All Ages.* The Global Fund is committed to ensure that children's rights are protected in the delivery of services supported by the Global Fund, in particular the right to be protected from violence, exploitation and abuse.

This Framework describes the Global Fund's approach to child protection as set out in relevant policies, rules and procedures. It describes responsibilities, requirements, reporting channels, how child protection concerns are investigated, disciplinary measures and administrative sanctions, and how whistleblowers are protected.

## 2. <u>Definition of a Child:</u>

Any person under the age of 18 years.

# 3. <u>How the Global Fund and Global Fund Grant Implementers</u> <u>interact with Children:</u>

The Global Fund may interact with children in the following contexts:

- Field visits and/or remote communications by Global Fund staff members and other personnel to grant programs financed by the Global Fund. All grant programs are implemented by independent third-party recipients of grant funds, in accordance with the principle of country ownership,
- Interaction with adolescent/youth activists, in particular, in the context of community mobilization and engagement around the Global Fund processes. For example, the Global Fund Community Rights and Gender (CRG) Department promotes and supports adolescent and youth community engagements in the Global Fund processes and programs through the CRG Strategic Initiative. Through the initiatives, such as HER Voices Fund and Voix EssentiELLES, it supports amplifying the voices of women and girls to inform health policies and responses at all levels. In addition, the CRG Department coordinates the Adolescent Girls and Young Women (AGYW) Strategic Initiative, which supports the countries to increase coverage and quality of the programs for AGYW, and address structural barriers to accessing HIV services.
- Interaction with the Global Fund Youth Council members. The Youth Council is a forum convened by the Global Fund Secretariat to provide insight into the needs and challenges youth face in relation to HIV, tuberculosis and malaria and, more broadly, to other aspects of their health and well-being. It is open to voluntary participation by adolescents and young people under the age of 25 years old living with or affected by HIV, TB or malaria, and may therefore include children,
- Communications and advocacy (e.g. potentially using children's images, stories etc. to present our work and for resource mobilization purposes)

Global Fund Grant Implementers and Country Coordinating Mechanism (CCM) members may interact with children in the following contexts:

- Independent third-party recipients of Global Fund grant funds may interact with children in connection to grant related activities (e.g. contact by recipient representatives or subrecipients, including through community health workers),
- CCM members may interact with children in the context of their role in oversight of grant activities.

# 4. <u>Responsibilities</u>

**4.1. The Executive Director** has overall accountability for the efficient and effective operation of the policies, rules and procedures described in this Framework, excluding aspects relating to the mandate of the Office of the Inspector General.

**4.2. The Office of the Inspector General** (OIG) has the Board-delegated mandate to receive reports of concerns and allegations related to all irregularities concerning Global Fund activities. It also has the mandate to be primarily responsible for investigating violations of the Global Fund Codes of Conduct for Recipients and Suppliers, which include child protection provisions.

**4.3. Grant Management Division** (GMD) is accountable for ensuring operation of the policies, rules and procedures described in this Framework in relation to Global Fund grant programs, with risk-based guidance, training, and implementation support from the Ethics Office.

**4.4. Community Rights and Gender Department** (CRG) advises on coordination and alignment of child protection-related activities within the Global Fund's wider work on advancing human rights and gender equality, as well as community strengthening and engagement.

**4.5. The Global Fund Ethics Office** is responsible for coordinating safeguarding and child protection related matters across the Global Fund. It is responsible for the oversight of and updates to the child protection provisions in the codes of conduct and is one of the reporting channels for child protection related concerns. The Ethics Office works closely with the OIG and/or the HR Department to ensure effective coordination of victim support in relation to potential investigations and with partners to address child protection concerns. Where child protection related allegations relate to Governance Officials, the Ethics Officer undertakes a preliminary assessment and may advise on an administrative investigation. The Ethics and Governance Committee (EGC) of the Global Fund Board determines and implements appropriate remedial actions.

**4.6. The Human Resources (HR) Department** may receive child protection related concerns and allegations involving employees and other Secretariat personnel. The HR Department has the primary responsibility for undertaking administrative investigations related to child protection allegations pursuant to the Employee Handbook. It refers to the OIG matters involving misuse of Global Fund resources.

**4.7. The Supply Operations Department** is accountable for ensuring implementation of this Framework in relation to Global Fund suppliers with guidance and support from the Ethics Office.

# 5. <u>Requirements and Expectations</u>

The Global Fund sets specific requirements and expectations on child protection for Recipients of Global Fund Resources, Suppliers, CCM Members, Global Fund

Employees and Governance Officials as defined in the respective Codes of Conduct applicable to each.

## **5.1. Recipients of Global Fund Resources**

The Global Fund does not implement grant programs or provide services in implementing countries. Nor does it have in-country presence or directly hire staff or volunteers at country level. We rely on our partners in countries to implement activities funded by the Global Fund and require our implementing partners to comply with applicable provisions of the Code of Conduct for Recipients of Global Fund Resources, in the delivery of Global Fund supported activities.

<u>The Code of Conduct for Recipients of Global Fund Resources</u> is an integral part of our grant agreements with Principal Recipients. Accordingly:

- 1. Principal recipients are expected to protect children against all forms of abuse, including physical, sexual and emotional abuse, as well as neglect, consistent with the provisions of the UNCRC.
- 2. Sexual activity by recipient representatives with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally (in the jurisdiction where such activity takes place). Mistaken belief regarding the age of a child is not a defense.
- 3. Recipients are expected to have policies and measures in place to prevent and respond to sexual exploitation and abuse and sexual harassment, and to facilitate or provide assistance to victims and survivors.
- 4. Recipients are required to prohibit forced or compulsory labour in all its forms consistent with the provisions of the ILO Convention on the Worst Forms of Child Labour (Number 182).
- 5. Recipients are prohibited from employing: (a) children below 14 years of age or, if higher than that age, the minimum age of employment permitted by the law of the country or countries where the performance, in whole or in part, of a contract takes place, or the age of the end of compulsory schooling in that country or countries, whichever is higher; and (b) persons under the age of 18 for work that, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or wellbeing of such persons, consistent with the provisions of the ILO Minimum Age Convention (Number 138).

## **5.2. Country Coordinating Mechanism Members**

Country Coordinating Mechanisms (CCM) are national committees that submit funding applications to the Global Fund and oversee grants on behalf of their countries. They are a key element of the Global Fund partnership. According to the <u>Code of Conduct</u> for <u>CCM Members</u>:

- 1. CCM members share accountability for prohibiting, preventing and responding to sexual activity with children in the context of Global Fund programs;
- 2. CCM members are prohibited from engaging in sexual exploitation and abuse, including child sexual abuse, and sexual harassment.

# 5.3. Suppliers

The Global Fund expects our Suppliers and Supplier Representatives (as defined in the Code of Conduct for Suppliers) to safeguard and protect the rights of all children, irrespective of ability, ethnicity, faith, gender, sexuality, and culture. <u>The Code of Conduct for Suppliers</u> is an integral part of the Global Fund's Terms and Conditions of Purchase of Goods and of Services with Suppliers. Accordingly:

- 1. Sexual activity by suppliers and supplier representatives with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defense.
- 2. Suppliers are expected to have policies and measures in place to prevent and respond to sexual exploitation and abuse and sexual harassment. They are expected to facilitate or provide assistance to victims and survivors related to their safety and protection, medical care, psychosocial support and legal services, as well as to facilitate survivor and victims' timely, safe and confidential access to a remedy.
- 3. Suppliers are encouraged to adopt and apply the principles of the <u>Children's</u> <u>Rights and Business Principles</u> which provide a framework for business to respect and support children's rights.
- 4. Suppliers are required to prohibit forced or compulsory labour in all its forms consistent with the provisions of the ILO Convention on the Worst Forms of Child Labour (Number 182).
- 5. Suppliers are prohibited from employing: (a) children below 14 years of age or, if higher than that age, the minimum age of employment permitted by the law of the country or countries where the performance, in whole or in part, of a contract takes place, or the age of the end of compulsory schooling in that country or countries, whichever is higher; and (b) persons under the age of 18 for work that, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or wellbeing of such persons, consistent with the provisions of the ILO Minimum Age Convention (Number 138).

## 5.4. Global Fund Employees

The Global Fund has made child protection aspects explicit in the <u>Code of Conduct</u> <u>for Employees</u>. In the provision of services and/or assistance to children in connection with Global Fund-financed activities:

- 1. Employees shall not discriminate irrespective of the child's or their parent's or legal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, sexual orientation, property, disability, birth or other status, or any other grounds.
- 2. In line with the principles of the UNCRC, Employees recognize that all children, have a right to protection and freedom from abuse, including exploitation, regardless of age, disability, gender, racial heritage, religious belief, sexual orientation or identity.
- 3. Employees understand that child abuse including sexual exploitation and sexual abuse constitute acts of misconduct. Allegations of misconduct are therefore subject to an investigation and, where substantiated, potential disciplinary processes, in accordance with the Employee Handbook, will be referred to law enforcement as appropriate.
- 4. Employees understand that sexual activity, abuse or exploitation with children is prohibited, regardless of the age of majority or age of sexual consent locally (in the jurisdiction where such activity takes place). Mistaken understanding of the age of a child is not a defense.
- 5. Employees understand that exchange of money, employment, goods or services for sexual favors or acts with children is prohibited. This includes any exchange of assistance or services that is due to beneficiaries of the Global Fund.
- 6. Employees shall not abuse their position to withhold services and assistance to children, nor give preferential treatment, in order to solicit sexual acts, favors, gifts, payments of any kind, or advantage.
- 7. Employees are prohibited from engaging in the production, distribution, importation, reception, or possession of any image of child pornography (defined as any visual depiction of sexually explicit conduct involving persons less than 18 years old).
- 8. Where there are concerns or suspicions regarding child abuse or exploitation, Employees have a responsibility to report such concerns promptly via established reporting mechanisms as mentioned in the Code of Conduct for Employees and the Employee Handbook as appropriate.
- 9. Employees should uphold the highest standards of efficiency, competence, integrity and transparency in the provision of services and assistance to children.

# 5.5. Global Fund Governance Officials

As the primary representatives of the Global Fund, Governance Officials set an example for others by providing visible leadership on safeguarding and being role models. The Global Fund expects Governance Officials to guide the organization towards its goal in a manner that is consistent with achieving SDG3: Ensure Healthy Lives and Promote Well-Being for All at All Ages.

<u>The Code of Conduct for Governance Officials</u> prohibits sexual activity by Governance Officials with children regardless of the age of majority or age of consent locally (in the jurisdiction where such activity takes place). Mistaken belief regarding the age of a child is not a defense.

## 6. <u>Reporting of Child Protection Concerns</u>

Anyone can report concerns and allegations of child protection related concerns to the Global Fund. The Global Fund's primary concern is the safety and wellbeing of the child. The Global Fund will refer a report to a local entity or authority as appropriate. Reports can be made confidentially online, by email, by phone or in person under applicable Global Fund policies as outlined in the section below.

The Global Fund Codes of Conduct establish reporting requirements and mechanisms for Employees, Governance Officials, Recipients of Global Fund Resources, CCM Members and Suppliers. The following reporting mechanisms are available:

- The Office of the Inspector General (OIG) is has the Board-delegated mandate to receive child protection related concerns and allegations. It may respond directly through investigations, inspection or audit. It may also refer matters for actions falling within their mandate to the Secretariat (Grant Management Division, Ethics Office and/or HR Department), to partner organizations or to national law enforcement bodies. Reports are received through multiple channels, including email (hotline@theglobalfund.org), anonymous online form, letter or by telephone. More information available at http://www.ispeakoutnow.org/
- 2. **The Ethics Office** may also receive child protection related concerns and allegations and refers as relevant to OIG, HR Department or EGC. Reports are received at <a href="mailto:ethics@theglobalfund.org">ethics@theglobalfund.org</a> or directly to the Ethics Officer.
- 3. **Human Resources Department** may also receive child protection related concerns and allegations and refer to the OIG and/or the Ethics Office as appropriate.
- 4. **The relevant Country Team/Global Fund staff** may receive child protection related concerns and allegations arising from a grant program in an implementing country, and refer the matter to the OIG, HR Department or the Ethics Office as appropriate.

Survivors/victims and their families, beneficiaries, community members and whistle blowers are encouraged to report child protection related concerns directly to the OIG. Where this is not feasible, reports may also be made through any of the above channels as well as to the following in-country mechanisms:

- 1. Principal Recipients and Suppliers' own reporting mechanisms
- 2. The Global Fund Local Fund Agents

#### 3. Other in-country partners

The Executive Director is promptly notified, in accordance with Global Fund policies, rules and procedures, of any child abuse related allegations involving Global Fund employees or affecting Global Fund beneficiaries.

The Global Fund may refer any allegations of child abuse involving Global Fund employees or consultants to competent national authorities, and collaborate, as it deems appropriate, with local or foreign national authorities in relation to such allegations to facilitate the proper administration of justice

## 7. Investigations

All child protection related concerns reported to the Global Fund through any one of the above mechanisms are promptly assessed and referred in accordance with Global Fund policies, rules and procedures to the appropriate entity as per the responsibilities described in section 4 and 6 above.

The Global Fund conducts administrative, not criminal, investigations, with the informed consent of all witnesses.

For allegations of child abuse by Global Fund employees and other personnel, the mandate to conduct an administrative investigation related to child protection allegations lies with the HR Department. An investigation may be conducted as per Annex IX of the Employee Handbook. In cases of misconduct amounting to possible criminal conduct, the Global Fund may refer the matter to the local authorities. Where allegations are made against any employee of the HR Department, the Chief of Staff has authority over the investigation and takes the decisions related to the investigation. The Ethics and Governance Committee shall be responsible for taking actions in respect of any allegations of potential misconduct against the Executive Director, the Inspector General and/or the Ethics Officer in accordance with the applicable rules and procedures approved by the Board.

For child protection-related allegations under the Codes of Conduct for **Recipients and Suppliers** involving misuse of Global Fund resources<sup>1</sup> the mandate to investigate lies with the Office of the Inspector General in accordance with the relevant standard operating procedures.

Where allegations concern the Global Fund's Governance Officials the responsibility for undertaking a preliminary assessment and advising on an administrative investigation rests with the Ethics Officer following referral to, and as

<sup>&</sup>lt;sup>1</sup> Whether Operating Expenses Budget (OPEX) or grant funds

requested by, the Ethics and Governance Committee (EGC). When an allegation involving Governance Officials is received, the EGC Leadership, and Board Leadership are notified. The Ethics Officer develops the terms of reference and an investigation plan and oversees the investigation. The Ethics Officer selects and appoints an external investigator who conducts the investigation. The Ethics Officer submits the investigation report to the EGC Leadership who determine and implement appropriate remedial actions.

## 8. Disciplinary Measures and Administrative Sanctions

#### 8.1. Global Fund Employees and other personnel

The disciplinary measures for misconduct by Global Fund employees are contained in the relevant annexes of the Employee Handbook. Should allegations of child abuse by a Global Fund employee be substantiated, the employee is subject to disciplinary measures, up to and including summary dismissal, in accordance with Annex XII – Disciplinary Procedure to the Employee Handbook. The Head of the HR Department may initiate a disciplinary procedure where allegations of potential misconduct have been substantiated or partially substantiated by an investigation and following the submission of the final investigation report pursuant to Annex IX – Investigations.

The Head of the HR Department shall decide which disciplinary measure, if any, is warranted. Where allegations are made against any employee of the HR Department, the Chief of Staff has authority over the investigation and takes the decisions related to the investigation. The Ethics and Governance Committee shall be responsible for taking actions in respect of any allegations of potential misconduct against the Executive Director, the Inspector General and/or the Ethics Officer in accordance with the applicable rules and procedures approved by the Board.

The Global Fund shall cooperate at all times with the Swiss authorities to facilitate the proper administration of justice, secure the observance of police regulations and prevent any abuse in connection with the privileges and immunities, facilities and exemptions provided for in this Agreement. Without prejudice to their privileges and immunities, all persons enjoying these privileges and immunities are duty-bound to respect Swiss law and regulations.

## 8.2. Global Fund Governance Officials

If Governance Officials act in a way that is not consistent with the expectations and requirements of the Code of Conduct for Governance Officials, including on child

protection related concerns, the EGC of the Global Fund Board, in consultation with the Ethics Office determine and implement appropriate remedial actions after having sought the Ethics Officer's advice. It may include the following:

- ✓ **Formal Reprimand**. A reprimand in the form of an official letter to the concerned Governance Official and his/her constituency.
- Conditional Removal. Removal from Global Fund governance operations, at both the Board, Committee, and advisory body level, until certain conditions are satisfied.
- ✓ Indefinite Removal. Permanent removal from Global Fund governance operations, at the Board, Committee, and advisory body level.

The EGC may suspend Governance Officials from their official roles, duties and functions on behalf of the Global Fund during an investigation in relation with their behavior, when circumstances warrant. The EGC may consider circumstances where behavior that brings the Global Fund into disrepute may materially affect a Governance Official's ability to fulfil his official roles, duties, and functions.

## 8.3. Suppliers

The Global Fund's Terms and Conditions of Purchase of Goods and of Services require suppliers to comply with the Global Fund Code of Conduct for Suppliers, including its provisions pertaining to child protection. Breaches of the Supplier Code may result in a decision by the Global Fund to sanction the supplier involved, suspend disbursements to grant recipients or cancel funding. The Global Fund may sanction a supplier, including declaring it ineligible, either indefinitely or for a stated period of time, to participate in Global Fund- financing activities, including in situations where the Global Fund determines the supplier has, directly or indirectly, including through an agent or other intermediary, breached the Supplier Code. Sanctions are intended to protect the interests, resources, and reputation of the Global Fund, including under the Global Fund's grants, and to ensure broad public trust and confidence in the Global Fund's decision-making and grant-making activities.

The Global Fund has created a Sanctions Panel to advise the Executive Director on remedies for supplier misconduct. The referral of such cases is at the discretion of the Executive Director. The Sanctions Panel makes its recommendations to the Executive Director for final decision. The Sanctions Panel provides regular reports to the EGC regarding its operations.

The Sanctions Panel Procedures Relating to the Code of Conduct for Suppliers<sup>2</sup> are approved by the Executive Director. The Sanctions Panel comprises senior members of the Global Fund Secretariat and independent external members. The Inspector General, the General Counsel and the Chief Risk Officer advise the Sanctions Panel and participate in all meetings of the Sanctions Panel in an advisory role.

The Sanctions Panel may recommend imposing any or a combination of the following sanctions upon a supplier or its successor:

- a) **Reprimand**. The Sanctions Panel may recommend issuing a reprimand in the form of a formal letter of censure of the behavior of a supplier.
- b) **Conditional Continued Engagement**. The Sanctions Panel may recommend certain measures be undertaken by the Supplier, by a specified date, as a condition to continued eligibility for Global Fund-financed contracts and activities.
- c) **Debarment**. The Sanctions Panel may recommend that a supplier be declared ineligible to become or continue to be involved in Global Fund financed contracts either directly with the Global Fund and/or indirectly through a recipient of Global Fund financing.
- d) **Other**. Any other sanction deemed appropriate by the Sanctions Panel, including, but not limited to, the immediate termination of the participation of a supplier in any ongoing Global Fund project.

# 8.4. Principal Recipients

Principal Recipients bound by the Global Fund Grant Regulations<sup>3</sup> must comply with the Code of Conduct for Recipients of Global Fund Resources<sup>4</sup>, including its provisions pertaining to child protection.

Violations of the Code of Conduct for Recipients of Global Fund Resources may first be addressed by the Secretariat, or may be presented to the Sanctions Panel, under the Sanctions Procedure, at the discretion of the Executive Director or the Inspector General.

If it is determined that this Code has been violated, the Global Fund can take actions to correct the matter and this may result in decisions including, but not limited to, sanctions of the Recipient(s) or the Recipient Representative(s), including suspension

<sup>&</sup>lt;sup>2</sup> <u>https://www.theglobalfund.org/media/6015/corporate\_sanctionsprocedures\_policy\_en.pdf</u>

<sup>&</sup>lt;sup>3</sup> <u>https://www.theglobalfund.org/media/5682/core\_grant\_regulations\_en.pdf</u>

<sup>&</sup>lt;sup>4</sup> https://www.theglobalfund.org/media/6011/corporate\_codeofconductforrecipients\_policy\_en.pdf

of disbursements or termination of funding, money and asset recovery, possible debarment from further activities involving Global Fund grants.

#### 8.5. CCM Members

The Code of Conduct for CCM Members - including the provisions related to child protection therein - is incorporated as a component of Eligibility Requirement 6 as detailed in the CCM Policy.

The Global Fund will monitor CCM's enforcement of the Code of Conduct as a condition for access to Global Fund financing, and CCM Members' adherence to the expectations set in the Code of Conduct will inform the Global Fund's appraisal of overall CCM performance.

The CCM is required to enforce individual member compliance with the Code of Conduct, including the child protection related provisions, while ensuring fairness and due process. Consequences may include removal from decisions, leadership roles, or the CCM.

## 9. <u>Protection from Retaliation</u>

The Global Fund does not tolerate retaliation, or threats of retaliation, against anyone making a complaint or raising an allegation of concerns. This protection extends to whistle-blowing reports relating to child protection. The Global Fund has also established retaliation as a 'Prohibited Practice'<sup>5</sup>.

<u>The Whistle-blowing Policy and Procedures</u> provide for anonymous and confidential reporting to protect whistleblowers. OIG investigation reports are carefully crafted to protect the identity of all witnesses and victims. The policy applies both to internal whistleblowers (Global Fund employees), and to third parties involved with the programs funded by the Global Fund. The OIG investigate allegations of retaliation where in accordance with its Charter

Where retaliation by the Head of the HR Department, the Legal and Governance Department or other member of the Management Executive Committee is alleged, an assessment of the allegation will be prepared by the OIG, with the participation of an external party to the Global Fund, and presented to the Executive Director for further action or investigation.

Where retaliation by the Executive Director or the Inspector-General is alleged, an assessment of the allegation will be prepared by an external party chosen by the Chair and the Vice-Chair of the Ethics and Governance Committee and the assessment will

<sup>&</sup>lt;sup>5</sup> <u>https://www.theglobalfund.org/media/6960/core\_combatfraudcorruption\_policy\_en.pdf</u>

be presented to the Chair and Vice-Chair of the Ethics and Governance Committee and the Board, for further action or investigation.

In the case of internal whistle-blowers, where it is considered necessary, the OIG or the Global Fund's HR Department may recommend the temporary reassignment of a person who has allegedly been the subject of retaliation, or other measures appropriate to protect against further acts of retaliation. Any such recommendation will only be submitted with the approval of the staff member involved and appropriate measures will be taken to safeguard employee confidentiality to the fullest extent possible.

Any staff member of the Global Fund who is alleged to have retaliated against a person who has made a report to the OIG will be the subject of a disciplinary procedure as outlined in the Global Fund's Employee Handbook. Should the allegation be substantiated, it will be considered misconduct and the staff member will face disciplinary action including possible contract termination.

Allegations of retaliation by people and entities external to the Global Fund, such as in-country partners and suppliers, will be dealt with through governance mechanisms and other appropriate action including the debarment of suppliers through the Global Fund <u>Sanctions Panel Procedures Relating to the Code of Conduct for Suppliers</u>.

#### 10. <u>Related policies and rules:</u>

In case of any conflict or inconsistency between the principles provided in this Framework and the relevant policies and codes listed below, the principles set forth in the respective policies and codes will prevail.

- The Code of Conduct for Employees
- The Code of Conduct for Recipients of Global Fund Resources
- The Code of Conduct for Suppliers
- The Code of Conduct for CCM Members
- The Code of Conduct for Governance Officials
- The Employee Handbook
- The Whistle-blowing Policy and Procedures
- The Policy to Combat Fraud and Corruption
- Sanctions Panel Procedures Relating to the Code of Conduct for Suppliers
- Agreement between the Swiss Federal Council and the Global Fund to Fight AIDS, Tuberculosis and Malaria in view of determining the legal status of the Global Fund in Switzerland