

FOCUS ON

# Human Rights

Despite extraordinary progress against HIV, tuberculosis and malaria in the last 15 years, human rights barriers are preventing millions of people from being able to access prevention, treatment and care. People living with HIV and TB still experience stigma and discrimination because of their health status; women and girls confront widespread gender inequality and violence; sex workers, men who have sex with men, transgender people, people who use drugs, prisoners, migrants and refugees are being driven away from health care and marginalized by harsh legal and social environments.

Because of human rights barriers, the people most affected by HIV, TB and malaria are often the ones with the poorest access to health services. We will never be able to end the epidemics without addressing these barriers.



AIDS is about more than human health – it is fundamentally an issue of human rights.

UN Secretary-General Ban Ki-moon

## Key facts:

- In the hardest-hit countries, girls account for more than 80 percent of all new HIV infections among adolescents, at a rate of infection eight times higher than boys the same age.
- In parts of Africa, Asia, the Caribbean, Eastern Europe and Latin America, HIV rates among men who have sex with men, transgender people, sex workers, people who inject drugs and prisoners can be as high as 30-50 percent.
- In many places, police use condoms as evidence of sex work, or arrest people who inject drugs near health centers that provide harm reduction services, driving people away from the prevention and care they need.
- Lesbian, gay, bisexual and transgender people are criminalized in more than 75 countries where they and their support groups often cannot register as organizations or operate freely in the community. This makes it difficult or impossible to share information, seek health services, and access prevention and treatment.
- In many countries, punitive legal frameworks limit access to TB services for migrants, fuelling TB epidemics.
- In 2012, pregnant women were four times more likely to acquire malaria than other adults.

The Global Fund is committed to promoting and protecting human rights in the context of the three epidemics, supporting programs aimed at overcoming human rights barriers so that everyone can access the health services they need. It is the right thing to do, and the only way to achieve the greatest possible impact.



## Commitment to Advancing Human Rights

The Global Fund has built human rights-based solutions into its strategy. Most important, it is supporting countries to expand human rights programs to remove human rights and gender-related obstacles to health care and to empower communities to take charge of their health. In addition, the Global Fund includes five human rights standards in the implementation of every Global Fund grant, and integrates human rights principles – participation, equity, accountability and transparency – throughout the grant cycle. The Global Fund is working closely with those living with and vulnerable to the diseases, as experts, implementers and partners.

## Overcoming Human Rights Barriers to Services

Applicants for Global Fund grants must identify human rights barriers to health services and include practical programs to address these barriers. The key programs that can reduce these barriers are:

- Human rights and ethics training of health care workers
- Stigma reduction
- Sensitization of police and judges
- Legal and human rights literacy
- Legal services
- Empowerment of women and girls
- Law reform

Every country in the world has some human rights barriers to accessing services. An increasing number of Global Fund applicants include some of the above programs in their funding requests.

A TB/HIV grant in **Botswana** provides human rights training for police and judges so they apply the law in a way that supports access to health services. Because many encounter hostility and coercion in the very health care services that are meant to help them, the grant also provides for human rights training of health care workers in nondiscrimination, confidentiality and informed consent. In **Malawi**, the Global Fund is expanding testing and treatment for all people in need. As a part of this effort, the TB/HIV grants support

human rights and legal literacy training for peer educators and community-based organizations. With such training, affected populations know their rights in the context of health, are supported to advocate for increased access, and can seek justice and dispute resolution if faced with discrimination.

The Global Fund is acting against sexual and gender-based violence that not only violates the human rights of women and girls but also increases their vulnerability to HIV. The Global Fund supports efforts to invest in programs to prevent gender-based violence and to provide services to survivors, particularly in post-conflict, post-disaster and fragile states where sexual violence is prevalent. In **South Sudan**, where ongoing conflict has displaced more than two million people, Global Fund investments support programs that train health care workers to respond appropriately to the impact of gender-based violence and to refer survivors to a range of appropriate services. These programs also provide legal services to increase access to justice, as well as engage and train community leaders and law enforcement officers to reduce violence, stigma and discrimination.

More work needs to be done. Funds allocated to human rights programs are seldom sufficient. The Global Fund is working with partners to expand investments in human rights programs and to monitor the health impact.

## Standards to Support Efficacy through Human Rights

The Global Fund has established minimum human rights standards to increase access to quality services, maximize the impact of health interventions, and limit any violation of human rights by Global Fund grants.

By signing a grant agreement, implementers commit to respecting these standards:

- Non-discriminatory access to services for all, including people in detention
- Employing only scientifically sound and approved medicines or medical practices



Girls account for more than

**80%**

of all new HIV infections among adolescents in the hardest-hit countries

**100+ countries**  
ban and criminalize sex work

**75+ countries**  
criminalize same-sex sexual acts

Transgender women are

**49 X**  
**more likely**

to acquire HIV than all adults of reproductive age

HIV rates among men who have sex with men, transgender people, sex workers, people who inject drugs and prisoners can be as high as

**30-50%**

- Not employing methods that constitute torture or that are cruel, inhuman or degrading
- Respecting and protecting informed consent, confidentiality and the right to privacy concerning medical testing, treatment or health services rendered
- Avoiding medical detention and involuntary isolation, to be used only as a last resort.

In order to support enforcement and accountability, the Global Fund has established a human rights complaints procedure. It allows individuals and groups to submit a complaint to the Global Fund's Office of the Inspector General if they believe that any of the human rights standards above have been violated by an implementer of Global Fund grants. The Office of the Inspector General is committed to careful assessment, follow up and necessary corrective action.

### **Engaging People Living with the Diseases and Other Key Populations**

The Global Fund is working hard to embed key human rights principles throughout the life of its grants to ensure that programs are responsive to the needs of those living with or vulnerable to the three diseases and empower them to maximize their health. Relevant human rights principles are participation, non-discrimination, accountability, transparency and disaggregation of data. Towards the promotion of these principles, the Global Fund has been training and sensitizing staff on human rights, gender and communities; engaging with affected communities and other human rights and gender experts; and working with countries to ensure that those affected, including key populations such as adolescent girls and women, men who have sex with men, sex workers, people who use drugs and transgender people, are actively involved in the country dialogue process and in the design and implementation of the grant.



For instance, in **Belize**, key populations were engaged in an intensive and participatory discussion regarding the TB/HIV request for funding. As a result, over 10 percent of the overall grant allocation of US\$3.5 million is invested in programs to increase access to justice; train health care professionals on human rights and HIV; support communities to monitor human rights related to health; and build the institutional capacity of a transgender network in its infancy.

### Working in Partnership

Furthering its foundational commitment to advance human rights, Global Fund staff is developing work on human rights, gender and communities in partnership with human rights experts; civil society organizations, including key population networks; and technical partners.

Engaging leading experts from the health and human rights community, the Global Fund also benefits from the Global Fund Human Rights Reference Group, which provides it with practical advice on how best to overcome human rights-related barriers to health and keeps the Global Fund abreast of emerging human rights developments at the local, national and international level that affect the response to the three diseases.

### Country Leadership

Many implementing countries are pursuing their own efforts to protect the human rights of the most vulnerable. For instance, in 2015, with support from the Global Fund, UNAIDS and other partners, **Honduras** adopted a new law on HIV, using a rights-based approach to establish clear sanctions for discrimination against people living with HIV. Honduras has increased its commitment to address the needs of men who have sex with men and transgender people, and its resolve to fight HIV-related discrimination and improve access to health services for the most vulnerable is a key element in its overall human rights work.

## About the Global Fund

The Global Fund is a 21st-century partnership designed to accelerate the end of the AIDS, tuberculosis and malaria epidemics. As a partnership between governments, civil society, the private sector and people affected by the diseases, the Global Fund mobilizes and invests nearly US\$4 billion a year to support programs run by local experts in more than 100 countries. The Global Fund's operating costs are just 2.3 percent of grants under management, reflecting an exceptionally high degree of efficiency. By challenging barriers and embracing innovative approaches, we are working together to better serve people affected by the diseases.

Smart, effective and equitable health investments through the Global Fund have saved 17 million lives, expanding opportunity and achieving health and human rights for families and communities worldwide. Scientific advances, innovation, private sector savvy and human rights efforts are unlocking improvements in disease prevention, treatment and care – from faster delivery of essential medicines to more effective methods to reach the people most in need. But so many more lives are still at risk that we must seize the momentum, overcome human rights and other obstacles, reach the most marginalized and move faster to end HIV, TB and malaria as epidemics.