The Africa Regional Grant on HIV: Removing Legal Barriers aims to address human rights barriers faced by vulnerable communities in Africa, and facilitate access to lifesaving health care. The grant is the first of its kind and covers 10 countries, including Botswana, Côte d’Ivoire, Kenya, Malawi, Nigeria, Senegal, the Seychelles, Tanzania, Uganda and Zambia. The programme also works at the continental and regional levels with the African Union Commission and key Regional Economic Communities (Southern African Development Community, Economic Community of West African States and East African Community) to promote alignment of national laws and policy with regional and international human rights commitments.

The programme is supported through a three-year grant by the Global Fund to Fight AIDS, Tuberculosis and Malaria. UNDP is the Principal Recipient of the grant and implements in collaboration with four African civil society organizations – the AIDS and Rights Alliance for Southern Africa (ARASA), ENDA Santé, KELIN, and the Southern Africa Litigation Centre (SALC) – with recognized expertise in documenting human rights violations, strategic litigation, advocacy and capacity-strengthening.

The goal of the programme is to strengthen the legal and policy environment to reduce the impact of HIV and TB on key populations in Africa, including men who have sex with men, sex workers, transgender people, people who use drugs and prisoners.

The programme has four objectives:

- To strengthen regional and national evidence-based law, policy and strategy to support improved access to and delivery of HIV and TB services for key populations (men who have sex with men, sex workers, transgender people, people who use drugs and prisoners).
- To strengthen access to justice and enforcement of supportive laws to support improved access to and delivery of HIV and TB services for these key populations.
- To strengthen regional and national mechanisms to prevent and address human rights violations that impede key population access to HIV and TB services.
- To strengthen the capacity of regional non-governmental organizations to take on Global Fund Principal Recipient roles and functions.

Key strategies:

- Capacity Strengthening of Key Stakeholders (lawyers, Judges, Parliamentarians, Law Enforcement and Health Care workers, CSOs, Key Populations etc)
- Strategic litigation
- Small grants
- Legal Environment Assessments (LEA)
- National Plan of Action on the LEA
- Advocacy Campaigns
- Policy or Engagement Scans
- Regional Dialogue
- Engagement with African Union Commission/Regional Economic Communities

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Regional level results

Africa Key Populations Expert Group (AKPEG)

UNDP convenes key populations experts (men who have sex with men, people who use drugs, sex workers and transgender people) from at least 16 countries in Africa annually under this grant. This expert group shares best practices and interventions to advance the engagement of key populations in the HIV response. They have also developed a model strategic framework on HIV for key populations, which has been used to inform the planning, implementation and monitoring of HIV and health programmes including global fund catalytic fund projects in project countries, and in both the SADC and EAC regions.

Training of Lawyers

Lawyers play a key role in implementing protective laws which already exist, and reforming discriminatory laws. They are used in 14 cases being litigated in 6 countries, of which 2 have successfully been litigated in Malawi, plus 1 additional case in Nigeria. These cases help to advance the rights of KPs, and set precedents that have impacted beyond the borders of nation states.

Regional Judges’ Forum for Africa

The Regional Judges’ Forum for Africa is organized by UNDP and convenes judges from across Africa each year. These fora allow judges to share experiences, challenges and developments in HIV-related jurisprudence to uphold the rights of all people, including key populations. Approximately 40 judges from 16 countries attending the 5th forum.

National Human Rights Institutions

National Human Rights Institutions (NHRIs) are state bodies with a constitutional and/or legislative mandate to protect and promote human rights and are now being strategically leveraged to follow up regional commitments in-country and lead National Advocacy Campaigns. NHRIs are now championing the rights of key populations and have taken the lead in co-hosting national advocacy campaigns.

AUC/RECs Partnership Forum

Continuing the long-term partnership between UNDP and the African Union Commission (AUC), in 2017 UNDP and the AUC jointly convened the African Expert Group on Key Populations (AEGKP). The Forum was established with financial and technical support of UNDP in 2016 to coordinate the efforts of regional and continental players in implementing the Catalytic Framework to end AIDS, TB and eliminate Malaria in Africa by 2030, which outlines key policy issues, strategic priorities, and associated investments. The Forum also critically reviewed the Draft Common Position on Ending TB as a public Health Threat for Africa.

Parliamentarians

Enda Santé conducts annual trainings for parliamentarians across the continent, which has resulted in national roadmap. As an intermediate result from the 2017 meeting, a network of African parliamentarians on HIV/TB and human rights was facilitated to ensure continued engagement and cross fertilization of ideas and learning across countries. Parliamentarians have also advocated for re-allocation of the national health budget; joined the TB Caucus; and established an AIDS Trust Fund and integrated HIV into the Ministerial Policy Statement; among other achievements.

Law Enforcement

Law enforcement officers and healthcare workers play an important role in supporting rights-based responses to HIV and TB. KELIN conducts capacity strengthening for law enforcement officers and health care workers across the programme countries each year. The trainings provide key stakeholders about the challenges communities members face in accessing HIV and TB services.

Country level results

UGANDA

In Uganda, the sex worker and transgender sections of the application to the USAID ‘Key Populations’ Investment Fund (KPIF) was developed by KPEG, as was a funding application to ‘The LGBT Fund Deep Engagement Grant’ of the Elton John Foundation.

Uganda government issued permission to demonstrate Needle and Syringe Programme (NSP) and Opioid Substitution Therapy (OST) in regional referral hospitals and this will help in reducing sharing of drug use equipment and thus reducing new HIV infections as well as helping addicts to quit drug use.

Persuasion of fellow law enforcement officers to become advocates for the rights of KPs. Law enforcement officers supported the KP rights’ cause and became part of the “Support, Don’t Punish” campaign which was specifically advocating for the rights of people who use drugs.

SENEGAL

In Senegal, representatives were involved in designing a project on the management and sensitization of the risks related to drug use and the adoption of practices to lower the risks for active users.

COTE D’IVOIRE

Small grants allocated to support the implementation of the Observatoire to monitor human rights abuses Platform has been used to obtain release of detained key populations. Small grants also allocated to train police workers on KP issues, which resulted in development of internal memos used to file KP-related complaints.

NIGERIA

X v Brink and Others - An employee of a private security firm was found to have been discriminated against and his rights violated by his employer for compelling him to undergo HIV testing and firing him on the basis of his HIV-positive status. The Court ruled in favour of the employee, and he was awarded five years’ salary compensation.

Language on transgender has been included in the Nigeria National Strategic Framework 2017-2021 due to advocacy efforts under the grant.

Nigeria has expanded the TOR of the already existing Gender and Human Rights Technical Working Group to include addressing HIV and TB-related human rights violations.

SOUTH AFRICA

In South Africa, KPEG representatives informed the language used in the South African National Strategic plan and facilitated the development of the National Sex Work Health Plan.

Judicial institute has conducted national level training for magistrates as a follow up to the Regional Judges’ Forum for Africa.

ZAMBIA

Renovations and refurbishment of a number Police Cells; and the construction of a Police Hospital has alleviated challenges of TB screenings, HIV and AIDS Care and treatment for the officers, prisoners and surrounding communities. The establishment of infection control committees has seen an increase in number of inmates, detainees and staff having adequate knowledge and information on HIV and TB; increase in number of staff and in-mates accepting early treatment; reduction in the number of TB and HIV infection among inmates and staff; and improved quality of health and life among in mates and staff.

The Zambia National AIDS Strategic Framework 2017-2021 was adopted in June 2017 now has language on transgender in 2.4.2.2 in page 16 under Emerging Issues and Themes.

Ongoing strategic litigation – cases pending.

Development of Regional KP Strategies:

Both SADC and the EAC are in the process of validating regional KP strategies reinforced with insights from the Africa Key Population Expert Group, a forum also supported under the grant.