

Benchmarks and beyond: Assessing and addressing structural barriers to rights-based HIV programming for LGBTI key populations in six African countries



#WeBelongAfrica
Inclusive Governance Initiative

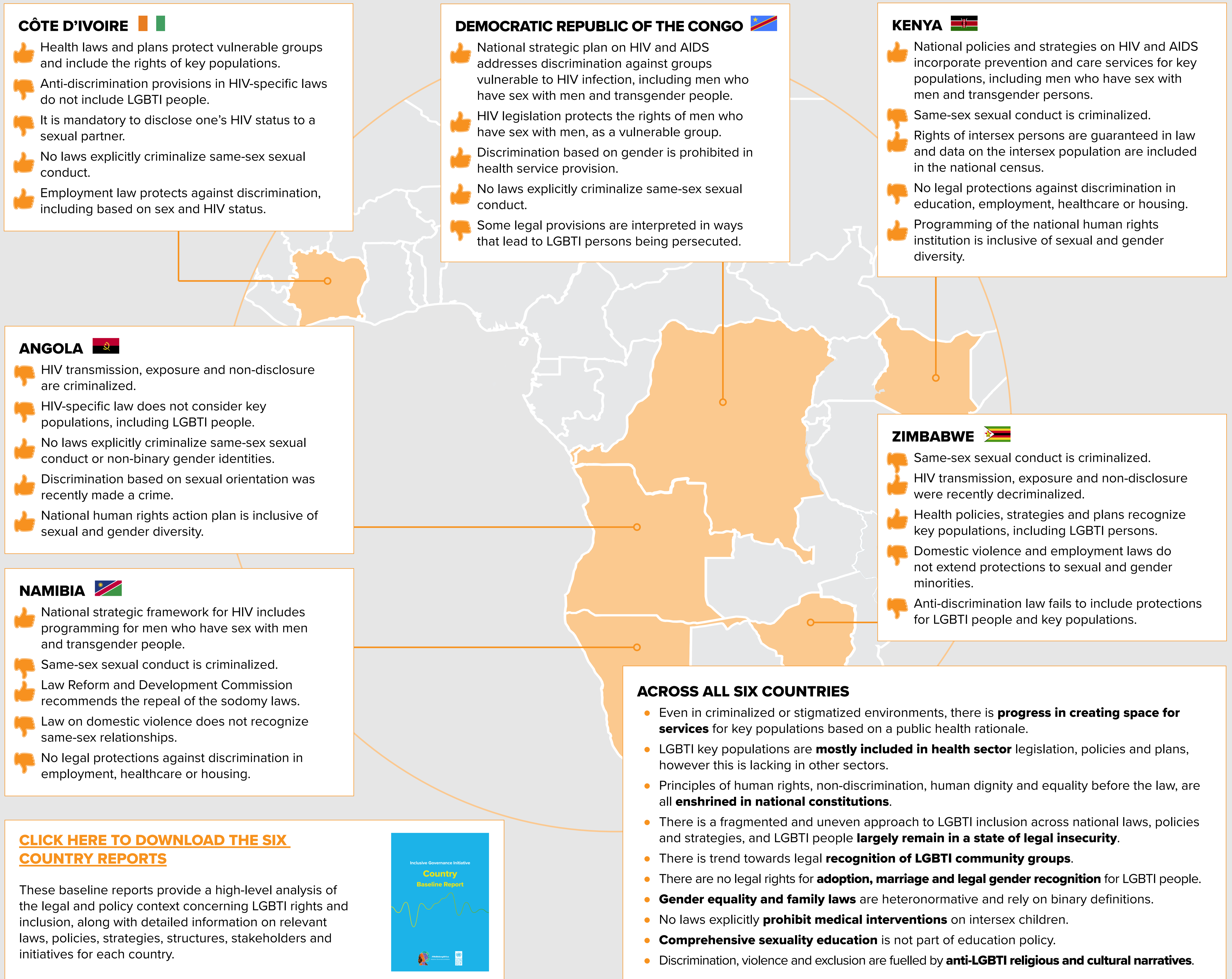


- In 2019, roughly 50% of new infections in Sub-Saharan Africa were among key populations and their sexual partners.
- Testing and treatment coverage of key populations remains disproportionately low and unlikely to meet the 95% service coverage target and the 10-10-10 structural barriers target of the Global AIDS Strategy.
- There is strong evidence that stigma, discrimination, criminalization and social exclusion make key populations more vulnerable to HIV infection and less likely to access and use relevant services.
- The United Nations Development Programme's Inclusive Governance Initiative conducted baseline research in six African countries. The studies benchmark LGBTI inclusion as a basis for advocacy and programming to, amongst other things, challenge structural barriers to right-based HIV prevention, care and support in Africa.

STRUCTURAL BARRIERS TO INCLUSIVE HIV RESPONSES

- **Laws and policies** that criminalize, exclude or fail to protect LGBTI people and the human rights defenders/organizations who represent their rights and needs.
- Institutional **strategies, plans and practices** that stigmatize, silence or persecute sexual and gender diversity.
- Ongoing **discrimination and violence** against LGBTI persons in social, political, economic, religious and cultural spheres.
- Inadequate **data** on the vulnerabilities and impacts of HIV on LGBTI key populations and on best practices to address these.
- Limited targeted **investment and programming** for LGBTI-focused interventions at national, multi-country and regional levels.

STRUCTURAL REFORM: KEY ADVANCES AND OBSTACLES



RECOMMENDATIONS FOR POLICY, PROGRAMMING AND PRACTICE

Expand country and regional programming for right-based HIV prevention, care and support for marginalized groups in Africa:

- Strengthen key population involvement in all aspects of HIV policy making and programming, and work with Justice Ministries and police to reduce the impact of criminalization, while pursuing longer term approaches to decriminalization and stigma reduction.
- Adopt a rights-based and multi-sectoral approach to health programming that tackles barriers to rights and services beyond the health sector.
- Address human rights violations and their impacts on delivering and accessing sexual and reproductive health and HIV-related services for key populations.
- Integrate an LGBTI focus into sector-specific policies and programmes including in education, employment, justice and social services.
- Increase data on HIV prevalence, structural risks, and key population size estimates, to enhance the evidence-base for HIV responses.
- Promote understanding of the diversity within key populations and of the intersecting forms of discrimination LGBTI people face.

Establish regulatory environments that affirm human rights and protections:

- Expand law and policy reform to ensure the decriminalization and full recognition of sexual and gender diversity.
- Repeal all punitive laws, including those that criminalize consensual same-sex sexual conduct and HIV transmission, exposure and non-disclosure.
- Pass protective laws on inclusive gender equality, legal gender recognition and non-discrimination.
- Harmonize national laws with regional and international human rights norms and standards.

Support state decision-makers to be responsive and accountable to all their citizens, including sexual and gender minorities:

- Enhance the capacity of duty bearers (parliamentarians, the judiciary, senior government officials etc.) to champion equitable sexual and reproductive health, HIV outcomes, and human rights for all.
- Promote inclusive governance approaches, particularly in the health, education, justice, social security and gender sectors.
- Strengthen the participation and influence of diverse LGBTI civil society and leaders, and their allies, in relevant policy and decision-making.

Inclusive governance focuses on state actors as the most important duty bearers with an obligation to respond to rights holders. Whether enacting or enforcing laws, resourcing or overseeing delivery of public sector services, or influencing social norms, inclusive governance requires state actors to affirm human rights for all - including for LGBTI individuals, communities and organisations. Inclusive governance requires state actors – heads of government and the executive, parliamentarians, judges, civil servants and so on – to proactively engage with, and be responsive and accountable to, the public at large, with particular attention to the most marginalized and left behind.