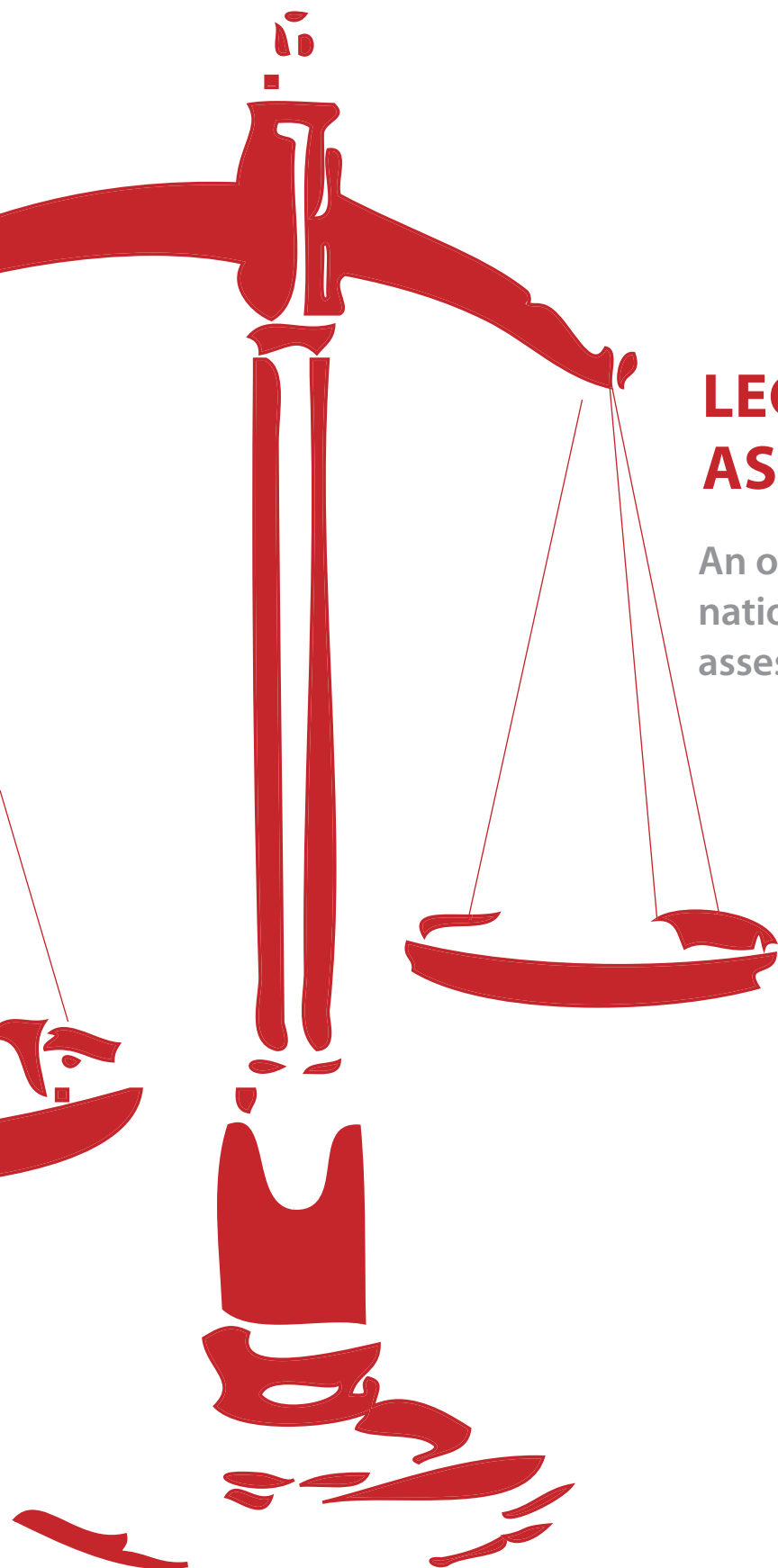




*Empowered lives.  
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# LEGAL ENVIRONMENT ASSESSMENT FOR HIV

An operational guide to conducting  
national legal, regulatory and policy  
assessments for HIV

Practical Manual  
January 2014

United Nations Development Programme

HIV, HEALTH AND DEVELOPMENT

## **Practical Manual**

### **Legal Environment Assessment for HIV:**

#### **An operational guide to conducting national legal, regulatory and policy assessments for HIV**

January 2014

The United Nations Development Programme (UNDP) is the UN's global development network, advocating for change and connecting countries to knowledge, experience and resources to help people build a better life.

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The manual was developed by Lucy Stackpool-Moore in collaboration with Tenu Avafia, Policy Advisor; Emilie Pradichit, Human Rights Consultant; and Tania Martins Fidalgo, Policy Analyst; from the UNDP Bureau for Development Policy (BDP), New York.

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# CONTENTS

Abbreviations and acronyms .....	5
Foreword.....	6
<b>I. INTRODUCTION.....</b>	<b>8</b>
1. HIV and the law: background.....	8
2. Legal Environment Assessment: Translating the Global Commission on HIV and the Law report into action .....	11
3. About the Legal Environment Assessment.....	14
4. About the manual.....	15
<b>II. PROCESS OF A NATIONAL LEGAL ENVIRONMENT ASSESSMENT .....</b>	<b>19</b>
<b>Section 1: Planning for a Legal Environment Assessment.....</b>	<b>20</b>
Holding a consultative planning meeting .....	21
Setting up a Technical Working Group.....	22
Developing an inception report or concept note .....	25
Recruiting the LEA Task Team.....	29
Identifying legal and policy issues for analysis .....	29
<b>Section 2: Conducting the Legal Environment Assessment .....</b>	<b>33</b>
Stakeholder consultations.....	33
Ethical review and approval .....	36
Desk review .....	37
The report from the LEA.....	47
<b>Section 3: Feedback and Finalization Stage .....</b>	<b>51</b>
Overview of the results of the LEA.....	51
Purpose of the feedback and finalization stage .....	51
Ongoing peer review .....	51
Consultative validation workshop.....	52
Producing a final report.....	53
Summary policy briefing.....	54
Production of final resource materials.....	54
Translation .....	54

<b>Section 4: Dissemination, Implementation and Impact .....</b>	<b>58</b>
Purpose of disseminating the results of the LEA.....	58
Dissemination workshop .....	58
Media engagement.....	59
Tailored summary reports on key findings .....	61
Small grants for tailored advocacy.....	62
Sustaining the process .....	62
 <b>Section 5: Documenting the Process: Communication, Monitoring and Evaluation, and Coordination .....</b>	 <b>67</b>
Coordination.....	67
Communication.....	67
Budgeting.....	68
Monitoring and evaluation.....	69
 <b>III. ANNEXES .....</b>	 <b>71</b>
ANNEX 1 Sample Terms of Reference .....	72
ANNEX 2 Sample informed consent form .....	86
ANNEX 3 Focus area questions to guide LEA.....	88
 <b>IV. RESOURCES .....</b>	 <b>121</b>

# ABBREVIATIONS AND ACRONYMS

AIDS	Acquired immunodeficiency syndrome
GNP+	Global Network of People Living with HIV
HIV	Human immunodeficiency virus
LEA	Legal Environment Assessment
LGBTI	Lesbian, gay, bisexual, transgender and intersex
MDG	Millennium Development Goals
MSM	Men who have sex with men
STI	Sexually transmitted infection
TRIPS	Trade-Related Aspects of Intellectual Property Rights
UN	United Nations
UNAIDS	United Nations Joint Programme on HIV/AIDS
UNDP	United Nations Development Programme
UNGASS	United Nations General Assembly Special Session

# FOREWORD

The law has a profound impact on people's lives—especially those who are vulnerable and marginalized. The true test of a just society is reflected in its commitment to protect and promote the rights of minorities. Indeed, in recent years the law has been a positive force in advancing effective HIV responses based on public health evidence and grounded in human rights. For example, judicial and legislative action has improved access to life-saving treatment and protected people living with HIV against discrimination. Where the law has guaranteed equal rights to inheritance and property for women and girls, it has helped to mitigate the social and economic burden caused by HIV. Where intellectual property laws and policies are consistent with international human rights law, they have ensured access to life-saving treatment and prevention in low- and middle-income countries.

Although enabling legal frameworks have been used to mitigate the causes and consequences of HIV, the adoption of this relatively low-cost tool in the global response to AIDS has been limited. Unfortunately, in far too many countries, legal frameworks that further entrench inequalities and marginalization persist. Moreover, the degree to which existing anti-discrimination laws are enforced is unclear, and in some countries favourable legal frameworks are being undermined by the criminalization of HIV transmission and exposure, sex work, adult consensual same-sex sexual relations, and drug use. Laws that criminalize HIV transmission, exposure or non-disclosure of HIV status discourage people from getting tested and treated. Similarly laws that criminalize and dehumanize members of key populations drive them away from essential health services and heighten their HIV risk.

As shown by the report by the Global Commission on HIV and the Law, laws and policies based on public health evidence and human rights are the foundation of enabling legal environments that have the potential to transform the global HIV response. To effectively control the spread of HIV and mitigate its impact, it is crucial to promote and protect the human rights of people living with HIV, key populations as well as vulnerable groups such as women, girls, children and young people. Where evidence on the impact of punitive and protective laws, policies and practices on HIV and health outcomes has been collated and used to inform law- and policymakers, it has contributed to the enactment of rights-based law and policy. Just as it is important to 'Know Your Epidemic', it is imperative to understand the laws, policies and

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