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**UNAIDS**  
**REFERENCE GROUP ON HIV AND HUMAN RIGHTS**  
**SIXTH MEETING, GENEVA, 18-20 APRIL 2006**  
**OPERATIONS OF THE REFERENCE GROUP**

**Michael Kirby**

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At the end of the sixth meeting of the Reference Group, a number of suggestions were made for the improvement of the operation of the Reference Group. These suggestions were put forward by Members of the Group for the guidance of the incoming Secretariat.

Basic organisation

1. The terms of reference of the Group should be circulated with each agenda.
2. The terms of reference should be reviewed from time to time by UNAIDS with comments from the Reference Group in the light of experience and perceived needs.
3. Proposals for amendments to the terms of reference should be invited from members of the Group.

4. Any proposals for amendments of the terms of reference advanced by members of the Group should be circulated and considered in house and received at least one month before the meeting of the Group.

5. Meeting dates should be fixed well in advance so that they can be diarised and adhered to.

#### Structure of meetings

6. Consideration should be given to the balance between responding to requests from UNAIDS to deal with urgent issues and undertaking proactive inquiries and considerations of issues deemed important to the Group and within its terms of reference and expertise.

7. A balance should be struck between responding to UNAIDS requests and undertaking projects designed to stimulate UNAIDS to look at new, and possibly neglected, topics of human rights within the terms of reference.

8. Consideration should be given to inviting guest speakers to meet members of the Group, perhaps immediately prior to the meeting's convening, so as to identify critical issues that tend to get overlooked, eg the rights of prisoners in relation to HIV.

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9. The Group should continue to work on:
- (a) Papers prepared by the Secretariat or individual members;
  - (b) Proactive suggestions advanced by members of the Group; and
  - (c) Long-term investigations, eg universal access.

10. It must be recognised that the Reference Group is not a Drafting Group. It exists to enrich and stimulate UNAIDS consideration of issues. It does not have the time at meetings to draft proposals in precise and comprehensive terms.

#### Consideration of Recommendations

11. In the course of deliberations of the Reference Group, Recommendations should be isolated, resolved and identified as such in the minutes.

12. These Recommendations should be circulated to members of the Group soon after the Group's meetings.

13. At the beginning of each meeting, a report should be given by the Secretariat on the implementation, or non-implementation, of

Recommendations adopted at the last meeting. This will provide an efficiency and utility check on the work of the Group.

14. The Recommendations put forward by previous meetings, not yet implemented, should be continued to future meetings to permit the Group to consider any amendments or changes that may be necessary from time to time.

15. At the beginning of each meeting of the Reference Group, a two hour discussion should be allowed so that members could identify emerging issues and decide which, if any, require the attention of the Group as a whole and/or papers from members, qualified experts or the Secretariat.

16. There is a need to tap the expertise of members of the Group in a more effective way. They should therefore be invited to identify at the beginning of each meeting, briefly, work relevant to HIV and human rights in which they have been engaged since the last meeting and its relevance to the mission of the Group.

#### Work of the Group

17. The Reference Group must be in a position to respond to urgent requests received from the Director of UNAIDS or the UNAIDS Secretariat. Any such requests must allow for at least two weeks for response by email between meetings. It is the function of

the Secretariat to provide members with a briefing on such requests and an identification of the issues to be considered by members of the Reference Group. Responses must then be received by the Secretariat and analysed under the supervision of the Chair.

18. Consideration should be given, on particular topics, of appointing members of the Reference Group to work in subgroups so as to tackle particular topics. This is especially so where a travelling mission to investigate and consider topics might be appropriate.

19. Subgroups of the Reference Group might include a subgroup eg on the HIV/AIDS position in Lesotho. Subgroups should report promptly to the Reference Group, in advance of meetings, with an oral report at the next succeeding meeting.

#### Work with other agencies

20. The membership of the Reference Group should rotate. Participation at the meetings should include observers from UNAIDS, UNDP, OHCHR and other agencies, as appropriate to the particular session.

21. In the event of important developments in the UN human rights machinery (eg the establishment of the UN Human Rights Council) the Secretariat should organise a briefing to be given to the Group on

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the development and on its relevance to the work of UNAIDS and the Group.

22. When new developments occur, eg the assignment to UNDP of its functional role, such developments should be explained and a report given on how the changes can support and assist the Group in the performance of its work.

23. The Secretariat should be encouraged, as necessary and appropriate, in consultation with the Chair, to bring to meetings of the Group members of the staff of UNAIDS and other agencies, not permanently present at the Group's meeting - to report, brief and interact with members of the Group.

24. The UNAIDS Secretariat in Geneva should share with the Group details of particular projects under consideration in UNAIDS and in the participating agencies relevant to human rights issues.

25. The UNAIDS Secretariat should also report on how the work of the Group can be improved so as to channel its recommendations into the United Nations system and into national HIV/AIDS agencies.

#### Publication of reports

26. The outgoing Secretariat of the Group should be invited to provide an exit report identifying the themes of the first six meetings

of the Group; the achievements and failures; and suggested improvements.

27. Key documents prepared by or for the Group, after approval by the UNAIDS Secretariat, should be posted on the UNAIDS website with due attribution to the authors and the Group.

28. Consideration should be given to the publication of selected papers of or for the Group in leading periodicals, as relevant.

29. Consideration should be given to linkage between the Group and outside bodies having relevance to the terms of reference of the Group, eg national human rights commissions, academic institutions and other bodies, including advocacy groups. The Group is primarily a private adviser to the Geneva Secretariat of UNAIDS and its Director. However, within appropriate limits, the work of the Group could be shared, after vetting by the UNAIDS Secretariat, with appropriate bodies and in some cases through the Internet.

30. The incoming Secretariat of the Reference Group should be invited to provide a report setting out its proposed programme and any innovations it suggests for the concurrence of UNAIDS and the Group.