



MID-TERM EVALUATION REPORT

**Mid-term Evaluation – UNDP RSC Africa:
“Strengthening Regional and National Legislative Environments
to Support the Human Rights of LGBT People and Women and
Girls affected by HIV and AIDS in Sub-Saharan Africa”
(A Sida Supported Project)**

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Executive Summary

As part of its commitment to follow up on the recommendations from the Global Commission on HIV and the Law, UNDP Regional Centre for Africa,¹ with the assistance of the Swedish International Development Cooperation Agency (Sweden), launched a project entitled “*Strengthening Regional and National Legislative Environments to Support the Human Rights of LGBT People and Women and Girls affected by HIV and AIDS in Sub-Saharan Africa.*” The project is implemented by the HIV, Health and Development Team in the UNDP Regional Centre for Africa with a 1 January 2013 start date, and 31 December 2015 end date. A mid-term evaluation (MTE) has been conducted by the Program on Global Health and Human Rights, Institute for Global Health, University of Southern California, with logistical support from UNDP, to identify the successes and challenges of the project to date, and support the achievement and sustainability of project outcomes.

For the purposes of the MTE, there are 11 countries involved in the project. These are: The Democratic Republic of the Congo, Ghana, Kenya, Lesotho, Malawi, Mozambique, Seychelles, South Africa, Swaziland, Tanzania, and Zambia. Within the context of countries’ international human rights commitments, the project aims to provide a focused, comprehensive approach towards strengthening legal environments with an emphasis on reducing the HIV-related vulnerability of LGBT people and women and girls affected by HIV in Sub-Saharan Africa. Key partners include governments; civil society and community-based organisations; legal experts and members of the judiciary; networks of people living with HIV and AIDS, and those most at risk of HIV; regional economic communities (e.g. SADC, EAC, ECOWAS); and the African Union Commission (AUC). The project aims to provide countries with opportunities to gain insight into their legal environments including gaps in legal frameworks, identify effective ways of addressing those gaps, and build consensus on the most effective next steps in addressing HIV-related legal change for target populations.

The MTE was conducted with attention to UNDP’s theory of change, standard evaluation criteria relating to relevance, effectiveness, and sustainability, and with additional attention to the human rights principles of *inclusion, participation, equality, non-discrimination, and accountability*. Working within the project logic, the focus of the evaluation was on activities carried out through October 2014, and with attention to the 2013 interim targets, with a view to maximizing their contribution to longer-term desired outcomes and sustainable change. Documents were reviewed using a data extraction tool designed for the MTE and qualitative data were collected through semi-structured key informant interviews using interview guides developed for the MTE (See Annex D for Qualitative Interview Guide). Outputs from the document review, data extraction, and qualitative interviews were analysed jointly. After consultation with UNDP, Malawi was selected for in-depth qualitative data collection and serves as the case example to illustrate relevant project findings.

MTE findings are presented in five sections. Section (A) describes key considerations in

¹ The title of the Project is consistent with the Terms of Reference, using “Regional Service Centre Africa (RSC-
Program on Global Health and Human Rights. Institute for Global Health. University of Southern California
Mid-Term Evaluation: *Strengthening Regional and National Legislative Environments to Support the Enjoyment of Human
Rights of LGBT People and Women and Girls Affected by HIV and AIDS in Sub-Saharan Africa.*”



project design; Section (B) focuses on institutional roles and relationships; Section (C) presents external factors relevant to project implementation; Section (D) analyses the Legal Environment Assessments (LEAs), National Dialogues and processes at the heart of project implementation, and brings attention to the project's stated target populations; and Section (E) discusses the utility of MTE findings in relation to the project's results framework and indicators.

The conclusions and lessons learned through this MTE are many. While the stated focus of the project has been legal change, the positive spin offs **such as sensitization of key stakeholders**, both at regional and country level, simply from the fact that this work is taking place represent a major contribution of this project to date. **Further**, the creation of processes that brought government and civil society to work together in assessing legal environments and prioritizing opportunities for change, with a distinct focus on women and girls, and LGBT populations, is a major strength of this project. The conscious attention given by project partners to the human rights principles of participation, inclusion, non-discrimination, transparency and accountability in particular impacted not only what the project has done to date, but importantly how it was done. Broad participation of stakeholders, local ownership of activities and capacity building have been, and will continue to be, key to ensuring the relevance, effectiveness and sustainability of activities.

The work to date lays the groundwork for unprecedented and growing opportunities to work with key stakeholders to champion the rights and health of key populations within the region. These efforts must be strengthened going forward. **The report concludes with recommendations intended** to support the second phase of the project, with the ultimate goal of improving the lived realities of women and girls, and LGBT populations in the region.



I. Introduction

A. Background and Context

The Global Commission on HIV and the Law helped focus and catalyse ongoing regional efforts to combat HIV and AIDS in sub-Saharan Africa, and provided concrete evidence that stigma, discrimination, and human rights violations continue to hinder effective HIV responses.² Sub-Saharan African countries operate within a variety of legal systems, and face distinct challenges in addressing HIV and supporting the rights and health of key populations.

The Africa Regional Dialogue, held in Johannesburg from 3-4 August 2011, provided an important forum for civil society and government participants to discuss the most important challenges for the region. As noted in the terms of reference for this evaluation:

For example, few countries have strong anti-discrimination legislation, despite international, regional, and national commitments to promoting equality and non-discrimination. In addition, laws and policies in many countries fail to fully recognize and promote the equality rights of populations who are particularly vulnerable or marginalised (such as women and children) or to protect them from violence and harm. In some cases, punitive laws expressly limit the rights of people further [...] even where laws and policies are protective, populations still report difficulties in accessing and enforcing their rights for various reasons such as lack of awareness, inadequate legal support services and weak mechanisms for implementing and enforcing rights. This is a human rights crisis in its own right; in the context of HIV it also increases the impact of the epidemic in various ways.³

The United Nations Development Programme (UNDP) has received information on similar trends in the region from a variety of sources. Further, UNDP has long been aware of reports from key populations of limited access to justice and harsh treatment by law enforcement, and gaps in focused advocacy and action for legal review, legal reform, or strategies to strengthen access to justice and law enforcement that particularly impact key populations.⁴

B. The Evaluated Project

As part of its ongoing commitment to follow up on the recommendations from the Global Commission, UNDP Regional Centre for Africa, with the assistance of the Swedish

² Global Commission on HIV and the Law: Risks, Rights and Health, Global Commission on HIV and the Law, July 2012

³ Terms of Reference, Mid-Term Evaluation of the Project titled “Strengthening Regional and national Legislative Environments to Support the Environment to Support the Enjoyment of Human Rights of LGBT People and Women and Girls affected by HIV and AIDS in Sub-Saharan Africa” being implemented under HIV, Health & Development Team in UNDP Regional Service Centre (RSC) Africa

⁴ Ibid.



International Development Cooperation Agency (Sweden) through its HIV Regional Team for Africa, launched a project aimed at addressing some of the issues discussed above.⁵ The project, “*Strengthening Regional and National Legislative Environments to Support the Human Rights of LGBT People and Women and Girls affected by HIV and AIDS in Sub-Saharan Africa*”, is implemented by the HIV, Health and Development Team in the UNDP Regional Centre for Africa with a 1 January 2013 start date, and 31 December 2015 end date.⁶

The project stems from the recognition that the current approach to addressing law and human rights in national HIV responses in sub-Saharan Africa is inadequate, and insufficiently supportive of the rights and health of key populations. In part, this can be seen to be the result of an overwhelming number of related issues faced by countries alongside a piecemeal approach to legal and regulatory strengthening where it is occurring.⁷ There is general consensus that, given limited resources, focusing efforts on the most affected and marginalized populations is an effective way to prioritize HIV and health interventions, and ultimately serves to benefit the population as a whole.⁸ In line with this, Sweden's objectives in supporting this project were in part to focus on LGBT populations and Women and Girls, as most-affected populations. UNDP has a related, but distinct focus on key populations, a term that includes LGBT populations and women and girls, but also people who inject drugs, engage in sex for money, and who are particularly vulnerable to neglect or violation of their rights for other economic and social reasons. This project is an outcome of collaboration between UNDP, Sweden, and those countries within the region that chose to take part. The project aims to provide a focused, comprehensive approach towards strengthening legal environments, tracking human rights commitments with an emphasis on key and vulnerable populations as a vital component of an effective HIV response. The project is framed by a Development Objective and a Programme Objective:

- The Development Objective of the project is: “reducing the HIV-related vulnerability of LGBT people and women and girls affected by HIV in Sub-Saharan Africa by helping ensure that their legal rights are realized and stigma and discrimination are addressed”.⁹
- The Programme Objective is: “to strengthen national and regional legal environments to support the enjoyment of human rights of LGBT people and women and girls affected by HIV in Sub-Saharan Africa”.¹⁰ Progress on

⁵ Sida helped fund the Africa Regional Dialogue, and had a particular interest in addressing the concerns highlighted by participants. Key Informant Interview 14.

⁶ The focus of this evaluation is on activities carried out through October 2014.

⁷ Terms of Reference, Mid-Term Evaluation of the Project titled “Strengthening Regional and national Legislative Environments to Support the Environment to Support the Enjoyment of Human Rights of LGBT People and Women and Girls affected by HIV and AIDS in Sub-Saharan Africa” being implemented under HIV, Health & Development Team in UNDP Regional Service Centre (RSC) Africa

⁸ Global Commission on HIV and the Law: Risks, Rights and Health, Global Commission on HIV and the Law, July 2012

⁹ Terms of Reference, Mid-Term Evaluation of the Project titled “Strengthening Regional and national Legislative Environments to Support the Environment to Support the Enjoyment of Human Rights of LGBT People and Women and Girls affected by HIV and AIDS in Sub-Saharan Africa” being implemented under HIV, Health & Development Team in UNDP Regional Service Centre (RSC) Africa

¹⁰ Ibid.



the Development Objective and Programme Objective is monitored by four output objectives with associated indicators, listed in the project results framework.¹¹

The stakeholders identified as key to the project are governments, including relevant ministries, departments and commissions; civil society and community-based organisations; **women and girls**; legal experts and members of the judiciary; networks of people living with HIV and AIDS, and those most at risk of HIV (including relevant key populations: sex workers, men who have sex with men, transgender people and people who use drugs)¹²; regional economic communities (e.g. SADC, EAC, ECOWAS); and the African Union Commission (AUC).¹³

The approach taken by the project is to provide stakeholders with opportunities to gain insight into their legal environments including gaps in legal frameworks, identify effective ways of addressing those gaps, and build consensus on the most effective next steps in addressing HIV-related legal change for target populations. By way of overview, countries are encouraged to conduct a Legal Environment Assessment (LEA) to take stock of current laws, policies, and practices that affect people living with HIV in the country, and to support National Dialogues bringing together key stakeholders. A National Dialogue, if it precedes an LEA, can serve to focus the efforts of an LEA. A National Dialogue held after an LEA can help disseminate the findings, and bring together key stakeholders to act on recommendations made in the LEA. Further details are provided below.

C. Mid-Term Evaluation

Purpose of Evaluation

As part of the overall monitoring framework for the project, a mid-term evaluation (MTE) was conducted to identify the successes and challenges of the project to date, and support the achievement and sustainability of project outcomes. The Request for Proposals provides further clarification: “The overall purpose of the mid-term evaluation is to understand the successes, achievements and planned activities of the project for greater learning about what works and what does not; and ways to address challenges encountered to meet the end of project targets and achievable outputs and outcomes. The evaluation and its report will also achieve the purpose of being a learning document for UNDP, national government partners, RECs and continental entities and for other stakeholders and the donors, and can be used for the benefit of other countries”.¹⁴ This is an independent evaluation conducted by the Program on Global Health and Human Rights, Institute for Global Health, University of Southern California, with logistical support--including documentation and introductions to key stakeholders--provided by UNDP.

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ Request for Proposals (RFP) Bid Document, Consultancy Services to Prepare Mid-Term Evaluation of a SIDA Supported Project, Procurement Reference No.: RSCA/RFP/2014/05



Scope of Evaluation

For the purposes of the MTE, there are 11 countries involved in the project. These are: The Democratic Republic of the Congo, Ghana, Kenya, Lesotho, Malawi, Mozambique, Seychelles, South Africa, Swaziland, Tanzania, and Zambia.¹⁵ The Terms of Reference (ToR) describe the scope of the evaluation as follows:

- (1) review of the project document(s) and its results framework, annual work plans, country- and regional-level activities, and results achieved against the timelines and results framework;
- (2) review of the annual report, tools, technical reports, and guides produced by the project as deliverables for the time period in question; and
- (3) review and recording of key challenges faced and key outcomes achieved.¹⁶

Following discussion with UNDP and an initial review of the project documents noted above, it was determined that in addition to review of the materials noted above qualitative data relating to the project as a whole, as well as in relation to one specific country, would be collected through a series of face-to-face interviews. These interviews were held alongside the 'Regional Meeting to Develop the Results Framework for the Model HIV Regional Strategic Framework for Key Populations' held from 28-30 October 2014 in Johannesburg, South Africa (hereinafter "Key Populations meeting"), and in Malawi which served as the country for in-depth qualitative data collection because it was furthest along in the project processes and therefore seemed at this stage of the MTE to offer the most lessons to be learned applicable to other countries.

To respond to (1) and (2) above, the review is limited to documents provided by UNDP, and for (3), qualitative data, including interviews with key stakeholders, have also been analysed in combination with findings from the project documentation. As noted in the ToR for the MTE, the focus populations for the evaluation were LGBT populations and women and girls.

Evaluation Objectives:

The MTE has the following objectives:

- "(1) to assess the mid-term contribution made by the Project in terms of the activities planned and results achieved against the results framework in the project document;
- (2) to identify the enabling factors and challenges (if any) of the project (as learning);
- (3) to reach conclusions concerning the project's contribution within the scope of this evaluation;
- (4) to provide specific and actionable recommendations for improving the project's contribution".¹⁷

¹⁵ Note that in project documents and on the website, up to 18 countries have been listed as involved in the project.

¹⁶ Terms of Reference, Mid-Term Evaluation of the Project titled "Strengthening Regional and national Legislative Environments to Support the Environment to Support the Enjoyment of Human Rights of LGBT People and Women and Girls affected by HIV and AIDS in Sub-Saharan Africa" being implemented under HIV, Health & Development Team in UNDP Regional Service Centre (RSC) Africa

¹⁷ Ibid.



The sections below provide information on the actions taken to achieve these objectives.

D. Theory of Change and Evaluation Criteria

Theory of Change

A preliminary consideration in conducting this MTE was to understand how the project aligns with UNDP's HIV theory of change, and how the evaluation criteria—supplied by UNDP and bolstered by the explicit attention to human rights agreed to between UNDP and the evaluation team—could help to assess the project's contribution to change.

The core concept underlying UNDP's HIV theory of change is that “[e]ffective and sustainable responses to HIV require a reduction of the stigma associated with the disease and most affected populations, and a legal environment that enables access to and use of key prevention and treatment services and commodities. Such action on stigma, law and human rights in turn requires capacity to work across multiple ministries in the interest of better health outcomes, and political will to include and protect marginalized populations in policy and governance”.¹⁸

Evaluation Criteria

To evaluate projects working to improve HIV responses, UNDP relies on a standard set of evaluation criteria relating to relevance, effectiveness, and sustainability. As working with these criteria was central to the work of the evaluation team, they are briefly described below:

1. *Relevance*: To what extent are the objectives of the project consistent with country needs and requests, national, regional, and continental priorities, and international and regional commitments regarding human rights and HIV and AIDS?
2. *Effectiveness*: To what extent does the project contribute to outcomes defined in the project document and the project results framework?
3. *Sustainability*: To what extent do results achieved point towards the potential for sustained changes in country and/or regional level laws, policies and programming in the context of HIV¹⁹?

The evaluation team supplemented these criteria with additional attention to the human rights principles of *inclusion, participation, equality, non-discrimination, and accountability*. Additionally, the detail provided in **Sweden's** evaluation manual helped to inform the approach. The methodological approach adopted for this evaluation therefore combines attention to UNDP's theory of change, standard evaluation criteria, and explicit attention to human rights norms and standards.

¹⁸ DRAFT HIV Theory of Change, United Nations Development Programme

¹⁹ Terms of Reference, Mid-Term Evaluation of the Project titled “Strengthening Regional and national Legislative Environments to Support the Environment to Support the Enjoyment of Human Rights of LGBT People and Women and Girls affected by HIV and AIDS in Sub-Saharan Africa” being implemented under HIV, Health & Development Team in UNDP Regional Service Centre (RSC) Africa

The specific methodology used to conduct this evaluation is described in the following section.



II. Methodological Approach: A Focus on Processes

Using a mix of methods, this evaluation assessed the overall effects of the interventions – intended and unintended, long-term and short-term, positive and negative – alongside the project’s interim targets. Working within the project logic, the focus of the evaluation was on activities carried out through October 2014, and with attention to the 2013 interim targets, with a view to maximizing their contribution to longer-term desired outcomes and sustainable change.

Alongside this assessment of performance with regard to achieving interim targets, the evaluation team sought to assess the relevance and quality of any reported actions or outputs that had occurred to date. For example, in places where National Dialogues were held, any recommendations which emerged from these processes were assessed for their content, quality, feasibility, and appropriateness, including any chosen focus (or lack thereof) on key populations, and women and girls. Consonance between reported priorities and actions at regional, national and sub-national levels was also assessed.

As a cornerstone of this evaluation, human rights were included so as to bring into focus not only the effectiveness, relevance, and quality of activities carried out to date but also the rights dimensions of how the project is being implemented. Beyond reviewing the project’s success in meeting its mid-term targets (e.g. two countries having completed legal environment assessments), the evaluation sought also to disentangle the different elements of the processes through which these targets were (or were not) achieved in different project settings. That said, the ability to make these assessments has depended in large part on the documentation provided by UNDP for desk review, as well as the information provided in interviews with key stakeholders. Particular attention has been given to the principles of inclusion, participation, equality and non-discrimination, and accountability as addressed through project activities. A critical component of this work has been a focus on processes, with these principles in mind, in a conscious attempt to better integrate rights into evaluation criteria. This focus on processes included, for example, seeking to understand to the extent possible who has led the project processes at each level, which partners were engaged in different phases of the project and through what processes, and the extent to which risks to the project were foreseen and mitigated over time with the aim of assessing the difference this has made to outputs. It is hoped that this assessment of processes will help to identify the enabling factors and challenges to the project with a view to informing specific and actionable recommendations for its strengthening moving forward.

Given the complexity of effecting change at the various levels at which this project operates and the range of actors required for such change to happen, causal attribution of change brought about by the project alone was not attempted. However, the focus on understanding the processes through which the project operates in different settings and at different times can support determination of the project’s contribution to change.



Methods

Document Review

The evaluation team has comprehensively reviewed all project documentation provided by UNDP. This includes the results framework, annual work plans, reports of country- and regional-level activities and results achieved, technical reports, meeting reports, tools and guides produced by the project as deliverables, and other relevant documents as identified by UNDP. Additional documents provided by other stakeholders were also reviewed (See Annex A for List of Documents Reviewed).

After a preliminary review of all 64 documents, a standardised Data Extraction Tool was developed, tested, adapted and put in place. This tool was pilot tested on a few documents to ensure multiple-user reliability, and was amended as necessary to ensure that it captured the appropriate information across the range of documents provided for review (See Annex B for Data Extraction Tool). In its final form, the tool was used for reviewing each key project document to allow for cohesive thematic analysis across documents, and was adapted, as necessary, for different categories of documents. Seventeen documents were ultimately selected for this level of in-depth review. This tool combines key thematic and process categories to aid in the evaluation, and allowed for quick reference to specific data at later stages in the evaluation.

Qualitative Data Collection

Qualitative data were collected through semi-structured key informant interviews with project stakeholders. The list of interview participants was generated after discussion with UNDP, taking into account access to key informants, availability of time for data collection, and priority perspectives for inclusion in the evaluation. The evaluation team developed interview guides that were used to ensure consistency, connection to the document review process and the quality, breadth and depth of data collected. The interview guides were initially informed by the evaluation team briefing and then adjusted based on lessons learned through the document review. The main topics covered in the interviews included: stakeholders' involvement in and perceptions of work carried out to date, ongoing challenges in relation to the HIV-related legal and policy environment particularly for LGBT populations, women and girls, and priorities for work in this area moving forward. While focused largely on the same topics, the specific content of the interviews was tailored to the thematic and national context and participants' role in the project (i.e. the interview guide has different probes for an interview with a government official than for a representative of a civil society organization).

The Key Populations Meeting, which occurred in Johannesburg, South Africa in late October, constituted an important opportunity to meet with and engage key stakeholders. The stakeholder interviews carried out alongside this meeting were extremely valuable, providing considerable insight into the project and its effects. Interviews were held with people involved in project activities across a wide range of project countries, including the DRC, Kenya, Lesotho, Malawi, Seychelles, South Africa, and Swaziland, as well as two RECs.



As noted previously, after consultation with UNDP, Malawi was selected for in-depth qualitative data collection due to the breadth and depth of lessons of relevance to the project as a whole because it was furthest along in the project processes, having conducted an LEA, a National Dialogue, as well as associated documentation and workplans, by the mid-point of the project (earlier than any other country). The Malawi interviews were completed in early November 2014, directly following the Key Populations meeting.

A total of 33 interviews were carried out with key informants. Interview participants represented a range of key stakeholders including different branches of government, UN agencies, Sweden, RECs, civil society organisations and key populations (See Annex C for List of Key Informant Interviews). Where face-to-face meetings were not feasible interviews were carried out over Skype.

Due to the focus of the evaluation, ethical clearance was not needed. However, attention to ethical considerations remained paramount throughout qualitative data collection. Extensive notes, including verbatim quotes, were taken during the interviews, which were transcribed and then thematically analysed.

Combined Data Analysis

Outputs from the document review, data extraction, and qualitative interviews were analysed jointly. Just as the data collection tools were informed by UNDP's theory of change, the evaluation criteria, and human rights norms and standards, so too was the approach taken to data analysis. This involved an iterative process of data immersion across different sources and ensuring systematic attention to the framework guiding the evaluation.

The following section presents the key findings that emerged from this process. While many issues came to light through the evaluation, themes for inclusion in this report were selected for their salience and potential learning value for the project moving forward.



III. Findings

In order to maximize the value of the information presented, the mid-term evaluation findings are presented as follows. Section (A) describes key considerations in project design, and brings attention to human rights and to the choice to allow for flexibility in approaches to the project. Section (B) focuses on institutional roles and relationships, including Sweden, UNDP, RECs, Governments, and civil society organisations. Section (C) brings to the fore external factors relevant to the implementation of the project by drawing attention to the political contexts and cultural contexts in which the project operates. Section (D) builds on earlier sections analysing the processes used in actually implementing the project, including: a discussion of LEAs; National Dialogues; follow-up actions; and the project's focus on target populations. Finally, section (E) refers to the project's results framework and indicators and brings attention to the compatibility of MTE findings. Information is generalised to the extent possible but specific country examples are provided when useful to illustrate particular points. Malawi is used as a case study throughout, providing not only concrete examples of findings but allowing for a more in-depth understanding of one country's engagement with the project.

A. Key Considerations in Project Design

In examining the project processes, the MTE highlighted certain aspects of the project design that merit discussion. The most salient among these are the project's explicit focus on human rights from the outset and the deliberate flexibility incorporated into the project to allow countries to tailor activities to their local contexts. The value of each of these choices for the work going forward is explored in turn below.

Human Rights

The project design had an explicit focus on human rights as a necessary component to an effective HIV response. Support for human rights is in the title of the project, and the Development Objective specifically draws attention to the focus on realization of legal rights and addressing stigma and discrimination. Further, the output objectives have a considerable focus on human rights, including identifying gaps in international and regional human rights standards, committing to a plan of action which should aid in the progressive realization of rights, raising awareness about LGBT rights with key stakeholders, and strengthening understanding of the links between human rights and HIV in the region. This explicit focus on human rights helps to ensure that, at the broadest levels of the project, human rights and associated international legal commitments not only remain at the centre of the discussion but can help to focus efforts.

To be most effective, systematic attention to human rights would occur not only at the outset but at each step of project implementation. While the intention for this to occur is clear from the project design and some useful guidance exists to begin to facilitate use of human rights in implementation, this could be strengthened moving forward. For example, attention is usefully drawn to the right to participation as the identified stakeholders include networks of people living with HIV, those most at risk of HIV, and several enumerated key populations, with an aim of inclusivity and better representation of the



concerns of these populations. However, attention to ensuring participation of relevant stakeholders could be followed through the life of the project. Additionally, further attention to accountability in project implementation could be useful, for example, ensuring accountability for implementing priority actions identified through the LEA and/or National Dialogue processes.

Flexibility of the Project Design

The project was intentionally designed to allow flexibility for countries to set priorities. This allowed for locally appropriate implementation of the project, and also permitted the framing of the project to be adjusted as needed based on political expediency. This flexibility has been a critical contributor to the project's success across such a broad range of countries.

The challenge arising from this flexibility going forward is how best to capture why things happened as they did. It remains to be seen with this breadth of approach, other than very simple indicators, what would be the appropriate information to track project activities and successes at country- and project-levels. Monitoring the smaller scale achievements in-country is extremely important for understanding project success as the more macro indicators are by necessity too broad to capture variation and the detail of all country-level work. Given the value of the flexibility of approach, it would be useful to strengthen reporting mechanisms going forward and, for example, provide guidance to countries on what information should be reported to UNDP, by whom and with what frequency.

B. Institutional Roles and Relationships

This section explores the roles of the primary project stakeholders engaged in the project. Institutional roles are examined with attention to the design and development stage and the implementation stage of the project **where appropriate**. Specific information regarding each of the key stakeholders involved is presented in turn, starting with **Sweden** as the funder at the most macro level. The section ends by summarizing some points which emerged concerning the relationships between these stakeholders and the ways in which they engage with one another that may be useful to keep in mind going forward.

Sweden

Sweden's initial involvement was a funding contribution to the Africa Regional Dialogue. The quality of the Dialogue ultimately sparked their interest in funding this project as a way to support efforts to address some of the concerns that had been discussed. The project aligned with **Sweden's** objectives, one of which is to advocate for the rights of LGBTI²⁰ people on a global scale.²¹ **Sweden's** involvement in the region to date had primarily been through work with the EAC and SADC, including projects specifically

²⁰ Note difference in terminology – **Sweden** includes intersex populations through regular use of LGBTI.

²¹ Key Informant Interview 33



focused on LGBTI rights.²² Sweden also has a significant portfolio of work with organizations representing LGBTI people and with governments as duty-bearers trying to support legal frameworks to be more conducive to human rights.

From the onset of the design and development of the project, human rights were a priority not only for UNDP but for Sweden, and thus a key feature of the project design. Additionally, cognisant of the long-term nature of legal change, Sweden strongly supported ensuring that realistic targets were set for the work.²³ Sweden's role has been primarily to finance, support and advise, particularly during the initial stages of development and design.

Sweden holds meetings with UNDP annually to discuss project progress and provide advice for moving forward.²⁴ Their regular meetings with UNDP are seen to provide insight into the importance of the project and to allow them to make informed decisions throughout.²⁵ It is important to note that over time the project has expanded to include countries that were not included in this MTE, and Sweden has played a large role in decision-making processes around this project expansion. Sweden national offices are not involved with the project at this point in time. Although greater involvement of Sweden national offices could be beneficial, Sweden has made a concerted effort to take a back seat and allow countries sufficient space to set their own agendas.²⁶

UNDP

Development and Design

UNDP insisted from the outset that human rights play a major role in the project. Through collaboration between Sweden and UNDP a pragmatic approach was established to carry forward the project across a range of countries. Using in country experience and knowledge, UNDP worked hard to develop a strategy which would help to ensure political risks would be mitigated, and thereby not hinder project success.²⁷

Implementation

UNDP plays the central role in the implementation and coordination of the project, providing technical assistance, policy advice, and capacity development services to governments and other partners. UNDP works with a variety of constituents to do this, including governments, civil society organizations, and RECs. UNDP's coordination role includes monitoring and evaluation of the project, compiling documentation, and interacting with countries during the LEA and National Dialogue processes (described in further detail below).

²² Regional HIV&AIDS Team Contribution Overview, Sida Regional HIV and AIDS Team, April 2012

²³ Key Informant Interview 14

²⁴ Key Informant Interview 9

²⁵ Key Informant Interview 33

²⁶ Ibid.

²⁷ Key Informant Interview 14



Furthermore, UNDP manages the overall project funds and responds to funding requests based on specific activity plans from countries. UNDP has a long history of engagement in these countries, which is recognized as an important facilitator for this work.²⁸

Regional Economic Communities (RECs)

Development and Design

Although the RECs were not involved in the strategic decision-making processes during the development and design of the project, the AUC's presence at the Africa Regional Dialogue resulted in UNDP and the AUC working together to establish their commitment to continuing work on these issues.²⁹ Additionally, Sweden's prior work with RECs on LGBTI rights issues ensured overlap between the priorities of the project and ongoing work carried out by RECs.³⁰

Implementation

As is well known, each of the RECs within the African region has a slightly different mandate, capacity and legal authority. With respect to the project, this has meant varying levels of involvement amongst the RECs included in this MTE. Overall, RECs help ensure that laws and policies in the region are harmonized. RECs help provide legitimacy to the project objectives: if RECs can build a case based on evidence that specific laws negatively impact people then they have the ability to not only generate fast-track change to certain laws, but to communicate those laws to specific champions across member countries for expediency.³¹ In some cases, RECs have also been instrumental in building country capacity to address HIV and law and LGBT rights.

The examples cited below highlight a selection of contributions made by RECs during the project implementation process.

The AUC was supported by the project during the "Abuja Plus-12 Special Summit for African Union Heads of State on AIDS, TB and Malaria," and hosted a Side Event at the Pre-Summit CSO Consultations in 2013 entitled "Strengthening Legal Environments for HIV".³² A number of recommendations emerged from this event regarding "human rights and HIV and the law, including about key populations",³³ and were included in the Final Declaration ratified by the African Unions Heads of State that year.

²⁸ Key Informant Interview 14

²⁹ Ibid.

³⁰ Regional HIV&AIDS Team Contribution Overview, Sida Regional HIV and AIDS Team, April 2012

³¹ Key Informant Interview 2

³² Strengthening Regional and National Legislative Environments to Support the Enjoyment of Human Rights of LGBT People and Women and Girls affected by HIV and AIDS in Sub-Saharan Africa: Progress Report for 2013, United Nations Development Programme Regional Centre for Africa, 2013

³³ Ibid.



The EAC provided “technical support for a comprehensive analysis of the EAC HIV and AIDS laws, bills, policies and strategies for the EAC Partner States, aimed at developing an HIV legal reform framework for the region”.³⁴

SADC has also contributed to project efforts through their focus on key populations, and has conducted consultations with governments on MSM, sex workers, prisoners and drug users.³⁵ SADC requested funding from UNDP to further these dialogues with key populations, and plans to bring together government officials and key populations to harmonise approaches during the project time frame.

RECs have tremendous potential to contribute to the project through capacity building, dissemination of lessons learned and coordination of future efforts between countries, and are certainly a stakeholder with a strong ability to help in the next phase of the project.

Governments

Development and Design

Governments’ explicit involvement in the development and design stages of the project was extremely limited. However, their presence and contributions at the Africa Regional Dialogues illustrate their engagement with and contribution to this work, and the project design is ultimately based on the recommendations emanating from this Dialogue.

Implementation

In order to participate in the project, a country’s government can simply request engagement through its UNDP Country Office. Once this takes place, it is then the responsibility of the government to determine the steps it wishes to take to further the project goals in consultation with UNDP.³⁶ Governments’ roles in implementation are further detailed in the section entitled ‘Project Implementation Process’.

Civil Society Organisations (CSOs)

Development and Design

As with national governments, CSOs’ explicit involvement in the development and design stages of the project was limited but their active engagement at the Africa Regional Dialogue, which helped jumpstart this project, illustrates the ways in which they indirectly fed into the project design.

Implementation

CSOs engage in the project work through LEAs, National Dialogues, and related meetings, and are the forefront of the advocacy work needed to carry forward project objectives.³⁷

Examples of this work include advocating for beneficial laws and policies and for the

³⁴ Ibid.

³⁵ Key Informant Interview 6

³⁶ Key Informant Interview 14

³⁷ Request for Proposals (RFP) Bid Document, Consultancy Services to Prepare Mid-Term Evaluation of a SIDA Supported Project, Procurement Reference No.: RSCA/RFP/2014/05



removal of harmful laws and policies, provision of legal and health services, documentation of human rights violations, monitoring implementation of laws and policies, and capacity building of other stakeholders.³⁸ CSOs clearly perceive the project as an exciting and valuable opportunity. This is important as CSOs are not only key actors in their own right but represent some of the key populations most affected by HIV, and the populations which this project is seeking to support through effecting legal change. The generally high level of CSO support and dedication to the project reflecting the importance and relevance of this work is apparent in all eleven countries.

Variation in the capacity of CSOs was, however, noted both within and across countries, with implications for how activities can be prioritised within the project going forward: in some cases, extensive capacity building is required to strengthen these organisations' ability to drive forward this work while in other cases they are ready to take action more immediately.

Relationships

Despite having distinct roles as relates to the project, these actors have complex, interconnected relationships that can greatly impact project progress. Through UNDP's emphasis on key populations and Sweden's interest in advocacy for LGBT people at the inception of the project both parties were able to agree that legal change in relation to LGBT people and women and girls would be an appropriate focus for the project as a whole. Having these populations at the centre of the project design was a critical step towards generating unprecedented dialogues and discussion amongst a range of actors in a region where these issues were not often discussed.

In implementation, UNDP has been uniquely placed to bring together governments and CSOs to engage in this work. The perception of UNDP as an "honest broker" was voiced by multiple interview participants as a crucial component of project success.

A deliberate choice was made by UNDP to launch the project within UNDP Country Offices and for the focal points to then liaise with governments to assess their interest in and opportunities for engaging in this work. Although many interview participants seemed very familiar with the mechanism by which countries contact UNDP Country Offices to participate in the project, it was surprising to hear that not all UN staff knew how to initiate a request to join the project or how the choice of countries had occurred. Depending on the extent to which there is still scope to expand to additional countries, it might be useful to emphasise to governments and UNDP Country Offices the process through which they can ask to become part of the project.

The solid engagement of this range of stakeholders both regionally and within countries has been key to the successful attempts to bring sensitive topics to the forefront of national conversations, which is an important achievement. It has generated momentum around

³⁸ Key Informant Interview 1



these topics that warrants longer-term support, and sustained engagement by this range of actors, to ensure continued progress towards the project's longer-term goals.

C. Project Implementation

Project Political Context

Essential to this project is that it does not happen in a vacuum: the political context is extremely important as progress strengthening legal environments for LGBT populations, and women and girls is politically sensitive and requires concerted action from multiple sectors.

In Malawi, during the period of time reviewed for the MTE, there have been three changes in government, with each government having varying degrees of buy-in to the project as well as differing attitudes towards both HIV and key populations. Not only do these changes necessitate changes in strategy for how to maintain project momentum but they have required repeated sensitization and capacity building of government officials as turnover was so high.

Key Informant Interview 15

Awareness of election cycles and important political moments is key as they clearly influence governments' willingness to tackle sensitive issues. It can be extremely difficult to produce legal change and to improve the overall legal and policy environment of a country when the political actors whose championing efforts are so crucial to carrying forward this work are constantly shifting or have other political agendas. Of course, the project can adapt to political change: written assessment of the legal environment and strengthened relationships between government and civil society can persist, and may even help new leaders to form their agendas. But, with political change comes the need for renewed sensitization of government officials who are key to the project's ultimate success.

Key "champions" within a range of institutions have been instrumental to moving the project forward. Some of these have been within governments while others have been UNDP staff and others still members of civil society. Identifying project champions and supporting them to fulfil this role particularly in difficult political environments is central to project success. While this support might include not only moral support and ensuring they have sufficient time carved out of their work schedule to promote this work, it could also involve capacity building for them and their colleagues, **giving explicit recognition to their contributions**, provision of information and assisting them to access decision-making spaces.

Given these political concerns, it could be extremely useful to carry out a political mapping in relation to project objectives as one of the first steps in each new project country. This would include a mapping of potential champions and roadblocks within the political arena as well as a timeline for any forthcoming legal, policy and strategy reform that the project



could usefully try to influence. UNDP Country Offices allow on-the ground representation of the project, enable UNDP representatives to be keyed into political changes that may be occurring, and allow UNDP to foster relationships with important political players. Given its standing as a very credible development partner, it may be feasible for UNDP to take on this role rather than relying on the government or local civil society partners, who may have other interests, to do this. UNDP also has the ability to engage the buy-in of high-level officials across different arms of the government, which can be seen as critical to securing the political commitment required to effect legal and policy change.³⁹ Though political will may shift, UNDP's connections in country can assist with continuity in terms of goals so long as the engagement and support for the project goals by UNDP staff is clear.

Project Cultural Context

There is no single cultural context within which this project takes place: the rich diversity of cultures across the 11 countries reviewed creates a range of challenges and opportunities for this work. Just as it is critical to understand the political contexts within which the project is operating, understanding the role of local cultures is key. The involvement of local consultants in all aspects of the project and the promotion of national ownership through project activities greatly contributed to ensuring a culturally appropriate approach to the range of topics addressed by the project.

The LEAs and National Dialogue processes have helped shed light on the local cultural contexts and how these impact HIV among LGBT populations, women and girls. They have also constituted unprecedented opportunities for broaching cultural taboos around these issues. For example, the Seychelles LEA Situational Analysis Report noted the “limited availability of existing research on the nature and extent of HIV-related stigma and discrimination against key populations at higher risk of HIV exposure; limited visibility of people living with HIV and key populations at higher risk of HIV exposure; fears of confidentiality breaches and of HIV-related stigma and discrimination amongst affected populations”.⁴⁰ While the lack of existing data and the limited ability to reach these populations might be construed as project challenges, the fact that focus group discussions were carried out with affected populations as part of this assessment was an extremely useful contribution both in terms of engaging these populations in discussions around these HIV-related issues and for providing useful baseline data that was previously lacking. This is an important example of how the project has created spaces for LGBT and key population issues to be discussed in instances where prior to the project this was not feasible.

Across many of the countries where this project is being implemented, certain aspects of local culture can create barriers to success. For example, Lesotho's LEA highlighted cultural and patriarchal stereotypes as a barrier to HIV interventions, particularly for women, with obvious impact for the potential success of this project.⁴¹

³⁹ Key Informant Interview 10

⁴⁰ Seychelles: Seychelles Legal Environment Assessment of HIV and AIDS, April 2013

⁴¹ Lesotho: Assessment of the Legal Environment for HIV and AIDS in Lesotho, July 2014



However, culture can also facilitate the achievement of project goals. In Malawi, for example, traditional community structures have been a valuable entry point for community dialogue and engagement in project activities, particularly with regard to women and girls. As one interview participant stated: “If a chief speaks, in most cases, the community will listen”.⁴² As one example of how this has been successful, the seven Paramount Chiefs in Malawi committed to a ‘Chiefs’ Declaration’, which included a commitment to raise the age of marriage.⁴³

In many of the countries where the project operates there is a strong culture of religion, which influences societal views around HIV and of relevance here the approach to addressing LGBT populations. The faith community holds strong influence in political and cultural arenas and, as such, they are critical stakeholders for this work. Despite the challenges of bringing many religious leaders on board for work around HIV and key populations, they remain an important constituency to involve. HIV has been a useful entry point for bringing LGBT issues to the table in faith communities and although some people remain reluctant to discuss these topics, true champions exist within the faith community who have contributed enormously to project success. Continued support to these champions is critical as it will help them to persist in challenging discriminatory attitudes that exist among some segments of society.

Incorporating in-depth analysis of local cultural and religious beliefs as they may be relevant to project goals into the project’s initial in-country work can provide an excellent opportunity to identify aspects of culture that might support or impede project success. Grounding ongoing activities within the local culture, with attention to key champions from relevant communities, will be useful going forward to ensure relevance and sustainability.

D. Project Implementation Processes

This section presents lessons learned in relation to the processes central to project implementation. Three key project processes are explored in depth: (1) conducting an LEA, (2) holding an HIV-focused National Dialogue, and (3) prioritising follow-up actions. A final sub-section explores evaluation findings specific to the project’s focus on LGBT populations, women and girls.

1. Legal Environment Assessments (LEAs)

LEA Overview

The Legal Environment Assessment (LEA) process has been a cornerstone of most countries’ involvement with the project. As described by UNDP’s Practical Manual for conducting an LEA:

⁴² Key Informant Interview 30

⁴³ Key Informant Interview 17; Key Informant Interview 29



An LEA is an assessment of a country's national legal and policy framework. In the human rights context, an LEA can aim to identify and examine *all* important legal and human rights issues affecting *all* people in a country. In the context of HIV, it is an important step in understanding how the legislative environment can play a role in influencing HIV prevention, treatment and impact mitigation efforts. LEAs can be critical to strengthening a country's response to HIV.⁴⁴

Unless countries have already implemented some sort of HIV-related legal environment assessment prior to the project, this is a critical early step in the project which, along with the value of the process itself, provides a baseline understanding of relevant laws and policies. If, however, a country has recently implemented a HIV-related legal environment assessment prior to the project, its information may of course be utilized in the interest of cost-saving and non duplication.

To conduct an LEA, governments, UN agencies, CSOs, representatives of key populations, and other key stakeholders hold a consultative meeting or National Dialogue to discuss country-specific HIV, legal and human rights issues. This meeting helps define the scope and purpose of the LEA within the project context. Typically, a country then establishes a technical working group comprising local consultants and an international consultant and identifies the broad set of stakeholders that should have input in the LEA process. The working group then conducts research on the legal and policy environment and drafts the LEA. Follow-up can include a National Dialogue or implementation meeting, and actions moving forward should track recommendations made in the LEA.⁴⁵

The general process involves gathering basic information on the legal environment, including international legal commitments and principles, regional commitments, and domestic laws and policies. This is typically combined with data on the local epidemiology of HIV, and references the considerable body of work linking human rights to progress on reducing the impact of HIV and AIDS.

Taking stock of cultural context and existing customary law is also considered to be a crucial component of the LEA, even if not an explicit one, and is of critical importance in understanding how to work within local and community structures to help effect changes to the legal environment noted as needing change through the LEA.

Trends Common to How LEAs are Conducted with Implications for the Project

The explicit pairing of an experienced international consultant with local consultants to constitute the data collection team for the LEA has been a very successful strategy for both collecting relevant information and building local research capacity. A range of interview participants commented on how much local consultants learnt by participating in this

⁴⁴ Legal Environment Assessment for HIV: An Operational Guide to Conducting National Legal, Regulatory and Policy Assessments for HIV, United Nations Development Programme, January 2014

⁴⁵ Ibid.



process and how appreciative they were of the mentorship provided by senior colleagues. Of critical importance, all stakeholders involved in the LEA develop new knowledge about the intersection of HIV, the law, human rights and LGBT populations, women and girls.

Simply the process of *carrying out* an LEA has the potential for considerable impact. Of course one of the benefits of an LEA is that it provides a snapshot of the legal environment at the time it is conducted.

In Malawi, the LEA highlighted the need for a good deal of legal change. It analysed the law reform proposals made by the Malawi Law Commission, and where they fell short (e.g. criminalisation of HIV transmission) and it explained why some of those efforts were ill-conceived from a human rights perspective. Actual reform as a result of the LEA is a separate question, however the report itself remains, not only as a statement of what should happen, but as recognition from each institution involved that specified gaps and weaknesses exist. Additionally, Malawi's 2012 communiqué suggests that the LEA received exposure in the president's office, several national ministries and departments, several international institutions, and local NGOs, in part through a national dissemination workshop. The National HIV and AIDS Policy and Strategic Plan have been revised as a result of the LEA. As noted in UNDP's 2013 report to Sida, "the HIV Policy now commits to addressing gaps in law to respect, protect, promote and fulfil human rights and freedoms for all people in the context of HIV as well as to address religious and cultural values and norms that promote gender inequality, stigma and discrimination towards key populations and vulnerable populations".

Malawi: Assessment of Legal, Regulatory & Policy Environment for HIV and AIDS in Malawi, July 2012; Communiqué of the National Conference on HIV&AIDS Legal Environment, Malawi, October 2012; Legal Environment Assessment for HIV: An Operational Guide to Conducting National Legal, Regulatory and Policy Assessments for HIV, United Nations Development Programme, January 2014

On its own, this is a useful contribution of the project: it encourages countries to pause and examine the overall legal and policy environment and see what can be done to more effectively address HIV and AIDS, especially for LGBT populations, women and girls. However, most of interest is that the focus on these populations opens the attention of key stakeholders to the problematic issues that may exist in the legal environment, and sparks interest in building a more equal, accessible legal environment, in terms of access to health services, access to justice, and non-discrimination. Additionally, because there is a focus on these populations from the outset, and key stakeholders are involved, the LEA process itself provides sensitization for stakeholders more generally, opening space to discuss and consider additional issues and populations otherwise ignored. Lesotho's LEA presents such a conclusion: "[w]hat has vividly come out of this study is the fact that though the current legal and policy environment in Lesotho has attempted to address other systematic barriers around HIV and AIDS issues e.g. issues of access to treatment, these frameworks



have, however, not yet addressed specific challenges facing key populations and people most at high risk of HIV transmission”.⁴⁶

All of this suggests that simply the process of conducting an LEA has the potential to advance the human rights principles of inclusion and participation, including for LGBT populations and women and girls. Further, it can generate explicit focus on actions to increase equality in access to health services and reduction of stigma and discrimination within the community more broadly.

One avenue going forward which requires significant attention is the direction and support offered for follow-up after an LEA is conducted. It seems critical that, once the current status of the legal and policy environment is understood, actions for improving it are prioritized, responsibilities accorded to different actors for trying to effect these changes, and accountability mechanisms put in place to track progress moving forward. UNDP provides thoughtful guidelines on LEA dissemination, and a National Dialogue (discussed below) can further assist in that process. However, further efforts to encourage accountability for implementing LEA recommendations and a review of progress within countries and across the region would help create sustained action, perhaps even over a longer-term.

Certain topical issues appear time and again in the LEAs and the commonalities among them might be worth exploring. In general within the countries in the region, legal frameworks, and often Constitutions, contain clear non-discrimination and equality guarantees, but there are seldom HIV-specific grounds for non-discrimination. Where HIV or health-specific protections exist, they tend to be contained within national policy guidelines, and are therefore not enshrined in law and generally therefore not justiciable rights in the domestic scheme. Nevertheless, many countries have general non-discrimination and equality guarantees that ensure legal protection of PLHIV, and key populations.⁴⁷ Thus, multiple project countries stated that additional efforts were needed to enforce existing human rights and constitutional guarantees, and that further measures, such as enactment of general anti-discrimination legislation including HIV as a prohibited ground of discrimination or even more specific HIV-related anti-discrimination legislation should be considered, but the best ways to work with these aspects of law and policies to support LGBT populations and women and girls have not yet been fully explored.⁴⁸

There is a clear need to review and repeal punitive laws injurious to the rights of people living with HIV and key populations, including LGBT populations, women and girls. There is a strong evidence base, advanced by the Global Commission and elsewhere, that these laws contribute to the HIV epidemic, further stigma and discrimination, and hinder access to HIV

⁴⁶ Lesotho: Assessment of the Legal Environment for HIV and AIDS in Lesotho, July 2014

⁴⁷ Ibid.; Malawi: Assessment of Legal, Regulatory & Policy Environment for HIV and AIDS in Malawi, July 2012, Report on National Dialogue on HIV and Law, 14th-15th November 2013, National HIV/AIDS/TB/STI Council, Zambia

⁴⁸ Lesotho: Assessment of the Legal Environment for HIV and AIDS in Lesotho, July 2014; Malawi: Assessment of Legal, Regulatory & Policy Environment for HIV and AIDS in Malawi, July 2012,

prevention and treatment services.⁴⁹ Such laws include but are not limited to: laws that specifically criminalise HIV transmission; laws that criminalise same sex relations, relationships, or sexual orientation and gender identity; laws that criminalise sex work, including laws misapplied to punish sex workers; laws sanctioning mandatory HIV testing or testing without voluntary and informed consent; and laws injurious to medical confidentiality.⁵⁰ Yet, although the need for repealing these laws was highlighted across multiple LEA reports, the work required to effect legal change in these areas remains daunting. The LEA is an early step in the project to help direct project activities moving forward, but it may be worth prioritising where action is to take place. There may be some relatively “quick wins”, where rather than focusing on, for example, laws that criminalise certain behaviours a multitude of shorter-term goals along the pathway to legal change could be identified as interim goals and markers of success. These are the types of activities that, with appropriate guidance, could be documented and systematically reported to UNDP.

2. National Dialogues

Modelled after the successful regional dialogues that helped inform the Global Commission, “[a] National Dialogue is a meeting for a range of stakeholders—primarily from government and civil society actors—to share insights and experiences on HIV, law and human rights. It is a policy space where those who influence, write and enforce laws, and those whose lives are impacted by them, engage in constructive, frank and pragmatic dialogue. A National Dialogue may address all legal and human rights issues related to HIV and AIDS in a country, or it may focus on a more limited number of issues determined to be priority”.⁵¹

The basic approach to a dialogue is a three to four month planning phase culminating in a two-day, town-hall style meeting although this has been adapted as required to fit the national context. For example, at the time the National Dialogue was being planned in Zambia, tensions were high around potential criticism of the government response to HIV. As a result, the national government and UNDP agreed that the National Dialogue could not be a big, public event and this was instead carried out as a small closed-door meeting.⁵² Although this decreased the visibility of this process and the breadth of local ownership, the meeting was still an important step for the project that was appropriate to the context at the time, and it is hoped that further action will be implemented as a result.

⁴⁹ Global Commission on HIV and the Law: Risks, Rights and Health, Global Commission on HIV and the Law, July 2012

⁵⁰ Lesotho: Assessment of the Legal Environment for HIV and AIDS in Lesotho, July 2014; Malawi: Assessment of Legal, Regulatory & Policy Environment for HIV and AIDS in Malawi, July 2012, Report on National Dialogue on HIV and Law, 14th-15th November 2013, National HIV/AIDS/TB/STI Council, Zambia, DRC: Revue Du Cadre Juridique Congolais De La Riposte Au VIH Et SIDA, United Nations, October 2013

⁵¹ National Dialogues on HIV and the Law: A Practical Manual for UNDP Regional HIV Teams and Country Offices, United Nations Development Programme, January 2014

⁵² Key Informant Interview 3



The National Dialogue process is often linked to an LEA, but here as well, there is flexibility in a country's approach. In some countries, a National Dialogue may be the first step in bringing together stakeholders, and launching an LEA.⁵³ For most countries in the project, a National Dialogue has followed an LEA, and has been useful in the finalisation of findings, dissemination, and identification of next steps.⁵⁴ Finally, some countries have chosen to hold a stand-alone National Dialogue, not connected to an LEA, although the strong evidence base and consensus that an LEA can provide is unlikely to be replaced even with the inclusion of documentation, research, and other measures recommended by the project.⁵⁵

One of the main lessons from the African Regional Dialogue was the importance of having a strong facilitator for the dialogue. This also applies at the national level and should be a key consideration in allocating resources for all countries carrying out National Dialogues.

Clear contributions of National Dialogues include bringing together government and civil society members for potentially unprecedented levels of discussion and collaboration on HIV, human rights and law. Key populations can benefit from increased participation and access to decision makers achieved through the National Dialogues. In Ghana, for example, the National Dialogue was used as “an opportunity to bring together representatives from government, the judiciary, law enforcement, parliamentarians, and the GAC [Ghana AIDS Commission] to engage meaningfully with civil society and affected populations on rights-based issues related to Ghana's HIV/AIDS response”.⁵⁶ In the DRC, the National Dialogue was the first time that representatives of the MSM community had ever spoken out about these issues to Members of Parliament, representatives of the Ministry of Justice and other government stakeholders.⁵⁷ In line with the UNDP National Dialogue practical manual, all countries reviewed appear to have made a concerted effort to include a wide range of participants in these discussions. From a human rights perspective, this attention to participation and non-discrimination (in promoting the participation of traditionally marginalised populations) is very important.

Furthermore, the flexibility of the National Dialogue allows for each country's interpretation of the process, which is a vital component and can lead the way to concrete follow up action on a specific piece of legislation or policy. For example, in the DRC a broad LEA was conducted, shortly followed by a focused National Dialogue that addressed the 08/011 law passed in 2008 which was designed to protect the rights of people living with HIV and those affected by HIV. During the National Dialogue there was close examination of Articles 41 and 45 of this law, which criminalise the voluntary transmission of HIV and

⁵³ Legal Environment Assessment for HIV: An Operational Guide to Conducting National Legal, Regulatory and Policy Assessments for HIV, United Nations Development Programme, January 2014

⁵⁴ E.g. DRC: Revue Du Cadre Juridique Congolais De La Riposte Au VIH Et SIDA, United Nations, October 2013

⁵⁵ Report on National Dialogue on HIV and Law, 14th-15th November 2013, National HIV/AIDS/TB/STI Council, Zambia

⁵⁶ National Policy Dialogue on Human Rights, HIV and Law in Ghana, Workshop Report, April 2013

⁵⁷ Key Informant Interview 5



insufficiently address guarantees of medical confidentiality for people diagnosed with HIV.⁵⁸

Specific recommendations emerging from the National Dialogue included agreement that Article 45, which focused on criminalisation of HIV transmission, should be repealed, and that parliament should amend Article 41 in accordance with the SADC's Model Law on HIV and drawing on Senegal's Article 22 of Law No. 2010-03.⁵⁹ Additional recommendations included maintaining leadership's willingness to change and take ownership of the goals that developed during the National Dialogue, continuing the efforts of the National Dialogue through the Ministry of Justice and Human Rights, and strengthening the capacity of officers of the judicial police, parliamentarians, prison directors, and magistrates on human rights.⁶⁰ Not only were recommendations developed but next steps were outlined, including operationalisation of a monitoring committee to assist in implementing these recommendations, as well as a parliamentary committee to establish standards of good governance and coordination and to monitor future funds allocated to the goals of the National Dialogue.⁶¹

The DRC National Dialogue also highlighted the importance of identifying and working with individual champions to ensure accountability in carrying forward this work. Prior to conducting the National Dialogue, consultations were held with the Minister of Justice to ensure there was a committed, identifiable champion who could be held publicly accountable for helping execute recommendations.⁶²

With the flexibility to have a more narrow entry point as the focus of the meeting, the National Dialogue successfully served as a platform for generating explicit and concrete recommendations and a plan moving forward.

Across a range of the project countries, HIV has been a particularly useful entry point for National Dialogues, as it is not particularly politically fraught: there is broad consensus that countries must take steps to lessen the impact of the epidemic. As a result, space is created to address LGBT issues and concerns of key populations. Further, National Dialogues have a sensitisation effect for participants, in line with the experience described with respect to the LEA above. Increased awareness of the challenges faced by these populations is a direct result with potentially longer-term impacts. The discussion is often framed in terms of international human rights commitments, increasing familiarity with international law and human rights more generally as a first towards promoting more supportive legal environments.

⁵⁸ Rapport du Dialogue National sur les lois, les Droits Humains, et le VIH en RDC

⁵⁹ Ibid.

⁶⁰ Principales Recommandations des Participants Au Dialogue National, RDC

⁶¹ Ibid.

⁶² Rapport du Dialogue National sur les lois, les Droits Humains, et le VIH en RDC



3. Bringing Together LEAs and National Dialogues

This section explores three key lessons learned from joint analysis of LEAs and National Dialogues. They relate to: knowledge of HIV, the law and human rights; ownership of the LEA; and setting priorities for action.

Knowledge of HIV, the Law and Human Rights

A trend from LEAs is that a general lack of knowledge of existing laws, of human rights, and of the HIV epidemic itself is a pervasive issue and presents barriers to the improvement of the legal environments for key populations at multiple levels. On the one hand, it is important that *through* this project, these knowledge gaps are uncovered and can be further addressed. On the other hand, at this point in time, a general lack of knowledge on existing laws and legal recourse, of human rights, and of the HIV epidemic itself is a major barrier to implementation. This is where National Dialogues and additional follow up measures are vital to ensure that the valuable information collected during a LEA is put to use to educate on HIV-related issues, to protect and promote rights, and to generate awareness on what legal protections are available, and where change is needed.

In the Seychelles, for example, the LEA reflects that “women are not always knowledgeable of their rights and this limits access to justice”.⁶³ Similarly, the DRC National Dialogue references the Stigma Index study completed in 2012, and indicates that “less than 10% of the people living with HIV/AIDS respondents reported knowing the provisions”⁶⁴ of the aforementioned 08/011 law passed in 2008. These are important points for action in relation to National Dialogues going forward.

A major issue raised in the documentation and in key informant interviews is the limited ability of Malawians to access justice and ensure enforcement of their HIV-related human rights. Key issues include the limited knowledge and understanding of law and human rights and how to enforce them, the limited availability and accessibility of legal support services and redress mechanisms, including the courts and statutory institutions, limited access to law enforcement, and reports of abuse at the hands of law enforcement officials.

Malawi: Assessment of Legal, Regulatory & Policy Environment for HIV and AIDS in Malawi, July 2012; Key Informant Interview 15

Ownership of the LEA

A vital consideration is the “ownership” of the LEA, and how it works with or distinct from National Dialogues. For example, if the LEA is perceived as a government document, it affects the process of implementation moving forward.

⁶³ Seychelles: Seychelles Legal Environment Assessment of HIV and AIDS, April 2013

⁶⁴ Rapport du Dialogue National sur les lois, les Droits Humains et le VIH en RDC [reference translated from French to English]



In Malawi some stakeholders perceived the LEA as a government document, which was seen to lend the document credibility in some circles. However, rifts between different parts of the government became apparent with sections of the government who were not involved in the LEA reluctant to acknowledge the document as a government publication. Other stakeholders thought the LEA was jointly owned by the wide range of partners involved in its production, which they said was important as it represented collaboration and a common position on these issues. Civil society organisations considered this broad-based ownership essential for promoting follow-up actions by all stakeholders.

Key Informant Interview 15

For the MTE, there is not enough information to categorically analyse this for each country, however the example from Malawi is instructive. Inevitably, political shifts and social change occur, and while the value of the LEA and National Dialogue can persist, the capacity and willingness to implement recommendations may vary. In working to ensure the sustainability of project activities, continued attention to political changes will be required in order to ensure that strategies can be developed to address any challenges that arise.

Setting Priorities for Action

Review of LEAs and National Dialogues reflects that countries most often prioritise a specific HIV bill or policy to carry forward project work – even if this is not the easiest “win”. While this is beneficial in making concrete steps towards changing the legal environment to be more supportive of people living with HIV, it is important to recognise that focused attention on a specific HIV bill or policy may not be the most beneficial action considering the range of other laws, policies, practices and issues negatively impacting peoples lives in the country.

This is a potential pitfall within the Malawi context, where significant attention has been given to revising the HIV bill perhaps overshadowing other key project successes and potential pitfalls to date, but it may have relevance in other places as well.

Although some interview participants described processes of priority setting at the end of National Dialogues, others suggested that there had been little attention to the follow up actions emerging from discussions. UNDP created two clear and helpful manuals for carrying out LEAs and National Dialogues, which should considerably help stakeholders conduct rigorous LEAs and hold high quality National Dialogues.⁶⁵ Moving forward, it would be useful to provide guidance on how to prioritize actions for follow up and to create mechanisms to promote accountability for implementation arising from the LEAs and

⁶⁵ Legal Environment Assessment for HIV: An Operational Guide to Conducting National Legal, Regulatory and Policy Assessments for HIV, United Nations Development Programme, January 2014; National Dialogues on HIV and the Law: A Practical Manual for UNDP Regional HIV Teams and Country Offices, United Nations Development Programme, January 2014



National Dialogues. Where ownership lies for these follow-up processes will be critical, and requires additional thought. Dependent on national capacity, it would nonetheless seem important that this be driven by in-country actors with support from UNDP as required moving forward.

4. Target Populations

The stated target populations for this work are LGBT populations and women and girls, and it is very useful to have the rights and health of these populations so clearly noted as central to the project. This brings relevant issues to the table in places where this might not often have happened before.

The breadth of the umbrella terms ‘LGBT populations’ and ‘women and girls’ brings with it advantages in terms of flexibility and challenges in terms of clarity around which populations are the focus of work being done.

LGBT populations

A conscious decision was made between **Sweden** and UNDP during project design that the term ‘LGBT’ should be used for its inclusiveness, which may be particularly useful when navigating political contexts.

The breadth of the ‘LGBT’ terminology provides an opportunity in LEAs, National Dialogues and the processes that follow for discussion about all of the populations encompassed within this single acronym, and ostensibly allows countries to focus on the range of populations that exist within this grouping, in particular those that are most relevant to the national HIV epidemiology.

For example, MSM were prioritized in national and regional level implementation processes and the resulting documents produced. In the Seychelles, for example, MSM is prioritized to the extent that nothing relating to LGBT populations is referenced in the LEA at all.⁶⁶ It goes without saying that this does not include lesbians, bisexual women or transgender people. Interview participants from various countries explained that this was because MSM are more of a driver of the HIV epidemic in project countries but transgender populations have also been shown to be very vulnerable to HIV and, although far less culturally recognized than MSM in most of sub-Saharan Africa, they are a population in the region who warrant greater attention in the context of HIV. One interview participant described identifying as transgender as “one of the most difficult things to do in Africa”.⁶⁷ Additionally, she noted that, despite high HIV prevalence among transgender women, HIV is not a priority among the transgender population, remarking that they face other, more immediate concerns and that there has been limited organization within the transgender community, which has impeded the creation of a shared agenda for action.

⁶⁶ Seychelles: Seychelles Legal Environment Assessment of HIV and AIDS, April 2013

⁶⁷ Key Informant Interview 4



It appears that Swaziland may be one place where the term LGBT has actually included attention to the range of populations potentially encompassed under this umbrella term. Importantly, this appears to be because the UNDP focal point is strong on LGBT issues more broadly so may be able to push for attention to a range of populations. The positive impacts this has towards legal change to support these key populations will be useful to assess at a later stage.⁶⁸ Of note as well, the DRC LEA includes one priority action that includes attention to removing barriers to the operation of community organisations for lesbians and bisexuals, and in South Africa the ‘corrective rape’ of lesbians was covered in an assessment of the legal environment relating to gender-based violence and HIV.

Using LGBT as an inclusive term is beneficial as it allows for flexibility to put a range of issues on the map, but it is important to not lose sight of other populations who fall within this umbrella term moving forward, particularly transgender populations, and the need to generate data on these specific, under represented groups.

Women and Girls

Similarly, the breadth of the terminology of ‘women and girls’ has allowed for an array of interpretations and prioritization of these groups within each country setting.⁶⁹ This is positive insofar as it ostensibly allows countries to focus their efforts on the groups of women and girls most affected by HIV.

The ways in which women and girls are represented in the context of legal environments are not consistent across countries. Women and girls are often broadly included and defined as part of “vulnerable” or “key populations”, but the differences among them rarely addressed.⁷⁰

“The law must define and include specific protection for vulnerable populations and key populations such as women, children, people with disabilities, migrants, refugees and internally displaced persons, prisoners, sex workers, and men who have sex with men.”

Malawi: Assessment of Legal, Regulatory & Policy Environment for HIV and AIDS in Malawi, July 2012

The imprecision appears also to carry through when a country is examining specific legal issues pertaining to, for example, early marriage, gender based violence, inheritance laws⁷¹, or key populations such as sex workers. In the DRC, HIV has been used as an entry point to address gender inequality more broadly in the cultural environment, and, for good or for bad, this has been the primary context in which women and girls are addressed in relation to HIV.

⁶⁸ Key Informant Interview 8

⁶⁹ See ‘Target Populations’ pg. 26

⁷⁰ DRC: Revue Du Cadre Juridique Congolais De La Riposte Au VIH Et SIDA, United Nations, October 2013

⁷¹ Ibid.



The broad usage of ‘women and girls’ is intended to allow countries to have flexibility to tailor their efforts as needed to address the most relevant issues pertaining to women and girls. The appropriateness of this terminology for truly protecting the rights and health of women and of girls in all their diversity varies on a country-specific basis, as reflected above.

Key Populations

Although not used in the project title or in project-level documents, attention to ‘key populations’ permeates some country-level documents, perhaps reflecting the widespread use of this term in the HIV community.

MTE findings show that ‘key populations’ are used by people involved in the project as a very inclusive, but fairly imprecise, term. The precise definition of key populations in documents and interviews lacks clarity or standardization, both with regard to explicit definitions and to the populations it is implied to include. Ghana, for example, uses this terminology throughout its National Dialogue document without providing any definition at all.

Where definitions do exist they are usually broad and inclusive, and may be taken directly from international guidelines,⁷² but across the range of documents reviewed the focus is on different groups depending on what the country prioritizes. In the DRC, key populations are defined as: “MSM, transsexuals, injecting drug users, sex workers and their clients, children and young people, women and HIV-negative people in serodiscordant partnerships”.⁷³ While this broad definition promotes inclusivity, it makes it difficult to prioritize actions in relation to this project moving forward: 13 short-term priority actions are listed for key populations out of more than 50 priority actions listed in the LEA report. The key populations’ priority actions range from general reference to the inclusion of key populations in the national HIV response to a specific focus on realization of the child’s right to education but the logic of who is included and what topics are prioritized, and why, is not sufficiently clear.

Keeping the usage of general terms is not necessarily harmful, but clarity is needed in order to support plans and activities going forward.

Ensuring specificity: a small but important point

On occasion, the terms ‘LGBT populations’ and ‘women and girls’ are in and of themselves conflated: it is even sometimes difficult to disentangle if activities noted relating to women and girls are articulated as distinct from those relating to LGBT populations. Operational guidance could encourage countries to be explicit about which specific populations, or sub-populations, are being addressed through project activities.

⁷² Global Commission on HIV and the Law: Risks, Rights and Health, Global Commission on HIV and the Law, July 2012

⁷³ DRC: Revue Du Cadre Juridique Congolais De La Riposte Au VIH Et SIDA, United Nations, October 2013



E. Analysis of Results Framework and Indicators

Indicators are a necessary part of monitoring the progress of any project, and the project results framework is appropriately comprised of objectives and indicators. That said, the project results framework and indicators have remained unchanged from the time of project inception even as the number of countries involved in the project has grown significantly. This was a deliberate decision made by the project but it warrants acknowledgement given the potential impact of increased geographical scope on the depth of potential achievements within each country and across the region.

One of the risks of giving too much weight to indicators is that they tend to focus solely on quantitative outcomes, and reveal little about the process of meeting those outcomes (or not meeting them). As described throughout the MTE, and part of what makes an MTE so important, is that considerable progress may be achieved despite an outcome target not being met. Conversely, an outcome target may be met, but the process through which it is met may not be ideal from a rights perspective, and may even neglect or violate rights concerns. None of this should be read as minimizing the importance of monitoring progress or undermining achievements as noted with the indicators to date; rather, it should be explicitly acknowledged that some of the success of the project will not be directly reflected in the results framework. Importantly, the current project reports submitted to **Sweden** by UNDP include substantial narrative sections that seek to augment the quantitative findings providing additional context and explanation of progress. This information is invaluable in helping to understand the quantitative data reported. Taking one further step beyond this, however, the MTE has revealed additional information that may provide guidance in understanding and strengthening the project results framework.

The aim of this section is to provide an overview of results achieved to date based on the results framework and 2013 annual report. In addition, the project's outcome objective and indicators are discussed to exemplify how the value of the quantitative and qualitative information reported in UNDP's annual project report can be increased using the information provided through the MTE, which provides an additional layer of detail for consideration alongside these reports. Progress towards achieving this objective as reported by UNDP in the 2013 project report is noted alongside additional explanatory information from the MTE to highlight the potential value of combining these different types of data (see box below). Both the UNDP project report and the MTE contain more information than included in the analysis below.

Analysis of the quantitative targets and indicators for the project shows that the project is well on track. For example, only two of the targets for December 2013 were not met within that time frame: two countries had implemented LEAs within this timeframe whereas the target had been three countries; and civil society representation of women and girls and LGBT populations at the National Dialogue in one country (Ghana) was below target: 42% and 0% against targets of 50% and 20% respectively.

Yet, adding into this analysis consideration of the additional narrative information captured by the report, and the information available from the MTE suggests that current metrics fail to capture the breadth of project achievements. Across many of the indicators,



the narrative information in the UNDP report to **Sweden** suggests greater achievements than are captured in the quantitative data e.g. there was no 2013 target for the indicator 'Law reform on Criminalisation of HIV Transmission or on Domestic and Sexual Violence on-going in 2 countries' and no quantitative data are reported, but the narrative suggests that work in this area is ongoing in 4 countries. The narrative information also encompasses information about achievements not captured in the short list of quantitative indicators such as regional workshops and guidance documents or training curricula produced, which constitute tangible project achievements. Furthermore, the findings highlighted in the current report shed light on additional significant achievements of the project not captured by the indicators.

Box 1: Concurrent analysis of quantitative indicators, narrative information and MTE findings

The project's stated outcome objective is: "To strengthen national and regional legal environments to support the enjoyment of human rights of LGBT people and women and girls affected by HIV in Sub-Saharan Africa". This is assessed by two indicators:

1. Indicator 1: Number of countries engaged in activities to strengthen implementation or enforcement of laws that impact on women and girls affected by HIV
2. Indicator 2: Law reform on Criminalisation of HIV transmission or on Domestic and Sexual Violence on-going in 2 countries

The 2013 target for indicator 1 was one country, which was achieved, while there was no 2013 target for indicator 2, presumably because this is considered a longer-term objective.

With regard to indicator 1, the report notes that work is underway in the DRC to reform the family code. The MTE sheds additional light on this work highlighting the specific areas of the family code targeted for reform, naming the populations who would benefit from these changes, and drawing attention to the strengths and weaknesses in the processes through which this was achieved. For example, it is useful to note the momentum behind this work, to the extent that "we [the project] lost control of the whole process" as so many organizations were incorporating lobbying for change into their activities.¹ This very strong sense of local ownership and project buy-in are hugely relevant to assessing the value of the project, over and above the indicators provided.

While the outcome objective is focused on the implementation, enforcement and reform of laws, the MTE has additionally demonstrated important achievements in influencing policies and strategies, such as in Malawi, **where sex workers and MSM are now included and considered key priority groups in the National HIV Strategy as a result of this project.** Although changing laws may be the ultimate objective of this project, positive changes to policies and strategies, and the meaningful engagement of populations in these processes, are of incredible importance to the lives of LGBT populations, women and girls, and as such merit consideration in assessing project success.

Key Informant Interview 5, Key Informant Interview 29

Systematic consideration of the value of these different types of data might usefully inform a discussion about potential additional indicators for judging the success of this project.

This could be done through additional indicators, but in addition, it could inform guidance to countries on the type of narrative information that would most usefully support the project's quantitative indicators in the annual reports.



IV. CONCLUSIONS, LESSONS LEARNED, AND RECOMMENDATIONS

A. Conclusions and Lessons Learned

A number of methodologies were employed in undertaking this work to ensure that the learning objectives set out in the ToR for this MTE could be achieved. Through joint application of our conceptual framework and the evaluation criteria for this MTE and ensuring attention to the project's theory of change, lessons learned and recommendations for moving forward with the work have been identified.

In terms of evaluation criteria, the project's relevance is directly advanced by the LEAs and National Dialogues. These are designed as participatory processes to ensure broad-based understanding of the legal environment and its shortcomings relating to HIV and human rights so as to facilitate prioritization of follow-up actions as most appropriate. National ownership and direction of these processes has been key in this regard. This MTE report highlights the project's effectiveness as measured by its quantitative indicators and also taking into account additional successes relating to processes and smaller-scale outcomes. Additionally, attention to participation, local ownership, capacity building and ensuring the ongoing relevance of the work has boosted sustainability by helping to prioritise and facilitate necessary changes in country and/or regional level laws, policies, and programming regarding HIV.

While the primary focus of this project has been legal change, the positive spin offs, both at regional and country level, that have occurred simply from the fact that this work is taking place represent a major and perhaps insufficiently recognized contribution to date. The use of human rights concepts and methods in project design and implementation was a step of critical importance in helping to ensure sustained and systematic attention to the processes being used to effect legal change. Conscious attention to the human rights principles of participation, inclusion, non-discrimination and accountability in particular impacted not only what the project has done to date, but also how it was done. The creation of processes which brought government and civil society to work together in assessing legal environments and prioritising opportunities for change, with a distinct focus on women and girls, and LGBT populations, is in and of itself a major strength of this project with enormous ripple effects. Of note, in all interviews conducted, whether with UN, government or civil society, was the sense of pride in this work and clear commitment to all aspects of the project going forward.

Even beyond changes in formal law, the project has opened spaces and opportunities to influence a range of policies, budgets, practices and attitudes. The work to date lays the groundwork for unprecedented and growing opportunities to work with key stakeholders to champion the rights and health of key populations within the region. Whether it will be possible to ensure explicit legal change can take place within the identified project period is perhaps not the ultimate value of this project, and perhaps need not be given the short timeframe. The momentum generated through the project has the potential to improve the lived realities of key populations in a variety of ways, over and above explicit legal change, and as clear through this MTE, must not only be sustained but strengthened over time.

B. Recommendations

The final section of this report, structured around the evaluation criteria, outlines recommendations for strengthening this project moving forward. Following some general recommendations, specific recommendations are provided that aim to help improve the project's relevance, effectiveness and sustainability in turn. Attention to the human rights principles of inclusion, participation, equality, non-discrimination and accountability permeates all of these sub-sections.

General Recommendations

- Increased systematic attention to human rights principles, including inclusion, participation, equality, non-discrimination, and accountability, at each stage of the project could further improve its relevance, effectiveness and sustainability.
- In-depth analysis of local cultural and religious beliefs as they may be relevant to project goals could be incorporated into initial in-country work to help identify aspects of culture that might support or impede project success.
- It could be useful to carry out a political mapping, including a mapping of potential champions and roadblocks within the political arena, as well as a timeline for any forthcoming legal, policy and strategy reform, as an early step in each new project country.
- Continued attention to identifying and fostering key champions from relevant communities may be useful to promote relevance, effectiveness and sustainability.

Relevance

- To ensure continued attention to participation (particularly of traditionally marginalized populations) and non-discrimination, the project should continue its successful efforts to include a wide range of participants in LEAs and National Dialogues.
- Given the importance of civil society and government cooperation on this work, further joint capacity building activities for CSOs and governments could help to improve participation in LEAs, National Dialogues and decision-making regarding national priorities.
- Increasing systematic consideration of the value of the different types of data collected could potentially inform future discussions of additional project indicators and guidance for countries on the type of narrative information to include in annual reports.
- Systematic attention to each of the project's target populations could help identify gaps in available data on each population, highlighting areas for possible future research.

Effectiveness

- It might be useful for UNDP and Sweden to discuss if Sweden ought to play a larger role in follow-up action at the regional level given their productive relationship with the RECs and CSOs in the region.
- It could be useful to ensure a strong facilitator is involved in all National Dialogues and dissemination meetings.
- Although using LGBT as an inclusive term is beneficial for its flexibility, it is important to ensure appropriate attention to each population within this umbrella term, particularly transgender populations.
- Operational guidance could be strengthened to encourage further specificity on the part of countries about which populations or sub-populations are addressed through project activities.
- It may be useful to analyse the common topical area that emerged across the LEAs in order to support regional learning for strengthening laws and policies to better support LGBT populations and women and girls.
- It may be beneficial to carry out a capacity assessment of CSOs to better understand organisations' ability to carry forward project work and where capacity building might facilitate this.
- Continuing the successful practice of combining an experienced international consultant with knowledgeable local consultants to constitute the data collection team for the LEA will be important.
- With a view to strengthening project reporting mechanisms, further guidance could be provided to countries regarding what information should be reported to UNDP, by whom, and with what frequency.
- It might be useful to emphasise to governments and UNDP Country Offices the process through which they can become part of the project.
- Just as the project created clear, helpful manuals for carrying out LEAs and National Dialogues, it could be useful to provide further guidance on how to prioritise actions for follow-up, and to create mechanisms to promote accountability for implementation of activities arising from the LEAs and National Dialogues.
- A range of shorter-term goals along the pathway to legal change could potentially be identified as interim goals and markers of success; celebrating smaller wins can maintain momentum.



Sustainability

- In working to ensure the sustainability of project activities, continued attention to political changes can assist in ensuring that appropriate strategies are in place to address challenges that arise.
- A strong sense of local ownership and project-buy in have greatly contributed to the project thus far, and may usefully be considered when seeking to maximise the project's impact and sustainability.
- The tremendous potential of RECs to contribute to the project through capacity building, dissemination of lessons learned, and coordination of future efforts between countries should be capitalised upon in the next phase of the project.
- Further efforts to encourage accountability for implementation of LEA recommendations, and a review of progress within countries and across the region could help create sustained action, perhaps even over a longer-term.
- The momentum generated through this project has the potential to improve the lived realities of key populations in a variety of ways and should not only be sustained but strengthened over time.

ANNEXES

- A. List of Documents Reviewed
- B. Data Extraction Tool
- C. List of Interview Participants
- D. Qualitative Interview Guide



ANNEX A: List of Documents Reviewed

1. AIDS Watch Africa (AWA) Consultative Experts' Committee Meeting of Commission of the African Union, Nouakchott Mauritania, 27-28 May 2014: A Summary Report on Progress Towards Achieving Law and Human Rights Goals within the African Union (AU) Roadmap on Shared Responsibility and Global Solidarity for AIDS, TB and Malaria Response in Africa, United Nations Development Programme
2. A Comprehensive Analysis of the HIV & AIDS Legislation, Bills, Policies and Strategies in the East African Community, DRAFT Report, Submitted by Christèle Alexandra Diwouta, International Consultant
3. A Report on the Progress Towards Achieving Law and Human Rights Goals within the African Union (AU) Roadmap on Shared Responsibility and Global Solidarity for AIDS, TB and Malaria Response in Africa (2012-2015), United Nations Development Programme
4. Active Global Fund Analysis Table, United Nations Development Programme
5. Africa Follow-up to the Global Commission on HIV and the Law: Strengthening Regional and National Legislative Environments to Support the Enjoyment of Human Rights of LGBT People and Women and Girls affected by HIV and AIDS in Sub-Saharan Africa, United Nations Development Programme Proposal for UNDP Africa Programme on HIV and the Law, 2013
6. Africa Regional Judges' Forum on HIV, Human Rights and the Law, Concept Note, October 2014
7. Agenda of the National Conference on the HIV and AIDS Legal Environment, Malawi, October 2012
8. Annual Report- HIV, Health and Development Team, RSC Addis Ababa
9. Checklist for Integrating Gender into the new Funding Model of the Global Fund to Fight AIDS, TB and Malaria, United Nations Development Programme, February 2014
10. Communiqué de Press: Lancement Officiel du Processus "Dialogue National Sur les Lois, Les Droits Humains et le VIH en RDC," United Nations Development Programme
11. Communiqué of the National Conference on HIV&AIDS Legal Environment, Malawi, October 2012
12. Compendium of Judgments: Background Material, Judicial Dialogue on HIV, Human Rights and the Law in Eastern and South Africa, United Nations Development Programme, October 2013
13. DRAFT HIV Theory of Change, United Nations Development Programme
14. DRC: Revue Du Cadre Juridique Congolais De La Riposte Au VIH Et SIDA, United Nations, October 2013
15. First Meeting of the Africa Forum to Follow-up on Global Commission on HIV and Law, DRAFT Report, March 2013



16. First Meeting of the Project Management Committee for the Project Entitled: Strengthening Regional and National Legislative Environments to Support the Enjoyment of Human Rights of Key Populations and Women and Girls affected by HIV and AIDS in Sub-Saharan Africa, United Nations Development Programme, March 2013
17. Global Commission on HIV and the Law: Risks, Rights and Health, Global Commission on HIV and the Law, July 2012
18. Global Fund Africa Regional EOI Document, submitted by ARASA and Enda Tiers Monde, EAC 10th Ordinary Meeting of the EAC Sectoral Council of Ministers of Health Report
19. Global Fund Regional Applications Concept Note
20. Implementation of the Abuja Call for Accelerated Action Towards Universal Access to HIV/AIDS, Tuberculosis and Malaria Services, Progress Report 2010-2012, African Union, May 2013
21. Inception Report: Assessment of Legal Environment for HIV/AIDS in Malawi
22. Judicial Dialogue on HIV, Human Rights and the Law, Joint United Nations Programme on HIV/AIDS, United Nations Development Programme, Kenya Ethical and Legal Issues Network, Judiciary Training Institute, Kenya, October 2013
23. Key Populations HIV/TB Service Results Framework Meeting, Concept Note, Johannesburg, South Africa, October 2014
24. Key Populations HIV/TB Service Results Framework Meeting, Logistics Note, Johannesburg, South Africa, October 2014
25. Key Populations HIV/TB Services Results Framework Meeting, DRAFT Concept Note, October 2014
26. Key Recommendations for Achieving Law and Human Rights Goals Within the African Union (AU): Roadmap on Shared Responsibility and Global Solidarity for AIDS, TB and Malaria Response in Africa (2012-2015), United Nations Development Programme
27. Key Recommendations on Compliance to the Proposed ECOWAS HIV Minimum Legal Framework for Rights-based responses to HIV, DRAFT, United Nations Development Programme HHD, RSC Africa, August 2014
28. Law Overview Table, United Nations Development Programme
29. Le VIH/SIDA et Les Droits De L'homme en Republique Democratique Du Congo: Manuel de Formation, United Nations Development Programme, October 2013
30. Legal Environment Assessment for HIV: An Operational Guide to Conducting National Legal, Regulatory and Policy Assessments for HIV, United Nations Development Programme, January 2014
31. Lesotho: Assessment of the Legal Environment for HIV and AIDS in Lesotho, July 2014
32. List of Participants, Regional Meeting to Develop Results Framework for KP HIV/TB Services, Johannesburg, South Africa, October 2014
33. Malawi: Assessment of Legal, Regulatory & Policy Environment for HIV and AIDS in Malawi, July 2012



34. Model Regional Strategic Framework on HIV for Key Populations in Africa, African Forum of Key Populations, DRAFT August, 2014
35. Model Regional Strategic Framework on HIV for Key Populations in Africa, DRAFT, African Key Populations Expert Group, August 2014
36. National Dialogues on HIV and the Law: A Practical Manual for UNDP Regional HIV Teams and Country Offices, United Nations Development Programme, January 2014
37. National Policy Dialogue on Human Rights, HIV and Law in Ghana, Workshop Report, April 2013
38. News Release From Namibian Women's Health Network and Southern Africa Litigation Centre (SALC), November 2014
39. NSP Analysis Table, United Nations Development Programme
40. Preventing and Responding to HIV Related Human Crises: Guidance for UN Agencies and Programmes
41. Principales Recommendations des Participants Au Dialogue National, RDC, 2013
42. Progress Update, January-August 2013 Power Point, Meeting with Project Management Committee Members, Project Team and Sweden, October 2013
43. Project Management Committee Meeting Power Point, UNDP Regional Service Centre, March 2013
44. Rapport du Dialogue National sur les lois, les Droits Humains et le VIH en RDC, November 2013
45. Regional Applications Concept Note: Investing for Impact Against HIV, Tuberculosis or Malaria, The Global Fund to fight AIDS, Tuberculosis and Malaria, August 2014
46. Regional Capacity Building Workshop for Senior Law Enforcement Officers on HIV, Human Rights and the Law, Joint United Nations Programme on HIV/AIDS, United Nations Development Programme, Kenya Ethical and Legal Issues Network, July 2013
47. Regional Capacity-Strengthening Seminar for National Human Rights Commissions, Concept Note, United Nations Development Programme, November 2014
48. Regional HIV&AIDS Team Contribution Overview, Sweden Regional HIV and AIDS Team, April 2012
49. Report of the Africa Regional Dialogue of the Global Commission on HIV and the Law, Global Commission on HIV and the Law, August 2011
50. Report on National Dialogue on HIV and Law, 14th-15th November 2013, National HIV/AIDS/TB/STI Council, Zambia
51. Request for Proposals (RFP) Bid Document, Consultancy Services to Prepare Mid-Term Evaluation of a SIDA Supported Project, Procurement Reference No.: RSCA/RFP/2014/05
52. Roadmap on Shared Responsibility and Global Solidarity for Aids, TB and Malaria Response in Africa, African Union
53. Second Meeting of the Africa Forum to Follow-up on Global Commission on HIV and Law, DRAFT Report, May 2014



54. Second Meeting of the Project Management Committee for the Project Entitled: Strengthening Regional and National Legislative Environments to Support the Enjoyment of Human Rights of Key Populations and Women and Girls affected by HIV and AIDS in Sub-Saharan Africa, United Nations Development Programme, October 2013
55. Seychelles: Seychelles Legal Environment Assessment of HIV and AIDS, April 2013
56. Situational Analysis of Legal and Regulatory Framework of HIV/AIDS in Seychelles, DRAFT Inception Report, December 2012
57. Strengthening Regional and National Legislative Environments to Support the Enjoyment of Human Rights of LGBT People and Women and Girls affected by HIV and AIDS in Sub-Saharan Africa: Progress Report for 2013, United Nations Development Programme Regional Centre for Africa, 2013
58. Strengthening Regional and National Legislative Environments to Support the Human Rights of LGBT People and Woman and Girls affected by HIV and AIDS in Sub-Saharan Africa Work Plan, United Nations Development Programme, 2013
59. Strengthening Regional and National Legislative Environments to Support the Human Rights of LGBT People and Woman and Girls affected by HIV and AIDS in Sub-Saharan Africa Work Plan, United Nations Development Programme, 2014
60. Terms of Reference, Mid-Term Evaluation of the Project titled “Strengthening Regional and national Legislative Environments to Support the Environment to Support the Enjoyment of Human Rights of LGBT People and Women and Girls affected by HIV and AIDS in Sub-Saharan Africa” being implemented under HIV, Health & Development Team in UNDP Regional Service Centre (RSC) Africa

Documents Received from Interview Participants

1. 2013 Annual Work Plan (APW): Enhanced Application of HIV and AIDS Critical Enablers in the National Response Programme, Malawi
2. 2014 Annual Work Plan (APW): Enhanced Application of HIV and AIDS Critical Enablers in the National Response Programme, Malawi
3. Report of the Law Commission on the Development of HIV and AIDS Legislation, The Malawi Gazette Supplement, December 2008
4. Minutes for the High-Level Advocacy Breakfast Meeting on the HIV and AIDS Bill, September 2014



ANNEX B: Data Extraction Tool

Name of Reviewer:

Title of document:

- - is a problem, a negative, or a challenge identified
- + is a strength, a positive, or a reform advocated for
- [imp] is implicit discussion; reviewer would make link to key population or issue, but document does not explicitly discuss
- numbers indicate page number in document

The document discusses HIV/AIDS, Law, and Human Rights in the following contexts:

KEY POPULATIONS

Vulnerable and key populations (undefined or not disambiguated)

LGBT

MSM

Women

Girls, Children, Adolescents

Sex Workers

Sexual Violence, GBV, DV, Violence against Sex Workers

LEGAL AND POLITICAL

International Human Rights Law: General Principles, Treaties; Evidence of Custom, Declarations, Conventions (specify)

Global Fund

Domestic Law: Constitutions, Bills, State-Specific Legislation, where possible note criminal/penal or administrative/regulatory, if not in below category specify law

Nonconsensual HIV testing



Criminalization of transmission
Criminalization of same-sex relationships

Vagabond laws, Vagrancy laws (specify)

Medical Confidentiality

Customary Law

Access to Justice

Law Enforcement/ Law Enforcement Officials

General Legal Environment

Cultural Context

Politics: political mapping, prioritization, identifying champions, etc.

Process Descriptions and Recommendations: reviewing bills, interviews, focus groups, dialogues

Process of project (UNDP, LEAs, National Dialogues)

Process – Institutional Relationships

Process – Legal Change

Data Needs, issues to study in what is effective for key pops as a whole, evidence, etc.)

Regional Agreements or Priorities

HIV AND HEALTH, GENERAL RELEVANT DISCUSSION

National Policies on HIV/AIDS

General Stigma and Discrimination based on HIV Status

Access to HIV Prevention, Treatment, and Support Services, access to Meds

3AQ

Human Rights Abuses (General Discussion, non-specific)

Additional discussion relevant to the project (add brief notes)



PROCESSES

Politics: political mapping, prioritization, identifying champions, etc.

Process Descriptions and Recommendations: reviewing bills, interviews, focus groups, dialogues

Process of project (UNDP, LEAs, National Dialogues)

Process – Institutional Relationships

Process – Legal Change/Legal Systems

THEMES

Good practices, positive outcomes with potential applicability other places

Barriers in country to implementation of the project

Unintended consequences of the project



ANNEX C: List of Interview Participants

October 28-30 2014, Johannesburg South Africa

Interviewers: Dr. Laura Ferguson, Dr. Allison Smith-Estelle

Michaela Clayton	International Consultant- Seychelles
Mandeep Dhaliwal	UNDP Global
Kene Esom	KP consultant, NGO
Allison Gichohi	EAC
Kitty Grant	International Consultant- Malawi, Lesotho, Swaziland
Allan Maleche	NGO, Kenya
Nomonde Mhlali Meiji	KP Consultant
Nelly Mwaka	UNDP South Africa
Christian T Mwata	International Consultant, DRC, BF
Priti Patel	NGO, regional
Amitrajit Saha	UNDP Regional
Doreen Sanje	SADC
Tilly Sellers	UNDP Regional
Barbra Wangari	KP, Kenya

November 2-7 2014, Lilongwe Malawi

Interviewers: Dr. Laura Ferguson, Allison Smith Estelle

Annie Banda	COWLHA
Eddie Banda	MANET+
Musa Bulalleh	UNAIDS
Ellious Chasukwa	NAC
Agnes Chimbiri	UNDP Malawi
Isaac Chiundira	MOJ
Busekese Kilmebe	UNDP Malawi
Rosemary Kumwenda	UNDP
Grace Malera	Malawi Human Rights Commission
Charlotte Malonda	National Consultant
Marriam Mangochi	DNHA
Safari Mbewe	MANET+
Edith Mkawa	DNHA
Maria Mukwala	NAC
Chizaso Nyirongo	Law Commission
Anders Pedersen	UNDP Botswana
Amakonde Sande	UNAIDS
Rev. MacDonald Sembereka	MANERELA

Gift Trapence

CEDEP

January 9, 2015, Sweden Interview, Skype
Interviewer: Dr. Laura Ferguson

Diana MacCauley

Sweden

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Sweden



ANNEX D: Qualitative Interview Guide

Questions for national-level stakeholders:

Project

1. When did you first hear about this project?
2. How did you hear about it?
3. How would you describe this project?
4. What do you hope can be accomplished through this project?
5. How did this project come into being in this country?
 - a. Who was driving the process?
 - b. In what capacity were you invited to participate in the process?
 - c. How does it fit with national priorities?
6. How does this project fit with other ongoing work on HIV?
 - a. And other work on women and girls?
 - b. And other work on LGBT populations?
 - c. And other work on legal environments?
7. Were there efforts to incorporate this project into other ongoing activities?
8. How did national stakeholders feel about looking at issues relevant to women and girls in the context of HIV?
 - a. Were any stakeholders particularly motivated or particularly reluctant to engage on these topics?
9. How did national stakeholders feel about looking at issues relevant to LGBT populations in the context of HIV?
 - a. Were any stakeholders particularly motivated or particularly reluctant to engage on these topics?
10. Is HIV the driver of the project or is it more of an opportunity to draw attention to issues relating to women and girls and LGBT populations?
11. Before the work actually started, what were some of the already recognised problems with the national legal environment relevant to HIV and women and girls or LGBT populations?
12. To what extent were human rights used to frame or influence the design of the project in this country? In what ways?
 - a. To what extent are rights relevant to the work that you're doing in the project?
 - b. To what extent do you think it would be useful, if at all, to use the concepts and language of human rights in this work?
13. How do you communicate with other stakeholders in-country?
 - a. Does it all go through UNDP? Or someone else?
14. Do you communicate at all with people in other countries working on the same project?
 - a. Does this all go through UNDP or is there any communication internationally among other stakeholders?
 - b. How are lessons learnt shared across countries?

LEA

1. When did you first hear about the legal environment assessment?



2. How did you hear about it?
3. In what capacity were you invited to participate in the process?
4. Was it framed as a standalone exercise or was it designed to lead to further activity?
5. Who seemed to be driving the LEA process?
 - a. Do you know how the process began?
6. Who else was involved in the process?
 - a. Were there groups who were not involved that you think should have been - included? Who? Why?
7. Was there reluctance among any stakeholders to do the LEA? Or to include certain topics within the LEA?
8. Can you talk me through the process from the time you first became involved in the LEA?
 - a. Which parts of this process were you involved with?
 - b. Were you satisfied with your level of involvement throughout the process?
9. Were international human rights used to frame the LEA at all?
 - a. If so, in what ways was this evident?
 - b. If not, why do you think this was not done?
10. Do you think that the LEA covered all topics relevant to HIV and the national legal environment?
 - a. Did it sufficiently address issues that affect women and girls?
 - i. Can you give examples of any such issues that received a lot of attention?
 - ii. And any issues that received little attention?
 - iii. Why do you think these issues were not adequately addressed?
 1. Was this because not many questions were asked about this or because there were limited responses on this issue?
 - iv. Are there any relevant legal barriers that you think were not covered by the LEA?
 - b. Did it sufficiently address issues that affect LGBT populations?
 - i. Can you give examples of any such issues that received a lot of attention?
 - ii. And any issues that received little attention?
 - iii. Why do you think these issues were not adequately addressed?
 1. Was this because not many questions were asked about this or because there were limited responses on this issue?
 - iv. Are there any relevant legal barriers that you think were not covered by the LEA?
11. Was there any sort of validation meeting where initial findings were shared?
 - a. Who attended this meeting?
 - b. Was there open discussion about the findings?
 - c. Were there people who disagreed with some of the findings presented? Or who thought that things were missing from the report?
 - d. Did you think that the concerns that you had raised during the LEA were appropriately reflected in the report?
 - e. Was anything in the draft report changed as a result of the meeting?
 - f. What was the outcome of the meeting?



- g. Is there any system of follow-up in place to ensure that the recommendations of the LEA are implemented? Whose responsibility is it to ensure that this work happens? And who is monitoring this?
12. When the country was setting its priorities for action, to what extent were stakeholders aware of the different pots of money available for supporting work in different areas?
 - a. Do you think this incentivised them towards certain priorities?

Post-LEA

1. Once the LEA was complete, how were priorities set for follow-on actions?
 - a. Who took the lead in this process?
 - b. Who participated in these discussions?
 - c. Were any groups notably absent from these discussions?
2. Did the priority actions selected reflect the recommendations in the LEA?
 - a. Did any of the priorities selected relate to women and girls in the context of HIV?
 - i. Which individuals/institutions advocated for these activities to be considered a priority?
 - ii. Was there any resistance to this? From whom?
 - b. Did any of the priorities selected relate to LGBT populations in this context?
 - i. Which individuals/institutions advocated for these activities to be considered a priority?
 - ii. Was there any resistance to this? From whom?
3. Was an action plan created outlining these priorities?
 - a. Who led this process?
 - b. Who is responsible for ensuring that it is implemented?
 - c. And who will hold them accountable?
4. Have any activities been carried out following on from the LEA?
5. Do any of the activities relate to women and girls in the context of HIV?
 - a. What is the nature of these activities?
 - b. Who has been involved in these activities?
 - c. What have been the challenges to date with this work?
 - d. What have been the major achievements to date?
 - e. Looking forward, what do you envisage happening with these activities?
 - f. Were these issues people were working on/concerned with before the LEA?
 - g. Did the LEA help to legitimize work in these areas?
 - h. Did it make more possible work on what they were already seeing as problems?
 - i. Did it raise new issues?
6. Do any of the activities relate to LGBT populations in the context of HIV?
 - a. What is the nature of these activities?
 - b. Who has been involved in these activities?
 - c. What have been the challenges to date with this work?
 - d. What have been the major achievements to date?
 - e. Looking forward, what do you envisage happening with these activities?
 - f. Were these issues people were working on/concerned with before the LEA?



- g. Did the LEA help to legitimize work in these areas?
- h. Did it make more possible work on what they were already seeing as problems?
- i. Did it raise new issues?
7. Has there been any change in the legal environment relating to HIV and women and girls or LGBT populations as a result of the LEA?
 - a. Were these issues people were working on/concerned with before the LEA?
 - b. Did the LEA help to legitimize work in these areas?
 - c. Did it make more possible work on what they were already seeing as problems?
 - d. Did it raise new issues?
8. Did the LEA help to identify any specific laws that affect women and girls or LGBT populations in the context of HIV?
 - a. What laws affect these populations?
 - i. Are they harmful? Helpful?
 1. Criminalised transmission?
 - b. Women and girls:
 - i. Property laws? E.g. inheritance and land ownership
 - ii. Sex work?
 - iii. Police environments and response to sexual assault?
 - iv. Traditional practices? E.g. Early marriage, wife inheritance, sexual cleansing
 - c. LGBT:
 - i. Criminalisation of same-sex relationships?
 1. Criminalisation of sodomy?
 2. Criminalisation of other behaviours affecting WSW? Trans?
 - ii. Sex work?
 - iii. Police environment and response?
 - d. Did people realise that these laws were problematic before the LEA took place?
9. Are the laws that you have mentioned enforced?
 - a. Enforcement mechanisms and actual reform—e.g. South African laws protective of sexual orientation, but stigma and discrimination still commonplace
 - b. Any urban and rural split?
 - i. National laws may not be enforced or may be differentially enforced in urban and rural areas
 - c. Even if not enforced, do you think that these laws affect people's behaviours?
 - d. Do you think this was already known before the LEA?
10. Beyond laws, what other aspects of the legal environment were highlighted as problematic for women and girls or LGBT populations in the context of HIV?
 - a. Probe: policing, the judiciary etc.
 - b. Were this known about prior to the LEA?
11. Were you surprised by anything relevant to women and girls or LGBT populations that came out in the LEA process?



12. When the country was setting its priorities for action, to what extent were stakeholders aware of the different pots of money available for supporting work in different areas?
 - a. Do you think this incentivised them towards certain priorities?
13. Is UNDP supporting any of the other priorities that were identified through the LEA process?
 - a. What is this work?
 - b. Who is funding it?
14. Are any other partners supporting other priorities identified through the LEA?
 - a. What is this work?
 - b. Who is funding it?

Wrap up

15. Thinking beyond the project itself, has anything else happened in the country that may have affected the potential success of the project?
 - a. E.g. political changes
16. In many ways, don't we already know what the problems are with legal environments relating to HIV and these populations? If so, what then is the role of the project?
 - a. And the LEA?
17. Having gone through this process to date, what do you think will be effective levers for change in the legal environment that can help move forward work to strengthen the national legal environment relating to HIV and women and girls or LGBT populations?
18. What are the common challenges that you have faced in doing this work/
 - a. Do any of these obstacles seem particularly intractable?
 - i. What strategies do you think are required for overcoming these obstacles?
19. What do you think has been the project's greatest achievement to date?
 - a. Do you have any other examples of good practice or particular success so far?
20. If you were to start implementing the project now, with the benefit of your experience over the last couple of years, what would you do differently?
 - a. Why?
21. Is there anything else you would like to tell me about this project or your involvement in it that I haven't asked you about?



Additional questions for RECs (to be included fairly early on)

The questions above can be adapted to be asked of the sub-regional actors. It might be useful to also supplement that list with the additional questions below that seek to capture in more detail the particularities of playing a sub-regional role.

1. How have you engaged with the work of the regional commission on HIV and the law?
 - Were you involved in the regional commission?
 - When did you first hear about the work?
 - Do you ever communicate with the regional commission?
 - About this project?
2. What do you see as the role of RECs in this project?
 - Is this the normal role you take on in regional projects?
3. What work have you done under this project at the regional level?
 - Has this project led to regional level work around strengthening legal environments in relation to HIV?
 - Specific to women and girls?
 - Specific to LGBT populations?
4. How do you work with countries for work under this project?
 - Does sub-regional work drive action in countries or vice versa?
 - Is this the same way you work with countries on other projects?
5. How do your relationships with the different countries in each region play out?
 - What kind of support are you giving to countries?
 - How is this decided?
 - Who sets priorities?
 - Is this how you always work with national partners?
6. Do you have a role to build the capacity of different stakeholders in the countries in your sub-region?
 - Have you done any capacity building in relation to HIV and legal environments?
 - Anything specific to women and girls within this?
 - Anything specific to LGBT populations within this?
 - Anything specific to human rights in any of this?



Questions for UN/others (global, regional)

Explain their organisation and the relationship between that and this project.

Planning

1. How did this project come into being?
 - a. Who was driving the process?
 - b. How did it stem from the Global Commission work?
 - c. How was the project understood by Sida and other potential donors? What were similarities/differences in understanding and priorities?
 - d. Who was pushing for the focus on women and girls and LGBT populations?
 - i. How does this fit with UNDP's global, regional and sub-regional priorities?
2. To what extent were human rights used to frame or influence the design of the project?
 - a. To what extent are rights relevant to the work that you're doing in the project?
 - b. Was an explicit decision made about whether or not to include human rights concepts and language in the work? How was this done?
 - c. To what extent do you think it would be useful, if at all, to use the concepts and language of human rights in this work?
3. When countries express interest in being part of the project, to what extent do they commit to looking at issues relevant to women and girls and LGBT populations?
 - a. Have any countries shown particular interest or particular reluctance to engage on these topics?
4. How does this project fit with other ongoing work on HIV? Your institution and others.
 - a. And other work on women and girls?
 - b. And other work on LGBT populations?
 - c. And other work on legal environments?
5. In many ways, don't we already know what the problems are with legal environments relating to HIV and these populations? If so, what then is the role of the project?
 - a. And the LEA?
 - b. And the national dialogue processes around it?
6. What do you hope can be accomplished through this project?
7. Is HIV the driver of the project or is it more of an opportunity to draw attention to issues relating to women and girls and LGBT populations?

Country-level processes

8. How did national stakeholders feel about looking at issues relevant to women and girls and LGBT populations in the context of HIV?
 - a. Were any stakeholders reluctant to engage on these topics?
 - b. MSM vs LGBT.
9. In many ways, the project seems to give a lot of flexibility to countries to adopt processes that make most sense to their context. How was the project set up to do this? i.e. how is this flexibility understood at the project level?



- a. And how does this play out? Examples?
- b. Are there places where countries have proposed processes that fall outside what the project deems appropriate?
- c. Is there similar flexibility for countries setting their priorities after they have done a LEA? Are there any minimum standards or any attempts to ensure that certain topics are always covered at that point?
- d. Are there places where countries have proposed priorities that fall outside what the project deems appropriate?
- e. What about with regard to language? E.g. can countries choose whether or not they want to use the language of human rights in their work? Or LGBT populations?
- f. Are there any other issues where this flexibility seems important?
10. After the LEA, when countries are setting their priorities for action, to what extent are they aware of the different pots of money available for supporting work in different areas?
 - a. Might this incentivise them towards certain priorities?
11. How does communication work within a project country?
 - a. Does it all go through UNDP? Or any other stakeholder?
12. What about between the different countries and/or regions in the project?
 - a. Does it all come through UNDP or is there any communication internationally among other stakeholders?
 - b. How are lessons learnt shared across countries?
 - i. Within sub-regions?
 - ii. Beyond?
13. What is the role of the RECs in the project?
 - a. Are they providing support to the national level?
 - b. Carrying out sub-regional capacity building activities? Etc.

Country level action

14. You have seen implementation of this project across various different countries. Are there any factors within the national-level processes that seem like a pre-requisite for creating traction around this work?
 - a. Can you give an example of where you have seen this?
15. Are there any barriers that pop up consistently?
 - a. What strategies have been used to successfully overcome these?
 - b. Where have these been used?
16. Who are the key stakeholders at global, regional and national levels pushing for attention to women and girls and LGBT populations?
 - a. Examples.
 - b. Exceptions.
17. Are there any countries where you don't think that the appropriate mix of stakeholders has been involved in the project?
 - a. Or where it was a challenge to do this?
 - b. How did this happen?
 - c. Is this similar to or different from other projects?



18. Are there any issues that have come up in the LEAs relevant to women and girls or LGBT populations that were a surprise to you?
 - a. Examples.
 - b. Anything that you think wasn't known about prior to the LEA?
19. Are there issues that haven't come up in LEAs where you think they really should have?
 - a. Examples in individual countries
 - b. How might these examples raise issues that could be relevant to other countries?
 - c. Anything that you think wasn't known about prior to the LEA?
20. Overall, do you think that sufficient attention is being given to women and girls in LEA processes? Examples.
 - a. And LGBT populations? Examples.
21. Is this also true when you look at how actions are prioritized after the LEA?
 - a. From your perspective, are countries giving enough focus to women and girls and LGBT populations as they plan any work to follow up on the LEA?
 - b. Examples.
22. Are the issues addressed in the LEAs primarily focused on laws or do they also encompass the policy, judiciary, customary law and other aspects of the legal environment?
 - a. Has this been true across all countries that have done this work to date?
 - b. Is this also reflected in the priorities for action following the LEAs?
23. Is there anything that you're doing differently now with new countries coming on board in the project from the initial countries that came on board?
 - a. Examples.
 - b. Why?
24. If you were to start implementing the project now, with the benefit of your experience over the last couple of years, what would you do differently?
 - a. Why?

Wrap-up

25. Thinking beyond the project itself, has anything else happened in the country that may have affected the potential success of the project?
 - a. E.g. political changes
26. Coming into this work, did you have preconceived ideas about successful levers for improving legal environments around HIV, women and girls and LGBT populations?
 - a. Has the in-country work played out as you expected in this regard?
 - b. And the work across the region as a whole?
27. What do you think has been the project's greatest achievement to date?
28. What has surprised you most about this work so far?
29. Is there anything else you would like to tell me about this project or your involvement in it that I haven't asked you about?