



UNAIDS/PCB(25)/09.CRP.21
30 November 2009

25th Meeting of the UNAIDS Programme Coordinating Board
Geneva, Switzerland
8-10 December 2009

Conference Room Paper

**Second Independent Evaluation of UNAIDS
PCB NGO Response to SIE**

Document prepared by the PCB NGOs

INTRODUCTION

1. The NGO Delegation to the PCB wishes to thank the Evaluation Team and its Oversight Committee for their hard work. The report of the Second Independent Evaluation (SIE), despite limitations, is rich in detail and provocative in its recommendations. Our Delegation encourages the PCB to carefully consider the findings and recommendations, and use this opportunity to improve the working of the PCB, and the effectiveness and efficiency of the Joint Programme.
2. While the SIE brought forward a wealth of information, in many areas important findings did not make it to the stage of recommendation. In fact, the recommendations made appear to be more general and do not address some of the fundamental challenges to the way that UNAIDS works. To fully benefit from the information and to strengthen UNAIDS, it will be important for the PCB to allow time for discussions of the findings of the evaluation report and not focus merely on the recommendations.
3. The NGO Delegation appreciates the prompt response by UNAIDS but is mindful of the SIE findings around why little or no progress had been made on key recommendations from the 1st Evaluation (in particular recommendations relating to governance and the workings of the PCB; links from PCB to Co-sponsor boards; ECOSOC mandate; division of labour; impact evaluation; and UBW). In considering why progress had been limited, the Report states: "The reasons for this are varied but several issues are critical. First, the evaluation report was never discussed at the PCB, which only discussed the management response". We encourage the PCB not to repeat this mistake by focusing solely on the management response and rather to look at the recommendations of the SIE closely.
4. Our role on this board is not only to bring the voices and experiences of Civil Society, PLHIV and Key Populations to board deliberations, but to be good governance members of the PCB. Good governance rests on the principles of accountability, oversight and transparency. We need to ensure any changes to the PCB, Secretariat and Co-sponsor's ways of working uphold these principles.
5. The ultimate goal of UNAIDS is to have impact in the daily lives of individuals living with, at risk of, vulnerable to, and affected by HIV. That means that impact has to be local. The Evaluation shows that UNAIDS' impact has been global, but weak at country level. Our over-arching concern is that many recommendations as they stand will not achieve country level impact or true changes in ways of working or the AIDS response.

METHODOLOGICAL CONCERNS

6. The evaluation team's definition of key populations does not correspond with the definition given by UNAIDS, and therefore makes it difficult to interpret some of the findings. Women and girls, who are disproportionately affected by HIV and AIDS, were not included in the evaluation team's definition of key populations.¹ It is therefore difficult to assess how UNAIDS has addressed women and girls specifically.²

¹ From Evaluation final report: *For the purposes of this evaluation, the term 'key populations' (sometimes defined as most-at-risk populations) is used and refers to male and female sex workers, injecting drug users, men who have sex with men and prisoners, for whom human rights are most often a critical issue.*

7. The evaluation reflects a continual challenge for the joint programme in communications with non-English stakeholders. The evaluation report was not officially translated beyond French, and thereby excluded many potential informants and partners of UNAIDS.³ UNAIDS must be able to regularly communicate with a majority of the persons it serves and works with. The lack of translation of regular documentation is an ongoing challenge. While the evaluation team translated their survey questions into French and Spanish, the survey results were not made available in those languages. The inability to provide even summary results to constituents who participated in the evaluation surveys raises a serious concern around transparency and accountability.
8. The evaluation methodology states that civil society involvement would be mainstreamed throughout the evaluation, yet this was not the case. Civil society and PLHIV are discussed separately and not consistently throughout the report. It also seems a false dichotomy to have separated out civil society and PLHIV into distinct categories, while the two in fact overlap.

HOW UNAIDS WORKS

Governance

9. The evaluation findings point out the limitations of the UNAIDS structure and how it makes it difficult for the PCB to provide true oversight. Chief among the limitations is the lack of formal mechanisms between the PCB and the governing bodies of the cosponsoring organizations. The fact that each agency is accountable only to its own board prevents true joint working and accountability. The limitations of the UBW process and participation further weaken accountability, notably amongst the Cosponsors.
10. In the light of these findings of this evaluation, as well as similar findings in the first evaluation of UNAIDS, will a revised mission statement and objectives be sufficient to address this major problem without instituting major structural changes in the current ways of working?
11. The NGO Delegation agrees that the PCB needs to be more focused on monitoring the performance of Cosponsors and the Secretariat. At the same time we acknowledge concerns around potential micromanagement. We need to strike the right balance between carrying out our governance functions while giving UNAIDS the sufficient latitude to carry out the strategic directions set by the Board.
12. Although we support recommendation 17 on PCB effectiveness, we are concerned that recommendation 15 on the CCO and recommendation 16 on oversight of Cosponsors do little to address the issues around accountability. Recommendation 15 is to revise the role of the CCO, including via the modus operandi, strengthening CCO agenda, and ensuring HIV is an agenda item for Cosponsors. The recommendation looks to

The UNAIDS' response reiterates UNAIDS definition of key populations: *Children and orphans, Indigenous people, Men who have sex with men, Migrants and mobile workers, People in prison settings, People in the education sector, People in the health sector, People living with HIV, People who are using injecting drugs, Refugees and Internally Displaced People, Rural communities, Sex workers and clients, Uniformed services, Women and girls, Workplace, Young people.*

² Notably, the Evaluation points out that gender-disaggregated data could be further improved and the data available has not been used to influence programming.

³ The NGO Delegation, via its Communications Facility translated the Executive Summary and a shorter version of the final evaluation report into Spanish, Chinese, Arabic, Russian, and Portuguese in an effort to share the findings with and gather feedback from civil society.

strengthen accountability within the Cosponsors *by revising the CCO MOU to state that the cosponsors will, to the extent practicable, ensure that the relevant objectives and indicators agreed in UNAIDS global level results frameworks are incorporated in the corporate results framework, or equivalent, of each cosponsor.*⁴ UNAIDS staff at country level must be held accountable for their division of labor requirements, and the gap between global and local must be significantly reduced for this to happen.

13. Recommendation 16 calls on the PCB to take effective responsibility for oversight of UNAIDS. Since this recommendation, and Recommendation 18, call on the PCB to ensure that allocations across the joint programme should be based on performance and epidemic priorities, as opposed to entitlement and pro-rata increases, it will be necessary to strengthen the UBW and Performance Monitoring Framework to allow more accurate and focused collection of data.

Division of Labour

14. The findings from the evaluation team mirror reports from civil society that the Division of Labor is too often ineffective and does not enable smooth in-country technical support. The need for greater cooperation and coordination between the Secretariat and Cosponsors remains, at both country and global levels. Whether or not the lack of implementation of the Division of Labor at the country level is due to its relative newness or to a lack of support remains to be seen. In either case, the current division of labor is inadequate to ensure that one agency leads in country and technical support flows smoothly. If accountability and a willingness to carry out joint programming are lacking as a whole, then merely changing who does what is not going to improve ways of working.
15. The fact that the Division of Labor has not been found to ease the entry of technical support, and in some cases complicates the process, needs to be addressed in the development of a technical support strategy as well.
16. The Evaluation points out some potential conflicts of interest and a lack of clarity in reporting lines, notably around the UCC.⁵ The joint programme needs to address lines of reporting and discuss how this may work across agencies if we are serious about accountability at country level.
17. Recommendation 4 requests a review of how the lead agency concept can work. This review should include civil society and other partners beyond the Cosponsors, as the UNAIDS' response suggests. However, the review should be realistic about the realities of implementation and explore other ways of working if necessary.
18. The Evaluation team has noted the Inter-Agency Task Team (IATT) approach as an example to be emulated. While it is important to develop a modus operandi for IATTs, it will also be important to ensure that the staff on IATTs has adequate capacity and knowledge of HIV and AIDS, expertise on the issues, involve relevant civil society, and that the IATT is meeting the responses at country level.
19. UNAIDS' response of reviewing staffing must be thorough. It is imperative that the oversight working group ensure that the review is not a one-off review to "rationalize" existing staffing patterns but is an honest development of an adequate staffing plan, based on country level needs. The demand needs to be looked at before the supply. It is

⁴ SIE Evaluation recommendation 15.

⁵ *Lack of a clear accountability framework and, specifically, the fact that the UCC is accountable to the RST but has no reporting relationship to the RC or accountability to cosponsors at country level.* Annex 9, page 43 of SIE Evaluation report.

also important that following this review, the Secretariat is consistently aware of who is working on HIV and AIDS at global, regional and country levels. Capacity assessments are a natural part of the staff assessment, and to this needs to be added clarification of job descriptions and required skills.

20. The UBW, which should be a tool of accountability amongst the joint programme, is inadequate to promote transparency and accountability in its current form. More interest and participation by all Member States and civil society in the UBW development and review will be needed. The evaluation points to the weaknesses of the UBW as a tool of accountability yet UNAIDS refers to the UBW as a key part of its results-based management. The UBW process will need to be better defined and strengthened if it is to remain a tool of accountability for the joint programme. This would mean, in practice, the inclusion of regional and country level funding information for the joint programme and stronger measures of performance.
21. The UBW does not show the funding breakdown at regional or country level, and therefore leaves funding unclear for the most essential areas of work. In light of UNAIDS' response welcoming the increased attention to country level responses and the agreement that country-level support should remain central to UNAIDS work, it seems counterintuitive that the main mechanism for oversight presented to the PCB, the UBW, provides only gross disaggregated information.
22. In light of the evaluation findings and the inability to ensure accountability via the current UBW or the Division of Labor as currently implemented, the NGO Delegation suggests that the a.i. working group on PCB ways of working (and/or the a.i. working group on UBW) be mandated to look at concrete structural changes needed to make UNAIDS accountable and function as a joint programme, including the process for putting the UBW together and the ways in which resources are allocated.

HOW UNAIDS HAS ADDRESSED KEY ISSUES

Civil Society and PLHIV Involvement

23. The Evaluators found civil society and PLHIV involvement to be one of the successful areas of UNAIDS. This is true primarily at the global level, where UNAIDS has been actively supporting and promoting the engagement of civil society and PLHIV.
24. At the Secretariat, the key player in this has been the Civil Society Partnership Unit (CSP), which the findings note has been under-resourced and marginalized within the organization. If CSP is to remain the key link with civil society actors on behalf of UNAIDS, for both greater involvement and capacity building, then it is imperative that the unit be adequately resourced and located within the organization so that it can be effective. The experience of civil society in working with UNAIDS is disjointed and often-times frustrating due to the lack of internal clarity about how civil society is engaged by the joint programme.
25. The NGO Delegation welcomes the development of a partnership strategy to work with UNAIDS. We support the recommendation calling for clearer objectives, a common approach and better monitoring and evaluation of civil society and PLHIV involvement across the joint programme.
26. The wording of that recommendation, however, seems to be a catch-all for partnerships, including a larger strategy for the Global Fund and PEPFAR. These strategies need to be distinct, as ways of working with civil society and PLHIV would differ from ways of

working with the Global Fund, just as ways of working with the Global Fund and PEPFAR will differ.

27. The strategy with civil society should take place in partnership, with active engagement of civil society. Just as the findings of the report need to echo the voices of key populations themselves, including women and young people, and not rely on government perceptions of key populations, a strategy to empower key populations needs to be developed directly with constituents from those groups. We agree with increased country level and global support but this will need to form part of the partnership strategy with civil society so that the details can be developed together.
28. A critical part of this strategy will be capacity building to strengthen the ability of civil society to engage. This idea is often discussed but the evaluation shows how it continues to be lacking. It will be important to link this partnership strategy to the technical support strategy in an effort to focus on long term, sustainable capacity improvements (pointed out as lacking by the evaluation).
29. It will be important to see the budget breakdown for this partnership strategy and how that fits into the UBW. Civil society has repeatedly requested an indication of amounts allotted to civil society engagement. Understanding how the money is allocated to civil society will help improve accountability and the documenting of outcomes called for by the SIE.

Gender

30. UNAIDS' leadership on women and girls on the one hand, and MSM and TG people on the other, must continue to be strengthened and become more of a priority, with adequate political will, leadership, and resources devoted to these. We welcome the work of the Executive Director on the Operational Framework for women and girls, gender equality and HIV, yet we know that this leadership has come late and success will be measured in resources, actions, and country-level results. The work done over the past year by UNDP and UNAIDS on MSM and Transgender issues is an important milestone and demonstrates a significant advance in leadership, and that work has now begun to show notable results.
31. We will continue to push the concerns of our constituencies that not enough has been done to address the underlying inequalities that lead to the disparity in the AIDS response. In this section of the Evaluation, women are not referred to specifically, despite distinct vulnerabilities and risk - biologically, culturally and socially. Without addressing the urgent need for including half of the world's population in the AIDS response, our joint efforts will continue to fail.
32. At the country level, engagement with organizations working on gender equality, specifically women's organizations, has been limited. Work with organizations representing key populations (women's organizations, sex workers' organizations, transgender people and MSM, etc.) at country level is essential, and it will be important to understand how UNAIDS will encourage and ensure this partnership.
33. Qualified and dedicated staff are an essential part of UNAIDS work on gender equality. Adequate staffing needs expertise and stature within the system to lead on gender. At the regional and country level, we need political will and leadership at all levels who understand gender-related drivers of the epidemic and the need to look at the rights of women and girls, particularly in regards to their sexual and reproductive health in the context of HIV, for effective interventions and programming. The rights of men who have sex with men (MSM) and transgender people, moreover, should also be upheld and targeted interventions for each of these populations must be more responsive and

integral to HIV programming. Finally, UNAIDS staff should understand and encourage countries to think of how women and men are reached differently in national AIDS responses.

34. The evaluation highlights the lack of clarity in the roles of UNDP, UNIFEM, Secretariat and the Global Coalition on Women and AIDS (GCWA), but not enough attention is paid to the consistent lack of political will that has prevented UNAIDS from addressing women and girls within UNAIDS, as well as through the AIDS response. In developing its partnership strategy, UNAIDS will need to consider how the addition of a women's entity as an additional cosponsor will affect the current ways of working. Any partnership strategy will need to consider where this new entity may sit in the division of labor.
35. The NGO Delegation agrees with the SIE's recommendation that the UNAIDS Secretariat lead on women and girls. The Management's response in changing this recommendation and simply undertaking a "review" is insufficient. We therefore encourage the Board to discuss this and make a decision based on the evidence that the Evaluation itself encountered, as well as the strong views of civil society in this regard.

Human Rights

36. As with gender, the evaluators found UNAIDS to play a critical role only at global level, but to be less successful at addressing human rights at country level. As we know, impact at country level is key and UNAIDS must be more "strategic in fulfilling its role in assisting governments to meet their international commitments."⁶ This will require greater and louder leadership by the Secretariat and all Cosponsors, especially at the regional and country levels.
37. The UNAIDS Secretariat has been much more consistent, strategic, and influential in highlighting the human rights of PLHIV and key populations - and has made significant advances in the areas of criminalization and travel restrictions. However, at country level, UNDP is often in a difficult situation and cannot easily challenge governments, who commit human rights violations. UNAIDS cannot fulfill its mission without true engagement and action from Cosponsors and member states. While the evaluation recognizes the lack of consensus among UNAIDS on controversial, human rights-related issues, no recommendations are made on the best ways to overcome this challenge. In implementing the response to the Evaluation, it will be important to address these differences and implement plans for to actively supporting human rights.
38. The advancement of human rights takes place by addressing individual rights, and UNAIDS must do more to address the rights of key populations, including women and young people. UNAIDS can and should use its role to drive country-led processes while still talking about controversial issues. The recommendations made by the UNAIDS Reference group on HIV and human rights to the Executive Director in January 2009 would be an ideal place to start. These recommendations include, among others: making UNAIDS' commitment to human rights more explicit; expanding technical capacity and financial support to national level program responses that foster human rights; building staff capacity in human rights; and expanding commitment, resources, capacity and action to promote gender equality and the greater involvement of people living with and affected by HIV.
39. The SIE also points out that resources in the Secretariat for work on human rights are low. As UNAIDS looks to address this critical aspect of the AIDS response, increased resources and motivated, qualified staff with experience in human rights will be needed

⁶ Section 8.8 evaluation report

to champion these issues. As well, building on synergies with bilateral partners at country level is one important way of harnessing resources.

40. Although the evaluation pays attention to the needs of key populations, particularly in regards to human rights protection, it never once mentions the same to be true for women or young people, whose lack of human rights protection fuels the epidemic in many countries (e.g. inheritance and property rights, harmful traditional cultural practices such as female genital mutilation (FGM), denial of sexual and reproductive health and rights, violence against women, denial of bodily integrity and decriminalizing laws around consensual sexual behavior).
41. The importance of looking specifically at gender and human rights cannot be underestimated. These two areas have received less than sufficient attention and are essential to the AIDS response. The recommendation should be strengthened beyond just a review of the division of labor to include agreed objectives and relate to the proposed partnership plan for addressing gender and human rights across the joint programme. The UNAIDS' response of changing the recommendation to include all issues weakens the recommendation and strays from the original intent of the evaluation, which was to enable UNAIDS to appropriately address and support gender and human rights.

Technical Support

42. The evaluation recognizes that it is difficult to assess overall quality and volume of Technical Support (TS) due to a lack of coherent strategic framework and given multiple, competing providers of TS.
43. Having a clear strategy to monitor technical support implementation and objectives would help to evaluate the success of technical support. The evaluation gives mixed conclusions in the area of monitoring and evaluation. While one header says that UNAIDS has strengthened the Three Ones and provided important technical support for M&E, a careful read of the evaluation shows severe shortages in M&E. If TS is not adequately monitored at country level, then how can we draw conclusions about the effectiveness of that support?
44. If TS is, as the evaluation says, the key interface between the UN and national government programs, then it must be improved and implemented in a demand-driven, strategic manner. While strongly supporting the recommendation to develop a more coherent and strategic plan for technical support, it is paramount to ensure that TS addresses long term capacity issues and not just immediate proposals for assistance, such as was repeatedly pointed out in the case of supporting Global Fund grant applications.
45. The Evaluation shows that lack of coordination amongst Cosponsors and the lack of effectiveness of joint teams has not eased entry of TS at country level. Improved accountability is only possible via increased coordination across the joint program. Relying on joint teams to play a prominent role will not be effective until there is increased willingness to work together strategically.
46. Recommendations to improve technical support appear to be spread out amongst recommendations 2, 3, and 12. Technical support needs to be looked at as a whole; the recommendations here, which separate TS for Health Systems Strengthening and capacity building for civil society as separate from a technical support strategy, contribute to a disjointed response for technical support.

47. The evaluation notes that UNAIDS should be providing technical support to ensure that analysis “actually translates into more effective, targeted prevention policies and programmes.” This is essential as we develop the technical support strategy.

OTHER ISSUES

Universal Access

48. The NGO Delegation is concerned that UNAIDS is not championing universal access as strongly as it should be. The evaluation as well as the UNAIDS’ response universal access is mentioned more often than not in conjunction with the MDGs. While we need to be proactive in moving forward past 2010, governments have made political commitments enshrined in the 2001 and 2006 UNGASS political declarations, and they remain accountable for these commitments. The board of UNAIDS, as the self-appointed leader in reaching universal access, should support national governments in fulfilling these obligations.

Health System Strengthening

49. While recognizing the need for UNAIDS to clarify its own role in health systems strengthening, as well as in more international fora, such as within IHP+, so that it can move into a more proactive position, it seems that much attention has been paid to repositioning UNAIDS around Health Systems Strengthening (HSS) rather than asking the CCO to meet to look at larger issues around ways of working. Agreeing on the strategy for HSS may be one part, but it can be concluded from the evaluation that this should be put in context and seen as one aspect of wider health cooperation.
50. The NGO Delegation encourages UNAIDS to fulfill its leadership role on HIV in the context of international cooperation for health. Within this global arena, UNAIDS should continue to facilitate civil society engagement and ensure multi-stakeholder participation. At a minimum, civil society should be invited to join the working group that will look into UNAIDS’ relationship with IHP+ and HSS.

Voting Rights

51. While the majority of civil society surveyed last year made the point that full inclusion means voting rights, the NGO Delegation recognizes that a lack of full voice also stems from arrangements between PCB meetings. In particular, we would like to see UNAIDS support ongoing funding in all countries for civil society co-ordination, advocacy and policy via a strengthened and fully functioning civil society partnership unit, better coordinated between the field offices and Geneva. As well, the need for adequate inclusion of and time for civil society consultation, greater transparency and language barriers should be addressed as hindrances to stronger civil society voice.

Prevention

52. The Evaluation strongly points out the need for UNAIDS to foster prevention of HIV infection. Vulnerable populations, including those that are most stigmatized, have been inadequately supported by prevention efforts. UNAIDS will need to ensure an HIV prevention strategy that includes strong leadership, a rights-based approach, and increased attention to women, young people, MSM, drug users, and sex workers. Truly knowing each country’s epidemic, including how it affects men, women and young people differently, is the only way to target prevention activities.

53. We call on UNAIDS to move beyond rhetoric and support governments in recognizing key affected populations, build government capacity to properly collect data on these populations and translate those findings into effective programming. This will be an effort involving UNAIDS, the governments and members of key affected populations. Effective HIV prevention will require an increased focus on human rights, gender equality, accurate and comprehensive indicators for data collection, including disaggregation by sex and age and the capacity to collect them, and a clear and measurable plan of action. We call on the PCB to ensure that UNAIDS does not overlook this important finding and focus more broadly on prevention, including through developing an adequate prevention plan.

CONCLUSION

54. In order for UNAIDS to fulfill its mandate and function as an organization accountable to its multiple members, it is clear that certain changes need to be made. The NGO Delegation supports a closer look at the findings of the SIE and the relevant outstanding recommendations from the first evaluation to improve governance and ways of working with all partners.

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