



REGIONAL DIALOGUE ON PROMOTING
RIGHTS-BASED APPROACHES TO HIV
CURBING AMONG KEY POPULATIONS:
**COLLABORATING WITH
CORRECTIONAL SERVICES AND
LAW ENFORCEMENT OFFICIALS**

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“The misuse and overly-broad interpretation of criminal laws, which impose sanctions on those viewed as not being ‘fit and worthy’ of enjoying the protectionist mandate of these laws, needs to be interrogated.”



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1. ABOUT APCOF, ARASA & CHREEA

THE AFRICAN POLICING & CIVILIAN OVERSIGHT FORUM (APCOF)

The African Policing Civilian Oversight Forum (APCOF) is a network of African policing practitioners from state and non-state institutions. The organisation promotes democratic policing through strengthening civilian oversight over the police in Africa. APCOF undertakes research, provides technical support to state and non-state actors including civil society organisations, the police and new and emerging oversight bodies in Africa.



AIDS & RIGHTS ALLIANCE OF SOUTHERN AFRICA (ARASA)

AIDS and Rights Alliance of Southern Africa is a regional partnership of over 106 non-governmental organisations working together to promote a human rights based response to HIV and TB in southern and east Africa, through capacity building and advocacy.



CENTRE FOR HUMAN RIGHTS EDUCATION, ADVICE & ASSISTANCE (CHREEA)

The Centre for Human Rights Education, Advice and Assistance is a non-governmental organisation, which was established in 2000 and is working country wide in Malawi to promote and protect human rights by assisting the vulnerable and marginalised people in Malawi to access justice through civic education, advocacy, legal advice and Assistance.



CHREEA

CHREEA works within the criminal justice system providing legal aid services to people in conflict with the law through its paralegals, who work in prison, court and at police stations on a daily basis.

2. EXECUTIVE SUMMARY

Key Populations (KPs) are positioned on the margins of society due to fears based on regressive social norms, moral panic and subjugation, with the ultimate goal of containing the HIV epidemic. As a result, sex workers, lesbian, gay, bisexual, transgender and intersex (LGBT) people, women and people who use drugs, are subjected to numerous human rights violations in the form of discrimination, abuse, violence and criminalisation. This state-sponsored stigma, with an objective to control of bodily autonomy based on conduct, has increased their vulnerabilities. This systemic abuse is pervasive in many countries in the Southern and East African region, through the enforcement of hostile and archaic punitive laws.

The misuse and overly-broad interpretation of criminal laws, which impose sanctions on those viewed as not being 'fit and worthy' of enjoying the protectionist mandate of these laws, needs to be interrogated. There is an urgent need to review national legal and regulatory frameworks, in order to determine how these laws and policies can protect, rather than act as barriers to the HIV response. A scale up of access to justice and legal protections to counteract these human rights violations is particularly important in protecting the rights of key populations at higher risk of HIV. Furthermore, evidence suggests that the impact of discriminatory and punitive laws, policies and practices is felt most by these populations that are already marginalised in the region, creating barriers to access to HIV and sexual and reproductive health care services.

Dialogue between law enforcement officials and key populations, on avenues to enhance their protective mandate has been proven to improve policing practices in other regions and has increased space for outreach programmes, resulting in HIV prevention. As a way of strategically harnessing on-going regional interventions and moving forward a progressive agenda, to promote dialogue

between civil society and law enforcement officials, the AIDS and Rights Alliance for Southern Africa (ARASA), in partnership with the Centre for Human Rights Education, Advice and Assistance (CHREAA) and the African Policing Civilian Oversight Forum (APCOF), convened a two day regional dialogue on the 16th and 17th of June 2016 entitled, *Regional Dialogue on collaborating with law enforcement officials to effectively promote rights-based approaches to accessing HIV, SRHR and TB health services*. The meeting was attended by law enforcement officials, representatives from various government departments in East and Southern Africa, including the Ministry of Health and Ministry of Justice and various other stakeholders working with key populations.

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All presentations from this meeting can be accessed at:

<http://www.arasa.info/info/presentations/presentations-regional-dialogue-promoting-right-based-approaches-curbing-hiv-among-key-populations/>



The meeting had three main objectives:

1. To Increase civil society engagement with law enforcement and raise awareness about the impact of current punitive laws and policies, including petty offences, on people living with HIV (PLHIV) and key populations amongst law enforcement and correctional officials;
2. To share best practices and functional models currently being undertaken which contribute to creating enabling legal and policy environments for key populations to access HIV and TB services in Southern and East Africa and
3. To develop and prioritise a common regional advocacy strategy and position to promote collaboration and engagement between civil society and law enforcement officials.

The dialogue comprised of purposeful presentations and discussions from law enforcement officials, civil society representatives, law makers and regional stakeholders, including Southern African Development Community (SADC) and African Union representatives. The result of this engagement not only facilitated a platform for the dissemination of in-depth information and dialogue around the regional concerns of human rights violations inflicted upon key populations by law enforcement officials, but most importantly led to the inception of a regional advocacy strategy.



3. KEY EMERGING ISSUES FROM THE REGIONAL DIALOGUE

The dialogue presented an opportunity for information exchange and much deliberation amongst the participants. Key issues which emerged during the two-day dialogue included:

- The criminalisation of Key Populations in the Southern and East African region is a prevalent feature, which continues to be upheld through hostile castigatory measures. As a result Key Populations are on the periphery of protection within the human rights and public health sphere
- Existing punitive laws and policies in place to ‘protect’ civilians have colonial roots and are archaic in nature. Instead of preserving the rights of the most vulnerable they in-fact infringe upon them. These outdated legislative provisions are used to legitimise arbitrary and unlawful arrests leading to victimisation and abusive treatment of key populations by law enforcers
- The punitive measures contribute to increasing HIV prevalence rates and deter access to HIV and sexual and reproductive health services

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- Sensitisation training and capacity building of law enforcement officials and health care workers is both an urgent need and durable solution to the problem

- There is a need to create regional tools and scale up existing programmes through information sharing and exchange in order to strengthen regional advocacy efforts and
- Regional bodies such as (EAC, SADC, African Union, African Commission on Human and Peoples’ Rights) need to be mobilised to reinforce advocacy efforts to review policies and monitor regional rights violations of Key Populations.

The emergence of these focal issues led to the development and adoption of a Southern and East African regional strategy, comprising of key action steps to promote a rights based approaches to the treatment of key populations.

The dialogue resulted in three main outputs of the dialogue:

1. A multi-sectoral engagement between representatives of the judiciary, law enforcement, key populations and civil society organisations around the punitive laws and policies imposed on People Living with HIV (PLHIV) and Key Populations.
2. Inter- and intra- regional information exchange on the realities of key populations and applicable and adaptable best practices.
3. The inception of a coordinated regional advocacy plan which will be coordinated by ARASA in partnership with various law enforcement authorities, representative policy and lawmakers and civil society entities from the two regions.



Five key outcomes aligned to practical activities were developed in the final session of the dialogue. These outcomes will inform the implementation of the regional strategy.

OUTCOME	ACTIVITY
<p>1. Sensitisation / capacity building of law enforcement (health care workers and Civil society organisations)</p>	<ul style="list-style-type: none"> • Peer-to-peer training among police through the training of trainers (TOT) <p>Expansion of pre-existing resources and tools from APCOF:</p> <ul style="list-style-type: none"> • APCOF has a rights based training manual, which is currently being used to train law enforcement officials across Africa. The manual has a key populations component missing and this will be incorporated into their existing manual. APCOF as also developed a set of monitoring indicators for the implementation of the Southern African Regional Police Chiefs Co-operation Organisation (SARPCCO) Code of Conduct or law enforcement officials. This will be used as a tool to further the advocacy at regional level and to facilitate shift in attitudes and perceptions of these officials.
<p>2. Strategic Litigation and strengthening engagement with policy and law makers</p>	<p>Civil society organisations to continue supporting on-going litigation in the region so as to strengthen the body of jurisprudence on KP issues</p>
<p>3. Continuous documentation of evidence through case studies, documentation of human rights violations</p>	<ul style="list-style-type: none"> • Sharing best practices and information exchange intra-regionally, through the documentation of case studies, pertaining to human rights violations to build institutional memory and as evidence during interactions with law enforcement officials. • Using SADC, EAC, AU and the African Commission on Human and Peoples’ Rights structures as a vehicle for information dissemination and reporting as a means of escalating these issues at a regional level.
<p>4. Improved coordination for effective implementation of advocacy working with Law Enforcement and HIV Network (LEAHN) in the region</p>	<ul style="list-style-type: none"> • ARASA to coordinate a smaller focused group to steer the process. The group will consist of law enforcement and HIV network and LEAHN • Joint proposals to be submitted to support and reinforce regional efforts in East and Southern Africa

4. THE GREAT CHALLENGE

“Why do the police rape women instead of arresting criminals?” This was a question posed by a sex worker who shared her experience of abuse and violence inflicted by police officials in Malawi. This poignant question set the tone for the first day of the meeting in exposing the hostile and violent milieu sex workers are faced with when they encounter law enforcers. This reality, outlined through CHREAA’s work, reflected that 85% of sex workers who pass through the criminal justice system are abused and exploited by law enforcement officials in Malawi. The use of brute force, intimidation and an abuse of authority are used to justify the ill treatment of sex workers within this context.

The criminalisation of sex workers in many countries in the Southern and Eastern African region is a prevalent and widely accepted phenomenon. Similar examples of acts of violence, abuse and public humiliation of sex workers have occurred in Zimbabwe. The Sexual Rights Centre (SRC) of Zimbabwe that advocates for the rights and protection of sex workers shared contextual experiences of police operations aimed at enforcing arbitrary arrests of sex workers which led to the public humiliation and degradation of sex workers. The ill-treatment of sex workers and other at risk populations is often entwined in combination of entrenched social prejudices and classism as well as outmoded policies and laws.¹

Transgendered sex workers are especially vulnerable to this violent treatment. A Namibian transgender sex worker and activist exposed the psychological impact police brutality has had on her as a transgender sex worker from Namibia. “It tarnished my image as a human being and it has taken time for me to heal. Criminalisation has hindered my access to health care and my most basic rights”. To effectively deal with the challenges sex workers face, strategies such as law reform around sex work, advocacy and lobbying were viewed as part of the effective mechanisms, to reduce the violations of the human rights of sex workers.

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Key considerations and issues:

- Beyond a prejudiced definition, civil society does not have a clear understanding of what sex work this needs to be addressed through more public education, particularly when it comes to the rights of sex workers.
- Often sex workers themselves are not aware of their rights or of the ‘limited’ legal mechanisms available to protect them. An example was cited of how Kenyan sex workers do not report violations out of fear and due to the fact that the processes are often protracted and results are not seen. Sex workers are also denied access to sexual and reproductive services such as abortions and stigmatised during accessing antenatal services, when they present without their ‘partners/fathers’ of their unborn children.
- Human Rights activists need to be part of the solution and not the problem, by standing in solidarity with key populations. It starts with re-examining personal prejudices, the language and rhetoric used when referring to these marginalised groups within key populations such as sex workers, people who use drugs, LGBT individuals and prisoners.
- Key stakeholders from health care professionals, members of the judiciary and law enforcement officials need to adopt a human rights based approach and be well versed on the rights of sex workers and how to approach working with sex workers.

¹ The full presentation can be accessed here: <http://www.arasa.info/info/presentations/presentations-regional-dialogue-promoting-right-based-approaches-curbing-hiv-among-key-populations/>

In responding to these, it was noted that the abuse is not merely imposed by police officers. For the purposes of initiating advocacy efforts and engaging in effective collaboration, there also needs to be awareness amongst civil society and other key populations, about the role of law enforcement officials. The blame on law enforcement officials, correctional services, border and military authorities is not always warranted because they are 'following the laws and policies' created by policy makers.

What has worked?

- Participants highlighted the on-going need for a stronger coalition for sex workers in the region and the continent so as to strengthen advocacy efforts;
- Legislative and policy reviews are fundamental, especially reviewing an African decriminalisation model in light of street based sex work;
- Continued sensitisation of law enforcement officials and collaborative strategies that focus on the protection of sex workers; and
- Ongoing strategic litigation looking at the gaps in existing legislation to protect the rights of key populations



The case of Lindiwe Moyo and others was finalised on the 24th of March 2016. The High Court of Zimbabwe ordered that their arrest for a crime of "loitering for the purposes of prostitution" was illegal and ordered the police to refund the money that were paid as fines.

5. REVIEWING LEGISLATIVE PROCESSES & THE STATE OF DETENTION, FACILITIES & EXAMINING THE RIGHTS OF KEY POPULATIONS

A wealth of information was shared on the state or conditions of detention facilities around the region. Presentations on the conditions of prisons as well as rights based approaches to promoting the rights of prisoners were discussed. The emergent reality across the SEA (Southern and East Africa) regions was that of:

- Neglected and dilapidated structures, where most governments fail to prioritise resourcing facilities and improving existing conditions;
- Overcrowding within prisons, leaving detainees in confined, filthy and overcrowded conditions. Detainees are often mixed together, irrespective of age, sex, or the nature of the crime committed;
- Little or no access to basic health services for detainees. This increases the risk of exposure to communicable diseases such as TB and HIV and the rise in new infections; and
- The systematic neglect of correctional/ detention facilities, has a detrimental economic and social impact. With the rising costs incurred by the states to detain individuals and criminalise petty offences, the risk of recidivism and the possibility of spreading communicable and highly infectious diseases are heightened once the prisoner is released.



Experiences shared from countries reflect the benefits of governments investing in correctional facilities and improving access to psychosocial and harm reduction services for HIV and TB.

Experiences shared from countries such as Zambia and Tanzania reflect the importance and benefits of governments investing in resourcing correctional facilities and improving access to psycho-social and HIV, TB as well as harm reduction services. The presentations reflecting the state of detention facilities in Zambia and Tanzania, revealed that im-

plementing a human rights based approach in detention centres - through empowering detainees on their rights, particularly those who experience violations within prison facilities - has benefits for both detainees and society at large. Dr. Magwende from the Zambia Prison Service, shared information on the importance of engaging the judiciary in restoring more dignified conditions within correctional facilities and how public and private partnerships can be useful in sustaining service provision in correctional facilities. The importance of engaging in advocacy initiatives with inmates was also highlighted within the Zambian context. Facilitating access to psychosocial support services and creating platforms to discuss acts that are criminalised and deemed as socially unacceptable such as 'homosexuality' within detention centres, is pivotal in upholding the sexual reproductive health rights of detainees. These were cited as effective strategies implemented in Zambian prisons.

The Risk-Based Rehabilitation approach for correctional facilities was suggested as means to deal with overcrowding in prisons in Tanzania. This approach ensures that prisoners are rehabilitated based on the risk they pose, thus highlighting the importance in classifying detention facilities according to the nature of the offence so as to minimize overcrowding and re-offending (recidivism).

These best practices in both regions reflected that promoting and protecting the rights of detainees can be achieved through the education, training access to health services through multi-sectoral involvement and partnerships between law enforcers, correctional services officials, health care professionals, social services and the private sector.²

² The full presentation can be accessed here: <http://www.arasa.info/info/presentations/presentations-regional-dialogue-promoting-right-based-approaches-curbing-hiv-among-key-populations/>

6. THE ROLE OF THE JUDICIARY, POLICY MAKERS & THE IMPORTANCE OF COLLABORATIVE EFFORTS

“The power of arrest is entrenched in the state and the tool of violence is arrest. Civilians give the state legitimacy to use violence and arrest as a means of protection and rule of law. Civilians and citizens have created and accepted that legitimacy”. This was the view expressed by Justice Kenneth Manda on the notion of the rule of law and the punitive measures which violate the rights of key populations. He expressed the fact that the power lies in the hands of civilians, who effectively legitimise the so-called protective measures, which are enforced by state parties. These ‘protective’ policies and laws are also entrenched in colonial roots. These vagrancy laws, which allow for the arbitrary arrest of key populations, are draconian in nature. There was an acknowledgement that these laws and policies needed to be reviewed and reformed, while others repealed, as they exacerbated the punitive measure imposed by law enforcement officials.

On the role of the judiciary, as a representative of the judiciary in Malawi, Justice Manda called for a social consciousness to exist amongst members of the judiciary. Social consciousness dictates that ‘so-called’ perpetrators, especially those within key populations, should first and foremost be viewed as

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human beings. Justice Manda’s presentation was useful in unmasking the power civilians have in legitimising the rule of law, and also emphasising the fact that law enforcement officials are not solely responsible for ongoing violations inflicted on key populations. An appeal for a more human rights centred approach was made for those within the judiciary and those developing policy.

In the midst of ongoing abuses, APCOF together with CHREAA highlighted that there is a coalition of civil society organisations working on a Decriminalisation of Petty Offences Campaign in Africa. The aim of this campaign, is to show how vagrant laws such as loitering, are routinely used as a reason to arrest sex workers, the homeless and people with psycho-social or intellectual disabilities. Research by partners such as the Southern African Litigation Centre (SALC), showed a need of overhauling of these in order to ease the burden of remand detention on the poor and marginalised. The campaign also aims to develop a General Comment, recommending States to declassify and decriminalise laws criminalising petty offences to be adopted by the African Commission on Human and Peoples’ Rights.



APCOF reflected on existing policies to guide and monitor policing and law enforcement in the region and made a presentation on the Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (Luanda Guidelines), which were adopted by the African Commission on Human and Peoples’ Rights in May 2014. The Luanda Guidelines are reflective of a prime example of existing policy developed on which African governments can base their legislation. The Guidelines provide an authoritative interpretation of the African Charter on Human and Peoples’ Rights and offer specific detail on the measures State Parties to the African Charter need to take to uphold, protect and promote the rights of people subject to arrest, police custody and pre-trial detention.

The Guidelines trace the process from the moment of arrest until trial, focusing on the decisions and actions of the police and other criminal justice sector actors. Some of the sections of the Guidelines address the following:

- The grounds for arrest, procedural guarantees and the rights of suspects and arrested persons;
- Accountability and Remedies, including a range of measures such as judicial oversight, right to challenge lawfulness of detention, independent complaints and investigations;
- The importance of the implementation of the Luanda Guidelines and stating that training is a vehicle for effective implementation; and
- A tool kit for monitoring the implementation of the Luanda Guidelines which is yet to be adopted by the African Commission has been developed.

Comments and Recommendations

- Alternatives to detention such as diversion or community programmes should be introduced to reduce overcrowding in correctional facilities across the region.
- Engagement and sensitisation of law enforcement authorities is a necessary action step. Through consultative processes law enforcement officials need to be informed and educated on the realities key populations face and their rights, to positively impact on their approach to protecting the most vulnerable.
- Identification of key change agents within the police institutions. Civil society organisations to approach more malleable law enforcement officials who would influence others to reform within certain law enforcement bodies.
- Partnerships also play a role together with strategic litigation to ensure accountability.



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7. THE IMPORTANCE OF COLLABORATIVE STRATEGIES TO PROTECT THE RIGHTS OF KEY POPULATIONS

As reflected previously, sex workers, LGBTI individuals, inmates and people who use drugs are subjected to discrimination, abuse and human rights violations from law enforcers and are exposed to further violations and abuse through discriminatory policies.



A presentation by Uganda Harm Reduction Network articulated the realities faced by people who use drugs particularly those who inject drugs. This was further reinforced by research that highlights that 70% of countries in the East and Southern African regions have punitive laws on drug use. People who use drugs are therefore not able to access treatment services, once detained as there is little or no access to harm reduction services in detention facilities.



Often laws against petty offences essentially criminalise poverty. This is being challenged by groups such as APCOF, ARASA and CHREEA.

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When analysing the impact of the violence suffered by various key populations, many similarities prevail. What is also evident are the commonalities that exist and whilst key populations are categorically defined, the intersecting factors need to be considered when looking at strategies to protect their rights. Examples were shared of how a sex worker may be a LGBTI person and at the same time may be a person who uses drugs, thus exposing the vulnerabilities faced by most key populations. It stands to reason that these issues cannot be viewed in isolation, a collaborative approach is critical in promoting and protecting the rights of key populations.

8. BEST PRACTICES

Uganda, South Africa, Tanzania, Swaziland and Mozambique shared experiences on existing tools and programmes that reflect effective and functional practices between law enforcers and key populations which have positively impacted directly on harm reduction strategies, for instance.³

SOUTHERN AFRICAN REGIONAL PROGRAMME: COC: HANDS OFF! PROGRAMME



Munya Katumba from COC presented the Hands off! Regional Programme. The aim of the programme is to develop sensitisation materials for law enforcement officials who encounter key populations, especially focused on sex workers, people who use drugs and LGBTI people. The countries involved in this programme are predominantly from the SADC region, namely: Botswana, Mozambique, Namibia, South Africa, Swaziland and Zimbabwe.

The programme also aims to equip law enforcement agents and is centred on the following aspects:

- The importance of sensitisation training for law enforcement to minimise violence experienced by sex workers, people who use drugs and LGBTI;
- Training to be viewed as a mutually beneficial tool. The emphasis is to focus on how the knowledge acquired through the training will benefit both the vulnerable groups and law enforcement officials; and
- The direct outcomes would lead to a reduction in civil complaints and better informed equipped law enforcement officials. The programme is a good model and an existing tool, which could be leveraged upon more broadly across both regions and has potential to have mutually beneficial outcomes for key populations, governments and most importantly, law enforcement officials.

The process of manual development has already started in South Africa, Swaziland and Zimbabwe. The South African Police Services recently approved the manual development project which will start with a needs assessment, manual development and roll out to police colleges.

CHAU COMMUNITY HEALTH ALLIANCE: UGANDA & THEIR REGIONAL PROGRAMME



The epidemic amongst people who use drugs is largely unknown in the East African region, while there is some data on people who inject drugs. The Global Fund, KANCO-led programme is implemented by CHAU in Uganda. It focuses on access to HIV treatment and implementation of harm reduction strategies for people who inject drugs. People who inject drugs are vulnerable due to the criminalisation of drug use. The dearth of information regarding how many individuals use drugs, more specifically those who inject drugs; correlated with the rate at which HIV infection occurs – further increases these vulnerabilities. A recent study reveals that very often sex workers will use drugs, thus showcasing the need for an intersectional approach, but there is no disaggregating data on people who inject drugs (PWID) in Uganda. The need for more research was highlighted as key, so as to reinforce evidence-based interventions for people who use drugs, particularly those who inject drugs, in Uganda.

³ The full presentation can be accessed here: <http://www.arasa.info/info/presentations/presentations-regional-dialogue-promoting-right-based-approaches-curbing-hiv-among-key-populations/>

In introducing the Global Fund supported, KANCO-led Programme, the main objectives of which are essentially to:

1. Create an enabling environment for harm reduction; and
2. To provide of social support systems for people who use drugs.

This programme comprises of eight implementing countries in the region: Kenya, Uganda Tanzania, Zanzibar, Ethiopia, Seychelles and Burundi. The programme has directly impacted on the HIV prevalence rates and more importantly the inclusion of people who inject drugs into national policy which has paved the way for future interventions. This programme reflected a positive step in advocating for the rights and protection of people who inject drugs who were previously a neglected category of KP.

SWAZILAND INVOLVEMENT: MINISTRY OF HEALTH: SWAZILAND NATIONAL AIDS PROGRAMME



Insight was provided on the National Aids Programme in Swaziland which was presented by a representative from the Ministry of Health. In Swaziland, those most affected by HIV/ AIDS infection ranges from 14-49 years of age. While prevalence rates among key populations (identified as men who have sex with men and sex workers) remains high. With regards to people who use drugs, Swaziland has no available data. As in other contexts and regions most of the violations or abuses directed at key populations are carried out by police officers and border officials.

In response to this, the Ministry of Health has engaged various law enforcement authorities (police officers and military police) to highlight the realities faced by key populations. These consultations allowed for an opportunity to evaluate the needs of law enforcement officials in order to create more positive rights based approaches to interacting and approaching key populations. The outcome of these initiatives resulted in sensitisation of the target group and the creation of an effective intervention which other law enforcement agencies from other regions have adopted as an approach to engaging with key populations. Discussions around a baseline study are underway. This work is being led by the Swaziland Association for Crime Prevention and Rehabilitation of Offenders (SACRO), in collaboration with the Ministry of Health and the World Health Organisation (WHO). More details of this study will follow, as the research protocol is still being developed, for ethical approval.

LAW ENFORCEMENT & HIV NETWORK (LEAHN), TANZANIA



A presentation was shared by a law enforcement official from the Law Enforcement Network of Tanzania (LEAHN). He spoke impassionately about the difficulty of altering perceptions of at risk populations within law enforcement. Furthermore he outlined the challenges in encouraging most law enforcement officials to adapt to a more humanitarian approach when dealing with drugs users. The existing approach has been on the chain of supply and demand and the criminalisation thereof. Harm reduction had previously been excluded as a viable intervention, neither had the benefits been identified in dealing with the problem of drug use. The network through ongoing engagement looked at a more humanitarian approach aimed at harm reduction. This transformative approach has revealed the role that law enforcement officials in decreasing drug abuse in communities where drug use is rife. This network aims to not only connect law enforcement officials but includes various

stakeholders working on HIV (Such as health care workers). Since the creation, the tangible outcomes have been:

- More than 10 000 police officers in Dar-es Salaam trained on harm reduction;
- Approximately 3000 people to date have accessed the free methadone clinic; and
- 25 000 signatures have been added to the network.

UNODC INTERVENTION IN CORRECTIONAL FACILITIES IN MOZAMBIQUE



In Mozambique, The United Nations Office on Drugs and Crime (UNODC) presented information on interventions focusing on the reduction of HIV /AIDS in prisons. The UNODC utilised a situational needs assessment to reflect the state of the prison system as well as reveal the gaps present. The results were shared with law enforcement officials and policy makers and what emerged was the lack of policy and legislation to guide the reduction of HIV/AIDS in prisons. The outcomes led to the development of legislation and sensitisation of officials from the Ministry of Justice and Health. UNODC in partnership with other government entities have been instrumental in working towards the protection of prisoners in the context.



CHREAA team at the Day of Action on 9 July 2016 with prisoners at the Chichiri Prison, Malawi.

9. PAVING THE WAY TOWARDS A REGIONAL ADVOCACY AGENDA



With the realities presented and a platform created for robust discussions on a human rights centred approach, the final session of the meeting involved charting the path forward towards forming a regional advocacy agenda. ARASA shared in brief the aims and plans towards a regional media campaign entitled “Unjust and Unhealthy- Uncaging Prisoner’s Human Rights”, which was launched on the 16th of June 2016. To date, the campaign has mobilised 106 partners in 18 countries, six partners have been active in the campaign, so far, with national launches being planned in the Democratic Republic of Congo (DRC), Malawi and Zambia over the coming two months. The campaign aims to illuminate the importance of taking cognisance of prisoner’s rights in the region through the following:

1. Review of the policies governing the health and rights of prisoners; by promoting the UNODC and SADC Minimum Standards of Care in Prisons
2. Raising awareness and educating the public around the rights of prisoners and the conditions that they face; and
3. To improve and prioritise funding to ensure that the required basic conditions are maintained to improve the dignity of prisoners

The final group session involved breakaway sessions where four groups of participants were requested to engage and develop solutions to the following question:

“What are the two issues that should be prioritised to respond to these challenges in a coordinated manner in-country and at a regional level?”

All four groups deliberated and presented their plans and many commonalities emerged and these informed the key outcomes which were outlined in the executive summary.

KEY ISSUES IDENTIFIED

- The need for the decriminalisation of Key populations.
- Lack of strategic information in various countries.

REGIONAL LEVEL

- More advocacy and collaboration at the NGO forum at the African Commission on Human and Peoples’ Rights sessions and any other advocacy spaces in the region.
- Dissemination of regional commitments and projects.
- Documentation and dissemination of information.
- Strategic Litigation- use of precedents from other countries in the region.

NATIONAL LEVEL

- Advocacy lobbying, sensitisation of policy makers such as law reform commissions .
- Reviewing laws that are posing a barrier to Key Populations.
- Investment in research and mapping Key Population groups and services.
- Engagement with law enforcement officials- identifying the allies located within all law enforcement bodies (such as the police, courts, immigration, army etc).
- Documenting work, case studies, working with media, national indicators.

- Working with stakeholders to ensure national indicators are harmonised especially Ministries of Health and CSOs
- Closer collaboration with National Aids Councils (NACs) and Country Coordinating Mechanisms (CCMs).
- Global fund to improve or complement advocacy issues.
- Strategic litigation strengthening the body of jurisprudence.

10. CONCLUSION

The Regional Dialogue on Promoting Rights-Based Approaches to HIV curbing among Key Populations: Collaborating with correctional services and law enforcement officials provided in-depth information and dialogue around the regional concerns of human rights violations inflicted upon key populations by law enforcement officials and correctional services. The punitive measures contribute to increasing HIV prevalence rates and deter access to HIV and sexual and reproductive health services for key population groups.

Key issues that emerged from the Regional Dialogue included that regional bodies such as the Southern African Development Community, the African Union, and the African Commission on Human and Peoples' Rights need to be mobilised to reinforce advocacy efforts to review policies and monitor regional rights violations of Key Populations; the urgent need for sensitisation training and capacity building of law enforcement officials and health care workers; and the need to create regional tools and scale up existing programmes through information sharing and exchange in order to strengthen regional advocacy efforts.

The emergence of these focal issues led to the development and adoption of a Southern and East African Regional Strategy, comprising of key action steps to promote a rights based approach to the treatment of key populations. Four key outcomes aligned to practical activities were developed which will inform the implementation of the regional strategy, including sensitisation and capacity development of law enforcement; strategic litigation and strengthening engagement with policy and law makers; continuous documentation of evidence of human rights violations and improved coordination for effective implementation of advocacy.


The outcomes and action steps of the Regional Dialogue lay the foundation for feasible and practical plans that would work towards strengthened advocacy efforts aimed at collaborating with law enforcement to promote the rights of key populations in the HIV and TB response.





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