

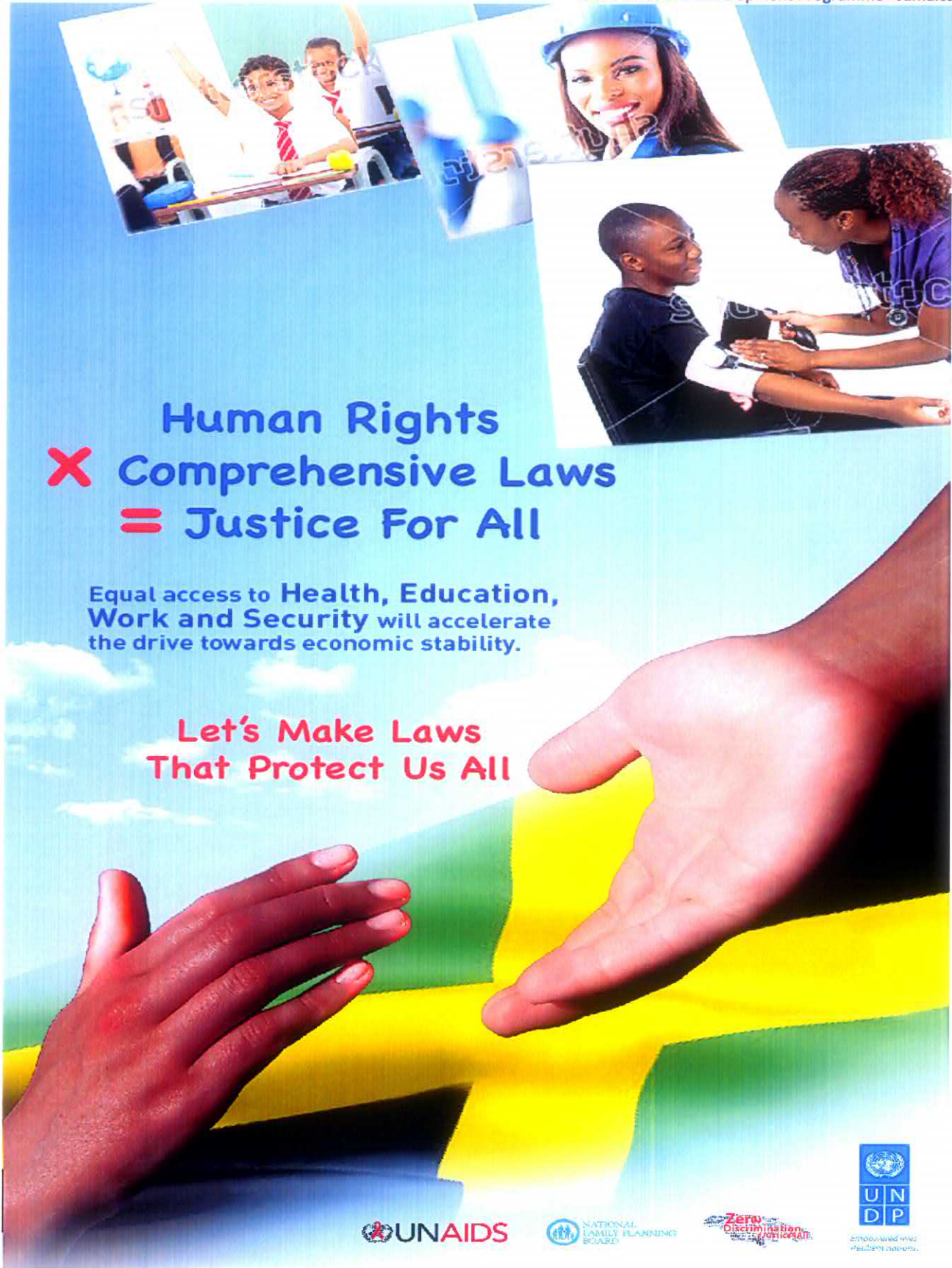


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## ANNUAL PROGRESS REPORT

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<b>Country:</b>	JAMAICA		
<b>Reporting period:</b>	January 2013- December 2013		
<b>Project number and title:</b>	Project 00080837 and 00085489 Building Capacity for Reform of HIV Related Law and Policy in		
<b>Project Duration:</b>	July 2012- December 2013		
<b>Donors:</b>	UNDP and UNAIDS		
<b>Implementing Partner:</b>	UNDP		
<b>Responsible Parties:</b>	National HIV/STI Programme, Ministry of Health		
<b>Overall Project Coordinator:</b>	Assistant Resident Representative		
<b>Initial Approved Budget:</b>	US\$ US\$ 162,161.84	<b>Revised Approved Budget:</b>	US\$
<b>Total annual advance:</b>	US\$ N/A	<b>Total annual expenditure:</b>	US\$139,272.04
<b>Annual Delivery:</b>	85.88%		



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## I. EXECUTIVE SUMMARY

The HIV and the Law Project was developed to assist in the acceleration of legal and policy reform that would support the achievement of the UNGASS 2011 political declaration targets on HIV, the MDG goal 6 and the Vision 2030 goals on health. The first major output of the project sought to identify legal and policy gaps that facilitate discrimination against vulnerable populations and hindered access to treatment and prevention services. A Plan of Action on legal reform was also developed to accompany the assessment; it prioritized the main aspects of Jamaican laws and policies that needed to be changed and indicated the various stakeholders that should take action on particular issues.

Interestingly the evidence in the legal assessment quite clearly supported the fact that there was a need to integrate a right to health approach into the HIV programme activities being conducted by the National HIV Programme especially at treatment sites. Issues around confidentiality breaches and discrimination experienced by PLHIV's and persons classified as most at risk was as a result of the lack of respect for individual rights at health sites. The Plan of Action highlighted that anti-discrimination legislation or HIV regulation was needed to address the key issues related to stigma and discrimination both in health care settings but also in the economic and social spheres of the Jamaican society.

The project also reviewed the existing structures for ensuring access to justice for PLHIV's and other vulnerable groups by assessing the capacity of legal aid structures in CSO's and government agencies. The recommendations from that review will not only be used to inform the UNDP's HIV programme but the overall support to governance transformation currently underway through the JUST project. The main challenges in providing legal aid for PLHIV's are linked into the broader systemic issues on how legal aid is administered in Jamaica.

The only major setback faced by the project was the communications consultancy not being fully completed. Though the allotted time was partially a factor the consultant hired performed below the expected standard and as such her contract had to be discontinued before completion. Even with this setback major strides have been made in reaching key parliamentarians and creating momentum for the support of the legal reform. A platform for advocacy was also initiated with the Justice for All Programme supported by UNAIDS developed by PANCAP and being coordinated by The UN special envoy to the Caribbean the National HIV Programme and UNDP. There will be opportunities created through the Justice for All platforms to reach Faith Based Organizations who are generally in conflict with legal reform proposals, government officials and other groups.

Overall the project has achieved the main goals it had set out to achieve in support of building capacity for the reform of HIV law and policies in Jamaica. It also has shown that there is a lot of work that must be done to achieve the desired changes and that UNDP has a critical role to play in assisting in the achievement of legal reform in the context of HIV.

## II. FINANCIAL SUMMARY

RESOURCE AND EXPENDITURE REPORT 2012-2013						
Donor	Total Budget (US\$)	Programmable Budget (US\$)	UNDP Direct Payment/Reimbursements	Total Advances to IP (US\$)	Total IP Expenditure US\$	Remaining Funds (US\$) Prog. Budget minus Total Expenditure
	A	B	C	D	E	F= B-(C+E)
UNDP UBRAF – (Global Project)	75,000	70,000				
UNAIDS UBRAF (Local Project)	100,000	93,000				
<b>TOTALS:</b>	175,000	163,000	139,272.04	NA	NA	23,419.25

NB FOR PERIOD UNDER REVIEW NO IP WAS SELECTED

### III. ACTIVITIES AND ACHIEVED RESULTS

Expected Outputs & Indicators (including annual targets)	Planned Activities	Planned Budget	Expenditure (US\$)	Achieved Results	Completion Status
<p><b>Output 1</b> Plan of Action for Amendment of HIV-related legislation and policy development</p>	<p>Review of Jamaica's compliance with International Human Rights Treaties related to HIV and with CARICOM Model Law on HIV and Identification of HIV related law and policies limiting access to treatment, care and counselling</p>	<p>43,500</p>	<p>41,1568</p>	<p>Legal assessment completed and submitted to all key stakeholders</p> <p>Discussions underway with policy makers and parliamentarians on implementing actions from the Draft Plan of Action</p>	<p>Fully</p>
<p><b>Baseline</b></p> <p>No comprehensive technical assessment of reforms required to existing HIV related law and policy have been conducted</p>	<p>Monitoring of legal reform activities being undertaken as part of the UN Joint Team and incorporation into legal reform process</p>	<p>0</p>	<p>0</p>	<p>Draft policy on Access to contraceptives for minors developed</p>	<p>Fully</p>
<p><b>Indicators:</b></p> <p>1) Number of international treaties signed by Jamaica, reviewed for compliance of domestic law with HIV-AIDS obligations</p>					
<p>2) percentage participation in policy and legal review by representative agencies of at risk populations as defined by National</p>					



Expected Outputs & Indicators (including annual targets)	Planned Activities	Planned Budget	Expenditure (US\$)	Achieved Results	Completion Status
<p>Strategic Plan</p> <p><b>Targets:</b></p> <ul style="list-style-type: none"> <li>All international human rights instruments signed by Jamaica as of December 2012 reviewed</li> <li>100% of at risk populations' representative agencies participating in review</li> </ul>					
<p><b>Output 2</b> Jamaican Parliamentarians sensitised to the direct and indirect effects of outdated, inconsistent and discriminatory HIV-related laws on the incidence of HIV and AIDS in Jamaica</p> <p>Baseline No national dialogues initiated</p> <p><b>Indicators:</b></p>	<p>Sensitization of Parliamentarians on cost of inadequate legal infrastructure as well as interaction between HIV-related laws and policies and status of the epidemic in Jamaica</p> <p>National Dialogue on HIV, Human Rights and Law among key stakeholders</p>	<p>10,000</p> <p>58,000</p>	<p>4730</p> <p>31940</p>	<p>A total of 11 parliamentarians participated in two sensitization activities under the project. This fell short of the target of 17 by 6 parliamentarians</p> <p>Communication campaign partially implemented</p>	<p>Partially</p>

Expected Outputs & Indicators (including annual targets)	Planned Activities	Planned Budget	Expenditure (US\$)	Achieved Results	Completion Status
<ol style="list-style-type: none"> <li>Number of Parliamentarians receiving sensitisation materials</li> <li>Number of parliamentarians attending sensitisation events</li> <li>Design and conduct of public communication campaign on HIV &amp; law reform issues</li> </ol> <p><b>Targets</b></p> <ul style="list-style-type: none"> <li>100% of parliamentarians receive sensitisation materials</li> <li>At least 20% of parliamentarians attending sensitisation events</li> <li>Communication campaign on HIV &amp; law reform issues designed and conducted</li> </ul>					
<p><b>Output</b> Access to legal services for groups vulnerable to HIV</p>	<p>Assessment of Capacity of legal aid services and human rights desks in CSOs,</p>	<p>11,000</p>	<p>9,100</p>	<p>8 CSO's have legal aid services in operation                      2 tertiary institutions have legal aid</p>	<p>Fully</p>

Expected Outputs & Indicators (including annual targets)	Planned Activities	Planned Budget	Expenditure (US\$)	Achieved Results	Completion Status
<p>related Human rights abuses</p> <p><b>Baseline</b></p> <p>National Reporting and Redress System established by Ministry of Health for cases of HIV related Human rights violations</p> <p><b>Indicators</b></p> <p>Number of Legal aid services operating within CSO's</p> <p><b>Targets:</b></p> <p>Legal aid services in operation by CSO's assessed</p>	<p>building programme for legal aid services</p>			<p>clinics and there are 7 government supported legal aid service providers. There are also a number of lawyers providing individual pro bono services for PLHIV's however this data has not been captured anywhere.</p>	
<p><b>Output 4</b> Jamaican Judiciary sensitised to the impact of outdated and discriminatory laws on HIV and other key issues raised within the scope of work of the Global Commission on HIV and the law</p> <p><b>Indicators</b></p> <p>Level of participation of judges and magistrates' in</p>	<p>Sensitization of Key Stakeholders in Judicial System on issues of HIV and the law</p>	4000	3652.10	<p>Participation in sensitization workshop by more than 90% of invited judges and magistrates.</p>	Completed in 2012

Expected Outputs & Indicators (including annual targets)	Planned Activities	Planned Budget	Expenditure (US\$)	Achieved Results	Completion Status
sensitization process  <b>Target</b> 90% of invited judges and magistrates attend Judicial Sensitization event					
<b>Output 5</b> Management of HIV and the Law Project including fulfilment of all DIM Project reporting requirements Indicators <ul style="list-style-type: none"> <li>• Time taken for production of quarterly reports from end of quarter</li> </ul> <b>Targets</b> <ul style="list-style-type: none"> <li>• Quarterly reports produced within two weeks of end of quarter</li> </ul>	HIV and the law project, work plan developed, project activities implemented and project monitored and evaluated	35,661.84	35,661.84	2013 AWP drafted and approved Quarterly Work Plans and reports drafted and approved	Fully



#### IV. PARTNERSHIPS AND SUSTAINABILITY

Partnerships	Impact on/Contribution to Project Activities
National HIV/STI Programme, Ministry of Health	Key partner in guiding the process of the legal review and providing technical expertise on existing HIV data and programmes. The Enabling Environment portfolio of the National HIV/ STI Programme will be incorporating the findings of the legal assessment into their work plan and future initiatives
UNAIDS Jamaica	Provision of technical expertise and guidance on management of HIV and the Law project. UNAIDS is also the main funding partner through UBRAF for the project. UNAIDS will also provide continued technical and financial support for the National HIV programme and other stakeholders involved in various aspects of HIV related legal reform highlighted by the Plan of Action
UNDP HIV & Governance Practice leader NY	Provision of technical assistance on advocacy and policy reform
UNDP Regional Centre HIV Unit Head	Provision of technical and financial support in supporting legislative and policy reform

#### SUSTAINABILITY

Throughout the project, the National HIV/STI Programme (NHP) of the Ministry of Health has remained a critical partner providing technical support and guidance. For particular components of the project the NHP through its Enabling Environment Portfolio took the lead in directing the delivery of specific results. The formulation of the project drew heavily on the objectives outlined in the National HIV Strategic Plan for 2012-2016 where a key goal is the removal of discriminatory legislation and policies that hinder access to treatment and opportunities for prevention. Progress in this key area lies under the responsibility of the Enabling Environment portfolio of the NHP.

The NHP will be using the Plan of Action developed under the project as a platform to lobby for action on legal reform. Various CSO's and other government agencies have also been able to focus on aspects of legal reform in line with their specific mandates in relation to HIV. The NHP will also be coordinating the development of a strategy for advocacy involving multiple stakeholders which is to be complemented by UNDP's communication strategy which was also developed under the project.

Going forward for UNDP, the results of this project will form the foundation for further work in HIV, building on issues of good governance and access to justice by vulnerable populations. The results of the review have highlighted future programming areas requiring intervention by UNDP linked into national priorities in HIV and AIDS. The major threat to the sustainability of initiatives in support of legal reform is being able to identify funding for different aspects of legal reform highlighted by the Plan of Action to continue the work being undertaken by UNDP.

## Annex I Combined Delivery Report

[Annex II Assets and Inventory](#)

**Click icon and complete Assets Inventory**



AssetInventoryTemp  
late.xls

Annex III Risk Log

#	Description	Date Identified	Type	Impact & Probability	Countermeasures / Management response	Owner	Submitted, updated by	Last Update	Status
1.	Process of legal reform could be derailed because of over emphasis on one area of legal reform, the removal of the Buggery law.	December 30, 2012	Environmental	Ensnuing backlash from religious groups and non-tolerant individuals would influence politicians and policy makers who are already under criticism because of the current economic situation in the country. They would not want to further be viewed as provoking the electorate and may delay action on legal reform. P = 3 I = 4	Strong partnership with partners in the National HIV Programme and other CSO's involved in legal reform to maintain focus throughout the process on an equal emphasis on all areas of reform and development of a joint legal reform strategy	HIV Programme Officer	HIV Programme Officer	31/12/13	Disruptions were experienced in the provision of administrative support to the project particularly in relation to procurement
2.	Procurement processes can lead to delays in the start of the legal review process	July 30, 2012	Operational	Procurement processes could have a major impact as most activities being a DIM project are linked so if delays are experienced through procurement will have spin off effect on time taken to complete other activities P = 3 I = 3	Some aspects of procurement will be handed over to the NHP to carry out.	HIV Programme Officer	HIV Programme Officer	31/12/13	Strong Faith Based lobbies against discussions around removal of buggery law and the Constitutional challenge brought by Jahved Jaghai continue to be prevalent in the media. Engagements with parliamentarians



<p>3. <i>Legal reform strategy of consultation leads to delays in legal review process</i></p>	<p>March 1, 2013</p>	<p>Operational/Organizational</p>	<p>The type of strategy that the National HIV programme wants to employ involves having the legal review guided by a core team of ministerial representatives and heavy participation from a wide range of stakeholders.  P= 5 I=5</p>	<p>Though the draft plan of Action has been completed as scheduled there is an anticipated delay in finalizing the draft with input from all stakeholders</p>	<p>HIV Programme Officer</p>	<p>HIV Programme Officer</p>	<p>31/12/13</p>	<p>throughout the project have presented all issues around stigma and discrimination drawing heavily on the Legal Assessment findings  Collaborative approach has led to an expansion of the list of stakeholders that require sensitization not previously envisioned by the scope of the project</p>
<p>1. Repercussions from health and family life curricula; in the recent past there has been a backlash on external input into local HIV prevention material in schools which had homosexually tolerant inferences</p>	<p>December 30, 2012</p>	<p>Environmental</p>	<p>If the legal review was viewed as an externally driven process to force change to benefit gay and lesbian interests this could have a devastating impact on the process and key stakeholders such as parliamentarians and policy makers would shy away from the issues relating to legal reform due to its controversy.  P= 3</p>	<p>Understandably, it is very important that certain project activities, such as the legal review, are identified as being indigenous and linked to the National Strategic Plan on HIV. It must be seen as necessary for the Jamaica's prevention and treatment priorities</p>	<p>HIV Programme Officer</p>	<p>HIV Programme Officer</p>	<p>31/12/13</p>	<p>No change</p>

<p>i. The impact of the current economic crisis on the country has to be viewed as a risk.</p>	<p>December 1, 2012</p>	<p>Financial/Political</p>	<p>I = 5                  With Jamaica being a highly indebted country and in the process of renegotiating its agreement with the IMF there is a lot of emphasis on economic stability, legal reform as it relates to HIV will not be a priority area for parliamentarians                  P=3                  I=3</p>	<p>Strong plan for sensitization of parliamentarians has to be developed and include a wide range of stakeholder interventions</p>	<p>HIV Programme Officer</p>	<p>HIV Programme Officer</p>	<p>31/12/13</p>	<p>No change</p>
<p>ii. Merger of National Family Board and National HIV/ STI Programme. As both entities have similar mandates the high profile NHP being merged with Family planning board has been on the agenda to increase public sector efficiency.</p>	<p>November 30, 2012</p>	<p>Operational Organizational</p>	<p>As with any merger it can present some administrative challenges which may have an impact on operationalization of the project                  P=2                  P=2</p>	<p>Monitoring of progress of the merger and take action as necessary</p>	<p>HIV Programme Officer</p>	<p>HIV Programme Officer</p>	<p>31/12/13</p>	<p>No change</p>



Annex IV Issues Log

#	Description	Date Identified	Type	Impact & Priority	Countermeasures / Mngt response	Owner	Submitted, updated by	Last Update	Status
1.	Procurement challenges due to country office realignment process	October 30, 2012	Organizational	Reduction in country office procurement capacity reduced the chances of making critical changes in human resource being used to facilitate completion of National Dialogue and the development of the supporting media campaign material. The costing of the Plan of Action also could not be completed.  Priority = 5	The Programme Officer has re-examined what media material can be completed and has put steps in place to ensure this is done	Deputy Resident Representative	HIV Programme Officer	December 31, 2013	Resolution in progress
2.	Time available for the sensitisation of stakeholders	November 1, 2013	Structural	<i>The extensive nature of the level of sensitisation necessary to build support for the recommendations in the Plan of action were underestimated in the original project design. In order to ensure that there is a strong advocacy within CSO's policy makers and government officials more extensive sensitisation must occur</i>	<i>The Deputy Resident Representative has secured a project extension of Three months where further sensitisation activities will occur.</i>	Deputy Resident Representative	HIV Programme Officer	December 31, 2013	Resolution in progress





**Annex V Lessons Learned**

#	Type	Date Identified	Successes	Shortcomings	Recommended Solutions	Submitted, updated by
1.	Project Management	November 30, 2012	<p>Main Project outputs were achieved with partial progress made in other areas</p> <p>Structuring of the legal assessment and plan of action was praised by various stakeholders</p> <p>Formation of Legal Review Steering Committee to support legal reform</p>	<p>The period designated for the achievement of outputs from this project was very limited as such a lot of effort had to be made to ensure that procurement processes and other administrative procedures did not cause any severe delays</p>	<p>Adjust timelines for project deliverables based on lessons learnt in previous engagements under the project</p>	HIV Programme Officer
2.	Project Coordination	September 30, 2013	<p>Support of Ministers of Health and Minister of Justice on legal reform agenda</p>	<p>Reaching parliamentarians was even more difficult than originally expected</p>	<p>Greater coordination in using parliamentarians to assist in sensitization of other parliamentarians</p>	HIV Programme Officer

**Project Management:** Prepared by: Rachel Morrison  Date: 20/01/14

Accepted by:  Date: 30/01/14  
Elsie Laurence Chounoune, Deputy Resident Representative

Approved by:  Date: 31/1/14  
Arun, Kashyap, Resident Representative