

A PRESENTATION FOR DISTRICT LEADERSHIP ENGAGEMENTS ON INCLUSIVE HIV/TB/MALARIA SERVICES

BY EQUAL OPPORTUNITIES COMMISSION

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1.0. About the EOC (Equal Opportunities Commission)

The Equal Opportunities Commission (EOC) is a government body established under Article 32 of the Constitution of the Republic of Uganda, 1995 (as amended), and operationalized by the EOC Act (Cap 7) and other relevant laws of Uganda.

1.1. The Mandate of the EOC

The EOC is purposed to give effect to the State's constitutional mandate to eliminate inequalities against any individual or group of persons on grounds of sex, age, race, colour, ethnic origin, tribe, birth, creed or religion, health status, social or economic standing, political opinion or disability; and take affirmative action in favour of groups marginalized on the basis of gender, age, disability or any other reason created by history, tradition or custom for the purpose of redressing imbalances which exist against them.

In line with its mandate, the Commission reviews, monitors and evaluates laws, bills, policies, programs, practices, cultures, customs and traditions of all Government and non-Governmental entities to establish compliance with equal opportunities and affirmative action, and provide appropriate remedy by issuing appropriate advice, recommendations, guidance or orders.

1.2. Vision of the EOC

The commission envisions "A just and fair society where all persons have equal opportunity to participate in, and benefit from all spheres of political, economic, social & cultural life".

1.3. Mission of EOC

The mission of EOC is to give effect to the State's mandate to eliminate discrimination against any individual or groups of persons through taking affirmative action to redress imbalances and promote equal opportunities for all in all spheres of life.

1.4. Functions of the EOC

The functions of the Commission are spelt out in Section 14 of the Equal Opportunities Commission Act, Cap. 7. Critically, the Commission is charged with monitoring, evaluating and ensuring that policies, laws, plans, programs, activities, practices, traditions, cultures, usages and customs of all State and non-State actors are compliant with equal opportunities and affirmative action in favour of marginalized groups

2.0. About the Global Fund

Fight AIDS, Tuberculosis and Malaria, often called the Global Fund, was created in 2002 as an innovative financing mechanism that seeks to rapidly raise and disburse funding for programs that reduce the impact of HIV/AIDS, tuberculosis and malaria in low and middle-income countries.

The Global Fund is an act of extraordinary global solidarity and leadership, the world came together to create the Global Fund to fight what were the deadliest pandemics confronting humanity - HIV, TB and Malaria to ensure a healthier, safer and more equitable future for all. Every year, the Global fund raises and invests colossal financial resources to fight the deadliest infectious diseases.

The Global Fund is a partnership between donor countries, the private sector and private foundations, implementing governments, civil society, international organizations, and affected communities. This partnership governs, oversees and implements the Global Fund's strategic vision of ending HIV/AIDS, TB and Malaria, while building resilient and sustainable systems for health, and inherently strengthen country capacity to detect and respond to acute outbreaks and disease threats.

3.0 Background to the EOC-Global Fund Project

During the implementation arrangements and processes of the Global Fund initiatives, several barriers were realized and they had serious implications on equitable access to, and benefit from the HIV, TB and Malaria programs and services by marginalized groups.

To address the existing barriers, Global fund decided to adopt the breaking Down Barriers Initiative (BBI); and since 2017, the Initiative has supported twenty (20) countries - including Uganda, to identify and address human rights barriers to HIV, tuberculosis and malaria services. As part of this support for the 2021-2023 allocation period, the Global Fund provided Uganda with extra monies as matching funds to further strengthen and scale up programmes to reduce the barriers.

To embark on deliberate efforts in addressing the barriers hindering equal opportunities in accessing HIV, tuberculosis and malaria services, a needs assessment was conducted.

The purpose of conducting the needs assessment was to ensure that technical support for Uganda for strengthening programmes to reduce human rights barriers was comprehensive, prioritised and guided by a results framework clearly linked to ensuring that such programmes are designed, implemented and scaled-up for impact across implementation.

The assessment findings revealed several gaps that were technical and procedural in nature. It is therefore upon this background that the EOC by its mandate and functions, became a beneficiary of the Global Support.

4.0. Commission Mandate in Redressing breaking Barriers Initiative under Global Fund

As per Uganda's legal and policy framework, the obligation to redress inequalities through promotion of equal Opportunities and taking Affirmative Action for the marginalized and vulnerable groups falls directly under the EOC Mandate and functions.

In redressing inequalities (breaking barriers in access to and benefit from HIV/TB services), the EOC performs the following functions.

- i) Investigates on its own or upon complaint by any person or group, any act, omission or practice that may seem to constitute discrimination, marginalization or otherwise undermine equal opportunities.
- ii) Examines and monitors any existing or proposed law, policy, culture, custom or plan likely to affect equal opportunities and take appropriate action.
- iii) Develops and manages information and educational programs to promote awareness of Equal Opportunities.
- iv) Researches information and disseminates data to promote public discussions in respect of equal opportunities.
- v) Prepares and establishes guidelines for implementation of equal Opportunities.
- vi) Monitors Uganda's compliance with international and regional conventions in respect of realizing equal opportunities for all, especially those conventions to which Uganda is a State's party.
- vii) Enforces compliance and provides assistance and advice or remedy through mediation, reconciliation, negotiation, settlement or other dispute resolution mechanisms to persons affected by abuses to equal opportunities.

As part of its functions, the EOC also has powers of a court that is vested with quasi-judicial status, to take legal action against individuals or organizations. But it is important to note that the EOC in its judicial status does not investigate the following:

- a) any matter which is pending before a court or judicial tribunal or is under investigation by another constitutional commission;
 - b) a matter involving the relations or dealings between the Government of Uganda and the government of any foreign state or international organization;
 - c) a matter relating to the exercise of the prerogative of mercy.
- Considering its mandate and functions, it is incumbent upon EOC to redress inequalities and promote equal Opportunities, Affirmative Action, Gender and Equity with the overarching objective of eliminating marginalization and discrimination against any individual/groups, that would otherwise be excluded from accessing, participating in and benefitting from the various development programs.

- Furthermore, the EOC monitors, assesses, and ensures all programs/activities implemented by either private or public organs are compliant with Equal Opportunities for all, and Affirmative Action for the marginalized groups.

To effectively ensure compliance to the Gender and Equity requirements, the mandate of the Commission was further strengthened with the enactment of the PFMA 2015, which placed Gender and Equity Budgeting at the Centre of public finance management in Uganda.

The PFMA has specific provisions on Gender and Equity in Sections 9(6) (a) and (b), 13(11), and 13(15) (g) (i) and (ii), which require all Ministries, Departments and Agencies (MDAs) and Local Governments to address gender and equity issues in their Budget Framework Papers (BFPs) and Ministerial Policy Statements (MPS) by specifying measures to address existing inequalities and allocate budgets to address the different needs of Children, Youth, Women and Men, Persons With Disabilities, Older Persons, Ethnic Minorities, People Living with HIV/AIDS and other marginalized groups.

MDAs and LGs that do not comply with the Gender and Equity requirements are denied the Certificate of Gender and Equity; hence non-approval of their budgets by the Budget Committee of Parliament, and the Law compels 20% penalty (deductions) from the current budget.

5.0 Legal and Policy framework on HIV/TB and Malaria

Through its legal and policy framework, Uganda prioritizes control of HIV and AIDS. Examples of legal instruments through which this is done include:

- I. Uganda's Vision 2040,
- II. The National HIV prevention and control Act 2014,
- III. The National Resistance Movement (NRM) Manifesto 2021- 2026 and,
- IV. The 3rd NDP 2020/2021 - 2024/2025.

In addition to the existing policies, in the year 2017 Uganda launched the Presidential Fast Track Initiative (PFTI) on Ending the AIDS Epidemic by 2030.

These and other efforts contributed to the drop of HIV Prevalence from 18% in early 1990s to 5.1% by December 2023.

The PFTI is a catalyst for fast tracking our national efforts towards ending AIDS by addressing key bottlenecks in the HIV response. The PFTI has 5 objectives as follows to:

- I. Engage men and close the tap on new HIV infections especially among women and young people.
- II. Accelerate Test and Treat, and achieve the 95-95-95 (95 testing,95 adherences, and 95 suppression), HIV treatment targets.
- III. Consolidate the achievements under the Elimination of Maternal-to-Child Transmission of HIV Program.

- IV. Ensure financial sustainability of the HIV response
- V. Ensure institutional effectiveness of the National HIV response

NOTE:

HIV, the virus that causes AIDS, is one of the world's most serious public health challenges, however there is a global commitment to stopping new HIV infections and ensuring that everyone living with HIV has access to HIV treatment and other services.

In Uganda, deliberate strategies and interventions have been put in place to combat the disease and contribute to the UNAIDS HIV treatment target of 95- testing, 95 adherences, 95% suppression (95-95-95).

6.0 HIV Statistics

6.1. Global Statistics

- I. 39 million [33.1 million–45.7 million] people globally were living with HIV in 2022.
- II. 1.3 million [1 million–1.7 million] people became newly infected with HIV in 2022.
- III. 630,000 [480,000–880,000] people died from AIDS-related illnesses in 2022.
- IV. 29.8 million people were accessing antiretroviral therapy in 2022.
- V. 85.6 million [64.8 million–113.0 million] people have become infected with HIV and 40.4 million [32.9 million–51.3 million] people have died from AIDS-related illnesses since the start of the epidemic.

6.2. HIV statistics in Uganda

- I. The total number of people Living with HIV = 1,400,000
- II. Women living with HIV – 840,000
- III. Men Living with HIV - 500,000
- IV. Children Living with HIV- 88,000

6.3. HIV Prevalence Rates

- I. Overall prevalence rate in Uganda - 5.1%
- II. Women -6.6
- III. Men- 3.8

6.4. New Infections

- Overall new infections -52,000

- Women – 30,000
- Men- 15,000
- Children-5,900

6.5. AIDS Related deaths

- Overall deaths rates -17,000
- Women death rate – 6,300
- Men death rate- 7,100
- Children death rate -4,000

6.6. The Perspective of HIV/TB Challenges in Uganda,

- The rampant stigma, discrimination and marginalization against people living with HIV/AIDS in all aspects of life is still a big challenge. Their discrimination is manifest in limited access to, participation in, and benefit from development programs such as education, health, employment, as well as in social interactions and belonging. The high levels of stigma and discrimination against PLWHA stands as a huge hindrance to the realization of the UNAIDS 95/95/95 target, aimed at ending HIV by 2030.

7.0 The Mandate and Role of EOC in Redressing Stigma and Discrimination in HIV/TB/Malaria Services

- As a marginalized and discriminated group of persons, PLWHA are a key constituent of the Commission on grounds of health status. Due to the stigma and discrimination they face in accessing services and social activities, PLWHA have always approached EOC for redress. In this regard, the EOC has presided over several HIV stigma and discrimination cases, the most recent being the judgement in the Pastor Sempa case of discrimination and several others, where employees have been terminated from work due to their HIV Status.
- **8.0. Conclusion**
- Notwithstanding the several interventions towards management and control of HIV/TB/Malaria, the number of new infections in the various districts is on the increase and situation could be far worse among the vulnerable/key populations. This increase has precipitated the design of specific well-thought interventions to redress stigma and discrimination as a main causal factor, which stands out as the major reason Global Fund considered funding support to EOC to undertake this activity.
- **The Commission calls on all players in this field to be proactive in ensuring that nobody is left behind, so that the services are equitably accessed and utilized.**