Community Guide:
Legal Environment Assessment for TB
WHY ARE LEGAL, REGULATORY AND HUMAN RIGHTS BARRIERS TO TB IMPORTANT?

TB disproportionately affects individuals who are vulnerable or marginalized. Key populations who face significant challenges when accessing TB care include:

- People living with HIV
- People who use drugs
- Mobile populations
- Rural and urban poor
- Miners
- Prisoners
- Women and children

The TB epidemic is fuelled by social and economic disparities faced by people from these communities. Additionally, according to STOP TB Partnership, “these challenges are perpetuated and exacerbated by policies and practices that violate human rights, hinder the achievement of gender equality, restrict access to essential medications, and generally discourage health-seeking behaviour.” Even when laws that aim to protect and promote human rights are in place, they are not always fully enforced.

WHAT ARE SOME EXAMPLES OF THESE BARRIERS?

THERE ARE A MULTITUDE OF BARRIERS THAT IMPACT ACCESS TO PREVENTION, TREATMENT AND CARE. SOME EXAMPLES ARE LISTED BELOW:

- Imprisonment for not adhering to treatment protocols – as opposed to a human rights-based, patient-centered policy for isolation and involuntary isolation.
- Lack of clear provisions in the law guaranteeing the right to TB and other health services for migrants.
- The use of stigmatizing and discriminatory terminology in state legislation and policy.
- Loss of privacy and confidentiality through reporting or contact identification.
WHAT DOES AN LEA DO?

IDENTIFIES POPULATIONS THAT ARE PARTICULARLY IMPACTED BY TB AND/OR HIV;

REVIEWS LAWS, POLICIES AND PRACTICES THAT SERVE AS BARRIERS TO ACCESS TB SERVICES FOR THESE POPULATIONS;

ANALYSES WHERE HUMAN RIGHTS VIOLATIONS MIGHT HAMPER ACCESS;

ENGAGES COUNTRY STAKEHOLDERS IN THE ALIGNMENT OF LAWS, POLICIES AND PRACTICES WITH HUMAN RIGHTS FRAMEWORK

PLANS FOR THE ALLOCATION OF RESOURCES (HUMAN, POLITICAL AND FINANCIAL) TO IMPLEMENT CHANGES.

THE SCOPE OF AN LEA MAY BE BROAD OR NARROW.

A BROAD LEA includes review of all legal and policy concerns related to TB, including international and human rights law; national obligations to international treaties; constitutional law; and policies and guidelines regulating treatment and care delivery.

A NARROW LEA on the other hand may address one or several specific issues, or the impact of TB on one or several key populations, focusing on the laws, regulations and lack of protections that impact access to TB treatment and care for these groups.
WHAT TOOLS EXIST TO HELP COUNTRIES CARRY OUT LEGAL ENVIRONMENT ASSESSMENTS FOR TB?

Legal Environment Assessments should connect to and build upon national processes. Key questions to ask:

• Will a new HIV and/or TB National Strategic Plan be developed soon?
• Will the current HIV and/or TB National Strategic Plan be reviewed soon?
• Is there an opportunity to submit a funding request to the Global Fund or other funding processes at country level?
• Are there other key strategic national opportunities?

TO READ MORE:

LEGAL ASSESSMENT

• EANNASO et al. December, 2017. Legal Environment Assessment for Tuberculosis (TB) in Tanzania
• Kingdom of Lesotho. 2016. Report on Assessment of the Legal Environment for HIV and AIDS in Lesotho

USEFUL RESOURCES

• EANNASO. Global Fund and Human Rights: a community guide to the Global Fund’s intensified efforts to scale up programs to remove human rights barriers to health services and the human rights violations complaint mechanism
• EANNASO. Community Guide: TB/HIV Gender Assessments
• Stop TB – The Global Plan 2016-2020
• Global Fund - Technical Brief on TB, Gender and Human Rights
• WHO – Tuberculosis and Human Rights Information Note

CAN MY COUNTRY RECEIVE TECHNICAL ASSISTANCE TO CONDUCT A LEGAL ASSESSMENT FOR TB?

The Global Fund Community, Rights and Gender Technical Assistance Program has provided support for legal environment assessments. It is critical for both civil society and governments to own the process to ensure success.