

# EU HIV/AIDS Civil Society Forum

## Call for a European response to remove HIV specific travel restrictions in Europe by 2010

In 2010, the International AIDS Conference will take place in Austria/Vienna. The fact that a European country is chosen as the host for this important meeting should be a great honour for us.

As the EU HIV/AIDS Civil Society Forum representatives, we see this event as a great challenge for a reinforced European commitment in the fight against stigma and the discrimination people with HIV and AIDS in Europe nowadays still face. There are 21 countries in the WHO Europe region that still have discriminating HIV specific entry and residence regulations in place. We want to see these restrictions removed by 2010 and call the EU institutions and the EU member states to work closely together, to demonstrate leadership by translating the key findings and recommendations of the International Task Team on HIV related travel restrictions into action.

The HIV/AIDS Civil Society Forum has been established by the Commission as an informal working group to facilitate the participation of non-governmental organizations, including those representing people living with HIV/AIDS, in policy development and implementation and in information exchange activities. The Forum includes about 40 organizations from all over Europe representing different fields of activity. The Forum acts as an informal advisory body to the European Think Tank on HIV/AIDS.

We want to see all HIV specific entry and residence restrictions in Europe be removed by 2010 when the global HIV community will meet in Vienna. This can only happen if the European institutions and Member States act immediately by working closely together with intergovernmental organisations like WHO, UNAIDS and IOM and civil society organisations in Europe.

Rationale:

For people living with HIV and Aids, travel can be connected with uncertainties since many countries have enacted discriminating entry and residence regulations. 66 of the 186 countries included in a survey by the German Aids Federation DAH have specific entry regulations for PLWHA in place. In another 22 countries, restrictions cannot be ruled out due to contradictory or imprecise information. 30 (!) countries do not stand back from deporting people living with HIV or asking them to leave the country once they are detected to be HIV-positive. The majority of countries with entry restrictions require mandatory HIV tests. Findings are published at the global database on HIV specific travel restrictions at [www.hivtravel.org](http://www.hivtravel.org).

There are currently 21 countries in the WHO Europe region with HIV specific restrictions in their legislation. These restrictions range from the denial of work and residency applications and study permits due to HIV status, (treat of) deportations, mandatory HIV tests for certain groups and populations, like house maids,

construction workers, sex workers and people working in the tourism industry, people arriving from endemic regions and returning citizens. There are European countries that consider HIV as a disease that is threatening public health and that refer to restrictions imposed on people living with HIV and AIDS as good public health standard.

Entry prohibitions generally affect persons who want to stay in a country for longer than three months. It depends on the duration of the stay whether an HIV test must be presented for approval of the stay, or not. HIV-positive test results generally lead to refusal of entry or to being forced to leave if one is already in the country. Such regulations limit people with HIV in the selection of educational opportunities and places of work. This discrimination cannot be accepted in the face of the change of HIV to a treatable chronic disease, since people with HIV – just like any other citizens today – need to plan their education and pursue a profession.

People with HIV are at constant risk of losing what they have built: their workplace and income, access to the health care system, their home, their friends and family, and sometimes their life!

The fact that these restrictions are still in place in so many European countries is shameful. Europe can do much better. European institutions should give a proof and do whatever possible to convince governments and ministries to remove these restrictions. It is up to us to demonstrate that Europe is a dignified host for the participants of the International AIDS Conference.

After 25 years experience with HIV we, as representatives from Civil Society Organisations throughout Europe, know that:

- Restrictions on entry, residence and stay based on HIV don't have a public health justification, since HIV is not very contagious. Transmissions are caused by specific behaviours that are a target for prevention efforts. Safer sex and safer use behaviours should be observed by everyone (independent of nationality, residence and HIV status). Screening at borders sends the wrong message and undermines public health efforts on HIV prevention and care.
- Restrictions on entry, residence and stay based on HIV infection are discriminatory and fuel negative perceptions of people with HIV as a burden to the health care budget, as virus carriers and as a threat to public health.
- Restrictions on entry, residence and stay based on HIV are contradictory to the GIPA principles (greater involvement of people living with HIV and AIDS); they deny the great contribution people with HIV make to society.
- Restrictions on entry, residence and stay based on HIV and forced HIV disclosure drives people away from health care services, it threatens the health of HIV positive individuals, leads to self stigmatisation, imperils self empowerment and increases the vulnerability of people with HIV.
- Restrictions on entry, residence and stay based on HIV imperil some of the most important public health principles and commitments taken by States to ensure access to treatment and care are in contradiction to political commitments.

Recalling the Declaration of Commitment and HIV/AIDS (2001) adopted by the special session of the General Assembly of the United Nations in June 2001 *“By 2005, develop and begin to implement national, regional and international strategies that facilitate access to HIV/AIDS prevention programmes for migrants and mobile workers, including the provision of information on health and social services.”*

Recognizing the Political Declaration on HIV/AIDS (2006) where Governments called for the scaling up of *“comprehensive responses to achieve broad multisectoral coverage for prevention, treatment, care and support with full and active participation of people living with HIV, vulnerable groups, most affected communities, civil society and the private sector towards the goal of universal access to comprehensive prevention programmes, treatment care and support by 2010.”*

Recalling your commitment as States in Europe to scale up the response to HIV/AIDS in the European Region of WHO to end travel restrictions, as declared in the WHO Regional Committee Resolution 9: *“(f) to develop a supportive social and legal environment for groups at risk, especially sex workers, and for people living with HIV/AIDS and to fight social and legal exclusion, including travel restrictions.”*

Taking into account the International Guidelines on HIV and Human Rights (1996/2006), stating that *“There is no public health rationale for restricting liberty of movement or choice of residence on the grounds of HIV status. [...] Therefore, any restriction on these rights based on suspected or real HIV status alone, including HIV screening of international travellers, are discriminatory and cannot be justified by public health concerns.”*

Recognizing the UNAIDS Practical Guidelines for Intensifying HIV Prevention: Towards Universal Access (2007) underlined the importance of including programmes for migrant workers and mobile populations within national HIV responses.

**In light of these commitments and the negative impact of the restrictions we, the EU HIV/AIDS Civil Society Forum, urge the European institutions and Member States to work closely together towards the removal of HIV specific entry and residence restrictions:**

1. The EU HIV/AIDS Civil Society Forum urges all States in Europe with HIV-specific restrictions on entry, stay and residence, in the form of laws, regulations, and practices, to review and then eliminate them, and ensure that all people living with HIV are no longer excluded, detained or deported on the basis of HIV status.
2. The EU HIV/AIDS Civil Society Forum urges all States in Europe to ensure the full protection of the human rights of people living with HIV in the context of mobility, under the international human rights framework.
3. The EU HIV/AIDS Civil Society Forum urges all States in Europe to stop exclusionary policies and include all mobile and hard-to-reach populations like migrant workers, undocumented migrants or migrants without health insurance into health care programmes, to ensure universal access to treatment, care and support.
4. The EU HIV/AIDS Civil Society Forum urges all States in Europe to stop any expulsion of undocumented persons with serious illnesses, or detention measures

before expulsion, as stipulated by the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament (20.9.2007, REPORT on the proposal for a directive of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third-country nationals (COM(2005)0391 – C6-0266/2005 – 2005/0167(COD)).

5. The EU HIV/AIDS Civil Society Forum encourages the European Commission to improve our knowledge about the situation in different States in Europe and to monitor the impact of HIV-specific restrictions on entry, stay and residence in Europe, especially to report on HIV related deportation and access to treatment and care services for mobile populations.
6. The EU HIV/AIDS Civil Society Forum encourages the intergovernmental institutions in Europe, especially WHO Europe, IOM, UNAIDS to work closely with European States with HIV specific travel restrictions towards their removal.
7. The EU HIV/AIDS Civil Society Forum encourages intergovernmental bodies like WHO Europe and UNAIDS to get in contact with countries in Europe that consider HIV as a disease threatening public health and that promote HIV specific restrictions as good public health principles to convince them on the contrary.
8. The EU HIV/AIDS Civil Society Forum encourages the European States, as part of UNGASS reporting, on whether they have HIV-specific restrictions on entry, stay and residence or have removed them during the reporting period.
9. The EU HIV/AIDS Civil Society Forum encourages the European Commission to support leadership through the development of advocacy tools and a communications strategy; engagement of the broadest possible range of partners; and strategic support to civil society to take up the issue of HIV-specific restrictions on entry, stay and residence, including facilitation of dialogue between government and civil society.
10. The EU HIV/AIDS Civil Society Forum encourages the European Commission to support the continued collection of information and evidence through strategic support to civil society efforts to develop and maintain a comprehensive, sustainable and publicly available global database on HIV-specific restrictions on entry, stay and residence with references to available laws, policies and practices, and the commissioning of necessary research on relevant economic, public health and human rights issues related to such restrictions.
11. The EU HIV/AIDS Civil Society Forum encourages the European Commission to promote and support the leadership of communities most affected by HIV specific travel restrictions and encourages further documentation of how such restrictions affect diverse groups of people and to build up and strengthens coalitions through the active engagement of a wide range of partners, including migrant organisations, law and human rights groups, and trade unions.
12. The EU HIV/AIDS Civil Society Forum encourages intergovernmental bodies, especially WHO-Europe, UNAIDS and IOM to work closely together with civil society to develop a policy brief on HIV testing among people crossing borders, migrants and mobile populations, to break the WHO guidance on provider initiated HIV testing and counselling (2007) down to the reality migrants face in

European States and to initiate a dialogue between civil society, migrant organisations and European States to ensure that minimal standards on HIV testing and counselling are respected.

- 13.** The EU HIV/AIDS Civil Society Forum encourages the European Commission to promote and support balanced and non-discriminatory and non-stigmatizing media coverage on HIV positive migrants and people crossing borders. Media in Europe does have a great responsibility to develop a sensitized understanding of the vulnerability of mobile populations. Further research should be supported to measure the counter productive impact on discriminative media coverage on public health.
- 14.** The EU HIV/AIDS Civil Society Forum encourages the European Commission together with intergovernmental bodies, like WHO Europe, ECDC and UNAIDS to improve our knowledge about costs-effectiveness of access to HIV treatment and care for all (without exclusion of certain groups like mobile populations and undocumented migrants).

Adopted by the members of the EU Civil Society Forum, 03 November 2008