Findings and Recommendations of the International Task Team on HIV-related Travel Restrictions

UNAIDS Programme Coordinating Board
Twenty Third Meeting
Geneva, 15-17 December 2008

Sissel Hodne Steen, Government of Norway, and Susan Timberlake, UNAIDS, Task Team Co-chairs
Overview of the Task Team

- UNAIDS created Task Team January 2008, following discussion at 16th meeting, Global Fund Board
- Advisory, technical group with 43 members, not executive or decision-making
- Time-limited, met three times
- Worked on basis of consensus to the degree possible
- Role to enhance and support efforts to eliminate travel restrictions in current context
- Has made recommendations to governments, UNAIDS PCB, Global Fund Board, and civil society
- GF Board accepted the recommendations in Nov. meeting
Papers commissioned by the Task Team

- **Mapping of restrictions** on entry, stay and residence of people living with HIV
- **Personal narratives:** the impact of HIV-related restrictions on entry, stay and residence
- **Annotated bibliography:** the impact of HIV-related restrictions on entry, stay and residence

International Task Team on HIV-related Travel Restrictions
Focus of the Task Team’s work

Restrictions on entry, stay and residence where:

- HIV is a *formal and explicit* part of the law or regulation;
- HIV is referred to *specifically*, apart from other comparable conditions; and
- Exclusion or deportation occurs because of *HIV-positive status only.*
Focus of the Task Team’s work

- No real distinction between “short-” and “long-term” restrictions
- Objectionable elements are:
  - Specifying HIV for differential treatment as opposed to comparable chronic health conditions
  - Creating BLANKET exclusion of positive people based on assumption that will act irresponsibly or incur costs
  - Basing exclusion on positive HIV status only versus some additional criteria such as that a person will actually become a public charge, will actually threaten public health due to individual characteristics/behavior in addition to positive status

International Task Team on HIV-related Travel Restrictions
Summary of findings

A. Restrictions remain in force in some 60 countries, territories or areas

B. Restrictions do not protect the public health and may in fact impede efforts to protect it

C. Restrictions should be replaced by access to HIV programmes by all mobile populations, national and non-nationals alike, as part of efforts to achieve universal access

D. Restrictions that specify HIV, as opposed to comparable conditions, and/or are based on HIV status alone are discriminatory

E. Exclusion or deportation of HIV-positive people to avoid potential costs of treatment and support should be based on an individual assessment and should not override human rights consideration and humanitarian claims
..summary of findings

F. Restrictions unreasonably restrict the participation of people living with HIV in major life activities as well as reduce their involvement in the response to HIV

G. Restrictions can interfere with key rights such as work, privacy, liberty, health and those of women and children

H. Restrictions should not result in the denial of the right to seek asylum and to be protected from refoulement

I. Restrictions require political will and leadership to be eliminated.
The Task Team recommends that

**the UNAIDS PCB**

- Strongly encourage all countries to eliminate HIV-specific restrictions on entry, stay and residence and ensure that people living with HIV are no longer excluded, detained or deported on the basis of HIV status;

- Mindful of PCB decision 8.2 (21st meeting), decide that no PCB will be held in a country with an HIV-specific restriction related to entry, stay or residence based on HIV status;
The Task Team recommends that

*the UNAIDS PCB requests UNAIDS to:*

- **Supports country efforts** to review and eliminate laws, policies and practices related to HIV-specific restrictions, through leadership, advocacy and appropriate partnerships at international, regional and national levels;

- **Ask countries to report, as part of UNGASS reporting**, on whether they have restrictions or have removed them during the reporting period;

- **Take forward work in close cooperation with relevant organisations** as outlined in the recommendations of the Report.
Thank you!