



Investing in our future

The Global Fund

To Fight AIDS, Tuberculosis and Malaria

**Sixteenth Board Meeting
Kunming, China, 12 – 13 November 2007**

**GF/B16/14
Board Decision**

BOARD ACTION ON THE RIGHT TO TRAVEL OF PEOPLE LIVING WITH HIV

OUTLINE:

1. This paper outlines the recommendations made by the interim Task Team on Travel Restrictions established by the Chair and Vice Chair of the Board as a result of the negotiations over the past few months regarding travel to Kunming, China for the Sixteenth Board meeting. It contains two decision points for Board consideration.

PART 1: TRAVEL AND ENTRY RESTRICTIONS AND FUTURE BOARD AND COMMITTEE MEETINGS

Decision

Decision point 1:

The Global Fund to Fight AIDS, Tuberculosis and Malaria will not hold Board or Committee Meetings in countries that restrict short-term entry of people living with HIV/AIDS and/or require prospective HIV-positive visitors to declare their HIV status on visa application forms or other documentation required for entry into the country.

1. The objective of the Global Fund is to attract, manage and disburse additional resources through a public-private partnership that will make a significant and sustainable contribution to preventing infections, illness and death thereby mitigating the impact caused by AIDS, Tuberculosis and Malaria. In building this global public-private partnership, the Global Fund Board regards the full and equal participation of people living with the diseases as a key component in achieving its goals.
2. Participation of people living with the diseases requires appropriate participation on all levels of the Global Fund business model, including participation in the CCMs on the country level, the regional level and the Board and its committees. Travel restriction for people living with HIV potentially limit their participation in Board and Committee meetings of the Global Fund if held in countries where such restrictions are applied. At the same time, travel restrictions can hamper participation of people living with HIV/AIDS in regional and national meetings and the exchange of experiences and expertise between NGO's and communities.
3. During the preparation of the 16th Global Fund Board Meeting travel restrictions for people living with HIV have intensively been discussed between the Global Fund and the host country China. The Chinese authorities have worked very closely and constructively with the Fund to find solutions for the existing concerns. In this context the Chinese authorities have confirmed that the Chinese Frontier Health and Quarantine Law will be amended and, in its revised version, will not restrict travel of people living with HIV.
4. Taking the above into account and considering Board and Committee meetings in the future, the Board is requested to adopt the proposed decision point.

PART 2: NEED FOR INTERNATIONAL ACTION REGARDING THE RIGHT TO TRAVEL OF PEOPLE LIVING WITH HIV

Decision

Decision Point 2:

The Global Fund calls on its partners, UNAIDS and WHO, to form an International Task Team on the Right to Travel of People Living with HIV with the aim of eliminating policies and practices that restrict travel for HIV positive people. We request UNAIDS to lead this initiative, to consider the draft "Terms of Reference of the International Task Team on the Right to Travel of People Living with HIV"(GF-B16-14, Annex 1) as a starting point for their activities and report back on progress to the Seventeenth Board meeting of the Global Fund in April 2008.

1. The Global Fund to Fight AIDS, Tuberculosis and Malaria encountered difficulties in recent Board preparations when delegates were required to state their HIV status when applying for a

visa, and to declare their status on arrival or when entering the country. The International AIDS Society has encountered similar challenges in the planning and preparations for their international meetings.

2. The Global Fund Board regards the full and equal participation of people living with the diseases as a key component in achieving its goals and believes that travel restrictions hamper the full execution of the Global Fund's mandate. The Global Fund is therefore committed to addressing any factors that limit this participation and will contribute actively to identifying and implementing solutions where possible.

3. The Global Fund takes into consideration the recommendations made by WHO¹, the UN Office of the High Commissioner for Human Rights² and of UNAIDS and the International Organization of Migration (IOM)³ issued in 2004. The Statement from UNAIDS/IOM affirms recommendations from public health experts that HIV/AIDS should not be considered a condition that poses a threat to public health in relation to travel because, although infectious, the virus cannot be transmitted by the mere presence of a person living with HIV in a country or by casual contact. The statement further mentions that experiences with laws that restrict entry for people living with HIV show that these have not been effective in keeping out HIV-positive people and can even be counterproductive and may contribute to a situation where there is an incentive for people living with HIV to hide or deny their HIV status. Building on this, the Global Fund Board aligns with the recommendation that policies should be consistent with current scientific knowledge, public health 'best practice' and humanitarian principles.

4. In this spirit, The Global Fund proposes that an international task team, convened by UNAIDS and comprising for example, WHO, the Global Fund, the International AIDS Society (IAS), the International Organization for Migration (IOM) and the Canadian HIV/AIDS Legal Network, and any other organizations who may wish to join, to address the issue of travel restrictions. The following decision point and Terms of Reference are intended to further this objective.

¹ WHA41.24 Avoidance of discrimination in relation to HIV-infected people and people living with AIDS, 1988

² HR/PUB/98/1 Report of the Consultation on International Travel and HIV Infection, 1987.

³ UNAIDS/IOM Statement on HIV/AIDS-related Travel Restrictions, June 2004.

Terms of Reference of the International Task Team on the Right to Travel of People Living with HIV

The International Task Team, led by UNAIDS, will:

- Convene all relevant parties including, for example, The Global Fund to Fight AIDS, Tuberculosis and Malaria, the International AIDS Society (IAS), the International Organization for Migration (IOM) and the Canadian HIV/AIDS Legal Network, and others, to plan and implement a process to review travel legislation for all countries, with an emphasis on entry requirements, as a basis for further action;
- Analyze and document legislation that restricts the travel of people living with HIV;
- Promote and negotiate with countries changes in legislation that would allow the free travel of people living with HIV, and, where necessary, provide technical assistance to countries to assist them to prepare and implement appropriate legislation in line with international guidelines and agreements;
- Where appropriate, propose adjustments or improvements to international instruments that provide guidance on the right to travel of people living with HIV;
- Develop an action plan in this regard with concrete timelines and assigned responsibilities;
- Provide reports on progress to the Global Fund Board, and other interested bodies, starting at the Seventeenth Board Meeting in April 2008, and at other relevant occasions, for example, at the IAS AIDS 2008 meeting in Mexico.