

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

Global Fund to Fight AIDS, Tuberculosis and Malaria
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Overview of the Task Team

- **Following discussion at 16th meeting, Global Fund Board, UNAIDS created Task Team January 2008**
- **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**

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:** will actually become a public charge, will actually threaten public health due to individual characteristics/behaviour in addition to positive status

Key recommendation

The International Task Team on HIV-Related Travel Restrictions urges all States with **HIV-specific** restrictions on entry, stay and residence, in the form of laws, regulations, and practices, including waivers, 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**.

Task Team's recommendation to the Global Fund Board

1. Decides that no Board, Committee meeting, or Partnership Forum will be held in a country with **an HIV-specific restriction** related to entry, stay or residence based on **HIV status**;
2. **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;
3. Works toward the elimination of HIV-specific restrictions by:
 - a. **Encouraging countries to apply for funding for interventions that support the elimination of HIV-related restrictions**
 - b. **Working with partners to ensure countries have access to the latest guidance and information from normative agencies on this issue.**

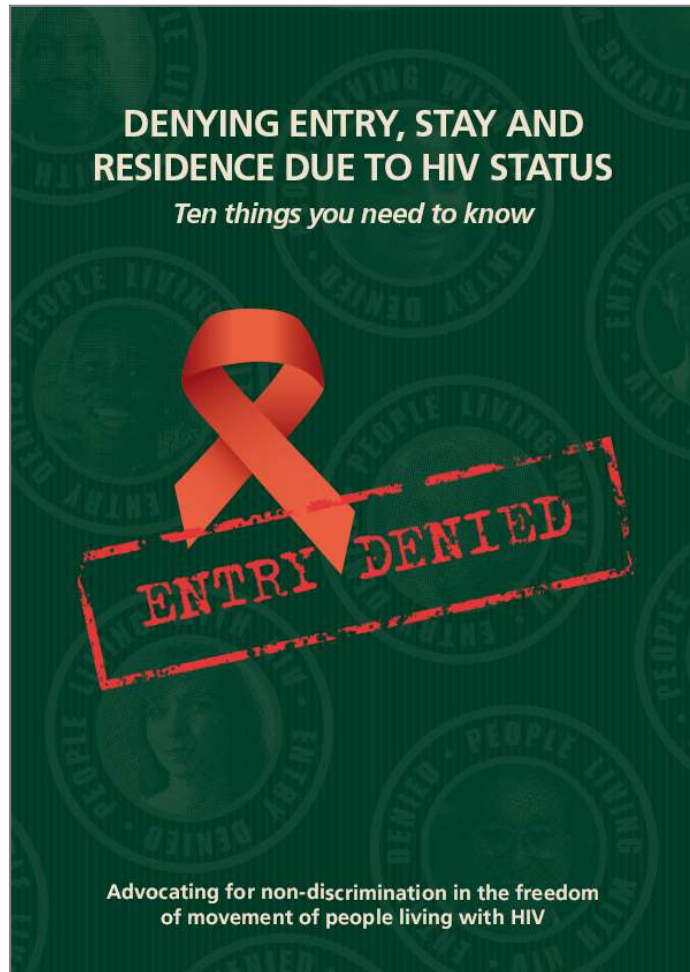
Summary of findings

- A. Remain in force in some **63 countries, territories or areas**
- B. Do not **protect the public health** and may in fact impede efforts to protect it
- C. 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. 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. Can interfere with **key rights** such as work, privacy, liberty, health and those of women and children
- H. Should not result in the **denial of the right to seek asylum** and to be protected from *refoulement*
- I. Require **political will and leadership** to be eliminated.

Ongoing advocacy and leadership needed



International Task Team on **HIV-related Travel Restrictions**

Thank you!