

**Civil Society Letter on HIV-related Travel Restrictions  
Addressed to the UN Missions and Heads of State in Countries with Restrictions**

Dear Excellency,

As we approach the 2008 UN high-level meeting on AIDS, all governments and the global community are called to review the progress and performance in achieving universal access to treatment, care, support and prevention by 2010.

As leaders within civil society, we are writing to ask for your urgent attention and leadership in removing your country's travel restrictions (short or long-term) that restrict access to people, based solely on their HIV status. These restrictions are discriminatory and are contrary to the commitments made through the 2001 Declaration of Commitment on HIV/AIDS and the 2006 Political Declaration.

We are asking you to consider announcing in New York, plans to lift your country's restrictions. This is the right thing to do. It does not create financial or other burdens. And as civil society, we are ready to stand with you in making and implementing such a commitment. This would be a noteworthy step and a sign of real leadership at the high-level meeting on June 10 -11 in New York.

**Overview**

HIV-related travel restrictions are not something new. They have existed since the beginning of the epidemic, but are increasingly obsolete and discriminatory in a world with more access to treatment and ever-increasing mobility.

Today, there are more than 70 countries that still impose some form of HIV-specific restrictions on the entry and residence of positive people. Of these, some 10 countries bar HIV positive people from entering or staying in their country for any reason or length of time. There are close to 30 countries that deport people once their HIV infection is discovered. More than 70 countries do not have HIV specific travel restrictions. For the remaining 49 countries, the information is either contradictory or unavailable.<sup>1</sup>

The most visible impact is when HIV positive people—against the principle of the greater involvement of people living with HIV—are denied entry into countries where major conferences or meetings on HIV are being held. This robs people living with HIV from opportunities to contribute their experience and expertise, while also diminishing the credibility and accomplishment of the conference or meeting. This situation is very problematic at UN high-level meetings on AIDS held in the United States, which has a complete ban on the entry of people living with HIV (HIV positive delegates, civil society representatives, UN staff, religious leaders, media, trade union members, and business people). In order to enter the United States legally to attend such meetings, people living with HIV must disclose their status in a discriminatory and humiliating

---

<sup>1</sup> This information is taken from the web site of the European AIDS Treatment Group, and based on a survey which was originally done by the German AIDS Federation in 1999 and has been continually updated. The information has not been independently verified. See <http://www.eatg.org/hivtravel/>

waiver process. The often lengthy and intrusive process to receive a visa waiver is all the more stigmatizing and discriminatory, when a mark is placed in a person's passport, indicating the waiver and its purpose.

However, in terms of largest impact and numbers of people affected, HIV-related travel restrictions are felt most by labour migrants. Prospective migrants are either barred from entering a country when determined to be HIV positive through a mandatory pre-departure HIV test, or are deported when required to take a periodic HIV test during their residence abroad, and test positively. Rarely is this type of HIV-testing confidential or linked to any other services, either in a person's country of origin or destination. This exposes to and places people who are already highly vulnerable in situations of great discrimination and economic devastation. Similarly, people living with HIV, who want to cross borders for the purposes of family reunification, suffer from the same restrictions.

### **Fulfilling existing commitments**

The 2001 Declaration of Commitment on HIV/AIDS saw governments agree to “enact, strengthen or enforce as appropriate legislation, regulations and other measures to eliminate all forms of discrimination against, and to ensure the full enjoyment of all human rights and fundamental freedoms by people living with HIV/AIDS” (para.58). The 2006 Political Declaration on HIV/AIDS saw governments commit to intensifying efforts towards these ends (para.29). These commitments are not being kept.

The realities are:

- HIV-related travel restrictions have no valid public health rationale and may in fact undermine HIV prevention and other efforts to stop the epidemic. This has been definitively stated by the World Health Organization and the World Health Assembly on several occasions.<sup>2</sup>
- HIV-specific travel restrictions are discriminatory and contribute to the stigmatization of people living with HIV.
- HIV-related travel restrictions are anachronisms, and highly inappropriate in the age of globalization, increased travel, treatment for HIV, and national and international commitments to universal access to HIV prevention, treatment, care and support.
- There is no demonstrated proof that the spectre of a huge negative economic impact on countries without travel restrictions is valid. In fact, the evidence points to the opposite in a country like Brazil, where there is universal access to treatment and there are no travel restrictions. There has been no flood of HIV positive travellers (short or long-term) streaming across the borders to claim treatment, placing a burden on Brazilian society.
- Long-term travel restrictions that single out HIV, as opposed to comparable conditions, are also discriminatory. Any restriction based on fear of costs must be

---

<sup>2</sup> Report of the consultation on international travel and HIV infection. Geneva, World Health Organization, April 1987; WHO/SPA/GLO/787.1. [http://whqlibdoc.who.int/hq/1987/WHO\\_SPA\\_GLO\\_87.1.pdf](http://whqlibdoc.who.int/hq/1987/WHO_SPA_GLO_87.1.pdf); Statement on screening of international travellers for infection with Human Immunodeficiency Virus, WHO, WHO/GPA/INF/88.3 (1988); WHA Resolution 41.24 Avoidance of discrimination in relation to HIV-infected people and people with AIDS (1988)

based on an individual determination that such costs will actually be incurred. Any human rights or humanitarian concerns, such as need for asylum, should always trump economic considerations.

- The commitment of organizations and governments to the GIPA principle (Greater Involvement of People Living with HIV or AIDS) is regularly undermined by HIV-related travel restrictions, when HIV positive speakers, resource people and leaders, cannot enter countries to take part in meetings, programs or planning.

UNAIDS and The Global Fund to Fight AIDS, Tuberculosis and Malaria are working together against such restrictions and have created an International Task Team on HIV-related Travel Restrictions, which comprises representatives of governments, UN agencies and civil society, including people living with HIV. They will be issuing their report and recommendations later this year, as well as providing tools to support governments in taking the steps to remove their restrictions. The Global Fund decided that it would not hold Board Meetings in countries that restrict short-term entry of people living with HIV or require prospective HIV-positive visitors to declare their HIV status on entry.

### **What you can do**

1. We ask you to rescind HIV-specific travel restrictions; and instead, take steps to ensure access to HIV prevention, treatment, care and support for mobile populations, both nationals and non-nationals.
2. We are asking you to use the upcoming 2008 UN high-level meeting on AIDS as a moment to announce the elimination of these restrictions by your government.
3. We are asking you to take up the issue of travel restrictions with other governments where they are applied to your citizens seeking to travel or migrate.
4. We are asking you to meet with people living with HIV, who will be in New York at the high-level meeting to hear first-hand their experience of discrimination and stigmatization caused by travel restrictions.
5. We implore you to not hold international conferences that are relevant to the response to HIV and AIDS in countries with HIV-related travel restrictions. Future UN high-level meetings or Reviews on AIDS should not be held in countries with such restrictions.

Yours respectfully,

[add name of all organizations]

To sign on to the letter, please send the name of your organization and your country to: [universalaccess2010@icaso.org](mailto:universalaccess2010@icaso.org).

