

### **The African HIV Policy Network (AHPN)**

The AHPN is a strategic national umbrella organisation representing African communities affected by HIV. The AHPN aims to influence and inform policy on sexual health and HIV through representation and campaigning for effective HIV policies nationally and internationally.

### **Deportation and People living with HIV**

On 5 May 2005 the House of Lords delivered a judgment on the matter of 'N' ([2005] UKHL31). It ruled that deportation of a person living with HIV to a country where s/he was unlikely to receive adequate HIV treatment was not incompatible with their right to be free of inhumane treatment under Article 3 of the European Convention on Human Rights. In concluding their written judgment, the Lords made it clear that the Home Office can exercise discretion in deciding not to return such individuals to their home countries, but that if it decides on deportation, it will not be operating in breach of human rights legislation. The European Courts for Human Rights reinforced this position in May 2008.

In the view of a number of HIV advocates, this decision essentially authorises many HIV-positive people living in the UK to be removed to their countries of origin without access to lifesaving treatment. This argument was further supported by the International Development Committee and the Joint Committee on Human Rights:

- **International Development Committee** 18 December 2006, HIV/AIDS: Marginalised Groups and Emerging Groups stated 'We see a clear contradiction between a policy of routinely charging those failed asylum seekers who want to start a course of treatment after their application has been rejected and Government advocacy of the universal access goal.'
- **The Joint Committee on Human Rights** Tenth Report of Session 2006-07 report "The Treatment of Asylum Seekers" stated 'Absence of treatment for serious infectious diseases raises wider public health risks. The Government should not deport a person in circumstances where that person is in the final stages of a terminal illness and would not have access to medical care to prevent acute suffering while he is dying.'

### **Our Position**

- The AHPN believes that there is a clear contradiction between the UK's policy aim of universal access to HIV treatment for all those who need it by 2010 and the removal of people living with HIV who are on treatment to countries where treatment is not readily available or affordable.
- The withdrawal of treatment increases the body's vulnerability to opportunistic infection and will result in drastically shortened life expectancy.
- The AHPN believes that there are strong public health arguments for allowing a concession. Those awaiting removal may go underground and fail to keep appointments resulting in an increased risk of opportunistic infection with the need for emergency treatment and an increased risk of onward transmission.
- The Department of Health has valued the prevention of one single onward transmission as between £0.5 and £1 million in terms of individual health benefits and treatment costs.
- The UK is a signatory to the International Covenant on Economic, Social and Cultural Rights. Article 12(1) requires states to 'recognise the right of everyone to the enjoyment of the highest attainable standard of physical and mental health'.

**The "Destination Unknown" Campaign is calling the Home Office to delay the removal of people living with HIV from the United Kingdom until antiretroviral treatment becomes more widely available and accessible.**

Take bold action! Visit [www.ahpn.org/campaigns/destinationunknown](http://www.ahpn.org/campaigns/destinationunknown) to make your voice heard!