



# **CARAM Asia Bhd** 200101005439 (541195T)

5<sup>th</sup> Floor, Wisma Hamid Arshat, No. 12-5,  
Jalan Bangsar Utama 9, Bangsar Utama 59000,  
Kuala Lumpur, Malaysia.

Tel : (603) 22827708 Fax: (603) 22821155

Email: [info@caram-asia.org](mailto:info@caram-asia.org)

URL: [www.caram-asia.org](http://www.caram-asia.org)

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## **Inclusivity Knows No Borders: Ensuring Equality for Labor Migrants in HIV Response is Crucial**

On the occasion of World AIDS Day 2023, CARAM Asia urges governments in both sending and receiving countries to cease the criminalization of migrant workers (MWs) based on their HIV positive status. Recognizing HIV as a significant global public health concern that impacts millions worldwide, CARAM Asia emphasizes that the persistence of HIV as a global health crisis can be linked, in part, to failures such as division, disparity, and a disregard for human rights, as highlighted by the World Health Organization (WHO)<sup>i</sup>.

In order to successfully eradicate HIV, it is absolutely essential to recognize the vulnerability of MWs to HIV & AIDS and Sexual and Reproductive Health and Rights (SRHR). Furthermore, governments in receiving countries must stop the unfair practice of criminalizing MWs based solely on their HIV-positive status and other health conditions, such as by arresting, detaining, and deporting them. It is important to understand the various risk factors for HIV and (SRHR) that MWs face during migration. It is important to note that the majority of MWs are of reproductive age and sexually active. Therefore, governments must emphasize evidence-based HIV prevention programs for MWs and give them full access to public health services. The objective of the Sustainable Development Goals (SDGs) target 3.8 is to attain universal health coverage (UHC) for everyone <sup>ii</sup>. UHC entails ensuring that all individuals can access the necessary health services wherever and whenever required, without facing financial difficulties. Despite this, MWs not only encounter significant obstacles in accessing health services, but also face criminalization when infected with HIV and other treatable diseases.

As we observe World AIDS Day, it is critical to consider the evolving landscape of HIV statistics among MWs in Asia. The HIV prevalence data for migrant communities before and after the COVID pandemic reveals their heightened vulnerability. In Nepal, the number of HIV infections has been on the rise. Before the COVID-19 pandemic, the count was 3,768, and after the pandemic, 4,576 MW's have been identified as HIV-positive as reported in the National HIV Strategic Plan 2021-2026<sup>iii</sup>. In the Philippines, the number of migrants has increased from 6,905 before the pandemic to 9,340 now as stated on the Philippine's Department of Health Website<sup>iv</sup>. This shows that targeted actions are needed to address the vulnerabilities faced by migrant communities.

CARAM Asia appreciate and congratulates the governments who have underscored the importance of inclusivity, aligning with the global commitment to leave no one behind in country statements during the recent Seventh Asian and Pacific Population Conference in Bangkok (November 15-17, 2023). While governments took a positive stride in addressing critical issues like inclusion of marginalized groups, a sobering reality persists for migrants. There is a pressing need for comprehensive policies that ensure the protection of MW's health rights and access to healthcare services regardless of their HIV-positive and documentation status. MW's who test positive for HIV still face a stark reality in a number of countries - immediate detention and deportation without adequate time to settle financial affairs or retrieve personal belongings. For instance, in Jordan, the Residence and Foreign Affairs Law of 1973 has been employed to expel numerous migrants living with HIV, aligning with Jordan's stringent policy to deport any non-national diagnosed with HIV. The government's strict stance dictates that all MW's must undergo a set of medical evaluations upon entering the Kingdom before their applications for residence and work permits can be approved.

Numerous countries receiving MW's, including Bahrain, UAE, Hong Kong, Malaysia, and Singapore, all enforce laws requiring mandatory HIV testing and related deportation for MWs. The UAE imposes HIV/AIDS-related travel restrictions, requiring a test for work or residence permits, leading to denial of healthcare, and quarantine and deportation for HIV-positive MWs<sup>v</sup>. Meanwhile, CARAM Asia applauds Lebanon's 2019 labor law exempting MWs from mandatory HIV/AIDS testing for work and residency permits. While a positive step, the risk of repatriation due to HIV-positive results persists, necessitating robust law implementation and increased employer awareness.

In the context of sending countries, certain nations have implemented specific policies to

address the vulnerabilities of MW's concerning HIV, notably, the Philippines and Sri Lanka. In the Philippines, the HIV and AIDS Policy Act, also known as the Republic Act (RA) 11166, has provisions that aim to protect migrant workers. These provisions include education to prevent HIV infection before they go abroad, access to HIV services and treatment, a program to reintegrate them into society without stigma, protection from HIV-related discrimination, and representation of civil society organizations working for migrants' rights in the Philippines National Aids Council. Despite the existence of policies that underscore the country's commitment, such as representation in the Philippines National AIDS Council, the practical implementation of these measures remains a challenge. Similarly, while Sri Lanka's policies take a holistic approach, encompassing voluntary screening, health databases, systematic reintegration into the national health system, dissemination of pre-departure health information, promotion of informed choices, health protection through bilateral agreements, and the implementation of comprehensive health assessments for outbound migrant populations, effective execution is lacking.

Thus, on the occasion of World AIDS Day 2023 CARAM Asia with its 42 member organizations in 18 countries across Asia and Middle East:

- ✚ Call on governments in MW's receiving countries to reform the discriminatory health policies and practices, remove mandatory HIV testing and stop criminalizing MWs due to HIV positive status in order to achieve 2030 SDGs.
- ✚ Urge leaders in the field of HIV, including organizations like UNAIDS and WHO, to acknowledge the vulnerability of migrant workers to HIV, the criminalization of MWs based on HIV positive status, and the broader violation of their health rights.
- ✚ Encourage all governments, both in the sending and receiving countries, to actively work towards reducing stigma and discrimination against HIV-positive MW's. Promote the health and human rights of this vulnerable group through comprehensive efforts.
- ✚ Call for governments in both sending and receiving countries to allocate health budgets for MW's and provide them with access to quality health services, encompassing prevention, treatment, counseling, and care for those who are HIV positive.
- ✚ Emphasize the need to enhance MW's access to public health services by promoting Universal Health Care (UHC) through improving accessibility to health insurance, eliminating discrimination in costs compared to nationals, and reforming policies that restrict access, such as limitations on mobility and the arrest of undocumented MW's.
- ✚ Urge countries receiving support from the Global Fund to recognize MWs as a Key

Population and to allocate a special budget line for testing, treatment and care of MW's living with HIV/AIDS in national health budgets.

*CARAM Asia (Coordination of Action Research on AIDS and Mobility) is a regional network of 42 member organizations in 18 countries across Asia including Middle East.*

Statement issued by: CARAM Asia Task Force on Migration Health and HIV (MHH)

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<sup>i</sup> <https://www.who.int/campaigns/world-aids-day/2022>

<sup>ii</sup> [https://www.who.int/data/gho/data/themes/topics/indicator-groups/indicator-group-details/GHO/sdg-target-3.8-achieve-universal-health-coverage-\(uhc\)-including-financial-risk-protection](https://www.who.int/data/gho/data/themes/topics/indicator-groups/indicator-group-details/GHO/sdg-target-3.8-achieve-universal-health-coverage-(uhc)-including-financial-risk-protection)

<sup>iii</sup> <https://www.aidsdatahub.org/sites/default/files/resource/nepal-national-hiv-strategic-plan-2021-2026.pdf>

<sup>iv</sup> <https://doh.gov.ph/statistics?fbclid=IwAR36J2yqhROUSAE2TVifWjqMTEWEqwbq5AZKZc37PXgNXuAMDEC6ciP-R0>

<sup>v</sup> [https://en.wikipedia.org/wiki/HIV/AIDS\\_in\\_the\\_United\\_Arab\\_Emirates#cite\\_note-3](https://en.wikipedia.org/wiki/HIV/AIDS_in_the_United_Arab_Emirates#cite_note-3)