

Key documents and web resources in arguing for improving or removing laws & regulations which hinder access to HIV testing and/or treatment

April 2017 for OptTEST work package 7(b) Toolkit

Below are a number of websites and resources which were useful in researching various aspects of legal and regulatory barriers to HIV testing, treatment and care across Europe for this project. There is a wealth of data and policy which you may find useful in advocacy efforts or in researching the situation specifically in your country or region.

Please note: what is covered here are specifically laws or regulations which may hinder access to HIV testing and treatment, both generally and for key populations. There will be other documents relating to key populations or specific laws which are useful for improving access to treatment or reduction related to stigma, economic concerns or other barriers not considered by this programme.

General European HIV data and public health recommendations:

[ECDC \(European Centre for Disease Prevention & Control\)](#) gives accurate country and regional data on HIV and European country responses.

The first port of call should be their latest [Dublin Declaration monitoring reports](#). They are mostly short, concise and they list examples of countries with specific issues. For example, [their thematic report on migrants](#) gives you a map (*figure 6 on page 10*), of which countries do and don't provide ARTs to undocumented migrants and Box 4 on the next page clarifies what this means in reality for a string of countries.

Data is from 2014 surveys; it's worth cross-checking with OptTEST's [Barring The Way To Health](#) website, which has data mostly from 2016, where they cover the same topics but primarily from community responses. It's worth bearing in mind that the ECDC reports come mainly from Governmental/public health respondents, which can be over-optimistic. Their [report on sex workers](#), for example, has government responses which differ considerably from data provided by organisations on the ground, but a number of countries did report sex work laws that hinder HIV work. (*Table 2, page 7*). Governments don't tend to lie about the law and wherever they have criticised themselves, which they do in a large number of these reports, there is likely to be a genuine concern.

These and ECDC's wide range of other web resources on HIV contain excellent recommendations for Government and Public Health actions to improve access to testing, treatment and care. It also has helpful infographics, tools to map and calculate HIV incidence and many useful presentations.

Key websites and documents on criminalisation of HIV non-disclosure, exposure and transmission:

[HIV Justice Network](#) is the single most important resource for understanding, mapping and working on criminalisation of HIV. It lists every resource of good quality and references all known reports of court cases, including many in European countries. Users are encouraged to submit reports of new

cases or legal changes in order keep up-to-date.

[UNAIDS](#) has produced a wide range of [resources](#) on criminalisation of HIV and on the needs of key and vulnerable population, the most relevant of which are listed here. However, their entire publications list is worth checking out and all the publications are available in several languages, not just English.

Their publications include:

- [*Ending overly broad criminalisation of HIV non-disclosure, exposure and transmission: Critical scientific, medical and legal considerations \(2013\)*](#). This is the most useful document currently available in arguing against overly broad or specific criminalisation of HIV non-disclosure, exposure or transmission. It contains all the verified evidence and useful arguments known to decriminalisation activists in 2012-3 and any further updated knowledge should be taken into consideration when using it. It also usefully references many specific academic papers on relevant issues, some of which will be considered in more depth below. It sets out the key scientific and medical facts, as well as the legal principles, that countries should take into consideration in relation to any application of criminal law to HIV non-disclosure, exposure or transmission.

[The Global Commission on HIV & the Law](#) is a website containing a major report from 2012 and provides ongoing newsletters. The Global Commission (now disbanded) was a high-level group convened by the United Nations Development Program (UNDP) on behalf of UNAIDS. Experts and senior politicians spent two years examining links between legal environments and HIV responses, resulting in a report '[HIV and the Law: Risks, Rights and Health](#)' (July 2012 and available in many different languages) which contains useful recommendations for action. The Commission's Technical Advisory Group reviewed existing public health and legal evidence and also commissioned original analysis. UNDP continues to maintain the site and you can subscribe to their occasional newsletter. The site has excellent sections on the references for all the evidence they used and an extensive bibliography on the issues they examined.

[The Global Criminalisation Scan](#) is a website from the Global Network of People Living with HIV (GNP+) and a variety of partners globally. This site gives a detailed overview of the legal situation with regard to HIV transmission in every country. Wherever possible it gives the law used, quotes the actual statute, gives known or key cases and discusses local impact, alongside references to more information specific to that country. If you're not sure what the law is where you live, or if you want to compare countries, this is the data you need. This site should be used in conjunction with HIV Justice Network's reports to check if any recent changes have been made in the law or its interpretation.

[Global Criminalisation Scan Report](#) (2010). Published by GNP+ and based on the data collected by them and their partners to 2010. Although this report is now partially out of date, it is a good read and contains examples of ways in which overly broad criminalisation has been responded to in various countries, including European ones.

Key populations: general data on inequalities

[The UNAIDS Gap Report](#) (2014)

This report is full of useful data and graphs showing global and regional inequalities in accessing HIV testing and treatment, much of which may be useful in a European context. It has chapters on

the key populations and on other groups particularly vulnerable to HIV transmission. It covers the legal barriers which impact each of these groups and the stigma they face. It contains a good overview of inequality data from multiple sources. Of particular use to activists, there are checklists of proven strategies for “closing the gap” in any individual country against which progress can be measured. The report also helpfully quotes international declarations that countries have signed up to and should be held accountable to.

[Planet AIDS](#) is a series of maps which illustrate useful data about HIV globally. It includes maps showing global differences in laws about HIV and about MSM, amongst others -- particularly handy for presentations.

Key populations: MSM

[Global Forum on MSM and HIV](#), although not particularly focussed on Europe, has excellent advocacy tools and research reports.

The [International LGBTI Organisation ILGA](#) has a European office and is good on general LGBTI rights and resources but has very little on HIV or sexual health.

Although its website has not been updated recently, the [Eurasian Coalition on Male Health \(ECOM\)](#) is the key activist group for MSM and HIV in Eastern Europe and Central Asia and there is useful data on the site:

Also see ECDC above.

Key populations: Migrants

[PICUM \(Platform for International Cooperation on Undocumented Migrants\)](#) is a European-based group with useful resources and documents on its website

[The Global Database on HIV-specific travel and residence restrictions](#) has global data on travel and stay restrictions, which is not directly germane to this project but some individual country entries contain extra data. It may give you some clues about likely healthcare treatment of migrants. It also has links to other useful sources of general information on treatment and care in countries.

Also see ECDC above.

Key populations: Sex Workers

The best international source for data, research and advocacy tools on sex work is the [Global Network of Sex Work Projects](#).

Also useful for migrant sex worker issues in the EU is the [European Network for HIV/STI Prevention and Health Promotion among Migrant Sex Workers](#) (TAMPEP).

There are some excellent advocacy resources on criminalisation of sex work in a European context at the [International Committee on the Rights of Sex Workers in Europe](#).

Also see ECDC above.

Key populations: People who inject drugs

[Harm Reduction International](#) is a global network with a useful website and resource library online which includes for example a tool showing needle exchange data across Europe.

[Harm Reduction Works](#) (2014) This UNAIDS report provides useful and instructive examples of countries that have used harm reduction techniques to drive down HIV in PWID specifically.

The [European Network of People who Use Drugs](#) (EuroNPUD) is the EU/accession countries network of PWID activists. It is contactable via Twitter but has not been currently active.

The [International Drug Policy Consortium](#) contains advocacy resources.

Also see ECDC above.

Key populations: Transgender people

[Transgender Europe](#)'s website is the main resource site for transgender issues and advocacy in Europe but has relatively little as yet on HIV.

PLHIV human rights (general)

[Positive Health, Dignity and Prevention – Operational Guidelines](#) (2013)

This joint UNAIDS/GNP+ report is a guide to the role of PLHIV in managing and preventing HIV. In particular, it has some very good checklists, including some to help you go through the steps to ensure human rights and policy reform in any country (*page 31 onwards*). The grids to enable activists to assess their legal & policy environment and chart progress, as with those in the UNAIDS Gap Report above, are particularly helpful.

Community testing in Europe:

[EURO HIV EDAT](#) is the home of much of the research and data on community HIV testing initiatives across Europe and tools to help set up similar services. It also contains all the data from the earlier [COBATEST project](#) on CBVCT, which is frequently cited in the OptTEST tools.

And for everything else:

It's always worth checking out [AIDS map](#) for coverage of all the latest research and news on HIV and related conditions. It's a superb library of HIV information and news coverage of all kinds.