Recent progress towards zero discrimination in Asia and the Pacific

Punitive approaches to sex work, drug use and sexual relations between men; criminalization of HIV transmission, and enforcement of restrictions on entry, stay and residence against people living with HIV hinder access to HIV prevention and treatment services, and can contribute to the rise of HIV-related stigma and discrimination. Over the past five years, over 10 countries in Asia and the Pacific have removed or revised a number of such laws or policies. These actions are helping to enable more people to access HIV services.

Fiji
Eradicated HIV-related restrictions on entry, stay and residence
In August 2011, the Government of Fiji removed all restrictions on entry and stay, and residence based on HIV status. Fiji also removed HIV-specific stigma and discrimination for HIV-positive persons or exposure on the basis that, as prosecutions could under general criminal laws, there was consequently no need to provide an HIV-specific offence. The reforms (made through an amendment to the Health Act) took an approach that is purely criminal in nature and directly targets HIV-positive persons. This also gives transgender communities access to the same rights to social and legal recognition as other minority groups in the country. Fiji’s new law has removed restrictions on sexual orientation and gender identity, including through the Supreme Court decision in December 2013. These changes give hope for enhanced protection of fundamental rights and freedoms.

Indonesia, Malaysia, and Thailand
Issued compulsory licenses to increase access to affordable antiretroviral medicines
Indonesia, Thailand, and Malaysia have seen major changes in the past five years. In Indonesia, national identity cards now automatically include the prediction of antiretroviral medicines, thereby increasing the availability of affordable treatment for many people living with HIV; in Thailand, the Ministry of Health introduced a plan to remove all restrictions on entry, stay and residence for people living with HIV; and in Malaysia, the removal of all restrictions on entry, stay and residence for people living with HIV has led to an increase in the number of people accessing treatment and care.

Malaysia
Moving away from punitive approaches to drug use
Although Malaysia has compulsory detention centres, the new law, all HIV-related travel restrictions on entry, stay and residence have been removed, meaning foreigners applying for entry visas no longer need to declare their status or face deportation if they are found to be HIV-positive. The law also removed provisions implementing restrictions that prevented HIV-positive persons from undertaking certain jobs, including in the food industry. The law also provides for the establishment of a multi-sectoral body to be comprised of government, civil society and private sector representatives to oversee the country’s HIV and AIDS efforts and help pave the way for reform.

Philippines
National Human Rights Institution engaged to achieve zero discrimination
In 2012, the Government of the Philippines has made significant progress in achieving zero discrimination. The new law, which took effect on January 15, 2013, addresses zero tolerance of HIV-related stigma and discrimination. Among the reforms contained in the new law, all HIV-related travel restrictions on entry, stay and residence have been removed, meaning foreigners applying for entry visas no longer need to declare their status or face deportation if they are found to be HIV-positive. The law also removed provisions implementing restrictions that prevented HIV-positive persons from undertaking certain jobs, including in the food industry. The law also provides for the establishment of a multi-sectoral body to be comprised of government, civil society and private sector representatives to oversee the country’s HIV and AIDS efforts and help pave the way for reform.

The CCHR has also emphasized the need within its mandate to expand the scope of coverage of its work in the area through ensuring CCHR and staff have access to information on HIV-related measures and developing partnerships between the CCHR and key affected populations, including groups of people living with HIV. Also, in 2012, the courts of Cebu and Davao passed anti-discrimination ordinances which, among other things, expressly prohibit discrimination on the basis of health status (including HIV status), sexual orientation and gender identity.

Republic of Korea
Lifted HIV-related restrictions on entry, stay and residence
Since 2004, and most recently in October 2012, three countries in Asia have lifted HIV-related travel restrictions on entry, stay and residence based on HIV status. The information and data herein are based on research of countries included. The information and data herein are based on research of countries included. The information and data herein are based on research of countries included.