

PRESS STATEMENT

from

United Nations in Namibia

The Government of Namibia removes immigration restriction against people living with HIV and other infectious diseases

WINDHOEK 7 July 2010. The United Nations in Namibia congratulates the Government of Namibia on today's announcement by the Honourable Minister of Home Affairs and Immigration, Hon. Rosalia Nghidinwa, about the elimination of the Namibian restriction on entry, stay and residence based on HIV status.

The announcement comes ahead of the World AIDS Conference 2010 that will take place in Vienna, Austria from 18-23 July where the Minister of Health and Social Services Hon. Dr. Richard Kamwi will announce the removal of the Regulation together with UNAIDS Executive Director, Michel Sidibé.

Minister Nghidinwa made the announcement at the Parliamentary session today, 7 July following the publication of the edition of Government Gazette no. 4514 on 1 July, where the amendment appeared under Government Notice no. 133. The Regulation defined infectious diseases warranting the prohibition of entry, stay and residence to Namibia. The immigration policy is now aligned with the International Health Regulations to approach public health threats, which do not specify diseases to be considered contagious and thus warranting public health-related travel restriction.

Even though there is no example of the enforcement of the regulation in Namibia, the Minister acknowledged that its existence created the wrong impression of Namibia as a democracy and its national and international commitments to a human rights-based approach to responding to HIV and AIDS.

The Immigration Control Act of 1993 states that any person who enters or who has entered Namibia or is in Namibia, shall be a prohibited immigrant if *inter alia* such person is infected or afflicted with a contagious disease or is a carrier of such a virus or disease. The Immigration Control Act is promulgated by the Immigration Control Regulations of 1994 which stated that the AIDS virus, amongst others, was considered as one of these diseases or viruses regarded as contagious. In terms of section 42 of the Immigration Control Act of 1993, a prohibited immigrant can be arrested, detained and removed from Namibia.

Namibia was counted by UNAIDS as the 52nd country, territory and/or area to have some form of HIV-specific restriction against people living with HIV. Other than the Ministry of Home Affairs and Immigration, the Ministries of Health and Social Services and the Office of the Prime Minister were instrumental in the process to revise the Regulation. Civil society organizations, the United States Government and the United Nations also advocated for a human rights based approach to the legislative system to create a protective legal and policy environment for people living with and affected by HIV and AIDS.

This year's HIV and AIDS conference is the premier international forum on HIV/AIDS where key research findings, lessons learned, gaps in knowledge and best practice are acknowledged and shared, and successes and shortfalls in the global response to HIV are highlighted.

The theme for this year's conference is, ***Rights Here, Right Now***, which emphasizes the central importance of protecting and promoting human rights as a prerequisite to a successful response to HIV. The right to dignity and self-determination for key affected populations, the right to equal access to health care and life-saving prevention and treatment programmes, and the right to interventions based on evidence, rather than ideology, are all incorporated in this urgent demand for action.

Uniting the world against **AIDS**

UNAIDS has made a call for 2010 to be the year HIV-related travel bans are removed in all countries across the world that still have such restrictions. Restrictions that limit movement based on HIV-positive status only, are discriminatory and violate human rights. There is no evidence that such restrictions prevent HIV transmission or protect public health. Furthermore, HIV-related travel restrictions have no economic justification, as people living with HIV can lead long and productive working lives.

Following the announcement by the Minister of Home Affairs and Immigration, the visa application form to enter Namibia will be amended to delete question 10, which requires the applicant state if he/she is “suffering from, *inter alia*, acquired immune deficiency syndrome virus (AIDS virus)”.

Namibia now joins China and the United States as countries to lift long-standing restrictions in 2010 on entry, stay and residence based on HIV status.

For the United Nations in Namibia

Kari Egge,

United Nations Resident Coordinator