

Report of the 4th HIV/AIDS Civil Society Forum

Bremen, March 13-14, 2007

Meeting convened by the European Commission Health & Consumer Protection Directorate-General with co-chairing of AIDS Action Europe and the European AIDS Treatment Group



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1 Introduction

The HIV/AIDS Civil Society Forum (CSF) has been established by the Commission as an informal working group to facilitate the participation of non-governmental organisations, including those representing people living with HIV/AIDS, in policy development and implementation and in information exchange activities. The Forum includes about 30 organisations from all over Europe representing different fields of activity see annex A for participant list of this meeting). The Forum acts as an informal advisory body to the European Think Tank on HIV/AIDS. This fourth meeting of the CSF focused on the implementation of the Bremen Declaration, human rights, and the monitoring process of the Dublin Declaration, among others.

2 Report from last meeting

Page 8, point 4: 'poisoning' will be replaced by 'detrimental'.

Page 10: results Eurobarometer are used by civil society to call for lessons in the UK.

Action list:

What	Action undertaken
Re-send final version leaflet to CSF	Done
Voice concerns to ECDC	Informal communications held. Letter still needed on relation CSF-ECDC
Develop open statement to Commission & others on Dublin Declaration	Related to Bremen conference & declaration
Invite Commission Task Force to next CSF	Done
Join Think Tank working group on human rights	Relation established
Get 2-pager networks on vulnerable groups for TT working group	Yusef will coordinate collection of evidence for human rights working group meeting Fall 2007
Distribute report on legislation and judicial issues among CSF	Done

Distribute report on criminalisation meeting among CSF	Done
Send draft selection procedure new CSF members to CSF	Draft document available, will be sent later
Send draft statement on testing to CSF	Done
Recollect and send comments of CSF to German Presidency	Done
Recollect and send recommendations for speakers and workshops to German Presidency	Done
Synchronise and update the three different CSF mailing lists	Send your details to Nikos if you are not on the list

3 Meeting with Minister U. Schmidt

Ms. Schmidt asked for impressions of the CSF on the conference and how to make progress.

Ton Coenen thanked them for making it possible for the CSF to attend the meeting and for involving us in the preparations and taking serious our suggestions. Germany has showed commitment. Mauro Guarinieri underlined the main expectations of this meeting: to bring HIV/AIDS to the European Council and to know about negotiations with the pharmaceutical industry.

Ms. Schmidt explained that negotiations with the pharmaceutical industry were recently started at a meeting in Berlin, it's still only the start of a process. All companies who develop medications were present. Also international companies. The agreement was that the industry active in research complete agree and back the Bremen Declaration. The industry perceive themselves as stakeholders in civil society in making affordable treatment available for everyone who need it. According to Ms. Schmidt there are 3 actors needed in the fight against AIDS: government for infrastructure and financing, civil society since only with NGOs can we reach our to high risk groups, and pharmaceutical industry. The industry has underlined their willingness to negotiate on prices country by country. They have agreed that there will be meetings in different countries to decide who does what: ministries, civil society and the industry, on the condition that the government should ensure that re-importation of drugs wouldn't be possible. The German Presidency will talk to the EC, because it is not exclusively a health issue but also an internal market issue. The ambition to have something running in summer.

Question: what countries do you have in mind and what criteria will be used?

Ms. Schmidt: we will concentrate on new member states of the EU to the East where large part of the budget is spent on treatment. Maybe the Baltic States. And also affordable treatment in neighbouring countries. Only Moldova and Caucasus are now involved in agreements. Great advantage is not only to involve institutions but having discussions with all stakeholders.

Question: many in Russia face tremendous problems. Can Germany take up this issue?

Ms. Schmidt: will take it up but they are not involved in G8 meetings. The impression is that it is easier to discuss some issues than it was a few years ago and there is general acceptance of the problem by the Russian Ministry of Health. Ms. Merkel will also definitely pursue the objective through a sustainable approach.

Question on the issue of political commitment: The CSF is thankful to Germany for enabling monitoring of the Dublin declaration. What do you intend to do to get other member states on board?

Ms. Schmidt: in April there will be an informal Council of the Ministers of Health from Europe where she will address Bremen. Good sign is that 9 EU Ministers of Health and some state secretaries were present at the conference. At the informal council no decisions will be made, but conclusions from the Bremen declaration and about the work needed will be agreed upon. From this informal council there will be a recommendation on what should be decided on in relation to HIV/AIDS at the European Council of heads of state and government on May 31. The G8 summit will have a clear focus on Africa, will also start initiatives to pledge increases for the Global Fund, enhance fight against poverty and women's rights.

Question on harm reduction.

Ms. Schmidt: idea to develop in Europe a Clearinghouse with information. For exchange of good practices. Will make available their experience and share it with other countries on successes in harm reduction.

4 Discussion on implementation Bremen declaration

Can the CSF interact with the German presidency? Then draft follow-up letter and stress the commitment of Ms. Merkel to bring the topic on the agenda of the G8 and European Council and inform them that civil society should be involved in further negotiations with the pharmaceutical industry.

There is concern about the paragraph in the Bremen Declaration on state obligation on protection of human rights. We should emphasize the kind of issues that should be addressed. This topic will be included in the letter and sent before end of April. There is agreement to draft this letter.

The CSF are asked to send letters to their prime minister why he/she didn't attend the conference, and inform that Ms. Merkel herself made a personal commitment.

The CSF feels the need to address a letter to European Commission expressing our concern on the implementation of the action plan and lack of budget and leadership to fulfil commitments.

The Bremen Declaration will not be on agenda of the Council and meeting of Ministers of Health for approval, but for information. We need to have clear what outcomes should come from these meetings. Key issues: pharmaceutical pricing, human rights, harm reduction.

The German Presidency is preparing a council conclusion, based on the Bremen declaration. We need to find out the intention of Merkel in relation to the Council meeting: to have just one paragraph on HIV/AIDS, or much more.

It is problematic that the Bremen Declaration does not have the status that all the ministers sign it, so it has less status than the Dublin Declaration.

The health council is 30 & 31 of May. Before there is an informal meeting of the Ministers of Health at 15& 16 April. The Council of Heads of State is in June.

We will refer to the whole declaration but focus in our letter to the German presidency on key issues. Mauro Guarinieri and Yusef Azad will draft a letter and send to CSF for approval.

Arnaud W. Simon and Luis Mendão will prepare a letter to Commissioner Kyprianou on the necessary funding for action plan and on EC leadership concerns. They will suggest that if future presidencies take on the issue of HIV, that they should involve civil society, like Germany did.

EATG policy working group on pricing is already following up on negotiations with pharmaceutical industry and will make the link to the CSF.

Portugal has the next EU presidency, they seem now to be trying to establish meetings on AIDS during each presidency. In Portugal there will be meeting on migrants. How do our concerns fit into the model of all the future presidencies? We do not wish to run after priorities not decided by us.

5 Human rights

- Preliminary report from NAT

Yusef Azad (NAT) provided an introduction on the preliminary report on the Legislative and Judicial systems in Relation to HIV and AIDS. Initial findings and key issues from the country consultations will feed the seminar on that topic, which will take place from April 19-21 in London.

Key findings are:

- Lack of access to the judicial systems for certain groups
- General lack of knowledge about this issue
- Important topics are: criminal prosecution; access to insurance for PLWHA, travel regulations, lack of access to protection for prisoners and drug users, lack of access for mobile populations

Answers from three countries are still missing: Malta, Luxemburg, Austria.

Discussion about the results took place; doubts about some of the answers had been raised (as they were provided by different bodies). It was pointed out that the report is still preliminary, further feedback, comments and corrections are most welcome, if possible before the beginning of the seminar in London. Please send them to yusef.azad@nat.org.uk. The country survey will be made available; the list of respondents is included in the preliminary report. A final report will become available after the seminar.

- WHO report on criminalization

Jeff Lazarus and Srdan Matic introduced the WHO report on criminalisation. The report is not an official position of the WHO; it reflects the discussion that took place during the meeting in Copenhagen. The report reflects the key issues and findings of the Copenhagen meeting on that issue last year. Participants from different networks (EATG, AIDS Action Europe, Canadian Aids Legal network) provided input. A number of core issues were defined, discussed and outlined in the report itself. Key topics are public health and human rights in the context of HIV transmission; criminalization, consensual relationship, intentional transmission etc.

The report had been released around World AIDS Day 2006. Since its release it had been used by the UN Reference Group on Human rights and the International Harm Reduction Association.

Next steps: further monitoring on what is happening around that issue; official ongoing monitor mechanism.

Yusef Azad outlined the usefulness of the report for the UK Crown prosecution consultation discussion. One big problem is the misuse of scientific evidence in this context (rate of infectiousness etc).

It was further questioned and discussed whether and how the different stakeholders from the community in Europe could share and coordinate its actions around this topic. The development of a joint position on the issues was proposed. It was suggested to send new cases to the

mailing list in order to have discussions and responses. Important documents on that issue are already available on the websites of AIDS Action Europe and Terence Higgins Trust.

Nikos Dedes proposed the creation of a task force of the CSF that could send support letters if new cases appear at the country level.

Summary / open questions:

- There is a need for further discussion and documentation on disclosure and non disclosure in relation to prevention;
- Need to measure and monitor the impact for PLWHA
- WHO Europe paper would be a good starting point for a proposal to the Think Tank: how mitigation and change in the law affects PLWHA?
- Further discussions are necessary before a joint position by the CSF is possible
- Media coverage and sensationalism is defined as one of the burning issues related to this topic (stigma and discrimination)
- How can laws effectively be used: criminal law for transmissions and exposure? Cases without transmissions were prosecuted
- How to react and prevent that Governments criminalize?

The EC was asked to develop a website and forum on the issue of criminalisation, but Dadi explained budgetary restrictions. AIDS Action Europe offered its new Information Clearinghouse website. This will be further discussed at the next CSF.

6 UNAIDS Programme Coordinating Board

Vitaly Djuma could not be present because of visa problems. Further discussion will take place by e-mail.

7 Dublin Declaration monitoring process

Jeff Lazarus provided an overview of background and current status of the Dublin declaration monitoring process. The money for the whole endeavour comes from the German Ministry of Health. WHO Europe has the lead in the process, the coordination takes place under the auspices of UNAIDS. The process should be as transparent and inclusive as possible. Anyone who is interested to participate is welcome to give input. The first draft of the report on the monitoring process will be available at the end of the German presidency.

Main challenge is to

- monitor the impact on Dublin Declaration (country reports)
- the development and usage of a matrix of indicators
- define and highlight key issues

The advisory groups under the thematic sections will be contacted after the first draft has been completed to give feedback on drafts and further input; this will happen within the next weeks.

A discussion about the content of the reports, about "hard" and "soft" data took place. Srdan Matic outlined that the report itself will not establish a measurement system. It will contain a combination of "hard" data and a sample of opinions. The report will be only once done by WHO Europe. One of the aims of the report is to challenge other bodies. This should motivate them to

do it on a permanent basis. The initial report is believed to set the direction. The commission is already on board, which is a positive signal.

Discussion about the selection criteria of 7 countries:

- Germany: provided the money
- Poland: need for a central Region country
- France: little is known outside France
- Portugal: next EU presidency

The reports of the selected countries are going to provide case studies. The outcome of the report will not be a blacklist of countries that do not perform well. The reports will and should highlight the improvements to be made.

8 Renewal of the CSF

Dadi Einarsson outlined the plan for the renewal of the members of the CSF. The call for applications needs to be sent out after the next meeting of the CSF. He explained that the European networks will in the future not be invited as members but as observers. Aim of the forum is to have a real discussion; the total number will therefore be the same (30); the actual selection will be completed by mid June. People should be able to represent their countries and distribute information of the forum in their countries. The term will last for three years; there should be a balance of fields of experiences and geographical regions; half of the members will be selected for a two year term. The EC task force will decide on the applications, Nikos and Ton are invited to give their recommendations.

The idea to invite networks only as observers provoked a broad discussion. Main concerns were defined as follows:

- No coverage of the expenses of observers (networks), some networks have not enough money to cover the costs on their own
- The number of networks with the ability to participate would be limited
- Observer status of the networks should therefore financially covered
- Networks have sometimes better communication and consultation processes than country representatives and can sometimes give better input to the CSF (added value)
- The CSF should always make sure that what happens here should go to the outside world – networks play a very important role in this respect
- It was questioned whether the impact of the country representative are evaluated; this is important for the credibility of this forum
- If the EU has interest in a functioning Civil Society the participation of networks should be secured. The commitment should be there, especially after the Bremen Conference.
- The decision what networks we want to invite should be left to the CSF
- There should be an agreement for prioritization (in order to review the applications), there is no need that all the EU members states are present.
- A profile on what we want to achieve should be created, members and networks should be invited afterwards.

Dadi Einarsson highlighted the fact that there are basic budgetary problems. The funds for health were severely cut. Later discussion, after the CSF, between the co-chairs of the CSF and Dadi

Einarsson led to the agreement that networks will be eligible for membership, but that they are not guaranteed automatically a seat. They can apply and the task force will make a decision.

9 Migrants

Luis Mendão provided some background information of the recommendations for universal access for migrant populations regardless of their legal status to be adopted by the CSF and to be presented to the European commission. Luis as well distributed the invitation to the conference on "The right to HIV/AIDS prevention, treatment, care and support for migrants and ethnic minorities in Europe: The community perspective". The conference will take place from June 7 – 8 in Lisbon. Aim of the conference is to influence the discussion on migrant policies since migration is the main topic of the Portuguese EU presidency in the second half of 2007.

The recommendations were adopted by the CSF. A delegation of the CSF will deliver the letter of recommendations personally to the President of the EU Parliament and Commissioner Kyprianou within a time frame of one month. Luis Mendão, Georg Bröring, Licia Brussa, Arnaud Wasson-Simon were chosen to be part of the delegation. The group should be seconded by a member of AIDS Action Europe and a person from a country outside the EU member states.

10 Other issues & closing

- AIDS and Mobility

Georg Bröring (A&M) gave a brief update on the current situation of the future of A&M, since the project proposal to the EC was withdrawn. The reasons for withdrawal were explained (financial and administrative requirements; restructure and changes within the NIGZ). The director of the Deutsche Aids Hilfe is keen to support the A&M network but the board of directors of the Deutsche Aids Hilfe is hesitating. It was discussed whether the CSF should deliver support with a letter addressing the BoD of the Deutsche Aids Hilfe. Any support should happen silently at this time, actions might be counter productive.

- Next CSF

The next CSF will take place in Luxembourg from April 23 – 24, followed by the Think Thank on HIV/AIDS. The CSF meeting is on Monday, April 23 from 14.00-18.00 and on Tuesday April 24 from 09.00-18.00.

Preliminary list of agenda items

- Selection criteria, next round CSF
- Criminalisation issue
- Dublin monitoring update by WHO
- Action plan on the EU communication
- Bremen follow-up with EC and Council of Head of States

11 Follow up/Action list

What	Who	When
Letter on relation CSF-ECDC	Ton/Nikos	ASAP
Letter on Bremen to your MoH	All	ASAP
Letter to German Presidency	Mauro/Yusef	ASAP
Letter to Barroso & Kyrianiou	Arnaud/Luis	ASAP
Inform CSF about price negotiations process	EATG policy working group	Regular basis
Send corrections country data report NAT to Yusef	All	April 15
Explore option of webpage/forum on criminalisation at AAE Clearinghouse	Martine	April 23
Send draft profile & call for applications new CSF	Dadi	ASAP
Letter universal access migrants delivered to Barroso & Kyrianiou	Luis, Arnaud, Licia, Georg, AAE, Eastern Europe rep.	Mid April

12 Annex A: List of Participants

Azad	Yusef	National AIDS Trust, United Kingdom
Baatrup	Søren V.	Stop AIDS, Denmark
Berglöf	Andreas	HIV-Sweden
Björkenheim	Corinne	Finnish AIDS Council
Bröring	Georg	AIDS & Mobility/NIGZ
Brussa	Licia	TAMPEP
Cerioli	Allessandra	LILA
Coenen	Ton	AIDS Action Europe
Dedes	Nikos	EATG
De'nes	Bala'zs	Hungarian Civil Liberties Union
Einarsson	Dadi	SANCO C4
Guarinieri	Mauro	IHRD/OSI Hungary
Ilic	Dragan	JAZAS, Serbia
Iliuta	Catalina	CEEHRN
Jiresova	Katarina	OZ Odysseus
Kabakchieva	Elena	HESED, Bulgaria
Kaupe	Ruta	DIA+LOGS, Latvia
Lambrechts	Chris	Sensoa, Belgium
Lazarus	Jeffrey	WHO-EURO
Lutarewicz	Artur	Social AIDS Committee, Poland
Makryashina	Anastasia	The Community of PLHIV, Russia
Mendão	Luis	EATG Portugal
Philipp	Wolfgang	European Commission
Piilberg	Irina	AIDS-I Turgikeskus
Prochazka	Ivo	Czech AIDS Help Society
Schutter, de	Martine	AIDS Action Europe
Simon	Arnaud W.	AIDES, France
Slobozian	Vitalie	Soros Moldova
Solinc	Miran	SKUC-Magnus
Srdan	Matic	WHO-EURO
Tomczynski	Wojciech	AIDS Action Europe
Wiessner	Peter	AIDS Hilfe Munich e.V., Germany

Minutes: Peter Wiessner (EATG) and Martine de Schutter (AIDS Action Europe), March 2007