

# Policy Brief on Access to HIV-, Viral Hepatitis-, and TB-Services for People in Prison and Other Closed Settings



## INTRODUCTION AND BACKGROUND

People in prison and other closed settings are considered key populations by UNAIDS. According to their 2017 report PLHIV are overrepresented in prisons and other closed settings globally, due to criminalization of HIV non-disclosure, exposure and transmission in many jurisdictions of the world and also due to criminalization of key populations who are most affected by HIV, such as sex workers or people who use drugs, trans people and gay men and other MSM. The higher burden of HIV and other communicable diseases such as TB in prisons is also due to the overcrowding of prisons and the lack of access to HIV and co-infection prevention, treatment and care services.

The European Centre for Disease Prevention and Control (ECDC) as part of their Dublin Declaration Monitoring activities issued a Special Report , which also showed limited data available on HIV in prisons in the WHO Europe region countries and in those countries where data are available, significant gaps were in HIV prevention services for people in prison.

Although international law recognizes the right to the highest attainable physical and mental health of every individual regardless of being deprived of their liberty, people in prison and other closed settings often suffer worse health outcomes than those in the community outside these settings.

Against this background, in 2019 the European HIV Legal Forum, a project of AIDS Action Europe conducted a survey in 10 European countries to benchmark legislation and policies and access to HIV-, viral hepatitis-, and TB-services for people in prison and other closed settings.

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1 Update on HIV in prisons and other closed settings” – UNAIDS – The Joint Programme of the United Nations on HIV/AIDS – 2017 [https://www.unaids.org/sites/default/files/media\\_asset/20171123\\_UNAIDS\\_PCB41\\_HIV-in-prisons\\_17-23\\_EN.pdf](https://www.unaids.org/sites/default/files/media_asset/20171123_UNAIDS_PCB41_HIV-in-prisons_17-23_EN.pdf)

2 European Centre for Disease Prevention and Control - Thematic report: Prisoners - Monitoring implementation of the Dublin Declaration on Partnership to Fight HIV/AIDS in Europe and Central Asia: 2014 progress report <https://www.ecdc.europa.eu/sites/default/files/media/en/publications/Publications/dublin-declaration-prisoners-2014.pdf>

## **PROBLEMS AND ISSUES THAT NEED POLICY MAKERS ATTENTION ON HEALTH IN PRISONS AND OTHER CLOSED SETTINGS**

Similar to the above-mentioned reports by ECDC and UNAIDS, the report of the European HIV Legal Forum (EHLF) identified legal, structural and policy problems that are responsible for the issues that result in substantially reduced access to services in prisons and other closed settings compared to access to services in the community, which result in weaker health outcomes and worse quality of life for people in prison and other closed settings.

The reasons for limited access vary by country but in most cases are connected to issues of financing healthcare in the closed settings, including underfinancing of health and/or outsourcing services. Another serious issue is the lack of guidelines for delivering health interventions in closed settings, or where guidelines exist, they are often not followed and certain prevention measures, such as access to condoms or NSP services, are not available due to the fact that the existence of sexual relations and/or drug use in closed settings is denied.

Institutions for short-term detention, such as police custody and in some cases pre-trial detention, have even worse and less organized access to necessary prevention, treatment and care services, due to limited access to services in the institutions and lack of proper referral systems between the general healthcare system and healthcare in prisons and other closed settings, hence often the continuity of treatment and prevention services when people are detained and transferred to other institutions and/or at the time of release is not ensured.

Finally, there is a general issue with the total lack of, or limited data on the health of people in detention, especially concerning HIV, viral hepatitis, TB and other communicable diseases, which makes planning and budgeting interventions difficult or impossible. Where data are available, however, prevalence of HIV, viral hepatitis, and TB infections in closed settings is much higher than in the general populations. The reasons for higher prevalence are multifaceted but can be associated with two major issues in all of the participating countries. Firstly, due to reduced access to prevention, treatment and care services compared to the general population, people in prison and other closed settings are more vulnerable to HIV and viral hepatitis B and C infections.

Chronic overcrowding of prisons and other closed settings is an issue all across the world and is the main source of high TB-prevalence in these institutions. Secondly, criminalization of PLHIV and key populations is also responsible for the higher prevalence of communicable diseases in prisons and other closed settings.

Other concerns regarding people in prison and other closed settings that were reported in all of the participating countries are issues with confidentiality of medical data and information. In some of the European countries covered by the report, PLHIV are detained separately from others, which implies they are a risk to others and reveals their HIV-status.

Trans people and non-binary individuals also face serious problems with accessing hormone therapy, and furthermore, they are commonly placed based on the sex indicated in their ID or other official documents rather than according to their gender identity.

NGOs can play an important role in providing a variety of services for people in prison and other closed settings in most of the counties covered by this report. However, their access to entering these institutions is sometimes limited or not allowed at all.

## SPECIFIC POLICY RECOMMENDATIONS

In the context of access to HIV-, viral hepatitis-, and TB-services for people in prison and other closed settings, the following policy recommendations should be adopted and implemented in all countries.

**R**eview and reform laws and policies that lead to the disproportionate incarceration of people living with HIV and other key populations, specifically, abolish any HIV-specific criminal laws and any laws or policies that mandate disclosure of HIV-status or partner notification, decriminalise all aspects of sex work, and decriminalise drug use;

**C**ollect and analyse disaggregated and anonymized data on health conditions and services in prisons and other closed settings, respecting confidentiality of medical data and information;

**C**onduct key population and HIV-specific awareness training for members of law enforcement and the criminal justice system;

**P**rovide access and the continuation of the same prevention, treatment and care services for those in prison and other closed settings that are available in the community;

**W**ith the involvement of civil society organizations, medical and public health professionals, develop or adapt already existing, regularly review, and implement national guidelines of HIV-, viral hepatitis-, and TB-service delivery in prisons and other closed settings;

**R**educe the size of prison population via criminal law reform and introduction of alternatives to incarceration.

**P**rovide access and the continuation of the same prevention, treatment and care services for those in prison and other closed settings that are available in the community;

**I**ntroduce or improve existing multilevel collaboration between ministries and authorities responsible for health, law enforcement and immigration to plan, deliver and coordinate comprehensive and quality prevention, treatment and care services for people in prison and other closed settings during stay, transfer and following release;

*This policy brief and its recommendations are based on and derived from the findings of the "Access to HIV-, viral hepatitis-, and TB-services for people in prison and other closed settings in Europe: A comparative 10-country report" by the European HIV Legal Forum. The report can be downloaded here: [rg/en/publication/access-hiv-viral-hepatitis-and-tb-services-people-prison-and-other-closed-settings](https://www.ehlf.eu/en/publication/access-hiv-viral-hepatitis-and-tb-services-people-prison-and-other-closed-settings)*