

National AIDS Trust

POLICY BRIEFING

JULY 2006

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1. Current issues

1.1 Criminal prosecutions

Sarah Porter has become the seventh person to be convicted in England and Wales for reckless transmission of HIV. She was sentenced to 32 months in prison on 19 June. The media coverage surrounding the case was particularly stigmatising and inaccurate. The original Metropolitan Police press release described the conviction as for 'deliberate' infection and though they corrected this error after protests from NAT, it again allowed the press to depict the crime as one of intentional transmission.

The Met press release also gave out Sarah Porter's address and no doubt contributed to the resulting media harassment, which included a photograph of her young son, whose face was pixelated but who would be readily identifiable to many in the area.

Comments by the investigating officer after the trial were particularly stigmatising of HIV and unhelpful, and contributed to a swathe of judgemental and inaccurate coverage. See NAT's press release response at www.nat.org.uk.

A number of other cases appear to be in train, with the first case of transmission between gay men due to be up for sentencing on 4 August.

One particularly worrying aspect of Sarah Porter's case was the fact that the police began their investigation on the basis of a complaint by a former sexual partner that she had not disclosed her status before having sex (it is not clear whether or not the sex was unprotected) – this original complainant had **not** been infected with HIV. It must be stressed that because no infection had taken place, no crime had occurred. But on that basis the police contacted former partners until they found someone who had been infected and was willing to press charges. This raises the disturbing prospect of the sexual history of all people with HIV coming under police suspicion.

Actions

Media – after discussions with the Press Complaints Commission, NAT is going to contact relevant editors to point out the inaccuracy of describing these convictions as for 'intentional' or 'deliberate' transmission. This first step will be followed by further interventions with support from the PCC should that fail to have an effect.

NAT is drafting with the National Union of Journalists revised guidance on how to report on HIV.

NAT continues to respond to stigmatising coverage and encourage people living with HIV to do so also through the work of Press Gang.

Police – in response to the Sarah Porter case, NAT drafted a letter to Sir Ian Blair, Commissioner of the Metropolitan Police, outlining concerns, which was then signed by National AIDS Trust, Terrence Higgins Trust, African HIV Policy Network, George House Trust, National AIDS Manual, Positive East, Positively Women and the UK Coalition of People Living with HIV and AIDS. The Met is currently considering its response.

NAT and THT have approached the Association of Chief Police Officers to ask urgently for a consultation process to identify appropriate investigation guidelines for

all police forces. Network members will be informed of their response once it is received.

Crown Prosecution Service – A final draft of the consultation document is with the working group and the consultation is expected to go 'live' towards the end of this month. A special notice will go round to all Network members once the consultation document is in the public domain.

Virological reports – Virological reports are being increasingly used to 'prove' the route of infection from defendant to complainant in these court cases. In fact, the 'matches' are frequently being misinterpreted by lawyers to claim proof for assertions which in fact have not been proved at all by these scientific reports. NAT is working with an eminent clinical virologist to produce guidance in lay terms for lawyers and others to end such misuse of virological reports.

1.2 Entitlement to treatment

The picture on charging people for HIV treatment remains confused, with some Trusts pursuing bills aggressively whilst many others ignore the new charging regulations altogether.

Please send Yusef Azad at NAT any examples of delay or difficulty in accessing free HIV treatment. These examples are very important in making the case against these charges.

The Refugee Council has recently produced a very good report making the case against charges for failed asylum seekers – 'First do no harm: denying healthcare to people whose asylum claims have failed'

http://www.refugeecouncil.org.uk/downloads/rc_reports/Health_access_report_jun06.pdf

HIV treatment is life-saving and as such should always be considered 'immediately necessary'. This means that it must be given even when the individual will later receive a bill and even when he or she cannot pay any debts outstanding. If someone cannot pay, the PCT should consider writing off that person's debts.

Support organisations should be encouraging everyone diagnosed with HIV to access treatment irrespective of residency status and, if necessary, advocating for access with their local hospital/clinic. Yusef Azad at NAT or Lisa Power at THT are happy to give more detailed advice in individual cases. A joint NAT/THT leaflet is being prepared to advise individuals and organisations on their rights and how to access treatment even within the current system.

1.3 ‘Changing Perspectives’: HIV, Faith & African Communities

As part of the ‘Changing Perspectives’ campaign, the African HIV Policy Network (AHPN) has been working with its membership (African community-based organisations) to encourage faith communities to engage positively with people living with HIV.

Three seminars were held over the last two months, with Christian faith leaders, Muslim faith and community leaders, and African community-based organisations. Participants shared their experiences and raised some very pertinent issue around HIV and faith. They agreed that tackling HIV-related stigma and discrimination through work with faith communities has not only proven to be effective but continues to be essential because of the numbers of African people who are involved in faith activities and to whom faith plays a crucial role.

Information gathered from the seminars will contribute to informing the AHPN’s policy and campaigning work. It will also contribute to the development and implementation of a resource for faith leaders and African community organisations, which will be used to increase levels of awareness of HIV and to change perceptions of HIV and Africans in the UK.

For more information on the work of the AHPN and its members around HIV & faith, please email georgina.caswell@ahpn.org

1.4 The Disability Equality Duty

NAT will be publishing in August a guide for all public bodies on how to take account of HIV in the disability equality schemes they are required to produce by 4 December this year. You may find the guide useful to send to your local hospital, school, local authority, for example, to improve their actions for people living with HIV. Let’s use this resource to call public bodies to account on their HIV performance.

To receive a copy when the document is finalised please email policyandcampaigns@nat.org.uk

1.5 Sex and Relationships Education

The number of people living with HIV in the UK is increasing, yet people are less aware of the risks than they were ten years ago. It is therefore more important than ever to provide effective Sex and Relationships Education (SRE) in schools to safeguard the future health of young people.

Although under current legislation schools have to teach the biological aspects of sex, there is no statutory requirement to provide PSHE, which typically includes learning about relationships and the emotional aspects of sex, as well as life skills such as decision making, managing peer pressure and understanding risky behaviour.

A coalition of charities led by the Sex Education Forum, including National AIDS Trust, Terrence Higgins Trust, UNICEF, NSPCC and the National Children’s Bureau are supporting an amendment to the Education and Inspections Bill that would help to ensure all children get high quality Personal Social and Health Education, including comprehensive Sex and Relationships Education.

The Bill is currently making its way through Parliament and the Government have so far proved reluctant to accept the amendment so we really need your support.

To find out more about the campaign go to <http://www.ncb.org.uk/sef/>

You can also email your MP asking them to support the amendment by going to http://www.advocacyonline.net/tht/sep05/content_cur_camp.jsp

1.6 Dispersal of asylum seekers living with HIV

NAT is drafting a leaflet designed primarily for clinicians but of use also for voluntary sector organisations, on NASS's new dispersal policy for people living with HIV. We continue to be keen to hear stories of how the dispersal process is working for asylum seekers living with HIV. Has it improved? Are there still problems? Your input will be important for the review of the current system which is to take place at the end of the year. Contact Hannah Bate at Hannah.bate@nat.org.uk

1.7 Prisons

Work is nearing completion on a framework of best practice on HIV and hepatitis in UK prisons and immigration removal centres. If you have experience or knowledge of this issue, and have examples of either good or bad practice, please contact Nicola Douglas at Nicola.Douglas@nat.org.uk

1.8 10th Annual Gay Men's Sex Survey

The annual National Gay Men's Sex Survey, undertaken by Terrence Higgins Trust and Sigma Research has been launched. Last year 16,000 men in the UK took part and this year they hope to get an even better response. The Survey is carried out by Sigma Research (University of Portsmouth) in collaboration with over 150 organisations as part of the CHAPS Partnership's health promotion work with gay men.

As well as regular questions about sexual behaviour and HIV testing, new questions this year include using poppers, HIV transmission and the law and Hepatitis C. Men will also be asked for the first time whether they have entered into a civil partnership.

The survey can be completed by logging onto www.sigmasurvey.org.uk, a booklet form is also available.

1.9 World AIDS Day

NAT co-ordinates World AIDS Day in the UK. We set a theme to reflect the UK epidemic and complement the international theme chosen by UNAIDS. Through our Aware catalogue and online shop we make available awareness and fundraising materials for organisations that run World AIDS Day activities throughout the UK.

We also re-design and promote www.worldaidsday.org every year to reflect the new campaign and mobilise public support for World AIDS Day. The 2006 website will go live on August 23, 100 days before 1 December. As always, the World AIDS Day website will give you a chance to publicise your own events. Last year the website received five million visitors in six weeks.

At an international level, the UNAIDS/World AIDS Campaign is using the theme of 'Stop AIDS. Keep the Promise' again for World AIDS Day so, to complement this,

NAT have developed a theme which is designed to encourage both individual and collective action to bring about change:

you me us

This will be used in conjunction with two straplines:

WE CAN STOP THE SPREAD OF HIV

and

WE CAN STOP HIV PREJUDICE

We are currently finalising the visuals for the campaign, if you would like to receive a copy of the Aware catalogue when it is available please email awaretrading@nat.org.uk.

Current Consultations

2.1 Asylum Qualification Directive Consultation, Home Office

This consultation paper discusses the provisions within the Asylum Qualification Directive, and invites comments on the Government's proposed implementation plans.

The Asylum Qualification Directive is a key element of a package envisaged at the Treaty of Amsterdam (1997). The Treaty committed Member States to a range of measures designed to establish minimum standards for asylum procedures and policies across the European Union as a first step towards a Common European Asylum System.

Closing date for responses is **28 August 2006**.

<http://www.homeoffice.gov.uk/documents/cons-2006-asylum-qual-directive/>

2.2 Public Health – Ethical Issues, Nuffield Council on Bioethics

The Nuffield Council on Bioethics would like to hear about your views on a number of questions raised by the ethical issues surrounding public health.

Public health has been described as 'the science and art of preventing disease, prolonging life and promoting health through organised efforts of society'. Over the centuries, public health has been significantly improved by measures such as vaccination programmes. However, public health interventions also raise a number of complex ethical issues. The Nuffield Council established a Working Party in January 2006 to consider the ethical dilemmas related by public health, such as the difficulties in balancing individual choice and community benefit.

The period of consultation will last for four months. All comments received will be considered by the Working Party. The Council plans to publish its report in autumn 2007.

Deadline for responses: **15th September 2006**

http://www.nuffieldbioethics.org/go/print/ourwork/publichealth/page_811.html

2.3 Comprehensive Spending Review: Review of the future role of the Third Sector in social and economic regeneration – consultation with the Third Sector, HM Treasury

This consultation looks at the future role of the Third Sector. Your views are sought on issues around involvement, building voices for citizens, partnership working, volunteering and the role of the sector in shaping and delivering public services.

http://www.hm-treasury.gov.uk/documents/public_spending_and_services/third_sector/pss_thirdsector_consultations.cfm

3 New Publications

‘A positive perspective: Involving People Living With HIV in the Development of Health and Social Care’ Thomas Coram Research Institute, Institute for Education

This study, commissioned by NAT and produced by the Thomas Coram Research Unit at the Institute of Education, University of London focuses on improving and enhancing practice in involving people living with HIV in health and social care development. Drawing on existing policy, as well as discussions with people living with HIV and professionals working in the sector, this report outlines five key principles for successful involvement of HIV positive people in service development. The study is part of NAT's Positive People's Involvement project and was funded by the Big Lottery Fund.

The report can be downloaded from NAT's website at www.nat.org.uk

‘Developing support services for children, young people and families with HIV. A handbook for service providers’ National Children's Bureau

There are more than 1000 under-19s infected with HIV in the UK, while the number affected by HIV is unknown. With very few direct emotional support services available, these young people are a marginalised group.

Developing support services for children, young people and families living with HIV aims to demystify working with infected and affected young people by offering information, guidance and support to those developing support services for this group of children and young people -- including voluntary and community sector organisations, as well as social workers, health professionals and youth workers.

This handbook was developed through three national consultations with statutory, voluntary and health sector professionals held in London, Birmingham and Leeds. Infected and affected young people participated in the consultations and their perspectives informed this work.

To request a copy of this title please email toocaram@ncb.org.uk

‘HIV in the UK 2006 – a progress report’ NAT

Five years after signing the UNGASS Declaration of Commitment on HIV/AIDS, the Government continues to play a vitally important role internationally in the fight against HIV. But has it delivered on its promise to tackle HIV in the United Kingdom?

This report provides an overview of the Government's track record, which in a number of areas fails to meet need and protect human rights. Now is the time for the Government to refocus political commitment on an effective human rights-based response to HIV in the United Kingdom. The Government should not only fund best practice abroad, but also follow it at home.

To request a copy of this title please email policyandcampaigns@nat.org.uk or download from the NAT website at www.nat.org.uk

‘Impact 11 – Power to the people? Involving people living with HIV’ NAT

NAT's journal Impact has just been published with a brand new look. This edition looks at ways of involving people living with HIV in their own care, and in the development of services. It takes a timely look at some of the barriers and routes to progress in greater involvement, with an emphasis on first hand experience of those who have been at the forefront of practice in this area.

To request a copy of this title, or to join the Impact mailing list, please email policyandcampaigns@nat.org.uk or download from the NAT website at www.nat.org.uk

Living with HIV NAM

A new edition of NAM's guide for people living with HIV. It provides essential information on key topics such as who and how to tell about your diagnosis, the basics of HIV, getting treatment, staying in or returning to work, a healthy sex life, mother-to-baby transmission, and the criminalisation of HIV transmission.

Living with HIV is free to anyone personally affected by HIV. There is a charge of £19.95 to organisations or professionals. Copies can be ordered from the NAM website at www.aidsmap.com/bookshop, or by calling 020 7840 0050.

'Morality, responsibility and risk- gay men and proximity to HIV' Sigma Research

This report outlines a qualitative research project investigating the expectations and experiences of Gay men and Bisexual men who currently believe themselves to be HIV negative. It examines how their social and sexual relationships (proximity) to men with diagnosed HIV influences their perception of HIV risk, expectations of positive disclosure and the sex they have.

The report can be downloaded from Sigma's website at www.sigmaresearch.org.uk