



The influence of the united forces of several NGOs on laws aiming to protect HIV positive foreigners

Issues

In 1993, the French law, restricted access to social security for foreigners. Only those with a regular permit could receive benefits from social security. HIV positive foreigners were excluded from this coverage as well as from care, and in 1996 from the first treatments. At that time, France deported HIV positive foreigners.

Description

In 1994, HIV/Aids organisations together with organisations offering medical and social support to foreigners collaborated to prevent the removal of sick people from care and treatment. Over time, 35 different organisations joined the group.

In 1996, campaigns and actions in favour of undocumented migrants aroused the interest of the public, which was partly due to the interventions of politicians and VIPs.

In 1997, at the same time as a new law on immigration was passed, the URMED (Emergency: ill foreigners in danger) obtained a legal ban on the deportation of foreigners who do not have access to treatment in their country of origin.

HIV positive foreigners then found themselves in the situation where they could not be deported, but still did not have access to residence permits.



Lessons Learned

The mobilisation of these organisations, which combined legal expertise and the visibility of the media, highlighted this paradox as well as the lack of ARTs in the southern countries. In 1998, with the help of a new law on immigration, they succeeded in gaining a special residence permit for seriously ill foreigners. The connections forged with politicians during the nineties played a key role in these developments.

Next steps

Although this residence permit is now included in French law, accessing it is not always easy. NGOs and other organisations must continue to be vigilant and see to it that this right remains.

In other countries, organisations involved in these issues would like to create a special health care residence permit.

ODSE (observatoire du droit à la santé des étrangers)

The observatory of the health right of foreigners (ODSE) was created in March 2000. Its main aim is to denounce violations of migrants' rights in France.

It also supports access to healthcare system and obtention of residence permit for migrants living with a serious illness.

The core principle is the equality of rights independently of health and administrative statutes. Based upon their field experiences, the organisations of the ODSE advocate towards the authorities and publish reports and press release to increase public awareness.