

**NATIONS UNIES**  
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**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Special Rapporteur on the right of everyone to the enjoyment of the highest  
attainable standard of physical and mental health and the Special Rapporteur on the human rights of  
migrants**

REFERENCE: AL Health (2002-7) G/SO 214 (106-10)  
SGP 2/2013

12 December 2013

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and Special Rapporteur on the human rights of migrants pursuant to Human Rights Council resolutions 24/6 and 17/12.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning Mr. [REDACTED], an Indonesian national living with HIV, who was deported from Singapore on the basis of his health status and pursuant to the Article 8 of the Immigration Act.

According to the information received:

Mr. [REDACTED] completed his undergraduate studies in Singapore and has remained in the country as an artist. He was diagnosed with HIV in 2009 at a public hospital in Singapore. Since then Mr. [REDACTED] was allegedly denied entry to Singapore, on the basis of his HIV status, twice out of the four times he visited Singapore. His first appeal to remain in Singapore, made when he is was still an undergraduate student in the country, was reportedly approved. After the completion of his studies, Mr. [REDACTED] application for a long-term leave to remain in Singapore was allegedly denied, and he was deported on arrival. In March 2013, he was reportedly granted entry to Singapore for a doctor's appointment.

On 23 October 2013, when Mr. [REDACTED] tried to visit Singapore for a medical appointment, he was allegedly deported on arrival at Singapore Changi Airport. It is alleged that the denial of entry related to the one-week advance arrival of Mr. [REDACTED] prior to the scheduled medical appointment in order to carry out blood and other necessary tests. It is further alleged that Mr. [REDACTED] passport was impounded by the immigration authorities for two hours until the next available flight. During this time, his phone was allegedly taken from him, and he was unable to make any calls. He was escorted to a detention room by the

police. He was required to pay 61.00 Singapore dollars towards 'security fee', details of which were not disclosed to him. Mr. [REDACTED] only received his passport when he arrived back in Jakarta, Indonesia.

Concern is expressed about allegations that Mr. [REDACTED] was denied entry to Singapore and deported from the country on the basis of his HIV positive status and according to the Article 8(3)(ba) of the Immigration Act, which considers 'any person suffering from AIDS or infected with HIV' as a member of the 'prohibited class' of immigrants.

While we do not wish to prejudge the accuracy of the information received, we would appreciate information from your Excellency's Government on the steps taken by the competent authorities with a view to ensuring Mr. [REDACTED] right to the highest attainable standard of health. This right is reflected, inter alia, in article 25 of the Universal Declaration of Human Rights (UDHR). Article 7 of the UDHR holds that all persons are equal before the law and are entitled without any discrimination to equal protection of the law.

We also wish to recall the 2001 United Nations General Assembly Declaration of Commitment on HIV/AIDS, which declared the commitment of countries to eliminate all forms of discrimination against persons living with HIV/AIDS and ensure their full enjoyment of all human rights and fundamental freedoms.

We would also like to refer your Excellency's Government to the Human Rights Council report of the Special Rapporteur on the right to health (A/HRC/23/41), which considers issues concerning the right to health of migrant workers. In the report, the Special Rapporteur notes that ensuring the availability, accessibility, acceptability and quality of health facilities, goods and services on a non-discriminatory basis, especially for vulnerable populations like migrant workers, is a core obligation under the right to health (para.38). He also observes that laws linking immigration control and health systems are a direct barrier to accessing health care, and perpetuate discrimination and stigma rather than promote social inclusion (para.5). The fear of detention and deportation prevents migrant workers from accessing health care, which may endanger their health and that of the broader population, thereby undermining public health justifications for detention and deportation (para.37).

Travel restrictions are sometimes justified on the grounds of protection of public health and avoidance of treatment and care-related costs for persons living with HIV. Contrary to popular belief, evidence shows that HIV-related travel restrictions do not protect public health but may indeed impede such efforts, while violating the right to health of persons living with HIV (See report of the International Task Team on HIV-related Travel Restrictions, Findings and Recommendations, December 2008, pp.17-20). Transmission of HIV occurs through specific behaviours, the risk of which can be mitigated through well-evidenced prevention steps. However, the threat of deportation may drive the disease underground, undermining prevention and treatment efforts to control the spread of HIV. Moreover, interruptions in anti-retroviral treatment due to detention and deportation, or the threat thereof, may lead to drug resistance and treatment failure in persons living with HIV.

It is our responsibility under the mandates provided to us by the Human Rights Council to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary of the case accurate?
2. What steps, if any, have been taken to ensure that the Immigration Act complies with Singapore's international obligations to protect and promote the enjoyment of the right to health?
3. Please provide the details, and where available the results, of any inquiries or reform proposals that may have been carried out in relation to the allegations. If no inquiries have taken place, or if they have been inconclusive, please explain why.

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Mr. [REDACTED] and other persons living with HIV/AIDS are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of my highest consideration.

Anand Grover  
Special Rapporteur on the right of everyone to the enjoyment of the  
highest attainable standard of physical and mental health

François Crépeau  
Special Rapporteur on the human rights of migrants