



Treatment Action Group

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His Excellency Obaid Salem Saeed Al Zaabi
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Excellencies,

On 26 September 2018 world leaders will gather in New York for the first-ever United Nations General Assembly High-Level Meeting on Tuberculosis (TB). The UN High-Level Meeting represents the world's recognition that TB, as the most deadly infectious disease globally, continues to undermine countries' efforts to achieve the targets of the Sustainable Development Goals (SDG), particularly SDG 3.3 which aims to end the TB epidemic by 2030.

Pursuant with the High Commissioner for Human Rights' 7 August 2018 letter (enclosed) following the United Arab Emirates' (UAE) 3rd Cycle Universal Periodic Review (UPR) final outcome report, and Treatment Action Group's (TAG) 22 January 2018 letter regarding the UAE UPR session in Geneva, TAG would like to reiterate that the High-Level Meeting represents a historic opportunity for the UAE to embrace your country's commitment to advancing global public health by implementing the recommendations the UAE received through the UPR process.

TAG urges the UAE to utilize the global expertise gathered at the High-Level Meeting to build on your country's initial steps to reform migrant workers' rights in the context of TB. The UAE Cabinet Decree No. 5/2016 of January 2016 revised the legal basis to enable migrants renewing resident permits to access TB treatment in the UAE. However, first-time migrants to the UAE are still not afforded the same right.

We are concerned that the UAE continues to deport first-time migrant workers found to have TB during mandatory medical examinations. A TB diagnosis should always be seen as opportunity to link an individual to care and never be taken as cause to deny entry or lawful residency. Compounding the issue, the TB screening methods used in migrant medical exams are not in line with World Health Organization (WHO) guidelines and do not make use of the highest available standard of diagnostic technology. As it stands, the law disregards the WHO ethics guidelines for TB and denies migrants access to justice by not affording migrants due

recourse to any deportation order. Furthermore, the *kafala* system denies migrants access to their complete medical information. This undermines migrants' right to information about their own health and denies them the opportunity to make informed health decisions and seek appropriate care. Policies such as this one could undermine effective TB elimination efforts by discouraging individuals from coming forward for testing if they fear that TB screening results will be shared without their consent or be used against them in immigration proceedings.

In addition, we note with special concern that many individuals deported for suspected TB report experiencing periods of involuntary isolation and quarantine prior to repatriation. In some cases, quarantine and isolation may be facilitated by an individual's employer, which increases the potential for abuse, particularly if individuals are detained in non-healthcare settings. The WHO has made clear that involuntary isolation should only take place as a last resort and only take place in a hospital or health unit.

As the extensive analysis in TAG's submission to the UAE 3rd Cycle UPR (enclosed) and the summary of stakeholders' submissions by the Office of the High Commissioner for Human Rights explain, a rights-based approach to TB will enable the UAE to end TB within your country's borders, as well as become an important catalyst to the elimination of TB among Gulf Cooperation Council members and globally. Given that the UAE workforce is principally composed of migrant workers, the importance of global public health for the UAE cannot be denied. Migrant health is public health, and migrant workers should enjoy the same access to care as UAE citizens.

TAG encourages the UAE to approach further reform of the laws on TB and migration as one part the UAE's commitment to better protect the rights of migrant workers. A comprehensive national human rights action plan as recommended by the High Commissioner for Human Rights can easily incorporate rights-based reforms on migration and health in line with TAG's recommendations below and in the UPR submission. This will allow the UAE to show its commitment to the right to health, the right to scientific progress, the right to non-discrimination, and the right to information.

As global attention focuses on TB at the historic High-Level Meeting next week, the event affords the UAE the exceptional opportunity to show its commitment to advancing global health by affirming rights-based approaches to ending TB. TAG therefore wishes to remind the UAE of our previous recommendations.

In particular, we encourage the UAE to:

1. Discontinue the practice of TB screening as an instrument to determine immigration permissibility and lawful residency;
2. Establish a firewall between the enforcement of immigration law and health protection and promotion, based on the recognized importance of health, irrespective of a person's legal status to reside in the UAE;
3. Adopt scientifically informed TB screening practices in line WHO guidelines and internationally endorsed standards of care;
4. Develop mechanisms to link migrants with TB to care in place of deportation. In particular, migrants who have started TB treatment in their home country should be allowed to enter the

UAE after demonstrating non-infectiousness. Those residing in the UAE and found to have TB should be linked to care inside the UAE;

5. Ensure all migrants are able to directly receive information on their health status and access medical exam results;
6. Develop safeguards to ensure that involuntary isolation and detention is only used in rare cases as a last resort measure and always occurs in a health facility with public oversight;
7. Establish an independent mechanism to allow migrants means of redress in the event a health determination jeopardizes their immigration status or other freedoms.

TAG welcomes the opportunity of the UN High-Level Meeting for further engagement on this topic. Mr. Mike Frick (mike.frick@treatmentactiongroup.org), TAG TB Project Co-Director, is available to connect with you around the High-Level Meeting, or thereafter.

On behalf of TAG, I thank you for your attention to this important matter. We look forward to your reply.

Sincerely,



Erica Lessem
Deputy Executive Director for Programs
Treatment Action Group

cc:

H.E. Sheikh Abdullah bin Zayed Al Nahyan, Minister of Foreign Affairs and International Cooperation

H.E. Dr. Anwar bin Mohammed Gargash, Minister of State for Foreign Affairs
Hessa Alateibi, Third Secretary at the Permanent Mission of the UAE to the UN