

Attn: Baroness Ashton
High Representative for Foreign Affairs and Security Policy
200 rue de la Loi
B-1049 Brussels

26 January 2011

Dear Baroness Ashton

Re: Expression of concern on Ukraine's recent policy on the rights of substitution therapy patients and the HIV response

I am writing to you as the International HIV/AIDS Alliance (the Alliance) are extremely concerned about recent information that hundreds of patients receiving drug substitution therapy and the NGOs that are supporting programmes providing substitution therapy in Ukraine are facing harassment and in many cases abuse of power from Ukrainian law enforcement agencies after the Ministry of Interior's Department to Fight Illicit Drugs Trafficking ordered regional departments to undertake comprehensive inspections of harm reduction programmes and patients on 18 January 2011.

Our partner organisation in Kiev, the International HIV/AIDS Alliance Ukraine (Alliance Ukraine), which has been extremely successful over the past ten years in preventing the spread of HIV/AIDS in the country by working with injecting drug users, reports that patients dependent on legal substitution therapy to manage their drug dependency are being withheld treatment unless they provide information on their health and HIV status for a 'voluntary survey'. Instead of taking care of patients doctors are being intimidated to provide confidential information to prosecutors and the police. Documents are being seized from NGOs and in some cities programmes for drug users have already stopped or are being paralysed by the law enforcement agencies' methods.

The Alliance is extremely concerned by these developments, which are threatening the health of more than 6,000 substitution patients. According to Alliance Ukraine this situation is already negatively impacting HIV prevention programmes in the country, especially among drug users where the burden of HIV and AIDS in Ukraine is most concentrated. Doctors don't want to get involved in substitution therapy programmes, injecting drug users are afraid to become substitution therapy patients, and even for NGOs this situation is becoming personally dangerous to be involved in.

The Alliance is extremely concerned about the Ukrainian government's current approach. Collecting patients' personal data including their HIV status is a violation of people's human rights and constitutes a major breach of the laws in force in Ukraine as well as an abuse of power from public authorities. Substitution therapy is legal in Ukraine and stopping former drug users from taking their medication is cruel and dangerous, while it also puts at high risk the good progress that your country has achieved in addressing AIDS in recent years. This approach also directly challenges the implementation of the

A collaborating centre:



A global partnership:
International HIV/AIDS Alliance
Supporting community action on AIDS in developing countries



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JOINT UNITED NATIONS PROGRAMME ON HIV/AIDS
UNHCR
UNICEF
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UNFFA
UNODC
ILO
UNESCO
WHO
WORLD BANK

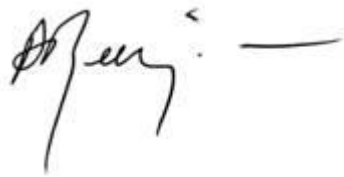
Commission's strategy for "Combating HIV/AIDS in the European Union and neighbouring countries" 2009-2013 which recognises substitution treatment as one of the most effective means of HIV prevention and calls for civil society to have the necessary freedom to act and to be involved at all levels in the response to HIV/AIDS across Europe and beyond.

Taking into consideration your personal engagement in favour of human rights based approaches to HIV and the existing EU policy framework to tackle HIV/AIDS in the neighbouring countries, we sincerely hope that you will be able to address this issue at the highest political level with Ukraine to remind the authorities in Kiev about their obligations under international human rights law and ensure that civil society organisations are allowed to do their work free from political interference and provide the much needed services to those most at risk.

We would also like to request a meeting between Alliance Ukraine and the Head of the EU Delegation to Ukraine.

We stand ready to provide your services with any further information they might require. Our Brussels office, the Stop AIDS Alliance, can be reached by email at afetai@stopaidsalliance.org or by phone: 02/5071226. Alliance Ukraine can be reached by email at klepikov@aidsalliance.org.ua or by phone: +380 44 490-5485.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alvaro Bermejo', followed by a horizontal line.

Alvaro Bermejo
Executive Director
abermejo@aidsalliance.org

Cc: José Manuel Pinto Teixeira, Head of the EU Delegation to Ukraine, 10 Kruhlo-Universytetska St. Kyiv, 01024 Ukraine