

Human rights and HIV

The promotion of human rights is essential to safeguard human dignity in the context of HIV/AIDS and to ensure an effective, rights based response to HIV/AIDS. Such response requires the implementation of all human rights and fundamental freedoms of all people in accordance with existing international human rights standards. Public health interests do in general not conflict with human rights. On the contrary, it has been recognised that when human rights are protected, fewer people become infected and those living with HIV/AIDS and their families can better cope with their condition.

Promoting human rights in the context of HIV and AIDS means

- Encouraging people to respect each other's rights, and to treat others as they themselves would wish to be treated
- For the government to make sure that education, and access to health care are available to everyone
- Educating people to help them overcome the fears, ignorance and prejudices that lead them to abuse the rights of others
- Holding the government accountable to the Human Right treaties it has signed (Convention of Elimination of Discrimination against women – CEDAW; Convention on the Rights of the Child – CRC. By signing these, Pakistan has declared itself accountable to the principles of the Universal Declaration of Human Rights)
- Advocating with the government to ensure the UN guidelines on HIV/AIDS and Human Rights are followed

Protecting human rights means

- Supporting and defending people whose rights are threatened or abused
- Remediating and compensating for abuses when they occur
- Working to change the conditions of poverty, powerlessness and

dependence that make people vulnerable to abuse of their rights

Internationally accepted human rights that impact on HIV/AIDS

The right to non-discrimination and equality before the law

- Discrimination of women, girls and vulnerable populations creates and sustains conditions that increase social vulnerability and risk of HIV infection
- Policies and services must not discriminate against PLWHAs or members of groups perceived to be at risk of infection on the basis of their actual or presumed HIV status.
- Discrimination of homosexual acts between consenting adults (e.g. Hijiras) leads to lack of access to information and services
- Compulsory reporting of people with HIV to health authorities (making HIV a notifiable disease)
- Denying access to legal advice or services
- Denial of access to housing or social services (eviction by landlords because of HIV status)

Human Rights of Women

- HIV/AIDS prevention and care for women are often undermined by pervasive misconceptions of women as “vectors of disease”.
- Sex workers often face mandatory HIV testing with no support for prevention activities to encourage or require clients to use condoms & little/no access to health services
- Right to marry or have relationships and children
- HIV positive women are forced to undergo abortion or sterilisation

Human rights of Children

- Children have to be free from trafficking, prostitution, sexual exploitation and sexual abuse which all increase their risk for HIV/AIDS infection
- Children have to be free to seek, receive and impart information

FACT SHEET 7

including HIV-related information needed to avoid infection

- Children without parents/guardians require special care and protection

Right to Privacy

- People undergoing HIV tests need to be ensured that the results are treated confidential and not disclosed to third parties without consent
- Testing always has to be done with informed consent
- Compulsory pre-marital HIV testing is against human rights
- Violation of these rights decrease the confidence in VCT services, leading to reduction in use

Right to enjoy benefits of scientific progress

- As new methods of HIV testing and treatment (ARVs) become available these should be accessible to all groups who need them (within available resources)
- HIV infected people have a right to basic drugs, including pain killers and antibiotics for opportunistic infections

Right to liberty and security of the person

- No person with HIV should be interfered with on the basis of their status e.g. by quarantine, detention or isolation (Larkana incident)
- Compulsory testing is seen as a violation of both liberty and security

Right to Education

- All adults and children have a right to education about HIV/AIDS especially for prevention and care
- No person with HIV/AIDS or those affected by HIV/AIDS (their children) should be denied education
- States should promote, through education, understanding, respect, tolerance and non-discrimination of people living with HIV/AIDS

Right to highest attainable standard of physical and mental health

- Universal precautions to prevent transmission in medical settings –

safe blood and blood products as well as safe injecting practices (see fact sheet 14)

- Ensure access to appropriate drugs, condoms, clean syringes and diagnostic and treatment procedures to all
- Prevent discrimination against PLWHA and vulnerable groups at medical facilities or other related services (including NGO)

Freedom of expression and information

- Educational material designed for those engaged in illegal behaviour (FSWs, Hijiras, MSM, IDUs) should not be subject to censorship
- Lack of access to information denies people the right to make informed choices
- Media should be respectful when reporting HIV/AIDS stories and avoid stigmatising any individual or population group

Freedom from cruel, inhuman or degrading treatment

- Ensure proper dignity, respect and treatment is given to all people, especially vulnerable groups
- Limiting access to information, condoms, clean needles, drugs or other prevention and treatment components (e.g. to prisoners), may constitute cruel, inhuman or degrading treatment
- Participation in drug or medical trials without fully understood and informed consent

Right to work

- No person should be dismissed from or discriminated at work because of HIV status
- Insurance coverage or other benefits should not be limited or not given at all
- HIV testing should never be a precondition of employment