

**KNOW YOUR
UNIVERSAL
HUMAN RIGHTS**



With every Right, there is a Responsibility

HIV AIDS

A red ribbon symbol, representing HIV/AIDS awareness, is positioned between the words 'HIV' and 'AIDS' in the text.

WHAT IS AIDS?

AIDS is the Acquired Immune Deficiency Syndrome, which is caused by the Human Immunodeficiency Virus (HIV). Discovered in the early 1980s, HIV is transmitted from person to person through unprotected sex, transfusion of infected blood, sharing of contaminated needles and from mother to child during pregnancy, birth or breastfeeding.

By the end of 2005, 39 million adults and children were living with HIV and AIDS. More than 4 million people were infected with HIV in 2005, and almost 3 million died of AIDS-related illnesses.

THE LINK BETWEEN HUMAN RIGHTS AND AIDS

Respect for human rights is critical to preventing the spread of HIV, and reducing AIDS-related stigma and discrimination.

“Realization of human rights and fundamental freedoms for all is essential to reduce vulnerability to HIV/AIDS.”¹

Millennium Development Goal 6 includes the target of halting and beginning to reverse the spread of HIV/AIDS by 2015.²

“A human rights-based approach to development insists that women and men have equal access to development health, an education, employment and adequate housing.”³

¹ United Nations General Assembly Special Session, Declaration of Commitment on HIV/AIDS, June 2001.

² Millennium Development Goals, the Millennium Declaration, September 2000.

³ Kemal Derviş, UNDP Administrator, Human Rights Day Statement, December 2005.

THE LINK BETWEEN HUMAN RIGHTS AND LAW

The law tells us what rights we enjoy, as well as our duties.

In order for human rights to be respected and enforced, they must be recognized in law.

When human rights are recognized and protected by law, people are free to live healthier, happier and more fulfilling lives. In order to claim human rights, one has to know what rights are recognized by the legal system of one's country.

“We should have laws to protect us so that we can enlighten society and erase the stigma attached to HIV/AIDS.”¹

¹ A person living with HIV from Sudan.

RIGHT TO LIFE

Everyone has the right to life. “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services...”¹

Human rights are universal, indivisible, interdependent and interrelated, therefore the right to life is linked to the right to food, the right to adequate housing and the right to a healthy environment.

¹ Article 25 of the Universal Declaration of Human Rights, 1948.

WHAT THIS RIGHT MEANS TO YOU

The right to care, support and treatment means that States must ensure access to services for sexually transmitted infections, means of prevention such as male and female condoms, clean injection equipment and life prolonging treatment such as antiretroviral therapy.

With respect to the integrity and dignity of the human body, drugs and therapeutic tests such as vaccines cannot be tested on individuals without their informed consent.

African leaders committed themselves to “...protect those not yet infected, particularly women, children and youth...” and to “the strengthening and development of special youth programmes to ensure an AIDS free Generation.”¹

¹ Article 23 of the Abuja Declaration, endorsed by African Head of States, April 2001.

RIGHT TO PRIVACY

Everyone has the right to privacy. The right to privacy is a fundamental human right that is vital to the concept of human dignity.

“No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.”¹

“States... should ensure privacy and confidentiality and ethics in research involving human subjects...”²

¹ Article 17 of the International Covenant on Civil and Political Rights, 1976.

² HIV/AIDS and Human Rights International Guidelines (Guideline 5), OHCHR, UNAIDS, 1998.

WHAT THIS RIGHT MEANS TO YOU

The right to privacy means that you have the right to keep your HIV status to yourself and you cannot be forced by any means to have a blood test without your informed consent.

Your doctor cannot inform your family of your status without your consent. However, you are responsible for informing your sexual partner(s) of your status and for not engaging in behaviour that may put others at risk of infection.

This right is important because without it, people who might be HIV positive are less likely to seek counselling, testing or treatment out of fear of stigmatization.

RIGHT TO INFORMATION

Everyone has the right to information. “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds...”¹

“States should enact legislation to provide for the regulation of HIV related goods, services and information...”²

“States shall take all appropriate measures ... to ensure, on the basis of equality of men and women, access to health care services, including those related to family planning.”³

¹ Article 19 of the International Covenant on Civil and Political Rights, 1976.

² HIV/AIDS and Human Rights International Guidelines (Guideline 6), OHCHR, UNAIDS, 1998.

³ Article 12 of the Convention on the Elimination of all Forms of Discrimination Against Women, 1981.

WHAT THIS RIGHT MEANS TO YOU

You have a right to the most up-to-date information on HIV prevention, counselling and treatment in your native language.

States are obliged to ensure that appropriate and effective information on methods to prevent HIV transmission is developed and disseminated for use.

Adults and children have the right to information about HIV that will empower them to protect themselves from infection.

You also have the right to exclusive access to your medical records. No one can demand access without your explicit informed consent.

RIGHT TO EDUCATION

Everyone has the right to education. "Education shall be directed to the full development of the human personality ... and shall strengthen the respect for human rights and fundamental freedoms."¹

States shall "make primary education compulsory and available free to all... make higher education accessible to all ... ensure that the child has access to information and material ... aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health."²

¹ Article 13 of the International Covenant on Economic and Cultural Rights, 1976.

² Articles 28 and 17 of the Convention on the Rights of the Child, 1989.

WHAT THIS RIGHT MEANS TO YOU

Schools cannot refuse to educate you if you are living with or affected by HIV. You also have the right to an education about healthy practices that help to prevent HIV infection. You should not be asked to take a mandatory HIV test in order to apply to any school or university, nor should you be forced to disclose your HIV status to your school or university.

Schools have a responsibility to educate all students about HIV and how it is transmitted, and to challenge AIDS-related stigma and forbid discrimination.

RIGHT TO WORK

“Everyone has the right to work, to free choice of employment, to just conditions of work and to protection against unemployment.”¹

Just and favourable working conditions bar any form of discrimination. This includes “any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.”²

No one should lose his job because of positive HIV status.

¹Article 23 of the Universal Declaration of Human Rights, 1948.

²Convention concerning Discrimination in respect of Employment and Occupation, ILO, 1958.

WHAT THIS RIGHT MEANS TO YOU

You have the right to safe and healthy working conditions, as well as the provision of health care services.

You have the right to access social insurance, which includes life and medical insurance, the right to have access to treatment and information about HIV, the right to compensation if you have been infected with HIV at work, and the right to fair and equal payment.

States should ensure that you are allowed to work as long as you can carry out the functions of your job. You have the right to keep your HIV status confidential, as long as you do not engage in behaviour that puts others at risk of infection.

RIGHT TO NON-DISCRIMINATION

Everyone has the right to dignity. “Everyone is entitled to ... rights and freedoms... without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”¹

The 1999 Commission on Human Rights Resolution reiterated that “discrimination on the basis of HIV or AIDS status, actual or presumed, is prohibited by existing international human rights standards, and that the term “or other status” in non-discrimination provisions in international human rights texts should be interpreted to cover health status, including HIV/AIDS.”²

¹ Article 2 of the Universal Declaration on Human Rights, 1948.

² Resolution 49/1999 of the UN Commission on Human Rights.

WHAT THIS RIGHT MEANS TO YOU

You should not be discriminated against because you or someone close to you is HIV positive.

“States should enact or strengthen anti-discrimination and other protective laws that protect vulnerable groups, people living with HIV or AIDS and people with disabilities from discrimination in both the public and private sectors...”¹

“We may have different religions, different languages, different coloured skins – but we all belong to one human race.”²

¹ HIV/AIDS and Human Rights International Guidelines (Guideline 5), OHCHR, UNAIDS, 1998.

² Kofi Annan, United Nations Secretary General, June 2000.

POLITICAL AND CIVIL RIGHTS

“The right of peaceful assembly shall be recognized ... Everyone shall have the right to freedom of association with others...”¹

“The family is the natural and fundamental group unit of society and is entitled to protection by society and the State... the right of men and women of marriageable age to marry and to found a family shall be recognized.”²

“Every citizen shall have the right and the opportunity ... to take part in the conduct of public affairs ... to have access, on general terms of equality, to public service in his country.”³

¹ Article 21 of the International Covenant on Civil and Political Rights, 1976.

² Article 23 of the International Covenant on Civil and Political Rights, 1976.

³ Article 25 of the International Covenant on Civil and Political Rights, 1976.

WHAT THIS RIGHT MEANS TO YOU

You can create or join NGOs, support groups, clubs, volunteer networks or any other types of organizations.

You are free to advocate for your human rights. You have the right to freedom of expression, which includes freedom to receive or give out information or ideas. You cannot be separated or isolated from other people involuntarily.

You have the right to actively participate in society and exercise all of your rights as a citizen such as voting, being elected and receiving government services. You have the right to marry and have children, bearing in mind that you are responsible for informing your partner of your HIV status, because he or she has the right not to be infected.

THE RIGHTS OF MIGRANTS, REFUGEES AND INTERNALLY DISPLACED PEOPLES

“Migrant workers and members of their families shall have the right to receive any medical care that is urgently required for the preservation of their life or the avoidance of irreparable harm to their health on the basis of equality of treatment with nationals of the State Concerned.”¹

“The Contracting States shall accord to refugees lawfully staying in their territory the same treatment with respect to public relief and assistance as is accorded to their nationals.”²

¹Article 28 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 2002.

²Article 23 of the Convention Relating to the Status of Refugees, 1951.

WHAT THIS RIGHT MEANS TO YOU

Thousands of people fleeing conflict and civil unrest, or who are simply seeking a better life, move from place to place every day, regardless of national boundaries. This increased mobility can contribute to the spread of HIV, and migrants, refugees and internally displaced persons may be particularly at risk. It is therefore critical that universal human rights of displaced and mobile populations are recognized, no matter where they live, or what their nationality is.

THE RIGHTS OF VULNERABLE GROUPS

Vulnerable groups including intravenous drug users, sex workers, men having sex with men, and groups whose behaviour is criminalized, are often socially excluded, with less access to information, support, care and treatment.

As a result, many may be unable or unwilling to exercise their rights to confidential counselling, testing or treatment related to HIV. Their universal rights must be recognized and respected so that they are empowered to protect themselves and their loved ones and to live the healthiest lives possible.

As stated by religious leaders in the Arab States: "We emphasize the importance of reaching out to vulnerable groups which are more at risk of being infected by HIV and/or spreading it."¹

¹The Cairo Declaration of Religious Leaders in the Arab States in Response to the HIV/AIDS Epidemic, December 2004.

WHAT THIS RIGHT MEANS TO YOU

Vulnerable groups are entitled to exactly the same universal human rights as anyone else. You have the right to information, confidential counselling and education that can help you to protect yourself and your loved ones from HIV infection.

You have the right to privacy, meaning that your personal practices, HIV status and health records may not be disclosed to anyone without your explicit consent.

You have the right and responsibility to protect yourself, your family and your sexual partners from HIV by taking necessary precautions such as using clean injection equipment or male/female condoms.

INTERNATIONAL INSTRUMENTS

The United Nations Charter, 1945

The Universal Declaration of Human Rights, 1948

The International Covenant on Civil and Political Rights, 1976

The International Covenant on Economic, Social and Cultural Rights, 1976

The Convention on the Elimination of all Forms of Discrimination Against Women, 1981

The Convention on the Rights of the Child, 1989

The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 2003

The African Charter on Human and Peoples' Rights, 1981

The World Conference on Human Rights, 1993

The International Conference on Population and Development and the Cairo Plan of Action, 1994

Other Important International Instruments: The Denver Principles, 1983; The Ottawa Charter for Health Promotion, 1986; The Paris Declaration, 1994; The Abuja Declaration, 2001; The Declaration of Commitment on HIV/AIDS, 2001; The Millennium Declaration.

WEBSITES

www.unaids.org

www.who.org

www.unesco.org

www.unfpa.org

www.unodc.org

www.wfp.org

www.undp.org

www.unicef.org

www.ilo.org

www.worldbank.org

www.unhcr.org

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UNAIDS
JOINT UNITED NATIONS PROGRAMME ON HIV/AIDS

UNICEF
ILO
UNEP
UNHCR
UNIFEM
WFP
WHO
WORLD BANK

United Nations Development Programme
HIV/AIDS Group, Bureau for Development Policy
304 East 45th Street
New York, NY 10017
T: 212 906 3688 F: 212 906 5023
www.undp.org/hiv