

Session 5.1 – Human rights and ethics

Aim

To encourage participants to think about ethical, human rights and legal issues that need to be addressed in all HIV/AIDS interventions

Learning objectives

At the end of the session participants are able to:

- Understand the human right aspects of the HIV/AIDS epidemic
- Discuss arguments for and against key issues which arise in the context of HIV/AIDS related policy making and human rights

Key points

1. Many existing human rights are being violated in the HIV/AIDS epidemic, especially with regard to people who are infected or affected by HIV and AIDS.
2. At the source of the human rights violations is lack of information and understanding of HIV/AIDS. Therefore educating people to help them overcome the fears, ignorance and prejudices that lead them to abuse the rights of others should have a high priority

Materials and handouts

- 5.1.1 HIV/AIDS, Human Rights and Law, UNAIDS 2003
- 5.1.2 Presentation on human rights
- 5.1.3 Statements

5.1.1 Handout: HIV/AIDS, Human Rights and Law

"The goal of realizing human rights is fundamental to the global fight against AIDS. And in a world facing a terrible epidemic - one that has already spread further, faster and to more devastating effect than any other in human history - winning the fight against AIDS is a precondition for achieving rights worth enjoying." Dr. Peter Piot, UNAIDS Executive Director, Geneva, March 2003

Introduction

Several years of experience in addressing the HIV/AIDS epidemic have confirmed that the promotion and protection of human rights constitute an essential component in preventing transmission of HIV, reducing vulnerability to infection and the impact of HIV/AIDS.

However, in practice:

- Fundamental human rights of people living with HIV/AIDS, such as the right to non-discrimination, equal protection and equality before the law, privacy, liberty of movement, work, equal access to education, housing, health care, social security, assistance and welfare, are often violated based on their known or presumed HIV/AIDS status.
- Lack of respect for human rights continues to increase vulnerability to HIV infection of individuals and the whole society. Individuals or groups who suffer discrimination and lack of human rights protection are both more vulnerable to becoming infected and less able to cope with the burdens of HIV/AIDS. Refugees, migrants, prisoners, men who have sex with men, sex workers and injecting drug users may be more vulnerable to contracting HIV because they often are unable to realize their civil, political, economic, social and cultural rights. Further, gender inequalities spur on the spread of the epidemic and its disproportionate impact on women.
- The response to the HIV epidemic is hindered due to lack of enjoyment of freedoms of speech and association; the right to information and education by infected and affected groups, and the civil society at large.

A rights-based approach can help mitigate the impact of HIV/AIDS as it allows for the creation of a supportive policy, legal, social and cultural environment in which people infected or affected by HIV/AIDS are able to participate in, contribute to and enjoy economic, social, cultural and political development despite their HIV status.

Safeguarding human rights through addressing the underlying structural conditions that make people vulnerable to HIV infection can enable people to avoid infection; reduce their vulnerability and also can empower people, if already infected, to cope with the effects of HIV/AIDS. Respect, protection and fulfilment of human rights is central to the AIDS agenda, and equally, HIV/AIDS needs to be at the centre of the global human rights agenda.

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Human rights principles relevant to HIV/AIDS

States have an obligation to respect, protect and fulfil all human rights, including HIV/AIDS related human rights.

Human rights principles most relevant to HIV/AIDS include the rights to:

Non-discrimination, equal protection and equality before the law

Life

The highest attainable standard of physical and mental health

Liberty and security of person

Freedom of movement

Seek and enjoy asylum

Privacy

Freedom of opinion and expression and the right to freely receive and impart information

Freedom of association

Work

Marry and found a family

Equal access to education

An adequate standard of living

Social security, assistance and welfare

Share in scientific advancement and its benefits

Participate in public and cultural life

Be free from torture and cruel, inhuman or degrading treatment or punishment.

Twelve guidelines for country level action

GUIDELINE 1: States should establish an effective national framework for their response to HIV/AIDS which ensures a coordinated, participatory, transparent and accountable approach, integrating HIV/AIDS policy and programme responsibilities across all branches of government.

GUIDELINE 2: States should ensure, through political and financial support, that community consultation occurs in all phases of HIV/AIDS policy design, programme implementation and evaluation and that community organizations are enabled to effectively carry out their activities in the fields of ethics, law and human rights.

GUIDELINE 3: States should review and reform public health laws to ensure that they adequately address public health issues raised by HIV/AIDS, that their provisions applicable to casually transmitted diseases are not inappropriately applied to HIV/AIDS and that they are consistent with international human rights obligations.

GUIDELINE 4: States should review and reform criminal laws and correctional systems to ensure that they are consistent with international human rights obligations and are not misused in the context of HIV/AIDS or targeted against vulnerable groups.

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GUIDELINE 5: States should enact or strengthen anti-discrimination and other protective laws that protect vulnerable groups, people living with HIV/AIDS and people with disabilities from discrimination in both the public and private sectors, ensure privacy and confidentiality and ethics in research involving human subjects, emphasise education and conciliation, and provide for speedy and effective administrative and civil remedies.

GUIDELINE 6: States should enact legislation to provide for the regulation of HIV-related goods, services and information, so as to ensure widespread availability of qualitative prevention measures and services, adequate HIV prevention and care information and safe and effective medication at an affordable price.

GUIDELINE 7: States should implement and support legal support services that will educate people affected by HIV/AIDS about their rights, provide free legal services to enforce those rights, develop expertise on HIV-related legal issues and utilize means of protection in addition to the courts, such as offices of ministries of justice, ombudspersons, health complaint units and human rights commissions.

GUIDELINE 8: States, in collaboration with and through the community, should promote a supportive and enabling environment for women, children and other vulnerable groups by addressing underlying prejudices and inequalities through community dialogue, specially designed social and health services and support to community groups.

GUIDELINE 9: States should promote the wide and ongoing distribution of creative education, training and media programmes explicitly designed to change attitudes of discrimination and stigmatization associated with HIV/AIDS to understanding and acceptance.

GUIDELINE 10: States should ensure that governments and the private sector develop codes of conduct regarding HIV/AIDS issues that translate human rights principles into codes of professional responsibility and practice, with accompanying mechanisms to implement and enforce these codes.


GUIDELINE 11: States should ensure monitoring and enforcement mechanisms to guarantee the protection of HIV-related human rights, including those of people living with HIV/AIDS, their families and communities.

GUIDELINE 12: States should cooperate through all relevant programmes and agencies of the United Nations system, including UNAIDS, to share knowledge and experience concerning HIV-related human rights issues and should ensure effective mechanisms to protect human rights in the context of HIV/AIDS at the international level.


Source: UNAIDS

Participants notes Day 5

Dia 4



Practical application of Human Rights to HIV/AIDS



- People all agree about the key importance of human rights (moral and legal values) in the HIV/AIDS response
- But.. Rights based approaches also have a negative impact on prevention strategies (universal screening, partner disclosure)
- Failure to protect human rights drives the epidemic (compulsory testing, stigma, discrimination)
- Protection of human rights support effective public health results (e.g. confidentiality)

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Human rights relevant to HIV/AIDS



- Right to life
- Right to health
- Right to equality and non-discrimination
- Right to privacy
- Right to information
- Right to participation
- Right to enjoy the benefits of scientific progress
- Freedom from torture
- Right to work
- Right to education
- Right to an adequate standard of living

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5.1.3 Handout: Statements on HIV/AIDS, Human Rights and Law

<p>1. The right to Employment The organization representing private employers has made a proposal for a new law to allow employers the right to conduct pre-employment HIV-testing on economic and personnel management grounds.</p>	
AGREE	DISAGREE
<p>2. The right to Marriage For some religious organisations, prior to conducting marriage ceremonies proof of HIV-status is required</p>	
AGREE	DISAGREE
<p>3. The right to confidential testing Health workers should be allowed to inform the sexual partner(s) of a person who just tested HIV+, even if the client does not agree.</p>	
AGREE	DISAGREE
<p>4. The right to have children According to policy in some hospitals, all pregnant women who are HIV-infected are counselled to have their pregnancy terminated.</p>	
AGREE	DISAGREE
<p>5. Human rights in Prisons Condoms will be distributed free of charge to all people in prisons awaiting trial and serving sentence, so as to allow them to prevent HIV-infection when having sex. At the same time measures are taken to discourage violence, rape and sexual harassment (non-consensual sex).</p>	
AGREE	DISAGREE
<p>6. HIV+ and sex A person who is HIV+ and does not tell future sexual partner(s) if his/her status, he/she should be accused of 'wilful transmission' or negligence and be brought to court, as he/she is putting other people's life at risk.</p>	
AGREE	DISAGREE
<p>7. Condom distribution in secondary schools Young people become sexually active at an earlier age with every generation passing and the government realises that pressing for abstinence until marriage is unrealistic for many youth, especially males. It is therefore decided that condoms will be distributed free of charge in all public and private secondary schools in the country.</p>	
AGREE	DISAGREE

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8. Testing and confidentiality Health workers should be allowed to inform close relatives of a person who just tested HIV+, even if he/she does not agree. This is needed in order to ensure necessary care and support.	
AGREE	DISAGREE
9. Intravenous drug users IDUs should have free access to needles and syringes to promote not sharing equipment and reduce transmission	
AGREE	DISAGREE
10. Border Protection and Travel A government has legislated that all returning migrants must undergo testing	
AGREE	DISAGREE

Session 5.2 – Planning for action

Aim

To help participants to apply in their work the newly gained knowledge, insights and skills

Learning objectives

At the end of the session the participants will be able to:

- Translate newly gained knowledge, insights and skills into activity plans
- Make a motivated prioritisation of the activities that they can develop, in line with the roles and responsibilities of their position and/or organisation
- Set out a plan of action for the next week and the next month, indicating partners and desired outcome

Key points

1. Plan of action will be developed in line with roles and responsibilities of the participant and/or his/her organisation

Materials and handouts

5.2.1 Worksheet: Format for action plan

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Worksheet 5.2.1 – Format for action plan

Please use the table to guide and plan for *your own* follow-up activities after this training.

Priority issue of concern to be addressed	Why is this a priority?	Proposed activities:		Which partners/ stakeholders should be involved?
		For next month	For next half year	

Session 5.3 – Mystery question box demystified

Aim

To discuss the remaining questions that have been put into the mystery question box during the course of the training

Learning objectives

At the end of the session the participants will be able to:

- Understand issues that have come up in the mystery question box

Key points

1. The issues that will come up in this session are as yet not known.

Materials and handouts

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Session 5.4 – Evaluation and closing

Aims

- To evaluate the course in terms of contents, objectives and expectations fulfilled, as well as facilitation
- To close the course

Learning objectives

At the end of the session the participants will be able to:

- Express their opinion on the course and its facilitation

Key points

1. Evaluation of a training course is very useful for participants, to enable them to reflect on their expectations and share comments; and for the facilitators, to improve on their performance and the contents of the course
2. The evaluation will enable the participants and facilitators to prepare for changes that can be incorporated in the training during the next few days.

Materials and handouts

5.4.1 Evaluation form

Handout 5.4.1– Evaluation form

Your evaluation comments will be used to review and adapt the module and its implementation, where necessary. We appreciate your time and effort to provide this important feedback.

1. In general: did the training meet your expectations? Was the training relevant for you? Did you learn useful new things? Please explain.

2. The objectives of the training were as follows:

At the end of the training the participants are able to:

1. *Explain and present the basic facts about STI/HIV/AIDS, modes of transmission and opportunistic infections*
2. *Identify and discuss the relevant elements of the HIV/AIDS situation in Pakistan and the Pakistan AIDS policy to stakeholders and trainees*
3. *Explore and facilitate the discussion on the impact of the epidemic at personal and community levels*
4. *Guide trainees in the analysis of how contextual factors (economic, socio-cultural factors and gender) make people vulnerable to HIV/AIDS*
5. *Discuss effective, rights based, gender specific intervention strategies and stakeholders as well as current response programmes, and draw implications for their own intervention strategies*
6. *Strengthen personal and professional commitment, attitudes and skills to promote effective responses*

Did the training meet all of the objectives? Please explain.

Participants Notes Day 5

3. Which sessions/topics were most useful or did you like most? Why?

4. Which sessions/topics were least useful or did you like least? Why?

5. Which topics did you miss and need to be included? Why?

6. Do you feel the facilitator was well prepared for its tasks (with regard to contents, methodology and group dynamics)? Please make suggestions for improvement.

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7. Please write here any other comment or suggestion you may have.

8. During the training days next week, which are the specific topics/sessions that you feel you need to discuss again in order for you to be able to facilitate the workshop yourself? Please explain.

THANK YOU!