

Punitive Law or Human Rights for people living with HIV

Cologne, 16 June 2010. Stigma and discrimination are barriers to HIV prevention, and lead to violations of fundamental human rights of people living with HIV. All over the world, cases of travel restrictions for people living with HIV, prosecutions of positive people, and positive women who are forced to terminate their pregnancies are being constantly reported.

'The fear of prosecution will not prevent HIV, but rather a societal context in which people can make free and informed decisions about matters affecting their health and life', affirms Johanna Kehler of the AIDS Legal Network (ALN), a South African human rights organisation committed to the promotion, protection and realisation of fundamental rights and freedoms of people living with HIV. It has to be recognised that for HIV programmes to be effective, people living with HIV are to be meaningfully involved in all the interventions.

The Gemeinnützige Stiftung Sexualität und Gesundheit (GSSG; Charitable Foundation Sexuality and Health), an organisation based in Cologne, Germany, is also opposed to the criminalisation of people living with HIV, pointing out that the fear of repercussions due to a positive HIV test result is likely to deter people from testing. 'Knowledge about ones HIV status is an important pre-requisite for effective HIV prevention' says Harriet Langanke of the GSSG. When people living with HIV are in the position to speak openly about their experiences, it will become easier to prevent the spread of HIV.

Laws criminalising the transmission of HIV are often justified by the belief that this will protect people from getting infected. To the contrary, however, women living with HIV are already highly stigmatised and discriminated against, and will be even more adversely affected by such laws. Women often know first of their HIV positive status, as women are frequently tested for HIV during pregnancy. At the same time, women have little access to redress as and when discrimination occurs, due to lack of knowledge and economic dependency.

Human rights are also at the centre of the International AIDS Conference held in Vienna from 18th to 23rd July. About 25,000 people from all over the world are expected to attend the conference, where researchers, medical practitioners and activists alike, will meet and demand 'Rights Here, Rights Now' to be at the core of the global AIDS response.

For more information:

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About the World AIDS Conference:

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