

**Social tract**

**Group case studies**

**HIV/AIDS and the law**

## Scenario One

Palesa has finally graduated from University and has been short listed for the job of her dreams. She has been to two interviews already, and now her potential employer has asked her to take a medical with the company's doctor, which she is told is just a "formality." Palesa shows up for her appointment, and has her examination. During the course of the examination, the nurse takes a blood sample. Palesa is unsure of what it is for, but does not ask why a blood test is necessary. Later in the week, Palesa is told that she did not get the job. She is unsure of why and what she should do, although she thinks it has to do with her HIV status. The company will not give her any reasons.

Answer the following questions:

1. What are/is the relevant issue(s)?
2. Is there a link to the Bill of Rights? To any other legislation or policy?
3. Is there justification for Palesa's treatment?
4. Do you know of any place where Palesa could go for help?
5. What would you advise Palesa?
6. Would any of your answers change if Palesa asked the nurse what the blood sample was for and the nurse told her that it was for an HIV test?

## Scenario Two

Johan is attending University. Last year he lived on campus in residence. However, this year he has moved and lives close to University. It is a nice flat, and he is happier here than he was in residence. Johan has signed a one-year lease, which was the one and only time he has seen Eben, his landlord. Johan finds that there is a big problem with the plumbing in the kitchen and asks Eben, his landlord to please fix it as soon as possible. They make arrangements for Eben to come one day when Johan is in classes.

A few weeks later, Eben asks Johan to vacate the flat. When asked, he indicates that his sister will be coming to live there, which is why he needs Johan to leave. Johan suspects this is not true, and his neighbour tells him that the day that Eben came to fix the kitchen, Eben was complaining about the 'moffie' that was living there, and that he would have to get the flat fumigated because it was probably full of AIDS.

Answer the following questions:

1. What are/is the relevant issue(s)?
2. Is there a link to the Bill of Rights? To any other legislation or policy?
3. Is there justification for Johan's treatment?
4. Do you know of any place where Johan could go for help?
5. What would you advise Johan?
6. Would any of your answers change if Johan was HIV positive?

## Scenario Three

Ronel is a doctor. She works at a public hospital and sees many patients who come in for HIV tests. Ronel is engaged in pre- and post-test counseling and tries her best to ensure that people know the facts about HIV/AIDS.

Imraan approaches Ronel for an HIV test. Imraan is in his early 30s and is married. Imraan tests positive for HIV. As part of the post-test counseling, Ronel counsels him on the importance of disclosing his status to his wife. Imraan indicates that he cannot do that, as he comes from a very conservative community. Ronel also counsels Imraan to always practice safer sex. Imraan indicates that he will not, because he and his wife are trying to have a baby, and any change in his behaviour will be considered suspicious. He wants to have a baby as soon as possible.

Answer the following questions:

1. What are/is the relevant issue(s)?
2. Is there a link to the Bill of Rights? To any other legislation or policy?
3. Do you know of any place where Ronel could go for advice for what to do?
4. What would you advise Ronel?
5. Would any of your answers change if Imraan's wife was also a patient of Ronel's? What if Imraan's wife came to Ronel and asked what the results of the test were (this assumes that Imraan's wife knew that Imraan was taking a test)?
6. What about if Ronel went ahead and told Imraan's wife. What issues are involved? Is that permissible?

## Scenario Four

Tanya is 22 and is two months pregnant. She recently undertook an HIV test and tested positive. Tanya is considering terminating the pregnancy. She has discussed the matter with her husband, but he has indicated that he wants her to have the baby. He has threatened her with violence if she goes through with the termination. Tanya goes for counseling and decides to terminate the pregnancy. When she gets to the clinic, she is told that she must go and bring her husband so he can also consent.

Answer the following questions:

1. What are/is the relevant issue(s)?
2. Is there a link to the Bill of Rights? To any other legislation or policy?
3. Is there justification for Tanya's treatment?
4. Do you know of any place where Tanya could go for help?
5. What would you advise Tanya?
6. In your opinion, should Tanya have the baby? Why or why not?
7. Should there be a law or policies that prevent or allow HIV positive women to have babies?
8. Would any of your answers change if it was Tanya's husband who was insisting that she has a termination but she wanted to have the baby?

## Scenario Five

Maria is a domestic worker who lives in a rural community but works in the city. One day her employer sends her to the doctor. The doctor takes a sample of blood and does not tell Maria why. When she returns to work, her employer gives her R200 and says she is fired and must leave immediately. Her employer indicates that Maria is HIV positive and is a danger to the children.

Answer the following questions:

1. What are/is the relevant issue(s)?
2. Is there a link to the Bill of Rights? To any other legislation or policy?
3. Do you know where Maria can go for advice on what to do?
4. What would you advise Maria?
5. Was the employer justified in firing Maria?
6. Should HIV positive people be prohibited from certain jobs? Especially those dealing with children?