

Social Tract

Module on

HIV-related stigma

LEARNING OUTCOMES FOR ALL PARTICIPANTS

After completion of this module the learner should:

1. Know how HIV/AIDS-related stigma impacts on our efforts as health care professionals;
2. Understand that HIV/AIDS issues are human rights issues;
3. Be able to identify the common human rights issues faced by people living with HIV and AIDS;
4. Understand some of the issues in the HIV/AIDS and human rights debate taking place in South Africa today.

1. HIV/AIDS AND STIGMATIZATION

AIDS was first associated with individuals and groups who already carried the burden of stigmatized practices and behaviours. Views and responses to the disease evolved from a complex matrix of existing views on homosexuality, drug use, and sex work.

AIDS is associated with attributes and behaviour that is seen by many people to be contrary to prevailing norms or accepted ways of behaving in society. AIDS gave renewed life to the concept of disease as punishment and other moral judgments. The association of AIDS with death and sex further stigmatized those infected by HIV; death and sex are taboo subjects in many societies. It is fueled by ignorance or lack of understanding about the disease, and modes of transmission. Stigma creates barriers to HIV/AIDS prevention and care by creating an environment in which it is difficult to talk openly about the ways in which HIV is transmitted and how to stop it from being transmitted. It also creates the false impression that only certain people can become infected.

Stigma is a complicated process with various inter-related and complex factors and is affected by dynamics such as race, gender, and socio-economic status. The process of stigmatization involves labeling differences, and separating “us” from “them.” The process creates blaming and shaming, and often results in isolation. It becomes easy to discriminate against PLHAs because people think that they no longer have the qualities that make them worthy of respect and dignity. People act on their beliefs and this often creates active discrimination and human rights abuses. Discrimination can be systemic (institutionalized) or individual (person/group directed against another person/group).

Some of the common forms of discrimination/human rights abuses against PLHAs include: being denied employment, or membership to employee benefit schemes; denied insurance and home loans; a denial of proper medical care, or access to medical aid schemes; victimization of children and orphans if they or their parents are living with HIV/AIDS or have died; breaches of confidentiality i.e. telling someone’s status to another without consent; and being tested without giving informed consent.

HIV/AIDS is a human rights issue. There are several interrelated aspects associated with this, including:

- (1) The human rights that are accorded to all people simply because of their humanity, including those living with HIV or AIDS,
- (2) The denial of rights, especially of those already the most vulnerable, including those with HIV/AIDS, and
- (3) The need to promote the rights of those with HIV/AIDS, in order to address the impact of the disease on individuals and the spread of the epidemic in society.

2. PROTECTION

Human rights are rights that belong to all people simply because they are human beings. They do not have to be given, bought, earned or inherited. They apply to everyone in the world and they cannot be taken away by others or given away by people.

Human rights are codified in international instruments (such as the Universal Declaration of Human Rights, the Convention on the Rights of the Child, the International Convention on Civil and Political Rights etc.) and regional instruments (such as the African Charter of Human and Peoples' Rights and the African Charter on the Rights and Welfare of the Child). Often they are also codified in domestic law through a bill of rights.

Human rights protect people from the actions of the state. The government also has to respect and promote the rights of people. This applies equally to people living with HIV and AIDS. Their rights are not diminished because they have HIV/AIDS.

3. DENIAL OF RIGHTS

Unfortunately, due to the fear and lack of understanding of HIV/AIDS, people living with the disease are often unable to access their rights and are discriminated against. Thus, while there is formal equality, there is in reality a serious difficulty making the rights real for people, especially those who are already most at risk for abuse of their rights. Vulnerable groups for human rights violations are also vulnerable to HIV/AIDS infection for various reasons. These include the following:

- Women
- Children
- People living in poverty
- Minorities
- Indigenous people
- Migrants
- Refugees and internally displaced persons
- People with disabilities
- Sex workers
- Men who have sex with men
- Injecting drug users
- Prisoners

People are still denied jobs, accommodation, access to facilities and basic equal rights every day on the grounds of their real or presumed HIV status. While this is illegal, it continues in practice because the conditions do not exist that would allow people to stand up and speak out. Few people have the support that is necessary to be able to expose the abuse, and they know that they will face intolerance and stigma if they do.

4. PROMOTING HUMAN RIGHTS

Promoting human rights in the context of HIV/AIDS is an imperative of justice to overcome existing forms of discrimination and intolerance. It is also a tool to prevent the further spread of the epidemic. It is clear that HIV/AIDS impacts not only on the physical health of individuals, but also on their social identity and this is what makes HIV/AIDS different from other fatal diseases. The stigma and discrimination surrounding HIV/AIDS can be as destructive as the disease itself.

Discrimination against people with HIV and AIDS undermines society's efforts to prevent HIV infection and limit the impact of the HIV/AIDS epidemic on our society. Lack of recognition of human rights not only causes unnecessary personal suffering

and loss of dignity for people living with HIV and AIDS, but it also contributes to the spread of the epidemic. When human rights are not respected and people face discrimination, lack of privacy and confidentiality, and other negative consequences, they are less likely to seek counselling, testing, treatment and support.

There is an undeniable link between human rights and health. Human rights and public health share the common objective of promoting and protecting the rights and well being of all individuals. In the context of the HIV/AIDS epidemic, the promotion and protection of human rights is necessary to achieve the public health goals of:

- Reducing vulnerability to HIV infection
- Lessening the adverse impact of HIV/AIDS on those affected; and,
- Empowering individuals and communities to respond to HIV/AIDS.

HIV care and prevention programs with coercive or punitive features result in reduced participation and increased alienation of PLHAs and those at risk of infection.

Coercive public health measures drive away the people most in need of counseling, testing, treatment and support and therefore fail to achieve the public health goals of prevention through behavioural change, care and health support.

The incidence and spread of HIV/AIDS is disproportionately high among groups that already suffer from a lack of human rights protection and from discrimination, or that are marginalized by their legal status. Lack of human rights protection disempowers these groups. However, when human rights are protected, fewer people become infected and PLHAs and their families can better cope with the disease.

The United Nations has recognized this link and has codified Guidelines for HIV/AIDS and Human Rights. In addition the HIV/AIDS and STD Strategic Plan of the South African Government highlights human rights as a crucial area to address the spread of HIV/AIDS.

What is the special context that requires HIV to be legislated?

People experience fear and are ignorant about HIV. These fears are acted upon and prejudice leads to active discrimination. There have been numerous stories about people denied employment, being subjected to physical and verbal abuse, being denied proper medical attention etc. due to their HIV status. The discrimination and human rights abuses have not decreased over time even though, arguably, knowledge about HIV/AIDS has increased. Thus, there is the need for special protection for those infected and affected by HIV/AIDS.

