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Violence and HIV – the need for rights-based approaches to HIV/AIDS

On World AIDS Day 2006 – 1 December – Amnesty International calls for the protection of human rights of all people living with HIV/AIDS and for human rights based approaches to be at the centre of all responses to HIV/AIDS.

The respect, protection, and fulfilment of human rights is integral to ensure all people, including women, children and those living in poverty, benefit from the scale-up in treatment, care, support and prevention programmes leading to universal access by 2010. It is vital to governments succeeding in the targets and commitments set out in the Millennium Development Goals and UNGASS Declaration of Commitment in 2001.

People living with HIV/AIDS continue to face stigma and violations of their rights, including bias-motivated violence relating to their status. Furthermore, violence, especially gender-based and sexual violence, puts people at greater risk of HIV infection. To be effective, responses to HIV/AIDS need to address the social, economic and cultural dimensions of the problem, including increasing access to economic resources for women and respect for women's autonomy and physical integrity.

To know one's HIV status is essential to allow individuals to access treatment programs and protection of the right to health. HIV testing is important and needs to be expanded to achieve universal access to prevention, treatment, care and support for all persons. Scaling up of HIV testing requires protecting people's rights to confidentiality, counselling and informed consent.

Counselling on the possible implications of an HIV test, providing support in case of a positive test result and guaranteeing confidentiality of the test result are essential. HIV testing in ante-natal clinics must be based on respect for women's rights, and the political, social and economic inequalities that might increase their vulnerability to the negative consequences of an HIV test must be addressed. This includes counselling and support appropriate to a context where sexual and domestic violence prevails.

In expanding the availability and accessibility of HIV testing, donors, governments and agencies designing and implementing such initiatives need to ensure that the principles of a voluntary test - informed consent, confidentiality of HIV status, and provision of gender- and sexuality- competent counselling - are not compromised.

Amnesty International calls on bilateral aid programs and multilateral agencies including WHO, UNAIDS, governments and donors, to ensure that in funding, designing and implementing HIV/AIDS programmes and policies:

- o All HIV testing policies and initiatives are implemented under the guidance of the human rights standards that governments have committed themselves to.
- o Health systems and facilities are strengthened in a way that enables human rights of patients to be protected, and accompanied by programmes which address obstacles to testing, including access to services determined by gender, economic status or geographic location.
- o All persons testing positive receive the treatment, care and support they require. This includes action that addresses the causes and consequences of stigma and discrimination, and realizes HIV related testing and counselling as an entry point for targeting sexual violence.
- o Testing initiatives are tailored and accountable to the local context, recognizing the different cultural, epidemiological and health systemic settings, while guaranteeing the human rights of the person tested.

