

Declaration of rights

Created 1 Dec 1993 - 1:00am

The text of the declaration of rights adopted by the NAPWA Conference in 1993.

A [new version of the Declaration of Rights](#) [1] was adopted in 1995. This earlier version has been retained on the NAPWA website for historical completeness.

Declaration of the Rights of People with HIV/AIDS

HIV infection is a worldwide epidemic, affecting people in every country. People with HIV/AIDS (with or without symptoms) are struggling to stay alive and live with dignity. Our voices must be heard and our special needs met.

This Declaration sets forth the responsibilities of government, international agencies, service bodies, private enterprise, unions, the media, health care providers, schools, religious institutions and all Australians to ensure that the rights of people living with HIV are protected.

People with HIV/AIDS include women, children, sex workers, haemophiliacs, injecting drug users, indigenous people, people with disabilities, people of non-English speaking backgrounds, young adults, heterosexual, bisexual and transsexual persons, lesbians and gay men.

We make this public Declaration of the Rights of People with HIV/AIDS and call on all Australians to ensure that they are upheld.

People with HIV/AIDS must be accorded the following rights: the right to liberty and security of person; the right to privacy; the right to housing, food, social security, medical assistance and welfare; the right to a full and satisfying sex life; the right to the protection of the law and protection from discrimination; the right to freedom of movement; the right to work; the right to a family of choice; and the right to education.

1. Governments and health organisations must treat HIV infection positively and aggressively. It is essential that governments recognise the social and moral obligations and ensure that appropriate funding levels exists to promote access to, and the availability of treatment, care and support.
2. HIV is neither contagious nor highly infectious. Casual contact presents no threat of infection. Governments and other responsible bodies must act to dispel irrational fears about transmission and must make all individuals aware of their personal responsibility to protect their health.
3. Governments must develop a code of rights for HIV positive people which encompass the following principles:
 - a. The representation by HIV positive people on all relevant decision making bodies. HIV positive people must be fully involved in the development of HIV and AIDS related policies and practices.
 - b. A broadening of anti-discrimination and other protective legislation to included known or assumed HIV infection. Protection must specifically consider employment, housing, access to legal and other services and the provision of fair and equitable insurance.
 - c. The right to anonymous and confidential HIV antibody testing. Professional pre- and post-test counselling must be provided.
 - d. Information required for notification of HIV must be coded and its confidentiality guaranteed. Information must never be disclosed to a third party without the positive person's consent.
 - e. Compulsory or coercive testing must be rejected absolutely.
 - f. Quarantining, detention or segregation of people on the basis of HIV status must be aggressively opposed.
 - g. Access to quality medical care and treatment, including complementary and experiment therapies, must be equitable and guaranteed.
 - h. The rights of people with a life threatening condition to choose their own treatments. Access to care should not be jeopardised by the agreement or refusal to participate in research trials.
 - i. The fundamental duty of government is to protect the health of the people. Adequate resources must be provided for research into HIV and conditions associated with AIDS. This includes therapeutic

treatments such as vaccines.


- ˘ The right of people with life threatening conditions to die with dignity. Legislation allowing people to decide how and when they wish to die, without unsolicited medical interference, must be enacted.
- ˘ The right to appropriate housing, including recognition of the need for people with life threatening conditions to have priority access to public housing.
- ˘ The full recognition of lesbian and gay relationships including the right to found and parent a family of choice.
- ˘ The recognition that HIV positive people have the right to a full and satisfying sex life.
- ˘ The protection of the reproductive rights of HIV positive women including the right to bear children and the right to accurate information and supportive antenatal and gynaecological care.
- ˘ The protection of the needs of HIV positive injecting drug users, including access to a range of non-judgemental, non-punitive harm minimisation services, and maintenance therapy is appropriate to their wishes and needs.
- ˘ The guarantee that prisoners with HIV receive the same standards of care and treatment as those outside the prisoner system. Prisoners must have access to drug trials and preventative measures and should be free from discrimination within the prison system.
- ˘ The right to access information or services related to HIV in the language (written, spoken or signed) of a person's choice, through an interpreter if necessary.
- ˘ The right to maintain a reasonable standard of living, especially an appropriate diet, through equitable access to financial assistance and welfare agencies.
- ˘ The right of access to education which should not be restricted on the basis of HIV status.
- ˘ The rights of children and orphans with HIV whose special needs must be recognised and attended as a high priority.

People with HIV/AIDS have the right to freedom of movement. The Federal Government must immediately remove discriminatory restrictions of the immigration of people with HIV who meet all other necessary criteria. The government must also move to promote the international abolition of such practices. Immigration restrictions disrupt family reunifications, abrogate the rights of refugees, serve to further stigmatise people with HIV and are costly to administer.

Australia must actively encourage and participate in the development of an international database. Medical and other data relating to HIV must be made readily available. This must include information concerning drugs and treatments, especially basic biomedical research and the progress of all clinical trials.

People with HIV/AIDS have the right to work. Australian employers must prepare and implement policies which protect the rights of HIV positive employees. These policies must outline terms and conditions and must prohibit unauthorised disclosure, unnecessary testing and dismissal on the basis of known or impugned HIV status. Policies should be based on Affirmative Action principles.

We believe that these measures are necessary to ensure that the rights of people with HIV/AIDS are protected in a society which respects the value and dignity of its members.

Attachment	Size	Type
1993 Declaration of Rights [2]	22.15 KB	 PDF

- [discrimination](#)
- [human rights](#)
- [privacy](#)

Links:

[1] <http://www.napwa.org.au/2005/11/18/declaration-of-rights-for-people-living-with-hiv aids>

[2] http://www.napwa.org.au/files/1993_declaration_of_rights.pdf