

World AIDS Day: ?'We are living our rights'

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This is a joint NAPWA/[PLWHA Victoria](#) [1] media release.

State and federal governments should make a clear commitment to reforming laws that discriminate against HIV-positive people, state and national organisations representing people living with HIV have said.

"The theme for World AIDS Day 2009 is 'Take Action – No Discrimination'," said Robert Mitchell, president of the National Association of People Living with HIV/AIDS (NAPWA). "The Commonwealth government has chosen to highlight discrimination this World AIDS Day, so today would be an ideal time to lead by example and agree to review laws which treat people with HIV unfairly."

"HIV has been with us for 25 years in Australia, yet people with HIV still report appalling levels of discrimination – from employers, healthcare workers – even their own families," said Paul Kidd, President of People Living with HIV/AIDS Victoria (PLWHA Victoria). "And there are a number of areas where we think government policies are discriminatory, and today we're calling for change."

The organisations have three key targets for reform:

Criminal HIV transmission laws

Laws exist in most states which treat HIV as inherently more serious than other diseases, and which have not been updated to reflect the changed prognosis for people diagnosed with HIV. NAPWA has recently published a monograph examining the issue and is calling for a nationally-consistent approach to the issue which treats non-deliberate HIV transmission as a public health issue and not a crime.

Immigration?

Federal immigration laws and regulations require HIV testing of applicants for permanent residency, but not other serious diseases with similar treatment costs and health impacts. Immigration policy should be framed in a way that considers each application on its own merits, and reinforces the right of people with HIV to travel and reside where they wish.

'Medicare ineligible'

Australia supports and provides funding for HIV treatment programs in developing countries, however there are a number of people residing in Australia who are unable to access treatment because they are not eligible for Medicare benefits. Providing access to HIV treatments to these people would not only be justified on compassionate grounds, but would have positive public health impacts.

"Reform of these laws would ensure Australia maintains its place as a leader in HIV prevention, care and support, and would be welcome at a time when a new National HIV Strategy is about to be adopted. It would also strengthen the human rights of people living with HIV in Australia in a very immediate and meaningful way," Mitchell said.

"World AIDS Day is an opportunity for the whole community to pause and remember those we have lost, and to recommit ourselves to continuing the effort against HIV in Australia. This year's focus on discrimination highlights the human rights of people living with HIV," said Kidd.

"These are not abstract issues for us. They are real, immediate and often brutal in their impact. As the global theme for World AIDS Day says, we are living our rights."

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Links:

[1] <http://plwhavictoria.org.au>

[2] <http://www.napwa.org.au/people/paul-kidd>