

HIV/AIDS and Human Rights

Patient-Friendly Guide

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HIV/AIDS do not deprive you of your **rights and responsibilities towards the society!**

What is HIV/AIDS? - At a glance, the answer to this question may seem pretty simple. A significant part of our society is already familiar with Human immunodeficiency virus causing infectious diseases. Even though public awareness of legal issues related to HIV / AIDS still remains low! And this is the case, pretty often. Improper and incorrect assessment of disease by the society, unfriendly attitude towards people living with, affected by, and vulnerable to HIV infection (**the stigma**), unfairness and injustice treatment and violation of their rights (**the discrimination**) bring negative impact to their lives.

Such circumstances prompted to produce the guideline, which would provide necessary information to HIV infected patients about their rights, obligations and responsibilities. The guideline showcases all the major issues that should be known by HIV/AIDS infected patients, their relatives and surrounding people.

The information contained in this brochure is based on human rights, guaranteed by the Georgian legislation and International instruments. It will help HIV infected people and their relatives better understand and enjoy their rights in everyday life!

HIV/ Aids IS NOT THE END

It is the responsibility for increased self care and others care as well.

The vast majority of people in our society are not aware that HIV/AIDS is a manageable chronic disease, like many other illnesses Furthermore, **HIV positive individuals have all the same human rights as everyone else.**

Are you HIV positive?

Remember! You have the right to protect and improve your health!

Health services should be accessible, appropriate, feasible and affordable for everyone, without any discrimination!

International covenant on Economic, Social and Cultural Rights

- After getting tested for HIV, you have the right to get exhaustive and full information regarding your HIV status!
- You have the right to get consultation before and after you are being tested for HIV!
- The state provides you HIV-related diagnosis, treatment and prevention support services!
- You have the right to receive comprehensive information from your medical service provider¹ about where, how and what sort of healthcare services can be obtained!
- You have the right to receive information on the cost of medical services, healthcare-related risks and its efficiency!²
- You have the right to refer to dental, cosmetic, surgical and other medical services! Remember – None of the physician have the right to avoid your medical treatment, unless the required treatment poses a risk related to worsening your health condition! You have the right to obtain information about the medical work experience of your attending physician!
- You have the right to change the health care provider at any time!
- You have the right to refuse or stop treatment at any time!
- You have the right to receive high quality treatment and care at any medical facility!
- You have the right to receive preventive services in order to avoid undesirable complications of HIV / AIDS infection!
- You have the right to know the different ways of protecting and preventing other people from becoming infected with HIV!

¹ A doctor / nurse, who provides medical services to patients

² Positive effects of treatment



Are you HIV positive? - Remember! You have the right to succeed!

Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.

Universal Declaration of Human Rights, Article 23 (1)

- You have the right to be employed!
- You have the same rights as all other colleagues at your workplace!
- No one has the right to dismiss/fire you from the job or refuse to hire you just because you are HIV positive!
- Dismissal from your workplace or refusal to hire you is permitted only when there is a high risk of infecting people you come in contact with!
- According to your will, you have the right of starting a business activity of any kind!

**Are you HIV positive? - Remember!
You have the right to education - Your education is a major investment in yourself!**

Everyone has the right to education.

Universal Declaration of Human Rights, Article 26

No one should be denied access to education.

Additional Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, Article 2

- No one has the right to restrict or forbid you to receive education, just because you are HIV infected!
- You have the same rights and responsibilities as all non-infected students!
- You, as a student, have the right not to divulge information about your infection!
- Your parents also have the right to keep your personal health information confidential!
- No matter what type of educational institution it is, Kindergarten, school, or Higher Education Institution, it is obliged to protect and consider your rights.



Are you HIV positive?

Remember! If you have the adequate knowledge, you have the right to share it with others!

- HIV-positive status does not deprive you of your right to teach and take part in the process of knowledge-getting!
- Dismissing you as a teacher, just because you are HIV positive, is unacceptable!
- You, as a teacher, have the right to teach. You deserve respect!
- You, as a teacher, have the right not to disclose information about your infection!

Are you HIV positive?

Remember! Like everyone else, you have the right to keep personal information confidential!

Every individual has the right to the confidentiality of personal information, including information regarding his or her state of health and potential diagnostic or therapeutic procedures, as well as the protection of his or her privacy during the performance of diagnostic exams, specialist visits, and medical/surgical treatments in general.

European Charter of Patients Rights, Article 6

- No one has the right to reveal information about your HIV status. Disclosure may be made only with your consent, or in cases stipulated by law!
- This information is confidential and those who will disseminate your personal information will be subject to penalty!
- You have the right to keep information about your HIV infection confidential, so that no one would ever know about it!

The cases, when the personal health information may be released are the following:

- If your consent is obtained!
- If undisclosed information represents some kind of threat to a third party (spouse / sexual partner)!
- Remember! When someone uses your personal information for the purpose of educational or scientific research, this should be done so that, your identity must be kept secret!
- Remember! Your family members have the right to know what their risk for HIV infection is!
- Remember! You have the right to disclose your personal health information to any person if you deem it necessary!



Are you HIV positive?

Remember! Enjoying a happy private life is your right!

Everyone has the right to respect for his private and family life, his home and his correspondence!

European Charter of Patients Rights, Article 8 (1)

- You have the right to have a private life!
- You have the right to have your place of residence!
- You have the right to have access to shopping center services!
- You have the right to have access to any means of transportation!
- You have the right to have access to public gathering places such as clubs, restaurants, cafes and others!
- You have the right to participate in all types of sports!
- You have the right to express your opinion and attitude on any issue, whenever you deem it necessary. No one can take away your rights!
- You have the right to have sexual partner!
- You have the right to marry and have healthy posterity!

Are you HIV positive woman?

Remember! This does not deprive you of your right to be a woman!

Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right!

Convention for the Protection of Human Rights and Fundamental Freedoms article

Your, as a HIV positive woman's rights are:

- To get married!
- To have sexual partner / spouse, who should know about your HIV infection!
- To give birth to a child and become a mother!
- Like all other pregnant women, you have the right to get special protection. If you already have a child and herewith you are employed, you have the right to take paid time off work, or receive sufficient social support!
- Remember, that you can have a healthy baby! To get timely diagnosis, treatment and regular health monitoring is of great importance.
- Remember, if all the necessary medical treatment and preventive measures are not being followed, HIV transmission from mother to a child is possible. An infected mother can pass the virus to her baby during pregnancy, delivery or while breast-feeding! Protection of your future baby from getting infected is not only your right, but your duty as well!
- Remember! The medical institution has the right to test the newborn on HIV infection without your, as a mother's consent!
- You have the right to have access to any type of medical services, including services related to your pregnancy, childbirth and the postnatal period!



Are you HIV positive?

Remember! You have the right to have a carefree and delightful childhood!

All children everywhere have the same rights!

The United Nations Convention on the Rights of the Child

Your, as a HIV positive child's rights are:

- You have the right to have friends!
- You have the right to go to kindergarten/school and to be educated!
- You have the right to be engaged in different sporting activities, except those types of sports that pose the risk of infecting other children or people surrounding (where there is a possibility of breaking in the integrity of the skin and mucous membrane)!
- You have the right to access to any required medical services!
- You have the right to protection from all forms of discrimination or exploitation!³

Are you HIV positive?

Remember! You have the right to be protected! Be cared for! Be loved! Be respected!

Persons with disabilities enjoy their inherent right to life on an equal basis with others.

Convention on the Rights of Persons with Disabilities, Article 10

If HIV positive patient, because of his mental state, is not able to take responsibility for his own health care and to protect others from infection, then he has the right to hand over responsibilities for his actions to another person, who will accept it and provides all measures in order to prevent the spread of infection.

³Utilization of another person for selfish and unlawful purposes



Are you HIV positive?

Remember! You have the right to travel, to study abroad and get exposed to cultures of other countries!

The States shall accord to stateless persons, lawfully staying in their territory, the same treatment as is accorded to their nationals.

Convention relating to the Status of Stateless Persons, article 23

- If you are a citizen of Georgia, permanently or temporarily residing in Georgia, foreigner / foreign citizen, you have the right to get tested for HIV/AIDS, which would be provided by the state!
- This is a voluntary-type examination and you only have to give your informed consent!
- You have the right to know, that there are exceptions to the mandatory offer of HIV testing!
In particular, when you are:
 - blood and blood components donor;⁴
 - organs and other body parts donor;
 - tissue donor;
 - egg and sperm donor.

Remember! The above mentioned exceptions apply to both immigrant⁵ and nonimmigrant⁶

- If you are a temporary resident of Georgia, you have all the same rights as citizens!
- If you decide to go abroad, as a rule, there would not be any additional requirements or restrictions. However, it is likely that some countries still impose some restrictions, so it is necessary to be verified!

⁴ An individual from whom blood, blood component, tissue, or an organ is taken for transfusion, implantation, or transplant is called a donor.

⁵ An individual / individuals who change their place of residence temporarily or permanently

⁶ An individual / individuals who do not change their place of residence and never leave their village, city, or country



Are you HIV positive?

Remember! The temporary deprivation of your liberty does not hinder your right to defend yourself!

All persons deprived of their liberty shall be treated with humanity and with respect.

The International Covenant on Civil and Political Rights, Article 10

- If you are in the place of deprivation of liberty, and you are HIV positive, you have the same rights and responsibilities as other Non-HIV-infected prisoners.
- In addition, you have the right:
- To receive appropriate and timely medical, psychological and social aid!
- To obtain comprehensive and timely HIV / AIDS related information!
- To demand to keep your personal health information secret!

Are you HIV positive?

Remember! Like any other member of the society, you have **your obligations and responsibilities to community!**

Due to the fact that you, as a positive HIV / AIDS infected person, are a full member of society, have certain obligations and responsibilities to the community!

Your main duty is to protect others from possible exposure to HIV and to be concerned with their safety and health!

HIV/AIDS

- Do not release you from responsibility of performing your job duties scrupulously.
- Do not give any special privilege to you in your working environment.
- Do not give you the right to do your job poorly.
- Do not exclude the possibility of dismissing you from employment based on substantial reasons.

As a positive HIV infected person:

- You are liable to keep your spouse/sexual partner informed about your HIV status!
- If concealing information about your status becomes a threat to your sexual partner or spouse, in this case, your consent is not required to disclose information!
- A health care provider institution, which carries out your diagnostic assessment, treatment, prevention, assistance, maintenance, is obliged to inform your spouse/sexual partner about your infection, in case if the identity of your spouse/sexual partner is revealed!



Are you HIV positive?

Remember! You can and you should protect yourself from HIV/AIDS-related stigma¹ and discrimination!

Protection and Respect of Human Dignity is of great importance!

Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine

We encounter HIV-related stigma in many countries and cultures. HIV / AIDS-related stigma and discrimination may be revealed in different forms, such as, refusal to provide necessary and quality treatment to a patient, negative attitudes and exclusion by society.

Striving against HIV/AIDS- related stigma and discrimination is becoming more and more urgent in the modern world, which is one of the serious obstacles to effective HIV/AIDS prevention⁷.

Because of the fear of stigma and discrimination, in most cases, patients do not apply for necessary treatment in order to ensure the proper management of their health.

The society imposes stigma and relatively faces more negative consequences with regard to those cases when people conceal the fact, that they have AIDS. This serves as an uncontrollable spread of the virus worldwide.

To protect HIV positive people from stigma and discrimination is the obligation and responsibility of our society!

HIV-positive status, in most cases, leads to self-stigma,⁸ they often feel guilt and shame, and they suffer from low self-esteem. Due to a frequently changing opinion, patients feel no longer worthy of respect in our society, which is unjustified and inappropriate!

There are some cases when patients, because of their low self-esteem, refuse to participate in public life, quit their jobs, favorite activities, or any other social activities, which is unjustified and inappropriate as well!

Every individual, whether he is HIV positive or not, has his irreplaceable role and function in our society, that is essential to the specific activities and community development!

In many cases, self-stigma leads to severe results, such as psycho-emotional or physical self-harm, which is absolutely unacceptable, unjustified and incorrect!

⁷ Measures aimed at preventing further spread of the disease

⁸ Self-suppression and self-blame of an individual, just because he has AIDS



The information contained in the brochure is based on the following national and international legal documents:

National	International
<ul style="list-style-type: none"> • The Law of Georgia on HIV/AIDS • The Law of Georgia on HIV Infection/AIDS Prevention • The Law of Georgia on Patients Rights • The Law of Georgia on Health Care • The Law of Georgia on Medical Activity 	<ul style="list-style-type: none"> • Convention for the Protection of Human Rights and Fundamental Freedoms • European Charter of Patients Rights • Declaration on the Promotion of Patients Rights in Europe • The Universal Declaration of Human Rights • Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women • International Convention on Discrimination in Employment and Occupation • Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine • The United Nations Convention on the Rights of the Child • International covenant on Economic, Social and Cultural Rights



In case of being infected with HIV/AIDS, or being at risk for getting the infection, please contact the following organizations:

Social services Agency of the Ministry of Health, Labour and Social Affairs

Provides HIV / AIDS treatment access for patients within the program

- Tbilisi – 144 Tsereteli Ave. Hotline: + (995 32) 2510033

Infectious Diseases, AIDS and Clinical Immunology Research Center

Provides HIV/AIDS-related information and offers free HIV testing and treatment as well.

- Tbilisi - 16 Kazbegi ave, Hotline: 239 80 18
- Batumi – 11 Katamadze str; Tel: 8 21 52
- Zugdidi - vill. Chitatskaro; Tel: 2 93 79
- Qutaisi - 40 Poti str. Tel: (8431) 247989

HIV/AIDS Patients Support Foundation

Social and psychological support

- Tbilisi – 20 Mosashvili str.flat 2, Tel: 2 22 00 06
- Batumi – 144 King Parnavaz str. Tel: (8 422) 22 19 96
- Zugdidi – 12 Jorjiashvili str.Tel: (8415) 25 09 25
- Qutaisi – 4 Melikishvili str. Tel: (8431) 29 25 38

Public Union "Bemoni"

Free consulting and HIV testing

- Tbilisi – 16 Kavtaradze str. the Medical Center, floor 7, Hotline: + (99532) 2188788

Informational Medical-Psychological Centre “Tanadgoma”

Free consulting and HIV testing

- Tbilisi – 21 Kurdiani str.Tel: +995 322 352132, Hotline: +995 322 251819
- Qutaisi – 2 Joseph Otskheli str. Tel: + 995 231 6502 6; Hot Line: +995 2 31 65026
- Zugdidi – 206 Zviad Gamsakhurdia Ave. Tel: + 995 215 5120 3;
Hotline: +995 215 51203

Psycho-social Information and Consultation Center "New Way"

Psychological, neurological, infection, and legal consulting

- Tbilisi - 6 Vazha Pshavela Avenue; Tel: 2 91 17 01

If your rights were violated by state and local government authorities, public agencies or by a public official, please contact the **Public Defender of Georgia.**

Tbilisi – 6 Nino Ramishvili str.Tel: 2234499

- Batumi – 9 Mazniashvili str. Tel: 70544, 8577505231
- Zugdidi – 58 Kostava str. Tel: (215) 50420, 8577505234
- Qutaisi – 18 Rustaveli str. Tel: (231) 40103, 40715, 8577553381
- Gori – 1 Sameba str. Tel: (8270)270549
- Akhalkalaki – 4 Chavchavadze str. Tel: (262)23283, 8577122770, 8577122771

