

# POSITIVELY WOMEN

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human rights our rights



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# why

*“The goal of realising human rights is fundamental to the global fight against AIDS. And in a world facing a terrible epidemic – one that has already spread further, faster and to more devastating effect than any other in human history – winning the fight against AIDS is a precondition for achieving rights worth enjoying.”*

DR PETER PIOT, UNAIDS  
EXECUTIVE DIRECTOR

# huma

Most people think human rights are sacred – something everyone has immediately from birth. But what are human rights? What is it to be human? What rights should we have? We often refer to human rights in terms of their abuse rather than as privileges that we enjoy day-to-day. We think of human rights only when they are threatened. Surely, the ability to live peacefully, to decide our own destiny, and not to suffer from oppression and pain are human rights. But what about the right to work wherever we please? What about the right to eat? What about the right to have the medical assistance that we need?

There are many things we can all think of that might seem ‘only fair for everyone’, and they may seem like human rights – but defining the concept of human rights is a lot more difficult than it first seems.

#### ARTICLE 1

*All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood (sic).*

On December 10, 1948 the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights. This was the first time anyone had tried to actually define human rights – to put it in writing, and to get as many countries as possible to sign and commit to upholding them. In many ways, the declaration represents one of the most significant achievements of the twentieth century.

In part, the declaration was a reaction to the terrible abuses of the Second World War, which saw the Nazi party in Germany slowly stripping away the rights of particular groups of people and ultimately attempt to wipe out entire races altogether. The United Nations declared that ‘disregard and contempt for human rights have resulted in barbarous acts which have outraged the

#### ARTICLE 26

*2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.*

# Can rights?

## ARTICLE 2

*Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.*

conscience of mankind' and its declaration tried to make sure that these abuses would never prevail on such a scale again.

The declaration enshrines values such as: equality, freedom and a right to live in peace, to not be tortured, to marry, and to found a family. It states that no one should be held in slavery and all forms of slavery should be banned.

**'All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.'** (Article 1)

Well it was 1948! Perhaps now we could add the word 'sisterhood' to this line too, but this is the core of the declaration of human rights. All human beings are seen as being equal and it is stated that we should treat each other as such.

When we look at the world around us, and at all the suffering that innocent people go through everyday, the United Nation's declaration can seem utopian – like a fantasy. All over the world people are not free to practise their religion, are imprisoned for their beliefs, are chased from their homes for no reason or are just left with not enough food to eat. Sometimes it almost seems 'normal'.

## ARTICLE 16

*(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.*

*(2) Marriage shall be entered into only with the free and full consent of the intending spouses.*

We are still a long way from living in a world where every human being enjoys the human rights written in the UN declaration. In the last 10 years we have seen genocide in Rwanda, the violent break up of former Yugoslavia, the invasion and occupation in Iraq, and now we hear of daily atrocities in Sudan. The United Nations has been involved in all of these conflicts, and has been accused of standing by while innocent people suffer the gravest human rights abuses. Has the UN's declaration come to nothing at all?

Perhaps the true meaning of human rights lies in one of the hardest things we can do: to put ourselves in another persons' shoes and really ask ourselves if anyone should have to live that way.

As we hear more and more about a 'global society' perhaps the United Nation's declaration is the most important thing we have – although optimistic and impossible to guarantee – it is the only truly international declaration of its kind. And for that reason alone it is worth enforcing more than ever. It is important to have such idealistic goals to aspire to. In a world that seems selfish, we should take time to consider every human being as a person and entitled to no more or no less than anyone else.

**Lyndsey**

## RESOURCES

### The United Nations Universal Declarations of Human Rights

<http://www.unhchr.ch/udhr/index.htm>

The most comprehensive collection of translations of the Universal Declaration of Human Rights. Over 300 different language versions are available in HTML, PDF and graphical forms.

### Full text of the Universal Declaration of Human Rights (in English)

<http://www.un.org/Overview/rights.html>

### UNAIDS: HIV/AIDS, Human rights and Law

[http://www.unaids.org/en/in+focus/hiv\\_aids\\_human\\_rights.asp](http://www.unaids.org/en/in+focus/hiv_aids_human_rights.asp)

### WHR NET: Women's Human Rights Net

<http://www.whrnet.org/>

### Human Rights Watch

<http://www.hrw.org>

Human rights organisation based in America. Publicises abuses of human rights, campaigns to end the abuses and puts

pressure on governments and international organisations to act. You can get involved with the organisation by becoming a member.

### Amnesty International

<http://www.amnesty.org/>

<http://www.amnesty.org.uk>

Works to protect human rights worldwide, and undertakes research and action focused on preventing and ending grave abuses. You can become a member and get involved with the worldwide network of supporters.

### Witness

<http://www.witness.org>

Uses video and technology to fight for human rights

### The International League for Human Rights

<http://www.ilhr.org/>

Defends individual human rights advocates for those who have risked their lives to promote the ideals of a just and civil society.

# human rights... whose rights?

**The stigma and discrimination around HIV/AIDS threatens human rights. Those infected and affected by the HIV epidemic are not only confronted by the physical and mental effects of the illness, they often also face human rights violations including discrimination in relation to health services, housing, education, work and family life. These worsen the individual and societal impact of the disease. At the same time, an ongoing lack of respect for human rights increases vulnerability to HIV infection for the whole society. Further, some groups including gay men, sex workers, injecting drug users, refugees, and migrants and prisoners may be more vulnerable to contracting HIV because of their legal status.**

## **How do human rights affect HIV positive women and their families?**

Let us first look at the impact of public health policies, programmes and practices and how it affects the human rights of People Living With HIV and Aids (PLWHA) in the UK.

The essential functions of public health are to assess health needs and problems; develop policies, address priority health issues; and affirm programs to implement strategic health goals. The overall management process is shared between many diverse public and private mechanisms.

The new policies on access to NHS services by non-residents are already in force through the NHS (Charges to Overseas Visitors) Regulations 1989, and the NHS Regulations 1977 (for more information, see pages 22-24). For example, HIV patients can be asked to prove their legal status and be charged for accessing services at their HIV clinics if they are long stay visitors, those refused asylum or in the UK without documentation.

I feel strongly that the state's inability to recognise or acknowledge health problems such as HIV that affect already marginalised or stigmatised groups, may violate the right to non-discrimination by causing the neglect of necessary services and in doing so, may negatively affect the realisation of other rights, including the right to 'security in the event of...sickness (or) disability...' (United Nations Declaration of Human Rights, Article 25).

Deportation of HIV positive people is rife at the moment. For example, in reference to the article in *Positive Nation* (January, 2005) on the UK Coalition's protest to the Home Office regarding deportation, I have seen and heard of many cases of people being detained while awaiting deportation. Most people feel that the government has failed to protect asylum seekers and refugees. Issues regarding the physical and mental conditions of some of the detainees have reached appalling levels, and in the view of friends and advocates a breach of human rights. The process of deportation is physically and mentally agonising, for people who already suffer from a weakening illness. And even worse are some of those very annoying forms which collect personal information from individuals, such as whether they are infected with HIV, have breast cancer, or are genetically predisposed to heart disease. The availability of such personal information can clearly breach the right to security of a person and the right to privacy.

Women's vulnerability to HIV is now recognised as being integrally connected with discrimination and unequal rights, involving property, marriage, divorce and inheritance. The success of condom promotion for HIV prevention in this population is inherently limited in the absence of legal and societal changes that, by promoting and protecting women's rights, would strengthen their ability to negotiate sexual practice and protect themselves from HIV infection.

More broadly, the evolving HIV/AIDS pandemic has shown a consistent pattern through which discrimination, marginalisation, stigmatisation, and more generally, a lack of respect for the human rights and dignity of individuals and particular social groups heightens their vulnerability to becoming exposed to HIV. In this regard, HIV/AIDS may be illustrative of a more general phenomenon in which individual and population vulnerability to disease, disability and premature death is linked to the status of respect for human rights and dignity.

### **How can we fight for our rights as HIV positive women?**

The Positively Women's Taking Part project has now been running for three years. It enables women living with HIV to actively participate in policy and consultation work at local and national level. To date all volunteers in the project have been living London and are former Positively Women service users. The project has enabled women living with HIV to attend many conferences, such as:

- HIV/AIDS and Sexual Health Policy Enquiry at The House of Commons, the first and second evidence session on new developments in HIV/AIDS and sexual health policy. We focussed on access to HIV services for all immigrants in the UK.
- The HIV/AIDS epidemic in the Russian Federation – a UK government and Russian parliamentarians' consultation on addressing the growing rates of infection.
- A meeting addressing the current government maternity policy and proposed changes, such as under-capacity at hospitals, and funding for breastfeeding campaigns.
- Criminal Law, Public Health and HIV Transmission – A Policy Options paper.
- Conference on the psychology of unsafe sex at Sheffield.
- The launch of the new global HIV strategy by the prime minister (Tony Blair) and other government officials. The meeting announced and allocated funds of £1.5 billion for the global fund, which will be used in the fight against AIDS, TB and Malaria by 2005 and beyond.

The Taking Part project has about 15 members. They meet regularly, most recently for their Team Building Day. It is a half-day set aside to meet and have informal discussions. The main issue is still how to make the Taking Part project more visible and the need as women to take on leadership roles. The members share and inform each other on the work they have been doing. Please contact Justine at PW if you would like more information about the Taking Part project.

The 'Africans Getting Involved' project, which was formed at the Leicester conference in September 2004 is chaired by Beatrice, who is also a Taking Part project member and aims to get Africans and other people of black origin to speak out on issues that affect them. It addresses the need of African people to be seen to be lobbying for themselves. They are planning a peaceful demonstration to address issues like the access to treatment for all and deportation. In addition, the group has launched an action plan to stimulate activism around compulsory testing and access to treatment and care, deportations and criminalisation of HIV. This is about a diverse community joining forces to fight stigma and discrimination and inhumane practises towards migrants living with HIV.

At the November meeting of Africans Getting Involved, members talked about their current activities of which there were many. One of the team members was . The group currently operates as an independent body, based at the UKC. For more information, contact Edith Kaggwa on 020 7564 2180. [EKaggwa@ukcoalition.co.uk](mailto:EKaggwa@ukcoalition.co.uk)

### ***Belinda***

