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FCAA  
Funders Concerned About AIDS

## Fact Sheet

### HIV/AIDS is a Human Rights Issue

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HIV/AIDS is an amplifying locus for human rights abuses. Disenfranchised populations already subject to the intersection of discrimination, oppression, and exploitation are more susceptible to HIV, and HIV infection further increases their physical and social vulnerability. But by the same token, building a rights-based movement increases the autonomy and health of people living with HIV/AIDS. And fighting the spread of HIV/AIDS furthers the exercise of human rights.

#### **Fund WOMEN'S RIGHTS**

- Women face a range of gender-specific risks that contribute to their susceptibility to HIV infection. Physically, it appears that women have a higher risk of infection from heterosexual sex. Socially, women are subject to various forms of gender-based violence, including rape, sexual abuse, sexual harassment and assault at work, trafficking, forced prostitution, and forced labor (Amnesty International, *Women, HIV/AIDS, and Human Rights*, November 2004).
- Women “frequently lack information on and access to HIV prevention measures and to health care as well as to support and medication after infection. They are denied property and inheritance rights, employment and access to finance [...] and are frequently excluded from participation in policy-making and implementation, including on issues which primarily affect them” (Amnesty International, *Women, HIV/AIDS, and Human Rights*, November 2004).
- “In many countries, national laws restrict women’s ability to own, inherit or dispose of property, leaving them economically dependent on husbands who may be violent or unfaithful. Women routinely sink into poverty upon the death of their husband or the dissolution of their marriage, thus increasing their own risk of HIV” (Open Society Institute, *Human Rights and HIV/AIDS: Now more than ever*, 2006).
- “Violence can directly elicit HIV transmission, as in the case of rape committed in the context of marriage, community or armed conflict, or harmful practices that expose women and girls to violence, such as female genital mutilation, wife inheritance and early marriage” (Amnesty International USA, *A Human Rights Based Approach to HIV and AIDS*).

*“The full realization of all human rights and fundamental freedoms for all is an essential element in the global response to the HIV/AIDS pandemic.”*

–Affirmed at the 2006 United Nations High Level Meeting on HIV/AIDS.

*“Women must not be regarded as victims. They are, in many places, leading the way forward.”*

–UNAIDS, UNFPA, and UNIFEM, *Women and HIV/AIDS: Confronting the Crisis* (New York, 2004).

#### **Fund CHILDREN'S RIGHTS**

- In 2006 alone, an estimated 530,000 children under age 15 were newly infected with HIV, contributing to a total of 2.3 million HIV-positive children worldwide (UNAIDS/WHO, *AIDS Epidemic Update, December 2006*).
- Worldwide, as of 2005, it was estimated that more than 15 million children under 18 had been orphaned as a result of AIDS. It is estimated that 12 million of these orphans live in sub-Saharan Africa (Avert, *AIDS Orphans*, updated April 2007).

- In sub-Saharan Africa, in the last decade, the percentage of children who are orphaned due to AIDS rose from 3.5 percent to 32 percent (United Nations, *Ten Stories the World Should Hear More About*). “Thousands of children who have lost parents to AIDS or whose parents are living with the disease have lost their inheritance rights” (Human Rights Watch, *HIV/AIDS and Human Rights Program Overview*).
- Children born to parents living with HIV/AIDS often must act as caregivers for their ailing parents. And in regions lacking access to HIV/AIDS medications, children who are born with HIV face severe curtailment of their life prospects. Studies in Africa suggest that over half of HIV-positive newborns die before reaching their second birthday, and most are dead before the age of five (Avert, *Children, HIV & AIDS*, updated June 2007).

### **Fund Efforts to REDUCE DISCRIMINATION & STIGMA and IMPROVE PUBLIC POLICY**

- In many regions, “those at highest risk of HIV have one thing in common: their status is effectively criminalized by law. People who use drugs, sex workers, and men who have sex with men all face the daily threat of arrest, conviction, and incarceration in many countries [...] Punitive approaches to drug use, sex work, and homosexuality fuel stigma and hatred against socially marginalized groups, pushing them further into hiding and away from HIV/AIDS services” (Open Society Institute, *Human Rights and HIV/AIDS: Now More Than Ever*, 2006).
- “The most proven methods of preventing HIV among people who inject drugs—needle exchange programs and methadone substitution therapy—remain restricted by law or policy in many countries” (Open Society Institute, *Human Rights and HIV/AIDS: Now More Than Ever*, 2006).
- “The incidence and spread of HIV/AIDS are disproportionately high among groups who already suffer from a lack of human rights protection, and experience discrimination. This includes groups that have been marginalized socially, culturally, and economically” (Roseman, Mindy Jane, Sofia Gruskin and Sumita Banerjee, *HIV/AIDS & Human Rights in a Nutshell*, Program on International Health and Human Rights, François-Xavier Bagnoud Center for Health and Human Rights, Harvard School of Public Health, and the International Council of AIDS Service Organizations, 2004).
- “In many countries, activists who demand access to HIV/AIDS services face the threat of censorship, defamation, violence, imprisonment, and other recriminations by their governments” (Open Society Institute, *Human Rights and HIV/AIDS: Now More Than Ever*, 2006).

*“Human rights cannot be separated from good public health.”*

-Open Society Institute, *Human Rights and HIV/AIDS: Now More Than Ever*, 2006.

### **Fund REPRODUCTIVE JUSTICE & SEXUAL RIGHTS**

- “Sex workers and men who have sex with men are often blamed for ‘driving’ the HIV epidemic because of their sexual practices. However [...] their political vulnerability, which they share with LGBTQ people and Roma communities, puts them at particularly high risk for HIV/AIDS and human rights abuses” (Funders Concerned About AIDS, *One-Sheet Report: What Funders Should Know About Reproductive Justice, Sexual Rights, and HIV*, June 2007).
- “Men who have sex with men face widespread violence and discrimination around the world, often at the hands of police and security forces charged with enforcing sodomy laws” (Open Society Institute, *Human Rights and HIV/AIDS: Now More Than Ever*, 2006).
- “The ability of sex workers to gain access to HIV services is impeded by widespread violence, discrimination, and punitive approaches to sex work and prostitution [...] Sex workers are regularly deterred from seeking health services by the fear of forced HIV testing and judgmental treatment by health workers” (Open Society Institute, *Human Rights and HIV/AIDS: Now More Than Ever*, 2006).
- “To keep the promise of a world free from AIDS, both here in the U.S. and worldwide, we must recognize young people’s right to healthy sexuality. This includes the right to comprehensive sexuality information and education” (Joseph DiNoria, Jr., President and CEO of SIECUS, 2005.)

*“AIDS is no longer a disease. It is a human rights issue.”*

-Nelson Mandela, speaking at the 14<sup>th</sup> International AIDS Conference, Paris, 2003.