

General

Q. What is HIV?

A. HIV - the **H**uman **I**mmuno-**D**eficiency **V**irus - is a virus that destroys the body's defense mechanism that fights off infections and diseases.

Q. What is AIDS?

A. AIDS - the **A**cquired **I**mmuno-**D**eficiency **S**ndrome - is a disease or group of diseases that result(s) from extensive destruction of the body's immune system by HIV while the body's ability to fight off illness remains low.

Q. What is meant by the term HIV-related *stigma*?

A. Showing severe disapproval of, or negative attitude towards a person who is HIV positive.

Q. What is meant by the term HIV- related *discrimination*?

A. Treating PLHIV differently or unfairly because of their perceived HIV positive status.

Q. Why is stigmatization and discrimination of PLHIV a concern?

A. Stigmatization and discrimination of PLHIV is a form of abuse of human rights. It interferes with attempts to fight the spread of HIV. On a national level, stigmatization and discrimination associated with HIV can deter government from taking fast, effective action against the epidemic, whilst on a personal level it can make individuals reluctant to access HIV testing, treatment and care.





Q. What happens when PLHIV are stigmatized and discriminated against?

A. Individual level:

- Their worth as human beings is lowered
- They are thrown out of their homes
- Stigma could kill them faster
- Reduced and delayed disclosure of positive status

Family:

- Finger-pointing at family members
- Stigma inhibits family discussions on HIV

Government Level:

- Stigma can undermine government efforts to combat the spread of HIV
- Distort government's attempt to create an enabling policy environment for the prevention of HIV

General Rights



Q. What are my rights as a PLHIV?

A. You are protected by the fundamental human rights law in the 1992 Constitution. You therefore have the same human rights and fundamental freedoms under the Constitution and other laws as any citizen or person living in Ghana. The Constitution makes it clear that a PLHIV should not be discriminated against on the basis of medical or health status.

Reference: Articles 17(2) and (3), 33(5), 37(2) and (3) of the Constitution, as well as a number of international and regional human rights treaties which Ghana has ratified, including the International Covenant on Civil and Political Rights 1976, the International Covenant on Economic, Social and Cultural Rights 1976, and the African Charter on Human and Peoples' Rights 1986.



Testing for HIV



Q. Can I be tested for HIV against my will or without giving my consent?

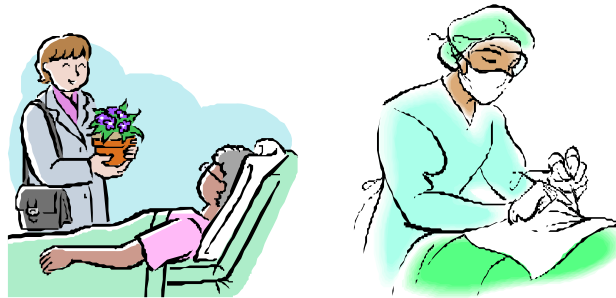
A. No, this would violate your human rights under the 1992 Constitution, in particular, your right to personal liberty and respect for human dignity. Other than in the case of pregnancy, discussed below, no-one can perform a medical test on you without your consent. However, if you want to know your HIV status, please refer to your local Health Treatment Center.

Q. If I am pregnant, do I have to undergo an HIV test?

A. This is not mandatory but, the rights of your unborn child require that you be tested for HIV as part of your antenatal care. This is to protect your unborn child from becoming infected with HIV. All tests should be done with your consent.

Reference: Articles 14 and 15 of the Constitution.

Access to Healthcare



Q. What are my rights as a PLHIV when I fall sick?

A. The Constitution guarantees the right of a sick person to receive treatment. You have the same rights as any other patient and are entitled to free prevention and management of opportunistic infections under the National Health Insurance Scheme (NHIS).

Additionally, children who are infected with HIV and are unable to give consent cannot be denied treatment by another person on religious or faith grounds.

Privacy and the Disclosure of HIV Status



Q. If I am HIV positive, do I have to tell my employer, religious adviser, lawyer, healthcare provider, family or partner?

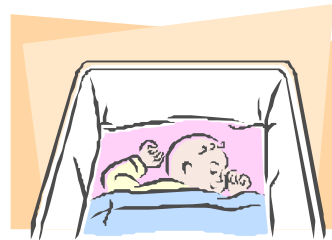
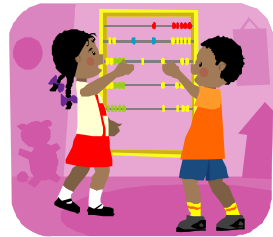
A. There is no compulsion to tell anyone. Indeed, you have the right to insist on the non-disclosure of your HIV status. However, in order to get support and proper care it is advisable to voluntarily disclose this to someone you trust, e.g. your doctor, spouse/partner, family member or pastor, who can help you get the necessary support.

Q. If my HIV status is disclosed by someone without my consent what should I do?

A. You may take legal action against the person for infringing on your right to privacy of information.

Reference: Articles 18 of the Constitution.

Children of PLHIV



Q. Do I have the right to breastfeed?

A. You have the right to breastfeed but, mothers with HIV risk infecting their child through breastfeeding. Local antenatal centers offer advice and guidance on how best to protect the health of a mother with HIV, as well as her baby.

Q. What rights to education do children of PLHIV have?

A. The right to education of a child of a PLHIV is the same as any other Ghanaian. If your child is facing any discrimination and stigmatization due to your HIV status, you should report this to the school authorities. If they do not take appropriate action, contact the HIV Unit Secretariat of the Ministry of Education, your local Legal Aid office, or the local office of the Network of Persons Living with HIV (NAP+) for further advice.



At the Workplace



Q. Do I have to undergo an HIV test before getting employment or enrolment in a school or getting married?

A. No, there is no law in Ghana requiring mandatory HIV testing before one gets employed, enrolled in a school, married or medically examined.

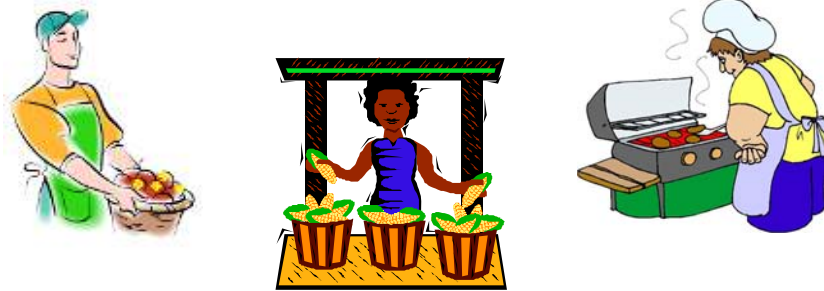
Q. Should I be demoted after disclosing my HIV positive status to my employer?

A. No, this would amount to discrimination on the basis of medical or health status, which is contrary to the Constitution.



Q. As a PLHIV can I engage in a business like food vending?

A. Yes, as a PLHIV you have the right to engage in any lawful activity in the country. You need to make enquiries and follow procedures at your District Assembly concerning the testing of food vendors.



Q. What do I do if I lose my job on the basis of being a PLHIV?

A. Exhaust the grievance procedures at your workplace, if that fails, report to the workplace Staff Association, where applicable. That failing, approach the Ghana Labour Commission for amicable settlement.

Q. Can I go straight to the High Court to seek redress?

A. Yes, you have the option, though sometimes as a worker, using the grievance procedure may be the first option under your conditions of service.

Q. Do I lose my job if I have HIV?

A. No, you have a right to continue working so long as you are able. You are also entitled to the same medical benefits as other employees at your workplace.

Q. Do I lose my employment benefits if I die of AIDS?

A. No, your dependants/beneficiaries of your estate would be paid all your due benefits.

Q. If I am absent from work due to sickness, will this reduce my annual leave entitlement?

A. Every worker is entitled to a minimum of fifteen working days' leave with full pay in any calendar year of continuous service. If you are absent from work due to sickness, and certified by a medical practitioner as sick, your absence should not affect your annual leave entitlement.

Reference: Labour Act, 2003, Article 17(3) of the Constitution (see also the references in Question 1 in relation to discrimination under the Constitution).



At Home



Q. Do I have to be evicted by my landlord if my HIV status is known?

A. No, it is a breach of the Rent Act and also your fundamental human rights. You can approach the Rent Control Department to lodge a complaint for amicable settlement, and if that fails, you can seek legal redress in court.

Q. Can I be compelled to participate in cultural activities?

A. No, you have a Constitutional right to life and human dignity. No one should be compelled to do anything.

Reference: Rent Act, 1963, Article 15 of the Constitution.

Infecting Others with HIV

Q. Is it illegal to negligently infect another person with HIV?

A. Yes, a person who negligently and intentionally infects another, commits a misdemeanor under the Criminal Code and Domestic Violence Article and this is punishable by up to three years in prison.

Legal Advice



Q. How do I get advice on my legal rights?

A. Approach the welfare officer at your workplace, hospital, church or association, or contact a lawyer at the Department of Social Welfare, CHRAJ, Legal Aid Board, Ghana AIDS Commission, the International Federation of Women Lawyers (FIDA), Ghana, Network of Persons Living with HIV (NAP+) and other NGOs working with PLHIV.

Reference: Criminal Code, 1960 and the Criminal Procedure Code, 1960



If you need help or advice, below is a list of useful contacts:

Commission for Human Rights & Administrative Justice

Location: Old Parliament House, High Street, Accra, Ghana

Telephone Numbers: +233 0302 668839/41; 664267; 662150; 664561

Ghana AIDS Commission

Location: Near the Ridge Hospital, Accra

P.O. Box CT 5169, Cantonments, Accra, Ghana

Telephone Numbers: 0302-782262/63

E-mail: info@ghanaaids.gov.gh

Ghana Legal Aid Board:

Telephone Numbers: 0302-669220/0302-666584

E-mail: legalaidscheme@yahoo.com

Network of Persons Living with HIV (NAP+)

Location: Long Term Hotel Street, Abofu, Achimota

Telephone Numbers: 0302-404890

E-mail: napghana2005@yahoo.com

National AIDS/STI Disease Control Program Unit, Ghana Health Service

(Opposite the Medical School Hostel, Korle-Bu)

P. O. Box DTD

West Dansoman, Accra

E-mail: info@nacp.ghana.org

