

# Quebec Declaration of Rights and Responsibilities of People Living with HIV/AIDS

« THE AIDS PANDEMIC IS A HUMAN RIGHTS CRISIS. »

Irene Zubaida Khan, Secretary General of Amnesty International, 15 July 2004  
XV International AIDS Conference, Bangkok

## PREAMBLE

**WHEREAS** thousands of people in Quebec have been infected by HIV since the appearance of HIV/AIDS in the 1980s, and more than a third of them have died as a result;

**WHEREAS** the presence of the virus in Quebec society requires a coordinated and engaged response from the community, scientific and health and social services sectors;

**WHEREAS** discrimination against people living with HIV (PHAs) is a worldwide phenomenon from which Quebec society is not exempt;

**WHEREAS** the virus often affects people who are already vulnerable and marginalized by society, and that HIV/AIDS is itself a source of prejudice and discrimination;

**WHEREAS** each person is primarily responsible for the protection of his or her health;

**WHEREAS** it is not justified to impose more responsibilities on PHAs than on the whole of the population of Quebec;

**WHEREAS** PHAs face numerous obstacles in the exercise of their fundamental rights;

**WHEREAS** discrimination against PHAs is sometimes hidden, often aggressive and systemic;

**WHEREAS** criminalization of exposure to HIV tends to impose more responsibilities on PHAs than on the rest of the population;

**WHEREAS** a group of PHAs agreed, at the Forum "Entre Nous" in 2007, to develop a Quebec specific declaration of rights and responsibilities of PHAs which follows the line of the numerous principles adopted by a number of international bodies, such as UNAIDS, Amnesty International and the International Federation of Red Cross and Red Crescent Societies;

**We, people living with HIV, community organizations, health care institutions and people concerned by the unequivocal reaffirmation of a social contract based on the respect of the rights of all, adopt, in the context of these principles, this Declaration of Rights and Responsibilities of People Living with HIV. This declaration seeks to recognize the positive contribution of PHAs to Quebec society as well as the importance of educating, sensitizing and informing the population about the realities lived by PHAs. This declaration also seeks to reaffirm that PHAs have the same rights and responsibilities as all citizens and that stigmatization and discrimination greatly damage HIV prevention, the state of health of the population generally and the quality of life of PHAs. This declaration also seeks to remind that the respect of fundamental rights always facilitates the assumption of responsibilities.**

## **CHAPTER 1: RIGHTS**

We declare that we are all equal and that PHAs have the same rights as the rest of the population of Quebec. These rights are expressed more particularly as follows:

**Article 1:** Every PHA has the right to care and services specific to his or her condition.

Access to care and services must be complete and universal, while taking into account the determinants of health. Access to care and services includes psychological support and alternative treatments.

**Article 2:** Every PHA has the right to adapted care and services, which take into account his or her gender, sexual orientation, ethnic origin and his or her status as a First Nations or Inuit person.

**Article 3:** Every PHA has the right to a protocol of care and services that respects current and recognized guidelines with respect to HIV/AIDS.

This right includes the possibility of participating actively in the development of his or her own care, as well as the right to refuse treatment without prejudice to medical follow-up. This protocol includes care and services needed to counter undesirable side-effects of his or her medication.

**Article 4:** Every PHA has the right to the impartiality of judicial institutions.

This right guarantees judicial decisions based on recognized, evidence-based scientific information rather than on prejudices or incomplete or outdated information.

**Article 5:** Every PHA has the right to the respect of his or her privacy, honour and reputation.

This right includes the respect of the confidentiality of his or her HIV status in all areas of life, guaranteeing the respect of his or her rights without obliging him or her to lie about his or her serological status.

**Article 6:** Every PHA has the right to choose the people to whom he or she discloses his or her serological status, as well as the conditions in which such disclosure takes place.

**Article 7:** Every PHA has the right to work and to education, particularly through reasonable accommodation.

This right to work, as well as access to financial assistance and return to work programs, must take into account the episodic nature of HIV/AIDS.

**Article 8:** Every PHA has the right to a satisfying professional life, unrestricted by his or her serological status alone.

**Article 9:** Every PHA has the right to pursue a fulfilling social and emotional life, as well as to found a family, unhindered by his or her serological status alone.

## **CHAPTER 2: RESPONSIBILITIES**

We declare that PHAs have the same responsibilities as the rest of the population of Quebec. These responsibilities are expressed more particularly as follows:

**Article 10:** Every PHA has the responsibility to participate actively in civic life.

**Article 11:** Every PHA has the responsibility to not transmit HIV intentionally or thoughtlessly.

**Article 12:** Every PHA has the responsibility to show solidarity with the community of PHAs in all its diversity.

**Article 13:** Every PHA has the responsibility to show solidarity with every person touched by discrimination, whether it is based on serological status or on any other ground.

**Article 14:** Every PHA has the responsibility to contribute to the fight against prejudice, stigmatization and trivialization linked to HIV/AIDS.

**Article 15:** Every PHA has the responsibility to contribute to the fight against and to denounce violations of rights and discriminatory behaviours.

**Article 16:** Every PHA has the responsibility to participate in the choice of treatments adapted to his or her reality.

## **CHAPTER 3: INTERNATIONAL MIGRATION**

We declare that the rights and responsibilities of PHAs are attached to the person rather than to a territory. In consequence, we insist that the following principles be respected at the international level and that all governments so commit themselves:

**Article 17:** The free circulation of PHAs, like that of their fellow citizens, must be recognized everywhere in the world.

**Article 18:** Serological status should not in itself justify the imposition of particular obstacles to access to immigration.

**Article 19:** The expulsion of persons from the territory of a country should not be justified by their serological status alone.

## **CHAPTER 4: FINAL DISPOSITIONS**

We invite every member of the Quebec population to participate actively to resolve the problems generated by the HIV/AIDS pandemic in Quebec by making the following choices:

**Defend** the rights of everyone and refuse discrimination and stigmatization.

**Promote** education and information and combat ignorance.

**Further** solidarity and inclusion and fight rejection and abandonment.

**Resist** trivialization and combat prejudice.

**Persevere** and refuse fatalism.

And, to do this, **sign and distribute** this declaration

Name: \_\_\_\_\_

Place: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)