



A Rights-Based Approach to HIV/ AIDS

Rights are Tools



Most people **do not** know what their basic rights are. But, most people **do** know when they have been treated unfairly.

The problem is that, if you do not know what your rights are, then, when you are treated unfairly, it is hard to feel like you have the knowledge and power you need to do something about it.

Imagine that you are living with HIV and your boss finds out that you have been taking medication and wants to know why you are taking so many pills. Your boss may be worried that you have a “dangerous” illness or that you have some kind of drug addiction.

This situation could be confusing if you did not know your rights.

Which of the following options is a more powerful way to respond to this situation?

1) To be afraid. To believe that if you don't explain you might be fired. To tell your employer that you are taking HIV medication so that you won't be fired, OR:

2) To be confident about your right to privacy. To tell your employer that you are on medication and that, if it is necessary, you can provide a doctor's note verifying that you are on medication and that it does not affect your work. To explain that you have a right to keep your medical information private. To remind the employer that, according to human rights legislation, they cannot discriminate against you because you are on medication, and they have a responsibility to provide accommodation for any special needs you might have (e.g. time off to visit your doctor).

Knowing your rights can give you the power to deal with many situations, and provide you with the tools you need to advocate and support others who encounter discrimination.

The information on this sheet is **not legal advice**. If you have specific legal questions you should talk to a lawyer.

How to use Rights

People are often intimidated by the idea of rights or by the idea that human rights legislation is difficult to understand. But using a rights based approach doesn't have to be hard. It can actually be quite simple!

The three most important things you need to know are:

- 1) All people have basic rights, which protect them from discrimination.
- 2) All rights are equal and universal. This means that if you are human, you have rights, regardless of who you are, or what you do (including having sex or using drugs).
- 3) Governments are obligated to ensure that rights are not being violated. Governments do this by creating human rights legislation and providing agencies to file complaints with. In Alberta, the Alberta Human Rights and Citizenship Commission hears complaints about discrimination.

Using a rights based approach just means that you will ensure that your own rights, or the rights of someone you know, are respected. You can do this by:

- 1) Knowing your rights.
- 2) Knowing what counts as a violation of those rights.
- 3) Knowing what to do when your rights are violated.

AIDS Calgary's Human Rights Fact Sheets series can help you by providing some of the information you need to get started.

What are the biggest Human Rights issues for people living with HIV?

“Housing, forget it, we're struggling, job we're struggling, almost everything we do we have a hard time with. Whereas for a normal person, it's a normal daily routine, for us it's a fight, a fight, a fight.”

The Rights Based Approach in Action



When you, or someone you know, encounters unfair treatment you should ask:

What do I need?

Often when people are discriminated against there may be an immediate need that should be taken care of.

For example:

- A new place to live if I have been evicted
- A new job if I have been fired
- A new doctor or dentist if I have been refused service

Service providers are very good at asking this first question, but can miss asking the next question.

Is there a right that has been violated?

- Have I been treated unequally?
- Have I been discriminated against for some reason? (e.g. my HIV status or the colour of my skin)
- Where did this discrimination happen?
- Did it happen at work, while accessing public services, or when dealing with my landlord?
- Did it happen with my family members or friends? (discrimination by family/friends is not usually a human rights issue unless it happens at work, while accessing services or when dealing with your landlord)

What can I do about it?

- Who can help me?
- Has a law been broken?
- Can I deal with this on my own, or do I want to go through a legal channel?
- Is there someone I can talk to or send a letter of complaint?
- Is there an official complaints process (e.g. through the human resources department at my workplace or the professional association that my doctor belongs to)?
- Could I lodge a complaint with the Alberta Human Rights and Citizenship Commission?
- Could I launch a civil lawsuit?

Read our other Fact Sheets for information on complaints options.

Will Knowing your Rights Make a Difference?

“I think people not knowing their rights puts them at risk. They allow themselves to be vulnerable and exploited. So if people know their rights they’re probably going to be in a position where they are going to challenge and say ‘no, I don’t have to’, or ‘I’m more aware, I’m choosing not to.’ They suddenly have options and they discover how to deal with a situation, turn it around, or just survive it in a better fashion”

“I think that one of the biggest challenges you face though...is that [people living with HIV] are so fear based that they’re not even going to stand up for their rights because ‘I don’t want to lose what I have. I may lose something, but if I stand up for my rights, I’m going to lose even more”

Knowing your rights can give you options that you never knew existed. Having more or better choices in any situation is a good thing. If you know your rights, you may be able to:

- Stop someone from discriminating against you by challenging what they do or say.
- Feel more confident about telling people that you have a right to keep your medical information private.
- Take on the challenge of filing an official complaint with your employer or the Alberta Human Rights and Citizenship Commission.

Only you can decide when it is time to stand up for your rights. Speaking out for your rights or taking on a legal fight can carry many risks and challenges, but there may also be many rewards!

Community Resources

AIDS Calgary

Suite 200, 1509 Centre Street South
Phone (403) 508-2500
www.aidscalgary.org

Alberta Human Rights and Citizenship Commission

Confidential Inquiry Line (403) 297-6571
Toll-free, dial 310-0000 then (403) 297-6571

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