

## **CHILD RIGHTS AND AIDS**

The **Convention on the Rights of the Child (CRC)**, which Malaysia ratified in 1995, recognises that children are entitled to the same fundamental rights to peace, freedom and justice as adults. Key principles of the CRC are applicable in any response to HIV and AIDS.

### **Foundational Rights**

#### **Article 6: Survival, development and protection**

Governments must do everything they can to ensure the survival and development of children and young people. This would include making sure they have the knowledge and skills needed to protect themselves and others from HIV, as well as appropriate treatment, counselling and care.

#### **Article 2: Non-discrimination**

Just as children's rights should be protected regardless of their race, ethnicity, religion, language, disability or any other factor, these rights must remain intact if they are HIV-positive.

But because of ignorance, fear and prejudice, children whose parents are infected with HIV, whether or not they are themselves infected with the virus, are often refused access to education, health or social services, and are excluded from community life. Sometimes HIV-positive children are even abandoned by their families, communities and societies.

What's more, discrimination against people who actually have HIV is not the only kind of discrimination that is relevant. In many societies, gender discrimination places girls at a higher risk than boys of becoming infected with HIV. There are various reasons for this. Girls are less likely to get an education than boys, making it less likely they will know how to protect themselves from infection. Even if girls are in school, traditional attitudes may mean they are not taught about sex or diseases such as AIDS which are mainly spread by sex. Also, girls are more likely to be pressured into sex and less likely to be able to control with whom, when and how they have sex.

#### **Article 3: Best interests of the child**

Putting children's interests first is also relevant to HIV and AIDS. Any HIV-related program, treatment, policy or mechanism should also be made suitable for the needs of children and young people.

HIV treatment, for example, which is normally designed for adults, should also be made in formulas and dosages to meet the specific needs of children and young people.

Adolescents and young people should also have access to services, information and tools that are designed to meet their specific needs to keep them safe and healthy. This includes life-skills based education, specially trained health care providers and counselors, and HIV testing programs targeted for young people.

#### **Article 12: Participation**

Children have the right to participate in the response against HIV by expressing their opinions, helping to raise awareness, and having their perspectives and experiences taken into account in the formulation of relevant policies and programs.

## **Other Rights**

### **Article 7: The Right to Have their Birth Officially Registered**

Official birth registration is key to children's access to other rights, such as education and health care. It also helps to protect them from abuse and exploitation, especially if they have no family member to care for them.

### **Article 24: The Right to the Best Possible Health Care**

Health care helps stop the spread of HIV among children and young people, and will also provide them with treatment options if they are living with HIV.

### **Article 28: The Right to an education**

Education plays a vital role in providing young people with the information and skills they need to act safely and protect themselves from getting HIV. By providing accurate information and building awareness, it can also help prevent negative attitudes towards people living with HIV. Education is also relevant because many children who have lost one or both parents as a result of AIDS, or whose parents are HIV-positive, may not be able to go to school as they have to work or care for their parents and/or their younger brothers and sisters.

### **Article 19, 34, 35: The Right to be Protected from Violence; The Right to be Protected from Sexual Abuse; The Right to be Protected from Child Trafficking**

Children who are sexually abused and exploited are at high risk of becoming infected with HIV because they are often not in a position to control with whom and when they have sex, and whether a condom is used.

### **Article 13: The Right to Share Information**

The effective dissemination of the latest information about HIV and AIDS through the mass media, the Internet, schools, support groups or a network of peers or other individuals is a vital tool in stopping the spread of HIV. Efforts should be made for young people to obtain accurate information and to share their with their peers through programs and the media such as newspapers, TV, radio and the internet.

### **Article 16: The Right to Privacy**

No one has the right to disclose the status of children or young people living with HIV, or to discuss anything about their lives or health.

### **Article 7, 9: The Right to Remain with Parents and Right to be looked after by Family**

Children should be able to live with their parents, regardless if anyone in the family is living with HIV. Should one or both parents die from AIDS, children should retain the right to remain with their siblings, or be cared for by surviving family members.

### **Article 20: The Right to Suitable Alternative Care if Necessary**

Children who have no surviving family members who can care for them still have the right to be looked after within alternative family settings, for example by foster parents. Orphanages and institutional care should always serve as a last resort for children and not the primary option.