False Assumptions:

- Persons with disabilities are asexual or sexually inactive, unlikely to engage in the risk behaviors for HIV like having multiple sexual partners or using drugs.
- Persons with disabilities are at less risk of violence than persons without disabilities.
- Under these false assumptions, families, communities, and HIV organizations rarely provide information about sexual and reproductive health and HIV to persons with disabilities.

Facts:

- Persons with disabilities have the same rates and types of sexual activity as persons without disabilities, including marriage, long-term and short-term sexual relationships, and having multiple sexual partners.
- Some persons with disabilities engage in high-risk behaviors such as visiting and acting as sex workers or using drugs.
- Persons with disabilities may be *more* vulnerable to HIV because they are more likely to be abused, marginalized, discriminated against, illiterate, and poor than the non-disabled population.
- Women with disabilities are up to three times more likely to be victims of sexual violence than non-disabled women.
- Accessibility is also an obstacle for persons with disabilities.
- Print-based HIV education campaigns are unlikely to reach those with visual impairments, and radio programs exclude those with hearing impairments.
- Persons with intellectual disabilities might need the material in easy to understand formats that avoid vague euphemisms such as “safer sex” and “protection.”

According to the UN, at least 10% of the world’s population (as many as 660 million people) lives with a disability.
Health clinics and other service providers are often inaccessible to persons with disabilities because of physical and communication barriers (no ramps, transport, or sign language interpreters). When deaf persons have to bring their own family members as interpreters, this compromises confidentiality.

**Human Rights of Persons with Disabilities Living with HIV under International Law:**

*Convention on the Rights of Persons with Disabilities (CRPD)*

- Persons with disabilities enjoy *all* human rights and fundamental freedoms on an equal basis with others. (Article 5)
- Governments must protect a broad range of rights including the right to education, information and communication, as well as the right to individual autonomy and independence. (Articles 3, 16, 19, 21, 22, 24)
- Governments must provide persons with disabilities with the same quality and standard of health care and programs as provided to other people, including in the area of sexual and reproductive health and population-based programs (Article 25).
- Governments must also “enable persons with disabilities to attain and maintain their maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life.” (Article 26).
- Persons with disabilities have the *right* to be actively involved in planning and carrying out HIV policies and programs, especially those directly impacting them. (Article 4)

*International Covenant on Economic, Social and Cultural Rights (ICESCR)*

- All persons, including persons with disabilities, have the rights to work, to social security, to family life, to an adequate standard of living, and to education. (Articles 6, 7, 9, 10, 11, 13)
- Governments must protect the “right of *everyone* to the enjoyment of the highest attainable standard of physical and mental health.” (Article 12)
- Governments must guarantee that the rights in the ICESCR “will be exercised without discrimination of any kind as to . . . birth or other status,” such as disability. (Article 2)
International Covenant on Civil and Political Rights (ICCPR)

- “[A]ll persons are equal before the law and are entitled without any discrimination to the equal protection of the law. . . . [T]he law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground. . . .” (Article 26)
- Governments must protect the rights to self-determination, to physical integrity, to individual liberty and security, and to procedural fairness in law. (Articles 1, 6, 7, 9, 10, 14, 16, 17)

Convention on the Rights of the Child (CRC)

- Governments have an obligation to protect the human rights of all children – including children with disabilities.
- The rights set out in the CRC must be applied without discrimination based on disability (Article 2).
- Assistance to the child and those responsible for his or her care “shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child’s achieving the fullest possible social integration and individual development.” (Article 23)

Examples of what your organization can do to include persons with disabilities in the planning and implementation of HIV programs and policies:

- Reach out to persons with disabilities and disabled peoples organizations to learn more about the specific needs of persons with disabilities in your community.
- Ensure testing centers, care services, and teaching and training sessions are fully accessible.
- Provide information in formats tailored to people with different disabilities.
- Train staff of HIV organizations on disability issues and the disability community on HIV issues. Train persons with disabilities and especially
HIV-positive persons with disabilities as peer support workers in HIV programs.

- Promote and fund research on HIV and disability, ensuring that persons with disabilities are included in the team designing, implementing and analyzing the research.
- Encourage governments to ratify and incorporate into national law instruments that protect the human rights of persons with disabilities, including the CRPD.
- Advocate for persons with disabilities to have full sexual and reproductive rights, and to be free from physical and sexual abuse.

For more information:

- AIDS-Free World: Disability & HIV/AIDS www.aids-freeworld.org/content/blogcategory/35/66/
- AIDSLEX: http://www.aidslex.org/english/Topics/Topic-Details/?rid=126
- The World Bank: HIV/AIDS and Disability: http://go.worldbank.org/J96Z9R3CA0
- Yale/World Bank Survey on HIV/AIDS and Disability http://cira.med.yale.edu/globalsurvey/