

HUMAN RIGHTS WATCH

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October 16, 2014

His Excellency Dr. Ahmed Qasem Al-Ansi
Minister of Health
Ministry of Health
Sanaa
Yemen

Via Fax: +967 1 252247

Re: Refusal of Health Care to Patients with HIV

Your Excellency,

I write to share with you information that Human Rights Watch has gathered that some individuals with HIV are being denied access to health care at public and private medical institutions. While we acknowledge the current transitional period and lack of clarity as to when a new minister will be appointed, we ask what steps the Ministry of Health can take to address these alleged violations of Yemeni law and the internationally protected right to the highest standards of health.

During the month of September, Human Rights Watch spoke to seven HIV-infected individuals in Yemen who said that they have been repeatedly refused treatment once medical staff found out that they were HIV positive. Several health workers told Human Rights Watch that they believed such discrimination against people with HIV was common in state-run healthcare facilities.

For instance, three health professionals from separate facilities told Human Rights Watch that on August 15, 2014, at the state-run Republican Hospital in Sanaa, a doctor refused to treat a patient suffering from seizures when she learned the patient was HIV positive. In front of other patients and staff, the doctor shouted out that the patient had HIV and ordered that she be removed from the hospital. The doctor also demanded that the patient's husband be arrested for having withheld this information; hospital staff held him for 45 minutes before releasing him with the warning that he should "not cause any trouble in the future."

An HIV positive woman told Human Rights Watch that in 2012, doctors at a private clinic forced her to leave while she was in labor and in need of a caesarian section because they learned that she was HIV positive.

Several other individuals living with HIV described being denied care at public and private health facilities in Sanaa and Taizz for a range of different ailments.

Dr. Ahmed al-Garati, who treats individuals living with HIV in Sanaa's

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Republican Hospital, expressed concern about the unwillingness of doctors and other health workers to treat such patients. “We provide our employees with all the necessary safety equipment so this has nothing to do with the risk,” he said. “It is pure discrimination. The same healthcare workers have no problem dealing with patients who have other diseases that carry a higher risk of infection. The biggest problem is that no staff members are ever held accountable for discriminating against patients with HIV.”

Because of difficulties getting treatment at state-run healthcare facilities, people living with HIV frequently turn to private facilities. People living with HIV who spoke to Human Rights Watch said that they were charged higher fees for medication and treatment because the private facilities know they cannot get treated in the public facilities. “Given that we are unable to use public facilities, some doctors take advantage of the situation and charge us double the normal medical cost that they charge other patients at the same facility for the same procedure,” one individual with HIV said.

As you are aware, the right to the highest attainable standard of health is guaranteed under the International Covenant on Economic, Social and Cultural Rights (ICESCR), which Yemen ratified in 1987. International law provides that access to health care must be on a non-discriminatory basis and discrimination on any grounds is prohibited. The right to health imposes an obligation on governments to take necessary steps for the prevention, treatment and control of epidemic and other diseases. The United Nations Committee on Economic, Social and Cultural Rights, which monitors compliance with the ICESCR, has said that governments in meeting this obligation “should ensure that appropriate goods, services and information for the prevention and treatment of STDs [sexually transmitted diseases], including HIV/AIDS, are available and accessible.”

UNAIDS has estimated that there were about 6,000 people living with HIV in Yemen in 2013. A 2013 UNAIDS report cited advances in the government’s political commitment to addressing the issue, community awareness-raising, and access to testing and counselling. But it found that as a result of the political events in 2011, which affected donor priorities, there was a drop in funding and most of the HIV/AIDS activities stopped. We are writing to you to express our concern that this interruption in funding, and the apparent ongoing discrimination against people living with HIV, will impede Yemen’s ability to contribute to the UNAIDS vision of “zero new HIV infections, zero discrimination, and zero AIDS-related deaths”

The personal accounts we have gathered lead us to believe that there is a need to make medical staff more aware of and receptive to the rights of patients with HIV, the proper ways to diagnose and treat the illness, and of their obligation to provide the same level of health care to all Yemenis on a non-discriminatory basis. We hope that more steps are taken to ensure that the 2009 law, “Protecting society from AIDS and the rights of those living with HIV,” which is applicable in all public medical facilities, is implemented. The law guarantees the right of everyone with HIV to receive medical treatment in public health facilities free of charge, including a range of HIV specific treatments, and psychosocial support. Any medical staff who discriminate against or are disrespectful to patients with HIV are subject to a prison sentence of up to six months and a fine of at least 100,000 Yemeni Riyal (US\$465). The law also prohibits other forms of discrimination against people with HIV, including being dismissed from their jobs without cause.

We would welcome the opportunity to meet with you and your staff in Sanaa to discuss this problem further, and we look forward to hearing about tangible steps taken to fully implement the 2009 law including though disciplinary measures and prosecutions where appropriate.

In addition, Human Rights Watch intends to publish our findings concerning the denial of health care to people with HIV in early November and so we would appreciate your views on this issue. Any response we receive from you by late October will be reflected in our report. Please send a response to Belkis Wille, Yemen researcher at Human Rights Watch, +967-71-401-2494 or willeb@hrw.org. We thank you for your attention to this matter and look forward to hearing from you.

Sincerely,



Sarah Leah Whitson
Executive Director
Middle East and North Africa Division
Human Rights Watch

Cc:

Her Excellency Hooria Mashhour, Minister for Human Rights
Dr. Fouzia Gharama, UNAIDS
Ghamdan Mofarreh, UNFPA
Dr. Sumia Al-Areki, IOM
Dr. Dauod Altaf, WHO
Kamal Olleri, WHO

Enc. Personal accounts from seven individuals with HIV

Accounts from seven individuals with HIV

(Names have been changed at their request)

Aisha & Saleh

Aisha told Human Rights Watch that she discovered she was HIV positive in 2009, when she lost her first husband to HIV. She moved in with her brother and his wife, both of whom abused her verbally and physically, until her brother's beatings caused her to have a stroke. Since then she has suffered from seizures and psychological stress, although she was able to remarry and move out. On August 14, 2014, her husband, Saleh, took her to the Infectious Disease Center in the Republican Hospital. A doctor did a CT scan but saw nothing so sent them home. The next day, when the Infectious Disease Center was closed, Saleh rushed Aisha to the hospital's emergency room after she suffered a fit of seizures and lost consciousness. A female doctor began treating her while unaware that she was HIV positive.

Saleh left and then returned with a nurse who had treated Aisha before and knew her medical history, who then spoke to a senior doctor in the department that treats heart disease. This doctor hastened to the emergency room to advise the doctor treating Aisha that she is HIV positive. On learning this, the doctor treating Aisha began screaming that her patient had HIV, called hospital security officials and ordered them to remove Aisha, although she was still unconscious, and arrest her husband, Saleh. Saleh told Human Rights Watch: "At the moment that Dr. [name deleted] was screaming for all to hear that my wife was HIV positive, I wished the earth could have swallowed me. Everyone in the ER was staring at me and my wife."

The doctor yelled, "HIV patients have no place in here!" according to Saleh and a healthcare worker present at the time. Saleh picked up his wife and left the building. A friend of his who had come to help was getting Aisha into a taxi when a deputy security officer of the hospital came out, grabbed Saleh, and detained him in the security office of the hospital for the next 45 minutes. The taxi driver took Aisha home with the help of friends.

Saleh said that the security official told him: "I am just following orders. If I don't do what the doctor tells me to, she could have me transferred." Later, a security manager came and after discussing the matter with a senior doctor, released Saleh but told him "not to cause any trouble in the future." Saleh told Human Rights Watch: "I will be sending complaints to the Ministry of Health and any other relevant bodies in order to get this rectified." Aisha has recovered but says she has suffered memory loss, and has trouble moving her right arm and leg.

Saleh told Human Rights Watch he discovered he was HIV positive in 2005. His then wife, who had not contracted HIV, left him, and his friends and family in Taizz spurned him. He moved to Sanaa because he had heard about al-Eiman Medical Center and thought he could seek treatment there. "At the time, I had heard from people that I could not go to a public hospital, and that if I did I might be disappeared," he said. He met Aisha at al-Eiman center and they married in 2012. He told Human Rights Watch that he and his wife have been repeatedly denied healthcare treatment in public facilities because of their HIV status but they cannot afford private medical care.

Ahmed & Leyla

Ahmed and his wife, Leyla, are both HIV positive. He works as a volunteer to provide assistance to members of the HIV community, and witnessed the doctor expelling Aisha and her husband from the emergency room at Republican Hospital. He told Human Rights Watch that if doctors were exercising maximum occupational safety they would not be at risk of contracting HIV. But he noted that people with HIV faced risks obtaining health care: “There is no protection for HIV patients – they get abused in our system.”

Leyla told Human Rights Watch that medical staff at the Republican Hospital in Taizz refused to perform an operation on her tonsils in 2009 or 2010 after they did a blood test and learned that she had HIV. “I am still suffering from my tonsils until now,” she told Human Rights Watch. She said that doctors at the Military Hospital in Taizz had also refused to examine or treat her for a fever and headache when they found out she was HIV positive.

Leyla said that a Russian doctor and Yemeni staff at a private clinic gave her medication to induce labor when she was pregnant but decided, following complications, that she needed a caesarian, then refused to perform the surgery when they learned that she was HIV positive and that Ahmed, her husband, also had HIV. Ahmed then moved his wife to the 70th Government Hospital where, due to its urgency, staff carried out the caesarian without checking whether she was HIV positive. Her husband subsequently took necessary preventative steps for their child.

Osamah

Osamah found out he was HIV positive in 2007, He told Human Rights Watch that he had several times sought treatment at a private clinic in Sanaa, where some staff had refused to treat him because of his HIV status, or demanded bribes for treatment. He said that they had recently charged him 3000 Riyal (\$14) for an intravenous drip for which non-HIV patients are charged 300 Riyal (\$1.4).

Raed & Lama

Raed and his wife, Lama, are both HIV positive. Raed told Human Rights Watch that when he took Lama to the Republican Hospital in Sanaa to give birth to their child, the medical staff there refused to treat her when he told them of her HIV status. They gave two reasons, he said. Specifically, they would have to throw away their costly surgical and other instruments because they would become contaminated. And if they were to deliver Lama’s child they would need to clear the maternity wing of other patients for their safety.

Raed said he took Lama to the 70th Government Hospital, but the director there said the hospital was full and that he could not admit her. Raed said he then called the National Program for AIDs Prevention within the Ministry of Health for assistance but was told by an official there, “We cannot force any hospital to receive her,” and recommended that he try another hospital and “lie about her HIV status.”