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## Discrimination of those Living with HIV and AIDS in Ireland

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### Abstract

The protection of persons with HIV or AIDS in Ireland is confined to isolated measures of limited scope. HIV and AIDS discrimination occurs in issues of: Confidentiality, Financial & Insurance, Employment, Medical, Education and Social.

### Confidentiality:

Breaches in confidentiality are thought necessary to protect the HIV positive person, to protect another individual or to protect the welfare of society. The Medical Council's "Guide to ethical Behaviour and Fitness to Practice" sections 46.02 and 46.03 allow for breaches in confidentiality.

46.02: "Should it appear that the welfare of other health care workers may be properly considered to be endangered, the Council would not consider it to be unethical if those who might be at risk of infection, whilst treating the patient, were to be informed of the risk to themselves."

46.03: "In the exceptional circumstances of spouses or other partners being at risk, the need to disclose the position to them might be more pressing, but here again the doctor should urgently seek the patient's consent to disclosure. If this is refused, the doctor may, given the circumstances of the case, consider it a duty to inform the spouse or other partner."

If breaches in confidentiality are to be considered, that decision must be made: with a full enquiry into the situation by an expert review panel and not by a single doctor or other health care provider with the person's full permission allowing the HIV person access to legal advice

While any intentional transmission of HIV is staunchly repudiated, any right a doctor may consider he/she has to inform another party of that patient's HIV status, and to be able to make that decision alone is too volatile a position to safely adopt.

## **Insurance & Financial Issues**

HIV positive people will not be covered by:

Holiday Insurance

Mortgage Protection policies

Income protection policies

Medical insurance.

In the process of applying for the following policies there is a threat to confidentiality.

Those who have lost their livelihoods because of HIV receive a level of benefit insufficient to meet basic needs. The administration process of assistance programmes is problematic and does not allow for the episodic incapacity, which may occur with HIV disease.

## **Employment Discrimination**

People can be dismissed from work or be placed in an inappropriate post as a result of HIV infection. If colleagues or customers are informed of a person's HIV status, this can lead to avoidance or rejection of people with HIV and AIDS. Certain employers have put employees under pressure to undergo HIV tests and then to make the results of that test known to other colleagues or future employers.

## **Medical Discrimination**

The testing of patients without their knowledge

Pressure on health care workers to disclose their HIV status

Exaggerated and inappropriate infection control procedures

## **Education Discrimination**

Confusion with the provision of HIV and sexual health education in the context of restrictions on education about homosexuality.

## **Social Discrimination**

People with HIV face social exclusion and incitement to hatred. There is a dual discrimination of risk groups e.g. homophobia.

## **How Discrimination Affects Us.**

The effects of discrimination are leading to earlier progression to disease and death by a reluctance to seek testing and treatment. A significant loss of quality of life due to loss of income and financial security. The social and emotional isolation with loss of privacy increases the risk of psychological harm, including stress, depression, and anxiety and contemplating suicide. The loss of self-esteem leads to lack of motivation to adopt behaviours which promote or maintain personal health and which protect the health of others. Partners and family members, friends and other members within risk groups also experience some of these effects.

### **Why Don't We Act Against Discrimination?**

There are compelling disincentives to seek redress against discrimination. The slowness and inflexibility of procedures can outlast the lifespan of a claimant. The cost of pursuing these issues in both emotional and financial terms is not usually available to the person. The stress brought about by these procedures reduces the quality of life and this can hasten progression of disease. Also, when a person attempts to tackle discrimination there is a risk of additional breaches of confidentiality, with identity disclosure.

This leaves those that discriminate against us (people with HIV) free to continue to do so and to go unchallenged.

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