

HIV/AIDS and Children's Rights



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Today, half of all new HIV infections occur among children and young people under 25 years of age, the people who were born and who have grown up during the AIDS epidemic. The epidemic is straining resources in already impoverished communities and creating new obstacles to the realization of children's rights to survival, development and protection. The failure to ensure children's rights creates opportunities for HIV infection. At the same time, HIV/AIDS creates opportunities for the violation of children's rights. Advances in the realization of children's rights, including the implementation of the United Nations Convention on the Rights of the Child (UNCRC), are necessary to stem the growth of the AIDS epidemic.

A Universal Framework for Children's Rights

The United Nations Convention on the Rights of the Child (UNCRC) was unanimously adopted by the General Assembly of the United Nations on November 20, 1989. The Convention has since been ratified by 191 member states of the United Nations and has entered into force as an international treaty. Only the United States and Somalia have not yet ratified it. This near universal ratification establishes the UNCRC as the global standard for children's rights. The UNCRC covers the cultural, social, economic and political rights of children and is guided in interpretation and implementation by four principles: non-discrimination; the best interest of the child; the maximum survival and development of the child; and consideration of children's opinions and views in matters that affect them. The rights defined in the Convention are indivisible and form a comprehensive framework for use in determining children's best interests.

Defining Children in the Context of Their Rights

The UNCRC defines children, "as every human being below the age of 18 years unless, under the law applicable to the child, majority is obtained earlier"

Unfortunately, most epidemiological data collection for HIV uses 14 as the cut-off age for children and labels all people above this age as adults. To avoid discriminating against any portion of the global population of children, all persons under the age of 18 should be counted and referred to as children. This means that until all-inclusive data on children becomes available, references and statistics that count children between the ages of 15 and 18 together with adults should be clearly identified as being inclusive of children.

Children Infected with HIV

According to the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the World Health Organization (WHO), children and young adults (i.e., persons under 25 years of age) accounted for over one third of the 33.6 million people living with HIV in 1999. As well, half of all new HIV infections in that year came from this population. Over four million children under the age of 15 contracted HIV since the epidemic began, most of whom (about 90 percent) became infected from their mothers during pregnancy, labor, birth or breast-feeding. In 1998 alone, it is estimated that there were 590,000 new infections among children under the age of 15, and 2.5 million new infections among children and youth in the 15-24 age group. Combined, this translated into 8,500 new infections among children and young people every day in 1998.

Children Infected with HIV

Children who became orphans due to the death of one or both parents from HIV/AIDS are a rapidly growing population in urgent need of attention. By the year 2010, the number of orphaned children is expected to reach as high as 40 million. Current estimates from UNAIDS reveal that by 1999 a total of 11.2 million children under age 15 had lost their mothers since the beginning of the epidemic. Ninety percent of these children were in sub-Saharan Africa. The need for homes and guardians for large numbers

of orphans is impacting entire communities and regions of the world. A study by the Zambian Ministry of Health indicated that 40 percent of all households have one or more orphans. In Zimbabwe, eight percent of all children under the age of 15 have lost their mothers to AIDS.

Children Affected by HIV/AIDS

Children are affected by HIV/AIDS not only through infection or the loss of a parent. For example, many children experience a premature end to their childhood as they are required to become heads of households, drop out of school, work, raise younger siblings and care for parents and other family members sick from AIDS. Furthermore, children experience greater poverty as a result of the loss due to AIDS of adult wage earners, farmers and other skilled and contributing household members. These losses affect all of the children in a household and, where infection rates are high, entire communities. Without adequate care and support, children experience losses in health, nutrition, education, affection, security and protection. They suffer emotionally from rejection, discrimination, fear, loneliness and depression.

The Affect of HIV/AIDS on Children's Rights

The realization of the survival and developmental rights of children, as defined in the UNCRC, are affected in obvious ways as family and community resources become strained and overburdened by HIV/AIDS. Accomplishments in child survival that were made over the past two decades are endangered. If the AIDS epidemic is not contained, the mortality rates of infants in some countries could increase by 75 percent, and those of children under five years of age by 100 percent (UNAIDS). In the absence of caring adults to protect them, and as they struggle to survive, children who experience increased poverty, abandonment, rejection or discrimination, or an added burden of responsibility for themselves and other family members, are at increased risk for abuse and exploitation. Children's rights are ignored as family property is taken, siblings are separated, the children suffer physical and sexual abuse, or the children become homeless. Girls marry at very young ages in order to have a home. Children join the 100 million children estimated to be living and working on the streets of the world (UNAIDS) or the more than one million children annually who are sexually

exploited for the first time (1996 World Congress Against Sexual Exploitation of Children).

The Affect of Implementing the UNCRC on the AIDS Epidemic

Actions that support the protection of children's rights and the implementation of the UNCRC are synonymous with those that reduce the likelihood of infection with HIV. When their rights to survival, development, protection and participation are realized, children are less likely to find themselves in situations involving a high risk of HIV infection. Protecting children from situations where they are known to be at risk of sexual abuse and exploitation, and where intravenous drug use is common, directly reduces their risk of infection. Healthy physical and emotional growth and development, access to information about their rights and about sexual health, and a voice in making decisions that affect them – all among the rights of children – are vital steps that, if begun in childhood, enable people throughout their lives to protect themselves from HIV. Lasting solutions for the next generation must address both protection from HIV and protection of children's rights.

Resources

The following are suggested Internet sites and publications where detailed information on children's rights, the United Nations Convention on the Rights of the Child (UNCRC), and the impact of HIV/AIDS on children can be found.

Internet Sites:

- **CRIN, Children's Rights Information Network**
www.crin.org

The website of this global network contains documents and reports from a variety of sources on numerous children's rights policies, programmes, issues and reference lists, and on the ongoing process to implement the UNCRC. The full text of and guides to the UNCRC can be accessed from this home page or directly at www.crin.org/crc/crguides.htm. Full texts of the policy and briefing papers presented by United Nations agencies and NGOs at the 1998 Discussion Day of the United Nations Committee on the Rights of the Child, entitled "The Rights of Children Living in a World with

HIV/AIDS” are also available through this home page or directly at www.crin.org/HIV.htm.

- **Kids Connect,**
www.kidsconnect.org

This site is designed to provide a secure, interactive environment for children, especially those infected and affected by HIV/AIDS, where they can have fun, express their thoughts and concerns, and find accurate and appropriate answers to their questions about HIV/AIDS. This project is managed by professional staff from the François-Xavier Bagnoud Center (FXB) at the University of Medicine & Dentistry of New Jersey. Direct links from this site lead to an array of information resources for parents and other adults, including care givers, researchers and health care professionals.

- **UNAIDS World AIDS Campaign 1999,**
www.unaids.org/highband/events/wad/1999/index.html

The 1999 campaign highlights communication with and among children, young people and adults as a positive step towards protection from HIV/AIDS and protection of rights. Documents available on this site include: the campaign launch, “Listen, Learn, Live! Challenges for Latin America and the Caribbean,” “Facts and Figures,” and briefing papers on children and HIV and young people and HIV, updated for the 1999 campaign.

Documents:

Aggleton, Peter and Rivers, Kim. *Gender and the HIV Epidemic: Adolescent Sexuality, Gender and the HIV Epidemic*, United Nations Development Programme - HIV and Development Programme, New York, 1999.

This paper describes patterns of vulnerability related to gender, sexuality and age, as well as adverse social and economic conditions, that have contributed to the current situation where more than half of all new HIV infections occur in people under the age of 25, most of whom live in developing countries. The paper not only details the inequities and other difficulties that adolescents encounter, but also discusses the abilities and accomplishments of young people, particularly when working in programmes to

prevent HIV infection. This paper has an extensive reference list for further reading. The full text is available at www.undp.org/hiv/Gender/ADOLESC.html.

Collings, Jane. *Children Living in a World with AIDS: Guidelines for Children's Participation in HIV/AIDS Programmes*, Children and AIDS International NGO Network Publication with support from UNAIDS, Geneva, 1998.

This pamphlet provides a guide to facilitating the involvement of children in activities related to HIV/AIDS education, prevention and care. It uses as its framework the rights of children as defined by the UNCRC. A printed pamphlet is available from UNAIDS. E-mail: unaids@unaids.org. A complete text is available online at www.pedhivaids.org/education/children_living.html.

du Guerney, Jacques. *Rural Children Living in Farm Systems Affected by HIV/AIDS: Some Issues for the Rights of the Child on the Basis of FAO Studies in Africa*, Food and Agriculture Organization (FAO) of the United Nations, Rome, 1998.

This paper calls attention to the impacted rights and specific difficulties of children living in rural farming environments who are infected or affected by HIV/AIDS. It points to the need and right of such children, who outnumber urban children in sub-Saharan Africa, where most HIV/AIDS-infected and -affected children live, to obtain recognition of their complex and varied relationships within the social and economic environment of their communities. An account of specific conditions and difficulties faced by children in farming households is provided. Questions are raised regarding the inadequate inclusion of rural children in studies and data, which can leave them invisible and lead to insufficient attention in policies, programmes and human right guidelines. A full text is available at www.fao.org/sd/wpdirect/wpan_0026.htm.

Hunter, Susan and Williamson, John. *Children on the Brink: Strategies to Support Children Isolated by HIV/AIDS*, produced by the Health Technical Services Project of TvT Associates and Pragma Corporation for the United States Agency for International Development, Arlington, Virginia, 1998.

This is a study of the social, economic and developmental impact of HIV/AIDS on children, especially those orphaned as a result of HIV/AIDS. The study covers 23 countries where the urban rate of infection is over or near five percent. Statistical tables map the demographic impact of the HIV/AIDS epidemic and offer estimates of the projected number of orphans for each five-year period through 2010. The text of this report is planned to be made available on the soon to be constructed "DMELLED" website. Watch for this new website. For information or a printed copy, contact Lilliana Favanco at DMELLED. Tel: 703 516-9166. E-mail: tvt@Tvtvassoc.com.

Lyons, Miriam. *The Impact of HIV/AIDS on Children, Families and Communities: Risks and Realities of Childhood During the HIV Epidemic*, United Nations Development Programme - HIV And Development Programme, New York, 1998.

This paper discusses the impact of HIV/AIDS on childhood, especially for children living in environments where infection rates are high or disregard for children's rights is common. Failure to respect children's rights - especially through neglect; abuse; exploitation; lack of access to education, healthcare or information; or failure to provide children with an appropriate voice in decision making - are described as part of a cycle where the growth of opportunities for abuse of children's rights and for infection with HIV are mutually enabling. A full text is available at www.undp.org/hiv/issue30E.html.

Joint United Nations Programme on HIV/AIDS (UNAIDS). *Fact Sheet: AIDS in Africa*, UNAIDS, Johannesburg, 30 November, 1998.

This fact sheet provides information about the localized impact of the epidemic with specific attention to the situation for young people, orphans and girls. Available online at www.unaids.org/highband/fact/saepap98.html.

United Nations Children's Fund (UNICEF). *The State of the World's Children 1998*, UNICEF, New York, 1998.

This report, published annually by UNICEF, includes economic and social statistical tables related to children. The tables present by-country data on topics including basic indicators, nutrition, health, education, economy and women's issues. The report provides a broad view of the state of the well-being of children around the globe and a glimpse of the context in which children who are infected or affected by HIV/AIDS live. Available online at www.unicef.org/sowc98.