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**The Right to Education for People Living with HIV/AIDS:**

**Social Aspect**

**Abstract.** The article deals with the problem of education of people living with HIV/AIDS in Ukraine. It is emphasized that the importance of the recognition of the problem is caused not only by the need to protect HIV/AID positive people against discrimination and harassment but also by the fact that education plays an important role in deterrence of HIV-infection spreading. The paper defines and characterizes three components of the right to education regarding HIV/AIDS positive people. It is mentioned that preventive measures and protection against the discrimination of the children and adults living with AID/HIV must be provided by the state programs. The authors analyze the current Ukrainian legislation on the right of HIV/AIDS positive people to education and stress that nowadays, it is often violated in Ukraine. The causes of such violations are reviewed. The possible solutions of the problem are suggested in the paper.

**Keywords:** the right to education, the Ukrainian legislation, HIV/AIDS positive people, access to educational establishments, to guarantee, social protection.

Education is a crucial factor of personality formation, the development of his/her intellectual, cultural and spiritual qualities, mental abilities and the advancement of his/her potential in a society.

The right to education is considered to be one of the key social and economic rights of a person that grants thorough development of a person and can be considered the precondition for all the other rights of any person [1].

According to the Law of Ukraine “On Prevention of Acquired Immune Deficiency Syndrome (AIDS) and Social Protection of Population” the right to education is guaranteed to HIV/AIDS positive people. It means that every educational establishment should execute its functions towards everybody regardless the HIV status of a person. But, unfortunately, this right is often violated in Ukraine.

Although considerable amount of research has been devoted to the problem of guaranteeing the rights for HIV/AIDS positive people (O. V. Yeres'ko, S. S. Fitsajlo, O. H. Yeschenko, M. V. Zelens'ka, L. A. Storozhuk, N. V. Metelytsia, O. V. Dudina, O. A. Vynohradova, V. S. Ponomarenko, T. V. Vorontsova, O. V. Bereziuk ) few attempts have been made to investigate the violations of the rights for education of people living with HIV/AIDS in Ukraine.

The aim of the paper is to outline the current situation in Ukraine concerning the violations of the right of HIV/AIDS positive people to education, analyze the Ukrainian legislation on such right and suggest possible solutions of the problem.

The right to education can be defined as the right of a person to receive certain amount of knowledge, cultural and professional skills that are essential for normal life in a modern society [5].

Nowadays, the problem of education of people living with AIDS/HIV is of great importance in Ukraine. The recognition of this issue is caused not only by the need to protect HIV positive employees and students against discrimination and harassment but also by the fact that education plays an important role in deterrence of HIV-infection spreading (through the preventive measures) and mitigating its effects (through teaching tolerance and respect to the person’s rights) [2, p. 10-11].

We consider that the right to education regarding HIV/AIDS positive people includes three components. They are the following:

1)  children and adults have the right to learn about HIV-infection, particularly about its prevention and treatment. The state must guarantee the introduction of the information about HIV and AIDS into the school and extra-school curriculum, taking into the account all the cultural and religious traditions;

2)  the state must provide the conditions under which neither children nor adults, living with HIV/AIDS are discriminated. This includes the denial of the right to access to any educational establishments, in particular, to schools and universities; getting grants, studying abroad or any other limitations considered as a consequence of their disease. In terms of health there is no logical explanation to refusals for applying to any educational establishments as there is no threat of infecting HIV during the process of studying;

3)  the state must promote understanding, respect and tolerance to people living with HIV or AIDS and protect them against discrimination [1, p.92].

It should be noted that denying the access to any educational establishments, curtailing the rights of people, living with HIV, on the basis of their HIV-positive status, as well as curtailing of the rights of their relatives is forbidden by the law [4].

Thus, according to the current Ukrainian legislation, a child, a teenager or an adult, living with AIDS, can be admitted to any educational establishment of the system of education on the general basis, due to the fact that they pose no threat of transmitting HIV to the people around them while doing everyday activities, work, sport or any educational or other activities [2, p.13].

It should be mentioned that HIV-positive status of a child, an adult or their closest relatives (in case of children – parents) cannot be the reason for the denial of the admission to the educational establishment (nursery school, comprehensive school, vocational and higher education) or the reason for their dismissal [2, p.14].

The children and teenagers, living with AID/HIV, who have satisfactory state of health may go to nursery schools, comprehensive schools and other educational establishments or clubs with other children without any restrictions. If a child or a teenager, living with HIV, has special educational needs, due to health reasons or disabilities, the place and the form of their education must be defined in accordance with the conclusions of the relevant committee. Parents or legal representatives of the child can agree upon temporary or permanent individual education at home, health or specialized educational establishment [2, p.14].

The Article 23 of the Convention on the Rights of the Child states that a mentally or physically disabled child is to have full and decent life under the conditions, guaranteeing dignity, encouraging child’s self-confidence and facilitating child's active participation in the life of the society [6].

Although this right is legally granted, it is often violated in Ukraine. The reasons for this can be traced in the low level of people’s legal awareness and legal culture of different categories of population and the low level of human rights movement. Moreover, there are no sufficient judicial customs on human rights protection in this sphere in Ukraine [7, p.13].

It is worth mentioning that discrimination in education is also caused by the fear of some teachers to get a negative response from the parents of HIV-negative children who are not always well-informed about HIV/AIDS. Many parents suggest building special boarding schools for children, living with HIV/AIDS as far as there are special boarding schools for children with physical and intellectual disabilities. However, psychologists claim that most children, brought up in closed educational establishments, suffer from hospitalism, which means inadequate mental development of children in comparison to children, brought up in families.

To sum up, everybody has the right to education regardless of his/her HIV status. The state must provide the conditions for HIV / AIDS positive people to feel legally protected. It is necessary to enforce legal mechanism to protect this vulnerable category of people against discrimination in educational establishments, identify legislative sanctions against the persons subjected to harassment and form social awareness of the Ukrainian society towards its attitude to HIV/AIDS positive people. It should be mentioned that the state programs must be organized in such a way that there will be no threat of infecting and spreading HIV.

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