



Recommendation 1116 (1989)¹

AIDS and human rights

Parliamentary Assembly

The Assembly,

1. Having regard to its [Resolution 812 \(1983\)](#) on the acquired immune deficiency syndrome (AIDS), and its [Recommendation 1080 \(1988\)](#) on a co-ordinated European health policy to prevent the spread of AIDS in prisons ;
2. Referring to the Committee of Ministers' Recommendation No. R (87) 25 concerning a common European public health policy to fight the acquired immunodeficiency syndrome (AIDS) ;
3. Noting that, although the Council of Europe has been concerned with prevention ever since 1983, the ethical aspects have been touched upon only cursorily ;
4. Considering nevertheless that it is essential to ensure that human rights and fundamental freedoms are not jeopardised on account of the fear aroused by AIDS ;
5. Concerned in particular at the discrimination to which some AIDS victims and even seropositive persons are being subjected ;
6. Stressing in this connection the overriding need to protect medical secrecy and ensure the anonymity of AIDS victims and seropositive persons ;
7. Convinced that a humane approach is entirely consistent with efforts to combat the disease,
8. Recommends that the Committee of Ministers :
 - A. *instruct the Steering Committee for Human Rights to give priority to reinforcing the non-discrimination clause in Article 14 of the European Convention on Human Rights, either by adding health to the prohibited grounds of discrimination or by drawing up a general clause on equality of treatment before the law ;*
 - B. *invite those member states which have not already done so to ratify the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data ;*
 - C. *instruct the Committee of experts on data protection to investigate the problems arising in connection with computerised data concerning carriers of the HIV virus ;*
 - D. *invite the member states of the Council of Europe :*
 - 8.1. *to make all necessary arrangements for protecting the confidentiality and/or anonymity of seropositive persons and AIDS victims ;*
 - 8.2. *not to apply Article 5, paragraph 1.e, of the European Convention on Human Rights to justify automatic isolation or hospitalisation solely on grounds that the applicant or holder is infected by the HIV virus ;*

1. Assembly debate on 29 September 1989 (21st Sitting) (see [Doc. 6104](#), report of the Legal Affairs Committee, Rapporteur : Mr Stig Gustafsson). Text adopted by the Assembly on 29 September 1989 (21st Sitting).



8.3. not to refuse the right of asylum on the sole ground that the asylum-seeker is contaminated by the HIV virus or suffers from AIDS ;

8.4. where appropriate, to apply only in conformity with the principles of common law the concept of criminal liability to persons who, while knowing that they carry the virus, have transmitted it to other persons by having sexual relations with them, provided that no coercion was involved and the other persons are adults and duly informed.