

Positive Women's Network



24th April 2010

Director General,
Castle Hospital for Women,
Borella.

Dear Madam/Sir,

Request for explanation of unfair and inhuman treatment meted out to HIV positive person by hospital staff on 19th April 2010

For the past 10 years the services rendered by the health sector to people living with HIV (PLHIV) has helped us overcome the scars of stigma and discrimination we face every day through the ignorance and incorrect perceptions of the public. Throughout the years the hospitals have focused on creating an environment which makes it easier for us to come forward and avail ourselves, not only of medicine, but of care and support, which are essential for us to battle the Human Immunodeficiency Virus (HIV).

However, is with deep regret that I am compelled to draw your kind attention to an incident that occurred on 19th April (Monday) 2010 at Castle Street Hospital for Women, Borella, in Ward 3, which highlighted the fact that there are still some corners in the health sector that need to be trained on how to treat all patients equally and provide them with the services that the law of the land requires.

Facts of incident

A young lady of 24 years of age who was diagnosed as being HIV positive was admitted to the Infectious Diseases Hospital (IDH) on 16th April 2010 for opportunistic infections and debilitating mental condition. While she was warded from 16th-19th April at IDH, upon medical advice she was transferred to Ward No 3 of Castle Hospital, Borella on 19th April 2010 at 4.00 pm, in an ambulance and was accompanied by hospital staff.

I am ashamed to refer to the humiliating treatment that was meted out to her when she had only arrived to the hospital to obtain special care. From the moment she was brought into the hospital she was subject to words of ridicule and insults based on her HIV status. The hospital staff refused to give her a bed, and she was instead made to sit on some newspapers on the floor and was refused access to the toilets.

She was later on questioned on her personal details and the hospital staff passed judgment on her stating that she had contracted the virus through sexually promiscuous behaviour and hurled further insults towards her.

The hospital staff even went on to state that she need not avail herself of medical treatment as she was going to die anyway due to her medical status. The patient kept on pleading for medical attention and finally a doctor arrived who gave her a cursory examination and forced her to sign her discharge sheet. With no other medical relief in sight, the patient returned to IDH at 9.30 pm for treatment.

Surrounding issues:

Through the facts stated above it is clear that the patient's rights were violated on the following grounds:

1. The patient was treated differently from other patients and was discriminated due to her HIV positive status.
 - This is firstly in violation of Article 12 of the Constitution of the Democratic Socialist Republic of Sri Lanka which states:
 - a. Article 12 (1) ensures that all people are equal before the law and are entitled to the equal protection of the law.

- b. Article 12 (3) states that no person shall be subject to any disability, liability, restriction or condition on the grounds of race, religion, language, caste or sex.
 - This is also a violation of human rights principles relevant to HIV/AIDS
2. The patient was not allowed to access medical care that the State is bound to provide.
 - This is a violation of the Health Services Act of 1953, the Provincial Councils Act of 1987 and the Provincial Councils (Consequential Provisions) Act of 1989
 - This is also a violation of human rights principles relevant to HIV/AIDS, namely "the right to the highest attainable standard of physical and mental health"
3. The patient's status was revealed to the hospital staff that were not involved in treating her. As a result she was treated with very high levels of degrading treatment from the moment she entered the hospital premises till she was discharged, purely on her HIV status.
 - This is a violation of her right to privacy and confidentiality
 - This is also a violation of human rights principles relevant to HIV/AIDS, namely "the right to be free from torture and cruel, inhuman or degrading treatment or punishment."

In a study conducted by the Centre for Policy Alternatives (CPA) in 2005, it was found that there were high levels of stigma and discrimination faced by PLHIV due to the lack of knowledge and the misconceptions by people including those involved in the health care specifically in the following areas:

- Lack of confidentiality
- Lack of informed consent
- Discrimination against the patients and their families by the hospital staff
- Lack of basic services
- Refusal to treat

Unfortunately, the above incident is a reminder to the levels of stigma and discrimination prevalent in the health care sector. It is due to these reasons that the National Strategic Plan for Prevention and Control of HIV/AIDS in Sri Lanka for 2007-2011 (Strategic Plan) amongst its goals seeks to increase the quality of life of those already infected and increase coverage and quality of care, support and treatment intervention for PLHIV.

Sri Lanka is also a signatory to:

1. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);
2. the International Covenant on Civil and Political Rights (Civil and Political Rights Covenant) and the Optional Protocol to the Civil and Political Rights Covenant;

However it is with deep regret that I must inform you that all the above laws, policies and regulations that Sri Lanka seeks to uphold have been grossly violated by the incident referred to above.

Relief sought:

It is on these grounds that I seek to draw your attention to these facts and seek an explanation to this behaviour that was meted out by the staff and I would like to understand how you would look towards preventing this situation from arising again in the future.

I would appreciate a speedy response.

Yours sincerely,

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Princey Mangalika,
Positive Women's Network (PWN +)

Cc:

- H.E. President of the Democratic, Socialist Republic of Sri Lanka, Chair of the National AIDS Committee.
- Hon. Maithreepala Sirisena, Minister of Health, Ministry of Healthcare and Nutrition, Colombo 10
- Secretary to the Ministry of Health, Ministry of Healthcare and Nutrition, Colombo 10
- Dr. Palitha Mahepala, Public Health Services,

Dr Ajith U. Mendis, Director General Health, Ministry of Healthcare and Nutrition, Colombo 10

- Dr Nimal Edirisooriya, Director, National STD/AIDS Control Programme
- The Human Rights Commissioner, Human Rights Commission, 36, Kynsey Road, Colombo 8
- Dr Vajira Senaratne, The Government Medical Officer's Association, 275/75, Prof Stanley Wijesundara Mw, Colombo 7
- President, Nurses Union, Sri Lanka