

# **HIV, AIDS and discrimination: the role of the European Union**

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# Specific measures on HIV & discrimination

- Council Conclusions on AIDS & place of work [1988] OJ C28/2
- Case T-10/93 *A v Commission* [1994] ECR II-179
  - Refusal to appoint HIV+ applicant to a post involving work in developing countries



# EU anti-discrimination law framework

- Article 13, EC Treaty: power to take measures to combat discrimination on grounds of sex, racial or ethnic origin, religion or belief, age, disability and sexual orientation
- Fields of protection in EC legislation:
  - Employment: all grounds
  - Goods & services (inc. health): ethnic origin & sex
  - Education & social protection: ethnic origin



# Using EU anti-discrimination law in relation to HIV and AIDS

- Related discrimination on grounds of ethnic origin or sexual orientation
- The definition of ‘disability’
  - Case C-13/05 *Navas*, 11 July 2006
  - Case C-303/06 *Coleman v Attridge Law*
- Right of NGOs to legal standing to bring cases on behalf or in support of individuals



# Migration / access to healthcare

- EU citizens: equal access to healthcare (Directive 2004/38)
- Non-EU nationals:
  - equal access for refugees and long-term residents (2004/83, 2003/109)
  - emergency care / essential treatment only for asylum-seekers (2003/9)



# Further information

- General info on EU & discrimination:
- [http://ec.europa.eu/employment\\_social/fundamental\\_rights/index\\_en.htm](http://ec.europa.eu/employment_social/fundamental_rights/index_en.htm)
- Detailed legal info on national laws on discrimination:
- [http://ec.europa.eu/employment\\_social/fundamental\\_rights/policy/aneval/legnet\\_en.htm](http://ec.europa.eu/employment_social/fundamental_rights/policy/aneval/legnet_en.htm)

