

ENSURE THE RIGHT TO EDUCATION OF CHILDREN AFFECTED BY HIV/AIDS^(*)

PHAN THUẬN^(**),
NGÔ THỊ XUÂN QUỲNH^(***)

In the last two decades, humanity has been confronted with the HIV/AIDS and the deal is still going on without end. The HIV / AIDS have impacted the lives of people. In that context, children are vulnerable, disadvantaged group on the field, including the right to be educated. It is estimated that in 2002, every 50 seconds around the world have a child die of AIDS related diseases and another infected with HIV, each day approximately 3,500 children infected with or died from HIV/AIDS, estimated that 36.1 million people is living with HIV / AIDS worldwide, of which 1.4 million are children (1, p.4). By 2005, estimates that each day, nearly 1,800 children under age 15 are infected with HIV, most HIV infections transmitted by the mother; 1,400 children die from diseases related to AIDS and more than 6,000 young people at the age from 15-24 are new infection (2, p.2). Thus, the HIV/AIDS have affected children around the world.

In recent time, countries around the world have started to increase the establishment of political relations and the resources needed to combat the epidemic and the outbreak of the epidemic. Although these efforts are also

made some important progress, but children are still subject to "forgotten" in the international programs (2, p.2).

In Vietnam, The State is very interested in the care, protection and education of children. It is expressed through the legislation, guidelines, policies... Slogans such as *"Today's children, tomorrow's world"*, *"Give all the best we have for their children"* ... became the slogan of national actions and coming to life. However, in practical, the rights of the children have not been adhered to. Especially in the context of HIV / AIDS, children affected by HIV/AIDS have been deprived and violated several fundamental rights, including the right to education. The discrimination and stigmatization of people is the biggest barrier to the dream, the desire of students to classes. Therefore, ensuring children's rights, including the right to education becomes a matter of concern and share.

^(*) Children affected by HIV/AIDS mean children infected with HIV; children affected by HIV/AIDS due to death of father or mother or their family impacted by serious consequence (orphans and children live in family with HIV/AIDS infectors and those with high potential of HIV infection.

^(**) and ^(***) Insitute of Politics – Public Administration IV.

Situation of children with HIV/AIDS and affected by HIV/AIDS

According to estimates by UNAIDS, in the world there are about 33.3 million people are living with HIV at the end of 2009, of which about 2.5 million children are living with HIV. Estimating that there are 400,000 new cases of children affected by HIV in 2009. There are 1.8 million people died of HIV, of which 1/7 are children. Each hour about 30 children died of AIDS. An estimate 16.6 million of children under 18 were lost mother, father or both due to AIDS in sub-Saharan Africa - where the HIV/AIDS is a serious epidemic - there are 14.9 million children living with HIV (3, p.23-25).

In Vietnam, till the end of 2009 the country has found 160,019 people got HIV, including 35,603 alive AIDS patients and 44,540 people died of AIDS; there were 6,093 children under 18 years old infected by HIV, 2,124 children passed to AIDS 930 children died (see: 4). According to estimates by the Ministry of Health, in 2010 there will be 5,100 children infected with HIV, this figure will increase to 5,700 children in 2012 (see: 5).

Thus, the situation of children affected by HIV/AIDS is still a insolvable problem. Although, mankind has tried to respond, but it always leaves children with pain, hurt that nothing can compensate.

Woundability of children infected or affected by HIV/AIDS

In essence, children are a vulnerable group, especially with HIV/AIDS and the impact of HIV/AIDS cause. In many cases, they are often the least equipped to cope with the damage caused by HIV/

AIDS. Millions of children are at risk of HIV infection, or discrimination because of family living with HIV/AIDS. Discrimination against people with HIV/AIDS is wrong. We must find ways to eliminate discrimination and we must ensure that no children with HIV / AIDS has suffered from discrimination (6).

Many studies indicate that more than 25% of children infected with HIV in India, Indonesia and Thailand and 50% of children infected with HIV in the Philippines were discriminated in health care, more than 1/3 children were disclosed their status of HIV infection and 15% were refused for treatment, only about 1% of all Asian children were treated with HIV antiretroviral (ARV). According to UNAIDS, 95% of orphans and vulnerable throughout the world have been not received social care and protection. In 2003 only 4% of the families affected by HIV/AIDS in South and Southeast Asia received the support of consultants, health care, finance education and other assistance (see: 8, p.1).

Most studies in the world have shown that besides the negative influence to life such as access to education, health care, discrimination, children affected by HIV/AIDS also confront with orphanage and fall into mental instability and lack of safety living environment. Research on the situation of orphans and those hurt by AIDS Zimbabwe from 6-14 years old in 2003 showed that children had signs of abnormal psychology, with 33.0% children never hope for the future , 22.0% often feel sad, 18.2% and 14.0% get nightmares, difficulty in sleeping, 4.0% of children had sex and 4.0% were sexual abuse (8, p.2)

On the status of life, most children infected and affected by HIV/AIDS in Vietnam is living in difficult economic circumstances; disadvantaged in education, health care, with discrimination and their perceptions about HIV/AIDS is also very limited. The report reviews the situation of orphans and vulnerable children of the Committee for Population, Family and Children in Vietnam in 2005 showed that 63.8% of children feel that their life is very poor, 27.1% of children have quit school or never attended school and state of child labor is common. Most children is lack of emotional support and often feel sad, depressed and lives closed (9).

Children affected by HIV/AIDS face difficulties beyond her age. They always fall into the loss of family/social support and along with it is "natural safety net" of economic, society and emotion. They were not received love of parents as they abandoned. And even discrimination takes their chance to access to education and health services, social away. In many cases people in the community shunned them and even deliberately discriminated against them. That is the stigma in life. For example, the saddest is that people in communities force local school principals to expel children from families affected by AIDS from school (see: 10, pg7-8). Thus, in the context of HIV/AIDS, they are difficult to implement their rights fully. This must include the difficult path to the school for children affected by HIV/AIDS.

Legal framework to ensure the right to education of childred affected by HIV/AIDS

Currently, children's rights issues are a major concern of society. The future of

every nation and people is highly dependent on the protection, care and education of children. However, in many parts of the world, the state of child labor, deception, violence, to children, children strength exploitation and fall into the social evils is increasing, particularly in the context of HIV/AIDS, children's rights are violated in a serious way. Therefore, more than ever, children's rights issues for those affected by HIV/AIDS is posing as a desperate need to be solved in order for them to regain their right to live, right to education, play, care and protection... Because "all men are born with the equal dignity and rights" (see: 18, Article 01). The right to education is one of the fundamental rights in the group of children's rights, these help children develop intellectually. Everyone has the right to be educated. This is clearly stated in the International Convention on Human Rights of the United Nations "education is free, at least at the elementary and secondary level "(see: 18, Item 1. Article 26). Article 28, 29 of the International Convention on the Children's rights of the United Nations also confirms that all children have the right to education. Accordingly, children affected by HIV/AIDS must enjoy this right.

In Vietnam, since ratifying the International Convention on the Children's rights (1990), UNICEF has cooperated closely with the Government of Vietnam to formulate national action program for children and tried their best to implement the program. UNICEF has consistently implemented communication activities to raise awareness of those have role and impact on children. Therefore, the children of Vietnam have

been enjoying better opportunities than before.

Vietnamese Communist Party and State have always been interested in the intellectual and physical development of children. Article 14 of the Constitution in 1946 stipulates that "children have right to be taught and brought up," and Article 15 of the Constitution clarifies "the compulsory primary education and free fees... Poor pupils receive Government support."

Over the years, the Vietnamese Communist Party and State concretized the spirit of the Constitution of the right to education of children such as: Article 10 of the Education Law on the Rights and obligations of learning of citizenship and Article 4 of Law on Child protection, care and education about non-discrimination with children, and paragraph 8 of Article 7 of the acts prohibited, regulates that hinder the education of children is a violation of law, Article 16 also confirmed that children have the right to education. Article 28, 53 contribute to ensure the rights to education of children with HIV/AIDS. This right is further detailed in Article 11 of the Law on Universal Primary Education stated that "children of martyrs, wounded seriously, disabled children, orphans and helpless children and those with disadvantaged special problems have rights to receive State and social care for necessary conditions to go and graduate primary education.". In the context of HIV/AIDS, State and Vietnamese communist Party continue to assert the rights of children in Paragraph 4, Article 3, Paragraph 1, Article 4, Paragraph 3, Article 8 and paragraph 2 of Article 15 of the Law on anti HIV/AIDS. These regulations have

contributed to ensuring right to education of children. Thus, based on that legal foundation, right to education of children affected by HIV/AIDS is guaranteed. In addition to the provisions enacted in the laws, programs and actions of the Party and State in recent years with the slogan "give the best for children ... and the today's children tomorrow's world" have contributed to ensure children's rights, including the right to education of children with HIV/AIDS was carried out effectively.

Miserably hard the way to school of children affected by HIV/AIDS

Children affected by HIV/AIDS always have to face with insolvable problems in society like poverty, illness... Discrimination, poverty, hunger and illness are elements limit the implementation of children's rights. Among those, right to be educated of children is seriously limited. The way to school of them is obstacle and difficult because they have to face with slight, coldness, remote of classmates and teachers... Then they become complex, inferiority complex and live isolately and even let things run their course (11, p.63).

Through study about impact of /AIDS on children and the young people, researchers point out, about 20% family affected has children and they are boycotted. In some cause, they are forced to leave school. In Vietnam, children infected with HIV are allowed to go to school. However, teachers are worry about the danger of transmitting HIV to others (10, p.13).

In Africa, researchers affirm that about children living in communities with HIV have the time to school by half as in

other communities. Or children whose father or mother or both have HIV or children orphaned by HIV/AIDS are less likely to go to school and complete their academic programs than other children because the risk of dropout and expelled from school. In long term, this will impact negatively on the economy of Africa (12).

In Vietnam, the result of assessment of orphans and vulnerable of the Committee for Population, Family and Children, the percentage of children living with HIV and do not go to school is 36% higher than the children have normal family situation (24%). When HIV/AIDS continues to spread, invade and direct impact on families; children will be orphaned, discriminated and on the brink of leaving school, wandering will increase if no policy intervention from the perspective of nutrition, education, economics, psychology,...

Hồ Chí Minh city, only in 2010 had 6,500 children affected by HIV/AIDS (including 1,500 HIV-infected children). However, the number of children graduates every year only around 100 children (13). In Hải Phòng, nearly 4,000 children affected by HIV/AIDS but there 2/3 of children don't go to school (14)... In Long An, the researchers analyzed the situation and needs of children who infected and affected by HIV/AIDS in Tân An town and Đức Hòa district, Long An province, the group of surveyed children (122 families infected by HIV/AIDS), the rate of dropping school is 12%, potential of dropping is 25% (15).

Thus, the HIV/AIDS does not only badly affect the process of economic – cultural – social development, but also affect the basic rights of children,

including the right to education of children is not guaranteed. The biggest barriers that limit the right to education of children is the discrimination and stigmatization of adults to children. In addition, other factors such as psychological self discrimination of HIV infected families, economic hardship, health... also cause more difficulties to their road to school. Then lead to negative consequences for society and we ourselves must strive to overcome.

Solution

Thus, in the HIV/AIDS diseases. Children are woundable in both physical and mental, the children's basic rights are not guaranteed, including the right to education. The root cause of this problem is the discrimination and stigmatization of the community and many other factors. Therefore, to ensure children's rights in general, the right to education of children affected by HIV/AIDS in particular, we need to do a synchronization of the following solutions:

First of all, we need to eliminate the phenomenon of discrimination and stigmatization of the community for persons with HIV/AIDS and children affected by HIV/AIDS. Remove by removing the bad "label" for people with HIV/AIDS because in their mind, people think that HIV/AIDS is related to social ills, but does not think that many persons are only victims, such as children. The reason is, by wrong propaganda in one-dimensional style that has made people confuseing, not understanding about HIV, cause fear, anxiety, but does not pay attention morality. Therefore, we must change the way of communication to raise

awareness of communities about HIV/AIDS such as knowledge about disease prevention and infection mechanism... to change the discriminatory acts of the community towards people with HIV in general, children affected by HIV/AIDS in particular.

Beside propaganda on the mass media, we must also propagandize at the parent meetings in schools, for parents, students and children injected with HIV/AIDS about the way of transmission and how to play with friend but both side are safe.

Secondly, arouse compassion in the community in general, parents whose children study with children affected by HIV/AIDS through social activities, the mass media. Also, educate students to promote kindness to friends, so they have a voice to intervene for peers with or affected by HIV/AIDS. Meanwhile, parents will change before the noble actions of their children.

Third, medical and education in local should always raise their voice and implement methods to protect safety of children who study with children affected by HIV/AIDS.

Fourth, education branches should equip knowledge about HIV/AIDS and negotiation skills for teacher to eliminate their discrimination and courageously explain and ensure safety of children for parents and brothers of students. In that way, we can increase trust of parents and brother for their children's safety.

Finally, the family have relatives infected with HIV/AIDS should not be too complex, inferiority complex, self-conscious about fate, eliminate guilt to

overcome themselves. At the same time, empower them to have the courage to face with discrimination, alienation of friends. Thus, they are equipped with "weapons" of confidence to present themselves before the attitude, acts of discrimination.

Through the points above, children affected by HIV/AIDS are facing with discrimination, alienation, poverty, disease... That makes the heart easy hurt. It can be said that, in the context of HIV/AIDS infection, children rights, including the right to education are violated seriously, it has disposed the child's opportunities to access to education and other health services, social services. This, makes their road to school more difficult, even with tears. Then, many dreams and projects for future of the children disappear. It is because, adults- especially parents - have been accidentally or intentionally discriminated against and pushed them out of the educational environment; and in addition to their complex, self-consciousness, many children could not or care-less attitude, let things run its course and even break the law. Therefore, besides propaganda to change the behavior of the community to reduce discrimination; schools and the health sector must also have a voice to ensure the safety for the children. On the other hand families of children affected by HIV/AIDS must also speak out fearlessly request the intervention of local authorities when their child's rights are infringed upon. If so, right to education of children affected by HIV/AIDS is guaranteed.

REFERENCE

1. Stanley Phiri, Douglas Webb. The Impact of HIV/AIDS on Orphans and Programme and Policy Responses. Florence: UNICEF-IRC, 2002.
2. UNAIDS. A call to action: Children the missing face of AIDS. UNICEF and UNAIDS: 2005.
3. UNAIDS report on the global AIDS epidemic. UNAIDS: 2010
4. Ministry of Health. Report of HIV/AIDS infection in 2009. H.: 2009.
5. Ministry of Health. Estimate and forecast of HIV/AIDS infection in Vietnam 2007-2012. H.: 2009.
6. <http://www.baovetreem.vn/Vi/Tre-em-va-HIV-AIDS/All/Thay-doi-cach-nhin-ve-tre-em-co-HIV-AIDS.html>
7. Institutes of Human right studies - Care. HIV/AIDS and Human rights. H.: 2007.
8. Nguyễn Ngọc Linh. MA thesis "Evaluate intervention of mass media in HIV/AIDS prevention and consulting, caring, supporting children affected by HIV/AIDS in Đức Hòa district, Long An province (2005-2009)". H.: 2010.
9. Committee for Population, Family and Children of Vietnam, Save and Children UK. Study, evaluate situation of orphan and woundable children in Vietnam. H.: 2007.
10. Jan Wijngaarden, Sheldon Shaeffer. The Impact of HIV/AIDS on children and young people: Reviewing research conducted and distilling implications for the education sector in Asia: HIV/AIDS & Education. UNESCO Bangkok: 2005.
11. Phan Thuận. Opportunity to go to class of children affected by HIV/AIDS in Vietnam under approach of Human rights. *Human study* magazine, vol 1/2010 .
12. Miriam Mannak. HIV/AIDS Reduces Children's Education Chances. <http://ipsnews.net/news.asp?idnews=42763>.
13. Duy Tính. Determined bring HIV/AIDS infected children to school. <http://phapluattp.vn/20101222112848911p0c1019/kien-quyet-dua-tre-ovc-den-truong.ht>
14. Ngọc Ánh. Children affected by HIV/AIDS – miserably hard way to school. <http://www.anhp.vn/VN/TrangChu/TinTuc/VanDeDuLuanQuanTam/2010/10/6/17257/>
15. Nguyễn Ngọc Linh. Analyse situation and demand of children infected and affected by HIV/AIDS in Tân An Town, Đức Hòa district, Long An province. H.: 2005.
16. Vietnam National Assembly. Law on children protection and care 2004. H.: 2004.
17. Vietnam National Assembly. Law on Education 2005. H.: 2005.
18. Human right research center, Hồ Chí Minh National Politics. Intervention on Human rights. H.: Political theory, 2003.
19. Vietnam National Assembly. Law on anti virus of human Acquired Immune Deficiency Syndrome. H.: 2006.
20. International Convention on the rights of child. <http://baovequyentreem.vn/index.php/2009/10/15/công-ước-quốc-tế-của-liên-hợp-quốc-về-quyền-trẻ-em/>