GOBIERNO DE ESPAÑA
MINISTERIO DE SANIDAD, CONSUMO Y BIENESTAR SOCIAL

Pacto Social por la No Discriminación y la Igualdad de Trato Asociada al VIH

Social Pact for the Non-discrimination and Equal Treatment Associated with HIV

November 2018

GOBIERNO DE ESPAÑA
MINISTERIO DE SANIDAD, CONSUMO Y BIENESTAR SOCIAL

NATIONAL AIDS PLAN

DIRECTORATE-GENERAL FOR PUBLIC HEALTH, QUALITY AND INNOVATION

MINISTRY OF HEALTH, CONSUMPTION AND SOCIAL WELFARE

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INTRODUCTION

The Social Pact for the Non-discrimination and Equal Treatment Associated with HIV (hereinafter referred as social pact) is an initiative launched by the Ministry of Health, Consumption and Social Welfare. Furthermore, this pact is captioned in a declaration of intents that has been agreed and signed by the key social and institutional agents in the response to HIV.

It aims to eliminate the stigma and discrimination associated with HIV and AIDS, ensuring equal treatment and opportunities, non-discrimination, respect for fundamental rights and diversity among those affected by HIV and AIDS.

This pact was developed due to the following:

1. The stigma and discrimination against persons with HIV imply a violation of rights and prevent those affected from accessing to prevention, diagnostic and treatment services, worsening their life quality and health.

2. Treatment and healthcare progresses have increased life expectancy and quality in persons with HIV. As a result, having the HIV infection implies having a chronic disease. However, persons with HIV still suffer discriminatory treatment in health and labour fields or trying to access to benefits or insurances.

3. Prejudices towards some infectious diseases, specially sexually transmitted diseases, as well as being misinformed about the ways in which HIV can be transmitted lead to unequal treatment of persons with HIV who wish to get access to social, legal and health services, labour market or housing.

This situation requires a multisectoral and intersectoral, established and agreed response as a result of the contributions agreed by the key agents through an open and participative process.

Those agents are the ones involved in facing prevention of and response to discrimination and stigma. Public institutions, autonomous communities and local entities, NGOs, scientific societies, trade unions, employers, the media, universities, among others, are included in those agents.

The social pact is one of the main objectives of the Strategic Plan for the Prevention and Control of HIV and other STIs, included the Action Plan 2018. It is aligned with the international commitments of UNAIDS in terms of non-discrimination.

Bringing to life this social pact implies an important step for the protection of rights of the most vulnerable against discrimination.

Madrid, November 27th, 2018

MINISTRY OF HEALTH, CONSUMPTION AND SOCIAL WELFARE

WORK METHODOLOGY

In 2011, we started to work on the social pact. A multisectoral working group formed by HIV and discrimination experts was formed. It involved people from different fields: General State Administration, Local and Autonomous Administrations, NGOs, trade unions, business organizations, the media, scientific societies and universities.

A draft of this document was sent to the representatives of UNAIDS and the European Commission. UNAIDS made a very positive assessment of this initiative, highlighting Spain's effort to reach the agreements related to human rights and AIDS as well as its strong position at the forefront of countries with ideal responses to HIV towards the protection of human rights.

The social pact has been reviewed and updated throughout 2017 and 2018. This pact will be sent to the involved organisations and institutions so that it is approved and put into effect.

JUSTIFICATION

There are still many stereotypes and misconceptions about the social image of HIV and AIDS, which leads to discriminatory situations to persons with HIV. The social agents working on the field of HIV reveal the discriminatory situations to which persons with HIV have to face in many areas of life. This is due to a lack of information and the wrong interpretation of the regulation.

Persons with HIV may suffer different types of discrimination: direct discrimination, indirect discrimination or discrimination by association. Persons with HIV are not the only ones that suffer discrimination and stigmatization. Those who are thought to be infected or relatives and close friends to the affected persons may also face similar situations. In addition, other preexisting situations of serious social exclusion are often overlapped by HIV infections. Social inequalities have a real effect on the vulnerability to the infection, on the medical prognosis and evolution of the infection and on the impact of the discrimination associated with HIV, which is even greater in these persons. Therefore, discrimination should be faced with the application of some strategies that work on reducing social inequalities and eliminating social exclusion.

Rates of discrimination towards persons with HIV in Spain

There is a study about the discrimination profiles of general population against persons with HIV in Spain made by CIS (Sociological Research Centre)[1] which reveals important rates. It shows that, in 2014, 4.3% of the population were uncomfortable with the idea of having persons with HIV as neighbours or that 11.3% disapproves of the fact that a person with HIV works in an office where there are more people working in.

SEISIDA (Spanish Interdisciplinary Society for AIDS) and UNED (National University of Distance Education) conducted a study in 2012 in collaboration with the University of the Basque Country [2] to measure the different levels of stigmatization towards persons with HIV and

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[1] Ministerio de Sanidad, Servicios Sociales e Igualdad, 2014. Los perfiles de la discriminación en España. Análisis de la Encuesta CIS-3.000. Percepción de la discriminación en España.

[2] Fuster-Ruiz de Apodaca MJ, Molero F, Gil de Montes L, et al. Evolution of HIV-related stigma in Spain between 2008 and 2012. AIDS Care: Psychological and Socio-medical Aspects of AIDS/HIV, 26: supl 1, S41-S45; 2014.

compare the results with the ones obtained in a similar survey made in 2008[3]. Even though the comparison between the results of 2008 and 2012 allowed us to see a positive change in trend, there was still in 2012 a 26% of persons that showed that they would feel uncomfortable working with a person with HIV and a 49% that would feel uncomfortable if a schoolmate of their children had the HIV infection.

The report made by the Observatory of Human Rights of RedVIH in 2012[4] confirmed that the basic rights of many persons with HIV were violated in several aspects of their lives, such as work, healthcare, administration, insurances or personal and community relationships. 'Work' was the most consulted field at the Observatory, followed by 'Healthcare'.

The report called "Juventud en España 2012" (Youth in Spain 2012)[5] showed that 14% of the young population would feel uncomfortable if they were close to someone suffering from AIDS. This is 2.2 points above the results in 2004.

Legal framework in Spain

The Government of Spain motivates and puts this social pact against discrimination associated with HIV into effect through the Ministry of Health, Consumption and Social Welfare.This social pact aims to reduce the stigma and discrimination that persons with HIV suffer from and, thus, ensure their human rights. The Spanish Government counts on the participation of Ministry of Culture and Sports, Ministry of Foreign Affairs, European Union and Cooperation, Ministry of Finance, Ministry of Territorial Policy and Public Function, Ministry of Science, Innovation and Universities, Ministry of Defence, Ministry of Labour, Migrations and Social Security, Ministry of the Interior, Ministry of Justice, Ministry of Industry, Commerce and Tourism, Ministry of the Presidency, Parliament Relations and Equality, together with other governmental and non-governmental actors involved in the response to the problems arisen from the HIV infection.

The Spanish legislation ensures the protection of rights of persons with HIV, but there is still discrimination related to the HIV infection. That is why this social pact not only expects to respond to this situation but also to learn in order to put similar strategies that deal with the discrimination suffered by persons with other chronic diseases into effect.

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[3] Fuster MJ, Molero F, Gil de Montes L, et al. Informe FIPSE-SEISIDA. En: Fuster MJ y Molero F, eds. Creencias y actitudes de la población española hacia las personas con VIH. Madrid: FIPSE, 2010.

[4] Observatorio de Derechos Humanos VIH/Sida. Informe 2012. Observatorio de Derechos Humanos de RedVIH. 2012.

[5] Observatorio de la Juventud en España. Informe Juventud en España 2012. Instituto de la Juventud. 2013.

Spanish Constitution

From the Spanish Constitution (hereinafter referred as SC), which lays down the foundation that must frame the whole secondary legislation, it is important to note several precepts:

The Article 1, Section 1, as it states that "*Spain is hereby established as a social and democratic State, subject to the rule of law, which advocates as the highest values of its legal order, liberty, justice, equality and political pluralism*".

The Article 10, as it stipulates that "1. *The human dignity, the inviolable and inherent rights, the free development of the personality, the respect for the law and for the rights of others are the foundation of political order and social peace*" and also that "2. *The principles relating to the fundamental rights and liberties recognised by the Constitution shall be interpreted in conformity with the Universal Declaration of Human Rights and the international treaties and agreements thereon ratified by Spain*".

It is worth noting the fundamental precept in which the principle of equality and non-discrimination for persons in Spain is based. The Article 14 of the SC says that "*Spaniards are equal before the law and may not in any way be discriminated against on account of birth, race, sex, religion, opinion or any other personal or social condition or circumstance*". This Article does not expressly include health or disability in the list of causes that have traditionally been used to give a discriminatory treatment to persons. However, persons with HIV may be discriminated against either by their health condition or their assumed disability. Both causes are included in the open clause that refers to any other condition or personal or social circumstance. The Constitutional Court (hereinafter referred as CC) has revealed so, recognizing that this disease may «in some circumstances, constitute a discriminatory factor similar to the ones expressly appeared in the Article 14 of the SC, included in the generic clause of the other circumstances or personal or social conditions appeared in it» (Judgement 62/2008, May 26th).

In addition, the Article 9.2 of the Constitution establishes that "*it is incumbent upon the public authorities to promote conditions which ensure that the freedom and equality of individuals and of the groups to which they belong may be real and effective, to remove the obstacles which prevent or hinder their full enjoyment, and to facilitate the participation of all citizens in political, economic, cultural and social life*".

Added to this, we must recognize the "fundamental rights and public liberties", which are rights and liberties that have a special protection under the Article 53 of the SC. It also includes those mentioned in the Article 43, specially the right to health protection, which states that the organization and protection of the public health is responsibility of the public authorities through preventive measures and needed benefits and services.

Regulation on health and social fields in Spain

The *Ley General de Sanidad 14/1986* (General Health Law 14/1986), held on April 25th, establishes in the articles 9 and 10 that public authorities are bound to "inform the users of the services of the public health system, or the ones linked to it, about their rights and duties". The right to respect for personality, human dignity and privacy, the right to receive information about the medical services that this person can obtain, or the right to confidentiality of the information related to his or her process form the set of rights that includes this law.

The *Ley 41/2002* (Law 41/2002), held on November 14th, on the autonomy of the patient and the rights and obligations with regard to clinical information and documentation establishes that "everyone has the right to have confidentiality of information related to their health respected, and not to be consulted without a prior authorization protected by law"; it is the basic rule where the rights of persons with HIV in the health field are laid down. This means that any medical action cannot be carried out without having obtained the previous consent form of the affected person.

The *Ley General de Salud Pública 33/2011* (General Public Health Law 33/2011), held on October 4th, recognises the fundamental right to privacy, honour and self-image to any of its citizens. In its Article 6.1, it points out that "everyone has the right to receive public health equally without any type of discrimination in terms of birth, race or ethnic origins, sex, religion, belief or opinion, age, disability, sexual orientation or identity, illness or any other personal or social circumstance or condition". It also says in the section number 3 of this article that "the disease will not ensure differences in treatment apart from the ones of their own treatment for this disease, the objective limitations that it implies to carry out specific activities or the ones required for public health grounds".

In addition, the first section of the Article 7, which is related to the right to privacy, confidentiality and respect for dignity shows that "everyone has the right to respect for dignity and personal and family privacy in relation with their participation in public health actions".

An important section is the *Real Decreto-ley 7/2018* (Royal Executive Order 7/2018) held on July 27th about the universal access to the Spanish National Health System, which ensures the right to everyone to access to the National Health System in equal and universal conditions. Ensuring the exercise of this right and protecting effectively citizen's health is even more important when healthcare is deprived from groups of special vulnerability, who are threatened by social exclusion, as it is the case of foreigners who are neither registered nor authorized to live in Spain.

Regulation covering the protection of consumers in Spain

Almost every insurance in Spain have had a clause that left persons with HIV infection out for years, preventing them from accessing to the same services as the rest of citizens[6]. The 11th of June of 2018 the *Ley 4/2018* (Law 4/2018) come into effect so that the consolidated text of the *Ley General para la Defensa de los Consumidores y Usuarios* (General Law for the Protection of Consumers and Users) and other complementary laws was modified. This consolidated text was approved by the *Real Decreto Legislativo 1/2007* (Royal Legislative Decree 1/2007) of November 16th which declares the clauses, stipulations, conditions or pacts that exclude one of the parties because of having the HIV infection or other health conditions in specific legal affairs, benefits or services, null and non-binding.

International rights framework

The national legislation and policies around HIV and AIDS are supported by several legal instruments and international agreements.

The United Nations, an international organization that protects and promotes human rights, has considered HIV and AIDS as a priority issue. That is why many regulatory instruments and

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[6] Ramiro M.A., Bolivar M.V., La contratación de seguros obligatorios por personas con el VIH. Clínica Legal de la Facultad de Derecho de la Universidad de Alcalá y CESIDA. Marzo 2016.

policy statements have included references or considerations related to HIV and AIDS either directly or indirectly.

Among the international instruments that take part of this framework, which aims to respond to the HIV epidemic and the protection of human rights of the affected persons, we may find the Strategy "On the Fast-Track to end AIDS" 2016-2021 developed and led by UNAIDS, which is part of the 2030 Agenda for Sustainable Development approved in 2015. This Strategy includes 17 objectives. Achieving the Sustainable Development Goals (SDGs) will result in better social, educational and economic results as well as on those related to healthcare, human rights and dignity for millions of persons. It will work as a guide for social justice and sustainable development. There are also global strategies about HIV, viral hepatitis and sexually transmitted infections (STI) for the time period 2016-2021, which were approved by the World Health Assembly in 2016. They point out the critical role of universal health coverage.

Moreover, the Recommendation 200 concerning HIV and AIDS and the world of work developed by the International Labour Organization (ILO) points out that the HIV status, whether actual or presumed, should never be a reason of discrimination in the workplace.

Finally, the Political Declaration on HIV and AIDS of June 2011, which was developed during the High-Level Meeting on Ending AIDS by the UN General Assembly, recognises the need of strengthening national policies and legislations in order to face the stigma and discrimination.

In addition, for this purpose it is also very important the "Protocol for the identification of discrimination against people living with HIV", developed by UNAIDS. This Protocol defines discrimination as "*any measure entailing an arbitrary distinction among persons depending on their confirmed or suspected HIV serostatus or state of health*". Thus, any regulation, policy or action that distinguishes someone on the grounds of their serological status will be considered discrimination unless the person or institution that has established a different treatment justifies that measure in terms of purpose, proportionality and result. It is important to mention that there may be a different treatment as long as it does not discriminate against anyone.

As UNAIDS points out, an approach based on human rights is essential to put an end to AIDS as a problem for the public health. The approaches based on human rights create a favourable environment so that the response to HIV is successful and reaffirm dignity of persons living with HIV or that are vulnerable to it.

The fact that Spain signed and ratified the International Convention on the Rights of People with Disabilities means an opportunity to further the relationship between the HIV and a disability. The *Ley General de Derechos de las Personas con Discapacidad* (General Law on Rights of Persons with Disabilities) calls for the establishment of a social model of disability and must be seen as a useful instrument to end with some of the discriminations that suffer persons with HIV in Spain.

The contrast between the formal recognition of rights and a discriminatory situation requires, according to the Article 9.2 of the Spanish Constitution, the intervention of public administrations to adopt measures aimed at ensuring that the liberty and equality of individuals with HIV is actual and effective.

In conclusion, with all this in mind, this social pact establishes general guidelines to prevent and respond to discrimination on the grounds of an HIV status. The coverage of this social pact is intended for persons with HIV infection, those who are assumed to have the infection, regardless of their serological status, and their relatives and close friends, irrespective of their condition or situation.

This social pact will be developed through an intersectoral action plan so that it can be implemented on the following years. It is based on the principles of joint responsibility, multisectorality, social participation and equity. This social pact will also incorporate the gender perspective to its different levels of development.

In order to achieve the challenges set, there must be a consensus on the objectives between the State, the Autonomous Communities and cities and all other signatory institutions. To do so, the Ministry of Health, Consumption and Social Welfare, together with all the signatory agents of this document, makes this declaration and is fully committed to work on the achievement of the objectives set below.

OBJECTIVES

The main objective of this social pact is to eliminate the stigma and discrimination associated with HIV and AIDS and to ensure equal treatment and opportunities, non-discrimination and the full enjoyment of fundamental rights of the affected persons.

In order to achieve this general objective, this social pact covers every public and private field of life by promoting policies, strategies and courses of action. Its objectives are the following:

A. To support equal treatment and opportunities for persons with HIV.
B. To work in support of social acceptance.
C. To reduce the impact of stigma in persons with HIV.
D. To produce knowledge that drives policies and actions against discrimination.

COURSE OF ACTION

Hereafter we will explain in detail the course of action to reach the objectives set in the section above, notwithstanding the specific actions included in the index, which will be subject of discussion in the work groups that are to be established in order to monitor this social pact.

A. - TO SUPPORT EQUAL TREATMENT AND OPPORTUNITIES FOR PERSONS WITH HIV INFECTION

1. - To monitor discriminatory situations

This means detecting situations of exclusion or discrimination in the use and enjoyment of services or social and health benefits, sport facilities or other shared use services and identifying if the regulation limits the rights of persons with HIV. If it is one of both cases, it implies developing some actions to eliminate it.

2. - To make sure that the medical certificates do not include the serological status as an indicator of suffering infectious-contagious illnesses.

It is very common in Spain to ask for a medical certificate that states that you are not suffering an infectious-contagious illness, a disease or a disability that affects your essential duties to access to specific services, resources or benefits. This practice discriminates against persons with HIV since, according to the scientific evidence available in terms of HIV treatment and transmission, they are not a risk of transmission in daily life or in the workplace.

That is why it is intended to make medical professionals aware about the impact that medical certificates have on persons with HIV when they want to access to benefits and services.

3.-To support an equal access to benefits and services

This means training and making professionals aware of the social and health resources in order to support an equal treatment and the approach to specific needs of every affected person by HIV, regardless their age, orientation, gender identity or expression, their relatives and those who are in a situation of greater vulnerability towards the infection.

4. - To extend guarantees of legal protection.

This implies training those professionals that intervene in legal proceedings about the aspects and processes that produce and maintain the stigma and discrimination.

5. To promote policies to avoid workplace discrimination.

This means adopting policies and strategies that make easier employability for persons with HIV, ensuring equal opportunities for men and women either to access to it or to keep it and including an adaptation of the working hours and labour conditions for the special needs of workers with HIV depending on their state of health.

6.-To respond to discriminatory situations developed in the health sector.

This implies training and making healthcare workers aware of the discriminatory situations towards persons with HIV in order to avoid them together with the collaboration and coordination of every organization involved in healthcare.

7.-To ensure the access to assisted reproduction technology and adoption.

This implies monitoring the measures to support the access of men and women with HIV with proven fertility problems to assisted reproduction technology with the most suitable and appropriate proceedings and interventions regardless the HIV infection as well as introducing suitable measures to ensure that the HIV infection does not imply a discriminatory treatment in the process of national adoption or fostering.

8.-To support the free movement of persons with HIV and AIDS

This involves making easier to adopt as a country a revitalizing and dynamic role in the field of international relations and cooperation to reduce and eliminate the entry restrictions of persons with HIV in countries where they take place and establishing mechanisms to monitor the application of entry restrictions in Spain.

B. - TO WORK IN SUPPORT OF SOCIAL ACCEPTANCE

1.- To reduce the social stigma

This means planning, bringing to action and spreading awareness actions and campaigns that contain correct and updated information in the appropriate media. This is aimed to correct wrong information about HIV, its ways of transmission and prevention measures.

2. - To prevent the stigma and discrimination of HIV in the education field

This implies training and making education professionals aware of the discriminatory situations towards persons with HIV and how to act before them. This is carried out through the collaboration between educational and health authorities in their areas of competence.

3. - To ensure the right to privacy of those who live with HIV

This involves ensuring the compliance with the *Ley Orgánica 15/1999 de Protección de Datos de Carácter Personal* (Organic Law 15/1999 on the Protection of Personal Data) held on December 13th and the *Real Decreto-ley 5/2018* (Royal Executive Order 5/2018) of July 27th on urgent measures for adopting the Spanish law to the European Union Regulation on Data Protection. This was made to ensure the right to privacy to those who live with HIV and to protect the information related to their state of health against illegal invasions of privacy. Also, it implies promoting compliance of the *Ley Orgánica 1/1982* (Organic Law 1/1982) that regulates persons' privacy, and the European Regulation of April 27th, 2016 related to the protection of physical persons in terms of personal data treatment and free movement of this information, which was directly applied in Spain.

C. - TO REDUCE THE IMPACT OF STIGMA IN PERSONS WITH HIV

1. - To promote the empowerment of persons with HIV

This means developing actions geared towards informing persons with HIV about their rights and letting them exercise them as well as the legal mechanisms of protecting from and reporting potential discriminatory situations. It also refers to promoting psychosocial interventions that strengthen their ability to face several stigma manifestations or that help them to develop resilience.

D. - TO PRODUCE KNOWLEDGE THAT DRIVES POLICIES AND ACTIONS AGAINST DISCRIMINATION

This means developing studies on a regular basis that let us know the attitudes of the Spanish population towards persons with HIV and the perception of situations of stigma and discrimination in persons with HIV. These studies will give relevant information for the evaluation of the result of this social pact.

SOCIAL PACT MONITORING

Eliminating the stigma and discrimination towards HIV and AIDS, ensuring equal treatment and opportunities, non-discrimination and a full enjoyment of fundamental rights of the affected persons requires commitment and participation of every sector involved, in their different fields of responsibility.

In order to monitor the situation and compliance of the objectives of this social pact, a monitoring body formed by the representatives of the signatory institutions and social groups will be established.

This monitoring body will have operating rules that will be validated by the *Ministry of Health, Consumption and Social Welfare* and will establish the indicators that will be used to evaluate the scope and progress.

Appendix

Actions suggested to reach the objectives of this social pact:

A. - TO SUPPORT EQUAL TREATMENT AND OPPORTUNITIES FOR PERSONS WITH HIV

1.TO MONITOR THE SITUATIONS OF DISCRIMINATION

1. To collect data in a regular basis about the discriminatory situations associated with HIV in Spain.
2. To detect exclusion or discriminatory situations in the use and enjoyment of social and health benefits and services, sport facilities or other shared use services.
3. To identify regulations that limit the rights of the persons affected by the HIV and develop actions to eliminate them.
4. To monitor the compliance of the *Ley General para la Defensa de los Consumidores y Usuarios* (General Law for the Protection of Consumers and Users) and other complementary laws.
5. To update the medical exclusions list in relation with public employment depending on the existing recommendations at international level or the scientific progress on HIV treatment and transmission.
6. To ensure the access to diagnostic tests for HIV to everyone in public health services.

2.- TO MAKE SURE THAT MEDICAL CERTIFICATES DO NOT INCLUDE THE SEROLOGICAL STATUS AS AN INDICATOR OF SUFFERING INFECTIOUS-CONTAGIOUS ILLNESSES

1. To make medical professionals aware of the impact that medical certificates have on the access of persons with HIV to benefits and services.
2. To develop agreements with the administrations and entities that render resources and services in order to avoid discrimination against persons with HIV and to ensure those persons the access to them.
3. To make sure that the scales of the degrees of disability are adapted to the plan on the Social Model of Disability developed by the International Convention of the Rights of Persons with Disabilities. According to it, every person with HIV can be considered a person with disability on the grounds of problems and restrictions to carry out activities, get involved in life

situations or for the social participation due to a context that gives to deficiencies a greater severity and that considers that this person has more limitations carrying out his or her tasks.

4. To promote the needed regulatory changes in order to revert the generic requirement of not suffering an infectious-contagious disease for getting access to goods and services.

3.- TO SUPPORT AN EQUAL ACCESS TO BENEFITS AND SERVICES

1. To train professionals on social and health resources in order to support equal treatment and an approach to the specific needs of every affected person by the HIV, regardless their age, orientation, gender identity or expression, their relatives and those who are in a situation of greater vulnerability towards the infection.

4.- TO EXTEND GUARANTEES OF LEGAL PROTECTION

1. To train those professionals that intervene in legal proceedings about the aspects and processes that produce and maintain the stigma and discrimination, in collaboration with universities and professional schools.

2. To develop mechanisms to collect and analyse data related to complaints concerning HIV discrimination.

3. To support free legal services in complaints concerning HIV discrimination.

5.- TO PROMOTE POLICIES TO AVOID WORKPLACE DISCRIMINATIO

1. To promote and implement the Recommendation 200 of the ILO.

2. To develop actions so that the non-discrimination and equal opportunities in the workplace are on the policy agenda.

3. To establish mechanisms to improve the coordination and cooperation between the administration, trade unions and business organizations that support the exchange of experiences and best practices in the workplace and that increase training and raise awareness of workers to prevent and eliminate workplace discrimination of persons with HIV.

4. To ensure compliance of confidentiality safeguards and availability of health monitoring for workers by health and labour authorities.

5. To adopt policies and strategies that make the employability for persons with HIV easier, ensuring equal opportunities between men and women either to access or to keep the job,

including the adaptation of working hours and conditions to the specific needs of persons with HIV depending on their state of health. To facilitate monthly work permits to pick up medication if it coincides exclusively with working hours.

6. To take action in order to remove barriers in the access to private employment, as the Spanish Optional Technical Decision, in the case of persons with disabilities, or to eliminate HIV testing in employment-related medical examinations if it is not fully justified.

6.- TO RESPOND TO DISCRIMINATORY SITUATIONS DEVELOPED IN THE HEALTH SECTOR

1. To train and make health workers aware of discriminatory situations against persons with HIV so that they can avoid them with the collaboration and coordination of every organization involved in healthcare.

2. To develop strategies to improve the relationship between persons with HIV and health workers at all care levels.

3. To make sure that there are no discriminatory situations against persons with HIV in waiting lists.

4. To ensure equal conditions of persons with HIV with respect to other chronic diseases to be beneficiaries of organ transplantations.

5. To make sure that there is an appropriate coverage and implantationof facial lipoatrophy (and other manifestations of lipoatrophy) procedures in the whole State, specially in the most serious cases and to offer a therapeutic alternative for those cases where, due to a justified reason, autologous fat cannot be used.

7.- TO ENSURE THE ACCESS TO ASSISTED REPRODUCTION TECHNOLOGY AND ADOPTION

1. To support the access of men and women with HIV and proven fertility problems to assisted reproduction technology with the most suitable and appropriate proceedings and interventions regardless the HIV infection.

2. To research about conception experiences through natural methods and measures favouring persons with HIV so that they can make informed decisions concerning reproduction.

3. To introduce proper measures in order to ensure that HIV infection is not a factor to discriminate against someone in processes of national adoptions or foresting.

8.- TO SUPPORT THE FREE MOVEMENT OF PERSONS WITH HIV AND AIDS

1. To make easier to adopt a revitalizing and dynamic role in the international relations and cooperation sector as a country in order to reduce and eliminate the entry restrictions of persons with HIV in countries where they take place.

2. To promote the participation of the government in national and international discussion forums about this issue.

3. To ensure compliance with the Article 10 of the *Real Decreto 557/2011* (Royal Decree 557/2011) of April 20th, approving the Regulation of the *Ley Orgánica 4/2000* (Organic Law 4/2000) after being reformed by the *Ley Orgánica 2/2009* (Organic Law 2/2009) and the Article 15 of the *Real Decreto 240/2007* (Royal Decree 240/2007), of February 16th, which are regulatory standards of the health and public health requirements for the entry of foreigners in Spain.

B.- TO WORK IN SUPPORT OF SOCIAL ACCEPTANCE

1.TO REDUCE THE SOCIAL STIGMA

1. To spread awareness actions and campaigns that contain correct and updated information in the appropriate media. This is aimed to correct wrong information about HIV, its ways of transmission and prevention measures.

2. To promote actions that support social acceptance of persons affected by the HIV.

3. To design actions aiming to ensure proper processing of the information and proper use of terminology by the media and aiming to train the professionals that work in it.

4. To strengthen the role of media and human rights observatories in monitoring news and advertisements that could be discriminating against persons affected by the HIV and to provide legal advice to report it.

5. To make the collaborations between editing houses, Internet media or audiovisual media, especially those appearing in TV, and experts on the protection of rights of persons with HIV easier so that they know how to properly introduce and use characters with the HIV infection and other content in adult and children’s programming in order to avoid the stigma and discrimination.

6. To promote actions of Social Corporate Responsibility (SCR) in companies that support social awareness concerning HIV.

7. To establish contacts and concrete collaborations between

NGOs that work in the HIV field and the other organizations of the civil society in order to reduce and prevent the stigma and discrimination.

2.-TO PREVENT THE STIGMA AND DISCRIMINATION OF HIV IN THE EDUCATION FIELD

1. To train and raise the awareness of education professionals on discriminatory situations towards persons with HIV through the collaboration between educational and health authorities in their respective fields.

2. To implement strategies and develop materials for the awareness of students about situations where stigma and discrimination against persons with HIV are present.

3. To develop strategies towards the young population outside of the school environment that permit that girls and boys who are not in school are aware of the HIV situation specially through youth associations or other public spaces.

4. To develop educational content in order to reduce the stigma towards persons affected by the HIV in the different levels of vocational and university training.

3.-TO ENSURE THE RIGHT TO PRIVACY OF THOSE LIVING WITH HIV

1. To ensure compliance with the *Ley Orgánica de Protección de Datos de Caráacter Personal 15/1999* (Organic Law 15/1999 on the Protection of Personal Data) of December 13th and the *Real Decreto-ley 5/2018* (Royal Executive Order 5/2018) of July 27th on urgent measures for adopting the Spanish law to the European Union Regulation on Data Protection. This was made in order to ensure the right to privacy of those living with HIV and to protect the information related to their state of health against illegal invasions of privacy. Also, to promote compliance of the *Ley Orgánica 1/1982* (Organic Law 1/1982), which regulates persons' privacy, and the European Regulation of April 27th, 2016 related to the protection of physical persons in terms of personal data treatment and free movement of this information, which was directly applied in Spain.

C.-TO REDUCE THE IMPACT OF STIGMA IN PERSONS WITH HIV

1.-TO PROMOTE THE EMPOWERMENT OF PERSONS WITH HIV

1. To develop actions geared towards informing persons with HIV about their rights and letting them exercise them as well as protection or reporting legal mechanisms towards potential discriminatory situations.

2. To support the social participation and the visibility of persons with HIV in the policies and actions towards the reduction of stigma and discrimination.

3. To support either individual or group projects and interventions of empowerment towards persons affected by the HIV that reduce the stigma internalization and increase their self-esteem and personal resources. This aims to improve their ability to face the stigma and discrimination.
4. To support actions aimed to ensure the sexual and reproductive rights of persons with HIV.

5. To fully address the role of stigma and discrimination in the vulnerability of women with HIV against domestic violence or persons that suffer intragender violence.

6. To spread information among the persons affected by the HIV about the resources which are specialised on attending their social needs such as NGOs, lawyers, psychology professionals, public administrations, etc.

D. - TO PRODUCE KNOWLEDGE THAT DRIVES POLICIES AND ACTIONS AGAINST DISCRIMINATION

1.-TO PRODUCE KNOWLEDGE

1. To investigate the efficacy of the strategies aimed to reduce the stigma and discrimination.

2. To evaluate the impact of the campaigns for the reduction of the stigma and discrimination as well as other actions developed from this social pact.

3. To delve into the knowledge of the employment situation of persons affected by the HIV.

4. To identify indicators of discrimination and stability in the workplace that permit monitoring the impact of the actions in the enterprise.

5. To periodically study the attitudes of the Spanish population towards persons affected by the HIV as well as the perception of situations of stigma and discrimination in persons with HIV.