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3 H.I.V.-positive Chinese seek employment equity

Petition to prime minister is a test of Beijing's vow to enforce rule of law

REUTERS

Three prospective schoolteachers have appealed to Prime Minister Wen Jiabao of China to end discrimination against people with H.I.V. after they said they were wrongly denied teaching jobs because their employers discovered they had the virus that causes AIDS.

The petition, delivered Monday by mail to the Legislative Affairs Office of the State Council, is a bold test of China's promise to enforce the rule of law.

The three signatories had filed separate lawsuits against their local governments after provincial education bureaus rejected their applications for teaching jobs because mandatory blood tests revealed that they were H.I.V. positive, even though they had passed written tests and interviews.

The three men had hoped to persuade the courts that a five-year-old law supposed to protect the employment rights of people with H.I.V. should supersede local regulations that prevent the hiring of H.I.V.-infected civil servants.

Two courts in China have ruled against the two men who filed lawsuits against their governments in Anhui and Sichuan in 2010.

In the third lawsuit filed in Guizhou, the judge told the plaintiff in October that the courts "will not accept the lawsuit and that the plaintiff should ask the local government to solve it," said Yu Fangqiang, whose Nanjing-based organization, Tianxia Gong, advocates for people with H.I.V.

"We know that in a country like China that has 1.3 billion people, 740,000 people who are infected with H.I.V. is just a small portion of the population," said the petition, a copy of which was seen by

Reuters. "The voices to defend the employment rights of people with H.I.V. tend to be drowned out by the majority's sense of fear."

"But we also know that the adherence to the country's rule of law and the equality of its people is the country's soul and is the backbone of the country's modernization," it said. "Every Chinese citizen and every department will undoubtedly benefit from this and will not be subject to the threat of the unlawful deprivation of their legitimate rights and interests."

Beijing was initially slow to acknowledge the problem of H.I.V./AIDS in the 1990s and sought to cover it up when hundreds of thousands of poor farmers in Henan Province became infected through botched blood-selling schemes.

But the government has since stepped up the fight, spending more on prevention programs, creating plans to give universal access to anti-retroviral drugs to contain the disease, and introducing policies to curb discrimination.

The virus is now primarily spread in the country via sexual contact.

In a country where taboos surrounding sex remain strong and discussion of the topic is largely limited, people with H.I.V./AIDS say, however, they are often stigmatized.

Mr. Yu said that discrimination against people with H.I.V., especially in civil service recruitment, was "still a very big problem."

People in China living with H.I.V. and AIDS are routinely being denied medical treatment in mainstream hospitals because of fear and ignorance about the disease, according to a study released in May by the United Nations' International Labor Organization.

The petition, which was sent to the government office that helps to draft and oversee the implementation of laws, comes ahead of World AIDS Day on Dec. 1. The signatories to the petition said they had noted that Mr. Wen had previously "shown his concern" for people with H.I.V. on the day, by shaking hands with and embracing H.I.V.-infected people.