

AIDS and the Right to Information for the Persons at Risk (a Comparative Study in American and Iranian Law)

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Abstract

The countries' policy towards AIDS is to prevent the transmission of the HIV virus. Spouses, especially women, need more protection as they are at greater risk of contracting the virus through sexual relations. This can be provided through a legal requirement to inform the spouse of the infection and to offer counseling for appropriate measures.

Although this task aligns with the right to health as one of the human rights, it conflicts with the principle of patient confidentiality as another human right. The question arises regarding which one takes precedence and under what conditions one can be preferred over the other. In response, given that Iran lacks specific legislation on AIDS, while the US has a rich legal literature in this area, a comparative study of American law has been undertaken using a descriptive-analytical method. After presenting various viewpoints and using domestic jurisprudence and legal foundations, suggestions have been presented to solve this legal gap. Although the first duty of doctors is to respect the patient's confidentiality, when there is a greater risk for the patient's surroundings, it is necessary to support the people at risk. The conditions of this legal obligation are explained according to the specific characteristics and conditions of AIDS.

Keywords: AIDS; right to health; right to knowledge; confidentiality.

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