

# Your Rights on Campus

Anti-Discrimination Law, Medical Confidentiality, and What Your University Legally Owes You

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## INTRODUCTION: RIGHTS ARE NOT OPTIONAL

Nigerian universities are not, as institutions, designed around the needs of students living with HIV. There are no standard anti-discrimination policies. Most campus health centres do not routinely integrate HIV services. Many students living with HIV have experienced discrimination, confidentiality breaches, or exclusion without knowing that these experiences violated their legal rights.

This guide closes that information gap. Your rights as a student living with HIV in Nigeria are real, specific, and legally enforceable. Knowing them does not guarantee they will always be respected. But knowing them is the precondition for everything else.

## CHAPTER 1: YOUR LEGAL FRAMEWORK

### The HIV and AIDS Anti-Discrimination Act 2014

This is the primary piece of Nigerian legislation protecting the rights of people living with HIV. It was passed by the National Assembly in 2014 and applies across all institutions in Nigeria, including universities.

### Key Provisions Affecting University Students

Section 3: No person shall be denied access to education, including admission to any educational institution, on the grounds of their actual or perceived HIV status.

Section 4: No person shall be discriminated against in any form in educational settings on the grounds of HIV status.

Section 11: Every person has the right to privacy regarding their HIV status. Disclosure without consent is unlawful.

Section 17: Medical and health information relating to HIV is confidential. This information shall not be shared without the explicit consent of the person concerned.

Section 25: Any person who violates these provisions commits an offence and is liable to penalties under Nigerian law.

## **The 2026 to 2030 National HIV Prevention Plan**

Nigeria's current national HIV prevention strategy explicitly includes universities as intervention sites. Under this plan, universities are expected to:

Provide HIV testing and counselling services on campus.

Offer referral pathways to HIV treatment.

Implement anti-discrimination policies for students living with HIV.

Train campus health staff on status-neutral HIV service delivery.

Most Nigerian universities are not yet meeting these standards. LUMA's advocacy work is specifically directed at changing this, campus by campus.

## **The National Policy on HIV and AIDS 2023**

Nigeria's national HIV policy reinforces non-discrimination, confidentiality, and universal access to HIV services. It recognises young people in educational settings as a priority population and commits to ensuring their access to prevention, testing, and treatment.

## **International Frameworks**

Nigeria is also a signatory to international agreements that protect the rights of people living with HIV, including:

The United Nations Political Declaration on HIV and AIDS 2021, which commits member states to ending AIDS-related discrimination.

The Universal Declaration of Human Rights, which establishes the right to health, education, and non-discrimination.

The African Charter on Human and Peoples' Rights, which protects dignity, equality, and the right to health.

# **CHAPTER 2: YOUR RIGHT TO EDUCATION**

## **Admission and Enrolment**

No Nigerian university, whether federal, state, or private, can legally:

Deny your application for admission because of your HIV status.

Require you to disclose your HIV status as a condition of admission.

Require HIV testing as a condition of admission.

Withdraw an offer of admission after discovering or suspecting you are HIV positive.

## **Academic Participation**

Once admitted, you have the right to:

Attend all lectures, laboratory sessions, clinical placements, and academic activities.

Access all university facilities including libraries, computer labs, sports facilities, and cafeterias.

Participate in student union activities, clubs, and societies.

Be assessed on the same basis as all other students.

Apply for and be considered for academic awards, scholarships, and opportunities on an equal basis.

## **Academic Support for Health-Related Challenges**

If your HIV or related health conditions affect your academic performance, you are entitled to support. This can include:

Extensions on assignment deadlines.

Deferral of examinations.

Medical leave of absence.

Revised assessment schedules.

Academic welfare support.

You do not have to disclose your HIV status to access most of this support. You can describe having a chronic health condition without specifying what it is. Most universities have a process for students to declare health-related circumstances affecting their studies. Ask your student affairs or academic welfare office about this process.

## **CHAPTER 3: YOUR RIGHT TO MEDICAL CONFIDENTIALITY**

Medical confidentiality is one of the most important rights you have as a student living with HIV. It is also one of the rights most frequently violated in university settings in Nigeria. Understanding exactly what this right covers and how to protect it is critical.

### **What Confidentiality Means**

Medical confidentiality means that your health information, including your HIV status, is private. It belongs to you. No healthcare worker, lecturer, administrative staff member, hall warden, or university employee has the right to share your HIV status with anyone else without your explicit, written consent.

This includes:

Information shared during consultations at the campus health centre.

Test results, including HIV test results.

Medication details and treatment information.

Any records related to your HIV care.

Information shared in counselling sessions.

## **Who Is Bound by Confidentiality?**

All healthcare workers are bound by both legal and professional obligations of confidentiality. This includes:

Doctors and physicians at the campus health centre.

Nurses, midwives, and nursing assistants.

Laboratory scientists and technicians who process your samples.

Pharmacists who dispense your medication.

Counsellors and social workers at the health centre.

Administrative staff at the health centre who have access to records.

Violating patient confidentiality is both a legal offence under the HIV and AIDS Anti-Discrimination Act and a professional misconduct offence under the relevant professional council (Nigeria Medical Council, Nursing and Midwifery Council, etc.).

## **What Confidentiality Does NOT Mean**

There are very limited exceptions to medical confidentiality. These are narrow and specific:

**Legally required disclosure:** In some circumstances, health information may need to be shared with public health authorities. This is tightly controlled and does not apply to sharing with university administration, lecturers, or other students.

**Partner notification:** In some HIV care settings, there may be discussions about notifying partners of a positive HIV status. Any such notification should only happen with your knowledge and consent.

Uncertainty about whether a specific disclosure is permissible is not a justification for making it. Healthcare workers who are unsure should seek guidance from a supervisor before sharing any information.

## **If Your Confidentiality Is Breached**

If someone at your university discloses your HIV status without your consent, this is a serious violation of your rights. Here is what to do:

Document everything immediately. Write down exactly what was disclosed, by whom, to whom, when, and in what context.

Collect evidence. This may include messages, emails, or witnesses.

Report to the health centre director. Confidentiality breaches by health centre staff should first be reported to the director of the health centre.

Report to university administration. If the breach involved academic or administrative staff, report to the Dean of Students or equivalent.

Consider external reporting. The Medical and Dental Council of Nigeria (MDCN) handles misconduct complaints against doctors. The Nursing and Midwifery Council handles nurses. Complaints can be filed with these bodies for serious professional conduct violations.

Seek support. This experience is distressing. Reach out to a trusted person, LUMA, or a counsellor.

## **CHAPTER 4: YOUR RIGHT TO CAMPUS HEALTH SERVICES**

### **What the Law Requires**

Under Nigeria's National HIV Prevention Plan and the HIV and AIDS Anti-Discrimination Act, campus health centres are required to provide non-discriminatory HIV services. In practice, this means:

HIV testing and counselling should be available to any student who wants it.

Students living with HIV should be able to access routine health services without discrimination.

Campus health staff should not treat students differently because of their HIV status.

Referral pathways to HIV treatment should be established and communicated clearly.

### **When Campus Health Services Fail**

Many campus health centres do not yet meet these standards. Common failures include:

Staff who are not trained in HIV service delivery or who hold stigmatising attitudes.

Absence of HIV testing services.

No referral pathways to HIV treatment.

Discriminatory treatment of students known or perceived to be HIV positive.

If you experience discrimination or inadequate service at your campus health centre, document the experience and consider reporting it through the channels described in Chapter 5 of this guide.

### **Protecting Your Confidentiality at the Health Centre**

You can ask how your medical records are stored and who has access to them.

You can ask the healthcare worker not to record your HIV status in shared records if you have concerns.

You can seek care at a facility off-campus if you have serious concerns about confidentiality at the campus health centre.

You do not have to disclose your HIV status at the health centre unless it is directly relevant to the care you are seeking.

## **CHAPTER 5: RECOGNISING AND RESPONDING TO RIGHTS VIOLATIONS**

### **Types of Rights Violations to Watch For**

Rights violations can be obvious or subtle. Common forms include:

Being refused admission, dismissed from a programme, or excluded from activities because of HIV status.

Being required to disclose HIV status as a condition of accessing services.

Having HIV status disclosed without consent to other students, staff, or administration.

Being treated with less care, respect, or thoroughness at the health centre because of HIV status.

Discriminatory comments from lecturers or university staff, publicly or privately.

Exclusion from group work, academic activities, or social events by peers with institutional facilitation.

### **Documenting Violations**

Documentation is the foundation of any effective response to a rights violation. Start documenting from the moment an incident occurs:

Record the date, time, and location.

Record exactly what was said or done, as close to word-for-word as possible.

Record the names and roles of everyone involved and any witnesses.

Keep screenshots, emails, letters, or other written evidence.

Record how the incident affected you.

### **The Escalation Pathway**

When raising a concern about a rights violation:

Informal resolution: If appropriate and safe, raise the concern directly with the person involved. This is not always possible or appropriate, particularly for serious violations.

Immediate supervisor or head of unit: For violations involving staff, report to their supervisor. For health centre violations, report to the health centre director.

Dean of Students or Student Affairs: For violations that have not been resolved at a lower level or that involve senior staff.

University Registrar or Vice-Chancellor's office: For serious, unresolved violations.

External bodies: If internal channels fail, external bodies including the National Agency for the Control of AIDS (NACA), the Nigeria Human Rights Commission, or relevant professional councils can be approached.

## **Writing a Formal Complaint**

When writing a formal complaint:

State clearly what happened, including specific dates, times, and people involved.

Identify specifically which right you believe was violated.

State what outcome you are requesting.

Provide copies of any evidence. Keep the originals.

Request a written response within a specific, reasonable timeframe.

Keep copies of all correspondence.

## **CHAPTER 6: ADVOCACY BEYOND YOUR INDIVIDUAL CASE**

Individual rights violations happen within institutional contexts that often have no HIV-inclusive policies, no anti-discrimination training, and no clear procedures for addressing HIV-related concerns. Advocating for systemic change benefits not just you but every student who comes after you.

### **What You Can Push For**

A formal written anti-discrimination policy covering students living with HIV. Ask the student union to advocate for this if one does not exist.

Mandatory HIV and stigma training for all campus health centre staff.

Clear confidentiality protocols for student health records.

A welfare framework that acknowledges HIV as a chronic health condition requiring support.

PrEP availability and referral pathways at the campus health centre.

### **Using Your Voice Safely**

Advocacy does not require you to disclose your HIV status. You can advocate for better HIV policies on your campus as a student who cares about health equity and the wellbeing of all students, without revealing any personal medical information.

LUMA's Campus Ambassador Programme provides a framework for students who want to drive this kind of change on their campuses. Apply at [luma.org.ng](https://luma.org.ng).

## **YOUR RIGHTS: QUICK REFERENCE**

### **You Have the Right To**

- Education: Cannot be denied admission, expelled, or excluded because of HIV status
- Confidentiality: Your HIV status cannot be shared without your explicit consent
- Non-discrimination: You must be treated equally in all university services and activities
- Campus health services: Access to HIV testing, counselling, and referral pathways
- Academic support: Extensions, deferrals, and welfare support for health-related challenges
- Raise complaints without retaliation: Legitimate concerns are legally protected

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