
HIV Testing Practices:

Rights and Realities

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UPTAKE IN HIV TESTING

Reality

- Low uptake in HIV testing – despite promotion of the need to test for HIV
- Global and national calls to ‘scale up’ HIV testing – shift in approach to HIV testing
 - From ‘client-initiated’ to ‘provider-initiated’
 - Introducing ‘mandatory HIV testing’ during pregnancy
- Rights of informed consent, autonomy, confidentiality and non-discrimination increasingly threatened

Human Rights Challenges and Threats

‘Provider-Initiated’ HIV Testing Realities

- Lack of readily available and accessible HIV treatment, care and support – ‘unethical’ to increase HIV testing
- Gender-biased – ‘targets’ women
- Gendered and discriminatory societal context – violence, abuse, death
- Prevailing unequal power relations – limited ‘choice’ to ‘opt out’
- Assumption that people are equally ‘empowered’ – ignores HIV testing environment, which is inherently unequal

Human Rights Challenges and Threats

'Provider-initiated' HIV Testing Realities

- Lack of assured confidentiality – further compromised
- Fear of being tested for HIV – deters people from accessing healthcare services
- Pre-HIV test counselling seems not as essential to HIV testing – compromises right to informed consent

HIV Testing During Pregnancy

Societal Context

- Existing barriers to HIV testing – fear, stigma, discrimination, lack of assured confidentiality
- Same barriers apply to HIV testing in antenatal healthcare settings
- HIV testing as entry point to accessing PMTCT programme – also main barrier to accessing PMTCT

HIV Testing During Pregnancy

Realities

- HIV testing during pregnancy often ‘forced’ and/or ‘coerced’ – not based on informed consent
- Benefit for the child emphasised at the expense of the women’s right to autonomy
- Access to reproductive and sexual healthcare often denied to women – until HIV test
- Absence of adequate treatment options for women who test positive for HIV during pregnancy
- General lack of coping and support structures for women living with HIV

HIV Testing During Pregnancy

Human Rights Challenges

- Benefits of PMTCT for the unborn – no justification to violate and/or override a woman's right to autonomy and informed consent
- Societal context of prevailing HIV-related stigma, discrimination and violation of rights – deter pregnant women from accessing antenatal healthcare services
- HIV testing environment neither conducive nor perceived safe to freely choose whether or not to test for HIV – as the key requirement to access PMTCT

In Conclusion

Response to Challenges

- Most frequently – call for policy changes – leading to potential human rights abuses for the ‘sake of public health’
- But, policy changes cannot change unequal and gendered environment in which HIV testing takes place
- And policy changes cannot mitigate HIV-related stigma, discrimination and violation of rights
- Thus, policy changes will have limited impact of quality and/or uptake in PMTCT programmes

In Conclusion

Human Rights-Based Response

- Increasing the uptake of HIV testing and of PMTCT services cannot be achieved through policy changes
- Instead, through changing the environment in which HIV testing takes place
- Creating an enabling, engendered and non-discriminatory environment ensuring both
 - Adherence to human rights principles of informed consent, autonomy, confidentiality and non-discrimination
 - Increased uptake in HIV testing and in PMTCT services

HIV Testing Practices

Concluding Comment

...ensuring access to HIV testing with counselling, informed consent and confidentiality is indeed well established as part of human rights obligations of governments, [and] testing services should be designed to strive to minimise abuse and maximise benefits, including the link to treatment...

[Joanna Csete, Canadian HIV/AIDS Legal Network, August 2006]

THANK YOU