

Zambia makes HIV testing compulsory

HIV testing, counselling and treatment is now compulsory for anyone seeking medical treatment at Zambia's public healthcare facilities, a move that has been condemned by treatment action groups and civil organisations.

President Edgar Chagwa Lungu made the announcement at the launch of HIV Counselling Testing and Treatment Day on 15 August.



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The Treatment Advocacy and Literacy Campaign (TALC), Community Initiative for Malaria and Tuberculosis (CITAMplus), Coalition for Zambian Women Living with HIV and Aids (COZWHA), Network of ARV Users, African Community Advisory Board (Afrocab) and Zambian Network of Religious Living or Personally Affected by HIV and Aids (Zanerela), said, that while they welcomed the initiative to help put more people on treatment, they oppose the mandated testing as a prerequisite for hospital treatment for other ailments.

Illegal and unconstitutional

International guidelines on HIV and human rights from the United Nations Office of the High Commissioner for Human Rights (OHCHR) and the Joint United Nations Programme on HIV/Aids (Unaids) state “public health legislation should ensure that HIV testing of individuals should only be performed with the specific informed consent of that individual”.

“The approach violates healthcare ethics and is contrary to international standards, including World Health Organisation and Unaid’s guidelines on HIV testing and treatment,” said Kenly Sikwese from Afrocab

Exceptions to voluntary testing would need specific judicial authorisation, granted only after due evaluation of the important considerations involved in terms of privacy and liberty, a statement from the coalition said.

“Compulsory HIV testing is illegal and unconstitutional in Zambia as both the Supreme Court and the High Court have found that consent is only present if it is provided freely, without undue influence, coercion, fraud, misrepresentation or mistake,” said Felix Mwanza, national director for TALC.

Informed consent

The World Health Organisation (WHO) and United Nations Population Fund (UNFPA) similarly state that HIV testing must “only [be] conducted with informed consent”.

Forcing people to test for HIV or to take HIV treatment creates a disincentive to voluntarily access healthcare services. The United Nations Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health has emphasised the negative public health impacts of forced or compulsory treatment: “Just as linking appropriate counselling and treatment to voluntary testing services is an enabling incentive for testing, compulsory treatment measures are a disincentive”.

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