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OPINION AND REPORT
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INSURANCE
OPINION AND REPORT CONCERNING INSURANCE

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OPINION

In the light of the Report, the National AIDS Council recommends that the public authorities should :

- ensure that insurance companies do not include in the forms given to applicants questions referring, whether explicitly or indirectly, to their lifestyle or sexuality ;
- prohibit insurance companies from making the issuance of a policy dependent on the result of HIV screening of the applicant. However, this being said, the National AIDS Council gives an undertaking to reconsider its position in the next two years on this specific issue in the light of any changes in terms of epidemiology or economics that may have been observed during that time ;
- request that the CNIL [Commission nationale de l'informatique et des libertés / National Commission on Information Technology and Civil Liberties] evaluate in depth the so-called "aggravated risk" file, for which is La Réunion des Sociétés d'assurances sur la Vie [association of life insurance companies] is responsible, doing so against the general background of the new situation created by the AIDS epidemic ;
- ensure that the law is respected in the event of conflict between the insurer and the insured or the latter's heirs and assigns. This is because it is the insurer's responsibility to demonstrate the existence of an offence or fraud and to do so without breaching medical confidentiality.

REPORT

See french version