

# RECOMMENDATIONS

The following recommendations are based upon the findings of this report. These recommendations do not exhaustively list the actions required of the Chilean government in order to comply with its international legal obligations, but instead target some of the key rights violations that we encountered during our investigation.

## TO THE GOVERNMENT OF CHILE

### **Make the full realization of the rights of HIV-positive women a priority.**

- Develop effective and detailed strategies for implementing existing legislation and international commitments on women's rights and informed consent and for enacting comprehensive sexual and reproductive health and rights legislation.
- Collect disaggregated data on women and HIV, including violence against women and HIV, to better understand and respond to the causes behind the feminization of the HIV/AIDS epidemic within Chile.
- Ensure that national efforts to reduce violence against women address the intersections of violence against women and HIV/AIDS.

### **Ensure that the rights of HIV-positive women are respected and protected when these women seek healthcare services.**

- Ensure that healthcare providers:
  - understand and maintain appropriate informed consent safeguards for HIV testing;
  - understand the obstacles that HIV-positive women may confront in accessing continuous and effective treatment, such as domestic violence and discrimination, so that providers can properly tailor counseling to women's needs; and
  - supply comprehensive, medically accurate counseling and information, particularly regarding family planning, pregnancy, motherhood, and HIV.

- Address the problem of unnecessary segregation of HIV-positive women in public health facilities.
- Reduce barriers for HIV-positive women to access breast-milk substitute.

### **Ensure that HIV-positive women have access to acceptable, quality sexual and reproductive health services.**

- Ensure that healthcare providers understand the rights of HIV-positive women to access family planning services, to be sexually active, and to bear children.
- Ensure that specialized reproductive healthcare is offered to HIV-positive women.
- Train providers of family planning services to counsel women living with HIV/AIDS and to provide them with appropriate information to make informed and voluntary family-planning decisions.
- Ensure that Resolution 2326 on Sterilization is adequately disseminated, implemented, and enforced to protect HIV-positive women from involuntary sterilization.

### **Ensure that proper testing, counseling, and confidentiality procedures are followed.**

- Ensure that healthcare providers:
  - understand the components of pre-test counseling for HIV and that they counsel patients about the benefits of knowing one's status, what to expect if a patient receives a positive result, existing follow-up and treatment services, the patient's right to refuse the test, and tips for negotiating condom use for women seeking HIV testing;
  - offer comprehensive, medically accurate post-test counseling for HIV/AIDS, including information on reinfection and the importance of condom use, even within seroconcordant relationships;

- understand and maintain appropriate informed consent safeguards for HIV testing, particularly for pregnant women;
- inform patients properly of their sero-status; and
- understand and maintain appropriate confidentiality safeguards for HIV-positive patients.
- Ensure that health facilities allocate adequate space and time to counseling around HIV testing.
- Employ HIV-positive women as HIV testing counselors.
- Provide information on local support groups or associations of people living with HIV/AIDS to patients who test positive.

#### **Address the barriers to accessing quality medical care.**

- Review the impact of the current referral system in causing delays in accessing specialized medical care.
- Establish a functional network of medical specialists who can provide quality, acceptable care to patients living with HIV/AIDS in a timely manner.
- Ensure access to specialized obstetric care for pregnant women living with HIV/AIDS.
- Ensure that male and female condoms are widely available.

#### **Address the factors that deter healthcare staff from providing appropriate and quality care to HIV-positive patients.**

- Ensure that all healthcare workers, including administrative staff, are trained in HIV transmission and the precautions that they can take while still providing quality care to patients living with HIV/AIDS.
- Conduct regular, mandatory trainings for all healthcare staff to keep them up to date on medical advances, best practices, and the rights of patients to receive quality healthcare, regardless of their HIV status.

#### **Incorporate comprehensive sexuality education into school curriculums.**

- Ensure access to evidence-based sexuality education to provide adolescents with the information they need to protect themselves from HIV transmission.

#### **Conduct a public awareness campaign to combat stigma and discrimination related to HIV/AIDS.**

- Emphasize the rights of people living with HIV/AIDS.
- Educate the public on the means of HIV transmission to minimize misconceptions that fuel discriminatory treatment.

- Discourage the use of violence or ostracism in reaction to learning of a partner or family member's HIV-positive status, and promote counseling between couples.
- Emphasize the rights of women living with HIV/AIDS to choose whether or not to be sexually active and whether or not to bear children.
- Address violence against women in both the home and the community as a cause and consequence of HIV infection.

#### **Strengthen structures to protect patients' rights and to hold providers accountable for rights violations.**

- Disseminate information around laws on informed consent and the rights of people living with HIV/AIDS to ensure that all healthcare facilities, public and private, are implementing current laws and policies.
- Conduct public awareness campaigns to educate patients about their rights.
- Ensure that information on patients' rights is immediately accessible within health facilities.
- Establish clear procedural guidelines for following up on complaints of rights violations and strengthen administrative accountability mechanisms.
- Create a monitoring and evaluation system to ensure the full implementation of laws and policies regarding the rights of patients living with HIV/AIDS.
- Provide information to judges and legal professionals on rights violations in the healthcare context and on gender-based rights violations to ensure that they are able to respond in a gender-sensitive manner.

#### **Strengthen Chile's human rights framework.**

- Ratify the Optional Protocol to CEDAW.
- Domesticize international human rights treaties and ensure that these laws are implemented at the national level.
- Strengthen domestic legislation to ensure comprehensive protection of sexual and reproductive health and rights, including explicit protections for the sexual and reproductive rights of women living with HIV/AIDS.

## **TO CIVIL SOCIETY**

#### **Hold the government accountable for its failure to adequately protect the rights of women living with HIV/AIDS.**

- Monitor the development and implementation of national laws and policies on the rights of women and persons

living with HIV/AIDS, including the adoption of a comprehensive law on sexual and reproductive health and rights.

- Engage with international and regional human rights monitoring bodies to keep them informed of ongoing human rights violations.

**Support awareness-raising and capacity-building efforts.**

**Facilitate data collection on intersections between gender and HIV, and violence against women and HIV, to improve government responses to the feminization of the epidemic.**

## **TO THE INTERNATIONAL DONOR COMMUNITY**

**Organizations financing public and private reproductive health, family planning, and HIV/AIDS programs should ensure that such programs are designed to improve healthcare and promote the exercise of women's rights, and should establish indicators for evaluating these projects, based on the criteria of efficiency, quality, and respect for women's rights.**

## **TO INTERNATIONAL AND REGIONAL HUMAN RIGHTS BODIES AND EXPERTS**

**Urge Chile to protect the rights of HIV-positive women seeking reproductive healthcare services and to provide redress and remedies for violations of these rights.**