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THE RAPE AMENDMENT TO PROTECT VICTIMS : AN ILLUSION

On January 16th, during the debate on internal security, French Parliament voted an amendment making HIV testing compulsory for suspected rapists.

In its Statement of December 12th 2002, the National AIDS Council explained why such a measure is neither useful nor advisable.

The Council strongly emphasized that its main concern is the victim. Due to the existence of a seroconversion window of 15 days, **a negative test result does not necessarily mean that the suspected rapist is not infected**. Would any physician decide to discontinue treatment if there is the slightest risk of infection ?

For the National AIDS Council, the priority must be to propose a procedure enabling the victim to have swift access to an emergency hospital ward. The victim will then receive timely prophylactic treatment ; current data on antiretroviral therapy do enable to reduce adverse effects.

The National AIDS Council considers that the amendment, whereby testing a suspect is now mandatory, can in no way be medically beneficial to the victim.

Moreover, the amendment is a threat to voluntary and informed consent to testing. Nobody can as yet foresee the consequences, but it is legitimate to fear that the breach of that principle may have serious consequences on the professional and general ethics achieved throughout twenty years of the fight against the epidemic.