

Life insurance policies for people living with HIV: International analysis

It is at present virtually impossible for a person living with HIV in Switzerland to purchase a life insurance policy. This is particularly inconvenient for people who require such a policy as collateral on a mortgage, or who wish to strike out on their own professionally. In what follows, the Swiss situation is compared with that obtaining in other industrialized countries.

Studies on life expectancy among people living with HIV

In a press release dated 15 September 2003, the Swiss National AIDS Commission (EKAF) drew on a study of people living with HIV financed by the Swiss National Science Foundation and a scientific article published in *The Lancet* on 13 September 2003 on the subject of mortality among people living with HIV (Mortality in the Swiss HIV Cohort Study [SHCS] and the Swiss general Population)¹ to note that the mortality rate among HIV-positive people (not coinfecting with Hepatitis C) who react positively to treatment is no higher than among cancer sufferers who have been successfully cured of their disease. Nevertheless, unlike smokers and successfully cured cancer patients, HIV-positive people cannot obtain a life insurance policy. The press release maintained, however, that a global exclusion on life insurance for all people living with HIV is no longer justified.

In a study carried out between 1995 and 2005, the Dutch Association of Insurers concluded that two factors have an especially strong influence on increased mortality among people living with HIV: a concentration of CD4 cells 24 weeks following the start of HAART therapy, and the beginning of the therapy itself.² Based on this study, then, Dutch insurers have now introduced a policy for people living with HIV.

In July of 2008 additional studies were published, confirming that life expectancy of people living with HIV in antiretroviral combination therapy had risen between 1996 and 2005 (Life expectancy of individuals on combination antiretroviral therapy in high-income countries: a collaborative analysis of 14 cohort studies).³ A study published in the *Journal of the American Medical Association* (Changes in the Risk of Death After HIV Seroconversion Compared With Mortality in the General Population) on 2 July 2008 concludes that the mortality rate of people infected with HIV has come much closer to the general mortality rate since the introduction of highly effective combination therapy.⁴

These studies about the situation of people living with HIV in relation to their life expectancy is in full contrast to the reality of life insurances.

¹ See *The Lancet* 2003, vol. 362, pp. 877-78.

² Cf. the Dutch Association of Insurers, "Insurability of HIV a step closer", Report on the Working Group on AIDS, 2005,

³ Cf. *The Lancet* 2008, vol. 372, pp. 293-299.

⁴ Vgl. <http://jama.ama-assn.org/cgi/content/abstract/300/1/51?maxtoshow=&HITS=10&hits=10&RESULTFORMAT=&fulltext=changes+of+the+risk+of+death+after+hiv&searchid=1&FIRSTINDEX=0&resourcetype=HWCIT>.

The situation in Switzerland

According to the Swiss Insurance Association (SIA), insurance companies as a rule require that applicants for voluntary life insurance pass an HIV test; for major insured amounts they require information on the results of such a test. The SIA justifies this procedure by noting that insurance companies require information about a potential customer's health in order to correctly calculate the amount of his or her premiums. While the SIA does claim to have closely followed the increase in life expectancy among people living with HIV in recent years, it justifies not granting such people life insurance on the grounds that the risk for other policy-holders would be too high. Refusal to release the results of previous HIV tests or to have such a test done on demand is tantamount to waiving one's right to the life insurance applied for.⁵

Denying people living with HIV life insurance means disadvantaging them in a manner that is no longer justifiable, according to the latest scientific findings on mortality among members of this community. Such a course of action is objectively unfounded and constitutes discrimination against a population group on the basis of an arbitrarily chosen criterion. The Swiss AIDS Federation (SAF) champions the rights of people living with HIV/AIDS, calls for their equality, and joins them in advocating their cause and fighting discrimination.

Furthermore, the SAF does not understand why primary insurers refuse to sell life insurance to people living with HIV, while reinsurers such as SwissRe no longer recognize a positive HIV test as grounds for refusal in their coverage guidelines. It seems likely that the alleged risk to other policy-holders is not the decisive criterion for the refusal to sell life insurance policies to HIV-positive people, but rather the fact that the number of potential customers for such policies is too low to make the business worthwhile for insurers. In Holland, for instance, from the time the product was introduced in March of 2005 until early 2007, a total of 73 people had applied for such insurance, of whom 27 were granted a policy, 32 were refused, 12 withdrew their application and two are still awaiting a decision.⁶ Although Holland has somewhat more than twice as many inhabitants as Switzerland, estimates suggest that Switzerland has two and a half times as many people living with HIV (actually around 25'000 people living with HIV/Aids).

The SAF has since received statements from two primary insurers to the effect that they do not in principle refuse to sell life insurance policies to people who are HIV-positive. While they are quite willing to examine each individual application and consider insurance solutions on a case-by-case basis, however, such decisions depend on the applicant's actual health, among other factors. The conditions under which HIV-positive applicants could be insured are to be determined by further studies and negotiations.

Comparison with other industrialized countries

In view of this situation, the Swiss AIDS Federation has carried out a survey in various countries over recent weeks. So much is already clear: some industrialized countries have insurance models for people living with HIV. In France, Holland, Norway and South Africa, HIV-positive people can apply for life insurance. Nevertheless, the conditions for actually purchasing such a policy vary widely from one country to another.

Accurate assessment of the international situation also requires distinguishing between policies with a maximum payout regardless of the policy-holder's health, and those which are explicitly intended for people living with HIV as well as others.

⁵ Cf. Swiss Insurance Association – 70 Questions for Insurers (as of 1.9.2007), www.svv.ch.

⁶ Cf. Ronald A.M. Brands, "Dutch Insurers effect life policies for PLWHA", Poster for XVII International Aids Conference, Mexico City, 2008.

In fact, contradictory statements are also made by insurers within a given country. Generally speaking, it seems that there are life insurance solutions available to people living with HIV in only a few countries. Apparently, however, HIV-positive applicants can indeed purchase a life insurance policy in a handful of countries, albeit with a tailored risk assessment and, consequently, individually set premiums.

Belgium

In principle, people living with HIV in Belgium cannot purchase life insurance. Belgian insurers do, however, acknowledge that people who are open about their HIV status have from time to time been able to purchase life insurance, although they are unable to provide any figures. The information was assembled in the course of an interview conducted by the Belgian organization Sensoa with representatives of insurance companies, physicians, and a patient's organization for the chronically ill. According to interviewees, while insurers have closely followed findings of an increase in life expectancy among people living with HIV, the risk of severe side-effects must also be taken into account. The fact that banks may require a life insurance policy as security on a mortgage, they concluded, is no concern of the insurance companies themselves.⁷

Bulgaria

Although there is no standard practice in Bulgaria as regards life insurance for people with HIV, such people are in principle considered ill, and thus ineligible for life insurance. Bulgarian insurers have a range of requirements. In general higher premiums seem to be the order of the day, which means that, a priori, it is not impossible for people living with HIV to purchase life insurance.⁸

Denmark

A private insurance policy is only possible once the applicant's health has been determined. As with other life-threatening illnesses, people living with HIV in Denmark are unable to purchase life insurance.

Nevertheless, an HIV-positive applicant can have his or her health assessed individually, and thus be eligible for a policy with higher premiums based on such an assessment and the success of treatment, as well as on other criteria. In addition, employment-related insurance plans, which can be purchased without providing health information and are subject to special conditions, are gaining in importance.

A discussion of the issue is ongoing and it is expected that the situation will improve in the near future.⁹

Germany

The situation in Germany for people living with HIV who wish to purchase a life insurance policy is ambiguous. Some companies offer policies with a payout of EUR 30,000 without a health assessment, which means that HIV-positive people are eligible.

One policy in particular waives the requirement for health information for a period of three years, and, depending on the applicant's age at purchase, offers a payout of up to EUR 60,000.

By combining these two, therefore, an applicant could purchase life insurance in the amount of EUR 90,000, all thanks to the absence of a requirement for health information.

The German AIDS Association is in possession of an official statement by a reinsurer confirming that there is no reason to deny HIV-positive applicants insurance cover (under certain conditions). When insurance companies were asked to make a statement of their own

⁷ Cf. mail from Koen Block, Sensoa, Antwerp, 30.06.2008.

⁸ Cf. mail from Boriana Madjova, Health and Social Development Foundation, Sofia, 30.06.2008.

⁹ Cf. mail from Laura Kirch Kirkegaard, Aidsfondet, Denmark, 02.07.2008.

on this policy, they indicated that, whereas they would not globally refuse applications from people living with HIV, they would subject each such application to individual study.

There is, however, considerable reason to doubt this statement. The AIDS Association is currently working on trial applications on the part of HIV-positive people who are able to show particularly good progress with treatment, and thus determine whether such applications are in fact being considered. While a global refusal without actuarial cause would constitute a violation of Germany's new equality legislation, there are as yet no legal precedents in this regard.¹⁰

Finland

There are no life insurance policies intended for people living with HIV in Finland, nor is there a discussion underway with insurers on this topic.¹¹

France

The 'Convention Belorgey', which enables people living with HIV (as well as with other chronic diseases) to purchase life insurance for up to EUR 200,000 for use as collateral on a mortgage, was adopted in France as early as 1991. Insurers have thus agreed to waive a selection based on HIV/AIDS or any other illness listed in the convention. The use of a risk pool ensures that no signatory to the convention carry an above-average amount of risk. The convention is signed by patients' organizations, insurers, banks, and government authorities.¹²

With effect as of January 2007, the Convention AERAS (on insurance and lending for people with severe illnesses) was ratified as a supplement to Belorgey, making possible among other things a credit line of EUR 300,000.¹³

Since 12 October 2007, one insurer (groupe lyonnais April) has been offering real estate loans tailor-made for homosexual clients, with no obligation to complete a health questionnaire. The company also features a special product for people living with HIV, with a credit line of up to EUR 750,000.

Greece

It is as yet impossible for HIV-positive people to purchase life insurance in Greece. A newly formed organization, however, known as Positive Voice, has taken up the issue as an advocacy objective.¹⁴

Israel

The Israeli response to our survey mistakenly addressed issues of health insurance, and a request for further clarification has gone unanswered.¹⁵

Italy

It is as yet impossible for HIV-positive people to purchase life insurance in Italy. The Italian Network of Seropositive Persons (NPS), however, is currently in contact with Italian insurance companies and is calling for a specific study of life expectancy among people living with HIV, with an eye to creating a tailor-made insurance solution for this population group.¹⁶

¹⁰ Cf. mail from Holger Groenig, Deutsche Aids-Hilfe, 07.07.2008.

¹¹ Cf. mail from Corinne Bjorkenheim, HIV-Foundation, Finland, 18.07.2008

¹² Cf. K. Pärli, A. Caplazi and C. Suter, *Recht gegen HIV/Aids-Diskriminierung im Arbeitsverhältnis*, Bern 2007, p. 264.

¹³ Cf. www.aeras-informations.org.

¹⁴ Cf. mail from Nikos Dedes, EATG, 31.10.2008.

¹⁵ Cf. mail from Hanni, Jerusalem AIDS Project, 25.06.2008.

¹⁶ Cf. mail from Margherita Errico, National Secretary NPS Italy Onlus, Rome, 27.06.2008.

Canada

In Canada, too, it is as yet impossible for HIV-positive people to purchase life insurance. The Healthcare Insurance Reciprocal Care of Canada (HIROC), established in 1987, champions the rights of people who are HIV-positive as a result of an injury sustained during their work in the healthcare sector. As a rule, Canadian individuals wishing to purchase private insurance are required to submit to medical examination. However, it is also possible to be insured under a collective insurance policy through one's employer, available to employees who work a certain minimum number of hours per week. Conditions for such policies vary, and some providers require that applicants submit to a health test.¹⁷

Lithuania/Latvia

In Lithuania, where HIV is considered an epidemic, it is impossible for people living with the condition to purchase life insurance.¹⁸ The same is also true of Latvia.¹⁹

Holland

Life insurance for HIV-positive people in Holland has been available since 2005, and 43% of the 73 applicants to date have been able to purchase life insurance with affordable premiums. When assessing a given applicant's risk, Dutch insurers consider the following key factors: the applicant's number of CD4 cells 24 weeks after the start of therapy; the latest data on the applicant's CD4 cells and viral load; whether the applicant is in therapy; whether such therapy began before or after 1 January 1998; and information on the applicant's compliance with therapy, side-effects, virus resistance, complications and other illnesses, among other health-risk factors. Furthermore, applicants who consume intravenous drugs are ruled out.²⁰

Norway

Norway was one of the first countries in the world (alongside Holland) to offer insurance solutions for people living with HIV. Information on the precise conditions for such insurance, however, is not yet available.²¹

Austria

Reinsurers, including Münchner Rück and GenRE, have adopted in their coverage guidelines specific recommendations under specific conditions for HIV-positive people. Theoretically, therefore, people living with HIV in Austria can purchase life insurance under certain circumstances. The director of the Austrian Insurance Association, however, has no information on which insurers have experience with such cases or what their basic conditions might be, since their coverage guidelines are intended for internal use only and are not made public.²²

Portugal

People living with HIV in Portugal are not able to purchase life insurance.²³

Romania

People living with HIV in Romania are not able to purchase life insurance. Most major insurance companies require that applicants submit to a medical examination, which includes an HIV test. Although a few companies do offer insurance policies without a health test, if the

¹⁷ Cf. mail from Tricia Didutch, Canadian AIDS Society, 04.09.2008.

¹⁸ Cf. mail from Ramunas Ragalinskas, Lithuanian Positive Group, 26.06.2008.

¹⁹ Cf. mail from Sandris Agihis, Latvia, 15.07.2008.

²⁰ Cf. footnote 6.

²¹ Cf. mail from Inger-Lise Hognerud, HivNorge, Oslo, 24.06.2008.

²² Cf. mail from Ulrike Braumüller, Verband der Versicherungsunternehmen Österreichs, Vienna, 20.06.2008.

²³ Cf. mail from Luis Mendao, Grupo de Activistas VIH/SIDA, Portugal, 29.07.2008.

applicant does not voluntarily indicate HIV status, it is likely that the company in question will refuse to pay benefits to his or her survivors.²⁴

Russia/Sweden

People living with HIV in Russia and Sweden are not able to purchase life insurance.²⁵

Spain

According to Observatorio, in Spain, too, it is as yet impossible for HIV-positive people to purchase life insurance. Assembling specific information, however, would require contacting each insurer directly.²⁶

South Africa

In 2005 the AllLife insurance company became the first insurer worldwide to offer life insurance up to ZAR 3 million (= approx. CHF 412,000) to people living with HIV. AllLife products are used mainly for mortgages and business loans. More affordable policies are available for ten or 20-year periods, as well as with unlimited duration, either with a certain fixed premium, or one that increases by 5% annually. AllLife requires policy-holders to commit themselves to compliance with therapy and to monitoring, and to submit data on their CD4 cells and viral load twice a year. The premium depends on age, sex, smoker status and policy type, as well as an up-to-date CD4 finding. A policy with a payout of ZAR 100,000 (= approx. CHF 13,700) has a monthly premium of between ZAR 100 and 700 (CHF 13.75 and 96.10).²⁷

UK

People living with HIV in the UK cannot purchase life insurance. Although the insurers surveyed indicate they are following the situation in South Africa and Holland with interest, no change is planned as yet.

According to a press release from the Dutch Association of Insurers, however, one insurance company in England does offer insurance for HIV-positive people, with a maximum period of ten years.

Australia

The Australian Federation of AIDS Organisations has compiled some information on the situation for Life Insurance for people with HIV in Australia (HIV and your Rights)²⁸ According to this report people with HIV or AIDS can be refused death, disability or life insurances or only be offered insurance that excludes HIV related conditions.

At this point in time, the issue of Life Insurance for people with HIV has been identified as an ongoing piece of work requiring substantial advocacy and planning. Preliminary discussions regarding changing the current practices are scheduled for early next year.²⁹

USA

Questions addressed HIV/AIDS organizations in the US have as yet gone unanswered. Research conducted by the SAF in the past found that one US company (Guarantee Life Insurance Co.) claims to have been offering life insurance to people living with HIV since 1997. To date, however, it has not been possible to verify this claim with documentation from the relevant source (www.insurance.com).

²⁴ Cf. mail from Silvia Asandi, Romanian Angel Appeal Foundation, Bucharest, 25.06.2008.

²⁵ Cf. mail from Evgeny Pisemsky, AIDS Service Organizations, Russia, 24.06.2008.

Cf. mail from Andreas Berglöf, HIV-Sweden, Stockholm, 7.07.2008.

²⁶ Cf. mail from Lina Ruiz Mingote, Observatorio Red, Barcelona, 30.07.2008.

²⁷ Cf. <http://alllife.co.za/>.

²⁸ Cf. http://www.afao.org.au/library_docs/policy/HIV_Yr_rights07.pdf

²⁹ Cf. mail from Jason Appleby, Australian Federation of AIDS Organisations, Newtown, 25.11.2008.

Conclusion

As the survey indicates, the situation in the surveyed countries does not show any similarities. Some countries have insurance models explicitly in place for people living with HIV/Aids, others principally allow life insurances on an individual basis (even though criteria are not explicitly spelled out), and again other countries do not allow life insurance for people living with HIV/Aids at all. With insurance companies allowing life insurance for people living with HIV on an individual basis it is to be feared that the premiums will be either too high to be affordable or the coverage seriously limited and restricted.

This situation is indeed not tolerable in the light of new studies showing a definite improvement of life expectancy in people living with HIV under standard HIV-treatment.