**Summary of Provisions on Genetic Discrimination in other Jurisdictions**

**Australia -** Under the Investment and Financial Services Association Limited (IFSA Genetic Testing Policy, IFSA members cannot require Applicants to undergo genetic testing when applying for insurance. However the insurers will require the results of any previously undertaken genetic tests. The insurer will also not use genetic test information to assess another family member’s risk. IFSA is the national not-for-profit organization representing the life insurance industry to Government, regulatory agencies, consumers and the community.

**Austria, Belgium, Denmark, Finland, Norway** and **The Netherlands** - These countries have explicit legislative provisions prohibiting the use of genetic testing for insurance purposes. Insurers cannot request genetic testing, or use genetic test results available in the medical records of insurance applicants.

In the above stated countries genetic testing for employment purposes is also rendered illegal.

However in The Netherlands there is an exemption for high value insurance policies.

In Denmark, insurance companies are not allowed to request or use any information on a person's genes and risk of getting diseases.

Norwegian law prohibits insurers from making inquires as to whether the applicant has undergone genetic testing.

**France** - Insurance Companies cannot request an applicant to undergo genetic testing for the purpose of the insurance application. The Insurers cannot also use information provided by such a genetic test. However this does not prevent insurance companies from obtaining genetic-test information from medical files.

**Germany** - Employers cannot request genetic testing from their employees with the exception where employment involves potential health risks. Insurance Companies also cannot demand insurance applicants to undergo genetic testing with the exception where the pay-out sum is very high.

**Spain** - Insurance companies are precluded from requesting genetic testing from insurance applicants. They cannot also make genetic diagnosis a condition for issuing a policy.

**Sweden** - There is a formal agreement that insurers will not use or request genetic information. There are some exceptions for high-value policies.

**United Kingdom -** Concordat on Genetic Testing and Insurance prevents insurers from asking for the results of genetic tests. The terms of the Moratorium state that Applicants will not be required to disclose the results of predictive genetic tests for policies up to £500,000 of life insurance, or £300,000 for critical illness insurance, or paying annual benefits of £30,000 for income protection insurance (the ‘financial limits’).

However, if and when the cumulative value of insurance exceeds the financial limits, insurers may seek information about and customers must disclose tests approved by GAIC.

**United States** - In May 2008, the US Congress passed the Genetic Information Non-discrimination Act (GINA). GINA is expected to offer protection from genetic discrimination in the areas of health insurance and employment.

**Oviedo Convention -** 1997 European Convention for the Protection of Human Rights and Dignity of the Human Being with Regard to the Application of Biology and Medicine (the Oviedo Convention) bans all forms of discrimination based on a person’s genetic make-up (Article 11) The Convention allows predictive genetic tests only for health or scientific research purposes (Article 12). The Convention also sets out rules for medical research and recognizes a patient’s right to know (including the right not to know if the patient so wishes).

**UNESCO -** In October 2003, UNESCO adopted the International Declaration on Human Genetic Data (IDHGD). This Declaration establishes principles that should govern the collection, processing, use and storage of human genetic data. Article 14(b) provides that: Human genetic data, human proteomic data and biological samples linked to an identifiable person should not be disclosed or made accessible to third parties, in particular, employers, insurance companies, educational institutions and the family. The exception would be for an important public interest reason in cases restrictively provided for by domestic law consistent with the international law of human rights or where the prior, free, informed and express consent of the person concerned has been obtained provided that such consent is in accordance with domestic law and the international law of human rights.

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