



IMPROVEMENT OF THE PROCEDURE FOR HIV TESTING

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Abstract. This article analyzes HIV infection detected among citizens of the Republic of Uzbekistan aged eighteen to sixty who have returned from abroad for more than ninety days, foreign citizens and stateless persons permanently residing in the territory of the Republic of Uzbekistan, as well as foreign citizens and stateless persons entering the Republic of Uzbekistan for work, studies the experience of some foreign countries in this situation, and based on the analysis, proposals are made to the legislation on mandatory HIV testing.

Keywords: HIV, AIDS, infection, serological window, migration, foreign citizens, stateless persons.

The spread of venereal or HIV infection in the world is a global phenomenon, which affects all countries in many ways and has a serious impact on various aspects of life. This necessitates a radical improvement of the legal framework for combating the spread of these diseases and reliably protecting the legitimate interests of persons suffering from the disease.

According to the World Health Organization, since the beginning of the HIV epidemic on Earth, 91.4 million people have been infected with this disease, and more than 44.1 million people have died as a result of this disease. Currently, 41 million people in the world suffer from HIV, the number of people infected with this disease increases by an average of 1.3 million people per year, and worst of all, the disease annually kills more than 630,000 people¹.

The spread of the disease has a very serious negative impact on public health and the gene pool of countries.

In recent years, the increase in the volume of labor migration, the increase in the number of citizens returning from abroad, and the influx of foreign citizens into the Republic of Uzbekistan have led to a large number of foreign citizens entering the Republic of Uzbekistan for commercial and labor purposes. According to the results of a voluntary examination of some individuals of this category, the presence of HIV infection, dangerous to humans, was revealed.

In particular, in 2024, more than 5.1 million citizens were tested for HIV infection, of which only 434 thousand (25%) out of 1.7 million citizens who returned from a long stay abroad were voluntarily tested for HIV/AIDS, of which 1,512 were diagnosed with this disease. Also, in 2024, more than 12.7 thousand foreign citizens and stateless persons were voluntarily tested for HIV/AIDS infection, 81 of whom were diagnosed with the disease, which is 28.3% more than last year².

The legislation of some foreign countries and the procedure for HIV testing for citizens and foreign citizens arriving for work and residence were analyzed, including:

According to the legislation of the Malaysian state, foreign students who came to study in Malaysia, citizens who came for a period of more than 90 days for the purpose of residence or work, are required to undergo mandatory HIV testing³;

¹ Global HIV & AIDS statistics — Fact sheet. Electronic source. URL: <https://www.unaids.org/en/resources/fact-sheet>.

² Statistical report of the Center for Combating AIDS of the Republic of Uzbekistan.

³ Electronic source. URL: <https://www.positivedestinations.info/country-database/country/malaysia>.

Citizens who have been abroad for more than 90 days in Saudi Arabia are required to undergo a mandatory medical examination. It is also established that foreign citizens arriving for residence and work for more than 90 days must undergo mandatory HIV testing⁴;

In the United Arab Emirates, labor migrants and returning citizens who have been abroad for 3 months or more are required to undergo a medical examination for HIV. Also, foreign citizens who have received a work and residence permit for more than 3 months or who want to extend the permit are required to take a HIV test. In the United Arab Emirates, HIV test results issued abroad are not recognized. Repeated HIV testing is required⁵;

For civil servants who have been abroad for more than 3 months, mandatory medical examinations have been established upon their return to the country, including HIV testing⁶;

In Australia, medical examinations are also mandatory for citizens who have been abroad for a long period, that is, more than 90 days, and HIV testing is strictly regulated⁷.

In the experience of the studied countries, long-term stay abroad is defined as a period of 3-6 months, and mandatory examinations are mainly aimed at HIV/AIDS and other infectious diseases.

Also, according to the global database on restrictions on movement related to HIV infection, 19 countries have a procedure for the deportation of foreign citizens diagnosed with HIV. In addition, in 60 countries, a long-term visa, work permit, residence permit, and in other cases of permanent residence in the country, testing for HIV infection is mandatory⁸.

If we pay attention to the above analysis, most foreign countries require citizens who have been abroad for more than 90 days or who have come to work and live to undergo HIV testing. To find an answer to the question of why exactly more than 90 days, we turn to medicine.

The serological window period is the time interval during which antibodies to the virus have not yet been produced in the body of an HIV-infected person, that is, blood tests cannot detect the virus⁹.

When conducting a medical examination for HIV, if the person is in the "serological window" period, a negative (false negative) result is obtained as a result of the examination, even if the person is HIV-infected. Therefore, it is not advisable to conduct a medical examination of individuals during the serological window period.

Serological window period: from 2 weeks to 3 months. If individuals take an HIV test after 90 days, the results are 99% accurate¹⁰.

According to the results of an epidemiological survey conducted in recent years with migrants diagnosed with HIV infection, it was established that in more than 90 percent of cases (93.2 percent in 2024, 92.3 percent in 2023, 92.2 percent in 2022) migrants contracted HIV infection sexually. Also, among the cases of HIV infection in migration, minors under the age of 18 were not registered. The HIV infection rate among individuals over 60 years of age is low (3.7% in 2024, 2.6% in 2023).

Also, according to the analysis of statistical data, we can see that in the period from 2020 to 2024, the incidence of HIV infection among citizens returning from a long stay abroad increased by 38 percent.

Considering that the spread of HIV infection among migrants is mainly sexually transmitted, it is necessary to check the population of active sexual age for HIV infection.

⁴ Electronic source. URL: <https://www.positivedestinations.info/country-database/country/saudi-arabia>.

⁵ Electronic source. URL: <https://www.positivedestinations.info/country-database/country/united-arab-emirates>.

⁶ Electronic source. URL: chrome-extension://kdpelmjpfafjppnhbloffcjpeomlnpah/https://www.emro.who.int/images/stories/occupational/documents/occupational_safety_and_health_in_egypt.pdf.

⁷ Electronic source. URL: <https://www.positivedestinations.info/country-database/country/australia>.

⁸ Electronic source. URL: <https://www.positivedestinations.info/>.

⁹ Electronic source. URL: <https://www.webmd.com/hiv-aids/hiv-window-period>.

¹⁰ Electronic source. URL: <https://www.aidsmap.com/about-hiv/what-window-period-hiv-testing>.

Analysis of the regulatory legal acts of the Republic of Uzbekistan related to HIV disease showed that currently there is no mechanism for mandatory medical examination of foreign citizens and stateless persons entering the Republic of Uzbekistan to carry out labor activities, as well as citizens of the Republic of Uzbekistan who have returned after staying abroad for ninety days or more, foreign citizens and stateless persons permanently residing in the territory of the Republic of Uzbekistan, for HIV infection dangerous to humans.

From the above analysis, it can be seen that the increase in the volume of labor migration in recent years, the increase in the number of returning citizens abroad, and the entry of foreign citizens into the Republic of Uzbekistan necessitate the strengthening of measures for the early detection and prevention of HIV infection, which is dangerous to humans in the country.

Based on the above analysis, in order to prevent the spread of HIV and the main sources of its spread, we propose:

Part one of Article 15 of the Law of the Republic of Uzbekistan dated September 23, 2013, No. ZRU-353 "On Combating the Spread of the Disease Caused by the Human Immunodeficiency Virus (HIV Infection) " shall be supplemented with paragraphs seven and eight of the following content:

"citizens of the Republic of Uzbekistan aged eighteen to sixty years, foreign citizens and stateless persons permanently residing in the territory of the Republic of Uzbekistan, who have returned from abroad for a period of ninety days or more continuously;

foreign citizens and stateless persons entering the Republic of Uzbekistan to carry out labor activity".

Article 35 of the Law of the Republic of Uzbekistan dated August 26, 2015 No. ZRU-393 "On the Sanitary and Epidemiological Well-being of the Population" shall be supplemented with a third part of the following content:

"Foreign citizens and stateless persons entering the Republic of Uzbekistan to carry out labor activities, as well as citizens of the Republic of Uzbekistan aged eighteen to sixty years, foreign citizens and stateless persons permanently residing in the territory of the Republic of Uzbekistan who have returned from abroad for a continuous period of ninety days or more, are subject to mandatory medical examination for HIV, a dangerous human disease, determined by the Cabinet of Ministers."

Supplement part eleven of Article 111 of the Law of the Republic of Uzbekistan dated October 20, 2020 No. 3PY-642 "On Employment of the Population" with a fourth paragraph of the following content:

"Certificate (certificate) of medical examination for HIV/AIDS and tuberculosis, issued by the relevant medical organizations (in cases of detection of the disease).

As a result of these proposals to amend the legislation, mechanisms for preventing the spread of HIV, which is dangerous for humans, protecting public health, as well as ensuring social security in labor migration processes will be improved, and legal guarantees in the field of human health protection will be further strengthened.

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