



# HIV and the criminal code in the Nordic countries

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# HIV-Nordic

- ◆ HIV-Nordic is the co-operative body of the Nordic organizations for people living with HIV.
- ◆ HIV-Nordic was founded in 1995 and the organizations included in HIV-Nordic are Hiv-Denmark, HivNorway, HivFinland, HIV-Sweden and Hiv-Iceland.
- ◆ Sharing best practices and having small projects.
- ◆ Working with Criminalization since 2010
  - ◆ First Q&A was published for the AIDS conference in Vienna.

Criminal code  
applies to  
transmission  
and exposure

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Sections in criminal code apply to those exposing others to the risk of HIV infection regardless of whether infection occurs.

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DK & FI: The purpose of the section(s) of the criminal code is to protect the individual

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NO & SE: The purpose is to protect the society

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No specific HIV sections

## Does practicing safer sex ( ART and/or a condom) exclude the use of punishment?

- ◆ **FI:** Exposing someone at risk for HIV is punishable by law. Practising safer sex reduces the risk considerably, but not 100 %. It is likely that being on ART and using condoms exclude the use of punishment, but not verified by the Supreme Court.
- ◆ **DK/IS/NO/SE:** Yes.

## ART & condom

- ◇ SE: People living with HIV who are on antiretroviral treatment (ART) or who use a condom can no longer be prosecuted
- ◇ NO: ...Consent to sex with a PLVH frees the person from criminal liability, and exempted for punishment are also infections from sex workers and injecting drug users, as well as transmission from mother to child

## October 2019

- ◆ SE: A man is prosecuted for aggravated assault (and a rape). He had sex in 2015 with two under 15 year old girl and didn't disclose his HIV. He was also 15 at the time. According to the prosecutor he didn't adhere to his medication
- ◆ FI: Police investigations, imprisonment, dismissed case in court.

# Partner Notification

- ◆ **Partner notification** is the practice of **notifying** the sexual partners of a person, known as the "index case", who has been newly diagnosed with a sexually transmitted infection that they may have been exposed to the infection. It is a kind of contact tracing and is considered a **partner** service.

# Partner notification in the Nordic countries

- ◆ If someone has tested positive on HIV or other STIs
  - ◆ You can tell your partner(s) yourself or the clinic/hospitals/doctors can do it
  - ◆ It is anonymous
    - “One of your sex partners has been tested positive for a STI and you should get tested”
    - “We have reason to believe an HIV-test might be a good idea.”
  - ◆ Young people who have had only 1-3 sex partners? Small towns? You don't know / remember your partners?
  - ◆ You go to get tested in a place where they might not know how test for different STIs.





Criminalisation  
still a problem,  
causing lot of  
harm

Partner  
notification ?

Criminalisation & Partner notification