

# ITALY



## COUNTRY STATISTICS

Italy has a population of 60,391,000 (ISTAT report January 1, 2019).

According to data reported to the ECDC in 2019, the estimated number of PLHIV in Italy is 130,000 (120,000 – 150,000). There have been 114,400 diagnoses by 2019 and 100,000 PLHIV were reported to be on treatment; 87,000 have an undetectable viral load.

No Cascade of Care data on different key populations is available in Italy. The 3 key populations identified by Italy as the most important with respect to focusing the HIV response were gay men and other MSM, PWID and migrants.

Declines in new diagnoses (2016 vs 2014) have been observed among MSM (-14%) and PWID (-33%); there is no data available on migrants.



## RELEVANT LEGISLATION USED IN CASES OF HIV-CRIMINALIZATION

### *Non-disclosure of HIV-status*

Non-disclosure of HIV-status is not criminalized in Italy.

### *Exposure to HIV*

Exposure to HIV is criminalized under Articles 56, 582, 583, and 575 of the Italian Penal Code (bodily harm, aggravated bodily harm and culpable homicide, in the case that exposure to HIV causes the infection and death of the infected partner).

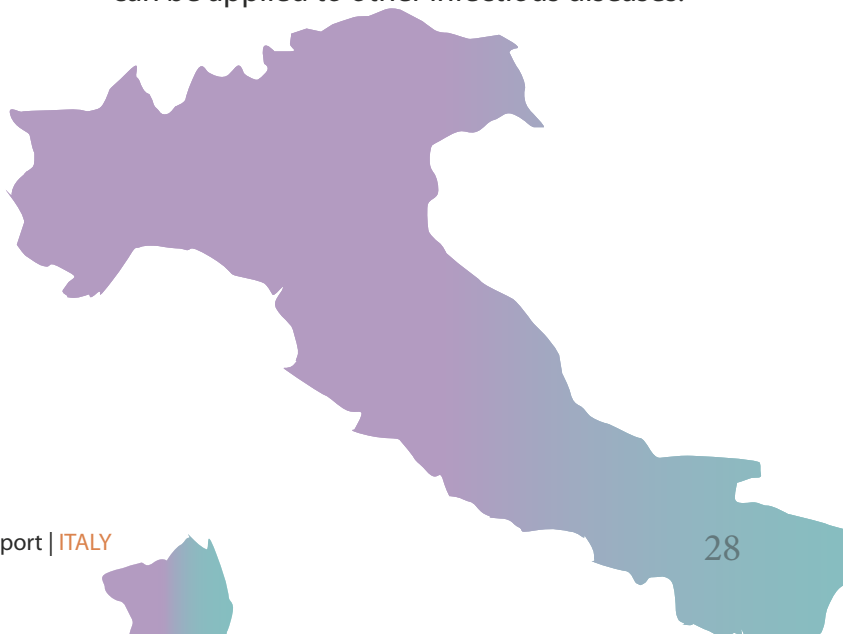
There are certain conditions that need to be present for criminalization for exposure to HIV. The accused must know their HIV status and have a detectable viral load and not use methods of protection (e.g. condoms) or incur in other risky behaviour (e.g. sharing needles). In one case a person living with HIV (VT) was prosecuted also for culpable HIV epidemic (art. 438 CP), but he was not judged guilty of such a crime.

### *Transmission of HIV*

Similar to exposure to HIV, transmission of HIV is criminalized under Articles 582, 583, and 575 of the Italian Penal Code (bodily harm, aggravated bodily harm and culpable homicide, in the case that transmission causes the death of the infected partner).

Same conditions as per exposure to HIV need to be present for criminalization for HIV transmission. The accused must know their HIV status and have a detectable viral load and not use methods of protection (e.g. condoms) or incur in other risky behaviour (e.g. sharing needles).

None of these legislations is HIV-specific and can be applied to other infectious diseases.





## CASES OF HIV-CRIMINALIZATION

No detailed information is available concerning data on prosecutions for transmitting HIV, since data specifically related to HIV are not kept separate from those of other crimes that are prosecuted under the same laws.

In Italy, in general court cases are public. Both the defendant and the accuser, through their lawyers, can ask for a closed court case.

There is no specific data protection policy for the investigation processes concerning the prosecution of HIV exposure/transmission.

### THERE IS CERTAINTY ABOUT 14 CONVICTIONS, SINCE THE SENTENCES WERE RECORDED.



**IT IS KNOWN THAT MANY CASES DO NOT REACH COURTS IN ITALY.**



## GUIDELINES AND TRAINING ON HIV-CRIMINALIZATION

In Italy, no guidelines or training are provided to professionals involved in HIV-criminalization. Although judges and lawyers have to undergo regular training updates, there is no information available whether these training updates include issues around HIV-criminalization.



## THE ROLE OF MEDIA

Media play a very negative role as they continue maintaining a sensationalistic /scandalous approach to these cases, despite the fact that over the course of time they have been invited to use a politically correct language and to give scientific, evidence based information about HIV transmission and people living with HIV.



## INFORMATION ON HIV-CRIMINALIZATION TO PEOPLE LIVING WITH HIV

NGOs working on HIV issues provide information and counselling to PLHIV on legal issues and their implication of exposing others to the HIV infection.

### KEY POPULATIONS MOST AFFECTED BY HIV-CRIMINALIZATION AND OTHER DISCRIMINATING LEGISLATION AND POLICIES

No key populations are disproportionately affected by HIV-criminalization, the majority of the convictions concerned heterosexual contacts and men.