

POLICY RECOMMENDATIONS ON HIV-CRIMINALIZATION



"HIV criminalization" refers to the use of criminal law to penalize alleged, perceived or potential HIV exposure; alleged nondisclosure of a known HIV-positive status prior to sexual contact (including acts that do not risk HIV transmission); or non-intentional HIV transmission.

SPECIFIC POLICY RECOMMENDATIONS

In the context of HIV-criminalization, the following policy recommendations should be adopted and implemented in all countries:

1 abolish any HIV-specific criminal laws and any laws or policies that mandate disclosure of HIV-status or partner notification;

2 in cooperation with the police, prosecutors, judges, HIV-specialists and organizations representing people living with HIV and other key populations review and revise the application of general criminal laws in the context of HIV and limit prosecutions to cases intentional transmission only;

3 ensure that any laws applicable to HIV are informed by state of the art scientific and medical evidence concerning modes of HIV transmission, prevention and treatment;

4 with the involvement of people living with HIV, medical professionals, the police, prosecutors, judges, HIV specialist organizations and legal experts, develop (or adapt already existing), regularly review, and implement national guidelines for police and prosecutors;

5 conduct HIV-specific sensitization training for members of law enforcement and the criminal justice system, health care providers, and the media;

6 provide access to affordable comprehensive prevention, treatment and care services for all regardless of their legal, social or health insurance status.

These policy recommendations are based on and derived from the AIDS Action Europe policy brief on HIV criminalization.