Guess How Many Countries Have Laws Allowing HIV Criminalization?

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"HIV criminalization is a growing, global phenomenon that is seldom given the attention it deserves considering its impact on both public health and human rights, undermining the HIV response." That's the conclusion of a new report by the HIV Justice Network and the Global Network of People Living with HIV (GNP+).

Titled "Advancing HIV Justice 2: Building Momentum in Global Advocacy Against HIV Criminalization," the report covers the period from April 2013 to September 2015, picking up where the original "Advancing HIV Justice" report left off (it covered September 2011 to March 2013).

According to a press release, the updated report describes HIV criminalization as "the unjust application of the criminal law to people living with HIV based solely on their HIV status—either via HIV-specific criminal statutes, or by applying general criminal laws that allow for prosecution of unintentional HIV transmission, potential or perceived exposure to HIV where HIV was not transmitted, and/or nondisclosure of known HIV-positive status."

Findings of the report include:

- A total of 72 countries have adopted laws that specifically allow for HIV criminalization, either because the law is HIV-specific or because it names HIV as one (or more) of the diseases covered by the law. (This total increases to 101 jurisdictions when the HIV criminalization laws in 30 of the states that make up the United States are counted individually.)

- Prosecutions for HIV nondisclosure, potential or perceived exposure and/or unintentional transmission have now been reported in 61 countries. This total increases to 105 jurisdictions when individual U.S. states and Australian states/territories are counted separately. Of the 61

countries, 26 applied HIV criminalization laws, 32 applied general criminal or public health laws, and three (Australia, Denmark and United States) applied both HIV criminalization and general laws.

- The highest numbers of prosecutions between April 2013 to October 2015 were reported in:

  Russia (at least 115)

  United States (at least 104)

  Belarus (at least 20)

  Canada (at least 17)

  France (at least 7)

  United Kingdom (at least 6)

  Italy (at least 6)

  Australia (at least 5)

  Germany (at least 5).

But there is a silver lining. According to the report, “Important and promising developments in case law, law reform and policy have taken place in many jurisdictions, most of which came about as a direct result of advocacy from individuals and organisations working to end the inappropriate use of the criminal law to regulate and punish people living with HIV.”

To read or download the 76-page report, click here.

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