HIV Criminalization Statutes Ought to Acknowledge Prevention Science

That's according to a new consensus statement released at International AIDS Conference in Amsterdam (AIDS 2018).

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The increasingly refined science guiding the current understanding of HIV transmission risk in various contexts ought to inform HIV criminalization statutes, according to a consensus statement released at the International AIDS Conference in Amsterdam (AIDS 2018), Medscape reports.

The team behind the statement, which included representatives from Joint United Nations Programme on HIV/AIDS (UNAIDS), the Sero Project and others, targeted clinicians who may be called upon as expert witnesses at HIV-related criminal trials.

The statutes behind prosecutions revolving around HIV make it a crime for people with the virus not to disclose their HIV status, to potentially expose someone to the virus or to transmit the virus through sex or the sharing of drug paraphernalia. Such laws typically do not take into account whether the person with HIV or his or her partner took any risk reduction measures, including using condoms, or if the person with the virus was on antiretrovirals and virally suppressed (effectively nullifying the risk of transmission) or if the HIV-negative person took pre-exposure prophylaxis (PrEP) or post-exposure prophylaxis (PEP).

Seventy-three nations have such statutes. The United States, which has a patchwork of related state laws of varying degrees of severity, is the world's leader of HIV-related prosecutions. A total of 143 U.S. residents were prosecuted under HIV criminalization statutes between 2015 and June 2018.

Research has been mixed as to whether such laws have any actual effect on HIV transmission rates or HIV risk reduction strategies.

The consensus statement called for a shift from relying on population-level data regarding HIV transmission risk to individual-level data. This would allow for a more precise understanding of personal risk mitigation in the context of any encounter or encounters subject to criminal prosecution.

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