HIV Criminalization = More Transmissions

December 6, 2013 By Sean Strub

A few years ago, there was so little attention paid to the issue and so few seemed to care about it.
But that has changed; criminalization is increasingly recognized as a significant obstacle to overcoming the HIV epidemic, particularly because it deters people from getting tested for HIV. If you don't know you have HIV, you can't be prosecuted on a criminalization charge.
This is a fact: People who get tested and know they have HIV are far less likely to transmit the virus -- as compared to those who have HIV but don't know it because they haven't been tested. Criminalization statutes are illogical: they punish the responsible behavior (getting tested and knowing your HIV status) and give a pass to irresponsible behavior (not getting tested and putting others at risk). I am very happy that a new and sane voice has joined the fray in this crucial debate.
This week, ProPublica, the independent, non-profit newsroom that produces investigative journalism in the public interest, published an in-depth piece on HIV criminalization. You can read the piece by clicking here. (This piece was co-published by BuzzFeed.)

I met the article's writer, journalist Sergio Hernandez, more than a year ago and briefed him on the issue, specifically from the perspective of people with HIV. I also introduced him to key players in the criminalization reform movement and shared the research on HIV criminalization of Sero Project, the advocacy group I co-founded.
The resulting story is terrific. The narrative primarily focuses on Nick Rhoades's case, the man in Iowa who was sentenced to 25 years in prison for non-disclosure, even though he used a condom and had an undetectable viral load. I address Nick Rhoades's case in Body Counts, as did Elton John in his book, Love is the Cure, where he also generously recognizes Sero Project's pioneering work.
The ProPublica article includes sophisticated analysis of criminalization statutes and prosecutions, as well as an extensive database of specific cases. These invaluable tools will support the efforts of criminalization reform advocates.
Stopping HIV criminalization is crucial legislation for people with HIV. Right now, they all are just one disgruntled ex-partner away from a courtroom. Stopping HIV criminalization is also a public health imperative that affects us all.
We can prosecute HIV or we can prevent it -- but we can't do both. I urge you to read the ProPublica piece.
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Please also visit *Body Counts* at www.SeanStrub.com, on Facebook.com/BodyCounts and on Twitter @BodyCountsBook.

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