

Responding to the criminalization of HIV transmission or exposure

Resources for lawyers and advocates

The rise in criminalizing HIV transmission and/or exposure has been evident around the world. While no data indicates that criminal law plays a role in preventing new HIV infections, many people, including people living with HIV (PHAs), PHA organizations, and human rights advocates are concerned that it may in fact undermine HIV prevention efforts as well as the human rights of people living with HIV.

Additional concerns relate to the ability of defence lawyers and other advocates to respond to the increasing use of criminal law in their countries. Cases of HIV transmission or exposure are very complex and require knowledge that goes beyond legal skills, including knowledge of the latest science related to HIV.



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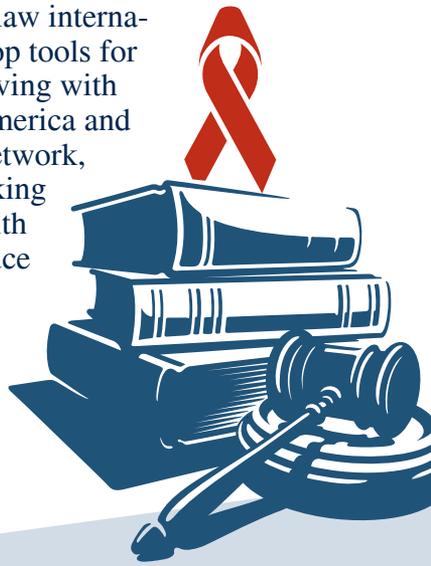


In response to the increasing use of criminal law internationally, as well as to the great need to develop tools for lawyers defending and representing people living with HIV, a group of organizations from North America and Europe — the Canadian HIV/AIDS Legal Network, AIDES France and Groupe sida Genève working with the Global Network of People Living with HIV (GNP+) — have come together to produce a resource kit.

The resource kit provides both informative documentation to support lawyers in the preparation of their cases and selected publications that can ultimately be presented in Court.

While the resource kit was primarily designed to equip defence lawyers in cases of HIV transmission or exposure, it can also be used by advocates who look for accurate and comprehensive information to respond to the criminalization of HIV transmission or exposure.

Lawyers and other advocates equipped with the materials in this kit will be better able to challenge the misinformation and stigma prevalent in many of the cases related to HIV, and ultimately contribute to a strictly limited, fair and evidence-based use of the criminal law.



- Information on the social aspects of living with HIV, taking into account the differences in accessing treatment in high- and low-income countries;
- An overview of the epidemic's evolution over the last 30 years and some perspectives for the future;
- A detailed and extensively referenced compilation of the latest scientific evidence regarding treatment, per-act risks of HIV transmission and proving HIV transmission;
- Materials on the challenges raised by the criminalization of HIV transmission or exposure, including policy considerations;
- International recommendations on the use of the criminal law in cases related to HIV;
- Key international decisions;
- A compilation of legal materials at the national level, including comprehensive descriptions of the law, key cases and relevant legal literature; and
- A comprehensive list of references.