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HIV Crimes! Know the Facts

HIV CRIMINALIZATION IN THE U.S.

- About 2/3rds have “HIV-specific” statutes that result in prosecutions of PLHIV for having sexual contact without being able to prove they disclosed their HIV positive status in advance.
- Statutes may criminalize perceived, potential or actual exposure to HIV through sex, shared needles, or in some states, exposure to “bodily fluids” that can include saliva.
- . The actual science of HIV transmission, or the use of condoms or having an undetectable viral load, typically do not play a role in these prosecutions; they often boil down to whether or not the PLHIV can prove they disclosed in advance.
- Many of these cases demonstrate, by law enforcement, prosecutors and the media, a profound lack of understanding concerning the real routes, risks and consequences of HIV transmission.

CRIMINALIZATION IS TERRIBLE PUBLIC HEALTH POLICY

- HIV criminalization exacerbates stigma against PLHIV and disenfranchised communities and reinforces ignorance and unfounded beliefs about the real routes and risks of HIV transmission.
- There is no evidence that criminalizing non-disclosure reduces risk behaviors.
- HIV criminalization discourages those at risk from getting tested for HIV and some PLHIV from seeking treatment, making it more difficult to disclose one’s HIV positive status.
- In some situations healthcare providers are legally required to disclose private HIV-related medical records to prosecutors, which creates mistrust in the physician-patient relationship.
- Preventing sexually-transmitted infections is a mutual responsibility; putting a greater responsibility on one partner undermines the most fundamental public health message that, ultimately, we each must be responsible for the decisions we make concerning our sexual health.

HIV CRIMINALIZATION IS INHERENTLY DISCRIMINATORY

- HIV Criminalization prosecutions often result in sensationalized, if not hysterical and inaccurate, media coverage.
- Filing charges frequently results in public disclosure of a person’s HIV positive status to their community, the Internet and the world. Even if they are found innocent of the charge, their lives are never the same.
- HIV criminalization reinforces the idea that people with HIV are inherently dangerous, a part of society that needs to be identified, tagged, listed, reported, regulated, controlled and criminalized.
- PLHIV convicted under criminalization statutes are frequently required to register as sex offenders, which furthers stigma and makes it vastly more difficult for the PLHIV to find housing, employment or basic privacy.
- Disenfranchised communities, including those who live in poverty, sex workers, people who inject drugs, people of color and others disproportionately suffer the consequences of HIV criminalization.
- HIV is not the only sexually transmitted infection, that if left untreated can seriously harm or even kill a person, but there are not “disease-specific” statutes for other conditions or comparable prosecutions.