

# Abolish the criminalization of HIV

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Routine criminal prosecutions for not disclosing HIV status should be abolished, write three HIV/AIDS experts in an article in *CMAJ* (*Canadian Medical Association Journal*).

"In Canada, despite remarkable medical advances that have made HIV/AIDS a manageable illness, recent years have seen an escalation in the number of people prosecuted for allegedly exposing sexual partners to the virus," write M-J Milloy, Thomas Kerr and Julio Montaner of the British Columbia Centre for Excellence in HIV/AIDS, St. Paul's Hospital, Vancouver, BC. "An upcoming case being heard in February 2012 at the Supreme Court of Canada will likely set a new legal precedent to guide police and prosecutors. While some aspects of this case may well deserve a full and fair prosecution, there is no evidence that criminal prosecutions for HIV-nondisclosure protect individuals from infection."

The risk of [transmission of HIV](#) from appropriately treated people is now exceedingly low, the authors write, thanks to advancements in the treatment of HIV/AIDS. Highly [active antiretroviral therapy](#) (HAART) has been remarkably successful in suppressing production of the virus, resulting in people being in long-term remission. As well, these prosecutions can lead to stigmatization of people infected with HIV, curtailing reporting of the virus and disrupting prevention activities.

"Today, there is a strong scientific basis to eliminate routine prosecutions for HIV nondisclosure," write the authors. "Furthermore, these criminal prosecutions generate stigma and discrimination that

interferes with best medical practices and, as such, has multiple unintended [negative consequences](#). Prosecutions put the life of people living with HIV/AIDS at risk, increase the risk of [HIV transmission](#) and [health care costs](#), and ultimately place the public at higher risk."

The authors say that the Criminal Code has appropriate measures to deal with people with HIV who are aware of their status and act with intent to harm others.

"Today, HAART has changed HIV/AIDS into a chronic manageable condition and has emerged as the most powerful strategy to prevent new infections through vertical, blood-borne or sexual routes," state the authors.

"It is time to embrace the scientific evidence, recognize the ability of HAART to virtually eliminate the transmission of HIV, and do away with criminal prosecutions for HIV nondisclosure," they conclude.

**More information:** [www.cmaj.ca/lookup/doi/10.1503/cmaj.111848](http://www.cmaj.ca/lookup/doi/10.1503/cmaj.111848)

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