

LAWS MUST SUPPORT DIGNITY, NOT DISCRIMINATION, FOR PEOPLE LIVING WITH HIV

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Oslo, Norway

**High Level Policy Consultation on the
Criminalization of HIV Nondisclosure,
Exposure and Transmission**

SPEECH

By: Michel Sidibé, Executive Director of UNAIDS

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First Lady Antoine, Minister Mathisen, distinguished colleagues; it is a great honour and pleasure to be here. I cannot thank the Government of Norway enough for its leadership and support in taking this difficult issue forward.

It is so timely that we are addressing the critical matter of criminalization today. But I am not here to lecture you. I am not an expert, but I have a heart; and I can tell you that during the last UNAIDS Board meeting, the stories told by two people living with HIV, who were prosecuted for exposing another to HIV, upset me a great deal. These stories showed me clearly that the criminal law is not the solution to the HIV problem. I am glad to see that Robert is here today and that he will share his and Nick's story with those of you gathered at this meeting.

Cases like these are why this meeting is so timely and critical. We must ask ourselves, why do punitive responses to HIV persist when we are making so much progress? We have half of those who need it now receiving HIV treatment. New infections have stabilized in 56 countries, and in some places, new infections have been reduced by more than 25%. As one woman said at the International AIDS Conference in Mexico a few years ago, "Just as HIV was becoming normalized, they criminalized it."

Almost 30 years after the first cases of AIDS, the law is still being used to criminalize the transmission of HIV. In some countries, this has been under old laws, and in other countries, under new laws.

The USA and Canada lead the world in the number of prosecutions and convictions for HIV nondisclosure, exposure and transmission. Sweden leads in Europe. Australia leads in the Pacific region. In Africa, laws that criminalize have been recently adopted in many countries.

Zero new HIV infections. Zero discrimination. Zero AIDS-related deaths.

The full impact of these laws is not well documented or understood, but we understand too well how they further marginalize people living with HIV. These laws fuel stigma. They damage efforts to prevent, treat and care for HIV. They remove incentives for people to get tested. And they undermine public trust in health care providers.

My experience has taught me a few lessons which I want to share with you. First, criminalization is ineffective. Laws and prosecutions do not stop the spread of HIV. There is no correlation between the existence of these laws and the drop in HIV infections.

Second, the measures are misguided. Criminalization places blame on one person instead of supporting shared responsibility for sexual health. These laws are not helping us to reach those at risk or to end stigma and discrimination. They are not helping us to build the kind of inclusive societies that we want to build or to support greater human dignity.

Third, criminalization places women at greater risk of victimization, including in the context of prosecuting them for transmitting HIV to their babies. I hate to think how these laws will be applied in a continent like Africa where there is little access to justice.

Finally, many of these laws are poorly drafted.

In closing, I want to commend the efforts of the Commission on HIV and the Law. It is completing its work, and its final report will be launched in June. I look forward to seeing its recommendations for helping countries to improve laws, as well as increase access to justice for people living with HIV and other vulnerable populations. Some of these recommendations will no doubt assist us in addressing the issue you are considering here today.

Thank you.

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