Inconsistent laws against HIV transmission 'a barrier to HIV prevention': NAPWA

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Increasing prosecutions of people living with HIV for reckless transmission of the virus [1]A small infective organism which is incapable of reproducing outside a host cell. are counter-productive to efforts to combat HIV, the National Association of People Living with HIV/AIDS (NAPWA) has said. The organisation has called for nationally consistent laws and guidelines that treat HIV transmission as a public health issue and use criminal prosecutions only as a last resort.

The call came as NAPWA prepares to launch a comprehensive monograph examining the current legal sanctions placed on people living with HIV in Australia. The monograph, with analysis from legal experts, researchers and community advocates, paints a picture of criminal laws applied haphazardly and often as knee-jerk reactions to perceived threats to public health.

The monograph, entitled *The Criminalisation of HIV Transmission in Australia: Legality, Morality and Reality*, includes a foreword by the Hon. Michael Kirby, AC CMG, former judge of the High Court, and will be launched this week at Parliament House, Canberra, by Senator Louise Pratt, chair of the Parliamentary Liaison Group for HIV/AIDS.

"What we are calling for is a consistent approach across the states and territories," said NAPWA President Robert Mitchell. "A set of guidelines for managing people who put others at risk of HIV has been developed with NAPWA's input and we are calling for these guidelines to be adhered to. In some recent cases it is clear the matters have been escalated to police prosecution when this was not warranted."

"This monograph provides a basis for rational and measured discussion about the issue of criminalising HIV transmission, and provides evidence to support the treatment of HIV transmission as a public health issue in all but the most serious cases. It also shows the pronounced differences between the laws in different states and territories – inconsistencies that hamper our work in educating and informing positive people," he said.

"With the development of the sixth national HIV strategy underway at the moment, we want to draw attention to the fact that some criminal laws conflict with the strategies aims and create barriers to HIV prevention. At a time when prosecutions of people for HIV transmission are rising around the world, we believe it is time for this issue to be on the agenda."

"People with HIV deserve the certainty of knowing that they will not be prosecuted for accidental HIV transmission, and that they can keep their HIV status private as long as they don't place others at risk. Ensuring criminal laws affecting people with HIV are fair and just will encourage people to get tested and take responsibility for themselves – and reduce new HIV infections," he said.

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Attachment	Size	Type
PDF version of this media release [3]	144.12 KB	PDF

- Criminalisation of HIV transmission

Links:
[1] http://napwa.org.au/glossary/term/125
[2] http://napwa.org.au/people/paul-kidd
[3] http://napwa.org.au/files/mr_20091016_monograph_0.pdf

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