20 Global Experts Agree: Science Doesn’t Back HIV Crime Laws [VIDEO]

“Simply put, HIV criminalization laws are ineffective, unwarranted and discriminatory,” says a coauthor of the expert consensus statement.

July 25, 2018 By Cameron Gorman

Twenty leading HIV researchers have released a consensus statement that refutes the rationale behind laws that criminalize HIV transmission. In declaring that science does not support HIV criminalization, their evidence-based statement supports the message behind the “Undetectable = Untransmittable” (“U=U”) campaign—that a person with an undetectable viral load cannot transmit HIV.

The authors published their statement and a related editorial in the Journal of the International AIDS Society. A press conference about HIV criminalization was held today at the 22nd International AIDS Conference (AIDS 2018) in Amsterdam, according to an AIDS 2018 press release. (Watch a video of the conference above.)

Driven by the fact that HIV crime laws are often a result of poorly understood science, the HIV experts crafted the consensus statement as a way to educate the justice system. The authors titled their work “Expert Consensus Statement on the Science of HIV in the Context of Criminal Law.” The companion editorial is titled “Addressing HIV Criminalization: Science Confronts Ignorance and Bias.”

“Simply put, HIV criminalization laws are ineffective, unwarranted and discriminatory,” said IAS president Linda-Gail Bekker, one of the statement coauthors, in the press release. “In many cases, these misconceived laws exacerbate the spread of HIV by driving people living with and at risk of infection into hiding and away from treatment services.”
The expert consensus statement notes that at least 68 countries have laws that specifically criminalize HIV nondisclosure, exposure or transmission and that 33 countries apply other criminal law provisions in similar cases. These laws can get people with HIV arrested and convicted for nondisclosure even when no transmission has occurred, when the risk of transmission was extremely low and when no harm was intended.

The press release highlights three transmission facts from the consensus statement:

- There is no possibility of HIV transmission via contact with the saliva of an HIV-positive person, including through kissing, biting or spitting.

- The risk of transmission from a single act of unprotected sex is very low, and there is no possibility of HIV transmission during vaginal or anal sex when the HIV-positive partner has an undetectable viral load.

- It is not possible to establish proof of HIV transmission from one individual to another, even with
the most advanced scientific tools.

According to the release, the statement has been endorsed by such organizations as the International AIDS Society and the Joint United Nations Programme on HIV/AIDS (UNAIDS). Its coauthors include the Pasteur Institute’s Nobel Laureate Françoise Barré-Sinoussi, Salim Abdool Karim of Columbia University and Chris Beyrer of Johns Hopkins University.

Also available in Spanish, Russian and French, the statement “encourages governments and legal and judicial systems to pay close attention to the significant advances in HIV science that have occurred. The statement serves as the gold standard of current scientific knowledge on HIV to inform any application of the criminal law in cases related to HIV.”

POZ founder and Sero List executive director Sean Strub wrote about the consensus statement in his latest POZ blog, which you can read here.

In related news, recently released data further support U=U. For details, read our POZ article from AIDS 2018 titled “Undetectable Meant Zero HIV Transmissions After 89,000 Condomless Sex Acts.”