

STATEMENT ON THE CRIMINALISATION OF THE TRANSMISSION OF HIV & STIs



To be read in conjunction with:	Confidentiality and Equal Opportunities Policies
Date for review:	May 2019
Priority Policy?	Yes
Seen by staff subgroup	4 th April 2016
Approved by BOT	10 th May 2016
Notes	

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Company Number: 2958336 Charity Number: 1040407

At present, a person who transmits HIV or any other STI to another person without accurately telling them that they have HIV or an STI could face prosecution.

Yorkshire MESMAC is opposed to such prosecutions. We believe that criminalising people who transmit HIV or an STI has no useful purpose.

We believe that criminalising people who transmit HIV or an STI serves to stigmatise them further.

Our concerns are:

- Prosecuting people for deliberate or reckless transmission encourages people to choose not to be tested in order that they remain unaware of their own status.
- Persons who may have HIV or an STI are discouraged from being open with medical professionals and service providers for fear that those professionals/providers may be compelled to give evidence against their patients/service users.
- It encourages the view that by not expressly disclosing their status, a person is indicating that they are free of HIV/STI.
- The difficulty in proving transmission leads to an excessive number of wide-ranging and highly intrusive investigations, wholly disproportionate to any perceived public good arising from any resulting prosecution.
- HIV and STIs are already met with undesirable, unhelpful and undeserving stigma. Criminalisation of transmission and the reporting of such cases in the media serves only to increase the stigma.

Yorkshire MESMAC believes that when people agree to sex they agree to the risks and consequences involved. The responsibility for safer sex and steps to avoid the transmission of HIV and STIs lies with all people involved in sexual activity, not just a person who may have HIV or STIs.

Yorkshire MESMAC believes that non-consensual sex should be prosecuted through other legal avenues that do not involve the criminalisation of HIV/STIs.

Some people may choose not to disclose or may not know their HIV/STI status. Yorkshire MESMAC suggests that people should take this into account when they agree to have sex. We support the right of people living with HIV to choose not to disclose their HIV status.

Unless compelled to do so, we will not give information or otherwise support prosecutions of the transmission of HIV or any other STI.

We are committed to the protection of the human rights of people living with HIV and STIs.