

Criminalisation and the sexual transmission of HIV

Created 23 Jul 2007 - 7:27pm

NAPWA is the national peak organisation representing people living with HIV/AIDS in Australia. Through leadership in advocacy, policy, education and prevention, NAPWA strives to minimise the adverse personal and social effects of HIV/AIDS. By championing the participation of HIV-positive people at all levels of the national HIV/AIDS response we aim to build a positive future for people living with HIV/AIDS.

We acknowledge that the evidence clearly indicates that the vast majority of people with HIV practice safe sex with partners who are HIV negative or of unknown serostatus. We also acknowledge that accidents and unintended miscommunications do occur and that, in a very small number of cases, deliberate or reckless exposure may occur.

NAPWA supports the practice of the overwhelming majority of HIV positive Australians in actively seeking to reduce the risk of HIV transmission, however, we believe that the criminal justice system is an inappropriate mechanism for achieving that aim and should only be used in exceptional circumstances as a mechanism of last resort.

NAPWA acknowledges that the overwhelming majority of HIV positive Australians are actively seeking to prevent the transmission of HIV through a variety of practices. We believe that people with HIV require support, education and access to services which maintain and enhance these practices.

Australia's response to HIV has been and continues to rely heavily on the involvement of affected communities in helping to prevent the transmission of HIV. Through the successful engagement of communities at high risk of HIV (men who have sex with men, sex workers and injecting drug users) and people with HIV; Australia has managed to successfully contain the spread of HIV. Our success is acknowledged and emulated worldwide.

The focus of criminal law in HIV transmission will be harmful to the community response to HIV and as such should only be used as a mechanism for cases of clearly manifest reprehensible and exceptional behaviour.

Finally, we believe that each partner in a sexual relationship has a responsibility to protect themselves and each other from HIV and STI transmission. Some people with HIV may not know that they actually have HIV and it is extremely unwise to proceed on the assumption that each partner is HIV negative, particularly in the case of unsafe casual sexual encounters.

To read the rest of this policy paper, download the attachment listed below.

- [Criminalisation of HIV transmission](#)
- [disclosure](#)
- [policy paper](#)
- [Sex and relationships](#)