

## Decriminalization of HIV transmission: Advocacy experience of the Civil Society Coalition for the decriminalization of HIV in Niger

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### Background:

To effectively fight against HIV, Niger adopted Law No. 2007-08 of April 30, 2007 related on HIV prevention, care and control. This law included problematic provisions, including the criminalization of exposure, HIV transmission, and the non-disclosure of HIV to the sexual partner. Actually, PLWHIV continue to be victims of the application of the provisions criminalizing the transmission of HIV through several criminal prosecution cases in 2017.

### Description:

In June 2018, 13 civil society organizations created the "National Coalition for the Decriminalization of HIV in Niger". This one benefited from the technical and financial support of HIV JUSTICE WORLDWIDE. Its advocacy objectives, by 2021, are to : repeal of offenses criminalizing exposure and transmission of HIV ; research and disseminate reliable and convincing data on the impact of HIV criminalization on access to HIV-related services. Since its creation, the Coalition has carried out the following activities : National workshop for consulting civil society stakeholders on the exposure, transmission and non-disclosure of HIV in Niger ; The development of the Memorandum of December 20, 2018 entitled "exploring ways and means to resolve the problems of legal proceedings against people living with HIV in order to reduce to zero the new infections, deaths and discrimination linked to AIDS" ; Organization of several advocacy meetings during the "zero discrimination" day (March, 2019) for public decision-makers and partners.

### Lessons:

- 1)judicial police officers and magistrates have to exercise greater caution when considering a criminal prosecution, and in particular, carefully assess the latest scientific data on the risks of transmission and the consequences of the infection;
- 2)National AIDS Control Program need a comprehensive assessment of the application of criminal legislation on the transmission, exposure and non-disclosure of HIV status in order to measure its impact on the effectiveness of national response.

### Conclusions:

The criminalization of HIV transmission undermines public health efforts and does not take into account the reality of PLWHIV and especially women who are not always able to disclose their HIV status without fear of reprisals or violence, or to impose the wearing a condom. The threat of possible criminal prosecution only increases their vulnerability.