

RECENT PROGRESS AND SETBACKS IN HIV CRIMINALISATION AROUND THE WORLD

Edwin J Bernard, Sylvie Beaumont, Elliot Hatt & Paul Kidd • HIV Justice Network, Amsterdam, Netherlands
IAS 2025, the 13th IAS Conference on HIV Science, Kigali, EP0622

BACKGROUND

HIV criminalisation refers to the unjust use of criminal or public health laws against people living with HIV based on their HIV status. These prosecutions, often unscientific, undermine public health, reinforce stigma, and violate human rights. Addressing HIV criminalisation is critical for achieving global health and human rights goals.

METHODS

This analysis focuses on cases and legal developments documented in the HIV Justice Network’s Global HIV Criminalisation Database between January 1st 2024 and July 1st 2025. Data were reviewed to capture trends in the application, reform, or repeal of HIV-specific and general criminal laws globally.

RESULTS

Global Trends in 2024/2025

In 2024, 65 new HIV criminalisation cases were reported in 22 countries – up from 57 in 2023 and 50 in 2022.

Russia (25) and the U.S. (11) led the case counts, followed by Uzbekistan, Spain, Argentina, Belarus, Senegal, and Singapore.

First-ever prosecutions were documented in Panama and Uruguay.

In the first six months of 2025, 48 new HIV criminalisation cases were reported in 9 countries, with Uzbekistan (28) and Russia (9), accounting for the majority followed by the U.S., Canada and Argentina.

Actual numbers are likely much higher, with hundreds of unreported cases emerging from civil society research – especially in Eastern Europe, Central Asia, and the United States.



Intersectional Injustices & Extreme Sentences

Cases often intersected with anti-LGBTQ+, racial, and gender-based discrimination.

In Senegal cases demonstrated how HIV criminalisation disproportionately affects other criminalised and marginalised groups, intersecting with issues of gay identity and police targeting of LGBTQ+ individuals.

HIV criminalisation in the U.S. disproportionately impacted communities of colour, reinforcing stigma and systemic bias. Many prosecutions continued to be unscientific, involving no-risk acts like spitting or sex with an undetectable viral load.

SOUTH AFRICA

When Justice Turns Against Science

In South Africa, a former soldier was sentenced to life plus 10 years after being found guilty of rape and attempted murder for engaging in consensual sex without disclosing his HIV-positive status – despite no evidence of intent or actual harm. By equating HIV non-disclosure with rape, disregarding science and reinforcing stigma, this sets a deeply troubling precedent.

In Uzbekistan, women received similar or harsher sentences than men despite mitigating factors and lack of actual transmission. Charges often stemmed from intimate relationships with courts framing non-disclosure as endangering family, not acknowledging relational power dynamics.

Legal Reforms in 2024/2025: Signs of Progress

- U.S.: Full repeal of HIV laws in Maryland and North Dakota.
- Tennessee: Removed mandatory sex offender status for HIV-related convictions.
- Mexico City & Colima state: Repealed ‘danger of contagion’ laws.
- Ukraine: Parliament approves bill removing HIV criminalisation from criminal code.
- Singapore: Adopted U=U-based legal defence.
- Uzbekistan: Eased prosecutable profession bans on people living with HIV.

ZIMBABWE

Partial Victory – But Concerns Remain

In March 2024, Zimbabwe proposed re-criminalising HIV under Section 78 of its criminal code. Local advocates rallied quickly, supported by HIV JUSTICE WORLDWIDE , warning the amendment threatened Zimbabwe’s HIV response and the rights of people living with HIV. Their efforts helped prevent the re-inclusion of HIV in Section 78. However, a new offence – criminalising the deliberate infection of a child with an STI, including HIV – was enacted instead. While some celebrated this as progress, advocates remain concerned about overly broad provisions and the potential criminalisation of women with HIV, particularly in cases related to breastfeeding.

Ongoing Setbacks & Missed Opportunities

- Canada failed to introduce long-promised reforms to stop misuse of sexual assault laws against people with HIV.
- Uganda upheld most of the Anti-Homosexuality Act, despite striking down the death penalty clause for gay men with HIV.
- In the U.S. a Louisiana lawmaker renewed a push to criminalise STI exposure.
- In China, proposed reforms in Chongqing threatened renewed STI-related criminalisation.

CONCLUSIONS

While progress was made in 2024/2025, 83 countries still have HIV-specific criminal laws, and 23 countries reported cases during this period. To reach the UNAIDS target of fewer than 10% of countries with punitive laws by 2030, we must:

- Prioritise science over stigma
- Invest in community-led monitoring
- Demand legal reform grounded in human rights

