RECENT PROGRESS AND SETBACKS IN HIV CRIMINALISATION AROUND THE WORLD

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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.

Intersectional Injustices & Extreme Sentences

Cases often intersected with anti-LGBTQ+, racial, and genderbased 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.

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- Mexico City & Colima state: Repealed 'danger of contagion' laws.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

RESULTS

Global Trends in 2024/2025

In <u>2024</u>, **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 <u>first six months of 2025</u>, **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.

HIV CRIMINALISATION CASES PER COUNTRY reported in 2024/2025

RUSSIA	34 cases		
UZBEKISTAN	31 cases		
USA	14 cases —		
	_	Ohio	4 cases
ARGENTINA*	5 cases	Georgia	2 cases
BELARUS	3 cases	North Carolina	2 cases
CANADA*	3 cases	Arkansas	1 case
FRANCE*	2 cases	Florida	1 case
		Idaho Oregon	1 case
INDIA*	2 cases	Tennessee	1 case
SENEGAL	2 cases	Wyoming	1 case
SINGAPORE	2 cases		
SPAIN*	2 cases		
CHINA	1 case		
GERMANY*	1 case		
IRELAND*	1 case		
ITALY*	1 case		
KAZAKHSTAN	1 case		
KENYA	1 case		
PANAMA	1 case		
ROMANIA	1 case		
SOUTH AFRICA*	1 case		
SOUTH KOREA	1 case	* = Doesn't	have
TURKEY*	1 case	HIV-specific criminal laws	
URUGUAY*	1 case	but uses <i>general</i> criminal laws for HIV-related prosecutions.	

HIV criminalisation in the **U.S.** disproportionately impacted communities of colour, reinforcing stigma and systemic bias. Many prosecutions continued to be unscientific, involving norisk 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 HIVpositive 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.

CONCLUSIONS

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.

RUSSIA

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

COUNTRIES / JURISDICTIONS WITH HIV-SPECIFIC CRIMINAL LAWS IN 2024/2025

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AUSTRALIA

NEW ZEALAND