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CALL FOR PAPERS

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Theme: Criminalisation of HIV, sexuality and reproduction

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In 1996, legislation proposed in Zimbabwe aimed to make it a criminal offence for anyone who knew they had HIV or any other sexually transmitted infection (STI) to have a sexual relationship. In 2001 in the first successful prosecution for over a century, a man was convicted in Scotland of recklessly injuring his former girlfriend by infecting her with HIV. In 2004, an HIV positive man in Sweden was convicted even though his partner had not been infected. Since then, in spite of condemnation by UNAIDS, legal professionals and HIV NGOs and activists, a growing number of countries have passed laws criminalising sex with HIV and HIV transmission. Although guidance in these laws on what kind of transmission is considered criminal is not always clear, prosecutions are increasing.

Many other practices and behaviours related to sexuality and reproduction have long been criminalised, including not only abortion but surrogate pregnancy and other aspects of assisted reproduction. Contraception and condoms too were once criminalised. Such laws were increasingly challenged in the 20th century. In the past 20-30 years, efforts to bring criminalised sexuality out of the closet for public health and human rights reasons, following from the HIV epidemic, have gained global visibility. Sex work, while still criminalised in many countries, has become the focus of 100% condom campaigns and treatment for STIs and other sexual and reproductive health care in Asia, and sex workers have united globally to call for decriminalisation of sex work and the rights of sex workers. Yet in recent years, Sweden has criminalised the purchase of sex in an effort to close down the sex industry, because it represents a form of discrimination against women, and other European countries are thinking of following in their footsteps.

Although homosexuality has been decriminalised and discrimination on the grounds of sexual orientation recognised as a violation of human rights in a number of countries, few countries in the world have passed laws protecting the rights of all sexual minorities and gender expressions. Brazil, Uruguay and South Africa are notable exceptions. However, attempts to alter restrictive policies aimed at controlling sexual relations risk backlash, especially where conservative religious and cultural influence over the state is strong. And while the value of comprehensive sexuality and relationships education is widely acknowledged, its provision in schools remains rare.

This journal issue is about what is happening in countries as regards criminalisation and decriminalisation of HIV transmission, sexuality and reproduction.

- What are the existing laws and policies in countries and what is their history? In what ways are they being implemented and affecting the people who are criminalised under them?
- What efforts are being made to revise these laws in the direction of public health and human rights principles? How successful have they been in changing public perceptions and beliefs, and in changing law and practice? Is there a backlash against these efforts, by whom, why?
- What is happening to the lives of people discriminated against under these restrictive laws as efforts towards change, and backlash where it is occurring, take place?