

A Comparative Study of Criminalizing HIV Transmission with Emphasis on European Countries

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Received: 2024-05-22

Revised: 2024-08-05

Accepted: 2024-08-13

Published: 2024-08-19

The spread of HIV/AIDS has become a global crisis, and addressing it through the ultimate tool of criminal law, namely criminalization under certain conditions, has been recommended in international legal systems and the penal codes of some countries. This paper does not delve into the foundations and principles governing criminalization in detail; however, based on the assumption that criminalizing actions must align with legal and philosophical principles, we will analyze and evaluate under what circumstances the transmission of HIV should be criminalized. Our primary focus in this paper is on the right to life and its prerequisite, the right to health, particularly in the context of infectious diseases, as reflected in Article 25 of the Universal Declaration of Human Rights, Article 12 of the International Covenant on Civil and Political Rights, and the goals outlined in the United Nations Millennium Declaration. This issue will also be examined from the perspective of the criminal laws of Germany, Denmark, Hungary, Sweden, and the Netherlands. The research method is descriptive-analytical.

Keywords: Criminalization and Decriminalization, HIV Transmission, Right to Life and Health

How to cite this article:

Ashkboos, M. R., Heydari, M., & Malmir, M. (2024). A Comparative Study of Criminalizing HIV Transmission with Emphasis on European Countries. *Interdisciplinary Studies in Society, Law, and Politics*, 3(3), 96-104. <https://doi.org/10.61838/kman.isslp.3.3.12>

1. Introduction

One of the fundamental human rights recognized in the international legal system is the right to health, which holds a prominent position in global treaties and customs. This right is explicitly addressed in numerous international documents such as the Universal Declaration of Human Rights, the International Covenant on Economic, Social, and Cultural Rights, and others, and the obligations of states to respect and adhere to the provisions set forth in these documents have been ensured through various means (Habibi Mojandeh, 2007). According to Article 25 of the Universal Declaration of Human Rights, "Everyone has

the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing, and medical care and necessary social services..." Additionally, Article 12 of the International Covenant on Economic, Social, and Cultural Rights recognizes the right to health and its principles. However, most notably, reference should be made to the eight goals listed in the "United Nations Millennium Declaration" aimed at achieving development, which were adopted by 192 member states of the United Nations and 23 international organizations, with four of these goals being dedicated to health issues, including HIV/AIDS.



Given that health is a highly fragile and vulnerable condition that is constantly under threat, preventing or reducing threats, as well as restoring and improving health to the extent possible, requires medical facilities and care. As many have pointed out, the right to health is closely interwoven with other human rights, such as the "right to food, housing, education, human dignity, life, non-discrimination, equality, the prohibition of torture, privacy, access to information, and freedoms of association, assembly, and movement" (Habibi Mojandeh, 2007). Today, the threat of HIV and its increasing transmission is considered a violation of human rights, including discrimination against women and marginalized groups such as sex workers, drug injectors, and homosexual men. HIV also strongly contributes to the violation of human rights by further advancing discrimination and violence. Since the past decade, the need for a robust human rights framework to combat the spread of the HIV epidemic has been recognized at the global level, as the protection of human rights and the enhancement of public health is an issue that nations must seriously pursue. As a result, the policies adopted by many countries for the prevention, treatment, and improvement of HIV have been appropriate and noteworthy.

2. Sexual Crimes and HIV Transmission

Sexual crimes are among the most frequently occurring types of offenses, attracting considerable attention from the media, public concerns, and political planning. Crimes involving a sexual element encompass a broad range of recognized forms: rape, various forms of sexual harassment (excluding rape), sexual crimes within the family (incest), child sexual abuse, obscene acts with sexual content, grooming children for sexual purposes, unlawful intercourse (e.g., marriage or relationships with minors), human trafficking for sexual exploitation, and prostitution. Sexual crimes account for a very small percentage of crimes reported by the police, comprising only 0.8% of recorded crimes during the referenced period. However, it is important to recognize that, first, studies related to victims of HIV and hepatitis, as well as self-reported studies, indicate high levels of unreported sexual crimes, suggesting that the actual figures might be much higher. Second, although sexual crimes account for only a small percentage of total offenses, the severity of these crimes is far greater than that of minor offenses,

which constitute a larger percentage of crime statistics (Abbasi & Ladan, 2019).

The legal framework and oversight of sexual crimes related to the right to health, and specifically the transmission of infectious diseases, have a long and complex history, largely reflecting social and cultural changes in the understanding of gender and sexuality. For example, with the rise of the feminist movement, the criminal justice system was compelled to take the transmission of infectious diseases associated with sexual crimes against women more seriously. Feminist scholars and activists argued that women victims of rape had historically not been adequately supported by the criminal justice system. Female victims were often reluctant to report sexual assault, as public perception held that admitting to such crimes brought shame and disgrace. When women did report these crimes, they frequently encountered sexual stereotypes that blamed them for the assault due to inappropriate clothing or provocative behavior. Law enforcement also hesitated to intervene in conflicts labeled as domestic, preferring that such issues be resolved privately rather than through formal intervention (Sanaei-Zadeh, 2018). This trend continued until 1994, when marital rape was criminalized, belatedly acknowledging that most sexual assaults against women were not committed by strangers but by family members.

Another area that has seen significant changes over time is the response to sexual crimes against children. It must be acknowledged that the understanding of children and childhood is not a universally constant concept. The specific categorization of children as distinct and separate from the adult population is a relatively recent phenomenon. In the 19th century, a new perspective emerged regarding children as a uniquely vulnerable social group, which led to efforts to legally protect them from sexually transmitted diseases. This shift was largely driven by journalistic efforts to publicize child prostitution during the Victorian era. Despite these reforms, widespread neglect of child sexual abuse related to sexually transmitted diseases persisted behind closed doors, perpetrated by parents, orphanage staff, teachers, and clergy. In recent decades, there have been extensive efforts to expose and prosecute those responsible for transmitting sexually transmitted diseases and committing related crimes against children (Kalantari, 2001). Attention has particularly focused on

child abductors and abusers, as well as individuals involved in the production and consumption of child pornography. Some criminologists have warned of the risk of exaggerated political and public outcry leading to "moral panic" in such cases. In these situations, the moral panic may result in the identification and conviction of individuals based on insufficient evidence. Moreover, they have pointed out that legislative and law enforcement agendas are often driven by fear of the dangers posed by strangers to children; however, the reality is that, just like adult sexual assault victims, the greatest sexual threat to children comes primarily from family members and close acquaintances. Focusing on internet abusers and individuals loitering near schools does little to protect children from the risk of domestic abuse (Shamii, 2010).

A third area historically targeted by the criminal justice system is the activity of sexual minority groups, particularly gay men engaged in consensual sexual activity, who are seen as significantly spreading sexually transmitted diseases. As in many other countries, homophobia was traditionally reinforced through a range of sanctions that criminalized sexual relations between individuals of the same sex. Various criminal classifications existed under British law, punishing sexual activity between homosexuals with imprisonment. It was only in 1967 that homosexual acts were decriminalized, provided the participants were over 21 years old and the act occurred in private. In 1994, the age of consent for such acts was lowered to 18, and in 2001, it was further reduced to 16, finally equating the age of consent for homosexual and heterosexual relations. However, despite significant progress made by gay rights activists and civil libertarians in the decriminalization of homosexuality, the expansion of sexually transmitted diseases remained a damaging consequence (Varkuhi & Parisa, 2011).

3. Regulation of Immoral Acts in Combating HIV

Researchers have shown that the average age at which girls enter prostitution is early adolescence. Many prostitutes were sexually assaulted in childhood or were children who fled from home to escape violence. A study in Toronto revealed that 90% of the prostitutes surveyed wanted to leave the profession but felt they could not, with the presence of pimps controlling their actions and

taking a significant portion of their earnings contributing to this belief.

If we look closely, we realize that the elimination of prostitution is not the main objective. Prostitution is more about control than it is about sexual relations. The ability of men to buy women's bodies affirms the power they hold in society. Regardless of how powerful they are in roles as bosses, politicians, or judges, the purchase of a prostitute entices many of these men. Prostitutes, especially those working on the streets, are more frequently assaulted than other women. Clients, police officers, and pimps regularly assault them. Clients dominate prostitutes and can demonstrate this power by paying or withholding payment. In response to ineffective laws on prostitution, society imposes harsher penalties, but these punishments primarily target the prostitutes. In the U.S., specifically, the "equal footing" theory has led many states to establish equal penalties for both prostitutes and clients; however, police and courts rarely enforce these laws equally (Hossack, 2011). In many states, most of those arrested are prostitutes, while clients are usually just interrogated. Clients who are arrested are less likely to be convicted compared to prostitutes and are more likely to be fined than imprisoned.

If the elimination of prostitution was the main goal, the government would focus on rehabilitating existing prostitutes while simultaneously preventing the creation of new ones. It seems that lawmakers are not interested in eliminating the swamp that entraps women, as they benefit from this endless source of profit (Najib-Hosseini, 2017).

Opponents of criminalizing prostitution raise two main points: first, why prostitution should not be criminalized, and second, how it should be addressed. Legalizing prostitution allows the government to regulate different and permissible forms of prostitution, promote health, and coordinate zoning regulations. Decriminalization, on the other hand, removes all anti-prostitution laws, turning it into an unregulated business.

In the U.S., Nevada is the only state where prostitution is legalized (Hossack, 2011), and only a few counties have effectively implemented this. Prostitution, pimping, and deriving income from prostitution are still illegal in Nevada, except for registered brothels. Many government officials have labeled these counties as pimps, which is accurate. Laws vary by county, but

women working in these brothels are required to work 14 hours a day, seven days a week, for three continuous weeks. They have no control over their clients and must provide a compelling reason to refuse a customer to the brothel manager. Additionally, they must give almost half of their earnings to the manager. They are not allowed to leave the brothel except under certain restricted conditions. Many counties do not allow prostitutes to live or socialize in the same area where they work.

The legal protection provided by the government for prostitutes may seem positive. According to feminist scholar Catharine MacKinnon, even prostitutes can sue pimps and clients for forced labor. Mandatory inspections are one of the advantages of legalizing prostitution, though they can also cause significant problems for prostitutes. While prostitutes are regularly examined for HIV and other sexually transmitted diseases, their clients are not. When one of these unchecked clients infects a prostitute, she is fired. Since her name is registered with the local government, her name is also added to the FBI list, significantly reducing her chances of obtaining a legitimate job or receiving insurance for her new illness. Legal prostitutes in Nevada are not even entitled to be treated as employees; instead, they are considered independent contractors, and brothel managers are allowed to deny them insurance, wages, and retirement benefits (Sanaei-Zadeh, 2018).

Even advocates of decriminalizing prostitution have approached the issue cautiously. They argue that decriminalization should not make it easier for women to enter or remain in the profession. Legal prostitution does not necessarily prevent women from entering the trade. The primary approach to combating prostitution is not only to cut off the source of prostitutes through education and other social programs but also to eliminate the demand. Laws against pimps and clients should not be abolished; instead, they should be strengthened because they are the main offenders. Overall, decriminalizing all prostitution-related crimes does not benefit prostitutes who are effectively imprisoned by pimps, nor does it stop the purchase and exploitation of their bodies. From the perspective of decriminalization advocates, to stop this phenomenon, laws must reach the understanding that prostitutes are not criminals but rather a class of individuals who should be protected (Masoud, 2011).

The "zero tolerance" policies regarding prostitution have also failed, which is why some countries, like Australia, have attempted to use decriminalization and regulation methods. According to an Australian expert, zero-tolerance policies may include the criminalization of prostitution or sex work. The costs of isolating prostitution in Australia are well recognized, and the current effort is to pass and develop laws that guide prostitution with less cost and harm. These laws aim to ensure that the rights of citizens and prostitutes are guaranteed simultaneously since the New York-style regulation has increasingly crowded prisons, while Australia's policy is to reduce the prison population due to the rising costs of incarceration and its subsequent effects.

4. Advocates and Opponents of Criminalization

"Some schools of thought in criminology support the decriminalization of victimless crimes, meaning they wish to remove such offenses from the realm of criminal law and instead make them subjects of moral or political debate. In contrast, other schools advocate the criminalization of certain individual or collective acts that today seem dangerous to the global community, such as environmental pollution through smoke and noise" (Najafi Abrandabadi & Hamid, 2018). Advocates of decriminalizing victimless crimes emphasize the harm principle. This concept is found among both philosophers and legal scholars. The utilitarian view of criminalization seeks to prevent specific individual and social harms.

For example, John Stuart Mill, a 19th-century English philosopher, argued that societies can only intervene in the freedoms of individuals "to prevent harm to others." He believed that individuals should be given the greatest amount of freedom and autonomy consistent with the rights of others. Views based on individual rights and autonomy, with a clear emphasis on the individual's right, have been reflected in utilitarian considerations, particularly in Mill's famous work *Utilitarianism*. In Mill's philosophy, the regulation of liberties is always about maximizing benefits and minimizing harm. Ethics are based on this criterion, and the main reason for the dissatisfaction with social customs and pressures is the devaluation of other values in favor of calculating benefits and losses (Katoozian, 2014). Furthermore, Hall, in his book *The Relationship of Crime to Social Progress*,

argues that moral obscenity and ugliness are not sufficient grounds for criminalization. He states that the moral reprehensibility of an act cannot justify limiting human freedom and criminalizing behavior. According to this view, acts such as drug use, adultery, sodomy, and lesbianism do not involve harm or financial loss, and therefore, the state has no right to intervene through criminalization.

Legal scholars, by emphasizing the harm caused to others, argue that the offender's actions must violate the fundamental rights of others. If no harm is inflicted on another and no one's rights are violated, for example, if there is no victim, there is no damage to be compensated. Therefore, these scholars also argue for the decriminalization of behaviors such as drug addiction, alcohol consumption, suicide, gambling, and so on. However, opponents of decriminalizing victimless crimes argue that the victim is not only the one directly harmed by the crime but also the family and relatives of the person, who can also be considered victims. They criticize the idea that prostitution is a victimless crime. In reality, it has victims, such as the degradation of women's status, the spread of sexually transmitted diseases like AIDS, gonorrhea, and syphilis, and the promotion of pimping, all of which undermine the family unit and society as a whole (Varkuhi & Parisa, 2011). Addiction also leads to the spread of diseases like AIDS and hepatitis, with addicts committing other crimes to supply their drugs, ultimately resulting in the squandering of public and state resources. Thus, even in these crimes, there are so-called "attributed victims." Riding a motorcycle without a helmet is also not a victimless crime because if an accident occurs, the treatment of injuries or disabilities falls on the state, and others may also be harmed in the event of a crash. Therefore, the state and society are potential victims of this crime (Kalantari, 2001).

Social-interest-based perspectives focus on reducing the costs imposed on the criminal justice system. From this viewpoint, there is no benefit in criminalizing victimless crimes, and the costs associated with doing so should be avoided. For example, in the case of prisons, a portion of the incarcerated population in each country consists of offenders convicted of victimless crimes, so decriminalizing such crimes could improve prison conditions. However, opponents of decriminalization argue that decriminalizing these offenses offers no

guarantee of improving prison conditions. Nonetheless, the author believes that proponents of decriminalizing victimless crimes do not see the main cause of prison overcrowding as stemming from offenders convicted of victimless crimes, nor do they propose decriminalization as the primary solution to the prison overcrowding crisis. They consider one of the reasons for prison overcrowding to be offenders convicted of victimless crimes and suggest their proposal as a means of improving conditions, not resolving the crisis (Abbasi & Ladan, 2019).

Criminalization, in some cases, is influenced by scientific findings. For instance, advances in industry and genetics, as well as any scientific discovery, have led to the birth of new crimes within the criminal justice system. Various criminalizations related to industries, such as aviation crimes, environmental crimes, pharmaceutical and health-related crimes, and the criminalization of HIV transmission, are the result and necessity of scientific advancements. Newer findings may also lead us toward decriminalizing behaviors that were previously criminalized due to scientific progress. For example, the criminalization of HIV transmission is a relatively new issue that has found its place in the penal codes of many countries, including Germany, Denmark, Hungary, Switzerland, the Netherlands, and others. The threat to the "right to life" and the "right to health" justifies this approach and confirms the necessity of criminalizing HIV transmission. If scientific progress aids criminal law in rationalizing the need to criminalize HIV and other deadly viruses such as "Hepatitis B," it is highly likely that with further scientific development and the eradication or definitive control of AIDS, we may one day speak of decriminalizing it in criminal laws. Criminalization and its counterpart, decriminalization, are subject to societal changes, one of which is scientific advancement. Just as the excessive use of criminal law is unreasonable, resorting to it in certain cases, as described here, seems necessary (Shamii, 2010).

5. Strategies for Combating HIV Transmission

Policies aimed at combating AIDS date back to the 1980s when the disease was first discovered. At that time, medical experts identified a syndrome in the human body that quickly manifested into an epidemic in large and wealthy countries. As later discovered, HIV is a progressive virus that affects the immune system,

leading to the destruction of immune cells and the progression of the disease. Individuals with HIV do not die from the virus itself but because their immune systems can no longer sustain the prolonged battle, eventually failing.

The highest risk of spreading HIV occurs immediately after a person is infected, during which time the virus is highly infectious, often before the individual is aware of being infected or suspects their HIV status. In such situations, there is a significant risk of unknowingly transmitting the virus to others. Many people remain unaware of their HIV-positive status, either because they do not wish to undergo confidential HIV testing and counseling, or their initial test results were negative (Taheri, 2016).

In October 2006, the regional office of the World Health Organization convened a series of technical consultations regarding the criminalization of HIV transmission and other sexually transmitted infections, as well as the exposure to such infections. This meeting, which included a broad range of experts from non-governmental organizations, European governments, the World Health Organization, and U.S. government programs, aimed to support individuals living with HIV. The need for collective participation, including the issuance of a joint declaration by the World Trade Organization and the U.S. government based on the experiences of exemplary European countries, was emphasized (Hossack, 2011). Key issues, challenges, policies, and practices expressed by European countries regarding the transmission of HIV and other sexually transmitted infections are as follows:

- The use of criminal law in situations where unprotected and unsafe sexual relations occur.
- The relationship between criminal law and underlying assumptions and principles regarding AIDS, specific policies, and public health guidelines.
- The reality of applying criminal law in the legal and social contexts of individuals living with HIV.
- Policies that appear to be desirable or effective.

In some countries, criminal law is employed when individuals knowingly transmit or expose others to HIV. There are no precise statistics indicating how effective criminal law has been in preventing AIDS or achieving justice. Moreover, some arguments for using criminal

law against AIDS are based on protecting public health and human rights. The highest level of criminalization for HIV transmission occurs when an individual intentionally seeks to transmit the virus, knowing their HIV-positive status and deliberately acting to infect others. In other cases, the use of criminal law by legislators, judges, and courts is generally rejected (Najafi Abrandabadi & Hamid, 2018). In general, it can be said that criminal law should not be applied in situations where there is no significant or considerable risk, or in cases where:

- It is unknown whether the man or woman has HIV.
- It is uncertain whether HIV has been transmitted.
- The HIV-positive individual discloses their status to the person at risk.
- The individual with HIV has not disclosed their status due to fear of violence or other serious unfavorable circumstances.
- Reasonable and rational measures, such as using condoms during intercourse or other necessary precautions, have been taken to reduce the risk of transmission.
- Mutual agreement on risk acceptance has been established in some cases.

Governments should also:

- Refrain from enacting specific laws on AIDS and instead apply general criminal laws in cases of intentional HIV transmission.
- Issue directives to limit police authority and prosecution in applying criminal law.
- Ensure the application of general criminal laws, including their international human rights obligations.

What are the alternatives to using criminal law to address HIV transmission? It appears that instead of resorting to criminal law, governments should pursue programs aimed at reducing the transmission of HIV while protecting the human rights of both HIV-positive and HIV-negative individuals. Preventive programs should include efforts to achieve "safe prevention," enabling people living with HIV to avoid transmitting the virus to others. HIV-positive individuals must know that by disclosing their status, they can live safely and prevent further transmission by avoiding future risky contact

and delaying the progression of the disease (Najib-Hosseini, 2017).

Governments should also strengthen and ensure the enforcement of laws opposing rape (whether within marriage or outside it) and other forms of violence against women and children, as enhancing the criminal justice system's ability to address and support sexual crimes against women and children ensures that gender equality is guaranteed, not only in the context of HIV transmission but also through criminal protection (Katoozian, 2014).

Advocates of using criminal law to combat HIV transmission argue that the evolution of the HIV epidemic and the growing uncertainties regarding AIDS in criminal law necessitate the establishment of HIV transmission as a distinct crime. European countries have criminalized HIV transmission in various ways, and given the significance of the issue, we will highlight a few important examples.

6. Germany

In Germany, there is no specific law dedicated to the transmission of HIV or other sexually transmitted infections. However, according to general criminal law, transmission of the virus through sex or other means can lead to prosecution as it is considered a dangerous act. German law has not taken a clear and specific stance on when the transmission of the virus begins but states that a person living with HIV in a dangerous condition must take precautions (such as using condoms) to prevent transmission. However, it does not clearly specify the legal or criminal obligations if it is discovered that a person has transmitted HIV to another.

7. Denmark

Denmark's Penal Code provides for an 8-year prison sentence for individuals who, either intentionally or negligently, endanger the life or physical well-being of others or intentionally cause dangerous infections and incurable diseases. Up until 2006, 19 cases, most of them related to HIV transmission, were reported, with 8 resulting in convictions. The first criminal prosecution related to HIV transmission dates back to 1993 (Masoud, 2011).

Nevertheless, the Danish Supreme Court has acquitted defendants in many cases due to a lack of clear legal

grounds for conviction. In response to this, in 2001, the Danish government issued a list of cases in which HIV transmission could lead to conviction. For instance, in September 2006, a homosexual man infected three young men with HIV. He claimed in his defense that he was not guilty. When the details of the case first came to light, the front pages of scandalous newspapers featured the image of the young HIV-positive defendant in Denmark. Being in such a difficult situation requires support for all those living with HIV. In this case, the prosecution relied heavily on HIV tests as evidence to prove that the transmission of the virus from the defendant to the complainant could be established through testing.

8. Hungary

Under Hungary's Penal Code, sexually transmitted viruses are theoretically considered grounds for prosecution, but it appears there have been no documented cases of exposure leading to legal action. The Hungarian Civil Liberties Union's report from 1994 to 2000 indicated only three criminal prosecutions, none of which resulted in convictions. The clear need for dialogue and education for police, prosecutors, and judges to increase awareness of AIDS is essential. Guidelines issued by the World Health Organization, either internationally or nationally, could address the needs of those with negative HIV status and the victims of HIV transmission. A few years ago, the Hungarian Civil Liberties Union published a book on HIV and human rights in Hungary, with one section focused on criminal law. This analysis highlights that the link between cause and time between HIV transmission and death is weak, making it difficult to convict an offender of intentional or unintentional homicide (Taheri, 2016).

9. Sweden

By the end of 2005, a total of 7,099 cases of HIV transmission had been reported in Sweden, which seems disproportionately high compared to other European countries. In 2004, Sweden enacted the Communicable Diseases Act, which, similar to other laws, granted public health officials authority to deal with individuals suspected of transmitting HIV or other dangerous infectious diseases like Hepatitis B (Sanaei-Zadeh, 2018).

Switzerland's 1962 Penal Code addresses sexual crimes and prohibits offenses committed by two offenders. This provision has served as the basis for most prosecutions in the country. In April 2004, the Swiss Supreme Court issued a ruling on the appeal of defendants convicted of engaging in unsafe sexual behavior without protection, reducing their prison sentences from four years to one year. The court ordered significantly reduced penalties and adjusted the sentences proportionally (Sanaei-Zadeh, 2018).

10. Netherlands

In the Netherlands, criminal prosecutions for HIV cases gained attention between 2001 and 2005 when the Dutch Supreme Court specifically focused on public health as a general reason for imposing criminal restrictions on risky behaviors by individuals living with HIV (Abbasi & Ladan, 2019).

The general outcome of the rule established by the Dutch Supreme Court has been unfavorable. The court noted that existing laws for prosecution in various regions were inadequate, as they did not provide clear and appropriate solutions for enforcing criminal prohibitions. Discussions between HIV organizations, health institutions, and justice bodies in 2002 led the Dutch government to decide to abolish criminal restrictions in this area. However, later, the Dutch Supreme Court decided to draft and publish a law on HIV transmission in 2006 or late 2007 (Abbasi & Ladan, 2019). In the most recent decision by the Dutch Parliament, on July 1, 2010, a law was passed requiring individuals suspected of sexual assault to undergo HIV testing to provide treatment to victims of the disease. This law reflects a victim-centered approach in criminal law that could extend to all victim groups, regardless of age, gender, religion, etc.

11. Conclusion

There is little theoretical debate among countries regarding the necessity of criminalizing the transmission of HIV or similar viruses such as Hepatitis B. Laws, regulations, and court rulings indicate that the criminalization of HIV transmission is a relatively new concept that has found its place in criminal law. The threat to the right to life and health justifies this approach and highlights its necessity. As advancements

in knowledge support criminal law and rationalize the need to criminalize the transmission of deadly viruses like HIV, it is likely that with further scientific development and the eventual eradication or control of AIDS, one day, we may discuss the decriminalization of HIV transmission in criminal law. Criminalization and its counterpart, decriminalization, are subject to societal changes, one of which is scientific progress. While excessive reliance on criminal law is unreasonable, its application in certain cases, such as the one discussed, appears necessary.

Authors' Contributions

Authors contributed equally to this article.

Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

Acknowledgments

We would like to express our gratitude to all individuals helped us to do the project.

Declaration of Interest

The authors report no conflict of interest.

Funding

According to the authors, this article has no financial support.

Ethical Considerations

In this research, ethical standards including obtaining informed consent, ensuring privacy and confidentiality were observed.

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