

OPEN PEER REVIEW

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

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1. Round 1

1.1. Reviewer 1

Reviewer:

The article refers to Article 25 of the Universal Declaration of Human Rights without providing a citation. Including the specific source for this article would strengthen the academic rigor of the introduction. Furthermore, expanding on why these international human rights principles are particularly relevant to HIV criminalization would provide more context for the reader.

While the article mentions several studies, such as "Habibi Mojandeh (2007)" and "Abbasi & Ladan (2019)," more consistent use of direct citations within the text for critical facts and figures is recommended. The use of proper citation helps avoid ambiguity regarding where data or ideas originate.

The discussion on feminist movements and their impact on legal approaches to sexual crimes is informative but could benefit from a direct citation of key feminist legal scholars or historical examples that illustrate this shift. This would provide more empirical support for the claims made.

The section referencing child sexual abuse and historical legal changes (e.g., Victorian Era reforms) is valuable, but additional detail on how these reforms specifically related to HIV transmission could provide a clearer connection between the topic and criminalization discussions.

The text notes the average age of prostitution entry and references a Toronto study, but this is not cited. Ensure that empirical claims like this are accompanied by detailed references to increase reliability.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

The statement "Given that health is a highly fragile and vulnerable condition..." introduces a key argument but is overly general. Clarify and provide references to specific studies that discuss the vulnerabilities in public health, particularly related to HIV.

There is limited detail regarding how the comparative analysis was conducted. Including a specific explanation of the selection criteria for countries (Germany, Denmark, Hungary, Sweden, the Netherlands) would clarify how the comparison was structured and improve methodological transparency.

The section discussing sexual crimes is insightful but appears disconnected from the main topic. Consider explicitly linking the discussion of sexual crimes to HIV transmission more clearly, such as through mentioning studies or policies related to how criminalization of sexual crimes impacts HIV transmission rates.

You refer to "studies related to victims of HIV and hepatitis" without providing a source. Including citations for these studies would substantiate the claims and demonstrate the scholarly foundation of the arguments.

The comparative analysis could benefit from tables or figures summarizing key legal frameworks in the countries studied. Visual aids would help readers quickly compare the criminalization approaches taken by Germany, Denmark, Hungary, Sweden, and the Netherlands.

The section on Denmark mentions a specific legal case but lacks context on whether such cases are rare or indicative of broader trends in criminalizing HIV. Expanding on the frequency and outcomes of such prosecutions could give a clearer picture of the impact of these laws.

The brief mention of criminal prosecutions for HIV in Hungary needs more detail. For example, what factors led to the lack of convictions, and how do these factors compare to the experiences of other countries? This would strengthen the comparative aspect of the study.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor's decision: Accepted.

Editor in Chief's decision: Accepted.