



Sweden punished most severely for HIV - in the world

By Helena Björk / Interview / 12-04-09

Matthew Weait, Professor of Law at Birkbeck College, University of London, have to go home to the UK and wash your socks. In four and a half weeks, he has traveled in Denmark, Norway, Sweden and Finland to find an answer to the question why the Nordic countries have the world's toughest HIV-law.

#### FACT: HIV AND LAW

+ Information obligation in Swedish legislation means that people living with HIV and has unprotected sex with another person without providing information about their HIV status at risk of being prosecuted for a crime of violence. To transmit HIV to another person, or subjecting a person to HIV, may lead to prosecution and conviction for various crimes.

+ A person who is deemed to have transmitted HIV intentionally (on purpose) can be sentenced to between one and ten years in prison for aggravated assault.

+ If a person has transmitted HIV and negligence (through negligence), they can be sentenced for the offense giving rise to disease. The penalty is imprisonment for up to four years.

+ It is possible to inflict punishment, even if HIV is not transmitted. If there is intent to transmit HIV, the person may be convicted of attempted aggravated assault.

Source: HIV, crime and punishment, RFSU, RFSL, HIV-Sweden

What is your research about?

- How activists, scientists, lawyers and doctors look at the information requirements of HIV-law in the Nordic countries. These countries are using criminalization as a method of controlling the spread of HIV to a greater extent than anywhere else in the world. Why is it so? is the question.

What answers have you found so far?

- Based on my memory from 45 interviews, I can say that the criminalization of these countries reflects a strong belief in the law. The state knows best. Those who do not follow generally prevailing values concerning how to behave to take responsibility for it, and the state has the right to punish those who did wrong. Instead of taking responsibility for their own safety - to protect themselves against HIV regardless of what a sexual partner said of her HIV status - seems people like the law will do it for them. It thus makes it ok to punish a person who has not been open, because people expect to be able to rely on others at all times.

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Sweden has traditionally been progressive in matters of sexuality and gender, why are we not there when it comes to HIV?

- It is interesting that the Nordic countries has a young modern history. A social democratic politics built modern Sweden and an agreement that "we do this together" in which differences are dangerous.

- Research shows that the Nordic countries have the greatest trust between people in the world. Breaking it is worse here than anywhere else. Italy has the most HIV-positive people in Europe, but nobody has been prosecuted for any victim to infection. The trust between people which is low. In societies where people expect to be able to trust each other, I think it is easier to feel like a victim. When the law is a way to highlight the overshoot. But confidence only applies to persons who are not "different". That someone from Ethiopia, Thailand, or a person using drugs would be covered by the trust is not likely.

RFSU, RFSL and HIV-Sweden wants the legislation on HIV should be reviewed. How can your research contribute to this?

- I hope to clarify the importance of "choosing their audience." 99.9 percent do not live with HIV in Sweden, and politicians are not particularly interested in the few that do. Hence the need for strong evidence-based arguments from sources with high credibility. There is a difference between the slogans of the Pride Parade for LGBT rights - which is also a very important forum - and the arguments to get politicians to see the benefit in taking action.

- The government is different. We know for example that people die from alcohol-related harm. Politicians do not solve it by punishing those who sell alcohol, it would be irrational. Preferring society that people are aware of the risks of choosing to drink an entire bottle of vodka or a glass of wine, so they can protect themselves and make informed choices. I can not see that it is particularly big difference when it comes to sex.

Text and image Helena Björk