

Dear Minister of Justice, Mr. Lars Barfoed and  
Minister of Health, Mr. Bertel Haarder

We, the undersigned, 122 non-governmental and community-based organisations, national and regional networks working on HIV and AIDS congratulate you on your wise decision to suspend section 252 (2) and (3) of the Danish Penal Code on HIV and AIDS.

The remarkable progress in treatment options for people living with HIV that allows for the possibility of a normal life expectancy and greatly reduces the possibility of exposing others to HIV is certainly a good reason to reconsider the law on HIV and AIDS.

However, in your important work on the revision of the Danish law we strongly urge you to consider whether the particular section in the Penal Code that relates specifically to HIV exposure or transmission should exist at all. HIV exposure or transmission should not be singled out for special consideration as a criminal offence but should be treated in the same manner as other serious communicable diseases.

Punitive laws on HIV and AIDS undercut basic HIV prevention and sexual health messages and are ineffective in reducing the spread of HIV. Since HIV mainly spreads from persons not aware of their HIV status, such laws only fuel ignorance, fear, stigma, and discrimination against people aware they are living with the virus. We strongly believe such laws are counterproductive since they lessen the likelihood that individuals will learn their HIV status and access treatment.

In our opinion, consistent with rational public health-based policy, only intentional transmission of a serious communicable disease should be criminalised. In addition, we strongly suggest that the Danish Government support efforts that emphasise shared responsibility for HIV prevention and the importance of providing comprehensive prevention and care services for people living with HIV to help reduce the risk of transmission to others.

Yours sincerely,

AIDS and Rights Alliance for Southern Africa (ARASA), Namibia • Terrence Higgins Trust, UK • Young Activists Against AIDS Ghana, Ghana • EMPOWER INDIA - Professional Civil Society Organisation, India • Prevention Advocacy and Gay Men's Health • AIDS Foundation of Chicago, USA • International Rectal Microbicide Advocates (IRMA), USA • ICW Global, International • The Canadian HIV/AIDS Legal Network, Canada • HIV Prevention Justice Alliance, USA • AIDS Foundation of Chicago, USA • Faith And Hope Association (FAHA), Seychelles • Centre for Human Rights and Rehabilitation (CHRR), Malawi • Treatment Advocacy & Literacy Campaign (TALC), Zambia • The Communities Living with HIV, TB and affected by Malaria Delegation to the Global Fund Board to fight AIDS, TB and Malaria, by Rolake Odetojinbo (Nigeria), Shaun Mellors (South Africa), Rachel Ong (Singapore) • Coalition of Women Living with HIV and AIDS (COWLHA), Malawi • Femme Plus ASBL, Democratic Republic Congo • Children Education Society (CHESO), Tanzania • Women Together for Change, Inc., St. Croix, U.S. Virgin Islands • Ntchisi Integrated Development Organisation, Malawi • Children and Young People HIV Network / National Children's Bureau, UK • MATRAM-Mozambican Treatment Access Movement, Mozambique • Salud por Derecho / Right to Health Foundation, Spain • Public Personalities Against AIDS Trust, Zimbabwe • SCARJoV - Associação de Reintegração dos Jovens/Crianças na Vida Social, Angola • Women and Law In Southern Africa, Zimbabwe • Protection Enfants Sida (P.E.S), Democratic Republic Congo • Sidaction, France • National Association of People living with HIV in Nepal, Nepal • Global Research and Advocacy Group (GRAG), Senegal • DACOPHA (Dar es Salaam Coalition of District Networks of People Living with HIV/AIDS), Tanzania • Swiss AIDS Federation, Switzerland • Polish National Network of People Living With HIV/AIDS "SIEC PLUS", Poland • AIDES, France • RIGIAC - SIDA/SANNAM, Democratic Republic Congo • GAT, Portugal • HIV Iceland, Iceland • Planeta Salud, Spain • COMITÉ CIUDADANO ANTI-SIDA DEL P.D.O. DE ASTURIAS, Spain • The Centre for Health Policy and Innovation, International • Body Positive North West, UK • Estonian Network of PLWH, Estonia • Asociatia SENS POZITIV, Romania • The Botswana Network on Ethics, Law and HIV/AIDS, (BONELA), Botswana • Treatment Advocacy and Literacy Campaign (TALC), Zambia • Centre for the Development of People (CEDEP), Malawi • SENSOA, Belgium • TEENAGERS PLUS CBO- NAIROBI, Kenya • Reproductive Health Uganda, Uganda • RFSU - Swedish Association for Sexuality Education, Sweden • Positivo, Portugal • RéCAP+, Cameroon • Grupo de Trabajo sobre Tratamientos del VIH (gTt), Spain • Projecte dels NOMS-Hispanosida, Spain • NPS Italia Onlus, Italy • Albanian Association of PLWHA, Albania • Network of African People Living with HIV for Southern Africa Region (NAPSAR+), South Africa • Balance, Mexico • Asia Pacific Council of AIDS Service Organizations (APCASO), Malaysia • REDVIH (Red Comunitaria del VIH del estado español), Spain • STOP AIDS, Denmark • Omsida, Spain • FEAT (Foro Español de Activistas en Tratamientos de VIH), Spain • Hiv-Danmark, Denmark • Kenya Voluntary Women Rehabilitation Centre (K-VOWRC), Kenya • Society of Women and AIDS in Kenya (SWAK), Kenya • AIDS-Linien, Denmark • Deutsche AIDS-Hilfe, Germany • Seniorhands to Africa and Asia (ShAA), Denmark • HIV-Sweden, Sweden • Salud Family Health Center, USA • Asociación Unión Alcalaña, Spain • Asociación Madvihda, Spain • Positivgruppen, Denmark • WATAG (West Africa Treatment Action Group), Cote D'Ivoire • Women and Law in Southern Africa (WLSA), Swaziland • The UKCAB HIV Advocacy Network, UK • Hiv Vereniging Nederland Dutch HIV Association, The Netherlands • The Canadian Treatment Action Council (CTAC), Canada • NGO AIDS Information and Support Center, Estonia • Osservatorio Italiano sull'Azione Globale contro l'AIDS, Italy • Zimbabwe Lawyers for Human Rights, Zimbabwe • Czech AIDS Help Society, The Czech Republic • Lithuanian network of people living with HIV/AIDS, Lithuania • Federación Estatal de Lesbianas, Gais, Transexuales y Bisexuales (FELGTB), Spain • Ondamaris, Germany • Aids Fonds, The Netherlands • Soa Aids Nederland, The Netherlands • amfAR - the Foundation for AIDS Research, USA • 2-Spirited People of the 1st Nations, Canada • Gestos - HIV+, Communication and Gender, Brazil • Italian League For Fighting Aids, Italy • Public Foundation "Answer", Kazakhstan • Sex og Politikk, Norway • Positive Living Association, Turkey • Positive Voice, Greece • Positive Council Switzerland, Switzerland • LHL (The Norwegian Heart and Lung Patient Organisation), Norway • AIDS Action Europe, The Netherlands • Research Institute Without Walls (RIWW), USA • Public Organization Against AIDS, Azerbaijan • AIDSHILFE OBERÖSTERREICH, Austria • East Europe and Central Asia Union of PLWHA, International • Real People, Real Vision, Georgia • International AIDS Women's Caucus (IAWC), International • Women Won't Wait Campaign, International • Latin American and Caribbean Women's Health Network (LACWHN), LAC Region • ICW (The International Community of Women with HIV/AIDS) East Africa, Uganda • All-Russian Union of People, Living with HIV, Russia • Blue Diamond Society, Nepal • COCO SIDA (Coalition des organismes communautaires québécois de lutte contre le VIH/SIDA), Canada • New Dawn of Hope, Zimbabwe • Federacion Provincial "Renovacion", Spain • RéCAP+, Cameroon • Belarusian PLWH Community, Belarus • Network of African People, Living with HIV -NAP+CAR, Central Africa Region • The Network of People Living with HIV/AIDS in Nigeria (NEPWHAN), Nigeria • Real World, Real People, Armenia • National Empowerment Network of PLHAs in Kenya (NEPHAK), Kenya • The HIV & AIDS Legal Clinic, Canada • PILS (Prévention Information Lutte contre le Sida), Mauritius • AIDS-Fondet, Denmark

