



# HIV JUSTICE WORLDWIDE

## Statement on HIV Is Not A Crime Awareness Day

**Health, not handcuffs.**

Stigma is not protection. Criminalisation is not prevention. HIV is not a crime.

28 February 2026

**On HIV Is Not A Crime Awareness Day, the HIV JUSTICE WORLDWIDE coalition expresses grave concern over an escalating global trend: the resurgence and expansion of laws that criminalise lesbian, gay, bisexual, transgender and other gender-diverse people, as well as people living with HIV.**

Recent events in West Africa provide a stark illustration. A wave of arrests targeting gay men and other men who have sex with men has been accompanied by mandatory testing and unprecedented HIV-related charges, with many of those detained subsequently identified as living with HIV. The convergence of anti-gay laws and HIV criminalisation provisions has created a perfect storm in which identity and health status are used together to justify surveillance, prosecution, and public shaming. In response, Senegal's National Council for the Fight against AIDS (CNLS) has publicly called for an approach grounded in science and human rights, noting the detrimental impact these prosecutions have on public health.

These developments are not isolated. Around the world, 83 countries retain HIV-specific criminal laws and 65 continue to criminalise consensual same-sex relationships. In several jurisdictions, proposals to expand or reinstate penalties against same-sex intimacy and restrict advocacy are emerging alongside aggressive enforcement of HIV criminalisation laws. Such legal regimes reinforce one another: when same-sex intimacy is criminalised, HIV status becomes an additional instrument of surveillance, punishment, and abuse.

Criminalisation is not public health. It is stigma weaponised through state power. Where homophobic laws are enacted or enforced, HIV criminalisation becomes a mechanism for further violating rights and driving communities away from healthcare. Gay men, sex workers, trans people, and other marginalised groups can face forced testing, coerced disclosure, discriminatory prosecutions, and media-fuelled moral panic. In these cases, criminal law is used not to prevent harm, but to stigmatise, intimidate, and silence.

We recognise that this trend reflects wider anti-rights offensives that expand the use of criminal law to regulate sexuality, gender identity, reproductive rights, and freedom of movement, while shrinking civic space and weakening rule-of-law safeguards.

We stand in solidarity with all communities targeted by all of these discriminatory laws and their unjust enforcement. Laws that enable such abuse must be repealed.



## HIV JUSTICE WORLDWIDE calls on:

**Governments** to halt and reverse the expansion of laws that criminalise HIV non-disclosure, potential or perceived exposure, or unintentional transmission, as well as those criminalising same-sex intimacy, and to ensure that public health policy is never distorted into a mechanism of punishment. Forced HIV testing, coerced disclosure, public naming, and discriminatory prosecutions have no place in a rights-based legal system.

**Prosecutors and courts** to uphold due process and equality before the law, and to refuse to apply criminal provisions in ways that target individuals because of their identity, relationships, or health status. Discretion must be exercised in accordance with current scientific evidence and international human rights standards.

**Health authorities** to actively safeguard confidentiality and reaffirm that healthcare exists to serve patients, not law enforcement. Trust in health systems is essential to effective prevention, treatment, and care.

**Media professionals** to recognise the impact of their reporting. Sensational coverage, inaccurate information, and moral panic inflame stigma and prejudice legal outcomes. Accurate, balanced, and science-based reporting promotes public health and equal rights.

**International institutions and donors** to speak clearly against the (re)criminalisation of LGBTQ+ communities and the aggressive enforcement of HIV laws, and to sustain support for community-led, evidence-based responses grounded in dignity, equality, and justice.

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# HIV JUSTICE WORLDWIDE

is a coalition of 16 global and regional civil society networks and human rights defenders working to end HIV criminalisation.

