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PRESS RELEASE

DISCRIMINATION

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**PRESS RELEASE ON THE CRIMINALISATION OF THE
DISSEMINATION OF AN EPIDEMIC TRANSMITTABLE
DISEASE**

The Conseil national du sida continues to follow with the greatest interest parliamentary debates concerning reforms to the Criminal Code. It absolutely condemns the adoption by the Senate, upon second reading, of an amendment to article 222.18, which criminalises the dissemination of an epidemic transmittable disease by reworking the text of a similar amendment adopted upon first reading by the Senate and subsequently rejected by the National Assembly.

The Conseil hereinafter re-states the reasons for its hostility to the criminalisation of involuntary dissemination, reasons which it made known in an opinion made public on 25th June 1991:

"Criminalising the transmission of AIDS would be a mistake in the context of the current way in which French society operates, for the following reasons:

1. As already underlined by many commentators, criminalising transmission implies, for it to be applicable, extremely detailed investigations into the private life of individuals in order to provide evidence of proof. Medical confidentiality itself could be destroyed.
2. Other articles of the Criminal Code exist which would be sufficient to punish, if necessary, criminal acts which involve the intentional harm of others.
3. Criminalisation puts all of the responsibility for a sexual act on only one of the partners. Yet all sexual relations imply shared responsibility.
4. By dissuading everybody from paying attention to their serological status and from conducting themselves responsibly, criminalisation would go against the aim advanced by the authors of the amendment and would thus hinder prevention policies.
5. Under these circumstances, the only effect that criminalisation would have would be the further stigmatisation of sick people, which is contrary to the tradition of this country."

The amendment passed by the Senate moreover constitutes a factor of exclusion and of discrimination with respect to seropositive and sick people, which is unacceptable on an ethical level. The Conseil manifests on this point its solidarity with the not-for-profit organisations which have taken up a stance against this amendment and urgently draws the attention of parliamentarians and political leaders to the risk of excesses that the adoption of such a measure would produce.