

Hiv and the law reaction paper literature review samples

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The Criminal Transmission of HIV article addressed the controversial issue of prosecuting individuals for transmitting HIV to others. The article also outlined different categories for prosecution, including intentional, reckless and accidental. Each of these terms were defined and some of the problems were addressed regarding prosecution. It was stated that it is difficult to prosecute individuals for transmitting HIV, because it is not easy to gain proof. The victim would have to prove beyond a reasonable doubt that it was indeed the defendant that gave him/her the disease. This could be a difficult process, especially if the person has had multiple sexual partners.

Another reason for difficult prosecution is the consent and disclosure factor. The HIV positive person must disclose their status to the person they wish to have relations with, and that person must consent to the sexual interaction. The decision to prosecute is very controversial and there are several views as to what level of prosecution is relevant. Some of the keys questions are: should transmitting HIV be a considered a criminal act, should prosecuted be limited for intentional acts only and how does criminalization of HIV affect the infected person. Some argue that there should be no criminalization factor, because the duty of safe sex should be shared equally between the consenting adults.

I think the article highlights a lot of issues and questions regarding spreading HIV. There are so many unanswered questions that come into play when discussing this issue. After reading the article, I still did not have a clear right

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or wrong answer regarding criminalizing this act. I do agree those individuals intentionally spreading the disease should be prosecuted to some extent; however the other party also has the obligation to protect themselves during sexual intercourse. Ultimately, everyone is responsible for their own bodies, and should take measures to ensure that they are protected.