



### **E17 Deliberate or Careless Transmission of AIDS: A Problem of Criminal Classification**

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After attending this presentation, attendees will learn how the French policy intends to avoid deliberate AIDS transmission and how the prosecution is organized.

This presentation will impact the forensic science community by illustrating the difficulties in organizing prosecution against the people who purposefully transmit AIDS by not taking precautions.

Epidemiologically speaking, the first case of AIDS (Acquired Immune Deficiency Syndrome) in France dates from 1978. Since then a public health policy has been implemented including specifically the compulsory declaration of seropositive subjects and declared cases of the disease.

Despite the noticeable drop in mortality, AIDS nonetheless remains a particularly serious transmissible disease insofar as there is still no curative treatment or any vaccine capable of limiting or stopping its spread.

For that reason, public authorities and patient associations emphasize the importance of prevention. The first way to fight AIDS and to reduce its incidence, lies in the promotion of all the individual and community measures aimed at preventing transmission or at reducing the number of incidences.

Concomitantly to the evolution of medical knowledge, there has been a change in the sociological perception and a legalization of the issue, starting with the case of contaminated blood where several thousand hemophiliacs were given transfusions with contaminated blood. Doctors, top executives, and ministers were taken to court on the charge of poisoning.

Today, the men and women who consider themselves victims of a deliberate transmission of AIDS following unprotected sexual intercourse are calling for those responsible for their contamination to be sentenced.

A review of all of the criminal qualifications applicable in such cases which make it possible to organize the repression of such behavior will be presented.

The Supreme Court has already set aside the criminal qualification and has more recently adopted the term of an offence committed through the administration of a noxious substance.

#### **AIDS, Transmission, Prosecution**