

Position Statement

HIV/AIDS

Safe sex is everyone's responsibility and all people, regardless of their HIV status, should take steps to protect themselves as well as their sexual partners against infection.

FPWA believes that all people, including those with HIV, have the right to enjoy a full and satisfying sex life.

FPWA believes that anyone engaging in a sexual relationship with another person should consider themselves potentially at risk of HIV and other sexually transmissible infections (STIs) and take steps to protect themselves. Assumptions around another person's health status are not a sound basis for making decisions about safe sex¹.

Individuals can reduce their risk of infection by adopting safe sex practices. Sexually active people, including those with HIV, need easy access to information, education and counselling to assist them with HIV prevention issues and adoption of safe sex practices. FPWA acknowledges there are many types of relationships and that not everyone has the skills and/or confidence to communicate effectively with their sexual partners. The provision of services by FPWA will work towards supporting all people to communicate openly and honestly with their sexual partners, and in turn promote safe sex behaviours.

As part of open and honest communication, FPWA encourages people with HIV to disclose their status to potential sexual partners, along with always engaging in safe sex (using a condom and water-based lubricant when having penetrative sex, or not having penetrative sex). If the condom breaks or comes off, anti-HIV drugs (post-exposure prophylaxis) should be accessed as soon as possible, which may reduce their risk getting HIV.

Despite evidence that the majority of people with HIV either disclose to sexual partners, practise safe sex or both, there is evidence that a significant minority continue to engage in activities that place sexual partners at risk of HIV infection.² As such, opportunities and challenges exist for improved interventions with HIV positive people to help reduce HIV transmission.

It is widely agreed that the prevention of HIV transmission is primarily a public health issue and should be handled as such.³ FPWA believes that public health interventions should be used to prevent HIV transmission wherever possible, and that criminal prosecution of people with HIV is not an effective public health intervention.⁴ FPWA believes that in the majority of cases, criminal prosecution is appropriate in situations where a person deliberately misrepresents their HIV status and/or deliberately or recklessly exposes others to the risk of HIV transmission. In circumstances where people take reasonable steps to protect others FPWA does not believe the potential

¹ AFAO (2007). Criminal prosecution of HIV transmission, Australia

² OACHA (2003). Disclosure of HIV-positive status to sexual and drug-injecting partners: a resource document.

³ Culver, K. (2000). Persons unwilling or unable to prevent HIV transmission: a legislative analysis and literature review. Federal/Provincial/Territorial Advisory Committee on AIDS.

⁴ UNAIDS (2002). Criminal law, public health and HIV transmission: a policy options paper², Best Practice Collection, Geneva, Switzerland.



threat of criminal penalty is either useful or equitable. Prevention of HIV transmission should be the primary goal of public health policy.¹

FPWA will work to decrease stigma and discrimination of people with HIV, which can impact on people's willingness to access health services, seek assistance or undergo testing. No client or potential client will be denied access to services on the grounds of their HIV status, and all services offered will be provided in a safe and confidential environment.

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