

Sexual diseases and criminal law

August 25 2011 12:01AM

If the threat of prison hangs over anyone who has had herpes diagnosed, this could lead to an avoidance of diagnosis

Sir, A man has recently been imprisoned after pleading guilty to inflicting grievous bodily harm for infecting his girlfriend with genital herpes ("[Herpes hysteria](#)", Dr Mark Porter, Times2, Aug 23).

There are powerful public health arguments for encouraging testing and treatment of all sexually transmitted infections (STI) in order to reduce the level of disease, thus limiting ongoing transmission. If the threat of prison hangs over anyone who has had herpes diagnosed, this could lead to an avoidance of diagnosis so that no "blame" can be attached to those who pass on infection. This is not in society's interest.

Crown Prosecution Service (CPS) guidelines make it clear that criminal law should apply where there are "serious, perhaps life-threatening consequences". We challenge this view of herpes, as more than 70 per cent of the adult population has one or both types of herpes simplex, mostly without symptoms. It is seldom serious and circumstances when it may be life-threatening are statistically negligible.

The CPS must, as a matter of urgency, ensure that local prosecutors adhere to the guidelines, and we should also begin the debate as to whether using the criminal law to address STI transmission is really appropriate, except where there is deliberate and malicious intent. We see clear harms to public health and immense damage to the psychological health of those diagnosed, but no benefits from such prosecutions.

Signed by:

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Mr Peter Greenhouse, Consultant in Sexual Health, Bristol; Chair, British Association for Sexual Health and HIV Media Committee [Editorial comment: he's Mr not Dr because he is a surgeon]

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Deborah Jack, Chief Executive, National AIDs Trust

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