

**WHEN PRISONS BECOME BREEDING GROUNDS AND WAREHOUSES
FOR HIV: A PARADOX OF CRIMINAL LAW INTERVENTION IN
HIV/AIDS CONTROL IN DEVELOPING COUNTRIES**

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ABSTRACT

Criminal law sanctions are increasingly being deployed into the battle to curtail HIV/AIDS. Typically, those convicted for transmitting HIV are confined in prison as sanctions for their transgression. Resort to criminal law for HIV marks a paradigm shift from the customary placatory rights-based approach that was previously the hallmark of HIV control. Discourse of criminal law intervention in HIV control has been on different fronts. This paper engages the discourse from the perspective that wholesome prison environment is imperative if criminal law intervention is not to be counterproductive to HIV control.

In summation this paper considers criminal law intervention to be a paradox for two general reasons. One, criminal law through imprisonment congregates persons infected and uninfected persons in closed unwholesome environments thus increasing vulnerability. Two, criminal law prohibitions hinder the provision of protective or preventive measures to prison inmates.

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