ANXIETY ABOUT CRIMINALISATION AMONG PEOPLE LIVING WITH HIV IN AUSTRALIA

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Background: All Australian states and territories have laws enabling criminal prosecution on the basis of 'reckless, negligent or deliberate transmission of HIV' or for exposing another person to HIV. In many jurisdictions, laws require disclosure of HIV status by PLHIV to a potential sexual partner. Criminal prosecutions have occurred as recently as 2018 and often attract sensationalist media reporting potentially demonising all PLHIV. This paper aims to determine the extent to which criminalisation of HIV or non-disclosure negatively affects the wellbeing of PLHIV.

Methods: HIV Futures 8 is a cross-sectional survey of 895 PLHIV in Australia. Data were collected in 2015/2016 using a self-complete instrument containing standardised measures of health and wellbeing (SF36, Connor-Davidson Resilience, Berger stigma) as well as four items relating to anxiety about HIV criminalisation. We undertook exploratory factor analysis with polychoric correlation matrices to establish a scale of criminalisation-related anxiety, using correlations and standardised mean differences to establish external construct validity and associations with individual characteristics.

Results: Over 80% indicated they understand current laws regarding HIV disclosure. A third (33%) were anxious about disclosing their HIV status, and 41% indicated they would be *less* likely to disclose their HIV status to sexual partners due to current laws. Higher levels of anxiety were associated with poorer mental health (r=0.15), lower resilience (r=0.26), lower social support (r=0.29) and higher perceived HIV stigma (r=-0.54). Gay (d=0.30) and bisexual (d=0.41) men reported higher levels of anxiety about criminalisation than heterosexual men (d=-0.42) or women (ref category).

Conclusions: Laws criminalising HIV transmission or non-disclosure have a negative impact on wellbeing of PLHIV, likely exacerbated for gay and bisexual men who experience this in the context of homophobia. Given a lack of evidence demonstrating public health benefits from HIV criminalisation, there is little justification for these laws being in place in Australia.

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