

## **NAPWA Monograph Launch**

### **Reality Check**

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HIV is a serious disease, we all need to prevent its transmission, to treat people living with the virus with compassion and respect and to keep up the pressure on researchers to come up with a cure for a global epidemic that is destroying many lives.

But the reality also is that HIV is a treatable and manageable disease in Australia today. You wouldn't want it but it's possible to live a reasonable quality of life if you monitor and treat it properly.

It is no longer a death sentence and shouldn't be treated like that by society or by the courts. The average life span for a person diagnosed with HIV today is likely to be the same as the rest of the population in a few years time.

So why are we involving the courts in HIV transmission cases?

Why are we charging people with crimes and sentences equivalent to manslaughter when this clearly will not be the outcome?

Should the subtleties involved with sexual negotiation between two people be deliberated on in intrusive court processes? If there are public health issues at stake here, and no one is denying there are public health responsibilities for people with HIV as for any other transmissible disease – should these not be better handled through counselling and behaviour change? In other words, using the provisions under public health guidelines rather than the Crimes Act—an approach that we know works in by far the majority of times it is needed.

If a charge of intentionally infecting another with HIV could reasonably be presented in a court, then of course this is not opposed but these criminal cases should be rare – as they were in the 80s and 90s—not increasing in number as they have been in recent times.

The criminalisation issue has been bad news for people living with HIV. The stigma associated with living with the virus has still not gone away – some would say that without the evidence of ill people around us – and thank heavens for that – that HIV has become more invisible and less understood as a result. Gay men say they don't know others with HIV because those people are too scared to tell them that they have it for fear or rejection or being ostracized or even threatened with these laws. Is it any wonder that positive people find it even harder to disclose in such a climate?

The flurry of legal cases which we have seen in recent years – which we go into detail about in the monograph – has added to the stigma of living with HIV. To see terms like “bug chaser” and “bug spreader” in headlines in my local newspaper referring to a planning permit for a gay hotel in our area, shocked me. It showed me the power of the media to take one man's statement in a court room around the Neal case, treat it as a universal truth and add it to the lexicon of people in suburbia. To confirm the worst thoughts my neighbours might have about people with HIV and create this totally unnecessary and unfounded fear in their minds.

It has also created unnecessary added feelings of internalised stigma for those people with HIV who are already struggling with feelings of low self-esteem and isolation that the virus has introduced into their lives. This stigma also occurred for sex workers, including for those living with the virus in the ACT case involving an HIV-positive sex worker as Elena Jeffries speaks about in her chapter in the monograph.

People with HIV don't need to be treated as potential criminals like this or to expect that these laws will be used against them more frequently than in the past. I hope you will agree after reading the NAPWA Monograph that society doesn't need to adopt this attitude, either. Criminal laws against HIV should become redundant, part of an era of HIV and AIDS from which we can hopefully move on.