HIV transmission and the law: what do people living with HIV understand?

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Background
In England and Wales, it remains possible to be prosecuted for ‘Reckless Transmission’ of HIV, where an unintended transmission takes place. Since the first prosecution occurred, the usefulness and appropriateness of this use of the law has been debated by scholars and advocacy groups. Despite this debate, people living with HIV and AIDS (PLWHA) must continue to negotiate their sex lives under the Damoclean threat of imprisonment in the event of a transmission. The aim of this study was to examine what PLWHA understood about the law.

Method
PLWHA attending our clinic which is a large, urban HIV centre were invited to complete a questionnaire. This contained 4 key prompts to discuss personal understanding of the law in relation to HIV. Participants were invited to write as much or as little as they wished in response to each of the prompts. The methods to analyse the qualitative data were Grounded Theory and thematic analysis. 4 main themes of discussion were identified in response to the prompts, and 3 new themes emerged from the narratives. The main themes were understanding, practices, relationships and information sources. The emergent themes were morality, rights & responsibilities and prosecution & discrimination. Many of the participants had either a flawed understanding of the law, the sentences that could be passed, or both. Sexual practices were seen as relevant to the law, with responsibilities of a PLWHA potentially varying based on duration and status of a relationship. Conspicuous by its absence was any discussion of partner responsibility in attempting to avoid acquisition of HIV.

Results
Grounded theory analysis requires data to be collected continuously until no further relevant data are emerging. This required 33 completed questionnaires. Demographics: Male 28 (85%), female 5 (15%). Mean age 36 years (range 19-53). Heterosexual 10 (30%), homosexual 21 (64%), bisexual 1 (3%), no answer 1 (3%).

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