

Policed, or protected? Insights from the HIV Criminalisation Survey in Aotearoa New Zealand

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Background:

Aotearoa New Zealand (NZ) has one of the highest rates of HIV criminalisation per capita globally. People living with HIV (PLHIV) may face prosecution under the Crimes Act (1961) for HIV non-disclosure, transmission, or exposure during sex (if not using a condom). These laws exacerbate stigma, discourage testing and disclosure, and undermine engagement with healthcare; however, limited research has explored how these laws affect PLHIV in NZ. To inform future advocacy and support, this study sought to understand PLHIV's experience of the legal and policy context.

Methods:

NZ's HIV community organisations co-designed a cross-sectional, anonymous online survey. Eligible participants were PLHIV, aged 18+, and residing in NZ. The 24-question survey included closed- and open-ended items examining awareness of the legal and policy context and personal beliefs and attitudes about criminalisation. It also explored the impact of HIV criminalisation on wellbeing, relationships and healthcare engagement, and preferences for support, advocacy and reform. Survey promotion was community-led, and multiple support options were made available to ensure safe and inclusive participation.

Results:

Preliminary findings show varied awareness of the legal context and limited understanding of rights. Many respondents reported anxiety about criminal liability, particularly in disclosing HIV or discussing sexual practices with service providers. Some participants described behavioural changes, such as avoidance of relationships, stemming from fear of legal consequences. Responses also highlighted strong support for shifting HIV transmission management to public health frameworks.

Conclusion:

This is the first nationwide survey capturing PLHIV perspectives on HIV criminalisation in NZ, and it centres PLHIV voices. Findings underscore the disconnect between policy and lived experience and provide critical evidence for rights-based policy reform. A multi-pronged approach of targeted workforce education, peer support, and community-led advocacy is needed to prevent cases from reaching the judicial system and acknowledge public health's increasingly important role.

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