

The legal needs and experiences of people living with HIV in Australia – findings from the first national study of legal need in this population

Authors: Carter DJ¹, Wulansari I², Brown J², Vogl A³, Kagan D¹, Evans R¹, Robertson H⁴

¹ Faculty of Law & Justice, UNSW ² School of Mathematical and Physical Sciences, UTS ³ Faculty of Law, UTS ⁴ School of Public Health and Social Work, QUT

Background: An enabling legal environment is central to an effective HIV response. The *Ninth National HIV Strategy 2024-2030* includes the goal to ‘eliminate the negative impact of [...] legal and human rights issues on people’s health’, and to ‘review laws and policies that [impact] health-seeking among priority populations.’ However, very little is known about the legal experiences of PLHIV in the U=U era, and how the law impacts their health and access to HIV care.

Methods: The Health+Law Legal Needs Study (LeNS) is the first-ever ‘ground-up’, socio-legal study of the everyday legal experiences of PLHIV in Australia. Its national survey measured justiciable issues, their perceived severity, and their health-related effects among PLHIV (n=629) across all Australian states and territories. Justiciable (or ‘legal’) issues are problems with a potential legal remedy; they often intersect with stigma, disadvantage and legal service access, magnifying health vulnerability.

Results: The prevalence of justiciable issues among PLHIV is high and socially patterned. 90.3% of LeNS participants encountered at least one justiciable issue during the reference period, compared to approximately 50% in general population studies; 65% of LeNS participants faced more than five justiciable issues. Reported problem domains included: professional services (including healthcare) and goods (67%), debt and money (53%), employment (51%), housing (46%) and government services (43%). Issues rated most serious by participants included migration and residency (mean seriousness 8.3), HIV-related discrimination (7.6), workplace harassment or mistreatment (7.6) and disputes with healthcare providers (6.5). For 55% of participants, their most severe legal issue was caused or made worse by their HIV status.

Conclusion: The LeNS survey results demonstrate substantial, multifaceted legal need among PLHIV in Australia, and support the urgent investment in specialist HIV legal assistance, accessible legal information and integrated health-justice service models, alongside targeted reform to migration, healthcare and employment law, policy and practice.

Disclosure of Interest Statement: All authors declare no conflict of interest.