

HIV & Health:

Challenging the impacts of prejudice



Equality Building

Overview

- Stigma, prejudice and discrimination
- Impacts on PLWHA
- Existing legal protections
- Limits of those protections
- Future directions

Stigma – being ‘marked’

- Goffman wrote about stigmatizing ‘marks’ back in 1963
 - He considered the extent to which these marks are:
 - Visible to others on first contact or invisible
 - Bodily
 - Behavioural
 - ‘Tribal’
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Stigma

“The Greeks ... originated the term *stigma* to refer to bodily signs designed to expose something unusual or bad about the moral status of the signifier. The signs were cut or burnt into the body and advertised that the bearer was a slave, a criminal, or a traitor—a blemished person, ritually polluted, to be avoided, especially in public places.”

HIV & AIDS

- Became a stigmatizing 'mark' in the 1980s
- The stigma of being HIV positive was/is linked to stigma against gay men
- But the compounded stigma applied more broadly:
 - injecting drug users
 - sex workers
 - visible migrant minorities
 - women

The discrimination process

Internal responses:

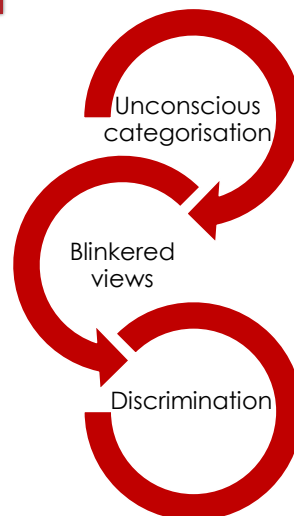
- To people or situations, how they are in the world, & what they can do
- Beliefs and stereotypes, including attribution of other characteristics

Attitudes and feelings:

- May be positive or negative; conscious or non-conscious (prejudice)

Actions:

- Less favourable treatment as a result of their group membership (personal characteristic)
- Micro-behaviour, casual racism, casual sexism, low expectations, etc



How HIV & AIDS stigma and prejudice might manifest

- Health care:
 - Refusal of service
 - Lack of health-care expertise
 - Privacy concerns and fear of prejudice
 - Effect of attitudes on:
 - communication and micro-interactions
 - treatment discussions
 - Other non-HIV conditions:
 - heightened risks due to prejudice in other life areas
 - access to clinical trials
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How prejudice and stigma manifest ... (cont.)

- Employment
 - Social networks and recreation
 - Education
 - Attitudes (public and private)
 - Spiritual life:
 - Public statements from spiritual leaders
 - Attitudes within spiritual congregation
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Discrimination

- Behaviour based on stigma and prejudiced views of others
 - Test:
 - Less favourable treatment on the basis of an identified characteristic
 - Less favourable effect of an apparently neutral rule, policy, program, etc
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Snapshot of Australian legal protection

- No protection in the 1980s when overt prejudice and discrimination were rife
 - Protection from 1992 under *Disability Discrimination Act 1992 (Cth)*:
 - disability includes:
 - the presence in the body of an organism causing or capable of causing disease
 - present, future and imputed
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Breadth of protection against discrimination in Australia

- Within definition of disability:
 - All state, territory and federal discrimination laws
 - Laws treat acquired disability the same as those from birth
 - All rely on individual complaint and legal action
 - Tasmanian Act also protects against vilification, and offensive and humiliating conduct
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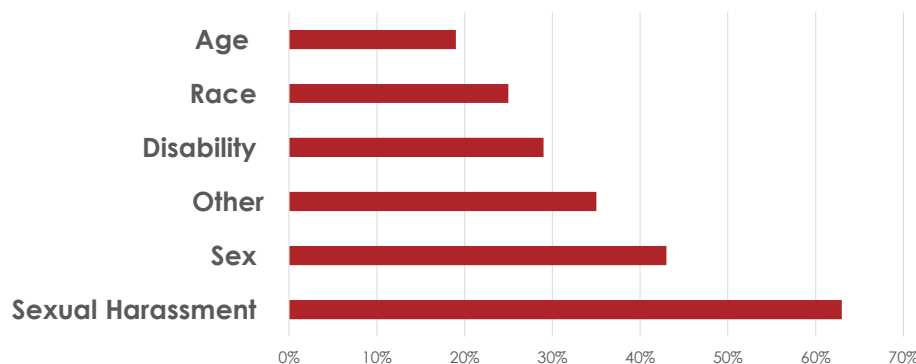
Prevalence of disability and of discrimination complaints

- Disability discrimination complaints consistently among the most common complaints under the different laws
 - PLWHA may not identify as people with disability:
 - undercounted in Census
 - less awareness of rights under discrimination law
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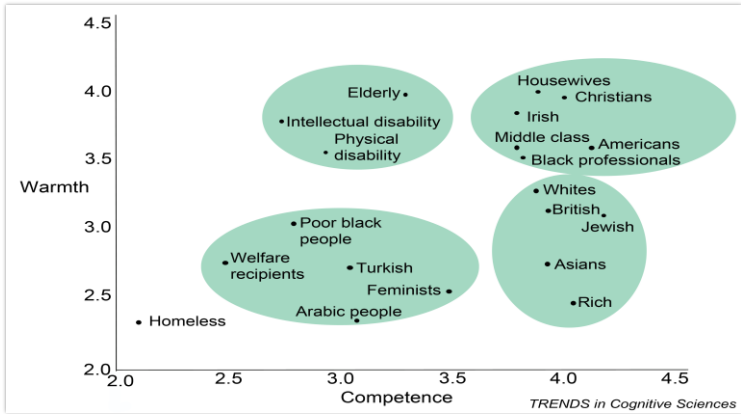
But ...

- Still low levels of complaint compared to prevalence of discrimination
 - May be considered onerous to pursue complaint, particularly when dealing with other significant issues
 - Same test applied to all discrimination
 - Decisions rarely reflect nuanced understanding of stigma and prejudice
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Rates of success in federal cases

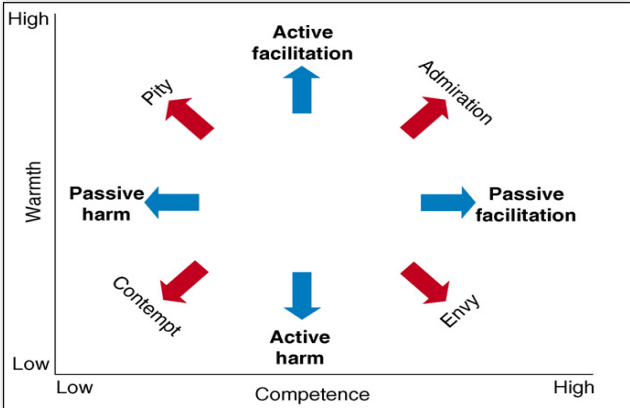


Understanding prejudice



Fiske, Susan T, Amy Cuddy and Peter Glick (2006)

The impact of prejudice on our responses to others



Fiske, Susan T, Amy Cuddy and Peter Glick (2006)

Current research: can prejudice research inform law

- Views of discrimination and prejudice experts:
 - Professionals, eg, lawyers, psychologists and judges
 - Members of equality-seeking groups on the effectiveness of discrimination law and possible reforms
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Current research (cont.)

- Develop alternative models for the law:
 - Incorporate understandings from social science of the differential patterns and behavioural impacts of prejudice
 - Test models using range of constructed case studies
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Thank you



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