

Intersecting Harms: Gender-Based Violence as a Driver of Displacement for HIV-Positive Women from the Pacific Seeking Protection in Australia

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Background/Purpose: (76 words)

Over recent years, HALC has observed a rise in women from neighbouring Pacific countries seeking asylum in Australia, with gender-based violence (GBV) consistently emerging as a key driver of displacement. In these cases, HIV commonly arises as a secondary but compounding factor, amplifying vulnerability and risk. This context highlights the need for protection frameworks that recognise GBV as a driver of displacement while accounting for how HIV compounds harm and the importance of gender-responsive legal services.

Approach: (74 words)

Within Australia's refugee and complementary protection framework under the *Migration Act 1958* (Cth), HALC's casework indicates that many women have lodged, or have been refused, protection visa applications focused almost entirely on GBV. HIV-related persecution, such as stigma, discrimination, social exclusion, and barriers to sustained treatment, is rarely advanced, despite constituting significant and independent forms of harm. Consequently, applications often fail to reflect the full spectrum of risk faced by women living with HIV.

Outcomes/Impact: (106 words)

HALC's trauma-informed and gender-specific legal assistance supports safe disclosure of the intersecting impacts of GBV and HIV. With appropriate support, clients are able to incorporate HIV-related persecution into their claims, obtain medical evidence, and prepare comprehensive statements of feared harm. These strengthened applications more accurately capture compounded risks associated with GBV, HIV stigma, and treatment accessibility. Key lessons highlight the importance of early, specialised legal intervention, as many women remain unaware of the relevance of their HIV status to refugee law until receiving targeted advice. Persisting gaps in legal literacy and limited awareness of specialised services underscore the need for expanded outreach and earlier referral pathways.

Innovation and Significance: (30)

These findings demonstrate the critical need for trauma-informed, gender-responsive, and HIV-competent legal assistance to ensure that the intersecting realities of GBV and HIV are properly recognised within refugee decision-making processes.