



DISCRIMINATION



What is HIV-related discrimination?

- HIV-related discrimination is defined as: “the unfair and unjust treatment (act or omission) of an individual based on his or her real or perceived HIV status.”¹
- Discrimination can be institutionalised through existing laws, policies and practices that negatively focus on people living with HIV and marginalised groups, including criminalised populations.”¹



What is intersectional discrimination?

This is a concept “characterise[d] by the convergence of multiple stigmatised identities within a person or group”² and “fuelled by multiple factors, including their HIV or other health status, age, sex, gender identity, sexual orientation, race, disability, ethnicity, drug use, migration status, etc.”³



How does discrimination affect Health-Related Quality of Life (HRQoL)?

Structural factors, such as criminalisation and human rights infringements targeting key populations (e.g. men who have sex with men, sex workers, transgender people, people who inject drugs and prisoners and other incarcerated people) can undermine the HRQoL of people living with HIV. Unfortunately, advances in treatment for people living with HIV have not necessarily been aligned with the legal process, allowing instances of criminalisation to continue unchecked.⁴



Are there targets to reduce discriminatory laws and policies for people living with HIV?

Yes. UNAIDS has included targets on punitive laws and policies among its 2025 AIDS Targets.⁵ By 2025, less than 10% of countries should be criminalising sex work, possession of small amounts of drugs, same-sex sexual behavior, and HIV transmission, exposure or non-disclosure, or lack of access to legal services and opportunities for redress.

What is the link between stigma and discrimination?

HIV-related discrimination is a behavioural consequence of stigma because it expresses or enacts stigma in social settings. It is also a contextual consequence of stigma because it codifies stigma in law and policy.

Laws and policies that discriminate against people living with HIV contribute to a stigmatising environment that can negatively affect HRQoL through social rejection, low self-esteem, and barriers to care.⁶⁻⁹

Other forms of institutionalised discrimination include travel restrictions, forced disclosure of HIV status, and denial or inadequacy of health services (including those for HIV prevention, care and treatment), as well as denial or limitation of insurance (e.g. travel, life) and loans or mortgages from banks.

Who monitors discrimination for people living with HIV?

Laws and policies are not routinely scrutinised for HIV discrimination, apart from advocacy organisations like the HIV Legal Network in Canada, which studies and reports on the application of the criminal code to people living with HIV.

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3. UNAIDS. Global Partnership for Action to Eliminate All Forms of HIV-related Stigma and Discrimination. (2018).

4. Barré-Sinoussi, F. et al. Expert consensus statement on the science of HIV in the context of criminal law. *J. Int. AIDS Soc.* 21, e25161 (2018).

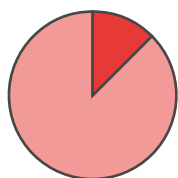
5. UNAIDS. 2025 AIDS Targets. <https://aids2025.unaids.org/> (2020).

6. Andersson, G. Z. et al. Stigma reduction interventions in people living with HIV to improve health-related quality of life. *Lancet HIV* 7, e129–e140 (2020).

7. Lowther, K., Selman, L., Harding, R. & Higginson, I. J. Experience of persistent psychological symptoms and perceived stigma among people with HIV on antiretroviral therapy (ART): A systematic review. *Int. J. Nurs. Stud.* 51, 1171–1189 (2014).

8. Herrmann, S. et al. HIV-related stigma and physical symptoms have a persistent influence on health-related quality of life in Australians with HIV infection. *Health Qual. Life Outcomes* 11, (2013).

9. Nyblade, L., Mingkwan, P. & Stockton, M. A. Stigma reduction: an essential ingredient to ending AIDS by 2030. *Lancet HIV* 8, e106–e113 (2021).



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DENIED
HEALTHCARE

What do we know about levels of discrimination including trend data?

Discrimination in healthcare settings is routinely reported, with approximately 1 in 8 people living with HIV estimated to have been denied healthcare.¹⁰ Most countries have repealed laws barring employment or travel entry based on HIV status over the past decades, although discriminatory laws still persist in several countries.¹¹

Are there any examples of successful actions or policies countering discrimination?

Undetectable = Untransmittable (U=U) is a global anti-stigma campaign that has contributed to a decline in stigmatising attitudes in many countries. In a study conducted in 14 countries with 783 eligible homosexual couples (an HIV-negative partner not taking PrEP, an HIV-positive partner with an undetectable viral load) nearly 75,000 sexual acts without condoms and no case of transmission occurred.

Since 2016, over 89 countries have reviewed and reformed punitive and discriminatory laws and policies in line with the recommendations of the Global Commission on HIV and the Law.¹² 'In line with the Commission's recommendations, UNAIDS promotes actions to reduce stigma, such as communication campaigns (e.g. U=U) and education programmes in the workplace, to tackle HIV-related stigma among healthcare providers and law enforcement and to remove punitive and/or discriminatory policies and legislation.

What can be done to end discrimination against people living with HIV?

Discrimination can be legislated against by reviewing and reforming existing laws that reference HIV status. No European country should have any law in place that discriminates based on HIV status or that discriminates or criminalises key populations. To combat HIV discrimination, countries should support organisations that:

- investigate HIV discrimination in the legal and judicial systems;
- provide free or reduced-fee legal services to people living with HIV, and/or;
- permit people to report experiences of institutional discrimination based on HIV status.



What is an example of HIV-related discrimination?

After a rigorous candidate selection process, Seb impressed the hiring company and got his dream job. This new role would require him to move countries, which he was excited to do. After spending months going through the hiring process, looking for new apartments, packing to move, and applying for a visa, he learned his visa application had been denied because the country does not permit non-citizens with a positive HIV status to enter the country.



10. Avert. HIV Stigma and Discrimination. <https://www.avert.org/professionals/hiv-social-issues/stigma-discrimination>.
 11. Global Database on HIV-Specific Travel and Residence Restrictions. HIV Travel. <https://hivtravel.org/Default.aspx?pageld=152>.

12. UNAIDS. End Inequalities. End AIDS. Global AIDS Strategy 2021-2026. (2021).