



Covering HIV criminalisation: four tips for journalists

By Nic Holas *

In the current media era of chasing clicks and page views, stories involving HIV criminalisation are tempting fare for journalists. Even the most balanced reporting can provoke an emotional and furious comments section, indignant article sharing, and a lot of judgement.

That's because stories involving HIV criminalisation usually contain elements that "sell papers": sex, alleged deception, "it could happen to you" fear mongering, and one of the most recognisable and terrifying epidemics of the 20th and 21st century: HIV/AIDS.

When you run a one-sided HIV criminalisation story (i.e., exclusively from the perspective of the police, prosecution, or complainants), before the accused has had their day in court, it paints them as guilty. Most legal systems around the world are based on the concept of innocent until proven guilty. These four tips show you how not to allow trial-by-media to undermine this basic tenet of justice.

1. Regardless of legal guilt or innocence, your reporting may ruin someone's life.

Keep in mind that what might interest the public might not always be in the public interest. Allegations relating to HIV criminalisation in the media well before any case has gone to trial have, in the past, led to people living with HIV losing their jobs, their housing, and even committing suicide—regardless of whether or not a court found them innocent or guilty.

HIV criminalisation stories linger online forever, linked to the accused person. While the media isn't to blame for the systemic issues of intersectional stigma and discrimination at the heart of HIV criminalisation, it plays a huge part in the devastation that may occur in the lives of people living with HIV who fall foul of these unfair laws.

A bit of harm reduction: if your editor concludes a story must run, ensure that the "comments" function on the online piece is turned off. Comments can, at the least, fuel HIV-related stigma, and at worst, prejudice a case.

* *Making Media Work for HIV Justice: An introduction to media engagement for advocates opposing HIV criminalisation.* Produced by Positive Women-USA and behalf of HIV Justice Worldwide. 2018. pp. 67–68. Available on-line at: <https://toolkit.hivjusticeworldwide.org/wp-content/uploads/2018/03/Making-Media-Work-For-HIV-Justice.pdf>.

Also available in French, Spanish and Russian.

2. Are you doing the police's work for them?

One strategy employed by some police when building an HIV criminalisation case is to release names, photos, and/or other details to the media. Whilst this is often framed as a public health response (asking people who have been in contact with the accused to obtain an HIV test) it's also a "fishing expedition"—an attempt to get others who know or know of the accused to come forward.

This can provide evidence that is often circumstantial or otherwise unre-markable (i.e., an accused person living with HIV may not have disclosed their HIV status during an online conversation), but can be used to build a case. Avoid playing this role in impeding justice for an individual accused under already unjust legal circumstances.

3. Go deeper: talk to community advocates

When running an HIV criminalisation story, you may assume that court reporting details and statements from law enforcement and lawyers representing the parties provide sufficient balance. We urge you to go deeper by contacting experts on HIV criminalisation, starting with local or national networks of people living with HIV and, sometimes, your local HIV/ AIDS organisation. They can provide important context to the specifics of HIV risks, present-day consequences of HIV acquisition, stigma, and criminalisation.

Race, sexuality, gender identity, sex work, and injecting drug use are examples of issues that intersect with HIV and compound experiences of stigma and criminalisation. If individuals involved in your story belong to these communities, follow up with advocates who work around these issues to also speak to that case. Balance matters!

4. The story doesn't end at court

Between witness testimonies, defence and prosecution arguments, verdicts, and sentencing, the courtroom aspect of an HIV criminalisation story can provide compelling and salacious content for your news stories. However, when it comes to HIV criminalisation, your story does and should continue after the trial wraps up.

If a defendant is found guilty, their legal team or community advocates may attempt to appeal the decision. If you've been at the court reporting on the trial, stay in touch with the defendant's legal and support team to see what their next step might be. Reach out to community advocates and voices, and see if they have a statement regarding the trial outcome. Include it in your story along with statements from the judge, prosecution, and defence.

Finally, consider the prison system the person living with HIV may be entering. In many instances, prisons are insufficiently equipped to deal with HIV, and are themselves sites of high rates of HIV transmission. Consider other intersecting issues and include them in your reporting (i.e., in a 2018 case in Australia, a trans woman was convicted in an HIV criminalisation case and was sentenced to time in a men's prison).

Remember, your HIV criminalisation story blowing up online may do great things for your page view targets and impress your editors. However, there are always multiple sides to a story, especially when it comes to reporting about proposed HIV criminalisation laws, or an ongoing case.

Multiple people living with HIV are at the heart of your story, and in many ways they represent the broad community of HIV-positive people who will all be the victims of imbalanced, or inconsiderate reporting.

HIV JUSTICE WORLDWIDE is a global campaign to abolish criminal and similar laws, policies, and practices that regulate, control, and punish people living with HIV based on their HIV-positive status. Find out more and join the movement:

<https://www.hivjusticeworldwide.org> .



"Together we can make HIV JUSTICE WORLDWIDE a reality"

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