

Concept Mapping: Research and Advocacy for Law Reform

Brainstorming

Research on:

- How science is presented and understood in court processes - particularly evidence of expert witnesses, considering Emma Cunliffe's work on logical fallacies in expert testimony.
- How the laws impact violence experienced by WLWH.
- Population level impact of consent for HIV testing, on acceptability, uptake, follow up of care.
- How we interpret fraud in consent law, sexual fraud.
- Shift or sharing of responsibility from the HIV positive person to disclose their status to the HIV negative person to obtain information about the sexual status of partners.
- Effective ways to translate and communicate research to lawyers, judges, prosecutors, law enforcement.
- Understanding the drivers of public opinion & understanding on impacts of HIV criminalization.
- Effective alternatives to laws to achieve the same goals, including sexual literacy, public health campaigns.
- Relationship between police and court systems, racism and criminalization, including the impacts inside/outside the justice system.
- Court outcomes – what has been successful – and how to relay that information to WLWH so they can incorporate that knowledge into their sexual practices.
- Fear, stigma resulting from criminalization and how they act as barriers to reporting violence or talking to service providers, police.
- The attitudes of public health physicians, medical health officers, on HIV consent and criminalization. Confidence does not always equal accuracy. What is driving their knowledge and interpretation of the Public Health Act? Key public opinion leaders – What is their true knowledge base? What is driving that?
- Attitudes and understandings of decision makers in this area, such as Parliamentarians, politicians, leaders
- The appropriateness of HIV non-disclosure being categorized as a sexual offense resulting in sex offender status, and how other more educational avenues might be more appropriate.
- What professionals understand (health and others) around HIV, transmission, disclosure – HIV education in the context of criminalization. How should professional practice be adjusted to not inadvertently put patients or clients at additional risk of prosecution under the law.
- The impact of being charged with sexual assault, publicized, convicted, shamed in the media, on access to healthcare and services.
- Available information, support for people charged: rights, knowledge of the law, procedure, translation.
- How criminalization is received by and impacts different sub groups - MSM community, women, cultural groups, people who use drugs etc.
- The stories of women who have been threatened with charges for HIV non-disclosure as part of abuse, violent relationship – Qualitative research



- How the mental health status of the accused is being dealt with by the courts, if incorporated at all.
- The impact of criminalization on family court matters e.g. custody, child apprehension.
- The extinguishment of sexuality, needs of intimacy, relationships, in context of HIV criminalization.
- The overrepresentation of Aboriginal women and systemic racism.
- Prosecutorial priorities and how they are set, as well as how to influence them.
- Universities and other institutions policies of confidentiality for researchers.

Linking

- Long term goal is law reform: changing the application of the Criminal Code sexual assault provisions to no longer be used in regards to HIV non-disclosure.
- Short term goal is working within the current system to improve individual outcomes once accused/charged, and to prevent charges.
- Equality/ violence – In relation to section 7 of the Charter, and an equality argument, research that pertains to gender-based violence for WLWH in the context of criminalization.
- Public health – research that pertains to HIV testing, care, access, treatment, other public health goals and how HIV criminalization impacts these goals.
- Court processes – more about working within the system to improve outcomes, considering expert testimony, prosecutorial guidelines and priorities etc.

Priorities

- 1) Research on how criminalization of HIV non-disclosure exacerbates gender-based violence.
- 2) Research on the impact of the criminalization of HIV on peoples' engagement in HIV testing, care, treatment, and other public health goals.
- 3) Research on court processes, including assessment of expert testimony, and what guides prosecutorial discretion and priorities, in relation to HIV non-disclosure.

