

# LEGAL INTERSECTIONS RESEARCH CENTRE (LIRC) SCHOOL OF LAW

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## **Common Goal, Different Journeys: Debunking perceived tensions between public health and human rights in the criminalisation of HIV**

**Presented by Dr. Lucy Stackpool-Moore**

**Date:** Wednesday 29 April, 2015  
**Time:** 12:30 – 1:30  
**Location:** LHA Research Hub (19.2072)  
**RSVP:** [Online](#)

Law has prominence in the formation and regulation of moral norms - not only in regard to human rights, but also in regard to HIV, the policing of sexuality and intimate behaviours, and the production of stigma. In this presentation, I draw from empirical research focused on the potential and impotence of law in the context of HIV in Malawi. The one-country qualitative case study was undertaken 2010 - 2013 and involved action-research involved purposive and snowball sampled qualitative interviews (n=100) with law-commissioners, opinion-leaders, life story-participants (people living with HIV), reflections of the action research team, and a review of legal and policy documents. Inductive analysis was undertaken to identify key themes. I explore the complementarities and tensions between human rights and public health responses to HIV, through a review of a draft proposed HIV and AIDS Prevention and Management Bill that includes potential provisions criminalising HIV transmission, exposure and non-disclosure. Understanding power relations and the complex intersecting dynamics of agency and identity and how they interrelate with law play a vital role in grounding - and at times jeopardising - universal human rights principles in the complex and varying realities of everyday life. Linking the local context with international initiatives such as the Global Commission on HIV and the Law, I highlight three main points: 1) law has a complex interaction with the response to HIV, paradoxically straddling the capacity to protect against discrimination and delineate human rights standards, and also to fuel stigma and social marginalisation for groups most vulnerable to contracting HIV; 2) criminal law has symbolic power in a context like Malawi, even with limited enforceability in daily life; 3) the latest research and progress in HIV treatment aligns public health and human rights ambitions in the response to HIV.

Lucy is the Senior Advisor for Sexual and Reproductive Health at the International HIV and AIDS Alliance in the UK, and is also a Senior Fellow with Melbourne University Law School and Birkbeck Law School, and has a strong history in human rights, law, community-based research and social mobilisation in the response to HIV. Lucy is committed to linking research and practice, communicating research, and critical reflection, and has been privileged to work with a variety of academic institutions and international health and development NGOs. Other professional experiences include with the International AIDS Society (for AIDS 2014), the Doherty Institute for Infection and Immunity, Panos Global AIDS Program, the Pastoralist Communication Initiative, as well as a variety of consultancies with UN Agencies. Lucy has a PhD from SOAS, University of London, based on action research about HIV related stigma, human rights, and law in Malawi, titled 'Narratives of human rights: Universal concepts brought into focus through the lenses of life stories.'

