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## HIV CRIMINALIZATION DISCOURAGES HIV TESTING, Creates Disabling and Uncertain Legal Environment for People with HIV in U.S.

*Washington, D.C., July 25, 2012* -- Preliminary data from the Sero Project's ground-breaking survey of more than two thousand people living with HIV (PLHIV) in the U.S., released July 25, 2012, at the International AIDS Conference in Washington, D.C., reveals HIV criminalization is a significant deterrent to testing, accessing care and treatment for HIV:

- One quarter of respondents (25.1%) indicated they knew one or more people who told them they did not want to get tested for HIV because of fear of prosecution if they tested positive; more than 5% indicated that "*many people*" have told them this.
- Almost half of respondents (49.6%) felt it could be reasonable for someone to avoid testing for HIV, and 41.6% felt it could be reasonable to avoid HIV treatment for fear of prosecution.

*"We expected the survey to show criminalization is a deterrent to HIV testing, but these findings indicate it is an even bigger obstacle than previously believed,"* said Laurel Sprague, the project's principal investigator who is also Sero's Research Director. *"The community's response has been tremendous; it is obvious there is tremendous concern about HIV criminalization. I look forward to further analysis of the survey responses, including of those who are HIV negative or do not know their HIV status, which will be released in a report later this year."*

Sean Strub, Sero's executive director and the founder of POZ Magazine, said *"This is a wake-up call for public health officials and policymakers who have failed to recognize the extent to which HIV criminalization hampers efforts to combat AIDS. We've known for years that HIV criminal statutes do not achieve their intended purpose, to reduce HIV transmission. Now it is clear that these statutes are driving the epidemic, because of how they fuel stigma and discourage HIV testing and accessing the treatment that reduces transmission."*

Strub and Sprague are both long-term HIV survivors and advocates who have championed self-empowerment for people with HIV to combat stigma and improve health outcomes for themselves and their communities.

The 2,076 people living with HIV in the United States who responded to the Sero survey also painted a disturbing picture of a disabling legal environment for people with HIV:

- More than a third (38.4%) reported they worried a few times or frequently about being falsely accused of not disclosing their HIV positive status; amongst transgendered persons that figure rose to 60%.
- Respondents in the Midwest (45.9%) and South (40.9%) were more likely to express fear about false accusations than those in the West (35.1%) and Northeast (32.3%).
- Just less than two-thirds (62.7%) of respondents were not certain whether or not their state required people with HIV to disclose their status to a partner before having sex, with the uncertainty highest in the Northeast (72.4%) and West (71.3%) and South (61.6%) and lowest in the Midwest (40.4%).
- There were significant regional differences amongst those reporting that they were informed about potential criminal liability at the time of their diagnosis. The highest rate was in the Midwest (28.8%) and South (14.8%) and lower rates were seen in the West (7.5%) and Northeast (4.1%).
- Respondents also indicated a lack of clarity about what could subject them to prosecution (47.7% "not clear", 30% "somewhat clear" and 22.3% "completely clear"). Men reported a greater lack of clarity on this point.

The top reasons cited for disclosure were that it is *"the right thing to do"*, *"to have honest relationships"* and *"not cause harm to another"* or *"to protect their partner"*, not that it was required by law or because of fear of criminal prosecution. More than 8 in 10 PLHIV in the study said that they believe that sexual partners share equally in the responsibility for HIV prevention.

The detailed survey, which required 20 to 25 minutes to complete, was conducted online in June and July of 2012, and is the first in-depth examination of the effect of

HIV criminalization on people with HIV and one of the largest surveys of people in the U.S. with HIV ever conducted. Further results and analysis will be released later in the year.

The Sero Project is a not-for-profit human rights organization combating HIV-related stigma by working to end inappropriate criminal prosecutions of people with HIV for non-disclosure of their HIV status, potential or perceived HIV exposure or HIV transmission. The Sero Project is supported by the Elton John AIDS Foundation, Broadway Cares/Equity Fights AIDS and the H. van Ameringen Foundation as well as many individual supporters.

Special thanks to POZ Magazine, the North American regional affiliate of the Global Network of People Living with HIV/AIDS, the Positive Women's Network, TheBody and other community resources that assisted in survey promotion. Special thanks also to Thom Riehle, Ian Anderson, Edwin Bernard, Regan Hofmann, Cecilia Chung, Julie Davids, Mark S. King and Alex Garner for their expertise and support.

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## THE SERO PROJECT: NATIONAL CRIMINALIZATION SURVEY

### PRELIMINARY RESULTS, JULY 25, 2012

Note: Totals are not the same in each table because respondents were allowed to skip any question they did not want to answer.

#### Overall findings:

- 1) Responses from US people living with HIV in the sample paint a picture of a *disabling* legal environment, one where PLHIV receive vague information—if any—about how to protect themselves from prosecution and results in a fear of false accusations and little trust in the judicial system to give them a fair hearing in the event of a prosecution.
- 2) PLHIV from the Midwest and the South were more likely to know that HIV-specific laws existed in their states and to have been told of this when they received their HIV-positive test results. However, the great majority of these respondents, like those from every region, reported a lack of clarity about what the law required. Respondents from the Midwest and South were also more likely to fear false accusations and even less likely to trust the judicial system to give them a fair hearing.
- 3) Despite the existence of criminal laws to prosecute non-disclosure, when asked to describe their motivations for disclosing their HIV-status to a partner, very few people living with HIV in the sample named the law as important in their disclosure decision-making. The primary reasons for disclosure were: disclosure is the right thing to do, to have honest relationships, and to not cause harm to another person.
- 4) More than 8 in 10 PLHIV in the study said that they believe that both sexual partners share equally in the responsibility for safer sex.
- 5) The fear of prosecutions related to HIV-status creates concerns about testing and accessing care for HIV. One-quarter of respondents knew someone (or multiple people) who told them that they did not want to get an HIV test because of fears of prosecution. This response was most common in the Midwest. In addition, almost half of the respondents felt it could be reasonable for someone to avoid testing for HIV, and 40% felt it could be reasonable for someone to avoid accessing care, because of fear of prosecutions.

#### I. “DIS-ABLING LEGAL ENVIRONMENT”

### Fear of false accusations

*Question: Have you ever worried about being falsely accused of not disclosing your HIV status?*

Close to 40% of respondents (38.4%, n=765) reported that they have worried either a few times or frequently about being falsely accused of not disclosing their HIV status.

	Never	A few times	Frequently	Total
<b>Frequency</b>	1265	604	184	2053
<b>Valid Percent</b>	61.6	29.4	9.0	100.0

By SEX

This includes 39.8% of men, 27% of women, and 60% of transgender/third sex respondents.

		Never	A few times	Frequently	Total
<b>Male</b>	Count	1030	520	162	1712
	% within Sex	60.2%	30.4%	9.5%	100.0%
<b>Female</b>	Count	190	57	14	261
	% within Sex	72.8%	21.8%	5.4%	100.0%
<b>Transgender/Third sex</b>	Count	8	9	3	20
	% within Sex	40.0%	45.0%	15.0%	100.0%
<b>Total</b>	Count	1228	586	179	1993
	%	61.6%	29.4%	9.0%	100.0%

p=0.001

By REGION

Those in the Midwest and South were more likely to express fears about false accusations (Midwest 45.9%, South 40.9%, West 35.1%, Northeast 32.2%).

Region		Never	A few times	Frequently	Total
<b>Midwest</b>	Count	171	115	30	316
	% within Region	54.1%	36.4%	9.5%	100.0%
<b>South</b>	Count	439	229	75	743
	% within Region	59.1%	30.8%	10.1%	100.0%
<b>West</b>	Count	310	125	43	478
	% within Region	64.9%	26.2%	9.0%	100.0%
<b>Northeast</b>	Count	278	105	27	410
	% within Region	67.8%	25.6%	6.6%	100.0%

<b>Total</b>	Count	1198	574	175	1947
	%	61.5%	29.5%	9.0%	100.0%

p=.003

By YEAR OF DIAGNOSIS

Those diagnosed more recently were more likely to indicate that they have worried, and that they have worried frequently, about false accusations.

		Never	A few times	Frequently	Total
<b>Diagnosed pre-1988</b>	Count	161	80	17	258
	% within Year of Diagnosis Group	62.4%	31.0%	6.6%	100.0%
<b>Diagnosed 1988 to 1995</b>	Count	319	132	28	479
	% within Year of Diagnosis Group	66.6%	27.6%	5.8%	100.0%
<b>Diagnosed 1996 to 2002</b>	Count	252	137	39	428
	% within Year of Diagnosis Group	58.9%	32.0%	9.1%	100.0%
<b>Diagnosed 2003 to 2007</b>	Count	263	125	47	435
	% within Year of Diagnosis Group	60.5%	28.7%	10.8%	100.0%
<b>Diagnosed 2008 to 2012</b>	Count	258	125	50	433
	% within Year of Diagnosis Group	59.6%	28.9%	11.5%	100.0%
<b>TOTAL</b>	Count	1253	599	181	2033
	% within Year of Diagnosis Group	61.6%	29.5%	8.9%	100.0%

p=.036

**If accused, respondents do not trust the state criminal justice system to provide a fair hearing**

*Question: Do you trust that you would be given a fair hearing in your state criminal justice system if someone were to file charges against you for failing to disclose your HIV status?*

49.3% of respondents said that they thought their state would not, or probably would not, give them a fair hearing if accused of failing to disclose their HIV status. Another 29.5% indicated that they weren't sure they could get a fair hearing.

	No or probably not	Not sure	Yes or probably	Total
<b>Frequency</b>	980	586	421	1987
<b>Valid Percent</b>	49.3	29.5	21.2	100.0

By SEX:

Male, female, and transgender respondents reported approximately equal levels of distrust.

		No or probably not	Not sure	Yes or probably	Total
<b>Male</b>	Count	835	481	352	1668
	% within Sex	50.1%	28.8%	21.1%	100.0%
<b>Female</b>	Count	113	83	51	247
	% within Sex	45.7%	33.6%	20.6%	100.0%
<b>Transgender/Third Sex</b>	Count	10	6	3	19
	% within Sex	52.6%	31.6%	15.8%	100.0%
<b>Total</b>	Count	958	570	406	1934
	% within Sex	49.5%	29.5%	21.0%	100.0%

$p=.592$  (meaning no significant differences by sex)

By REGION:

Respondents from the Midwest and the South indicated the lowest levels of trust in the fairness of their state criminal justice system, with fewer than 15% saying that they felt they would, or would probably, receive a fair hearing. By contrast, the numbers from the Northeast (28%) and the West (30.3%) are substantially higher, but still very low.

		No / Probably not	Not sure	Probably / Yes	Total
<b>West</b>	Count	181	144	141	466
	% within Four US Census Regions	38.8%	30.9%	30.3%	100.0%
<b>Midwest</b>	Count	173	89	44	306
	% within Four US Census Regions	56.5%	29.1%	14.4%	100.0%
<b>Northeast</b>	Count	159	129	112	400
	% within Four US Census Regions	39.8%	32.3%	28.0%	100.0%
<b>South</b>	Count	421	193	107	721
	% within Four US Census Regions	58.4%	26.8%	14.8%	100.0%
<b>Total</b>	Count	934	555	404	1893
	% within Four US Census Regions	49.3%	29.3%	21.3%	100.0%

p=0.000

By DIAGNOSIS YEAR:

Those diagnosed before 1996 were slightly more likely to indicate that they felt they would, or would probably, get a fair hearing.

		No / Probably not	Not sure	Probably / Yes	Total
<b>Diagnosed pre-1988</b>	Count	124	70	58	252
	% within Year of Diagnosis Group	49.2%	27.8%	23.0%	100.0%
<b>Diagnosed 1988 to 1995</b>	Count	199	145	113	457
	% within Year of Diagnosis Group	43.5%	31.7%	24.7%	100.0%
<b>Diagnosed 1996 to 2002</b>	Count	225	113	77	415
	% within Year of Diagnosis Group	54.2%	27.2%	18.6%	100.0%
<b>Diagnosed 2003 to 2007</b>	Count	220	122	79	421
	% within Year of Diagnosis Group	52.3%	29.0%	18.8%	100.0%
<b>Diagnosed 2008 to 2012</b>	Count	199	132	91	422
	% within Year of Diagnosis Group	47.2%	31.3%	21.6%	100.0%
<b>Total</b>	Count	967	582	418	1967
	% within Year of Diagnosis Group	49.2%	29.6%	21.3%	100.0%

p=0.079

### Unclear whether or not there is law requiring disclosure of HIV-status before having sex in their state

*Question: Does your state have an HIV-specific law that requires people who are HIV-positive to disclose their HIV status before having sex with someone?*

62.7% of people with HIV in the study were not sure whether or not there was an HIV-specific law in their state that requires people who are HIV-positive to disclose their HIV-positive status before having sex with someone. These split almost evenly between those whose best guess was that there was no law and those whose best guess was that there was a law.

	Definitely No	Best Guess: No	Best Guess: Yes	Definitely Yes	Total
<b>Frequency</b>	197	631	666	575	2069
<b>Valid Percent</b>	9.5	30.5	32.2	27.8	100.0

By SEX:

No significant differences by sex. Equally unclear for all.

By REGION:

Responses from people living with HIV the Midwest differed significantly from those from other regions: in the Midwest, 40% weren't sure whether or not there was such a law. In the South, over 60% weren't sure, and in the West and Northeast, over 70% weren't sure.

		Definitely No	Best Guess: No	Best Guess: Yes	Definitely Yes	Total
<b>West</b>	Count	54	201	142	84	481
	% within Four US Census Regions	11.2%	41.8%	29.5%	17.5%	100.0%
<b>Midwest</b>	Count	10	43	84	178	315
	% within Four US Census Regions	3.2%	13.7%	26.7%	56.5%	100.0%
<b>Northeast</b>	Count	77	178	118	36	409
	% within Four US Census Regions	18.8%	43.5%	28.9%	8.8%	100.0%
<b>South</b>	Count	40	171	287	246	744
	% within Four US Census Regions	5.4%	23.0%	38.6%	33.1%	100.0%
<b>Total</b>	Count	181	593	631	544	1949
	% within Four US Census Regions	9.3%	30.4%	32.4%	27.9%	100.0%

p=.000

By YEAR OF DIAGNOSIS:

Trend in which those diagnosed since 2002 are more certain whether or not there is such a law in their state (40.3% compared to 35.3% diagnosed in 2002 or earlier). (If this chart seems useful, I can divide it into just 2 rows (diagnosed pre and post 2002) and 2 columns (certain, uncertain). The differences will likely be statistically significant when the responses are compared this way.)

	Definitely No	Best Guess: No	Best Guess: Yes	Definitely Yes	Total
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<b>Diagnosed pre-1988</b>	Count	26	78	91	65	260
	% within Year of Diagnosis Group	10.0%	30.0%	35.0%	25.0%	100.0%
<b>Diagnosed 1988 to 1995</b>	Count	48	169	142	120	479
	% within Year of Diagnosis Group	10.0%	35.3%	29.6%	25.1%	100.0%
<b>Diagnosed 1996 to 2002</b>	Count	39	129	147	114	429
	% within Year of Diagnosis Group	9.1%	30.1%	34.3%	26.6%	100.0%
<b>Diagnosed 2003 to 2007</b>	Count	48	118	137	132	435
	% within Year of Diagnosis Group	11.0%	27.1%	31.5%	30.3%	100.0%
<b>Diagnosed 2008 to 2012</b>	Count	31	127	136	138	432
	% within Year of Diagnosis Group	7.2%	29.4%	31.5%	31.9%	100.0%
<b>Total</b>	Count	192	621	653	569	2035
	% within Year of Diagnosis Group	9.4%	30.5%	32.1%	28.0%	100.0%

p=.133

### Not told about the risk of criminalization when tested positive

*Question: When you received your HIV positive test results, did anyone tell you that you could be prosecuted for not disclosing your HIV status?*

Almost 3 out of 4 respondents (73.2%) indicated that they were not counseled about the possibility of prosecution for not disclosing their HIV status.

	No	Not sure	Yes	Not applicable where I lived at the time	Total
<b>Frequency</b>	1507	118	272	161	2058
<b>Valid Percent</b>	73.2	5.7	13.2	7.8	100.0

By SEX:

No significant differences were found by sex. By REGION

Significant differences were seen in whether or not respondents were informed that they could face prosecution if they failed to disclose their HIV status. Only 4.1% to 7.5% of people living with HIV in the Northeast and the West (respectively) were advised about the risk of prosecution. The percentage of respondents from the South (14.8%) is two to three times the percentage in the Northeast and West while the percentage of respondents from the Midwest receiving this information (28.8%) is seven times higher than those in the Northeast.

This likely reflects the more vigorous approach to prosecutions in the Midwest and South; even so, only about a quarter of those in the Midwest have received this information. Additionally, those in states where there may be no HIV-specific laws still need to be warned that they could be prosecuted in other states, on the basis of their HIV status, for behaviors that might not be considered criminal in their own state.

		No	Not sure	Yes	Not applicable where I lived at the time	Total
<b>West</b>	Count	381	26	36	38	481
	% within US Census Regions	79.2%	5.4%	7.5%	7.9%	100.0%
<b>Midwest</b>	Count	174	21	91	30	316
	% within US Census Regions	55.1%	6.6%	28.8%	9.5%	100.0%
<b>Northeast</b>	Count	349	17	17	29	412
	% within US Census Regions	84.7%	4.1%	4.1%	7.0%	100.0%
<b>South</b>	Count	533	46	110	53	742
	% within US Census Regions	71.8%	6.2%	14.8%	7.1%	100.0%
<b>Total</b>	Count	1437	110	254	150	1951
	% within US Census Regions	73.7%	5.6%	13.0%	7.7%	100.0%

p=0.000

By YEAR OF DIAGNOSIS

Steady trend from 1996 to 2012 in which more and more people living with HIV indicate that they were told when they received their positive test results that they could face prosecution for not disclosing their HIV status. Even so, in the group that was diagnosed in 2008 to 2012, only slightly over 1 in 4 (27%) received this information.

		No	Not sure	Yes	Not applicable where I lived at the time	Total
<b>Diagnosed pre-1988</b>	Count	190	9	13	48	260
	% within Year of Diagnosis Group	73.1%	3.5%	5.0%	18.5%	100.0%
<b>Diagnosed 1988 to 1995</b>	Count	382	19	19	60	480
	% within Year of Diagnosis Group	79.6%	4.0%	4.0%	12.5%	100.0%
<b>Diagnosed 1996 to 2002</b>	Count	333	30	44	23	430
	% within Year of Diagnosis Group	77.4%	7.0%	10.2%	5.3%	100.0%

<b>Diagnosed 2003 to 2007</b>	Count	315	30	77	12	434
	% within Year of Diagnosis Group	72.6%	6.9%	17.7%	2.8%	100.0%
<b>Diagnosed 2008 to 2012</b>	Count	275	28	117	14	434
	% within Year of Diagnosis Group	63.4%	6.5%	27.0%	3.2%	100.0%
<b>Total</b>	Count	1495	116	270	157	2038
	% within Year of Diagnosis Group	73.4%	5.7%	13.2%	7.7%	100.0%

p=.000

### Unclear what behaviors might put them at risk of arrest

*Question: Is it clear to you what specific behaviors related to someone’s HIV-positive status put them at risk for arrest in your state?*

Only 22.3% of people with HIV who responded felt that it was completely clear to them what behaviors related to someone’s HIV-positive status put them at risk for arrest in their state. By contrast, almost half (47.7%) were not clear and the remaining 30% indicated that they were somewhat clear.

	Not clear	Somewhat clear	Completely clear	Total
<b>Frequency</b>	593	372	277	1242
<b>Valid Percent</b>	47.7	30.0	22.3	100.0

By SEX:

Although the numbers were high in every group, men living with HIV in the study were more likely to say it was not clear to them what behaviors could put someone at risk for arrest in their state (48.6% compared to approximately 40% for female and transgender/third sex respondents).

		Not clear	Somewhat clear	Completely clear	Total
<b>Male</b>	Count	497	310	215	1022
	% within Sex	48.6%	30.3%	21.0%	100.0%
<b>Female</b>	Count	67	50	50	167
	% within Sex	40.1%	29.9%	29.9%	100.0%
<b>Transgender/Third Sex</b>	Count	4	3	3	10
	% within Sex	40.0%	30.0%	30.0%	100.0%
<b>Total</b>	Count	568	363	268	1199
	% within Sex	47.4%	30.3%	22.4%	100.0%

p=.104

By REGION:

Respondents from the Northeast were the most likely to say that it was not clear what behaviors put them at risk for arrest in their state (58.3%), followed by 48% of those in the South, 46.5% of those in the West, and 41.1% of those in the Midwest.

The highest percentages of affirmative responses came from people living with HIV in the Midwest; however, even here, only 27.8% of the respondents indicated that it was completely clear.

		Not clear	Somewhat clear	Completely clear	Total
<b>West</b>	Count	105	71	50	226
	% within US Census Regions	46.5%	31.4%	22.1%	100.0%
<b>Midwest</b>	Count	108	82	73	263
	% within US Census Regions	41.1%	31.2%	27.8%	100.0%
<b>Northeast</b>	Count	91	40	25	156
	% within US Census Regions	58.3%	25.6%	16.0%	100.0%
<b>South</b>	Count	255	163	113	531
	% within US Census Regions	48.0%	30.7%	21.3%	100.0%
<b>Total</b>	Count	559	356	261	1176
	% within US Census Regions	47.5%	30.3%	22.2%	100.0%

p=0.029

By YEAR OF DIAGNOSIS:

No significant differences by year of diagnosis in whether respondents felt it was clear to them what behaviors would put them at risk for arrest in their state.

## II. BELIEFS ABOUT DISCLOSURE OF HIV STATUS

Finding: In our sample, people living with HIV in the U.S. expressed strong support for the importance of disclosure of one’s HIV positive status before engaging in activities that might expose another person to a risk of acquiring HIV. Respondents largely disagreed with the idea that a requirement to disclose should be part of the criminal law code; however, a significant minority indicated support for criminal penalties for HIV non-disclosure.

The majority of people living with HIV in the sample indicated that they view disclosure of their HIV status to potential sexual partners as an important moral or ethical action, particularly when there might be a significant risk of HIV transmission.

Moral and ethical concerns dominate the reasons the people living with HIV in the sample gave for disclosing their own status to potential partners, while legal concerns rank very low on the list of reasons that people living with HIV described for why they disclose their status.

### Reasons for disclosing HIV status

*Question: In general, would you consider disclosing one's HIV positive status before having sex or sharing drug paraphernalia as (select all that apply):*

	Responses (N)	Percent of respondents who agreed with this answer
1 An ethical or moral obligation for each person living with HIV	1212	58.9%
2 Important only if engaging in behaviors that pose a significant risk of HIV transmission	1047	50.9%
3 Desirable but not something that should be a law	1027	49.9%
4 No more or less important than disclosing other sexually transmitted infections one might carry	923	44.9%
5 A desired community norm that communities of people living with HIV should promote	878	42.7%
6 Dependent on the specific circumstances	775	37.7%
7 Something you automatically expect a person living with HIV to do	651	31.6%
8 A legal matter for civil courts, so that a person can sue for money damages if they were harmed due to another person's failure to disclose their HIV positive status	225	10.9%
9 A legal matter for criminal courts, so that a person who fails to disclose their HIV status can be charged with a crime	203	9.9%
<b>Total</b> *multiple answers possible	6941	337.4%

*Question: When you think about engaging in sexual activity with a new partner, what motivates you to disclose or not disclose your HIV status?*

Note: four of the five who mentioned legal penalties as a reason for disclosure also mentioned other reasons, such as to protect the other person. Out of 2,200 responses, only one person mentioned the fear of being sent to prison and nothing else.

Reason given	Number of times the response was given	Percent of respondents who gave this response
The right thing to do/A moral or ethical obligation	27	14.2%
Honesty in relationships	24	12.6%
Not hurt another person/Protect the other person	23	12.1%
Partner has a right to know and make an informed choice	22	11.6%
Whether this is a casual or serious relationship	22	11.6%
The level of risk/Whether or not safer sex is practiced	18	9.5%
I always disclose	17	8.9%
Only have HIV+ partners	14	7.4%
Protect self from rejection, accusations, and other STIs	10	5.3%
Law/Prison	5	2.6%
Fear of rejection	4	2.1%
Not sexual or dating	4	2.1%
Other	10	5.3%
TOTAL	200	105.3%

(These results are from a qualitative analysis of 10 percent of the cases who responded to this question (n=193), randomly selected using SPSS 19 random case selection. Randomly selected cases are similar to the whole sample of US PLHIV in region, sex, and year of diagnosis.)

### Mutual responsibility for safer sex

People living with HIV in the study indicated support for a model of mutual responsibility for safer sex between sexual partners. 82.1% said that both sexual partners share the responsibility for safer sex equally. 11.6% indicated that the HIV-positive partner has more responsibility for safer sex.

*Question: In your opinion, when two people decide to have sex with each other, and one of them has tested positive for HIV, how much responsibility does each partner have for safer sex?*

	The HIV-negative partner has all the responsibility	The HIV-negative partner has more responsibility	Both partners share the responsibility equally	The HIV-positive partner has more responsibility	The HIV-positive partner has all the responsibility	Total
Frequency	41	44	1687	238	45	2055
Valid Percent	2.0	2.1	82.1	11.6	2.2	100.0

## III. NEGATIVE IMPLICATIONS FOR HIV PREVENTION, TREATMENT, AND CARE

### Avoidance of HIV testing because of fear of prosecution

*Question: Has anyone ever told you that they did not want to take an HIV test because of a fear that they might be prosecuted if the HIV test came back positive? (Please include yourself in the answer if this is true for you.)*

A quarter of respondents know one or more people who have told them that they do not want to take an HIV test because of fear of prosecution (25.1%)

	No	One person	A few people	Many people	Total
<b>Frequency</b>	1551	108	301	110	2070
<b>Valid Percent</b>	74.9	5.2	14.5	5.3	100.0

No significant differences by sex or year of diagnosis

By REGION

Significant regional differences exist in whether or not a respondent knew someone who did not want to get an HIV test because of fear of prosecution. Almost one-third of respondents from the Midwest (32.1%) indicated that one or more people had told them that they did not want to test for this reason. More than one-quarter of respondents from the South (26.1%) agreed as did more than one-fifth of respondents from the West and Northeast (21.5% and 21.9%)

		No	One person	A few people	Many people	Total
<b>West</b>	Count	376	13	66	24	479
	% within US Census Regions	78.5%	2.7%	13.8%	5.0%	100.0%
<b>Midwest</b>	Count	212	17	61	26	316
	% within US Census Regions	67.1%	5.4%	19.3%	8.2%	100.0%
<b>Northeast</b>	Count	321	24	51	15	411
	% within US Census Regions	78.1%	5.8%	12.4%	3.6%	100.0%
<b>South</b>	Count	549	48	108	38	743
	% within US Census Regions	73.9%	6.5%	14.5%	5.1%	100.0%
<b>Total</b>	Count	1458	102	286	103	1949
	% within US Census Regions	74.8%	5.2%	14.7%	5.3%	100.0%

p=0.002

### **Belief that it is reasonable to avoid testing for HIV because of fear of prosecution**

*Question: A person, who is otherwise feeling healthy, states he or she does not take an HIV test out of fear of being prosecuted if the HIV test came back positive.*

Almost half felt it was somewhat reasonable or very reasonable to avoid testing because of fear of prosecution (49.6%)

	Not reasonable	Somewhat reasonable	Very reasonable	Total
<b>Frequency</b>	1039	598	424	2061
<b>Valid Percent</b>	50.4	29.0	20.6	100.0

No significant differences by sex, region, or year of diagnosis

### **Belief that it is reasonable to avoid HIV treatment and care because of fear of prosecution**

*Question: A person, who otherwise is feeling healthy, avoids getting treatment for HIV out of fear people might find out he or she is HIV positive and press charges against him or her*

Slightly fewer felt it was reasonable to avoid HIV treatment and care because of fear of prosecution (41.6%)

	Not reasonable	Somewhat reasonable	Very reasonable	Total
<b>Frequency</b>	1197	499	356	2052
<b>Valid Percent</b>	58.3	24.3	17.3	100.0

No significant differences by sex, region, or year of diagnosis

## IV. DEMOGRAPHIC DATA

<b>US PLHIV</b> (defined as people currently living in or from the US)	<b>Sample size = 2076</b>
<b>Region</b>	West (24.6%, n=481) Midwest (16.2%, n=316) Northeast (21.1%, n=412) South (38.1%, n=744)
<b>Age range</b>	b. 1932 - 1994 (80 years old to 18 years old)
<b>Sex</b>	Male (85.9%, n=1718) Female (13.1%, n=262) Transgender or Third Sex (1%, n=20, includes 13 MTF, 4 FTM, and 3 Third Sex)
<b>Sexual orientation</b>	Gay/Same-gender-loving (74.6%, n=1494) Heterosexual (16.9%, n=338) Bisexual man (5.3%, n=107) Bisexual woman (1%, n=20) Lesbian/Same-gender-loving (0.2%, n=5)
<b>Race</b> (multiple responses allowed)	African-American/Black (15.9%, n=331) Asian-American or Pacific Islander (2.2%, n=46) American Indian/Native American (5.2%, n=107) European-American/Caucasian/White (74.9%, n=1554) Other (4.4%, n=91)
<b>Ethnicity</b>	Hispanic/Latino/Latina (9.2%, n=190) Arab descent (.2%, n=5)
<b>Immigrant to the US</b>	8.6%, n=171
<b>Year of diagnosis</b>	Pre-1988 (12.7%, n=260) 1988 to 1995 (23.5%, n=480) 1996 to 2002 (21.1%, n=430) 2003 to 2007 (21.4%, n=436) 2008 to 2012 (21.3%, n=434)
<b>Key population</b> (Current or former)	Injecting (illegal) drug user 13.6%, n=282 User of crystal meth 23.4%, n=485 Sex worker 10.8%, n=214 Engaged in survival sex 11.2%, n=224 Survivor of domestic violence 27.7%, n=551 Subject to serious HIV discrimination 29.2%, n=583

	Recipient of public assistance (39.1%, n=780)
<b>Education</b>	Less than high school diploma (1.4%, n=29) High school diploma or GED (6.8%, n=137) Some college or technical school (38.3%, n=768) Undergraduate degree (31.4%, n=630) Master's degree or higher (22%, n=440)
<b>Religion</b>	Christian (45%, n=896) Not religious (42.6%, n=849) Buddhist (2.8%, n=56) Jewish (1.8%, n=36) Muslim (0.3%, n=6) Hindu (0.2%, n=3) Another religion (7.4%, n=147)
<b>Works in the HIV/AIDS field</b>	Not working in the HIV/AIDS field (69.5%, n=1443) Employed in the HIV/AIDS field (15.7%, n=326) Volunteer in the HIV/AIDS field (16.4%, n=340)
<b>Number of people living with HIV known by respondent:</b>	0 (2.2%, n=43) 1-5 (19.2%, n=384) 6-20 (27.2%, n=525) More than 20 (52.4%, n=1047)

Contact Laurel Sprague (Principal Investigator) or Sean Strub (The SERO Project) with questions or comments.

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