Why I Do What I Do

May 26, 2009 By Regan Hofmann

This morning, I was a guest on the Brian Lehrer Show on WNYC radio (WNYC.org - search for my name or click here) We discussed whether or not people living with HIV should be criminalized for knowingly (or not), intentionally (or not) exposing and/or potentially transmitting HIV to another person. I won't go into the nuances of the discussion here ... please listen and let me know what you think. (Quick summary: I agree with UNAIDS' recommendation that the criminalization of people living with HIV be limited to those people who know their HIV-positive status and intend to and manage to transmit the virus to another person.)

During the show, a listener called in and asked about a case in which an HIV-positive woman was sexually assaulted by more than one man. He described how, at the time of the attack, the woman, who was aware of her HIV status, was too afraid to tell her multiple assailants that she was HIV-positive (though it occurred to her that it might be an effective deterrent) because she was afraid that, given the stigma surrounding HIV, the men would kill her when she told them. Then, post-attack, she lied to the police and told them she HAD disclosed her HIV status to the the attackers SO SHE WOULDN'T BE PUT IN JAIL FOR NOT DISCLOSING HER HIV STATUS TO THE MEN WHO RAPED HER. The criminalization laws around people living with HIV are so convoluted and poorly written that she worried that going to jail was a real possibility.

A part of me wanted to think this story was the clever concoction of a radio listener trying to make people understand the damaging impact of laws surrounding the criminalization of HIV (they prevent discussion, awareness, testing, treatment and disclosure) ... but when I got back to my office, I had e-mails from several HIV-positive women who had also worried about their legal fate for not disclosing their HIV-positive status to the men who had raped them. One asked me to imagine how it felt to educate the man (whom she knew, vaguely, before the attack) about the availability of PEP (post-exposure prophylaxis). Despite what he had done to her, she felt guilt about potentially exposing him to the virus, so much so that she ensured that he was aware of a medical protocol that could save his life after he had possibly been exposed to HIV when he forced himself on her.

And this is the kind of woman who some courts would deign to put behind bars for not disclosing her HIV status to a "sexual" partner.

Jeez.

If that's not an endorsement for how broken the system is and how gravely misunderstood and deeply feared and stigmatized HIV still is, I can't imagine what would be.

Moments like the one in which I opened the woman's e-mail, read her story and understood her regard for another person's well-being -- even after he terrorized her and put her life at risk -- are why I do what

I do. I can not sit idle and watch the world continue to misperceive the moral character of people living with HIV when I know, personally, the exceptional characters of many who fight for their lives every day against the virus -- in spite of a sometimes uneducated, misinformed and unfairly judgemental world.

As HIV-positive, South African judge Edwin Cameron says, “HIV is not a crime.” (Check out his piece written in a Norweigian paper posted on poz.com). What is, arguably, criminal, is the lack of compassion, appropriate legal recourse (if and when needed) and clarity around the complicated nuances surrounding the issue of potential HIV transmission between two serodiscordant adults consensually engaging in sex.

© 2026 Smart + Strong All Rights Reserved.
http://beta.docker.poz.com/blog/why-i-do-what-i-do