



The Center for HIV
Law and Policy
65 Broadway, Suite 832
New York, NY 10006
212-430-6733
www.hivlawandpolicy.org

The Center for HIV Law and Policy is a national resource and advocacy organization working to advance the rights of people affected by HIV. We combine an online HIV Policy Resource Bank, a creative national advocacy agenda, and case assistance focused on systems and institutions with significant impact on marginalized communities.

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How to Talk About HIV Criminalization with Elected Officials, Media and Others

1. Know your subject

Ignorance is one of the main drivers of HIV criminalization. Make sure that you not only understand the legal aspects of HIV criminalization, but also the basic facts about HIV. You should understand the basic science “punchlines” on the routes and risks of HIV transmission, as well as relevant information on prevention and treatment. You should also have a basic understanding of the legal aspects of HIV criminalization, including your state’s law and how it has been used against people living with HIV. The Center for HIV Law and Policy’s [Resource Bank](#) has helpful factsheets, charts, and toolkits, including a summary of the law in every U.S. state and territory, for your use.

2. Know your audience

It can be a challenge to find a balance between providing too much or too little information to your audience. Effective advocacy depends on knowing your audience and tailoring your presentation or outreach to their knowledge, level of awareness, and likely concerns. Providing too much information may overwhelm your audience or make a well-informed audience lose interest. Similarly, if you do not provide enough information, or if you end without a clear “ask” or “next step,” your audience may become confused or disengaged. It’s useful to have short fact sheets explaining the problem and what your audience can do.

3. Put the issue in a context that will matter to the person in front of you

It can be hard even for our friends to understand why HIV criminalization is an important issue when there are many other problems that need to be addressed. For better or worse, self-interest is a very reliable motivator. To get people onboard with ending HIV criminalization, you need to explain why this issue is at least as important to them and the people they care about as other urgent issues. Different audiences need different pitches. For instance, if you are talking to a legislator who is a known advocate for women’s rights, you could frame your presentation or

discussion around [how HIV criminalization affects women](#). Since many, if not most, policymakers think these laws are needed to protect “innocent women,” *it is very helpful to explain how, in fact, these laws hurt women.*

4. Balance information on the problem with ideas for solutions

Though the realities of HIV criminalization can be disconcerting, your presentation or meeting should ultimately convince people that change is possible and that they have a role to play in making it happen. You do not need to outline your whole advocacy strategy, but you should identify at least one or two specific action items that an individual or group can do. You should identify these action items prior to your meeting or presentation, and tailor them to your audience.

5. Stay on message

When individuals first hear about advocacy seeking to end the misuse of criminal laws against people with HIV, they usually don't have a clear picture of what that means. Legislators often (and accurately) worry that taking leadership on this issue will make them look “soft on crime” since it involves modifying the criminal law. This is just one reason why word choice and message are important. Rather than talk in terms of repeal, which means taking a law entirely off the books, we use the term **modernization** of existing law.

We decided to use the term modernization because it accurately and more strategically describes the need to make sure that HIV-related policies reflect a 2013 (rather than a 1983) understanding of HIV. Effective “modernization” that limits the circumstances under which HIV exposure or transmission is a crime can produce the same or a better outcome than repeal. One reason this is true is that a number of states without an HIV-specific law still prosecute people with HIV, so it would be very helpful to have a law that limits when the general criminal law can be used in that way.

“Modernization” is a much easier thing to sell than “repeal” when you are talking about criminal law. The appendix contains sample “modernization” proposals.

6. Stick with known facts, and avoid exaggerations

You want your audience to view you as a credible source. You need to reassure your audience that you are a reliable source of information, particularly if you are asking them to take a specific action. Reliable data exists about the negative effects of HIV criminalization, and you can rely on specific cases to help demonstrate how criminal laws are applied to people living with HIV. Therefore, it is not necessary to exaggerate or potentially mislead your audience. For effective advocacy, you should focus on broad themes tailored to your audience (e.g. HIV criminalization wastes money and makes criminals of people with HIV who follow CDC guidance on voluntary disclosure and using condoms), and support your points with specific examples or [data](#).

7. Ask your audience to take a specific action

Remember: the meeting is a step in the process, not the end point. Education is essential, but it is not the end goal. Awareness is of little value if it doesn't get people to do something. Every meeting, no matter what kind, requires a follow-up plan. Whenever possible, you should always end any meeting or presentation with a specific ask or action task for your audience. For community presentations, consider asking participants, community groups, and community organizations to:

- endorse the [Positive Justice Project Consensus Statement](#);
- support the Consensus Statement using PJP's outreach model;
- contact local legislators about HIV criminalization, or go with you to meet a legislator;

- actively participate in a state or local advocacy group;
- write an op-ed or letter to the editor for a newspaper; *and/or*
- sign on to a letter or submit testimony at legislative or governmental hearings relating to HIV criminalization.
- adopt an official or unofficial policy on HIV criminalization;
- sign on to an advocacy letter; *and/or*
- testify at legislative committee hearings on HIV criminalization.

For elected officials, consider asking them to:

- endorse the [Positive Justice Project Consensus Statement](#);
- meet with other legislators;
- attend a conference about criminalization;
- consider PJP's ideas for how the law could be improved;
- sponsor, co-sponsor, or support legislation; *and/or*
- lead a legislative commission or taskforce on HIV criminalization.

For prosecutors, public health officials, law enforcement officers, and other influential policymakers, consider asking the office to:

8. Follow-up after the meeting or presentation

Follow-up by providing additional information or materials in response to questions raised during your meeting or presentation. Make sure contact information is shared to make follow-up easy. If there are no lingering questions or information requests, you should stay in touch by sharing updates on your advocacy efforts. When meeting with a legislator or legislative staff, give them a packet of short resources that will help them understand HIV criminalization, and make specific plans (with set dates) for follow-up.