

Forging Alliances. Getting Results.

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This year, our work has garnered awards, praise and attention in a variety of spheres. But the feedback from people living with HIV and their advocates, and measurable progress against the unjust treatment that still follows an HIV diagnosis, is the only real measure of success. Obviously the work is impossible without the financial support of friends and foundations. Might you include an end-of-year donation to CHLP on your list of New Year's resolutions?

Invest in Change
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Dear friends,

Despite the battles still to fight in ending injustice against people living with HIV, we can take one affirming lesson from our recent successes: **standing together with our allies gets results.**

The [Positive Justice Project](#) (PJP) is a great example of what true collaboration can do. Thirty-four U.S. states and territories still have laws criminalizing HIV “exposure” (including risk-free conduct such as spitting and biting) or nondisclosure of an individual’s HIV status. Only two years after we launched **PJP** to reform such policies, we have helped get this issue on the policy radars of HIV, health and criminal justice agencies across the U.S.

With 74 organizations and nearly 100 individuals representing a spectrum of skills and experience – people with HIV, former prisoners, doctors, public health experts, lawyers, organizers, media mavens – the **Positive Justice Project** can affect change at many levels.

We have engaged federal agencies, supported local advocacy networks, educated scores of community members and policy makers, worked with defense attorneys – and gotten results.

In one of many recent cases, an HIV-positive New Yorker was sentenced to ten years in prison on an aggravated assault charge. His crime? According to the prosecutor, he used his saliva as a



Congressional Black Caucus Foundation Annual Legislative Conference, 2011. L to R: Vanessa Johnson (activist), Terrance Moore (NASTAD), Patrick Packer (SAC), Allison Nichol (Department of Justice), Catherine Hanssens (CHLP)

“dangerous instrument” when he bit a police officer during a scuffle.

CHLP and members of the Positive Justice Project filed briefs in his appeal, and New York’s highest court vacated the aggravated assault conviction, because making a person’s health condition relevant to an assault case would create a “sliding scale of criminal liability.” When prison officials delayed the man’s release, PJP and NY activists generated a torrent of calls to the warden, parole officials, and the Governor to set him free.

PJP members came together again to issue a [National Consensus Statement Against Criminalization in the United States](#) at the 2012 International AIDS Conference. Endorsed by medical experts, state legislators and a host of advocates, it’s the nation’s first clear demand from a broad spectrum of experts to end the use of special criminal laws against people with HIV.

Our legal guides, grassroots trainings, media work, community roundtables and multi-tiered advocacy have dramatically raised public awareness of the facts of HIV criminal laws. The Center for HIV Law and Policy’s recognized depth of knowledge on these laws has led to collaborative reform projects with law enforcement associations and even international organizations such as the United Nations Development Programme (UNDP).

CHLP thinks collaboration and a top-flight collection of resources is a winning combination. We hope you agree.

Sincerely,

Catherine Hanssens
Executive Director

Our Mission

The Center for HIV Law and Policy is a national legal and policy resource and strategy center for people with HIV and their advocates. CHLP works to reduce the impact of HIV on vulnerable and marginalized communities and to secure the human rights of people affected by HIV.

We support and increase the advocacy power and HIV expertise of attorneys, community members, and service providers, and advance policy initiatives that are grounded in and uphold social justice, science, and the public health. We do this by providing high-quality legal and policy materials through an accessible web-based resource bank; cultivating interdisciplinary support networks of experts, activists, and professionals; and coordinating a strategic leadership hub to track and advance advocacy on critical HIV legal, health, and human rights issues.

Sexual Health Care: A Basic Service for Youth

Teen SENSE is CHLP's multidisciplinary program committed to the rights of youth in state custody to have comprehensive, LGBT-inclusive sexual health care. Adrian Guzman, who heads our Teen SENSE initiative, brings a strong background in public health and HIV advocacy to this work.

Teen SENSE has produced the first set of [model standards and policies](#) to guide incorporation of sexual health care into the essential medical services for young people in detention and other types of state custody.

We also published [Juvenile Injustice: The Unfulfilled Rights of Youth In State Custody to Comprehensive Sexual Health Care](#), which outlines the legal foundation for the right of juveniles in state

custody to comprehensive sexual health care and the staff training needed to address homophobic abuse of LGBT kids.

To date, over 20 local, state, and national youth-based organizations have endorsed the Teen SENSE Model Standards.

However, standards that sit on a shelf have no impact on the lives of young people. So our current Teen SENSE work is focused on getting these policies and standards into agencies and facilities that are responsible for young people in out-of-home care.

As part of this effort, CHLP has submitted testimony at public hearings in New York and Massachusetts, to the Department of Justice, shared the Teen SENSE Model

Standards with federal and state officials, met with youth and health agency staff in a number of states, and fostered a Youth Advocacy Corps trained to speak to policy makers on the need for sexual health care, especially for young people who rely on the state for their most basic health needs.

All of this work is bearing fruit. The AIDS Alliance for Children, Youth and Families has used Teen SENSE as the jumping-off point for a scan of sexual health care policies in Florida, and in November 2012, the [New York Administration for Children's Services released its updated agency-wide policy on LGBTQ youth in care](#), which now includes all of the Teen SENSE Model Policies and Standards.

Building the Next Generation of HIV/AIDS Advocates

One of our more exciting collaborations is a partnership with [SMART Youth](#), a Harlem-based youth development and leadership program for 13- to 22-year-olds affected by HIV/AIDS.

Working with SMART Youth leadership, we developed a series of training sessions on HIV criminalization. This included information on HIV criminal "exposure" laws in New York State and across the country, a "know your rights" session, and a discussion of ways young people can be part of the movement

against HIV criminalization. And prior to the July 2012 International AIDS Conference, we briefed SMART Youth on how to communicate effectively with stakeholders at the conference.

Our new partnership with SMART Youth expands on our earlier collaboration with HEAT (Health Education and Alternatives for Teens, a program of SUNY Downstate Medical Center) and the Hetrick Martin Institute, and is an important aspect of Teen SENSE. Young people are the best advocates for the programs that affect



their lives. But equally important, our best hope of protecting all people with HIV is a new generation of young people empowered and engaged in speaking truth to the officials who control the policies and purse strings that make rights and programs real.

If you would like to take part in this effort, please contact [Adrian Guzman](#).



In just two years, the Positive Justice Project (PJP) has changed the conversation about the use of criminal law against people with HIV for otherwise legal behavior, and made concrete progress on several fronts. Over the last year, we've developed a variety of materials to support anti-criminalization organizing and advocacy at the state and federal levels.

Community advocates and service providers will find our [HIV Criminalization Palm Card](#) a short but useful guide for people with HIV who are facing arrest. For more detailed information, we have [Guidance for People Living with HIV Who Are At Risk of, or Are Facing, Criminal Prosecution for HIV Nondisclosure or Exposure](#).

We've also put together [a great chart](#) that summarizes which states have HIV-specific criminal laws or provisions that add sex

Resources to Fight HIV Criminalization

offender registration to the punishments for conviction under these laws; and laws that criminalize other STI exposure.

If you are looking for a much more comprehensive study of each state and territory's HIV-related laws and prosecutions, our manual [Ending and Defending Against HIV Criminalization](#) is the resource for you, and the only place you will find this information and analysis.

Our Resource Bank now includes [two charts](#) that summarize and simplify important information about the routes and risks of HIV transmission, and the comparison of HIV to other chronic conditions. Versions of these charts were included in UNAIDS publications in August, 2011.

Also available in the Resource Bank is a widely-used primer on [Transmission Routes, Viral Loads and Relative Risks: The Science of HIV for Lawyers and Advocates](#). Feedback confirms that this is a very useful resource for lawyers briefing any civil or criminal

case where the routes, risks and consequences of HIV transmission are an issue.

For those looking for information on [the REPEAL HIV Discrimination Act](#), which would create guidance and incentives for states to modernize their HIV criminal laws, our Resource Bank includes a [fact sheet on the REPEAL HIV Discrimination Act](#).

The Center for HIV Law and Policy's collection of resources on HIV criminalization – those we've created and those from a range of other legal, medical and social science experts -- makes our Resource Bank the go-to resource for US-based advocates. Check out our [full collection of HIV criminalization materials](#).

Want to get more involved? First step: endorse the Positive Justice Project's [National Consensus Statement Against Criminalization in the United States](#).

Next step: become an active member of one of the Positive Justice Project's Working Groups by contacting [Rashida Richardson](#).

Change is Overdue

The Positive Justice Project Consensus Statement Against Criminalization in the United States

The Consensus Statement highlights injustice caused by HIV criminalization and includes clear rationales, both scientific and legal, for why change is overdue. It has already been endorsed by a wide range of organizations and individuals, including Rep. Hansen Clarke (D) of Michigan. Read the [full statement here](#) and sign YOUR name to change.

Inaugural Organizational/ Government Endorsers of PJP Consensus Statement Against HIV Criminalization

- AIDS Foundation of Chicago
- AIDS Legal Assistance Project, Orange County, CA
- AIDS United
- Center for HIV Law and Policy
- Community HIV/Hepatitis Advocates of Iowa Network (CHAIN)
- Congressman Hansen Clarke, Michigan
- Congressional Black Caucus Foundation
- Housing Works
- Lambda Legal
- NASTAD
- National Minority AIDS Council
- OLB (Online Buddies, Inc.)
- Research Institut
- Positive Iowans Taking Charge (PITCH) Project
- U.S. Positive Womens Network
- Unique & Unified CBO

To endorse the PJP Consensus Statement, email [Rashida Richardson](#)



In December, 2012, CHLP, NASTAD and the United Nations Development Programme hosted the "US National Dialogue on the Criminalization of HIV Transmission, Exposure & Non-disclosure: The Role of States & the Federal Government." Among the presenters were the Chief of Iowa's Department of Public Health, Randy Mayer (above L) and Iowa State Senator Matt McCoy (above R).

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In the Press



Map citing CHLP data as source featured in *When Consensual Sex is a Crime* – Segment of the Sanjay Gupta MD program. CNN. (December 1, 2012)

Our work is getting noticed. The Center for HIV Law and Policy was a primary source of information in a *CNN.com* report, one of the first positive mainstream media pieces on HIV criminalization. The story linked to CHLP's Resource Bank and information about the Positive Justice Project, and was picked up by media outlets around the country.



Imprisoned Over HIV: One Man's Story, Sandra Young, CNN.com (August 2, 2012)



HIV-Positive Student Rejected from School, ABC World News Tonight (December 2, 2011)

Is There a Criminal Transmission of HIV Law in Your State?, Nicole Pasulka, Mother Jones (June 21, 2012)



Other Recent Press

The Criminalization of HIV (and Why You Should Be Concerned), EBONY. (August 16, 2012)
<http://www.ebony.com/news-views/exclusive-the-criminalization-of-hiv-and-why-you-should-be-concerned-877>

Suit over wrong HIV diagnosis settled between ex-patient, Whitman-Walker, Washington Post. (August 10, 2012)
http://www.washingtonpost.com/local/crime/man-misdiagnosed-with-hiv-settles-suit-against-whitman-walker-clinic/2012/08/10/67be2a02-e328-11e1-a25e-15067bb31849_story.html

US: Positive Justice Project Watching NY Court of Appeals on "Deadly Saliva" Case, Criminal HIV Transmission Blogspot (April 26, 2012)
<http://criminalhivtransmission.blogspot.com/2012/04/us-positive-justice-project-watching-ny.html>

Remarks by US AIDS director draw mixed reviews, American Independent, Todd Heywood (March 26, 2012)
<http://americanindependent.com/214468/remarks-by-us-aids-director-draw-mixed-reviews>

HIV-infected man fights to become Atlanta officer, Greg Bluestein, Associated Press (January 24, 2012)
<http://cnsnews.com/news/article/hiv-infected-man-fights-become-atlanta-officer>

Hot Off the Presses

Recent CHLP Publications

[Chart: State-by-State Criminal Laws Used to Prosecute People with HIV, Center for HIV Law and Policy \(2012\)](#)

Catalogues, by state, the laws used to prosecute individuals with HIV.

[Chart: Comparative Sentencing on HIV Criminalization in the United States, Center for HIV Law and Policy \(2012\)](#)

Compares the sentencing schemes for representative HIV exposure, non-disclosure, and/or transmission laws in the United States with laws punishing drinking and driving, reckless endangerment of others, and vehicular homicide.

Model Standards designed for use by agencies and jurisdictions that provide services for youth in state custody:

[Teen SENSE Model Sexual Health Care Standards for Youth in State Custody, Center for HIV Law and Policy \(2012\)](#)

Designed to reflect the minimum requirements that facilities should meet in order to appropriately address the sexual health care needs of youth in the state's care.

[Teen SENSE Model Sexual Health Education Standards for Youth in State Custody, Center for HIV Law and Policy \(2012\)](#)

Designed to reflect the minimum requirements of curricula that meet the sexual health knowledge needs of LGBTQ and heterosexual youth in out-of-home custody.

[Teen SENSE Model Staff Training Standards Focusing on the Needs of Youth in State Custody, Center for HIV Law and Policy \(2012\)](#)

Designed to ensure that all staff of foster care, detention, and other government operated and regulated youth facilities are equipped to understand and protect the health and well-being of all youth, regardless of sexual orientation or gender identity.

Model Policies designed for use by agencies and jurisdictions that provide services for youth in state custody:

[Model Policy: Sexual Health Care for Youth in State Custody \(2012\)](#)

Outlines the basic minimum requirements for sexual health care services. These services should be culturally competent and inclusive, including for youth who are pregnant, gender non-conforming, or LGBTQI.

[Model Policy: Sexual Health Education for Youth in State Custody \(2012\)](#)

Outlines the basic minimum requirements of a sexual health education program.

[Model Policy: Training for Youth Facility Staff: Ensuring Competence that Includes the Rights and Needs of LGBTQ Youth \(2012\)](#)

Outlines the basic requirements for ensuring staff competence, including on the rights and needs of LGBTQ youth.

[HIV Criminalization: Are You At Risk? Palm Card, Positive Justice Project \(2011\)](#)

Published by the Positive Justice Project, this card provides information about HIV criminalization, ways to protect oneself from arrest, and what to do if one is arrested.

[What HIV Criminalization Means to Women in the U.S., Center for HIV Law and Policy \(2011\)](#)

A briefing paper that addresses practical and legal questions that are often raised about using criminal law as a response to women's risk of HIV infection or transmission. The paper includes basic information about criminalization, how it affects women who are HIV positive, and what it means for women generally, and suggests services that can help women who have been sexually assaulted and are concerned about HIV exposure and infection.

[Guidance for People Living with HIV Who Are At Risk of, or Are Facing, Criminal Prosecution for HIV Nondisclosure or Exposure, Center for HIV Law and Policy \(2011\)](#)

A fact sheet with basic but essential guidance in situations of criminal prosecution for HIV nondisclosure or exposure.

[Transmission Routes, Viral Loads and Relative Risks: The Science of HIV for Lawyers and Advocates, Center for HIV Law and Policy \(2011\)](#)

Summarizes key scientific sources and selected quotations on the nature of HIV in ways that are accessible and useful for legal briefs and other advocacy work. The publication includes sections on HIV as a chronic disease, HIV as an impairment of the immune system and a covered disability under the ADA/ADAAA, the routes and risk of HIV transmission, and the use and limits of phylogenetic analysis in proving the source of an individual's HIV infection.

[Selected Policy Statements and Support for Decriminalization in the United States, Center for HIV Law and Policy \(2011\)](#)

A supplement to *Transmission Routes, Viral Loads and Relative Risks: The Science of HIV for Lawyers and Advocates*.

This identifies particularly useful policy statements and law journal articles that support arguments against HIV criminalization.

"I have relied upon your [CHLP's] materials more heavily than any other source, without exception, and likely would feel overwhelmingly lost without such readily available and easy to find and apply information." – an attorney in Alabama



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- Broadway Cares/Equity Fights AIDS
- The Elton John AIDS Foundation
- The Ford Foundation
- The John M. Lloyd Foundation
- The M.A.C. AIDS Fund
- The Henry van Ameringen Foundation

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