



# Positive Justice Project

## 2013 Highlights

The [Positive Justice Project](#) (PJP), a national coalition of organizations and individuals working to end HIV criminalization, is leading the fight against laws and policies that subject people living with HIV to arrest and punishment based on gross ignorance about the routes, risks, and consequences of HIV transmission. Here is a brief look at some of PJP's 2013 highlights.

1. PJP expanded state-level advocacy work to over 13 states. PJP actively organized and participated in [community forums](#) and roundtables in states such as [Tennessee](#) and [Michigan](#) on HIV criminalization, engaged in extensive [media work](#), and participated in local, state, and national conferences to increase awareness of HIV criminalization, including the annual [U.S. Conference on AIDS](#) (USCA), the [Campaign to End AIDS](#) (C2EA) Men's and Women's Advocacy and Leadership Summit, Howard University's [4th Annual International Conference on Stigma](#), and the [8th Annual Women as the Face of AIDS Summit](#).
2. In support of state-level advocacy work, PJP member and coordinator The Center for HIV Law and Policy, produced dozens of advocacy resources and materials in 2013, including the [Community Advocacy Toolkit](#), [Spit Does Not Transmit Factsheet](#), [Legal Toolkit](#), [REPEAL Act Toolkit](#), and [Sample Expert Statement on HIV Transmission Risk](#).
3. To reach Latino and Spanish-speaking communities at risk of HIV criminalization, The Center for HIV Law and Policy translated the HIV Criminalization [Palmcard \(Spanish Translation\)](#), and conducted workshops in Spanish with the [Hispanic AIDS Forum](#) and Latino Commission on AIDS program [Latinos in the Deep South](#).
4. PJP, particularly with the assistance and support of the HIV Prevention Justice Alliance (HIV PJA), substantially increased endorsements of the [Consensus Statement on HIV Criminalization](#), the first national consensus statement against HIV criminalization, including more than 750 organizational and individual signatories.
5. In 2013, the [HIV REPEAL Act](#) was reintroduced in the U.S. House of Representatives with bi-partisan support and introduced in the [U.S. Senate](#). This bill addresses the serious problem of discrimination in the use of criminal and civil commitment laws against those who test positive for HIV, and provides incentives for states to explore repeal or reform of laws and practices.
6. In connection with the HIV REPEAL Act, PJP members participated in several criminal justice roundtable meetings with the Judiciary Committee in the U.S. House of Representatives, providing educational material on the bill. PJP continues to play a key [advocacy role](#) providing [education material](#) and [building support](#) for this important bill at the local, state, and federal levels.
7. Congress passed the [National Defense Authorization Act](#) (NDAA) for Fiscal Year 2014 including a provision ([Section 572](#)) giving the Secretary of Defense 180 days to submit a report describing policies on the enlistment, commissioning, retention, deployment, discharge or disciplining of individuals living with HIV.

8. The [Presidential Advisory Council on HIV/AIDS \(PACHA\)](#) passed a resolution on HIV criminalization recommending federal review of HIV-specific laws, convictions and related penalties, and the modernization of laws and practices to reflect current science and knowledge about HIV.
9. A [report](#) prepared by the Appropriations Committee in the U.S. House of Representatives accompanying the Commerce, Justice, Science Appropriations Bill for Fiscal Year 2014, addressed the need to modernize HIV-related criminal laws to be "consistent with current medical and scientific knowledge and avoid imposition of unwarranted punishment based on health and disability status." The report asked the U.S. Attorney General to review HIV criminalization laws, and "to make best practice recommendations to ensure such policies do not place unique or additional burdens on individuals living with HIV/AIDS and reflect contemporary understanding of HIV transmission routes and associated benefits of treatment."
10. In 2013, more national organizations called for ending the use of disease-specific laws and policies, demonstrating a growing awareness of how criminalization fuels stigma and discrimination. See, e.g., National Association of County & City Health Officials ([NACCHO](#)) and [U.S. Conference of Mayors](#) resolutions on HIV criminalization.
11. The American Medical Association Medical Student Section (AMA MSS) passed a [resolution](#) on HIV criminalization, titled "Discrimination and Criminalization Based on HIV Seropositivity." This resolution calls for "consistency of federal and state criminal laws with current medical and scientific knowledge," and encouraging public education on the negative clinical and public health consequence created by HIV criminalization.
12. The Joint United Nations Programme on HIV/AIDS (UNAIDS) released [guidance on HIV criminalization](#), titled "[Ending Overly Broad Criminalisation of HIV Non-disclosure, Exposure and Transmission: Critical Scientific, Medical and Legal Considerations](#)." The guidance, for which PJP member The Center for HIV Law and Policy was a legal consultant, notes that the criminalization of HIV non-disclosure, exposure, and transmission reflects a fundamental lack of understanding of HIV, and constitutes discrimination against people living with HIV.
13. PJP members, including the National Alliance of State and Territorial AIDS Directors (NASTAD) and the Williams Institute, participated in a [national convening of prosecutors](#) to review the current landscape of laws and policies concerning HIV criminalization. At the convening, prosecutors from across the country heard from leading national medical and public health experts on HIV transmission and treatment, and considered best practices to guide the legal treatment of HIV exposure and transmission incidents.
14. We increased collaborative legal work, from friend-of-the-court ([amicus](#)) briefs to [individual cases](#), bringing together legal, medical, immigrant, LGBT, and community advocacy organizations against HIV criminalization.
15. We increased awareness and participation of the medical and public health community in HIV criminalization [legal](#) and [media](#) work, providing expertise on HIV transmission routes and risks, and condemning laws that criminalize HIV exposure and nondisclosure as impediments to public health.

16. We increased LGBT awareness of HIV criminalization (e.g., [joint statement](#) by LGBT groups on HIV).
17. We increased HIV criminalization awareness in the media, including the [Los Angeles Times](#), [Huffington Post](#), [El Diario](#), and [Buzzfeed](#).
18. We increased pushback from individuals and communities in response to sensationalized HIV criminalization stories in the media, including more public comments and statements criticizing [HIV criminalization laws](#) and [prosecutions](#).
19. In Iowa, with input from PJP Legal Working Group members, a Senate Judiciary Subcommittee passed a bill to reform Iowa's HIV criminalization law with bipartisan support, including creation of a tiered sentencing structure that would require intent to transmit for stiffer sentencing. Although the bill did not pass the legislature in 2013, it laid the foundation for future advocacy in Iowa.
20. PJP member The Center for HIV Law and Policy provided technical assistance and support in multiple HIV-related criminal cases in 2013, and continues to [monitor](#) prosecutions for HIV exposure in the United States.