

IMPACT REPORT

2023





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LETTER FROM THE EXECUTIVE DIRECTOR

To Our Friends & Colleagues:

I am delighted to share CHLP's first Impact Report with you. This brief report chronicles our work throughout 2023, my first full year as Executive Director of CHLP.

Looking back, I have so much gratitude to our amazing staff, Advisory Board, donors, and community of advocates who made our work possible. I am filled with hope and pride, knowing that we are making change in the world and advancing our mission. I am sobered by the challenges that lay ahead as political winds continue to shift in this country. CHLP is as determined as ever to meet these challenges head-on.

Stepping into this role, I carried with me my years of Black-feminist-centered legal advocacy, litigation, community organizing, and strategic development experience to an organization I admired for many years. In this work, I have come to appreciate the monumental impact we make in communities across this country and the daunting work we still have to do. 2023 was an especially difficult year for so many of our people and we continue to confront an uncertain political future.

In 2023, trans and queer communities saw some of the most pervasive assaults on our rights in a generation. The provision of life-saving, gender-affirming care for young people was banned or criminalized in several states. Laws that criminalize alleged HIV exposure based on thoroughly debunked science continued sending Black people to prison



in disproportionate numbers, placing people on sex offense registries. Sex workers were being targeted with enhanced offenses based on their HIV status. The burden our communities bear based on discrimination and violence can seem insurmountable. We are living through a moment of many contradictions, of horrifying state-sanctioned violence and inspiring acts of resistance.

And there is so much cause for hope and continued resistance. For CHLP, our role remains unchanged. We are a group of radical, community-centered lawyers, intersectional public health advocates, and policy experts.

In 2023:

- We directly supported other lawyers representing people who are caught up in the criminal legal system because of HIV criminal statutes to make sure they have the resources to mount successful defenses.

- We supported local advocates and coalitions with an inclusive and intersectional policy framework that ensures progress is made without leaving anyone behind.
- We imagined new solutions and made them a reality.
- We have partnered with Equality Federation, AIDS United, The Williams Institute, Movement for Black Lives, and others to develop cutting-edge collaborative responses to the challenges we face.

At CHLP, 2023 was a year of transformation and grounded reassessments. In those 12 months, we accomplished so much together. Here are some highlights:

- We went through an intentional process of reflection and evaluation and have adopted an unapologetically abolitionist framework. This now guides every aspect of our work.
- We revised our mission, vision, and values statements to reflect this new framework. This contributed to seismic shifts in the HIV organizational landscape and our partners are following our example.
- As our staff grew, we have remained rooted in principles of equity and justice. As we closed out the year, our staff is Blacker, queerer, and more Southern than ever before.
- After an investigation initiated by CHLP almost two years ago, the Department of Justice found that Tennessee's Aggravated Prostitution statute violates the Americans with Disabilities Act. This is further proof that when we launched Team ATAC (ADA To Attack Criminalization) in 2018, we were on the right path in dreaming up innovative ways to eliminate HIV criminalization.

At CHLP, 2023 was a year of transformation and grounded reassessments. In those 12 months, we accomplished so much together.

- We played a major role in achieving significant progress in Arkansas, Louisiana, Maryland, Oklahoma, South Carolina, New York, Tennessee, and Wisconsin.
- We have expanded our work to look at post-reform relief, namely how to support those criminalized who are now eligible for removal from sex offense registries and/or expungement.

These accomplishments were made possible by the sustained support of our longtime funders and the forging of new partnerships with LGBTQ+ and abolitionist funders. CHLP's expanded fundraising portfolio is a testament to the fact that philanthropy is better appreciating the ways that Black queer and trans people are systematically targeted and persecuted by our criminal legal system, creating grave barriers to healthcare and blocking the dream of ending the HIV epidemic in our communities.

Words are insufficient to express the gratitude we feel for your trust and support. I hope you read this report and are as inspired as I am. And I hope you will join us again in the great work ahead.

Warmest regards,



S. Mandisa Moore-O'Neal
Executive Director

PROGRAM OVERVIEW

CHLP works dynamically and flexibly to address the ways the criminal legal system interferes in the lives, safety, and well-being of people living with HIV. The following is an overview of our current programmatic areas that guided our work throughout 2023.

THE CRIMINALIZATION OF HIV & HEALTH STATUS

The carceral response to public health crises has a long, troubled, and ultimately self-defeating history in the United States. For nearly two decades, CHLP has pioneered the work to counter the criminalization of status and non-disclosure and the criminal justice responses to stigmatized health conditions.

Today in a majority of U.S. states there are HIV-specific criminal laws and sentencing enhancements that impose criminal penalties on people living with HIV for conduct that is not criminalized for people not living with HIV. Although the number is likely higher, there is case law in half the states documenting the use of general criminal statutes — such as aggravated assault, reckless endangerment, and attempted murder — to prosecute PLHIV for a range of activities, including alleged non-disclosure before any sexual activity. The overwhelming majority of these laws do not require transmission of HIV, a specific intent to

transmit HIV, or that it was even possible to transmit HIV for someone to be convicted.

The HIV epidemic has a disproportionate impact in the South, as do the laws that criminalize HIV. Of the 13 states that encompass the South, 12 have either an HIV-specific offense or an HIV-specific enhancement — and two out of the five states that require sex offense registration upon conviction are in the South. This reality means it is impossible to address HIV criminalization without an intentional focus and strategy in the South. To do that we must delve deeper and that's why changing these laws and getting law enforcement out of public health remains the heart and soul of CHLP's work.

**31 STATES &
2 TERRITORIES
HAVE HIV-SPECIFIC
CRIMINAL LAWS ON THE BOOKS**

POSITIVE JUSTICE PROJECT

The Positive Justice Project (PJP) is a national campaign of organizations and individuals working to end the criminalization of stigmatized diseases, mainly HIV and viral hepatitis.

Launched in 2010, PJP is the first national campaign to combat HIV-related stigma and discrimination against people living with HIV in the criminal legal system. Together with our campaign partners, CHLP conducts research and reports on legal developments and trends focusing on challenges and alternatives to existing criminalization laws.

Areas of focus include:

- **Community Outreach:** PJP engages members and leaders of diverse communities and populations to combat HIV criminalization, including Black people, sex workers, women, LGBTQ+ people, and youth — centering people who exist at these many intersections.
- **Federal Advocacy:** To improve federal policies, CHLP staff target federal agencies, including the U.S. Department of Justice, the Presidential Advisory Council on HIV/AIDS (PACHA), and the White House Office of National AIDS Policy.
- **Legal:** CHLP researches and reports on legal developments and trends focusing on challenges and alternatives to existing criminalization laws. We provide technical support and assistance to attorneys handling cases on behalf of people living with HIV and work closely with local advocates on drafting legislative alternatives to their state HIV criminal laws.

- **Media:** CHLP develops strategic communication initiatives, media and messaging strategies, and talking points to educate the media and policymakers about the harms of HIV criminalization.
- **Public Health:** PJP members engage public health leaders, agencies, and professional organizations to become visibly involved in the movement to end HIV criminalization.
- **State Advocacy:** CHLP provides resources and infrastructure assistance to local and state-based community partners working to modernize criminal laws that target people living with HIV.

Our state advocacy work focuses on supporting the needs of advocates with resources, legal support, drafting legislation, synthesizing legal information, and providing infrastructure to local and state-based community advocates working to modernize criminal laws that target people living with HIV.

CHLP'S PJP WORK
SUPPORTED COALITIONS IN
12 STATES
IN 2023



THE LEGAL NEEDS OF PEOPLE AGING WITH HIV

In 2023, CHLP deepened our development of a legal and policy primer for the rapidly expanding population of people living and aging with HIV.

This first-of-its-kind, comprehensive guide focuses on the following areas:

- Federal laws — such as the Americans with Disabilities Act — that protect PLHIV from discrimination and the agencies that can assist with remedying complaints.
- The criminalization of PLHIV and the collateral consequences of criminal legal system involvement and criminal records on people aging with HIV.
- Protecting the power of people living and aging with HIV to make decisions about their lives.

Many people living and aging with HIV not only have to contend with stigma and discrimination based on their serostatus, but their access to care and resources is impacted by anti-Blackness, racism, homophobia, transphobia, and ageism. This guide examines these issues suggesting avenues for self-advocacy and recommendations for continued advocacy.

**BY THE YEAR 2030,
70%+
OF PEOPLE LIVING WITH HIV
WILL BE OVER AGE 50**



MOLECULAR HIV SURVEILLANCE

People living with HIV, advocates, and policymakers are assessing how to utilize the benefits of molecular surveillance technology while protecting privacy and preventing misuse of information by the criminal legal system, and in particular the consequences arising from HIV stigma and criminalization.

Public health officials take and share HIV viral sequence data without consent from people living with HIV (PLHIV). This is a practice known as Molecular HIV Surveillance (MHS) and cluster detection and response (CDR). There are serious concerns that the personal medical information of PLHIV is being used for surveillance purposes without meaningfully involving PLHIV in program planning, without informed consent, and even without our knowledge. [HIV surveillance and criminalization](#) collide to put the human rights of PLHIV at risk, and can be especially dangerous for Black people, communities of color, sex workers, and other communities that are hyper-policed and over-surveilled.

OUR 2023 IMPACT

CHLP works with partners across the country to enact meaningful change in all of our program areas and to affect positive change and liberate our communities. The following are highlights of CHLP's impact and accomplishments in 2023.

CHLP'S ADA LEGAL STRATEGY WINS AT THE FEDERAL LEVEL

On World AIDS Day, December 2023, the Department of Justice (DOJ) announced its findings that Tennessee's Aggravated Prostitution statute violated the Americans with Disabilities Act (ADA). This historic outcome is due to complaints filed by CHLP in 2022 asking the DOJ to investigate HIV criminal laws in Tennessee and Ohio for potential ADA violations. This innovative legal strategy was developed by Team ATAC (ADA To Attack Criminalization), a project launched by CHLP in 2018. The DOJ announcement has widespread, life-changing implications for people living with HIV — and sex workers in particular — both in Tennessee and across the country.



That same month, in partnership with Equality Federation, CHLP launched a webinar series to make sure our community was educated about the DOJ findings. In The DOJ Findings in Tennessee: Part 1 — Exploring the Facts, advocates learned about the ADA, the DOJ, and its 12-page findings letter.

AN OPPORTUNITY FOR EDUCATION AND SUPPORT ARISES IN TENNESSEE

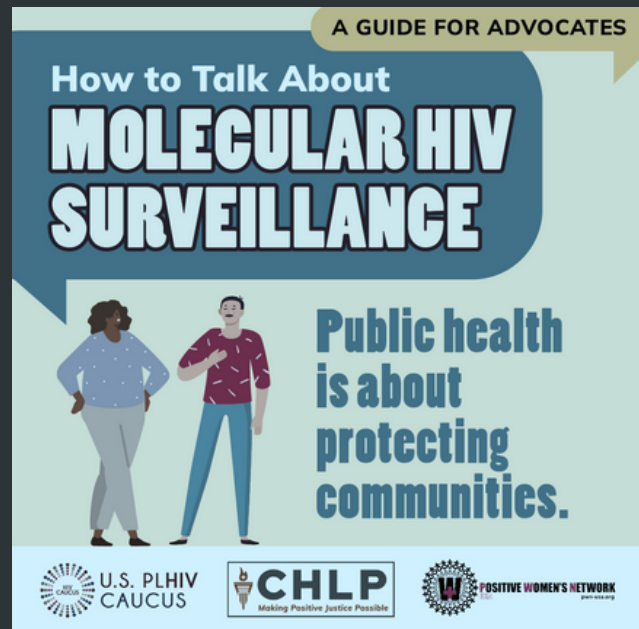


A new Tennessee law went into effect in July 2023 that removed criminal exposure to HIV from the list of offenses requiring lifetime inclusion on the state's sex offense registry. To educate stakeholders on the changes to the law, CHLP partnered with Tennessee HIV Modernization Coalition, The Elizabeth Taylor AIDS Foundation, Vanderbilt Law School's Youth Opportunity Clinic, and the Sero Project on an event in Nashville in November. CHLP also co-drafted and distributed a mailer to affected Tennesseans to advise them of their rights under the change in the law through a coordinated effort with Vanderbilt Law School.

CHALLENGING THE USE OF MOLECULAR HIV SURVEILLANCE

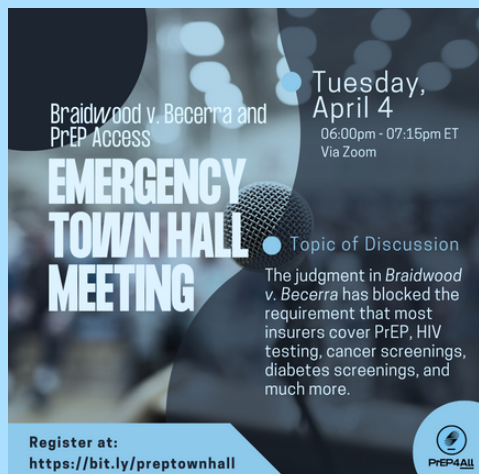
In May 2023, CHLP, the U.S. People Living with HIV Caucus, and Positive Women's Network-USA released a new resource, [How to Talk About Molecular Surveillance: A Guide for Advocates](#). This advocacy document lays out a roadmap for people living with HIV and other advocates to navigate the serious issues with Molecular HIV Surveillance. It also provides a series of questions for people to ask while engaging with their state and local health departments, federal stakeholders, local elected officials, and community members.

And in October 2023, CHLP joined 110 networks of people living with HIV and HIV and human rights organizations in sending a [letter to the Centers for Disease Control and Prevention's National Center for HIV, Viral Hepatitis, STD, and TB Prevention](#) to demand they meet and meaningfully collaborate with the US People Living with HIV Caucus before the next iteration of Molecular HIV Surveillance and Cluster Detection and Response (MHS/CDR) policies.



Our letter calls out the harm caused by long-standing policies that compromise the fundamental rights of communities most affected by HIV, especially LGBTQ+ and Black, Indigenous, and People of Color. The letter also asserts that the policies deepen medical mistrust by people living with HIV.

CHLP & PREP ADVOCATES CONVENE EMERGENCY TOWN HALL MEETING



CHLP and PrEP advocates [held an emergency town hall in April 2023](#) to discuss the implications of the ruling in *Braidwood v. Becerra*, a case that could impact access to PrEP and other preventive health measures for millions of Americans. Advocates called on public and private insurers to maintain coverage to prevent HIV and other conditions no matter the ultimate outcome of the case. More than 500 people signed up to hear CHLP, Lambda Legal and the Center for Health Law and Policy Innovation at Harvard Law School provide preliminary analyses and share ideas and resources regarding short, medium, and long-term advocacy strategies.

ADVOCATING FOR PEOPLE LIVING AND AGING WITH HIV

In August 2023, CHLP submitted comments on rule changes that were proposed to the Older Americans Act (OAA) to modernize its implementation and improve equity in service delivery. CHLP's comments identify several ways in which the proposed regulations either take the specific needs of PLHIV into account but do not go far enough, or do not mention PLHIV at all.

Passed in 1965, the OAA protects the rights and dignity of older Americans by establishing a baseline of community planning and social services for older people. Our comments highlight the importance of ensuring the specific needs and vulnerabilities of aging PLHIV are included in planning for the needs of America's aging population.



And in November, CHLP testified before a trio of New York City Council committees at the first-ever hearing on the needs of aging people living with HIV. At the hearing, council members discussed proposals to meet the needs of this underserved population, making explicit the work that New York City needs to do to make access to services equitable across race, class, and neighborhood.

EMERGING INITIATIVES



Developing a Sex Health Alliance: CHLP explored the viability of a new national partnership addressing the criminalization of sexual behavior and health status in the U.S. with AIDS United, Movement for Black Lives, Decriminalize Sex Work, and the Williams Institute at UCLA Law School. A strategic plan for this new shared program was developed at a two-day planning summit in March 2023.

Partnering with the New York City Department of Health and Mental Hygiene: CHLP began an important partnership with the City of New York to raise awareness about how public health intersects with the criminal justice system. With the late activist Cecilia Gentili and Transgender Equity Consulting, we held a town hall meeting in Brooklyn in September 2023 and engaged community, public officials, law enforcement, and front-line workers on the impacts of the criminalization of HIV, STIs, and sex work in the city.

RENEWED MISSION VISION AND VALUES

In 2023, CHLP engaged in an intentional process of updating its mission and crafting vision and values statements. Our embrace of an abolitionist framework has set a new standard for the HIV justice movement.

MISSION

CHLP is an abolitionist legal and policy organization fighting to end stigma, discrimination, and violence toward communities that experience racial oppression, patriarchal violence, and/or economic divestment. We center our work in communities of people living with and deeply affected by HIV and other stigmatized health conditions, especially Black, brown, trans and/or queer, women, femmes, people who engage in sex work, use drugs, are disabled, living with stigmatized diseases, without housing, and/or are currently or formerly incarcerated. **All of our work is firmly located within the larger abolitionist movement for real safety and liberation.**

CHLP utilizes legal advocacy, high-impact policy and research initiatives, and the creation of multi-issue partnerships, networks, and resources to support our communities in this work. We operate within and around criminal legal and public health systems at the state and federal level to craft just policies that amplify the power of mobilizations for systemic change that are guided by racial, gender, and economic justice. We collaborate with people living with HIV, organizers and base builders, direct service providers, and national organizations to identify, create, and share expertly crafted, intersectional legal and policy resources and advocacy strategies.

VISION

CHLP envisions and fights for a world where people living with HIV and other stigmatized health conditions are met with compassion and the resources and tools to thrive and our communities experience support and investment. We envision a world free from state violence, where people are not dehumanized and punished for their real or perceived health status and/or identities, and where health conditions are not met with criminalization, surveillance, and other punitive responses.



VALUES

- **We emphatically reject any policy, strategy, or practice that leaves any of us behind**, especially those most marginalized by systemic oppression, including Black, brown, trans and/or queer people, women, femmes, people who engage in sex work, use drugs, are disabled, living with stigmatized diseases, without housing, and/or are currently or formerly incarcerated.
- **We value abolition** as not only a viable political framework that deeply informs our work but as an organizing and advocacy strategy that we manifest every day.
- **We do our work at the speed of trust and care** (for ourselves, our work, and our communities), and not out of urgency.
- **We value our ancestors and elders** whose courageous struggles for liberation, justice, and visibility have made our contemporary struggles possible and necessary.
- **We reject ahistorical and apolitical frameworks of movements** that leave out the grassroots and radical labor that laid the groundwork for our policy and advocacy work.
- **We work with our communities most affected by systemic oppression** to actualize and build more power to mobilize against the systems and institutions that target them.
- **We value the accessibility and transparency of our analysis and our work.** The tools and resources we use to liberate ourselves should never be gatekept and must be fully accessible.

KNOWINGS AND BELIEFS THAT INFORM OUR VALUES

- **We believe in powerful and leaderful movements, one where people living with HIV define their own experiences.** It is not our role to empower — as one’s inherent power is not something we can give or take — rather we amplify and support this power. We oppose power-hoarding and power-over and are instead committed to practicing accountable power-holding and power-sharing.
- **We know people have intersecting and multiple identities** and are often required to fragment themselves for the sake of “progress.” We believe everyone should be able to bring their full selves and full experiences to this work.
- **We know that those most affected by systemic oppression and state violence know best what needs to happen** and it is our job to support and anchor this work. There is no room for saviors.
- **We recognize that our work reflects and responds to urgent realities** that gravely impact our communities every day.
- **We believe in community input, collaboration and/or involvement** through all stages of our work.

FINANCIAL SUPPORT 2023

CHLP's work is made possible through the visionary support of our individual donors and institutional funders. We cannot create the world we all deserve without this vital solidarity and support.

INSTITUTIONAL SUPPORT

AIDS United Southern HIV Impact Fund
Borealis Philanthropy's Spark Justice Fund
Brian A. McCarthy Foundation
Broadway Cares / Equity Fights AIDS
The Calamus Foundation

Emory COMPASS Center
Gilead Sciences
Levi Strauss Foundation
Wellspring Philanthropic Fund

GOVERNMENT SUPPORT

New York City Department of Health & Mental Hygiene

INDIVIDUAL SUPPORT

In October 2022, CHLP welcomed S. Mandisa Moore-O'Neal as our new Executive Director and inaugurated a Transitions & Transformations campaign fund to recognize and support Mandisa in this leadership role. Under Mandisa's leadership, CHLP has continued to build upon nearly two decades of tireless advocacy and legal work to dismantle the criminalization and systemic oppression of people living with or affected by HIV that causes the epidemic to persist.

The gifts received from individual donors throughout the campaign have supported CHLP's work with national, state, and local partners in pursuit of our mission to fight stigma, discrimination, and violence toward communities that experience racial oppression, patriarchal violence, and/or economic divestment. The Transitions & Transformations fund represents individual gifts received from October 1, 2022 through September 30, 2023.



STAFF AND CONSULTANTS

In 2023, CHLP more than doubled the size of our program and infrastructure support teams, bringing our impact to scale. Our staff and advisory board are geographically diverse and proudly and strongly represent Black and brown, queer, and Southern communities.



AMIR SADECHI

Policy and Advocacy
Manager



KYTARA EPPS

National Community
Outreach Coordinator



DALENE DAVENPORT

Program Manager



S. MANDISA MOORE-O'NEAL

Executive Director



D. REZNIK

Communications
Manager



MATT BLINSTRUBAS

Special Projects
Consultant



JADA HICKS

Senior PJP Attorney



SEAN MCCORMICK

Staff Attorney



KAE GREENBERG

Staff Attorney



STEPHEN WILLIAMS

Program Consultant

ADVISORY BOARD



ALECIA REED-OWENS

Mississippi Center
for Justice



CHARLES STEPHENS

Counter Narrative
Project



OLIVIA G. FORD

The Well
Project

SUPPORT OUR WORK

CHLP's vision of justice is rooted in abolitionist values and principles and our work is possible with the support of like-minded changemakers who share our vision of radical, transformative, and Visionary Justice.

SUPPORT CHLP'S CAMPAIGN FOR VISIONARY JUSTICE



Become a monthly subscriber or make a one-time gift securely online at hivlawandpolicy.org/donate.

Mail your donation by check to:

CHLP/NCCI
147 Prince Street
Brooklyn, NY 11201

STAY INFORMED WITH THE PJP UPDATE NEWSLETTER



Sign up for emails from The Positive Justice Project (PJP) our national coalition of organizations and individuals working to end HIV criminalization in the United States. The PJP Update features news on developments in states across the country plus links to the latest webinars, meetings, and media resources.

JOIN THE CONVERSATION WITH US ON SOCIAL MEDIA



Click to follow CHLP on Instagram, Twitter, Facebook and LinkedIn. And watch all of our recent webinars on our YouTube channel.



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