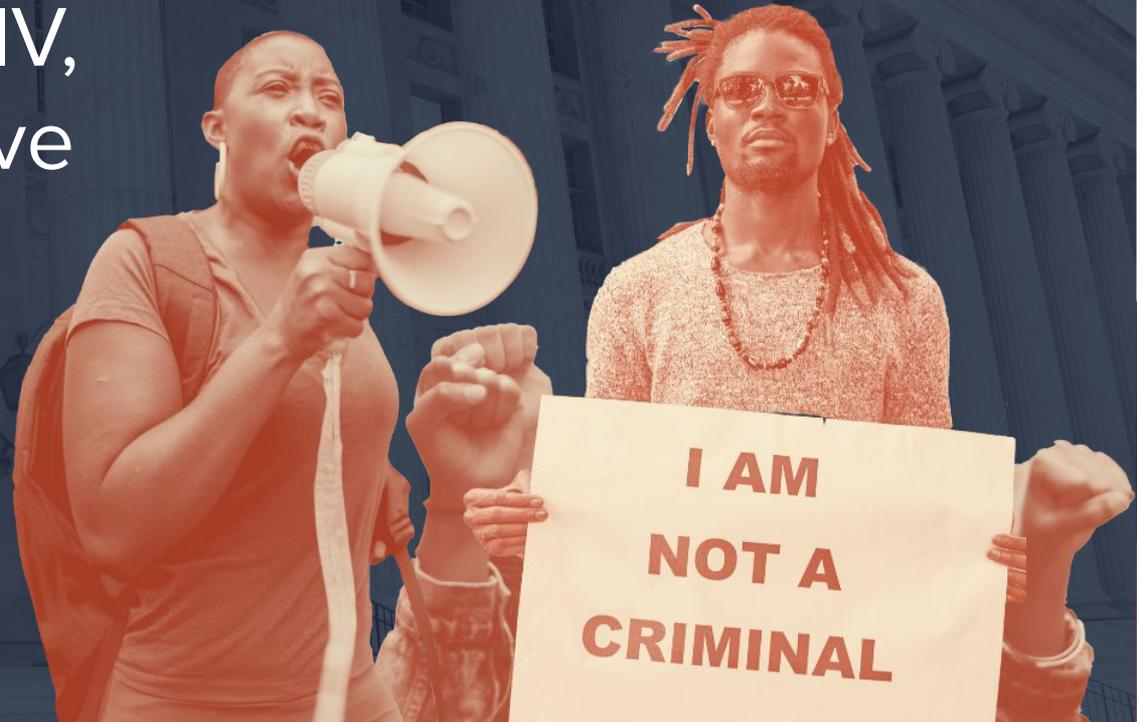


Spokes Hub Presentation 2
September 9, 2025

Decriminalization without Erasure: HIV, Sex Work, & Inclusive Strategy

CHLP20

CELEBRATING 20 YEARS IN 2025



Today's presenters



Sean McCormick (he/him)
Staff Attorney, CHLP
sean@hivlawandpolicy.org



Jada Hicks (she/her)
Senior PJP Attorney, CHLP
jhicks@hivlawandpolicy.org

Today's presentation

- Review historical and ongoing challenges to inclusive decriminalization advocacy and identify lessons learned from these challenges.
- Describe the Positive Justice Project (PJP) approach.
- Provide examples of effective decriminalization strategy that centers the needs and experiences of people living with HIV and engaging in sex work.



The Center for HIV Law and Policy

CHLP is an abolitionist legal and policy organization fighting to end stigma, discrimination, and violence at the intersection of HIV, race, health status, disability, class, sexuality and gender identity and expression, with a focus on criminal and public health systems.

In 2025, CHLP is celebrating 20 years of advocacy, innovation, and unwavering commitment to HIV justice.

HIV Decriminalization Advocacy Shortcomings

Challenges to inclusive advocacy

- Stigma: sex work remains one of the most stigmatized identities in society.
- Respectability politics: We see respectability politics emerge when coalitions engage with legislators, policy makers, and stakeholders.
- Fear of political backlash: advocates sometimes exclude sex workers to avoid jeopardizing legislative wins.

Coalition structure and design

- **When and how coalitions meet:** Meetings often happen during work hours or require stable internet access, excluding people juggling multiple jobs or facing unstable housing.
- **Who's included vs. excluded:** Lawyers, medical professionals, and policy advocates dominate. Sex workers, immigrants, trans people, and others most affected are often missing or represented by only a single token voice.
- **Process vs. product:** Many coalitions prioritize passing a bill over building inclusive processes. When sex workers are excluded from the process, the resulting product (the legislation) reflects that exclusion and thus leaving marginalized communities still at risk.

Advocacy strategies de-center and erase sex work experiences

- “Respectable” narratives.
- Tokenism.
- Predator narratives.
- Discomfort discussing sexuality.

Case Study

- Florida.
- Pennsylvania.

Interlocking stigmas

How multiple underlying biases shape advocacy

- **Anti-sex work stigma:** Present both inside coalitions and among legislators; influences who is included in reform efforts.
- **Anti-sex stigma:** Discomfort discussing sexuality reinforces harmful norms and erases the realities of sex workers.
- **Transphobia:** Trans women, particularly women of color, are highly impacted but often excluded from advocacy spaces.
- **Classism:** Coalitions prioritize people with professional jobs and resources, excluding those most criminalized.
- **Anti-immigrant bias:** Undocumented people face unique vulnerabilities, yet immigration status is rarely considered in reform campaigns.

Call to action

- HIV criminalization is not just a matter of bad laws; it's a matter of **who our advocacy centers and who it excludes**.
- True decriminalization must be built on **Disability Justice and sex worker-led frameworks**, and a commitment to sexual liberation, valuing inclusive processes as much as legislative wins.
- To dismantle HIV criminalization effectively, coalitions must center **sex workers, trans women, immigrants, and people most impacted by HIV**, not as tokens, but as leaders in shaping reform.



PositiveJusticeProject

Scan the QR to sign up for the PJP email list.
For more info about our HIV decriminalization
work, email us at pjp@hivlawandpolicy.org



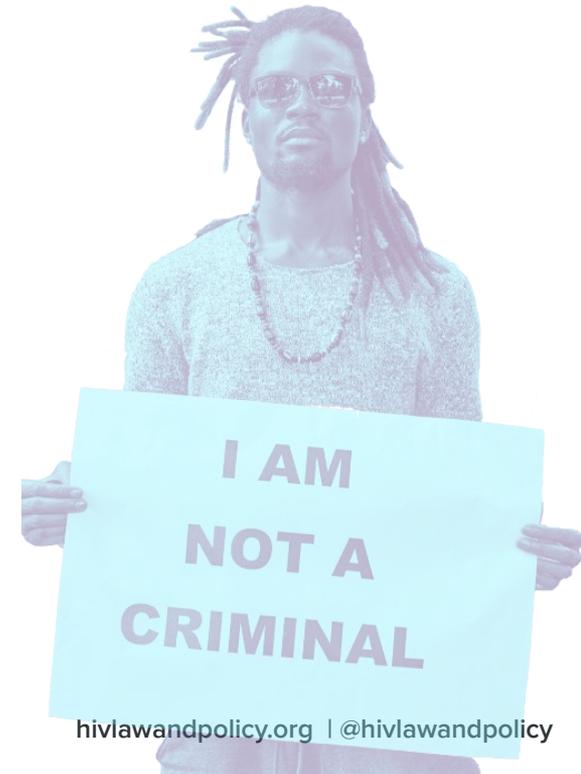
The Positive Justice Project (PJP)

Guiding Principles

- The work of PJP is motivated by three core beliefs:
 - Laws that criminalize people's health conditions, as well as rob people of their bodily autonomy, must be eliminated.
 - Local people living with HIV have the knowledge and experience that is essential for efforts to decriminalize HIV and other health conditions.
 - Criminalization has no place in public health. We must meet public health issues with effective public health solutions.

Legislative repeal and retroactive relief

- The repeal of laws, policies, and practices that represent HIV criminalization is the highest priority.
- Retroactive relief is essential.
 - Sealing and expungement of convictions.
 - Removal from the sex offense registry.
- Prohibitions on the use of general criminal laws for HIV criminalization prevent reemergence.



Legislative reform

- Reform can be a step towards liberation.
- By reducing the scope and reducing the punishment, reform can minimize the harms associated with HIV criminalization.
 - Adding to and defining elements in criminal laws.
 - Removing harsh, disproportionate penalties.

Legal challenges

Team ATAC (ADA to Attack Criminalization)

- Team ADA to Attack Criminalization (Team ATAC) uses protections in the Americans with Disabilities Act to challenge HIV criminalization.
 - Team ATAC leverages an interdisciplinary approach, incorporating coalition-based advocacy, administrative advocacy, and legal advocacy.
- **As public entities, the state agencies that enforce HIV criminalization laws discriminate against people living with HIV, a protected condition, by subjecting them to heightened criminal penalties, solely because of their HIV status.**



Recent Developments in the Fight Against HIV Criminalization Using the ADA

CHLP COLLABORATED

with people directly affected by HIV criminalization statutes in Ohio and Tennessee and filed DOJ complaints that alleged disability-based discrimination.

THE DOJ ISSUED A FINDINGS LETTER

that concluded the State of Tennessee violated the ADA through its enforcement of the aggravated prostitution offense.

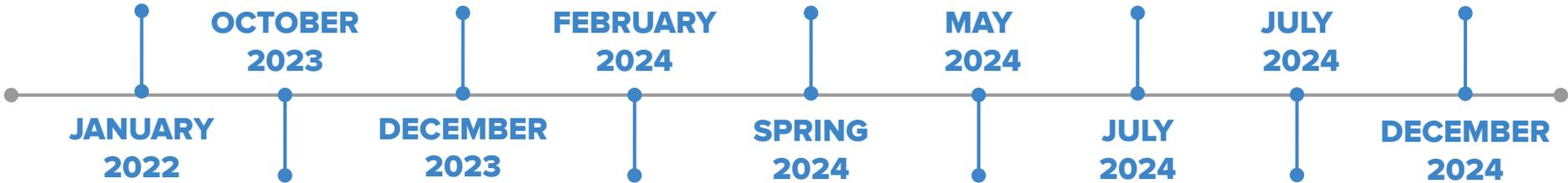
THE TENNESSEE HIV MODERNIZATION COALITION

worked to implement the DOJ's recommendations through legislation.

LEGISLATION REPEALED THE REGISTRATION REQUIREMENT

and allowed for registry removal for people convicted of aggravated prostitution; the reform did not fully repeal the aggravated prostitution offense.

DOJ WITHDRAWS from litigation against the State of Tennessee.



INDIVIDUALS CONVICTED OF AGGRAVATED PROSTITUTION

in Tennessee worked with ACLU, ACLU of Tennessee, and the Transgender Law Center to initiate a lawsuit against the State of Tennessee.

THE DOJ FILED A LAWSUIT

against the State of Tennessee.

THE DOJ REACHED AN AGREEMENT

with the Shelby County District Attorney's Office to cease enforcement of aggravated prostitution.

THE STATE OF TENNESSEE REACHED A PARTIAL AGREEMENT

with the ACLU, ACLU of Tennessee, and Transgender Law Center regarding registration removal.

What are the legal, political, and social contexts of Tennessee?

- More than 20,000 people are living with HIV in Tennessee.
 - Tennessee has one of the highest rates of HIV diagnoses, with Memphis being disproportionately impacted by HIV.
- Tennessee has several criminal laws that target people living with HIV; before the recent efforts, these laws had not been challenged in federal court.
 - Aggravated prostitution enforcement targeted Black women living in Shelby County and engaging in sex work.
- Republican state officials have been openly opposed to HIV prevention and treatment efforts, especially efforts concentrated on outreaching to Black, LGBTQ+ Tennesseans.
- Republicans, conservatives have controlled the state legislature and governorship for over a decade.

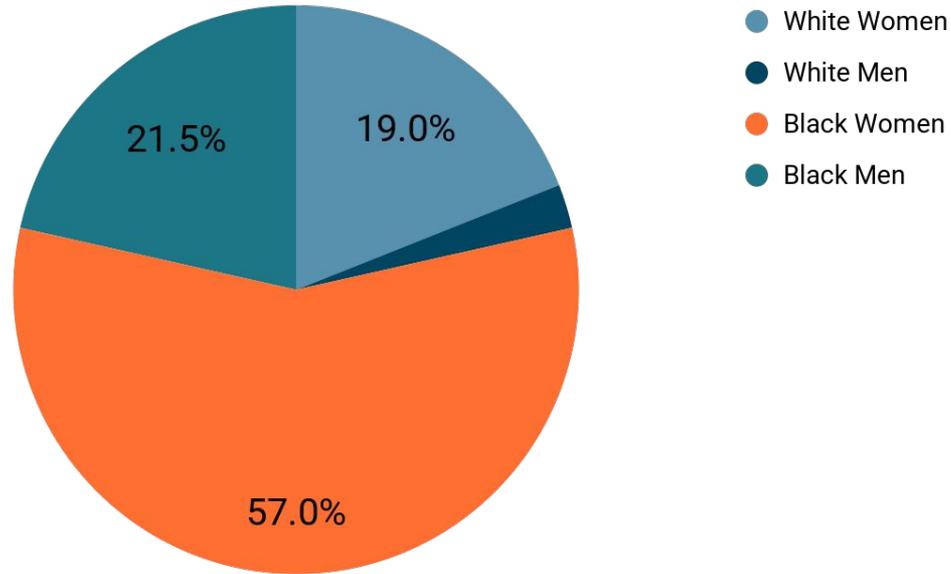
What does Tennessee's aggravated prostitution law require?

“A person commits aggravated prostitution when, (1) knowing that such person is infected with HIV, the person (2) (a) engages in sexual activity as a business or (b) is an inmate in a house of prostitution or (c) loiters in a public place for the purpose of being hired to engage in sexual activity.”

TENN. CODE ANN. § 39-13-516

How has aggravated prostitution been enforced?

Race of HIV registrants for aggravated prostitution in Tennessee





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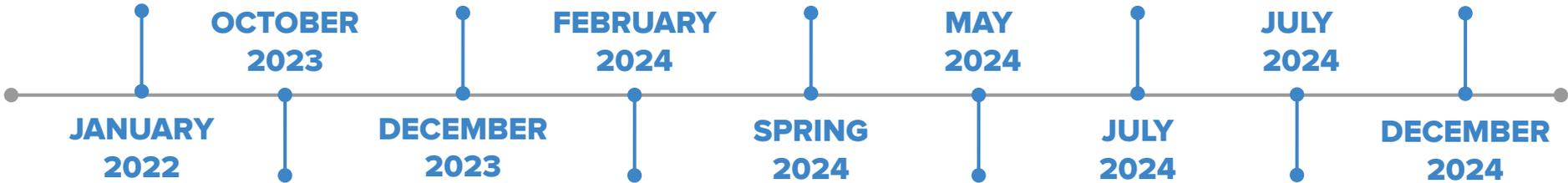
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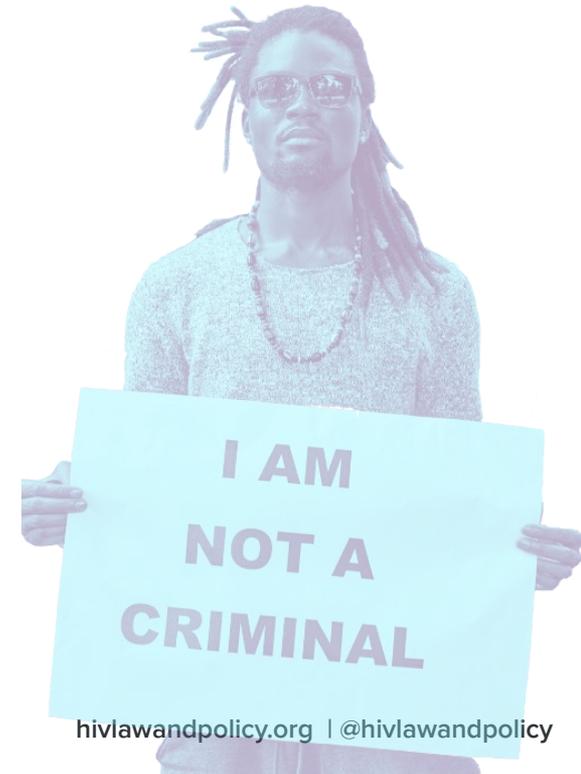
What do these settlements require?

- The settlement between the U.S. Department of Justice and the Shelby County District Attorney's Office represents an historic milestone.
 - It requires that the Office cease enforcement of the aggravated prostitution offense, as well as undergo training, reform institutional policies, and comply with reporting requirements.
- The partial settlement between the ACLU, the ACLU of Tennessee, Transgender Law Center, and the State of Tennessee provided a simplified process for people to be removed from the sex offender registry.

Education and support

People living with HIV

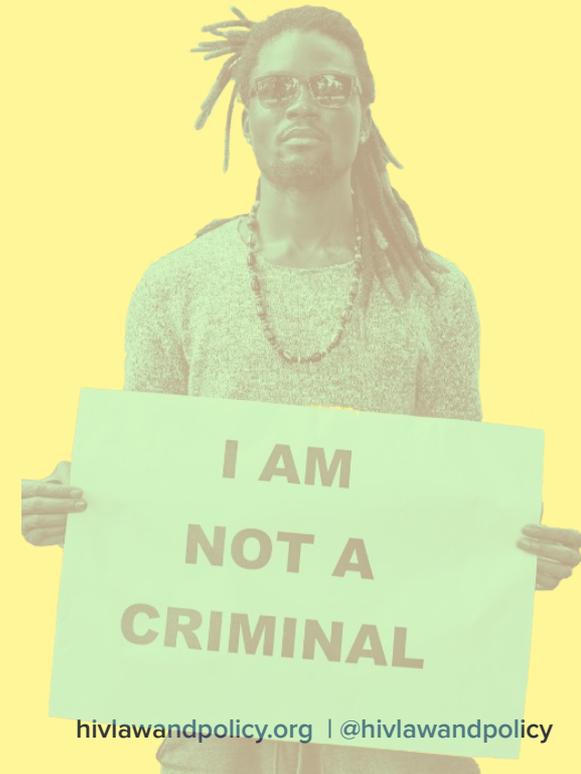
- Education provides an overview of the legal and policy contexts so that people living with HIV can protect themselves.
 - Know-Your-Rights cards.
- People who are accused of violating an HIV criminalization offense have specific needs.
- Advocacy should always be driven by the experiences and expertise of people most impacted by HIV criminalization.
 - Meaningful Involvement of People Living with HIV/AIDS (MIPA) is absolutely essential.



Education and support

Doctors, nurses, public health practitioners, and others

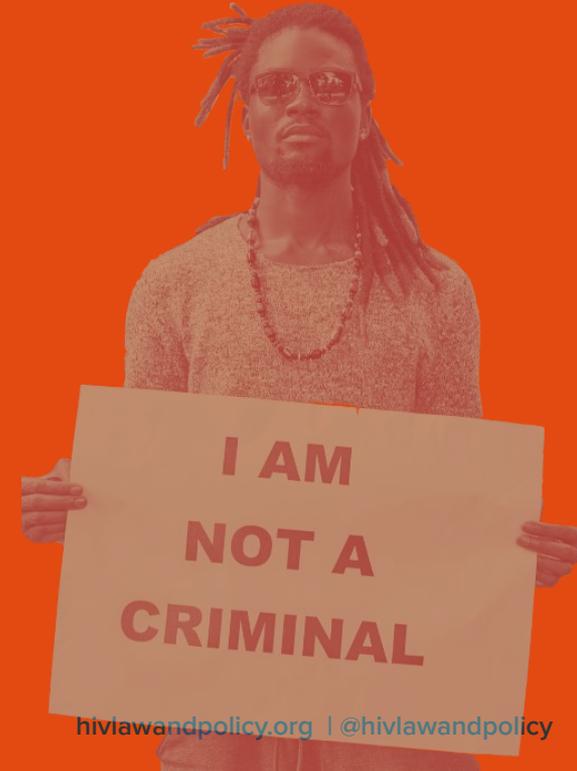
- Healthcare and public health professionals play a pivotal role in perpetuating, mitigating, or eliminating the risk of HIV criminalization.
 - They've also exacerbated medical mistrust through nonconsensual data collection, maintenance, and dissemination.
- Technical support can reduce and eliminate harms done by these actors.
 - Educational sessions are effective.
 - Specific actors may be incredibly influential in improving internal policies and practices.



Education and support

Judges, prosecutors, and defense counsels

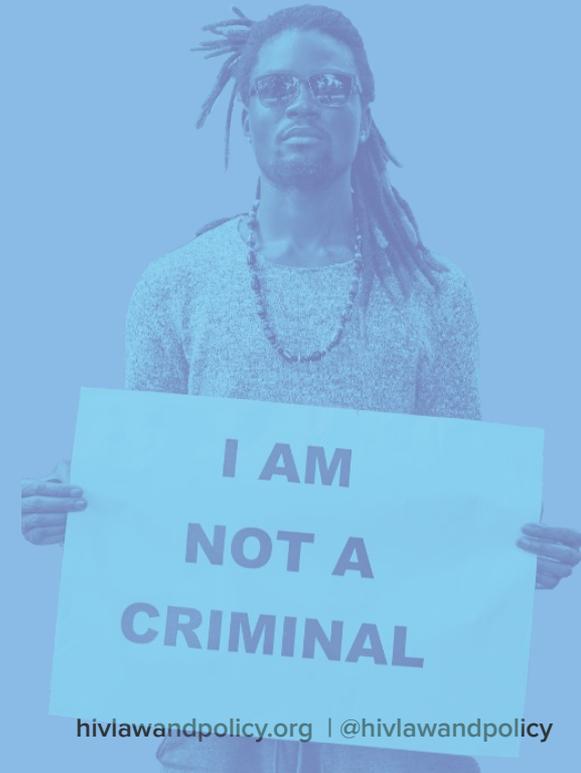
- Legal system actors impact the scope and intensity of HIV criminalization.
 - Work with prosecutors and other criminal legal system actors must fit into the overarching aim of dismantling oppressive systems.
- Education and training reduces the likelihood of harmful, ill-informed decision-making.
- Case-by-case support can result in charges being dropped.



Education and support

Media and the public

- Sensationalized media representations influences narratives regarding the purpose and effect of HIV criminalization.
- Media contacts can be educated and supported in creating pieces that understand the issue, minimize stigma, and respect the dignity of PLHIV.
- Advocates can produce pieces that push for change.





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Third Edition

HIV Criminalization in the United States

A Sourcebook on State and Federal
HIV Criminal Law and Practice



hivlawandpolicy.org/sourcebook



A publication of The Center for HIV Law and Policy





CHLP is an abolitionist legal and policy organization that envisions and works for a world where HIV and other stigmatized health conditions are no longer criminalized but met with compassion and the resources to thrive.

In 2025, CHLP is celebrating 20 years of advocacy, innovation, and commitment to HIV justice.

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