CIVIL RIGHTS AND HUMAN RIGHTS OF ALL
PEOPLE INCLUDING PEOPLE LIVING WITH HIV

How the full enforcement of civil and human rights will end the HIV epidemic in the United States

The federal government plays an essential role in protecting the civil rights of vulnerable populations and ensuring the human rights of all people. Any violation of these rights can exacerbate disparities already seen in the HIV epidemic. However, some administration policies are hostile to the civil and human rights of vulnerable populations and advocates, and advances policies that discriminate against LGBTQ+ people, immigrant communities, Black and Latinx communities, individuals and families with low-incomes, and people with disabilities, among others. We urge Congress to reject proposed and implemented budgetary and regulatory changes that seek to turn back the clock on gains that have been made towards achieving equality and social justice in America.

CIVIL RIGHTS DENIED

The United States Constitution is the basis for protections and privileges of personal liberty afforded to all American citizens by law. The Universal Declaration of Human Rights, of which the United States is a signatory, lays out the fundamental rights that all countries should protect for all people. We urge Congress to protect the Constitutional guarantee and the universal standard that all are to be treated equally under the law and afforded the right to due process.

TO PROTECT THE RIGHTS OF ALL PEOPLE LIVING WITH HIV

We urge Congress to:

- Enact legislation aimed at encouraging and supporting states to repeal HIV criminalization laws. More than 34 U.S. states and territories have HIV-specific criminal laws. There is no scientific evidence that laws criminalizing non-disclosure, perceived or potential exposure, or transmission have any public health benefit. In fact, evidence suggests that they may discourage HIV testing, treatment, and disclosure. The well-documented evidence that people who maintain an undetectable viral load do not transmit HIV to their sexual partners further undermines any rationale for these laws. To reduce transmission and to stop the targeting of people based on a stigmatized health condition, we urge Congress to pass the Repeal Existing Policies that Encourage and Allow Legal (REPEAL) HIV Discrimination Act.

- Enact legislation that protects the privacy of people living with HIV. Currently molecular HIV surveillance data is a key tool in ending the HIV epidemic. While we respect the science, the data must be protected against misuse.

TO PROTECT THE RIGHTS OF ALL RACIAL AND ETHNIC GROUPS

We urge Congress to:

- Build on the recently passed “First Step Act” to reform both the adult and juvenile criminal justice system by focusing on: eliminating private, for profit prisons | eliminating racialized risk assessment | meaningful sentencing reform.

- Pass comprehensive campaign finance reform and protect and ensure voting rights by passing the “For The People Act” of 2019 in the Senate, passed in the House of Representatives on March 8th, 2019.
TO PROTECT ALL IMMIGRANTS
We urge Congress to:

- Enact comprehensive immigration reform. Due to the actions of the current administration, many of the millions of undocumented men, women, and children who work and live in the U.S. without consistent legal protection face an increasingly uncertain future and are less likely to access health services out of fear of deportation.

- Protect due process of law for all immigrants detained by law enforcement or immigration authority, including the police, the U.S. Border Patrol, and Immigration and Customs Enforcement (ICE) by not supporting punitive legislation aimed at sanctuary cities.

- Ensure access to high-quality health care for immigrants who have been detained, including access to medications, hormone treatments, and non-stigmatizing, culturally relevant, and gender-responsive health care.

- Repeal the Trump Administrations changes to the Public Charge Rule.

TO PROTECT ALL MEMBERS OF THE LGBTQ+ COMMUNITY
We urge Congress to:

- Complete enactment of the Equality Act. The House has passed the act and has referred it to the Senate, which must move quickly to enact the bill.

- Support the Congressional LGBT Equality Caucus's Transgender Equality Task Force and LGBT Aging Issues Task Force and their commitment to the extension of equal rights, the repeal of discriminatory laws, the elimination of hate-motivated violence, and commitment to policies aimed at improving the health and well-being of all people, regardless of sexual orientation, gender identity, age, or other characteristic.

- Support the collection of sexual orientation and gender identity (SOGI) data that would enable federal agencies to better serve LGBTQ+ people by assessing the challenges they face, such as disparities in physical and mental health, substance use, access to affordable health care, stable housing, economic and employment status, stigma and discrimination.

PROTECT ALL MEMBERS OF THE TRANSGENDER COMMUNITY
We urge Congress to:

- Hold a congressional hearing and release a report on the increased violence against, and murders of Black transgender women, and on community-based alternatives to prevent harm and violence against Black transgender women that do not increase criminalization and incarceration.

- Support legislation that creates funding opportunities for community-based organizations that are led by and serve transgender people of color and that are aimed at supporting and expanding their programs and initiatives to eliminate stigma and discrimination.

- Oppose and work to stop proposed rules and reverse final rules that deny or weaken protections for transgender people, including the Department of Health and Human Services’ proposed changes to non-discrimination regulations under Section 1557 of the Affordable Care Act, HHS’s changes to the religious exemption rule that would allow covered entities and individuals to deny services to LGBTQ people, and the Department of Housing and Urban Development’s regulation that allows discrimination against transgender people and eliminates the protections that prevent HUD-funded providers of shelters from turning away transgender people or housing them in facilities that do not align with their gender identity.

- Enact legislation that allows for a gender neutral option on all federally issued identifications and that encourages states to enact legislation that allows ID name and gender marker change for all transgender people, including on birth certificates, without the requirement to show proof of surgery, and that calls on all States to enact legislation that allows for gender neutral designations for gender markers on ID documents, including Birth Certificates, for all people.

- Direct all federal agencies that provide services to transgender people to produce annual reports with substantial behavioral or surveillance data specifically focused on the transgender community.
TO PROTECT ALL MEMBERS OF THE DISABILITY COMMUNITY

We urge Congress to:

- Uphold Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA) and ensure that all individuals have equal access to and opportunities to participate in all health care and human services.

- Ensure that all federally funded HIV care and prevention information, services, and research are fully accessible to people with disabilities.

- Protect due process of law by ensuring the Social Security Administration has the resources to review applications for benefits in a prompt manner and expedite review of backlogged cases from applicants seeking benefits.

The US People Living with HIV Caucus (HIV Caucus) is a group of networks, organizations and advocates dedicated to the Denver Principles and MIPA (Meaningful Involvement of People with HIV/AIDS). We seek to create a diverse and accountable culture of leadership and engagement at both state and national levels. For more information, go to www.HIVCaucus.org or contact Chair Ronald Johnson and Vice-chair Dr. Andrew Spieldenner at HIVCaucus@gmail.com.