



THE STIGMA OF STATUS: AN INTERSECTIONAL APPROACH FOR LATINO/HISPANIC PARTICIPANTS AT TPLW

Ph. D. (ABD) Luis Nava Molero

STIGMA

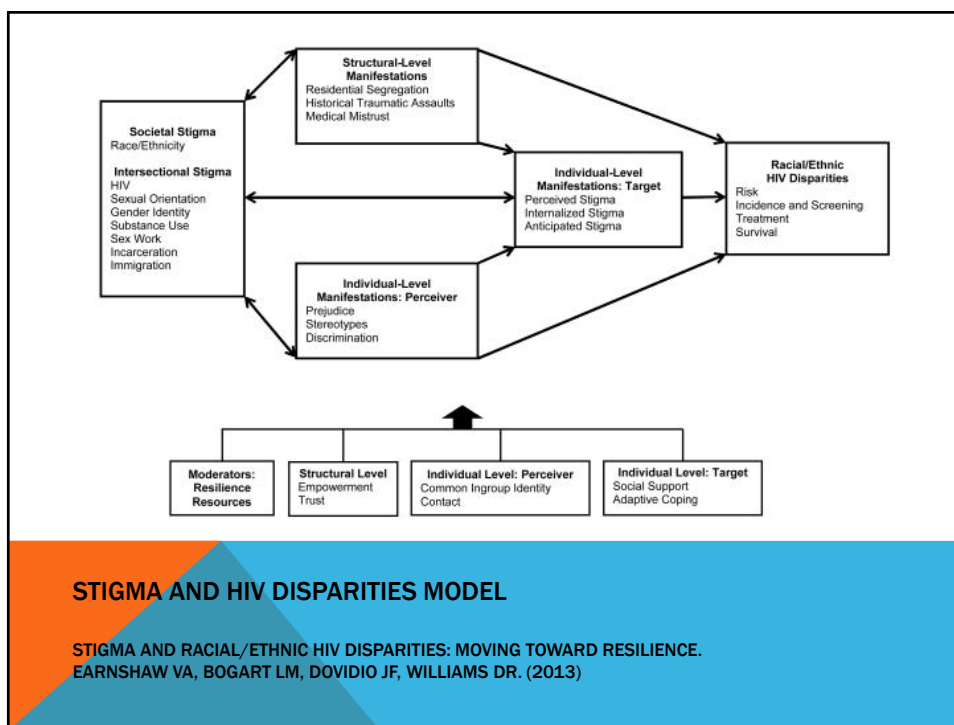
- Stigma is when someone, or even you yourself, views a person in a negative way just because they have an specific condition. Some people describe stigma as a feeling of shame or judgement from someone else. Stigma can even come from an internal place.

(Merriam-Webster dictionary)

STIGMA

- HIV-related stigma is among the most formidable obstacles for people living with HIV and their advocates. Stigma is a product of misinformation and broad societal acceptance of certain human characteristics or behaviors as inherently bad or spoiling of individual identity. Because HIV and the behaviors or identities associated with it - such as being gay or using drugs - are still stigmatized, confirming or disclosing one's HIV status is still widely perceived as socially dangerous. HIV-related stigma discourages testing and prevention practices, and creates confusion about the routes and relative risks of HIV transmission. HIV-related stigma is also tied to and compounded by stigma and discrimination associated with sex, race and ethnicity, immigration status, poverty, sexual orientation, gender identity, and gender expression.

(The Center for HIV Law and Policy)



STATUS

- **Immigration status refers to the way in which a person is present in the United States. Everyone has an immigration status.**
- **HIV Status**

IMMIGRATION

- **Gross inequities in the United States immigration system disproportionately harm HIV affected people, documented or otherwise, and their families. The legal, cultural, public health, and socioeconomic barriers created by the broken immigration system in the United States create substantial obstacles for people living with HIV and their advocates. The isolation and lack of health care available to immigrant populations impedes HIV testing, treatment, and prevention efforts.**
- **HIV-related stigma and discrimination exacerbate these problems by breaking families apart, dividing spouses, separating parents from their children, limiting employment and educational opportunities for people with HIV, and discouraging individuals from seeking testing or treatment for fear of being deported.**

(The Center for HIV Law and Policy)

CRIMINALIZATION OF NON-DISCLOSURE OF YOUR HIV+ STATUS

- The term “HIV criminalization” is the reliance on a person’s positive HIV status, either under criminal laws that apply explicitly to people living with HIV (PLHIV), or under general criminal laws or sexually transmitted infection (STI) laws, as the foundation for criminalizing otherwise legal conduct or for increasing crimes and punishments related to solicitation or sex offenses.


CRIMINALIZATION OF NON-DISCLOSURE OF YOUR HIV+ STATUS

HIV-Specific Criminal Laws

During the early years of the HIV epidemic, a number of states implemented HIV-specific criminal exposure laws. These laws impose criminal penalties on people living with HIV who know their HIV status and who potentially expose others to HIV. In 1990, the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act, which provides states with funds for AIDS treatment and care, required every state to certify that its criminal laws were adequate to prosecute any HIV-infected individual who knowingly exposed another person to HIV.

**CRIMINALIZATION OF NON-DISCLOSURE
OF YOUR HIV+ STATUS**


- The National HIV/AIDS Strategy, White House, July 2010
- Analysis by CDC and Department of Justice researchers, 2011
- The majority of laws identified for the analysis were passed before studies showed that antiretroviral therapy (ART) reduces HIV transmission risk and most do not account for HIV prevention measures that reduce transmission risk, such as condom use, ART, or pre-exposure prophylaxis (PrEP).
- It should be noted that all states have general criminal laws—such as assault and battery, reckless endangerment, and attempted murder—that can and have been used to prosecute individuals living with HIV.

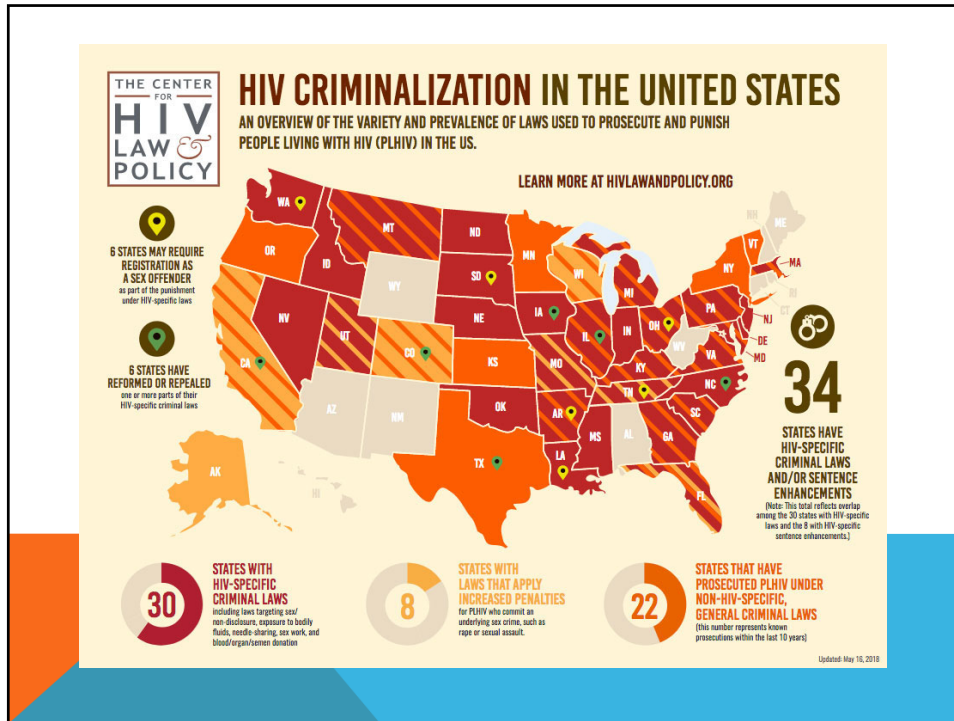


**CRIMINALIZATION OF NON-DISCLOSURE
OF YOUR HIV+ STATUS**

- While HIV-specific state criminal laws may be viewed as initially well-intentioned and necessary law enforcement tools, the vast majority do not reflect the current state of the science of HIV and, as a result, place unique and additional burdens on individuals living with HIV.

(U.S. Department of Justice, Civil Rights Division, Best Practices Guide to Reform HIV-Specific Criminal Laws to Align with Scientifically-Supported Factors)





IAS

U=U

UNDETECTABLE = UNTRANSMITTABLE

A PERSON LIVING WITH HIV WHO HAS AN UNDETECTABLE VIRAL LOAD DOES NOT TRANSMIT THE VIRUS TO THEIR PARTNERS.

The International AIDS Society is proud to endorse the U=U consensus statement of the Prevention Access Campaign.



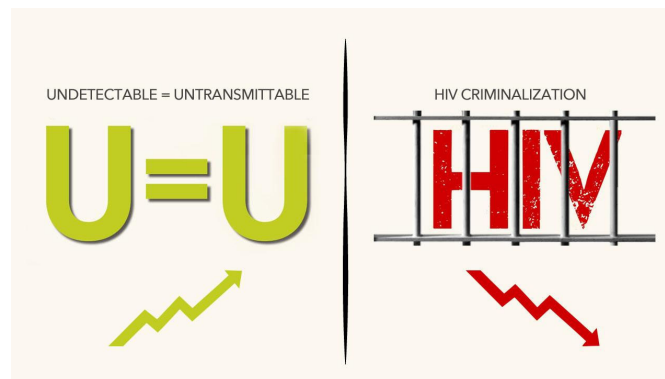
U=U

- **Prevention Access Campaign is a health equity initiative to end the dual epidemics of HIV and HIV-related stigma by empowering people with and vulnerable to HIV with accurate and meaningful information about their social, sexual, and reproductive health.**
- **Prevention Access Campaign's Undetectable = Untransmittable (U=U) is a growing global community of HIV advocates, activists, researchers, and over 780 Community Partners from nearly 100 countries uniting to clarify and disseminate the revolutionary but largely unknown fact that people living with HIV on effective treatment do not sexually transmit HIV.**

U=U

- U=U was launched in early 2016.
- The movement is sharing the message to dismantle HIV stigma, improve the lives of people living with HIV, and bring us closer to ending the epidemic.
- The CDC released the first example of the new messaging about the risk of transmission on September 27, 2017, just over a year after the review process began. The phrase "effectively no risk" is now being used across federal health departments and in many parts of the world.

U=U vs CRIMINALIZATION OF HIV IN THE FIGHT OF STIGMA



WHAT PEOPLE SAY:

- “I acquired HIV years ago and felt dirty”
- “People want sexual partners who are clean”
- “I can be imprisoned for many years only because I did not tell my partner my status, even in the absence of actual transmission”
- “I feel rejected”
- “The shame, the stigma and the blame are overwhelming”
- “I do not want to use my insurance for fear of losing it if my status became known”



WHAT PEOPLE SAY:

- “I do not believe that an undetectable person does not transmit the virus”
- “I will not tell anyone about my status because then they can sue me”
- “Nowadays I feel Americans look at me as the “other”, as the “immigrant”, as the “illegal”, can you imagine if they also became aware that I am HIV+!”
- “Because of the current administration I am afraid of going home and finding that any member of my family has been deported”



CONCLUSIONS

- HIV is an epidemic fueled, in part, by stigma. Through its structural and individual-level manifestations, societal stigma contributes to racial and ethnic disparities in who acquires HIV, is aware of their sero-status, receives treatment, and dies early.

CONCLUSIONS

- Stigma and discrimination must be eliminated in order to diminish barriers to HIV prevention, testing, and care. HIV-related stigma can be confounded by or complicated with stigma related to substance use, mental health, sexual orientation, gender identity, race/ethnicity, or sex work. In the legal arena, this requires ensuring that all Federal and state criminal laws regarding HIV transmission and prevention are scientifically based, and that prosecutors and others in law enforcement have an accurate understanding of transmission risks.

(The Center for HIV Law and Policy)

CONCLUSIONS

- The existence of HIV-specific laws that prosecute people living with HIV for a range of offences can alienate and exclude this population, reinforcing the stigma surrounding HIV and AIDS.
- The current political climate increases the fear of discrimination and breaks down the confidence of PLWHIV to seek help and medical care, and affects a person's ability to live positively, limits meaningful self agency, quality of life, adherence to treatment and access to health services.
- The Nation cannot meet the Strategy goals without reducing **disparities and stigma** (NATIONAL HIV/AIDS STRATEGY: UPDATED TO 2020 GOAL 3: REDUCING HIV-RELATED DISPARITIES AND HEALTH INEQUITIES)

CONCLUSIONS

- Criminalizing people based on HIV status or on Immigration status is harmful to public health and is never appropriate.
- Interventions such as TPLW are called to increase resilience to stigma, in its different levels, in order to improve PLWHIV self-esteem and to reduce disparities across the HIV continuum.

THANKS!

