HIV Is Not a Crime: Immigration and HIV decriminalization

Marco Castro-Bojorquez, Founder, Venas Abiertas and Steering Committee, People Living with HIV Caucus
Amira Hasenbush, Jim Kepner Law and Policy Fellow, The Williams Institute, UCLA School of Law
Alexandra Rodriguez de Ruiz, International Reference Group on Trans* and Gender Variant and HIV/AIDS Issues and El/La Para Translatinhas
Cristine Sardina, BWS, MSJ, Coordinator, Desiree Alliance

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– Everyone can submit questions at any time using the chat feature
– This webinar has too many attendees for questions to be submitted over the phone.

• During Q & A segment the moderators will read selected questions that have been submitted
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- You may also email your questions to mboykin@aidschicago.org

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• Join the conversation on Twitter: @HIVPrevJustice
• Use #HIVIsNotACrime #Not1More #SexWorkerRights and #Poderosas
• Download the slides for the webinar at www.preventionjustice.org.
Today’s Agenda

• Introductions
  ➢ Marco Castro-Bojorquez, Founder, Venas Abiertas and Steering Committee, People Living with HIV Caucus

• Immigration consequences of criminalization
  ➢ Amira Hasenbush, Jim Kepner Law and Policy Fellow, The Williams Institute, UCLA School of Law

• Transgender Issues and the many intersections with HIV/AIDS Criminalization: A personal perspective by Mexican transgender leader
  ➢ Alexandra Rodriguez de Ruiz, International Reference Group on Trans* and Gender Variant and HIV/AIDS Issues and El/La Para Translatinas

• Sex work and HIV/AIDS criminalization: Issues of migration
  ➢ Cristine Sardina, BWS, MSJ, Coordinator, Desiree Alliance

• Creating bridges of solidarity: The Veracruz Case
  ➢ Marco Castro-Bojorquez, Founder, Venas Abiertas and Steering Committee, People Living with HIV Caucus

• Q&A
Introductions

Marco Castro-Bojorquez, Founder, Venas Abiertas and Steering Committee, People Living with HIV Caucus
Black Lives Matter

The stones that people throw at us become the steps that we can walk on to get out of the well. The more people throw stones at us, the more we understand how to step on the unfair path that their discrimination has show us...

Butterfly (Asian and Migrant Sex Workers Support Network)
Honor a Quien Honor Merece

Sylvia Rivera - Molotov cocktail

Bamby Salcedo – Drop the mic

-President Obama, stop the torture and abuse of trans woman in detention centers. I am a trans woman and I am tired of the abuse!

Jannicet Gutierrez

Download slides & materials at: www.preventionjustice.org
Voices that would not be silenced

-As a person living with HIV, I have the responsibility to speak out. In the District of Columbia, 73% of trans people with experience of sex work are living with HIV. That is double what our last survey found. We need to address HIV right now.

Ruby Coronado
Casa Ruby
2015 Access Denied report
Con Calidad y Calidez

-Our mission is to try to reduce the magnitude and impact of the epidemic and its effects on the state of Veracruz through the promotion of public policies with a gender perspective aimed at prevention, early detection, care with quality and warmth-, harm mitigation within the framework of the respect for Human Rights, and sex-gender diversity.

Paty Ponce

Grupo Multisectorial en VIH/SIDA e ITS
Immigration consequences of criminalization

Amira Hasenbush, Jim Kepner Law and Policy Fellow, The Williams Institute, UCLA School of Law
Transgender Issues and the many intersections with HIV/AIDS Criminalization: A personal perspective by Mexican transgender leader

Alexandra Rodriguez de Ruiz, International Reference Group on Trans* and Gender Variant and HIV/AIDS Issues and El/La Para Translatinhas
Misión

El Centro de Leyes Transgenero (Transgender Law Center) cambia la ley, la política y las actitudes de manera que todas las personas puedan vivir con seguridad, auténticamente, y libre de discriminación, independientemente de su identidad o expresión de género.

Tenemos una visión de un futuro donde la auto-determinación de género y la expresión auténtica serán vistas como derechos básicos y como cuestión de dignidad humana común.

Valores: Autenticidad, Igualdad y Confianza
Nuestra Visión

El/La es una organización de mujeres Latinas transgéneras (translatinás). Fomentamos visión y acción comunitaria para promover nuestra supervivencia y mejorar nuestra calidad de vida en el área de la bahía de San Francisco. Luchamos por justicia porque vivimos en un mundo dónde existe odio y miedo para las trans, las mujeres y los inmigrantes. Respondemos a aquellos que nos ven como vergonzosas, desechables o infrahumanas. Estamos aquí para reflejar el estilo y la gracia de nuestra supervivencia, y para abrir nuevos senderos en nuestras vidas.
REPORT ON HUMAN RIGHTS CONDITIONS OF TRANSGENDER WOMEN IN MEXICO

MAY 2016

Cornell University Law School LGBT Clinic

Transgender Law Center
Sistema de Inmigración en EEUU

Leyes para proteger a las personas LGBT en México

Repercusiones de la expansión de los derechos de las personas LGBT

Violencia en contra de las mujeres transgénero

Factores sociales que conducen a la violencia en contra de las mujeres transgénero
Evaluación de aplicaciones de asilo político presentadas por mujeres transgénero de México

Condiciones para las mujeres transgénero en los centros de detención de inmigración de los EEUU

Recomendaciones
Transphobic Murders (2008 - 2013)

- 2008: 4
- 2009: 9
- 2010: 14
- 2011: 33
- 2012: 46
- 2013 (Jan. - Oct.): 35
- Total Murders Since Same-Sex Marriage Law: 120
RECENT TRANSPHOBIC MURDERS OF PROMINENT TRANSGENDER WOMEN

"The paradox is that as the LGBT community makes these advances in Latin America, there appears to be higher levels of violence against them . . . . It seems to be a backlash and may be due to the greater visibility of LGBT communities. In a sense, the violence is a symptom of the achievements made by the movement."123

Barbara Lopez Lezama126
Ms. Lezama was murdered on April 30, 2011. The assailant strangled her with a cord and inflicted blunt force trauma to her head. She was 24 years old. Barbara worked as a stylist and enjoyed knitting. Barbara was also active in the community: she worked with street children and those who were living with HIV/AIDS.

Agnes Torres Sulca127
Ms. Torres Sulca was found murdered in a ditch outside of Puebla on March 12, 2012. Her throat had been slashed and there were several burn marks across her body. Ms. Torres Sulca was a 28-year-old psychologist and educator and is remembered as an activist and ardent defender of human rights in Mexico's LGBT community. Authorities closed her case in three weeks without identifying the perpetrator.

Hilary Molina Mendola128
Ms. Mendola was murdered on September 23, 2013 in Mexico City. She was pulled from a vehicle and thrown off a bridge by two men.

Virgen Castro Carrillo129
Ms. Carrillo, a 30-year-old transgender woman, was murdered sometime between March 19 and March 21, 2009. Ms. Carrillo was from Sinaloa, Mexico. Her body was found in the Tamazula River. After conducting an investigation, police suspected that a man killed Ms. Carrillo for being transgender and then threw her body into the river.

Fernanda Valle130
On June 19, 2010, Fernanda Valle, the Vice President of Transgénero Hidalgo (Transgender Hidalgo) “disappeared.” Ms. Valle’s body was eventually found tied up and tortured with two bullets in the head. The President of Transgénero Hidalgo, Karen Quintero, demanded a full investigation, but the Hidalgo authorities did not adequately investigate the crime.
Powerful new report, videos expose abuse of trans women in ICE detention

March 23, 2016 | by admin | Detention Project, Featured, Immigration |

Dozens of transgender women, including asylum seekers who have come to the United States seeking protection from abuse in their home countries, are locked up in jails or prison-like immigration detention centers across the country at any point in time, Human Rights Watch said in a new report created in collaboration with Transgender Law Center and Familia: Trans Queer Liberation Movement. Many have been subjected to sexual assault and ill-treatment in detention, while others are held in indefinite solitary confinement.

The 68-page report, "Do You See How Much I’m Suffering Here?: Abuse against Transgender Women in US Immigration Detention," documents 28 cases of transgender women who were held in US immigration detention between 2011 and 2015. More than half of the transgender women Human Rights Watch interviewed were held in men’s facilities at some point. Half also spent time in solitary confinement, in many cases allegedly for their protection. But solitary confinement is a form of abuse in and of itself, and many who had spent time there experienced trauma and profound psychological distress.

"When trans women are placed by the state into a male facility, you’re setting them up for sexual violence," said Isa Noyola, director of programs at Transgender Law Center, and a leading national advocate for immigrant transgender women. "Many of our community members have had to lose a lot, face a lot of violence to get here, and to then be further placed in situations where they experience, on a daily basis, more violence, is not okay."

In conjunction with the report release, Transgender Law Center

https://www.youtube.com/watch?v=2WwkZk92ltY
#NicollisFree!
#NicollisLibre!

Thank you for your support & solidarity! Gracias por su apoyo y solidaridad!

Mariposas Sin Fronteras
& the #FreeNicoll Support Committee
#FREECHRISTINA PETITION DELIVERED

Christina Lopez is a 35 year old transgender immigrant who has been in immigration detention for a year and a half. She is currently detained at the Santa Ana City Jail in need for medical attention for Hepatitis C, which so far the detention center has refused to provide despite several requests.

Demand that ICE use prosecutorial discretion to release her from detention. Sign the petition at:

bit.ly/ChristinaL

Yesterday, Transgender Law Center’s Detention Project handed 1,985 signatures to Deputy Secretary of Homeland Security Alejandro Mayorkas demanding Christina’s release!

#Not1More
VICTORY!
Christina granted bond, but needs $10K for release
Take action to #freeChristina
"NO HAY MOVIMIENTO SIN CULTURA"

There is no movement without culture

Isa Noyola
Trans Latina Poderosa

MICHELLE BAZANT
END TRANS DETENTION
NATIONAL DAY OF ACTION
NOVEMBER 18, 2015

#Not1More  #LiberationNotDeportation

http://youtu.be/m2wc6ChJR8M
Donate to El/La Para Trans Latinas 💜
Sex work and HIV/AIDS criminalization: Issues of migration

Cristine Sardina, BWS, MSJ, Coordinator, Desiree Alliance
Creating bridges of solidarity: The Veracruz Case

Marco Castro-Bojorquez, Founder, Venas Abiertas and Steering Committee, People Living with HIV Caucus
• Concentrated epidemic: MSM (12-17%) – Sex workers (18%) – Transgender (MtF) people (15.5 – 20%).
• Second place in Latin America by cumulative cases (223,995 – 53% alive) – 60% over 30 year old, 33.4% 15 to 29 years old and 2.1% less than 15 years old.
• 95% unprotected sex
• 65% knows their status
• 55% on ARVs treatment
• 33% undetectable viral load
• 2015: 5,722 new HIV cases detected, 76% men. 4,977 AIDS, 83% men. 4,974 people dead – mortality rate 4.2.
• 46,742 of the cases are women – 60% alive.
• One of every 4 persons affected by HIV are women.
• 86% between 15 and 49 years old.
• 93% infected by their partner.
• New cases detected and mortality are increasing.
• Third national place by cumulative AIDS cases – 15,768 (21% are women).
• Second national place of HIV cases 7,016 (36% are women).
• Mortality rate are double than national, 10.2 dead by 100 habitants.
• Second national place in new cases for pregnant women and housewives.
• Cases increasing in rural communities and young people.
• Second national place by vertical transmission.
• High rates for comorbidity with TB and others STD.
• Below the national average in viral control.
Grupo Multisectorial en VIH-sida e ITS del Estado de Veracruz
• In 2002, promoted by Cooperation Agency for Development of the United States and National AIDS Center in Mexico.

• Purpose: society and the state work together to fight the epidemic.

• Today, we are a citizen group, non-profit, non-partisan and horizontally; comprising representatives of government institutions, civil society organizations, media, academic and people with HIV, who have been working voluntarily and committed to address HIV.
• Mission: Try to reduce the magnitude and impact of the epidemic and its effects on the state of Veracruz through the promotion of public policies with a gender perspective aimed at prevention, early detection, quality care, mitigation damage within the framework of respect for human rights and sex-gender diversity.

• Social comptroller and citizen oversight, complaint and negotiation to solve with decision makers, including the Secretary of Health.

• Denunciation and work with human rights agencies.
Veracruz: social policy criminalize not only by law but de facto applies. We lack comprehensive, scientific and secular sex education, a comprehensive policy to promote sexual health and reproductive health, public policy prevention campaign with a preventive and educational approach and, last but not least lack of government leadership, a legislature informed sensitively to legislate on the matter based on human rights and state and federal budget that often does not reach its final destination, the state HIV and AIDS program.
• Criminalization geared to those sectors of the population that turns out to be more vulnerable, less economic and social capacity: very poor, illiterate, coming from rural and indigenous areas, who before being affected by the virus face the lack of services of employment and educational opportunities.

• Living with the virus have to travel long distances to reach medical consultation and receive a late diagnosis, poor quality care, often fraught with stigma and discrimination for being poor, indigenous and HIV positive.

• But before, they have to get many papers and requirement - very hard work for people in their conditions - in order to obtain a popular medical insurance, This bureaucratic process put them away from a effective linkage to care and access to treatment and near to the death.

Criminalization the most vulnerable
• Those who gain access to this service have to deal many times with underpaid, tired, cranky and poorly trained medical staff, which leads to insufficient long hours of waiting to get the services.
• Face inadequate facilities, lack of condoms, milk formula, material for laboratory testing, medication for opportunistic diseases and hospital care not covered by popular insurance.
• It is in the emergency department, floor and gynecology where abuse, insults, humiliation and discrimination deepens.

CAPASITS services and hospital care
• The situation is even more difficult for transgender people, undocumented Central American migrants and indigenous people. Because of their sexo-generic condition, not to have the documentation that the bureaucratic system require, for being foreigners, not to speak Spanish and not to have the same worldview.

• These sectors of the population affected by the virus become no man's land, leaving out of comprehensive care, being easy prey to the constant and permanent violation of their human rights.

Transgender people, migrants and indigenous population
• If we add laws and punitive legal codes that denies them the right to form a couple, a family and have children, denying them open and pleasant exercise of sexuality, which exhibits and imprisons, instead of mitigate the damage, pain and ensure advocacy of their right to health, the conditions to meet the objectives of the Joint Program of the United Nations on HIV and to achieve a fairer, more equitable society respectful of diversity, is you say truly democratic becomes impossible.

The utopia of the right to health and the objectives of the Joint United Nations Program
HIV JUSTICE WORLDWIDE

• This is a letter of support from HIV JUSTICE WORLDWIDE for Grupo Multi VIH de Veracruz / National Commission of Human Rights who are challenging Article 158 of Penal Code of the Free and Independent State of Veracruz that criminalises 'intentional' exposure to sexually transmitted infections or other serious diseases, on the grounds that this law violates fundamental rights to equality before the law, personal freedom, and non-discrimination.
We hope that the Mexico Supreme Court of Justice takes our concerns and the evidence discussed above into account when considering the constitutional challenge to Article 158.

Yours faithfully,

Edwin J Bernard, Global Co-ordinator, HIV Justice Network

on behalf of all HIV JUSTICE WORLDWIDE partners: AIDS and Rights Alliance for Southern Africa (ARASA); Canadian HIV/AIDS Legal Network; Global Network of People Living with HIV (GNP+); HIV Justice Network; International Community of Women Living with HIV (ICW); Positive Women’s Network – USA (PWN-USA); and Sero Project (SERO).
Solidarity with our dreams will not make us feel less alone, as long as it is not translated into concrete acts of legitimate support for all the peoples that assume the illusion of having a life of their own in the distribution of the world.

Gabriel Garcia Marquez
The Nobel Acceptance Speech
Questions?

- You may also email your questions to mboykin@aidschicago.org
Stay Informed, Visit & Connect:

• Venas Abiertas
  – Marco Castro-Bojorquez, Founder
  – Email: castro.bojorquez@gmail.org
  – Facebook: https://www.facebook.com/HIVenasAbiertas/
  – Twitter: @HIVenasAbiertas and @Bojorquez

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Thank you!

HIV Prevention Justice Alliance: www.preventionjustice.org

- Stay up to date on advocacy opportunities with our email blasts!
- Follow HIV PJA on Twitter @HIVPrevJustice