



## CIRW 2024 – Key Takeaways #2

# WORKING FOR POLICY CHANGE AND DECRIMINALIZATION OF ISPs

RCF partners advocate for legal and policy changes to reduce criminalization harms, improve health service access, and enhance ISP lives and health. Their key strategies include: building ISP networks' capacity for community-led research and advocacy; using legal mechanisms like strategic litigation and paralegal support; building cross-network alliances and engaging stakeholders; and leveraging global platforms. These approaches have led to overturning punitive laws in some regions, while in others, ISP networks have adopted “stepping stone” strategies to address community priorities like violence, healthcare barriers, and restrictive work regulations.

Overturning or mitigating laws and policies that criminalize, discriminate against, or fail to protect ISPs

### RCF partners' focus area

Challenging laws, policies, practices and regulatory frameworks that impinge on ISP safety and health

## Key Challenges

**Criminal Justice and Violence:** Severely punitive laws criminalizing same-sex relations (including death penalties), drug possession, and HIV status leading to arrests (detention and deportation in the case of migrant workers), violence, and incarceration without access to treatment.

**Gender-Based Discrimination:** Women with HIV facing imprisonment for breastfeeding; restricted access to gender-affirming care for TG communities.

**Social Service Restrictions:** Criminalization blocking access to social services, particularly affecting sex workers.

**Healthcare Access Barriers:** Limited access to evidence-based drug treatment, gender-affirming care, and ART due to inadequate policies and confidentiality breaches between health services and police.




**Economic Exclusion:** Regulatory barriers preventing PLHIV from certain professions and employment protections.

**Migrant Rights Violations:** Severe restrictions and abuse of migrant laborers based on HIV status.

Laws and policies that criminalize ISP, and legal and regulatory frameworks that threaten ISP safety and health, have adverse effects: ISPs face violence and incarceration; mothers living with HIV can be imprisoned for vertical transmission; ISP who are living with HIV can be denied access ART; PWID can be forced into non-evidence based drug treatment; and ISP can be barred from work and critical social services.



## Successful Strategies



**Community-Led Research and Documentation:** Generating qualitative and quantitative evidence for policy change through rights violation documentation.

**Capacity Building:** Training networks in legal literacy, advocacy skills and policy engagement through in-person and online methods.

**“Stepping Stone” Advocacy:** Using context-aware approaches to address immediate community needs while working toward larger policy changes.

**Strategic Legal Approaches:** Combining litigation, paralegal support, and legal literacy for rights protection.

**Alliance Building:** Creating partnerships across networks and with external stakeholders including UN agencies.

**Evidence-Based Communication:** Developing targeted publications, reports, and policy briefs for different audiences.

Success comes from combining multiple approaches: building strong evidence through community research, using strategic legal tools, forming diverse partnerships, and empowering local leadership for sustained advocacy efforts.

## Common Pitfalls




### Strategic Overreach

Pursuing overly ambitious policy changes without adequate consideration of local context, leading to backlash and potentially serious safety and security risks towards civil society stakeholders, as well as the broader community in countries of criminalization of ISPs.

The consequences can be severe, including increased surveillance and harassment of ISP communities, stricter enforcement of existing punitive laws, and introduction of new restrictive legislation as counter-measures.

### Siloed Approaches



When organizations work in isolation rather than building cross-sector alliances and collaborative strategies, they often miss crucial opportunities for strategic partnerships and risk duplicating efforts. This isolation typically results in reduced impact of advocacy initiatives, limited access to diverse funding sources, and a weakened negotiating position with policy makers. Working alone also leaves organizations and networks more vulnerable to opposition and less able to respond effectively to challenges or backlash.

## Quick Assessment Questions

*These questions can help you reflect on your decrim efforts*

How do we identify the most important legal and policy challenges?

What are our capacity gaps and strengths in legal and policy knowledge and advocacy?

Which mechanisms do we use to build legal and policy advocacy capacity?

REFLECT  
ON...

What allies do we have and what allies do we want to cultivate?

What strategies do we use for addressing criminalization and other policy barriers?

## Significant Stories: CIRW 2024

In Kyrgyzstan and Belarus, ITPC used a careful “stepping stone” approach to advocate for improved HIV drug resistance testing, using CLM to focus on strengthening awareness of drug resistance testing among PLHIV and improving the regulatory environment. ITPC successfully overcame the challenges posed by an increasingly authoritarian environment and Foreign Agent laws, by strategically publishing their report nationally through local partner organizations and opting for a soft launch that subtly introduced the findings to stakeholders.

SANPUD’s advocacy helped to ensure that harm reduction was included in South Africa’s current drug masterplan.

In Ecuador, activists worked behind the scenes with decision makers to change a law that criminalised HIV transmission.

RCF partners and their allies successfully challenged criminalisation of same-sex relations in Barbados (“Equal Barbados”), Antigua and St. Kitts, and in a December 2022 ruling, the Sexual Offenses Act was unconstitutional.

*“Factors of success include long-term and continued advocacy efforts together with sensitization by community groups who shared lived experiences in the advocacy meetings.”*



## Resources & Further Readings

This article, researched and published by RCF partner, the HIV Justice Network and its worldwide partners, is an excellent example of community-led research and addresses an important issue that has received inadequate attention. It is available in [English](#), [French](#), [Russian](#) and [Spanish](#).

HIV Justice Network. 2021. [When law and science part ways: the criminalization of breastfeeding by women living with HIV](#).

This is a manual to support communities to build alliances and work with police to reduce barriers that women drug users face to accessing HIV services.

The Alliance India, Jardine, Melissa & Burns, Katya. 2020. [Training manual for gender-responsive harm reduction policing and law enforcement](#).

This succinct UN document provides useful data for advocacy.

UNAIDS. 2021. [Criminalization: Human Rights Fact Sheets](#).

## Relevant RCF Outcome Areas

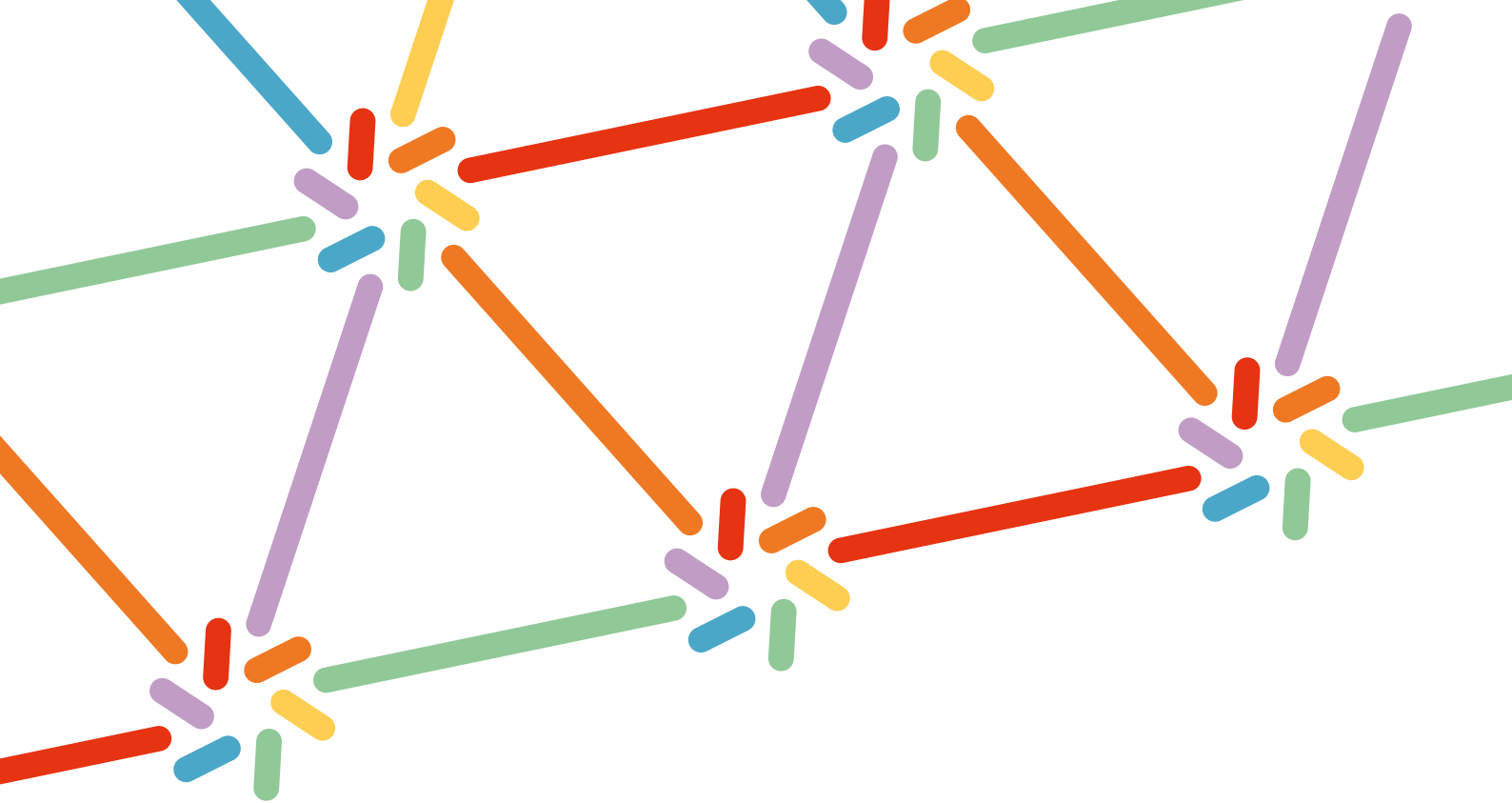
### Outcome Area 2: Improved Human Rights

2024 CIRW takeaways in this area show how ISP networks are strategically advancing human rights through evidence-based advocacy and multi-stakeholder engagement. With RCF support, networks have strengthened their capacity to document rights violations, conduct strategic litigation, and engage in policy dialogue. Partners are moving from reactive responses to proactive policy advocacy, building sustainable platforms for human rights protection. Networks are increasing their influence by gathering community-led evidence and engaging in strategic dialogue with policymakers to reshape legal frameworks.

### Outcome Area 3: Improved Access to & Quality of Services

2024 CIRW key takeaways from this topic demonstrate how ISP networks are effectively linking policy change to concrete improvements in health service access. Through strategic “stepping stone” approaches and evidence-based advocacy, networks have succeeded in removing barriers to essential services even in challenging environments. Partners are transitioning from focusing solely on service access to addressing broader systemic barriers, while building strategic partnerships with health authorities to create sustainable improvements in service quality and accessibility.

These outcome areas mutually reinforce each other, as policy reform creates enabling environments for better service delivery, while improved access to services strengthens communities’ capacity to advocate for their rights. RCF partner experiences show that progress in both areas is essential for sustainable, long-term impact on ISP communities’ wellbeing.



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