

Statement to the Attorney General and Minister of Justice of Canada

World AIDS Day 2018

As we approach World AIDS Day on December 1, the Government of Canada has yet to take concrete action to end the overly broad use of the criminal law against people living with HIV.

On December 1, 2016, the federal Justice Minister's public statement for World AIDS Day recognized the need to limit the "overcriminalization of HIV" in Canada. Then, on World AIDS Day 2017, she released Justice Canada's report on the *Criminal Justice System's Response to Non-Disclosure of HIV*. The report contains a number of important conclusions underscoring the need for a much more limited application of the criminal law than is currently the case in Canada.

We welcomed the minister's recognition of this ongoing problem and many of the conclusions in her report. The HIV community has diligently engaged Justice Canada in discussion about what steps are needed to act on those conclusions and end the overly broad, unscientific and unjust use of the criminal law against people living with HIV.

However, nearly a year later, people living with HIV in Canada continue to be singled out for criminal prosecution and imprisonment for allegedly not disclosing their HIV status to sexual partners in cases where there has been little or even zero risk of transmission, contrary to the best available scientific evidence. There has been **no concrete progress in acting on the recommendations in Justice Canada's own report.**

Last year, the Canadian Coalition to Reform HIV Criminalization (CCRHC) released a [national Community Consensus Statement](#) on ending unjust HIV criminalization. Endorsed by more than 160 community organizations from the HIV sector and beyond, from across Canada, it represents a clear civil society consensus for specific steps that must be taken by federal and provincial governments to end the misuse of the criminal law. That community consensus includes:

1. a call for federal and provincial Attorneys General to develop [sound guidance to prosecutors](#) to preclude unjust HIV prosecutions; and
2. a call for [reforms to the Criminal Code](#) to limit the unjust use of the criminal law against people living with HIV, including removing HIV non-disclosure prosecutions from the reach of sexual assault laws (and the current mandatory designation as a sex offender if convicted).

Unless and until these recommendations become practice, Canada's approach to HIV criminalization will remain unscientific and unjust, undermining public health.

We call upon the federal Attorney General and Minister of Justice, in consultation with people living with HIV, HIV organizations, service providers and scientific experts, to **follow through with her commitment to limiting the unjust use of the criminal law against people living with HIV in Canada.**

Endorsed by:

à deux mains/Head and Hands
ACCKWA
ACCM
ACT
Action Canada for Sexual Health and Rights
Action Positive VIH/Sida
AIDS ACTION NOW!
AIDS Coalition of Nova Scotia
AIDS Committee Newfoundland & Labrador
AIDS Committee of Durham Region
AIDS Committee of Ottawa
Alberta Community Council on HIV
ARCH Disability Law Centre
Asian Community AIDS Services (ACAS)
ASTTeQ
Atlantic Interdisciplinary Research Network on
Social and Behavioural Issues in Hepatitis C and
HIV (AIRN)
AVI
BLITSS
Boys R Us
Brian A. Yuen Law Corporation
Butterfly (Asian and Migrant Sex Workers Support
Network)
CAAN
CANAC/ACIIS
Canadian AIDS Society
Canadian Association of Social Workers
Canadian Drug Policy Coalition
Canadian Hemophilia Society
Canadian HIV/AIDS Legal Network
Canadian Treatment Action Council
CAPAHC
CATIE
Centre for Gender and Sexual Health Equity
Centre Sida Amitié
COCQ-SIDA
Committee for Accessible AIDS Treatment
Criminalization and Punishment Education Project
CSCVanier—Clinique juridique francophone
d'Ottawa
Dopamine
Drug Consumer Advocacy
Ethiopian Community Association in GTA &
Surrounding Regions
GAP-VIES

GEIPSI
Hamilton Community Legal Clinic
HIV & AIDS Legal Clinic Ontario (HALCO)
HIV/AIDS Regional Services (HARS)
HIV/AIDS Resources and Community Health
HIV Prevention Lab
IAVGO Community Legal Clinic
Interagency Coalition on AIDS and Development
(ICAD)
Ka Ni Kanichihk
L'Anonyme
Lake Country Community Legal Clinic
Latinos Positivos Toronto
Living Positive through Positive Living Society of
Alberta
Maison d'Hérelle
Maison Plein Coeur
Maison Re-Né inc.
Médecins du Monde
Muskoka Parry Sound Sexual Assault Services
Nine Circles Community Health Centre
Northern Healthy Connections Society
NS Advisory Commission on AIDS
Ontario Coalition of Rape Crisis Centres (OCRCC)
Options HIV West Yellowhead
Outreach Social Care Project
OUTSaskatoon
PACE Society
PAN
Parkdale Queen West Community Health Centre
PARN, Your Community AIDS Resource Network
PASAN
PEERS Alliance
Peterborough Community Legal Centre
PHS Community Services Society
Portail VIH/sida du Québec
Positive Living BC
Positive Living Niagara
Queer Ontario
Realize
REL8 Okanagan
RéZO Santé
SACHA, Sexual Assault Centre (Hamilton and
Area)
Safe Harbour Outreach Project
Sandy Hill Community Health Centre
SAVIS of Halton
Sidalys

South Riverdale Community Health Centre
Stella, Pamie de Maimie
SWAN Vancouver Society
The AIDS Network
The Canadian Centre for Gender and Sexual
Diversity
The Gilbert Centre
The Teresa Group
Toronto HIV/AIDS Network
Toronto People With AIDS Foundation
Toronto's Harm Reduction Alliance
Turning Point Society
Uzima Women Relief Group International
Vancouver Island PWA Society (VPWAS)
WellFort Community Health Services
Women and HIV/AIDS Initiative (WHAI)
YouthCO HIV & Hep C Society

About the Canadian Coalition to Reform HIV Criminalization

The Canadian Coalition to Reform HIV Criminalization (CCRHC) is a national coalition of people living with HIV, community organizations, lawyers, researchers and others, formed in October 2016 to progressively reform discriminatory and unjust criminal and public health laws and practices that criminalize and regulate people living with HIV in relation to HIV exposure, transmission and non-disclosure in Canada. In developing the Community Consensus Statement released for World AIDS Day 2017, the CCRHC undertook a bilingual country-wide consultation, online and through in-person workshops, with people living with HIV, community organizations and service providers working in the HIV response, and scientific and legal experts. The purpose of the consultation was to identify appropriate measures that should be taken by federal, provincial and territorial governments to put an end to unwarranted, harmful criminal prosecutions of people living with HIV.

**Canadian
Coalition
to Reform
HIV
Criminalization
(CCRHC)**