

Dalhousie University, Schulich School of Law



SEX, SILENCE, SCIENCE AND JUSTICE:

Should it be a crime not to disclose you have HIV?

Guest lecture by

Richard Elliott

Executive Director, Canadian HIV/AIDS Legal Network

Thursday, October 27, 2011

12:00 p.m. – 1:30 p.m.

Weldon Law Building, Room 207

Schulich School of Law, Dalhousie University, 6061 University Ave.

Everyone is welcome to attend; no registration required, but space is limited.

In the last decade, there has been a dramatic escalation in the frequency and severity of criminal prosecutions for alleged HIV non-disclosure in Canada. Yet the law is being applied inconsistently across the country. The vagueness of the law and its broad application may be counterproductive with respect to HIV prevention and treatment.

When should the criminal law impose upon people living with HIV a duty to disclose their status to sexual partners? What is the current state of the law in Canada? How does it compare to the larger global picture? How is the science of HIV evolving, and what does this mean for the criminal law's understanding of HIV and treatment of people with HIV? Two cases coming before the Supreme Court of Canada early next year will address some key questions, but many others remain. Community organizations are pursuing multiple strategies, including court interventions, in an effort to prevent unjust, overly broad use of criminal charges as misguided public policy.

Richard Elliott, LL.B., LL.M. (Osgoode) is the Executive Director of the Canadian HIV/AIDS Legal Network and involved in the response to HIV/AIDS as an educator, advocate and lawyer for more than two decades. He was co-counsel for AIDS organizations in their intervention before the Supreme Court of Canada in its first case on the issue of criminally prosecuting HIV non-disclosure and is co-counsel in the anticipated intervention in the two upcoming cases again before the Court. He has written and presented extensively, in Canada and internationally, on HIV-related legal issues, including the application of criminal law to HIV transmission and exposure.