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CANADA MUST ACT NOW TO END UNJUST HIV PROSECUTIONS

Over 100 health and human rights organizations call on the federal Attorney General to act on earlier recommendations

TORONTO, November 30, 2018 — With World AIDS Day just days away, over 100 health and human rights organizations are collectively calling on the federal government to take immediate action, in consultation with experts and people living with HIV, to end the overly broad use of the criminal law against people living with HIV.

The federal Justice Minister and Attorney General, the Hon. Jody Wilson-Raybould, first addressed this issue in 2016 when she recognized the harms of the “over-criminalization of HIV” in Canada. A year later, on World AIDS Day 2017, Justice Canada issued a report with several recommendations for a more limited use of the criminal law. However, the recommendations have not yet been translated into any actual change in the law or prosecution policy. People living with HIV in Canada are still facing the unjust application of laws that are not based on the most recent scientific and medical evidence, and that undermine effective responses to HIV.

“For years, advocates have called for actions limiting the use of criminal charges. We have welcomed the government’s words and many of their recommendations that would have this effect,” says Richard Elliott, executive director of the Canadian HIV/AIDS Legal Network, a member organization of the Canadian Coalition to Reform HIV Criminalization (CCRHC). “But words aren’t enough. The Attorney General needs to take concrete steps to deliver real change and end unjust prosecutions of people living with HIV in Canada.”

Canada’s current legal framework is at odds with international recommendations, and increasingly with the best available science. The case for change keeps getting stronger. Indeed, only months ago at the AIDS 2018 conference in Amsterdam, 20 leading international researchers and the three leading international scientific organizations responding to HIV released the *Expert Consensus Statement on the Science of HIV in the Context of Criminal Law*. The statement provides the most comprehensive review and synthesis of the available science about HIV, including regarding the possibility of transmission under various circumstances. The statement makes it clear: the law, and its application, must catch up to the science.

“In our *Community Consensus Statement* issued last year, the CCRHC detailed what should be done to end unjust HIV criminal prosecutions,” said Chad Clarke, an HIV criminalization survivor and member of the CCRHC steering committee.

The new statement issued today by the CCRHC, endorsed by more than 100 organizations across Canada, reiterates these calls to action, and specifically calls on the federal Attorney General to follow through on several of her department’s recommendations released a year ago.

“First, federal and provincial governments need to develop sound prosecutorial guidelines that preclude unjust HIV prosecutions. Second, the federal government must enact *Criminal Code* reforms that remove HIV non-disclosure prosecutions from the reach of sexual assault laws,” said Valerie Nicholson, board chair at the Canadian Aboriginal AIDS Network and member of the CCRHC steering committee.

“We know the terrible effects that criminalization can and does have on people living with HIV in this country, each and every day,” says Alex McClelland, a person living with HIV and doctoral candidate at Concordia University whose research is documenting those many harms. “The Government of Canada knows this as well. The case has been put to them, and they’ve publicly acknowledged the harm. They need to act to put an end to unjust prosecutions, working with people living with HIV, HIV organizations, and scientific and legal experts.”

[To read the full statement, visit the CCRHC website.](#)

-30-

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About the Canadian Coalition to Reform HIV Criminalization (CCRHC)

The Canadian Coalition to Reform HIV Criminalization (www.hivcriminalization.ca) 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 CCHRC 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.