



Statement

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MOVING TO END UNJUST HIV PROSECUTIONS *Human rights advocates welcome historic announcement by federal government*

The following statement is issued by the Canadian HIV/AIDS Legal Network (“Legal Network”).
Comments can be attributed to Richard Elliott, Executive Director, Canadian HIV/AIDS Legal Network.

December 1, 2018 — Today, on World AIDS Day, federal Attorney General Jody Wilson-Raybould announced a new directive to help limit unjust prosecutions against people living with HIV in Canada. This new directive, which comes after years of advocacy by the Canadian HIV/AIDS Legal Network and many partner organizations, is consistent with Justice Canada’s own recommendations and a welcome step in the ongoing effort to the end the criminalization of HIV. It is also better aligned with the latest scientific evidence regarding HIV and its transmission.

Last year, the Canadian Coalition to Reform HIV Criminalization (CCRHC), of which we are a founding member, released its [Community Consensus Statement](#), signed by more than 160 organizations Canada-wide. In this statement, we detailed key steps that the federal, provincial and territorial governments must take in order to curb the overly broad use of criminal law against people living with HIV. Yesterday, [the CCRHC issued a follow-up statement](#) in which more than 100 organizations called on the federal government to act on its stated concerns about “overcriminalization of HIV” and the conclusions of a Justice Canada report released a year ago. Scientists have also repeatedly called on federal and provincial governments to heed the science and limit prosecutions accordingly.

We are pleased that the government has listened to our collective voice and taken much-needed action today. We congratulate the Attorney General for this welcome and important step.

We note that this directive only governs federal prosecutors, who handle such criminal prosecutions only in Canada’s three territories. We therefore continue to call on provincial Attorneys General to follow the federal government lead and issue similar directives limiting prosecutions against people living with HIV in their jurisdictions. At this time, no province has yet issued clear directives reflecting these limits on the misuse of the criminal law. Unjust prosecutions – and the fear of such prosecution – continue. We also continue to call on the Government of Canada to enact *Criminal Code* reforms that remove HIV non-disclosure prosecutions entirely from the reach of sexual assault laws.

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