

*For immediate release*



## **HIV Testing of Priesthood Candidates Called Illegal and Unethical**

### ***AIDS and Human Rights Organizations Ask Quebec Human Rights Commission to Launch an Investigation***

15 January 2004 – **The Canadian HIV/AIDS Legal Network and the Quebec Coalition of Community-Based Organizations Fighting AIDS (COCQ-sida), on behalf of their over 300 members, have formally asked the Quebec Human Rights Commission to launch an investigation into the matter of HIV testing of priesthood candidates.**

“All Quebecers living with HIV have received a slap in the face from an institution, the Catholic Church, that should practice what it should preach: respect and inclusion,” said Ralf Jürgens, Executive Director of the Legal Network. “The decision to ask applicants for priesthood to submit to an HIV test, and the public statements by Cardinal Turcotte suggesting that HIV-positive people would not be able to fulfill the duties of priesthood, perpetuate stigma and misinformation about HIV and all people with HIV,” he added.

In their letter to the Quebec Human Rights Commission, the organizations state that “there can be no doubt that the decision to ask applicants for priesthood to submit to an HIV test can have a negative impact on Québec society, by promoting discrimination against all people in Quebec (and elsewhere in Canada) living with HIV/AIDS.”

Lise Pinault, Executive Director of the Quebec Coalition of AIDS organization, explains: “HIV is not a barrier to fulfilling the duties of priesthood. HIV-positive people can and do lead long, healthy lives. It is often not their HIV-positive status, but society’s discrimination that makes it impossible for them to make a full contribution – which is exactly why they continue to need protection against the types of discrimination non-voluntary HIV testing opens the door to, and why it is so important for the Commission to launch an investigation.”

In his public statements, Cardinal Turcotte said that he is worried about the health of the applicants to priesthood, and about their physical ability to carry out their duties. But under Canadian law, no employer has the right to impose mandatory pre-employment HIV testing, and it is also against the human rights laws of all provinces to demand such information because to do so amounts to discrimination based on disability. The human

rights acts also do not in any way provide an exemption to the Catholic Church that would allow it to demand pre-employment HIV testing of potential employees. Under article 20 of the Québec Charter of Rights and Freedoms a distinction or exclusion might not be discriminatory if it is based on a “qualification required for an employment” or is “justified by the religious nature of a non-profit institution.” But, as the Legal Network and the Quebec Coalition point out, “clearly being HIV-negative is not a necessary requirement to be a priest, and the archdiocese has a duty, like all other employers, to accommodate any employee with a disability, be it HIV or something else. And there is nothing in the “religious nature” of the Church that would provide any justification or requirement to only hire HIV-negative priests.”

“The consequences of HIV antibody testing continue to be different from many other medical tests,” concludes Pinault. “No doubt, there are significant benefits to people who undergo voluntarily HIV testing. They can access treatment if they are HIV positive, and take steps to prevent HIV transmission. However, if the HIV test is not entirely voluntary and undertaken with appropriate counselling, it can be used to unjustly discriminate against people, to exclude them from full participation in society, based on false notions about HIV and people with HIV.” Jürgens adds: “In 2004, discrimination against people with HIV/AIDS in Canada remains pervasive, and we cannot allow further injustice to happen. Because the consequences for all people with HIV/AIDS are potentially so severe, we hope that the Human Rights Commission will launch an investigation as quickly as possible.”

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#### **About the Canadian HIV/AIDS Legal Network**

The Canadian HIV/AIDS Legal Network ([www.aidslaw.ca](http://www.aidslaw.ca)) is a national organization engaged in education, legal and ethical analysis, and policy development. Founded in 1992, the Network promotes responses to HIV/AIDS that respect human rights; facilitate prevention efforts and access to care, treatment and support; minimize the adverse impact of HIV/AIDS on individuals and communities; and address the social and economic factors that increase vulnerability to HIV/AIDS and to human rights abuses. The Network is an NGO in Special Consultative Status with the Economic and Social Council of the United Nations. Its work has received national and international recognition, and the United Nations Joint Programme on HIV/AIDS has included the Network’s activities in UNAIDS’ collection of "best practices."

#### **About COCQ-Sida**

COCQ-Sida ([www.cocqsida.com](http://www.cocqsida.com)) is a coalition of 35 Quebec community organizations involved in the fight against AIDS. This coalition acts as the voice of these groups both within the province and across Canada. Its mandate is to represent member organizations and thereby promote co-ordinated action in areas of shared interest. To help ensure its members are involved or consulted when policies to address HIV-AIDS issues are planned, implemented or evaluated, COCQ-SIDA fosters awareness of the expertise and contribution of community and non-governmental organizations in the fight against AIDS.