

For immediate release

Également disponible en français

IN ADVANCE OF LANDMARK SUPREME COURT CASE, SUPPORTERS WORLDWIDE CALL ON CANADA TO STOP CRIMINALIZING PEOPLE LIVING WITH HIV

Monday, February 6, 2012 — Canadian criminal law requires people living with HIV to disclose their status before engaging in behaviour that involves a "significant risk" of transmitting the virus. Yet people have been charged, and convicted for not disclosing their status, even though their activity did not pose a significant risk of HIV transmission. This is a miscarriage of justice. Further, it has contributed to a climate marked by anxiety, fear, stigma and misinformation that undermines HIV counselling, education and prevention efforts. This puts all Canadians at greater risk.

On February 8, the Supreme Court of Canada will hear two landmark cases on this important issue. **We, the undersigned, respectfully ask that the Court use this opportunity to explicitly reconfirm that people living with HIV are not criminals in cases where the threshold of significant risk is not met — including cases where condoms are used or the HIV positive person was being successfully treated with antiretroviral drugs. We ask that the Court instruct lower courts that significant risk must be determined on the basis of the best available scientific evidence, not on assumptions, prejudice or fear.**

Finally, we call on the provincial and territorial Attorneys General to follow suit and adopt guidelines to limit prosecutions in cases of HIV non-disclosure. These prosecutions are not helpful in putting an end to this epidemic, and the radical over-extension of the criminal law is counter-productive and damaging.

- 30 -

Contact:

Janet Butler-McPhee
Director of Communications, Canadian HIV/AIDS Legal Network
Telephone: +1 416 595-1666 ext. 228, jbutler@aidslaw.ca

Signatory List:

Acción Ciudadana Contra el Sida Venezuela (ACCSI)
Action Canada for Population and Development / Action Canada pour la population et le développement

Action positive VIH/sida
 African and Caribbean Council on HIV/AIDS in Ontario (ACCHO) / Conseil des Africains
 et Caraïbéens sur le VIH/sida en Ontario (CACVO)
 Africans in Partnership Against AIDS (APAA)
 Afrihealth Information Projects / Afrihealth Optonet Association
 AIDES
 AIDS Action Now!
 AIDS Committee of Durham Region
 AIDS Committee of Guelph and Wellington County
 AIDS Committee of Ottawa / Comité du sida d'Ottawa
 AIDS Committee of Toronto (ACT)
 AIDS Community Care Montréal / Sida bénévoles Montréal
 AIDS and Human Rights Research Unit, Centre for Human Rights, University of Pretoria
 AIDS Network
 AIDS New Brunswick / Sida Nouveau-Brunswick
 AIDS Programs South Saskatchewan, Inc.
 AIDS & Rights Alliance for Southern Africa (ARASA)
 All Nations Hope AIDS Network
 Alliance for South Asian AIDS Prevention (ASAAP)
 L'A.R.C.H.E. de l'Estrie
 Asia pacific network of people living with HIV/AIDS (APN+)
 Assaulted Women's and Children's Counsellor/Advocate Program
 Associação Mulher, Lei e Desenvolvimento (MULEIDE)
 Association of Substitution Treatment Advocates of Ukraine (ASTAU)
 Australian Federation of AIDS Organisations / Fédération australienne des organisations
 du SIDA
 B.C. Civil Liberties Association
 Black Coalition for AIDS Prevention (Black CAP)
 Blood Ties Four Directions Centre
 Bruce House
 Bureau local d'intervention traitant du sida (BLITS)
 Bureau régional d'action sida (BRAS Outaouais)
 CACTUS-Montréal
 Canadian Aboriginal AIDS Network / Réseau canadien Autochtone du SIDA
 Canadian AIDS Society / Société canadienne du sida
 Canadian Association of Nurses in AIDS Care (CANAC) / Association canadienne des
 infirmières et infirmiers en sidologie (ACIIS)
 Canadian Drug Policy Coalition, Faculty of Health Sciences, Simon Fraser University
 Canadian Harm Reduction Network
 Canadian Hemophilia Society / Société canadienne de l'hémophilie
 Canadian Working Group on HIV and Rehabilitation (CWGHR)
 Central Alberta AIDS Network Society
 Centre des R.O.S.É.S. de l'Abitibi-Témiscamingue
 Centre for Health Policy and Innovation with the World Health Organization
 Centre for the Study of AIDS
 Centre Sida Amitié
 CF "VIRTUS", Ukraine

Coalition des organismes communautaires québécois de lutte contre le sida (COCQ-Sida)
 Coalition Internationale Sida (Coalition PLUS)
 Coalition Sida des Sourds du Québec
 Corporation Félix Hubert d'Hérelle
 Danish AIDS Foundation (AIDS Fondet)
 Deutsche AIDS-Hilfe e.V
 Development for Peace Education Lesotho
 Dopamine
 ÉMISS-ère
 European Aids Treatment Group (EATG)
 Faculté des Sciences de la Santé, Université d'Ottawa / Faculty of Health Sciences, University of Ottawa
 Fondation d'aide directe — sida Montréal
 Fonds de recherche du Québec — Santé (FRSQ)
 Fundación Huésped
 Global Forum on MSM & HIV (MSMGF) / Forum mondial sur les HSH et le VIH
 Global Network of People living with HIV – North America / Réseau mondial des personnes vivant avec le VIH – Section nord-américaine
 Global Network of Sex Work Projects
 Groupe d'entraide à l'intention des personnes séropositives itinérantes et toxicomanes (Organisme GEIPSI)
 Groupe sida Genève
 Hassle Free Cline
 HIV & AIDS Legal Clinic Ontario (HALCO)
 HIV Justice Network / Réseau Justice VIH
 Intervention Régionale et Information sur le Sida, Estrie (IRIS Estrie)
 Interagency Coalition on AIDS and Development (ICAD) / Coalition interagence sida et développement (CISD)
 International Community of Women Living with HIV (ICW Global) / Communauté internationale des femmes vivant avec le VIH
 International Planned Parenthood Federation
 John Mordaunt Trust
 M.A.I.N.S - Bas St. Laurent
 M.I.E.L.S-Quebec
 Maggie's Toronto Sex Workers Action Project
 Maison Plein Cœur
 Maison Re-Né
 Médecins du Monde Canada
 Most at Risk Populations' Society in Uganda
 National AIDS Trust (NAT)
 National Association of People Living with HIV/AIDS
 Observatoire du sida et des sexualités
 Ontario AIDS Network
 Peel HIV/AIDS Network
 People's Health Movement (South Africa)
 Pharmacies Martin Duquette
 Pivot Legal Society

Le Planning Familial (MFPF)
Point de Repères
PolitiQ – Queers solidaires
Portail VIH/sida du Québec
Positive Living BC
Positive Women's Network
Positive Vibes Trust
POZCO
Public Personalities Against AIDS Trust
Queensland Positive People
Registered Nurses' Association of Ontario
Santamaria Fundación
Scarlet Alliance, the Australian Sex Workers Association
School of Public Health and Family Medicine, University of Cape Town
Sero-stigma & Empowerment Resource Organization (SERO)
Society Against Sexual Orientation Discrimination (SASOD)
St. Stephen's Community House
Stella, l'amie de Maimie
Tanzania Network of Women living with HIV and AIDS (TNW+)
Toronto HIV/AIDS Network (THN)
Toronto People With AIDS Foundation
University Research Chair in Forensic Nursing, School of Nursing, Faculty of Health
Sciences at the University of Ottawa
Victoria AIDS Resource & Community Service Society
Warning
Wezesha
Women and Law In Southern Africa Research and Education Trust
YouthCo