Office of the United Nations High Commissioner for Human Rights (OHCHR)
Report on the impact, results, and state of implementation of societal enablers by States, as recognized in the *Political Declaration on HIV and AIDS: Ending Inequalities and Getting on Track to End AIDS by 2030*

Comments of the HIV Legal Network
October 2026

The HIV Legal Network is grateful for the opportunity to respond to this call for submissions. The HIV Legal Network promotes the human rights of people living with HIV or AIDS and other populations disproportionately affected by HIV, punitive laws and policies, and criminalization, in Canada and internationally.

What frameworks, laws, legal reforms, policies and strategies are in place, to ensure reduction in restrictive legal and policy frameworks that unfairly target people living with, at risk of and affected by HIV, including age of consent laws and laws related to HIV non-disclosure, exposure and transmission and those that impose HIV-related travel restrictions and mandatory testing, and lead to the denial or limitation of access to services?

1. *Community-led efforts to decriminalize HIV non-disclosure*

Grassroots mobilization efforts led by civil society organizations (CSO) have been crucial in pushing policy makers towards progressive law reform regarding the criminalization of HIV non-disclosure. States must ensure adequate funding towards CSOs working in the HIV sector to continue this important work.

In Canada, the Canadian Coalition to Reform HIV Criminalization (CCRHC) has been at the forefront of advocacy to amend criminal law provisions that unfairly target people living with HIV. Established in 2016, the CCRHC is a national coalition of people living with HIV, community organizations, lawyers, and researchers working to reform discriminatory criminal and public health laws and practices that punitively regulate HIV-related exposure, transmission, and non-disclosure in Canada.[1] Notably, the CCRHC's advocacy contributed to the Attorney General of Canada issuing a federal directive in 2018 to limit the number of HIV non-disclosure cases prosecuted.[2]

The CCRHC has also been instrumental in facilitating meaningful engagement of people living with HIV and CSOs on HIV criminalization reform. In 2017 and 2022, for example, the CCRHC conducted nationwide consultations and released "Community Consensus Statements" which were endorsed by hundreds of organizations across the country.[3] The 2022 Consensus Statement calls for 1) the removal of non-disclosure, exposure, or transmission of HIV or other STBBIs from the realm of sexual assault laws; 2) ending the deportation of non-citizens following conviction; 3) reviewing and expunging past convictions; and 4) limiting prosecution to cases of actual, intentional HIV transmission — enabling a unified policy position from which to advocate. In response to a national government consultation on

reforming Canada's criminal laws on HIV non-disclosure, the CCRHC further ensured meaningful engagement through multiple information forums regarding the state of HIV and the law, including those tailored for people living with HIV.

The CCRHC continues to meet with Canadian law and policy makers and coordinate common strategies and advocacy efforts. It remains the main vehicle through which community groups can advocate for rights-based law and policy reform on HIV criminalization — illustrating the power and importance of community-led advocacy to challenge restrictive legal and policy frameworks.

2. *Reducing barriers to migration for people living with HIV*

CSOs have also played an important role in challenging discriminatory immigration laws and policies that restrict the ability of people living with HIV to travel to and settle in Canada.

In 2018, following sustained advocacy by HIV and disability rights organizations, the federal government tripled the cost threshold used to determine whether an immigration applicant would place an "excessive demand" on Canada's publicly funded health and social services.[4] While the underlying "excessive demand" provision remains in place and hundreds of applicants continue to be refused each year based on their anticipated healthcare costs,[5] this reform significantly reduced the number of people refused immigration status on medical grounds, including people living with HIV.

More recently, advocacy by HIV organizations also contributed to the repeal of Canada's discriminatory "Automatic Partner Notification Policy."[6] For more than two decades, this policy required certain immigration applicants living with HIV to disclose their HIV status to their sponsoring spouse or partner, or risk having immigration authorities disclose it on their behalf. Following sustained advocacy by CSOs including the HIV Legal Network calling for the policy's immediate revocation and highlighting its discriminatory impact, infringement on privacy, and perpetuation of HIV-related stigma, Canada announced its repeal in 2023 — marking an important victory for the rights of people living with HIV and demonstrating the importance of sustained civil society advocacy.[7]

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[1] For more information, see https://www.hivcriminalization.ca/.
[2] Public Prosecution Service of Canada Deskbook, *5.12 Prosecutions involving Non-Disclosure of HIV Status: Directive of the Attorney General Issued under section 10(2) of the Director of Public Prosecutions Act*, December 8, 2018, available online: https://www.ppsc-sppc.gc.ca/eng/pub/fpsd-sfpg/fps-sfp/tpd/p5/ch12.html.
[3] The 2017 and 2022 Consensus Statement can be found at: https://www.hivcriminalization.ca/community-consensus-statement/ and https://www.hivcriminalization.ca/2022-consensus-statement/.
[4] Canada, Parliament, House of Commons, Standing Committee on Citizenship and Immigration, "Building an inclusive Canada: bringing the Immigration and Refugee Protection Act in step with modern values," *Report of the Standing Committee on Citizenship and Immigration*; 15th report, 42nd Parliament, 1st session (2017), available online: https://publications.gc.ca/site/eng/9.848887/publication.html.
[5] See HIV Legal Network, *Medical Inadmissibility,* available online: www.hivlegalnetwork.ca/site/medical-inadmissibility.
[6] HIV Legal Network, *HIV Organizations in Canada Call for the Immediate Revocation of Immigration Policy that Harm People Living with HIV,* 2023, available online: www.hivlegalnetwork.ca/site/media-release-hiv-organizations-in-canada-call-for-the-immediate-revocation-of-immigration-policy-that-harms-people-living-with-hiv/.
[7] HALCO, *Federal Government Announces Repeal of Discriminatory HIV-related Immigration Policy*, 2023, available online: www.halco.org/2023/news/update-federal-government-announces-repeal-of-discriminatory-hiv-related-immigration-policy.