

Criminal law and HIV non-disclosure



Ensuring defence lawyers have all the necessary information on the criminal law and HIV

Cases of HIV transmission or exposure are very complex and require knowledge that goes beyond standard legal skills, including knowledge of the latest science related to HIV. It is therefore very important that defence lawyers have access to the necessary resources and information.

A regularly updated resource kit for defence lawyers — *Responding to the Criminalization of HIV Transmission or Exposure* — is available on-line both in English and in French, respectively, at www.aidslaw.ca/lawyers-kit and www.aidslaw.ca/kit-avocats.

The kit was developed by the Canadian HIV/AIDS Legal Network in partnership with AIDES (France AIDES), Groupe sida Genève and Global Network of People Living with HIV (GNP+).

It provides informative documentation to support lawyers in the preparation of their cases, as well as selected publications that can ultimately be presented in Court, including resources specific to the Canadian context.

More specifically the kit includes:

- Information on the social aspects of living with HIV, taking into account the differences in accessing treatment in high- and low-income countries;
- An overview of the epidemic's evolution over the last 30 years and some perspectives for the future;
- A detailed and extensively referenced compilation of **the latest scientific evidence** regarding treatment and its impact on HIV risks of transmission, per-act risks of HIV transmission and proving HIV transmission;
- Materials on the challenges raised by the criminalization of HIV transmission or exposure, including policy considerations;
- International recommendations on the use of the criminal law in cases related to HIV;
- Key international decisions;
- A compilation of **legal materials** at the national level, including comprehensive descriptions of the law, key cases and relevant legal literature; and
- An extensive list of references.

AIDS service organizations and other services providers whose client has been charged or is concerned he or she may be under investigation **should indicate to their client (or to their client's defence lawyer) the link to the resource kit.**

They should also indicate that **defence lawyers can contact the Canadian HIV/AIDS Legal Network, the HIV & AIDS Legal Clinic Ontario (HALCO) (in Ontario) and the Coalition des organismes communautaires québécois de lutte contre le sida (COCQ-SIDA) (in Quebec) to discuss the details of their cases.** These three organizations routinely work with defence lawyers in cases related to HIV non-disclosure.

The Canadian HIV/AIDS Legal Network (Canada)

Tel.: +1 416 595-1666

E-mail: info@aidslaw.ca

HIV & AIDS Legal Clinic Ontario (HALCO) (Ontario)

Tel.: +1 416 340-7790 or toll-free +1 888 705-8889 (from within Ontario)

E-mail: talklaw@halco.org

Coalition des organismes communautaires québécois de lutte contre le sida (COCQ-SIDA) (Quebec)

Tel.: +1 514 844-2477 (ext. 34) (from within Montréal) or toll-free +1 866 535-0481 (ext. 34) (from outside Montréal)

E-mail: yih-infodroits@cocqsida.com

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