

The 29th Annual Canadian Conference on HIV/AIDS Research Le 29e Congrès annuel canadien de recherche sur le VIH/sida

Session: **SS1**: Friday May 1 - 11:00:12:30 - Criminalization, Law, and Policy

Track: Social Sciences
Subject: Criminalization, Law and Policy
Presentation Type: Oral
Title of Abstract: **Recent developments in Canada's approach to HIV criminalization :
The role of the Canadian Coalition to Reform HIV Criminalization in
fostering change**

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Abstract

In 2016, several people living with HIV (PLWHIV) (including people with lived experience of HIV criminalization), community organizations, lawyers and researchers decided to consolidate their advocacy efforts to end the unjust criminalization of PLWHIV in Canada. The creation of the Canadian Coalition to Reform HIV Criminalization (the "Coalition") has since led to several positive developments in Canada's approach to HIV criminalization.

In November 2017, the Coalition issued its Community Consensus Statement, which calls for specific actions that the governments must take to limit the unjust criminalization of PLWHIV. Due to the diversity of its members and their expertise, the Coalition's input is frequently sought after by elected officials wishing to address or study the issue of HIV criminalization.

In December 2017, Justice Canada released a report on the criminalization of HIV non-disclosure in Canada, which makes recommendations to limit the criminalization of PLWHIV. In November 2018, the Coalition called upon the federal government to follow through with its commitment. In December 2018, the Attorney General of Canada issued a directive to federal prosecutors, based on the report's findings, limiting the use of the criminal law in cases of HIV non-disclosure.

In April 2019, the Standing Committee on Justice and Human Rights invited members of the Coalition to testify about HIV criminalization. The Committee concluded that Canada's approach is too broad, too punitive, and inconsistent with science. It makes further recommendations to limit the use of the criminal law against PLWHIV, including its withdrawal from the realm of sexual assault, as well as legislative reform, two things that have long been requested by the community.

The Coalition's actions led to tangible results. While there is still a long way to go, the Coalition's gains reflect the relevance of a unified advocacy strategy which highlights the lived experience of PLWHIV.