

**MEDIA REPORTING:**

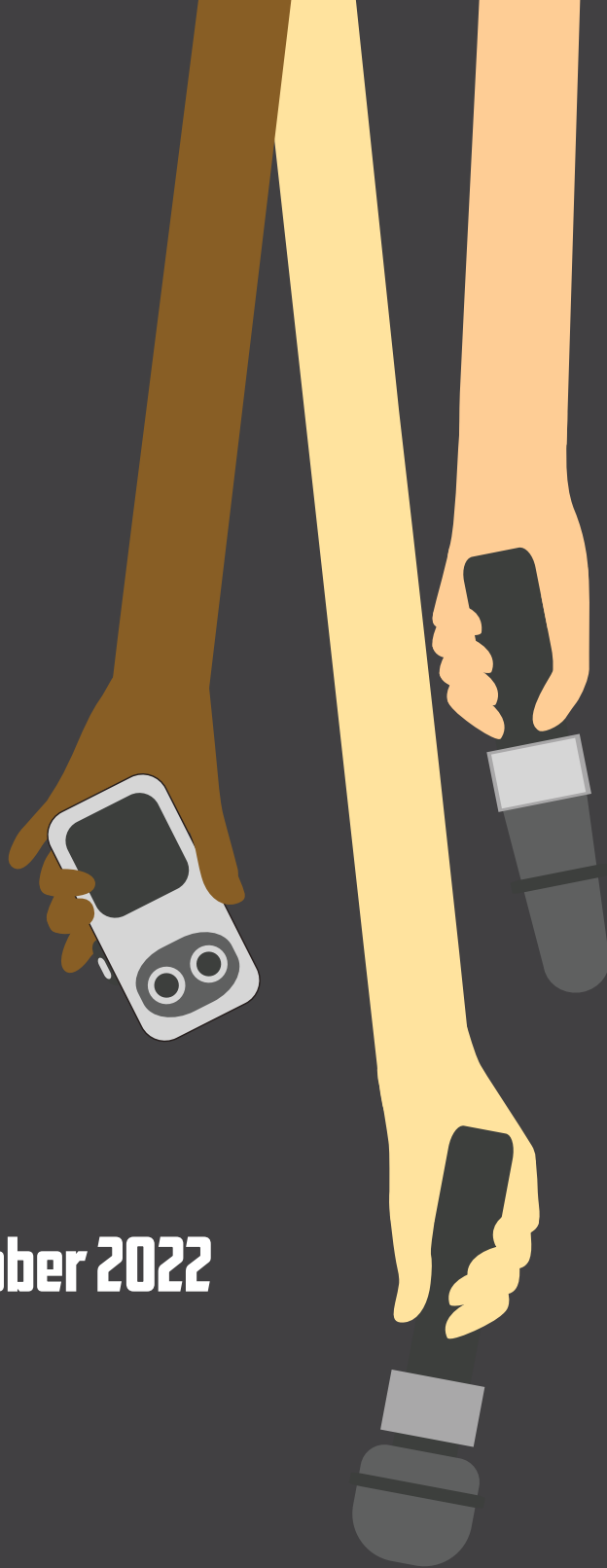
**HIV AND  
THE**

**CRIMINAL**

**LAW**

**ADDENDUM**

**October 2022**



CANADIAN  
COALITION  
TO REFORM  
HIV  
CRIMINALIZATION  
(CCRHC)

Since the release of this guide in October 2020, there have been many advocacy efforts in Canada related to the criminalization of HIV non-disclosure that journalists may wish to consider and highlight in their reporting of this issue.

## Key Trends Highlight

- **Canada is now number 8 in the world according to [HIV justice worldwide recent report](#).**
- From 1989-2020 at least **206 people faced charges related to HIV nondisclosure** in 224 separate cases.
- Recognition of scientific advancements and strong advocacy efforts have both contributed to a reduction of charges in recent years. From 2017-2020 there have been 21 new cases. While there was an increase in the number of cases in 2017 (N=12), this was followed by declines in 2018 (N=6), 2019 (N=2), and 2020 (N=1).
- **Indigenous women living with HIV in Canada**, who may be in vulnerable situations where it is not safe for them to disclose their status, **account for a large proportion of women charged (33%)**.

## Community Consensus Statements Call for Changes to Law

In 2021, the Canadian Coalition to Reform HIV Criminalization (CCRHC), of which the HIV Legal Network is founding member, engaged in a second round of Canada-wide community consultations with people living with HIV, HIV service providers, community-based organizations, and allies. These consultations resulted in the release of the second [Community Consensus Statement in July 2022](#). To date, more than 100 organizations across Canada have endorsed the second Consensus Statement. This follows the release of the Coalition's first [Community Consensus Statement in 2017](#), which was also borne out of an extensive Canada-wide community consultation process and was endorsed by 174 organizations across the country.

Building on the 2017 Statement, the newest Community Consensus Statement calls on the federal government to make changes to the *Criminal Code* that would limit prosecutions against people living with HIV. The statement stresses that the criminal law should only be used as a measure of last resort, and only in cases where there was **actual and intentional transmission of HIV** or another sexually transmitted or bloodborne infection (STBBI). The law should never be used when someone engaged in activities that, according to the best scientific evidence, posed **no significant possibility of transmission, or when other extenuating circumstances were present, such as a risk of violence to the person living with HIV**. The CCRHC, in its second Community Consensus Statement, also advocates for the removal of non-disclosure, exposure, or transmission of HIV or other STBBIs from the reach of sexual assault laws; for a review of past convictions so that people living with HIV previously criminalized under these harmful laws no longer have to live with the labels of “sex offender” and “criminal”; and for an end to the deportation of non-citizens following conviction. To read more about the second Community Consensus Statement and how it was developed, please refer to our [Frequently Asked Questions document](#).

## Government of Canada Responds with their own Consultations

Leading up to the 24th International AIDS Conference (AIDS 2022) in Montreal, the federal government announced that they would be launching their [own set of consultations on HIV non-disclosure, beginning in October 2022](#). In response, the CCRHC released a [media statement](#) that expressed satisfaction with the government's efforts to once again revisit the issue of HIV criminalization. However, the CCRHC also emphasized that they have already done the work engaging with the community and that [their consultations showed a clear consensus](#) that law reform is urgently needed. The CCRHC and HIV Legal Network were interviewed by the Canadian press on their views on the forthcoming government consultations (see, for example, these 2022 stories in the [Globe and Mail](#) and the [National Post](#)). The issue was also highlighted by the [Toronto Star editorial board](#) and in an op-ed published by the [Lawyer's Daily](#).



For more information: [hivlegallnetwork.ca](http://hivlegallnetwork.ca)



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