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Montreal, 14 January 2004

Monsieur Pierre Marois
President
Human Rights Commission
360, rue Saint-Jacques (2nd floor)
Montreal, Quebec H2Y 1P5
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Dear Mr. Marois,

In an article in *The Gazette* of today, it is reported that Commission spokesperson Ginette L'Heureux has said that the Commission "will probably examine this week whether it should launch an investigation at its own initiative" into the matter of HIV testing of priesthood candidates.

On behalf of the Canadian HIV/AIDS Legal Network, COCQ-sida (the Quebec Coalition of Community-Based AIDS Organizations), and our respective members, we strongly urge the Commission to launch such an investigation.

There can be no doubt that the decision by the Grand séminaire de Montreal to ask applicants for priesthood to submit to an HIV test can have a negative impact on Québec society, by promoting discrimination against all people in Quebec (and elsewhere in Canada) living with HIV/AIDS.

Submitting applicants to an HIV test cannot be justified. Cardinal Turcotte has publicly stated that he is worried about the health of the applicants for priesthood, and about their physical ability to carry out their duties. But it is one thing to encourage applicants to find out their HIV status for themselves, so that they can make their decision about whether or not they want to commit to priesthood knowing they are HIV positive. It is something entirely different to make the test a routine part of a medical exam, opening the doors to discrimination against the applicant.

As you know, under Canadian law, no employer has the right to impose mandatory pre-employment HIV testing, and it is also against the human rights laws of all provinces to demand such information because to do so amounts to discrimination based on disability. The human rights acts also do not in any way provide an exemption to the Catholic Church that would allow it to demand pre-employment HIV testing of potential employees. Under article 20 of the Québec Charter of Rights and Freedoms a distinction or exclusion might not be discriminatory if it is based on a "qualification required for an employment" or is "justified by the religious nature of a non-profit institution." But clearly being HIV-negative is not a

necessary ("bona fide") requirement to be a priest, and the archdiocese has a duty, like all other employers, to accommodate any employee with a disability (be it HIV or something else). And there is nothing in the "religious nature" of the Church that would provide any justification or requirement to only hire HIV-negative priests.

HIV is not a barrier to fulfilling the duties of priesthood. HIV-positive people can and do lead long, healthy lives. It is often not their HIV-positive status, but society's discrimination that makes it impossible for them to make a full contribution – which is exactly why they continue to need protection against the types of discrimination non-voluntary HIV testing opens the door to, and why it is so important for the Commission to launch an investigation.

The decision by the Grand séminaire and the public statements by Cardinal Turcotte perpetuate stigma and misinformation about HIV and people with HIV. All Quebeckers living with HIV have received a slap in the face from an institution that should practice what it should preach: respect and inclusion. The decision and the public statements have been widely reported in the media – in fact, no other story on HIV has received as much coverage in the media in recent history. The message that people risk taking from it is that it is OK to exclude people with HIV because they are incapable of fully participating in the activities of life. We are concerned that we will see an increase in discriminatory practices against people with HIV if the Commission does not launch an investigation.

We look forward to hearing from you.

Sincerely,

Ralf Jürgens
Executive Director, Canadian HIV/AIDS Legal Network

Lyse Pinault
Executive Director, COCQ-sida

About the Canadian HIV/AIDS Legal Network

The Canadian HIV/AIDS Legal Network (www.aidslaw.ca) is a national organization engaged in education, legal and ethical analysis, and policy development. Founded in 1992, the Network promotes responses to HIV/AIDS that respect human rights; facilitate prevention efforts and access to care, treatment and support; minimize the adverse impact of HIV/AIDS on individuals and communities; and address the social and economic factors that increase vulnerability to HIV/AIDS and to human rights abuses. The Network is an NGO in Special Consultative Status with the Economic and Social Council of the United Nations. Its work has received national and international recognition, and the United Nations Joint Programme on HIV/AIDS has included the Network's activities in UNAIDS' collection of "best practices."

About COCQ-Sida

COCQ-Sida (www.cocqsida.com) is a coalition of 35 Quebec community organizations involved in the fight against AIDS. This coalition acts as the voice of these groups both within the province and across Canada. Its mandate is to represent member organizations and thereby promote co-ordinated action in areas of shared interest. To help ensure its members are involved or consulted when policies to address HIV-AIDS issues are planned, implemented or evaluated, COCQ-SIDA fosters awareness of the expertise and contribution of community and non-governmental organizations in the fight against AIDS.