



Montreal, 26 January 2004

Philippe Couillard  
Minister of Health and Social Services  
Édifice Catherine-de-Longpré  
1075, chemin Sainte-Foy, 15e étage  
Québec (Québec) G1S 2M1  
FAX : (418) 266-7197

Dear Minister:

On behalf of the Canadian HIV/AIDS Legal Network, COCQ-sida (the Quebec Coalition of Community-Based AIDS Organizations), and our 300 members, we strongly urge the Ministry of Health and Social Service to fund, as a matter of urgency, a province-wide campaign against HIV/AIDS-related stigma and discrimination.

The last weeks have been the worst weeks in recent history for people living with HIV/AIDS in Quebec.

First, all Quebeckers living with HIV received a slap in the face from Cardinal Turcotte, when he made public statements defending the decision to ask all priesthood applicants to undergo HIV testing, and suggested that HIV-positive people would not be able to fulfill the duties of priesthood. Then, in response to the discovery that an HIV-positive person had performed surgery at St-Justine hospital, there have been calls for mandatory HIV testing of health-care workers, despite 20 years of consensus that this is not the best way to protect patients, and despite the minimal risk of HIV transmission from health-care providers to patients. And finally, Peter Yeomans, City of Montreal Executive Committee member responsible for public security, irresponsibly suggested that applicants for Montreal's police need to be free from HIV to be able to do their job.

We are shocked by how little people in power and ordinary Quebeckers seem to know about HIV and people with HIV, and by their willingness to exclude them. The Quebec government and the Quebec Human Rights Commission (to which we have also written, urging the Commission to launch an investigation into the matter of HIV testing of priesthood candidates) have an obligation to counter the stigma and prejudices against HIV-positive people.

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 that would allow the Church, police, or health-care institutions 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 being HIV-negative is not a necessary requirement to be a priest, a member of the police force, or a health-care professional. HIV-positive people can do these jobs, and can do them safely, without putting other people at risk. Finally, if a government (provincial or municipal) imposed mandatory pre-employment HIV testing, this would be state action, meaning that, in addition to being in contravention of provincial anti-discrimination laws, it would also be an infringement of constitutional equality rights under section 15 of the Canadian Charter.

As you know, your Ministry estimates that between 14,000 and 22,000 people in Quebec are living with HIV or AIDS, and that every year, another 800 to 1,500 become infected. Because of new treatments, the majority of these people are living longer and in better health. They seek employment and want to fully contribute to society. We cannot allow discriminatory attitudes and behaviours interfere with their legitimate aspirations. Over the last ten days, we have received many calls from people living with HIV and from their physicians. They told us how severe the impact of the statements made by public figures and normal citizens has been, and how they feel let down by the Church, the City of Montreal, and parts of the media.

We are extremely concerned that we will see an increase in discriminatory practices against people with HIV in Quebec if the government does not fund a campaign against HIV/AIDS-related stigma and discrimination. We urge you to act quickly.

We look forward to hearing from you.

Sincerely,



Ralf Jürgens  
Executive Director  
Canadian HIV/AIDS Legal Network

417, rue Saint-Pierre, bureau 408  
Montréal Québec H2Y 2M4  
tel : (514) 397-6828  
fax. : (514) 397-8570



Lyse Pinault  
Executive Director  
COCQ-sida

1, rue Sherbrooke Est  
Montréal, Québec H2X 3V8  
tel : (514) 844-2477  
fax. : (514) 844-2498

**About the Canadian HIV/AIDS Legal Network**

The Canadian HIV/AIDS Legal Network ([www.aidslaw.ca](http://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](http://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.