



ONTARIO WORKING GROUP ON
**CRIMINAL LAW +
HIV EXPOSURE**



News Release Communiqué

For immediate release

Également disponible en français

COMMUNITY FORUM ON HIV AND THE CRIMINAL LAW LAUNCHES PROSECUTORIAL GUIDELINES CAMPAIGN

Toronto, 30 September 2010 — Three expert groups on HIV and the criminal law are co-hosting a community forum today to discuss the growing trend of HIV-related criminal charges in Canada and to officially launch a campaign for prosecutorial guidelines. The guidelines would inform Canadian prosecutors on how to employ a science-based approach in their cases involving HIV.

“The law is unclear and people living with HIV have questions about their legal responsibility to disclose HIV status,” says Richard Elliott, Executive Director of the Canadian HIV/AIDS Legal Network. “There is inconsistency in when people are prosecuted and when people are convicted. The current situation gives rise to unfair and arbitrary application of the law.”

Ryan Peck, Executive Director of the HIV & AIDS Legal Clinic Ontario (HALCO), is concerned that the dramatic increase and seriousness of HIV-related criminal charges over the last several years will have troubling consequences for HIV prevention efforts and hence public health. “There is little evidence to think that casting the net of criminal charges widely will lead to more frequent disclosure – in fact, it creates further fear and stigma and may well lead to less disclosure, not more,” says Peck.

This will be one of the themes addressed by speakers such as HIV-positive activist and author Edwin Bernard, who runs the world’s leading blog tracking criminal cases related to HIV, and York University sociologist Dr. Eric Mykhalovskiy, who recently led a study examining trends in criminal prosecutions in Canada. Rai Reece of the Prisoners with HIV/AIDS Support Action Network (PASAN) will also address the harms that criminalization can do to women, including women living with HIV.

Tim McCaskell from the Ontario Working Group on Criminal Law and HIV Exposure — which is leading the campaign for prosecutorial guidelines — says that Canadian prosecutors must receive clear guidelines about how to treat cases that involve HIV exposure and transmission. “It is essential that fair legal

practice be based on facts,” he declares, in order to “protect the rights and health of people living with HIV as well as their sexual partners.”

For more information about the event **Limiting the Law: Silence, Sex and Science**, see www.aidslaw.ca/events. For more information about criminal law and HIV, see www.aidslaw.ca/criminallaw.

– 30 –

Contact:
Gilleen Witkowski
Communications Assistant
Canadian HIV/AIDS Legal Network
Telephone: +1 416 595-1666 ext. 240
E-mail: gwitkowski@aidslaw.ca