

A Step Away from Stigmatizing and Ineffective HIV Non-Disclosure Laws

Progress was made on World AIDS Day 2017 that begins to move Canada away from unscientific, stigmatizing, and harsh laws surrounding HIV non-disclosure. ACT [echoes the response of the Canadian Coalition to Reform HIV Criminalization](#) that what is needed is “deeper, broader reform.” We firmly believe that criminalizing people living with HIV is an ineffective and inappropriate tool with which to address HIV non-disclosure.

The Attorney General of Ontario, Yasir Naqvi, [announced today](#) that Crown attorneys will no longer prosecute instances of HIV non-disclosure where the person living with HIV has a suppressed viral load for six months. Further clarification is still needed as to what level of viral load Ontario will qualify under these new guidelines. Meanwhile, the Department of Justice released a [report](#) in collaboration with the Public Health Agency of Canada that explicitly reframes HIV non-disclosure as a public health issue as opposed to a criminal justice issue. Other important conclusions are also contained and deserve recognition.

While encouraging, this shift is not complete; our work continues. Under the new guidelines, charges can still be brought against people living with HIV, regardless of whether there was intention to transmit or whether transmission actually occurs. A [recent report from Health Canada](#) shows that just over 50% of people living with HIV in Canada have a suppressed viral load. We must not allow a division between people living with HIV to take shape. People who face barriers to care and lack access to treatment should not be further punished with the threat of criminalization. Let us instead offer better, nonjudgmental support, universal access to pharmaceuticals, and eliminate HIV stigma.

Congratulations and thank you to the people who have worked on this issue for so many years. Treating people living with HIV as criminals is a demonstrably cruel and ineffective approach to public health. Only through years of frustrating setbacks and dead ends has the freeze finally begin to thaw. Thank you to [HALCO](#) and the [Canadian HIV/AIDS Legal Network](#) for their leadership, as well as to people living with HIV and their allies. We look forward to further work on this going forward.

For more information, see the Legal Network’s [more comprehensive response, linked here](#).