

From: Ryan Peck (HALC)
Sent: July-15-10 2:38 PM
To: 'Winocur, Erin (JUS)'
Subject: Prosecutorial guidelines re HIV non-disclosure

Dear Ms. Winocur,

On behalf of the HIV & AIDS Legal Clinic (Ontario), the Canadian HIV/AIDS Legal Network and the Ontario Working Group on Criminal Law and HIV Exposure, I thank you very much for meeting with the above-noted individuals and myself on July 8, 2010.

As indicated in our meeting, we acknowledge that criminal prosecutions for HIV non-disclosure may be warranted in particular circumstances. However, we view the current use of criminal law with serious concern. We believe that the use of criminal law in cases of HIV non-disclosure must be informed by a complete and accurate understanding of current medical and scientific research about HIV, take into account the social contexts of living with HIV including stigma, and be compatible with evidence-based public health efforts to prevent new infections. We respectfully submit that this is presently not the case in Ontario. To this end, we are requesting that the Attorney General immediately undertake a process to develop guidelines for criminal prosecutions involving allegations of non-disclosure of HIV status in consultation with people living with HIV and affected by HIV. We believe that guidelines are a necessary step for an informed, fair and consistent use of criminal law in HIV non-disclosure cases. We take the position that the guidelines ought to apply to all sexually transmitted infections.

We understand that you are not in a position to make a decision with respect to our request, and that you will be raising this matter with others in the Ministry.

We remain at your entire disposal for a further meeting with the Ministry of the Attorney General.

We look forward to a response.

Sincerely,

Ryan Peck
Barrister & Solicitor
Executive Director

HIV & AIDS Legal Clinic (Ontario)
65 Wellesley Street East, Suite 400
Toronto, ON M4Y 1G7

Tel: 416-340-7790
Toll-free: 1-888-705-8889
TTY: 416-922-2352
TTY Toll-free: 1-866-513-9883
Fax: 416-340-7248

Email: peckr@lao.on.ca
Website: www.halco.org

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