

December 1, 2017

Attorney General Yasir Naqvi and Eric Hoskins, the Minister of Health and Long Term Care issued the following statement in response to the release of the Federal report on Criminal Justice System's Response to Non-Disclosure of HIV:

"On World AIDS Day, it is important to pause and remember all those who have lost their lives to HIV/AIDS, and stand in solidarity with everyone impacted by this virus across Ontario and the world. We would like to recognize the dedicated individuals and organizations whose courageous work over the past decades have helped to reduce new HIV infections and improve the health and well-being of people affected by this virus. Medical treatment for HIV has advanced significantly in recent years and, with timely diagnosis and treatment, HIV is now a chronic, but manageable condition for many. It is important that Ontario's laws and criminal justice system reflects those advancements.

Today the federal government released its report on the [Criminal Justice System's Response to Non-Disclosure of HIV](#), which includes the Public Health Agency of Canada's scientific analysis on the sexual risk of HIV transmission. The scientific conclusions reflect the growing body of evidence that shows that there is no realistic possibility of transmission of HIV if a person is on antiretroviral therapy and has maintained a suppressed viral load for six months. Ontario endorses the scientific analysis included in the federal report and will review the report's policy recommendations.

The Supreme Court of Canada has said that the scientific understanding of risk of transmission, as well as advances in medical treatment, may evolve over time, and allowed for the law to evolve accordingly. Therefore in light of the overwhelming scientific consensus for cases where an individual has a suppressed viral load for six months, Ontario's Crown Prosecutors will no longer be proceeding with criminal prosecutions.

Additionally, in early 2018, we will establish a joint MAG and MOHLTC roundtable with members from the HIV/AIDS community, health officials, and other stakeholders to hear their views on this important topic.

We will carefully monitor developments in HIV/AIDS case law and I encourage the federal government to share periodic updates to the analysis conducted by the Public Health Agency of Canada with all provinces and territories.

It is our hope that with this new report, Minister Wilson-Raybould will take immediate action and consider reforms to the Criminal Code to align with new scientific evidence and reduce the stigma of HIV/AIDS in Canada. We join the Canadian Coalition to Reform HIV Criminalization in their request that the federal government examine potential law reform in this area, and would welcome an opportunity to participate in these discussions.

Ontario is investing an additional \$2.7 million this year to further support the efforts of community HIV/AIDS programs. The province is also providing \$980,000 for additional harm reduction outreach workers at 19 organizations across Ontario and an additional \$3.4 million to improve access to harm reduction supplies across the province.

In September, our government also made anti-HIV drug, Truvada, and a generic version, more affordable by expanding the Ontario Drug Benefit program to include pre-exposure prophylaxis (PrEP).

This will help more people access medication to decrease the risk of getting HIV and reduce rates of HIV across the province. Starting January 1st, with the launch of OHIP+ Pharmacare for Children and Youth, everyone under the age of 25 will be able to access Truvada free of charge through their local pharmacy.

We believe strongly that HIV should be considered with a public health lens, rather than a criminal justice one, wherever possible. We must continue to work towards reducing the stigma and discrimination of people living with HIV/AIDS and their families."