



29 November 2013

VIA ELECTRONIC & LETTER MAIL

James Cornish
Assistant Deputy Attorney General
Criminal Law Division
Ministry of the Attorney General
McMurtry-Scott Building
720 Bay Street
Toronto, ON M7A 2S9

Dear Mr. Cornish:

Re: HIV & the criminal law

On behalf of the Ontario Working Group on Criminal Law and HIV Exposure (CLHE), please accept this further request to verify a process for the review of the impending draft of guidance material being developed for Crown prosecutors handling allegations relating to HIV and other sexually transmitted infection exposure.

On 2 August 2013, Ms. Susan Orlando, Assistant Deputy Attorney General, Criminal Law Division, confirmed that CLHE will have the opportunity to view and provide input into the guidance material being developed. Ms. Orlando further indicated that prior to the issuance of said material an in-person meeting will be scheduled with CLHE and Ministry of the Attorney General staff, likely in fall 2013.

By way of electronic mail of 13 August 2013, we requested that a process be put in place to review and provide input into the draft. In order to ensure that the review process is meaningful, we requested that the material be shared two weeks prior to the meeting and that one month be given after the meeting for CLHE to provide input into the material. A response was requested by 23 August 2013. A further request was sent to you, dated 4 September 2013. We have yet to receive a response to these requests.

As the guidance material in question has very real consequences for public health and human rights, it is vital that meaningful and transparent consultation take place with the HIV community, including people living with HIV as well as scientific and legal experts. CLHE is the umbrella body in Ontario bringing together the HIV community to focus on this issue. As we have urged before, we ask that CLHE have the opportunity to review and provide input on any draft guidelines. CLHE includes a broad range of expertise and experience, and can select an appropriate and appropriately-sized delegation for such consultation.

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We respectfully request a response to our request for a meeting and review process in relation to the development of prosecutorial guidelines.

Thank you very much for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ryan Peck', written in a cursive style.

Ryan Peck

Barrister & Solicitor, Executive Director, HIV & AIDS Legal Clinic Ontario
Co-chair, Ontario Working Group on Criminal Law and HIV Exposure

c.c. The Honourable Kathleen Wynne, Premier
The Honourable John Gerretsen, Attorney General
The Honourable Deborah Matthews, Minister of Health and Long-Term Care
The Honourable Glen Murray, Minister of Infrastructure/Transportation