

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



January 5, 2017

VIA ELECTRONIC MAIL: ydaqvi.mpp@liberal.ola.org

Honourable Yasir Naqvi
Attorney General
Ministry of the Attorney General
720 Bay Street, 11th Floor
Toronto, ON M5G 2K1

Dear Minister Naqvi,

Re: Criminal Law and HIV

On behalf of the Ontario Working Group on Criminal Law and HIV Exposure (CLHE), we wish you all the best in 2017 and thank you again for participating in the December 5, 2016 Ministerial Roundtable on issues related to criminal law and HIV.

In our letter of December 19, 2016, we welcomed your willingness to engage meaningfully with CLHE and reiterated the importance of having the Ministry of the Attorney General (MAG) work with us on a number of initiatives, including training for crown prosecutors and the development of policy directives, to ensure that the use of the criminal law is brought in line with current science and human rights principles. As a good faith step, MAG should issue a statement, as the federal government did, acknowledging the over-criminalization of people with HIV and that the criminal justice system must adapt to better reflect current scientific evidence regarding HIV.

In addition, and to prevent any further harmful prosecutions, we request an immediate moratorium on all prosecutions in cases of HIV non-disclosure, unless there is alleged intentional transmission of HIV, while discussions regarding law reform and the development of prosecutorial guidelines take place with CLHE and others in the HIV community (including people living with HIV, scientific experts and human rights experts), and the federal government.


Thank you very much for your attention to this matter, and we look forward to hearing from you shortly.

Sincerely,



Ryan Peck

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



Valérie Pierre-Pierre

Director, African and Caribbean Council on HIV/AIDS in Ontario
Co-Chair, Ontario Working Group on Criminal Law and HIV Exposure

cc

- Honourable Kevin Flynn, Minister of Community Safety and Correctional Services
- Honourable Eric Hoskins, Minister of Health and Long-Term Care
- Honourable Tracy MacCharles, Minister Responsible for Women's Issues
- Honourable Glen Murray, Minister of the Environment and Climate Change