The Honourable [Arif Virani](https://www.ourcommons.ca/members/en/arif-virani%2888910%29#contact) Minister of Justice and Attorney General of Canada

**EMAIL Subject Line:**

**Congratulations and engagement request, National STBBI Advocacy Collective**

November 13, 2023

The Honourable Arif Virani
Minister of Justice and Attorney General of Canada
284 Wellington Street
Ottawa, Ontario K1A 0H8

VIA EMAIL:

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Dear Minister Virani,

Congratulations on your recent appointment as Minister of Justice and Attorney General of Canada. Those working within Canada’s HIV and AIDS, hepatitis C (HCV), and sexually transmitted and blood-borne infection (STBBI) sectors are pleased to see you taking on this role within your Ministry.

We write to you to request your Ministry’s reopen dialogue with our national collective of community-based and human rights agencies delivering Canada’s frontline STBBI response concerning the state and objectives of Canada’s response to HIV and AIDS, HCV, and STBBI in this country, and beyond.

An evolution of the national partners group, our collective has successfully engaged with [ML1] various Ministers and PHAC leadership in ongoing dialogue and activities to address long-standing and emerging challenges, and to strengthen Canada’s response. Over the years, we’ve engaged with ministers across Cabinet to successfully mobilize programs, consultations, and policy change that improve the lives of people living with and at risk for STBBI.

**Today, on behalf of community-based health organizations addressing HIV, HCV, and STBBI across Canada, our collective requests a meeting with you to reopen urgent discussions regardingthe state of Canada’s response to these public health concerns.** An ongoing relationship is crucial to our mutual understanding and progress toward shared goals.

Additionally, we request a personal commitment from you, Minister, to meet with our sector to engage in dialogue and knowledge exchange concerning emerging issues.

Since pledging its commitment to the World Health Organization’s (WHO) global health sector strategies for HIV, HCV, and other STBBI, **Canada has yet to meet its previous milestone targets, and is *not* on track to do so in the future.**

**Racialized and equity-deserving communities are being left behind**

There is deep concern within our sector that Indigenous and racialized people in particular will be left behind in Canada’s next push to eliminate HIV and HCV as public health concerns. Canadian Ministries must come together to plan and invest to meet the needs of Black, Indigenous, and racialized Canadians, as well as people who use drugs and gay, bisexual, and men who have sex with men, who continue to be disproportionately affected by HIV and AIDS and HCV. The concentration of these epidemics of sexually transmitted and blood-borne infections in marginalized communities highlights the importance of federal public health strategies and resources to ensure good health can be attained by all Canadians, regardless of where they live or to which community they belong.

The Public Health Agency of Canada has a long history of supporting community-based health organizations to provide information, resources, and linkages to testing, treatment, and care. These programs are culturally sensitive, responsive, and effective when adequately funded, and they provide an equitable and supportive entry point to the healthcare system. Without the necessary increased investments in place to scale culturally safe and appropriate programs, Black, Indigenous, and racialized people will continue to bear the brunt of an inequitable response.

When connected to service providers with expanded capacity and resources, more people living with and at risk for HIV, HCV, and other STBBI can access prevention, testing, treatment, frontline education and support programs, and harm reduction.

**Shared policy priorities**

As you well know, in late 2022 and early 2023, the Government of Canada held public online consultations around the criminalization of HIV non-disclosure. Presently, prosecutions are taking place against people living with HIV in Canada who are alleged to have not disclosed their positive HIV status to sexual partners. People accused of HIV non-disclosure are most often charged with aggravated sexual assault — one of the most serious crimes in the *Criminal Code* — even when they did not intend to transmit HIV, the risk of HIV transmission was low, they did not actually transmit HIV, and they engaged in otherwise consensual sex.

To date, more than 220 people have been prosecuted for alleged HIV non-disclosure since 1989. This application of the law has been condemned internationally for escalating stigma toward people living with HIV, continues to drive a preventable public health crisis in Canada, and imposes significant harm on people living with HIV. As Justice Canada has previously recognized, the current regime of criminalization is disproportionately affecting Black, Indigenous, and gay communities.

As your Ministry works to turn the results of the recent HIV criminalization consultations into policy that respects the rights of people living with HIV, we would like to share with you the overwhelming consensus of people living with HIV and other experts. Any updates to Canadian laws relating to HIV non-disclosure must do the following:

1. Remove non-disclosure, exposure, or transmission of HIV or other STBBI from the reach of sexual assault laws, including the current mandatory designation as a sex offender.
2. Ensure that any other provisions in the *Criminal Code* are not used to further stigmatize and discriminate against people living with HIV and STBBI. Prosecution under any offence in the *Criminal Code* should be limited to cases of actual, intentional transmission.
3. End the deportation of non-citizens following conviction.
4. Review past convictions so that people living with HIV previously criminalized under these harmful and stigmatizing laws no longer have to live with the label of a sex offender and criminal.

**We urge you to continue meeting with the Canadian Coalition to Reform HIV Criminalization (CCRHC), as many of our members are also part of this Coalition.**

**Upcoming opportunities for collaboration**

Investments in Canada’s frontline community-based response are an investment in public and economic health, and an opportunity for your Ministry to demonstrate its leadership across the country and internationally. As you are well aware, the [following important dates](https://www.canva.com/design/DAFui9et-h8/Mbav29wAZAh5TXRUH08P8g/edit?utm_content=DAFui9et-h8&utm_campaign=designshare&utm_medium=link2&utm_source=sharebutton) are upcoming and represent opportunities for dialogue and collaboration with the sector:

* Nov. 20 to 26, 2023, International Testing Week
* Dec. 1 to 7, 2023, Indigenous AIDS Awareness Week
* Dec. 1, 2023, World AIDS Day
* Feb. 2024, Pre-budget consultations in advance of the 2024 Budget
* May 9, 2024, Viral hepatitis Elimination Day
* July 28, 2024, World Hepatitis Day
* Aug. 31, 2024, International Overdose Awareness Day

As the Government of Canada and our sector carry out our individual and collective work, it is vital that we continue to exchange information, and engage in meaningful consultation to uphold and strengthen the social and healthcare delivery systems.

Over the past four decades, our sector has established proven-effective tools, infrastructure, and knowledge to deliver an evidence-based approach to effectively address HIV and AIDS, HCV, and STBBI. As ever, we remain available to discuss these issues in further detail and/or provide additional input, information, and data to support your Ministry’s work and our shared goals.

**We look forward to working with you and hope to meet with you sooner rather than later,** and we thank you for your time and consideration.

Sincerely,

National Advocacy Coalition for HIV/hep C/ STBBIs/HR, chaired by Margaret Kîsikâw Piyêsîs, CEO of CAAN

* Action Hepatitis Canada
* AIDS Committee of Newfoundland and Labrador (ACNL)
* Atlantic Interdisciplinary Research Network (AIRN)
* Alberta Community Council on HIV (ACCH)
* All Nations Hope
* CAAN (Communities, Alliances & Networks)
* Canadian AIDS Society (CAS)
* Canadian Positive People Network (CPPN)
* CATIE
* Coalition des organismes communautaires québécois de lutte contre le sida (COCQ-SIDA)
* Community Based Research Centre (CBRC)
* Dr. Peter Centre
* HIV Legal Network
* Nine Circles Community Health Centre
* Ontario AIDS Network (OAN)
* PAN (Pacific AIDS Network)
* Phoenix Society
* Realize Canada
* Action Canada for Sexual Health and Rights