

Joint Statement by
The Canadian Positive People Network (CPPN), the Interagency Coalition on AIDS & Development (ICAD) & ICASO
4.3 Follow-up to the thematic segment from the 38th PCB meeting
6 December 2016

Thank you Mr. Chair. Dear Secretariat and member states:

The Canadian Positive People Network, a young, independent network of people living with HIV and HIV co-infections, along with the Interagency Coalition on AIDS Development, a Canadian coalition of organizations, individuals and stakeholders from the labour, faith, and HIV and development sectors, and ICASO, a Canadian organization that acts as a global policy voice on HIV issues that impact diverse communities around the world, would like to reaffirm the various recommendations that have been shared with us by the esteemed panelists on the 38th PCB to highlight the important role played by the communities in our effort to end AIDS by 2030.

As noted by Mr. Michel Sidibe during the Executive Director's report yesterday and the talk by Mr. Mark Dybul earlier, creating an enabling environment and championing policies that protect key population groups such as members of the LGBTQ communities, people who use or inject drugs, migrants, sex workers, people who are or have been incarcerated, people with disabilities, and people living with HIV or HIV co-infections such as TB, Malaria and Hepatitis C, are vital if we are to reach the fast-track targets and achieve the SDG goal 3 of good health and well-being.

Breaking down structural barriers is one of the key areas we must address if we are serious about ensuring our communities can thrive to prevent and provide sufficient support to address HIV and HIV co-infections on the ground. To this date, HIV criminalization continues to be one of the most serious threats faced by people living with HIV and key populations today, as demonstrated in the UNAIDS reports "Ending overly broad criminalization of HIV non-disclosure, exposure and transmission" in 2013 and "the Gap Report" on 2014.

According to the data provided by the HIV Justice Network and GNP+ on the Global Trends in HIV Criminalisation between the period from April 2013 to October 2015, a total of 72 countries globally have adopted laws that specifically allow for HIV criminalisation, either because the law is HIV-specific, or because it names HIV as one (or more) of the diseases covered by the law. According to the report, there are 101 jurisdictions in the 30 states in the US that have HIV criminalisation laws in place, and that in Canada, at least 17 cases related to HIV criminalization for non-disclosure have been reported within the period.

The impact of a legal environment which criminalizes people living with HIV can be far-reaching and further the systemic discrimination faced by people and key populations living with HIV. For example, a recent research report released has also demonstrated that the mainstream media in Canada have unjustly racial profiled and stigmatized Black immigrant men in HIV non-disclosure cases with anti-Black, anti-immigrant and AIDS-phobic discourses which perpetuate systemic discrimination toward a specific racialized, cultural group. As well, the criminalization of HIV also negatively impacts women, and members of the racialized and Indigenous communities disproportionately.

Yet, there can be hope. This past year, we have seen the creation of the Canadian Coalition to Reform HIV Criminalization by people living with HIV, people who have been criminalized and imprisoned for HIV non-disclosure, AIDS service organizations, legal professionals and academics to work toward criminalization reform in Canada, an example of how communities have come together to work against the overly broad application of criminal laws against people living with HIV. The work of the coalition are supported by leading organizations and networks working in HIV criminalization including the Canadian HIV/AIDS Legal Network, and guidance provided by the Sero Project and Positive Women's Network in the US, HIV Justice Network, and HIV Justice Worldwide.

We are especially excited about the recent announcement made by our Attorney General of Canada and Federal Minister of Justice Wilson-Raybould on World AIDS Day that Canada will embark on a re-examination of the criminal justice system in Canada related to the use of criminal laws against people living with HIV in HIV non-disclosure cases through a plan to review existing charging and prosecution practices, as well as the possible development of prosecutorial guidelines. This news is particularly important as science has

shown that people living with HIV who have been on treatment for six months and an undetectable viral load has a negligible risk of transmitting HIV to others, and it is critical that governments, the legal systems and laws to accurately reflect this piece of fact now.

Another progress we have seen in Canada through the advocacy of community groups, Canada, under the leadership of our Federal Health Minister Jane Philpott, has asked Health Canada to make it easier for communities to approve and set up safe injection sites to champion harm reduction to address the needs of people who inject substance. These are just two examples of how structural and legal barriers can be lessened if governments and communities work together through engaging target communities of people living with HIV and key population groups within a Canadian country specific-context.

As community advocacy still remains to be an often overlooked and underfunded area, we encourage the Secretariat to take a lead to work with people living with HIV and key population networks and civil society groups and member states to create a global advocacy strategy and a framework to create a pool of funds for communities to gain capacities and engage in advocacy locally, nationally, and globally as we work toward ending AIDS by 2030. .

Thank you