

Controversial Canadian Supreme Court Ruling on HIV Disclosure

October 5, 2012

The Supreme Court of Canada said that people living with HIV are open to criminal prosecution for not disclosing their status before intercourse unless they meet two criteria: they must wear condoms and have a low viral load, CTV News reports. As POZ blogger Edwin Bernard writes, “this is a retrograde step for both public health and human rights” that “undermines safer-sex messaging by stating that condoms alone...do not prevent a ‘realistic possibility’ of HIV transmission.” Previously, a 1998 Supreme Court ruling established that people aware of their status only need to disclose when they engage in sexual activity that poses a “significant risk” of serious bodily harm. But that was open to interpretation, and hence the new court ruling. The October 5 decision addresses two cases heard by the court in February 2012 regarding the 1998 ruling. Prosecutors from the two provinces where the cases originated, Manitoba and Quebec, petitioned the court to rule that all HIV-positive people should be legally compelled to disclose to their sex partners, regardless of the risk reduction associated with condom use and effective HIV treatment. Canadian HIV advocate Richard Elliott said the ruling is not good news for people living with HIV and that even using a condom won’t protect them from prosecution.

To read the CTV News article, [click here](#).

To read Edwin Bernard’s blog, [click here](#).

Editor’s Note: This newsfeed item has been updated.
