

Position Statement



Judicial Consideration/Criminalization of HIV Non-disclosure

Background

Health care providers are sometimes asked to testify for defendants in legal cases involving non-disclosure of HIV status. Some choose to do so, with their client's expressed consent. This is a polarizing issue in LGBTQ communities.

Our Position

- Sherbourne is prohibited by privacy legislation (PHIPA) from commenting on clients' personal health information.
- Sherbourne does not comment on personal health information, which includes whether someone is – or is not – a client of our Centre.
- As a health centre, we provide services for LGBT people, homeless and under-housed people and newcomers to Canada, as well as people living in our neighbourhood. Many of our clients are living with HIV/AIDS.
- Our role is providing primary care, chronic disease management programming and health promotion so that our clients can lead the healthiest lives possible and make informed health decisions that help prevent the spread of HIV, other STIs, and viruses such as Hepatitis B/C. This includes promotion of safer sex practices and distribution of harm reduction supplies e.g. condoms, safer injection/crack kits.
- We would refer questions regarding judicial decisions to HALCO (HIV & AIDS Legal Clinic Ontario), who have significant legal expertise and a body of research on the topic.