

Network news

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Canada Votes 2006

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This is an abridged version of an article (“Question Period: How will Canada’s new minority government approach HIV/AIDS?”) published in HIV/AIDS Policy & Law Review, Volume 11 Number 1 (April 2006).

Clocking in at 55 days, the last federal election campaign was unusually long, uncharacteristically negative and largely defined from the outset by the Conservative Party’s string of almost daily policy announcements — none of which focused on HIV/AIDS. In fact, HIV/AIDS was given only passing mentions in the platforms of the Liberals, New Democrats, Bloquistes and Greens. In the case of the Conservatives, it was simply not mentioned at all.

On January 12, the Legal Network and the Interagency Coalition on AIDS and Development (ICAD) jointly called on federal party leaders to define their approaches to combating HIV/AIDS. The questions were detailed and precise. Unsurprisingly, the answers — when answers were given — were not. (The Conservatives did not respond.)

For example, on the issue of prison needle exchange programs, there was unanimity on the need for further study, but none of the responding parties went so far as to say they would actually implement such programs. The parties also agreed on the need to increase foreign aid, but none provided an explanation of how this would be done or by when. (The Liberals continued to tout fiscal prudence as the basis for not committing to a detailed plan. The NDP and the Bloc vowed only to continue to pressure the next government to set a binding timetable to increase Canada’s foreign aid to the United Nations target of 0.7 percent of gross national income by 2015.)

Still, among the rhyme- and rhetoric-filled stump speeches and campaign literature, there were snippets of concrete commitments. On the question of providing affordable medicine to developing countries, the NDP gave a clear and actionable answer, saying it would reduce the length of patents for prescription drugs in Canada, triple existing funding to the Global Fund to fight AIDS, Tuberculosis and Malaria, and work “through the United Nations to reform the International Monetary Fund and World Bank to eliminate the drastic lending conditions that cut health and education investment in developing nations, which often result in cuts to AIDS treatment and prevention programs.” The NDP also clearly stated it would increase funding to reduce women’s risk of HIV infection.

In and of itself, the failure on the part of the political parties, the media and voters to see HIV/AIDS as an issue worthy of national debate was disappointing. In the context of Canada’s role as host country for the XVI International AIDS Conference (AIDS 2006), the silence of the federal party leaders on this issue was deafening.

For the full text of the letter to federal party leaders and the parties’ responses, visit www.aidslaw.ca/new.htm#jan2006.

Legal Network advises CARICOM on legal services

For more information on PANCAP and the involvement of the Legal Network, go to www.pancap.org or www.aidslaw.ca.

People living with and vulnerable to HIV need legal services in order to ensure respect for their human rights. This need is especially acute in the Caribbean Community (CARICOM), which has the second-highest HIV prevalence rate in the world. Many CARICOM countries lack basic legal aid services and legal protection for people living with and vulnerable to HIV. At the beginning of February, senior policy analyst **Glenn Betteridge** joined legal service providers, people living with HIV/AIDS, people from vulnerable communities, policy-makers and consultants in St. Vincent and the Grenadines to talk about better meeting such legal needs in eastern Caribbean countries.

The Legal Network has worked with CARICOM for a number of years, providing technical assistance on a number of projects under the Legal, Ethical and Human Rights program of the Pan Caribbean Partnership Against HIV/AIDS (PANCAP). Glenn and consultant **David Patterson** worked with CARICOM, people living with HIV/AIDS and people from vulnerable communities to develop the workshop agenda and content.

The first day of the three-day workshop allowed stakeholders to develop sessions to sensitize lawyers and policy-makers to the realities of HIV/AIDS, human rights abuses and the need for legal services. The second day focused on identifying challenges to accessing and providing legal services. The third day saw participants working in country groups (Antigua and Barbuda, Dominica, Grenada, St. Lucia, St. Kitts and Nevis, St. Vincent and the Grenadines, and Trinidad and

Tobago) to devise recommendations and commit to personal action. Recommendations recognized the potential for greater involvement of the University of the West Indies' law faculty in the legal community's response to HIV/AIDS.



CARICOM delegation, February 2006

The participation of representatives of the Caribbean Regional Network of People Living with HIV/AIDS and the Caribbean Coalition of Vulnerable Communities, represented by **Dr. Robert Carr**, a Legal Network board member, was crucial to the success of the workshop. Participants were moved by the personal stories that were presented and embraced the need to work closely with people living with and vulnerable to HIV by developing strategies and interventions to meet their legal needs.

A similar workshop for legal service providers from other Caribbean countries is scheduled for later this year.



CARICOM consultant
David Patterson

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The Canadian HIV/AIDS Legal Network promotes the human rights of people living with and vulnerable to HIV/AIDS, in Canada and internationally, through research, legal and policy analysis, education, and community mobilization. The Legal Network is Canada's leading advocacy organization working on the legal and human rights issues raised by HIV/AIDS.

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Legal Network staff attend Foreign Affairs Canada consultation

On February 7 and 8, executive director **Joanne Csete** and senior policy analyst **Alana Klein** traveled to Ottawa to attend a consultation hosted by the Human Rights, Gender Equality, Health and Population Division of Foreign Affairs Canada (FAC). For the past 18 years, FAC has been meeting with Canadian non-governmental organizations prior to the United Nations Commission on Human Rights (CHR) sessions, held annually in Geneva. The purpose of the consultation is to inform Canadian policy on a full range of international human rights issues and to help the Government of Canada in its CHR preparations.

The main topic of this year's meeting was a shift in the structure of the UN's human rights monitoring. Recently, the UN General Assembly called for the establishment of the Human Rights Council, a new monitoring body to replace the Commission on Human

Rights. NGOs discussed the latest information on the activities of this newly minted organization. They also had a chance to meet with the recently appointed ministers of Foreign Affairs and International Development, Peter McKay and Josée Verner.

Joanne and Alana attended thematic workshops on economic, social and cultural rights, the rights of migrants, human rights defenders, and sexual orientation, as well as geographic workshops relating to specific countries, such as Russia, China, and Sudan. In more than one session, Joanne emphasized that the HIV/AIDS crisis in China and elsewhere is fuelled by human rights abuses against people living with HIV/AIDS and those who defend their rights. She exhorted the Canadian government to take decisive action against these abuses at the international level.

Bringing the voices of people who use drugs to the national stage

In January, the Legal Network was invited to a meeting of Canadian organizations of people who use drugs. These organizations are planning a national congress that they hope will lead to the establishment of a permanent network to advocate on a national level for the human rights and other interests of people who use drugs.

"The Legal Network welcomes this initiative and we will do what we can to support the development of a permanent national voice for the interests of people who use drugs," said executive director Joanne Csete at the Vancouver gathering. "As harm reduction

approaches are threatened at all policy levels in Canada, this is a key opportunity to strongly express the needs and rights of drug users at the policy table."

The congress is planned to take place in Vancouver at the end of the upcoming International Conference on the Reduction of Drug Related Harm in early May. Organizations from across Canada of people who use drugs, including groups in Ontario, Quebec, British Columbia, Alberta and Nova Scotia, are represented in the coalition that is planning the congress.

“Sex, work, rights” at Alberta Harm Reduction Conference

On February 15, senior policy analyst **Glenn Betteridge** presented a plenary session entitled “Sex, work, rights: reforming Canadian criminal law on prostitution” at the 7th Annual Alberta Harm Reduction Conference in Lethbridge. The session was based on the Legal Network’s 2005 report of the same name. Glenn was invited by the organizing committee at the suggestion of harm reduction service workers who had seen his presentation at the Canadian HIV/AIDS Skills Symposium in November 2005.

Glenn began the session with the words and experiences of sex workers, voices too often neglected in the debate concerning prostitution in Canada. He then suggested a principled basis for law reform related to prostitution, summarized the report’s analysis of the human rights violations perpetuated by the criminal law, and compared recent law reform efforts in New Zealand and Sweden.

“[H]arm reduction in the context of prostitution means two things,” Glenn concluded. “One, repealing the prostitution-related provisions of the *Criminal Code*, because they result in harms to sex workers. Two, making sure that police enforce the non-prostitution-related provisions of the *Criminal Code* against people who financially exploit or otherwise harm sex workers.”

Over 200 people attended the session, including drug users and other stakeholders from community organizations and institutions across Alberta. The topic of sex work and human rights was timely, given the Government of Alberta’s announcement just days before the session that new measures to seize the vehicles of clients convicted of communicating for the purposes of prostitution would be proclaimed into law later this year.

For more information about the Legal Network’s research and activity related to sex work, as well as the notes from Glenn’s presentation, go to www.aidslaw.ca/Maincontent/issues/sexwork.htm



Sex work presentation to PHAC

The Legal Network continued its collaboration on sex work with Stella, the Montréal support and information group organized by and for sex workers. In late February, Stella Executive Director **Claire Thiboutot** and senior policy analyst **Glenn Betteridge** traveled to Ottawa to present a report and series of info sheets on sex work to a group of 20 people from the Public Health Agency of Canada (PHAC) HIV/AIDS Division. Also in attendance

was a Library of Parliament researcher who had worked with the House of Commons subcommittee examining prostitution law reform. The afternoon session provided Claire and Glenn with the opportunity to thoughtfully examine legal and public health issues with the people responsible for funding the project. We look forward to more opportunities to engage PHAC across the range of issues on which we work.

Montréal event highlights situation of homeless people

Criminalization of the homeless was the subject of a February 3 event co-sponsored by RAPSIM (Réseau d'aide aux personnes seules et itinérantes de Montréal) and the Legal Network. The lively gathering of 60 participants in Montréal was designed for lawyers, magistrates and other stakeholders in the criminal law system, as well as human rights advocates and representatives from non-governmental organizations.

The centrepiece of the discussion was the groundbreaking study of **Céline Bellot**, a researcher at the International Centre for Comparative Criminology at the Université de Montréal. Reviewing over 22 000 municipal court records, Bellot tracked the quadrupling of criminal citations against homeless people in Montréal from 1995 to 2004. A shocking 72 percent of the homeless people who were cited for minor violations ended up in prison for non-payment of fines during this period. This trend among the homeless parallels the exponentially increasing rate of arrest and incarceration of sex workers in Montréal, which has been reported for some time by Stella, a Montréal-based support and information group organized by and for sex workers.

Homeless people were cited for violations like being in a public park after dark, blocking traffic on the street or in the subway, loitering in a public place, and spitting. As a result, thousands of people, many of them under 25 years old, wound up further impoverished and with criminal records, leaving them less likely to exit homelessness. Moreover, although these types of violations are widely committed by the general public, the homeless tend to be much more frequently cited by the police.

The gathering heard two inspiring accounts of NGO-led efforts to address the increasing criminalization of the homeless. **Bernard Saint-Jacques**, community organizer of RAPSIM, described the efforts of "Opération Droits devant," a project supported by 30 NGOs called to raise awareness of the human rights abuses faced by the homeless in Montréal. Among its other activities, this project gave symbolic tickets to the general public for the minor violations for which homeless people are frequently cited, giving non-homeless people a taste of what it is like to be hit with a large fine for a crime such as being in the park after dark.

The experience of Maison Dauphine, a service for homeless young people in Québec City, was also described at the event. Retired lawyer **Fernand Côté** and lead counsel **Hélène Héroux** described their pioneering legal service, which has helped thousands of young people. This service is so well-regarded by Québec City police that they have struck an agreement with Maison Dauphine to send young homeless people found to be in violation of municipal by-laws to Maison Dauphine, rather than arresting or fining them, at least for first and second offences. The police department also gave Maison Dauphine some resources to add to its staff.

The experience of the homeless in Canada's cities is relevant to the situation of sex workers and people who use drugs. Criminalization of people who live or work on the street can add to HIV/AIDS risk in ways that the Legal Network and other partners have articulated in many reports and press statements. We applaud RAPSIM, Maison Dauphine and the member organizations of Opération Droits devant for their essential human rights work and we look forward to continuing to learn from their experiences.



The Legal Network in the news

During the three-month period from December 1, 2005 to March 1, 2006, the Legal Network responded to 59 media requests and garnered coverage in over 50 news items in print, radio and television media outlets across Canada.

Richard also made headline news in the December 12, 2005 issue of the *Montreal Gazette* (“Official says Ottawa ‘dropped the ball’”) in an article by Don Butler on the slow progress of using the *Jean Chrétien Pledge to Africa Act* to export cheaper medicines to developing countries (see story below). The article also appeared in CanWest newspapers in Ottawa, Edmonton, Regina, Victoria, Kingston (Ontario) and Nanaimo (British Columbia). In addition, *Maclean’s* magazine mentioned the Legal Network in a feature article on the same issue.

For more information on the Legal Network’s media activities, visit www.aidslaw.ca/media.htm

The launch of a new report, *Sex, work, rights: reforming Canadian criminal laws on prostitution*, accounted for over half of the media inquiries in December. The report’s principal author, senior policy analyst **Glenn Betteridge**, was joined by **Claire Thiboutot**, Executive Director of Stella, a Montréal-based human rights organization representing sex workers (and member of the Legal Network), in Ottawa on December 13, 2005, where they held a morning press conference on Parliament Hill.

Twenty-eight articles in major dailies (including a front-page story on the issue in the *Toronto Sun*) provided sustained coverage on the report throughout the week, bolstered by multiple radio and television reports. Glenn and Claire appeared on *Ottawa Citizen City Desk*, a local TV news show seen in the National Capital Region. Glenn was also heard in radio interviews in Toronto, Montréal, Regina and St. Catharines, Ontario, while Claire made two outstanding live TV appearances on the TQS newscast *Le Grand Journal* in Montréal. In Toronto, deputy director **Richard Elliott** gave a live prime-time interview telecast nationally on CTV NewsNet. (The broadcast was repeated three times throughout the night and posted online.)

In a letter to the editor published on World AIDS Day (December 1, 2005), executive director **Joanne Csete** responded to a *Washington Post* article by Richard Holbrooke, president of the Global Business Coalition on HIV/AIDS, that ran in the *Edmonton Journal* and *The Record* (Kitchener-Waterloo, Ontario). The Legal Network’s newest senior policy analyst, **Alana Klein**, saw her first letter to the editor published in the February 7, 2006 issue of *The Daily Courier* (Kelowna, British Columbia) on the subject of harm reduction approaches to drug addiction.

A number of local issues, including the Toronto Drug Strategy and a crackdown on public drug use by Vancouver police, provided still more media opportunities for Joanne, Richard and Glenn, all three giving interviews to local and regional news talk radio and CBC Radio One stations, as well as Voice of America.

Legal Network calls for compulsory licensing of Tamiflu

In February, the Legal Network called on the new Conservative federal government to clear the way for the compulsory licensing of Tamiflu (*oseltamivir phosphate*), an antiviral medicine used to treat and prevent influenza, including the deadly H5N1 strain of avian flu.

Under the *Jean Chrétien Pledge to Africa Act* (formerly Bill C-9), the federal Commissioner of Patents can grant compulsory licenses on patented medicines to allow generic pharmaceutical firms to manufacture and

export lower-cost medicines to eligible developing countries. But only certain drugs listed in the legislation are subject to compulsory licensing for export, and Tamiflu isn’t one of them. The federal Cabinet could change this, if recommended by Health Minister Tony Clement and Industry Minister Maxime Bernier.

The Legal Network’s letter to the ministers voiced support for a request by Biolyse Pharma Corporation, a generic drug maker

based in St. Catharines, Ontario. Biolyse had previously announced its development of a generic version of Tamiflu and, following consultation with the Legal Network, petitioned Ottawa to include it on the list of drugs eligible for export under the Act.

As the Legal Network's letter states, "since the legislation was proclaimed into force in May 2005, it has not yet been used to produce and export a single medicine to developing countries," despite carrying the unanimous support of all parties in both the House of Commons and the Senate. The letter also pointed out that non-governmental organizations were repeatedly assured during the process leading to the enactment of the legislation that it would not be limited to just dealing with HIV/AIDS, tuberculosis and malaria, and that it would be a simple and rapid process for Cabinet to add new drugs to the list of eligible drugs. The request to allow

exports of generic Tamiflu will test the new Conservative government's commitment to the Act. (As of publication time, an official from Industry Canada had verbally signalled the ministry's willingness to cooperate in adding Tamiflu to the list, but Health Canada had yet to make any indication of its intent.)

Tamiflu's patent is currently held by Swiss-based F. Hoffmann-La Roche Ltd., which has halted sales of the drug in order to manage its dwindling supply. Access to less-expensive generic versions will be critical for developing countries that want to stockpile the drug against a possible future pandemic. This is particularly critical now that avian flu has reportedly reached Africa. An outbreak of virulent influenza would be particularly devastating to the millions of Africans whose immune systems are already compromised by HIV or other illness.

To read the full text of the Legal Network's letter, visit www.aidslaw.ca/Maincontent/issues/cts/patent-amend/Tamiflu_letter.pdf



New Resources

- HIV/AIDS Policy & Law Review 10(3)
www.aidslaw.ca/Maincontent/otherdocs/Newsletter/vol10no32005/issue.htm
- "Vessels, Vectors and Victims": HIV/AIDS and Women's Human Rights in Canada
www.aidslaw.ca/Maincontent/issues/women/report_women_eng.pdf
- Sex, work, rights: reforming Canadian criminal laws on prostitution (report, booklet and 10 info sheets)
www.aidslaw.ca/Maincontent/issues/sexwork.htm
- "Nothing About Us Without Us"— Greater, Meaningful Involvement of People Who Use Illegal Drugs: A Public Health, Ethical and Human Rights Imperative (report, booklet, and manifesto by people who use illegal drugs)
www.aidslaw.ca/Maincontent/issues/druglaws/greater_involvement.htm
- Support for survival: barriers to income security for people living with HIV/AIDS and directions for reform (report and six info sheets)
www.aidslaw.ca/Maincontent/issues/incomesecurity.htm
- Програми обміну голок у виправних установах: Огляд фактів
www.aidslaw.ca/Maincontent/issues/prisons/NEP-UKR.pdf
- Підтримуюча терапія метадонам в виправних установах: Огляд фактів
www.aidslaw.ca/Maincontent/issues/prisons/MMT-UKR.pdf
- ВИЧ/СПИД в тюрмах стран Центральной и Восточной Европы и бывшего Советского Союза
www.aidslaw.ca/Maincontent/issues/prisons/fsu_rus_complete.pdf



Inside the Network

Staff arrivals and departures

If anyone doubts the potential side benefits of summer internship programs, the Legal Network is currently reaping the fruits of ours in the form of the return of **Alana Klein**. We are delighted that Alana rejoined us in January as a senior research and policy analyst, having done excellent work for the Legal Network as an intern in 2000 on HIV/AIDS and immigration. Alana grew up in Montréal and returns to Canada after two years in the doctoral program at the Columbia Law School in New York City. Her energy and enthusiasm light up the office.

The Network is pleased to welcome **Doriana Schiavi** as finance officer. Doriana comes to us with extensive experience in managing the finances of non-governmental organizations. She has also had additional training in the incorporation of non-profits in Canada and in human resource management. We are all delighted by Doriana's collegial and calm presence.

We were very sad to say goodbye to former finance officer **William Hamilton**, whose contribution to the Legal Network for over four years helped to enable the growth and success of our activities.

Mélanie Paul-Hus, who contributed so much to the communications and information activities of the Legal Network, decided in February to accept an exciting position with Tourisme Québec. We are happy for Mélanie, even as we are very sorry to see her go.

Fortunately, the answer to the challenge of replacing Mélanie was close at hand, as **Vajdon Sohaili** moved in February from his previous duties as administrative assistant to his new role as communications specialist. Vajdon will take on major responsibilities for seeing Legal Network publications through the production process, helping us keep the website updated, among other communications duties.

Replacing Vajdon in his Program Support role is **Taslim Madhani**, who brings to her position not only a range of administrative skills, but also a keen interest and expertise in women's human rights and other Legal Network issues. Taslim graduated from Carleton University with a Bachelor of Humanities degree and a master's degree from McGill University's Institute of Islamic Studies.

Board of Directors appoints new member

For complete Board Member biographies, visit www.aidslaw.ca/AbouttheNetwork/bodbios.htm

Carolann M. Brewer, LL.B., is the latest member of the Legal Network's Board of Directors. She was appointed in advance of the February 2006 board meeting.

A graduate of the University of British Columbia in 1982, Ms. Brewer is a lawyer and

policy advisor with over 20 years' experience at facilitation, negotiation, and policy coordination primarily in the field of Aboriginal affairs. The board and staff of the Legal Network are honoured to have her expertise, and extend to her the warmest of welcomes.