

Network news

Issue 24

Canadian HIV/AIDS Legal Network

September 2006

Legal Network, GTAG launch platform for action	2
Legal Network gathers global AIDS and law experts	3
Legal Network raises drug policy issues with federal minister	3
Legal Network advocates for Insite extension	4
Harm reduction in Russia	5
Model legislation on drug use and HIV/AIDS	5
Human rights at World Outgames	6
Legal Network contributes to week-long NGO workshop in Beijing	6
Canadian Institute of International Affairs prepares for AIDS 2006	6
Legal Network and MSF urge reforms to Canada's law on exporting generic medicines	7
The Legal Network in the News	8
Canadian legal community gathers at AIDS 2006	9
New Resources	9
2006 AGM	10
New look for aidslaw.ca	10



Legal Network in spotlight at AIDS 2006

The XVI International AIDS Conference in Toronto provided a stage for the Legal Network to showcase its efforts and highlight issues of concern. Thanks in large part to the outstanding work of former executive director **Ralf Jürgens** in his role as co-chair of the policy track, the human rights content of this conference greatly exceeded that of previous conferences.

Legal Network staff members were featured in some of the high-profile sessions of the conference. Executive director **Joanne Csete** moderated and set out the issues for debate in a standing-room-only roundtable on HIV testing policy on the first full day of the conference. In a later session, she presented human rights concerns around the current debate on “routine” opt-out testing, highlighting the human right to consent, confidentiality and pre- and post-test counselling. Joanne also made two presentations on the rights of women, one in the main conference focusing on the rights of women who use drugs, and one in a satellite posing the question why women are missing from research and policy on AIDS.

To another packed house, deputy director **Richard Elliott** presented a cogent overview of the use of law and litigation in advancing the fight against HIV/AIDS. Richard also moderated and helped organize a session with Médecins Sans Frontières on the impediments to exercising full use of the *Jean Chrétien Pledge to Africa*, the law intended to facilitate exportation of generic drugs from Canada to developing countries in need (see related article, p. 7).

Senior policy analyst **Alana Klein** was a presenter in a University of Toronto-organized satellite session on women’s rights, where she highlighted the work of the Legal Network in developing model legislation to protect the rights of women. Alana also presented in an abstract-based session at the main conference on barriers to syringe exchange access in Canada.

Senior policy analysts **Richard Pearshouse** and **Glenn Betteridge** presented posters on the legal foundation for assisted injection in supervised injection facilities and the impact of criminalization on sex work in Canada, respectively. Glenn was also invited to speak on criminalization of HIV transmission and exposure to a global training session for staff of the International Planned Parenthood Federation. Senior policy analyst **Leah Utyasheva** played a crucial role in assisting some members of parliament (Duma) from her native Russia in making links with harm reduction experts and service providers and with Canadian MP **Libby Davies** (NDP—Vancouver East). Davies generously shared her experiences as a harm reduction advocate and federal politician with her Russian counterparts, an important meeting given the poor state of such services in Russia.

The conference also afforded an exceptional opportunity to reach out to the Canadian and international mass media. **Leon Mar**, Director of Communications, managed a nearly endless stream of media requests throughout the conference week, ensuring that Legal Network staff were heard in a wide range of media outlets, and on an array of critical issues (see related story, p. 8).

For more information, go to www.aidslaw.ca/aids2006.



Legal Network, GTAG launch platform for action

In June, UN General Assembly countries unanimously declared they would strive for universal access to HIV/AIDS prevention and treatment by 2010, echoing an earlier pledge made by G8 countries at their 2005 summit. Pressing Canada to make good on these promises is part of the work of the Global Treatment Access Group (GTAG), a coalition of international development, human rights, humanitarian, faith-based and AIDS service organizations, trade unions, and student groups co-founded by the Legal Network in 2001 to fight for the human right to health in developing countries, including access to HIV medicines and other drugs.

With its theme of "Time to Deliver," the XVI International AIDS Conference in Toronto was a key opportunity to gather public attention to what steps Canada needs to take in this global effort. On August 9, just days before the start of the conference, GTAG released *The Global*

AIDS Crisis: Four Steps for Canada at a joint press conference with the Make Poverty History Campaign and **Stephen Lewis**, the UN Secretary-General's Special Envoy for AIDS in Africa. **Joanne Csete**, the Legal Network's executive director, launched the platform as GTAG spokesperson.

Thanks to the hard work of communications staff from the Legal Network, Canadian Crossroads International and CARE Canada, the press conference and platform received widespread media coverage. Endorsed at the time of launch by more than 80 civil society groups from across the country, the platform has since been endorsed by the federal New Democratic Party at its national policy convention in early September in Québec City. Thousands of postcards are being distributed across the country for individuals to send to the Prime Minister calling for action on the four steps in the GTAG platform.



The platform is available at www.aidslaw.ca/gtag, as is a sample letter to the Prime Minister that can be easily printed and mailed.

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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 gathers global AIDS and law experts

Before the opening of AIDS 2006, the Legal Network convened a one-day meeting of lawyers, human rights experts and AIDS activists from all over the world working on AIDS, human rights and the law. The groundbreaking symposium gave this group of uniquely experienced experts a rare opportunity to discuss ways of supporting each other, networking and systematically sharing our legal and human rights experiences and analyses.

Participants discussed in detail their priority issues, including drug policy, HIV-related discrimination, prison and HIV/AIDS, access to treatment, testing, privacy and confidentiality, criminalization of HIV transmission, and women's rights. They then made recommendations about needs for training, access to legal and human rights materials, networking possibilities, and financial support.

The Legal Network hopes to continue to work with participants from this pioneering meeting in order to find funding for further networking.

The symposium was supported by the Health and Law Program of the Open Society Institute, UNAIDS, the UN Development Programme, and the Canadian International Development Agency.



Participants at the Legal Network's pre-AIDS 2006 symposium

Legal Network raises drug policy issues with federal Health Minister

On August 4, the week before the XVI International AIDS Conference, **Le-Ann Dolan**, President of the Legal Network's board of directors, and **Richard Elliott**, Deputy Director, represented the Legal Network at a meeting of national non-governmental AIDS organizations hosted by federal Health Minister Tony Clement in Ottawa.

The Legal Network again raised the need to pilot a needle exchange program in the federal prison system, a recommendation supported by Canada's Chief Public Health Officer but still opposed by Correctional Service Canada (CSC). Minister Clement made no commitment to working with CSC to introduce such a program, stating his concern for the

safety of correctional officers. The Legal Network has recently released an updated report on the worldwide evidence and experience with prison needle exchange programs, showing that prison personnel have not been endangered by such programs elsewhere. (The report is available at www.aidslaw.ca/publications.)

The Legal Network also raised the urgent need for Ottawa to extend the ministerial exemption from the *Controlled Drugs and Substances Act* that allows Insite, the first officially sanctioned supervised injection site in North America, to operate without the risk of criminal prosecution for service-users or staff (see related story, p. 4).

For more on the issue of safe injection sites, see www.aidslaw.ca/drugpolicy.

Legal Network advocates for Insite extension

Taking the lead among national HIV/AIDS organizations, the Legal Network turned up the heat on the federal government to extend the criminal law exemption under which Insite, a Vancouver safe injection facility, operates. The pilot project's initial three-year exemption for which many groups, including the Legal Network, fought was set to expire on September 12, 2006.

The Legal Network was instrumental in drafting a letter, dated July 19, 2006, asking federal Health Minister Tony Clement to allow Insite to continue its life-saving work. Signed by nine national HIV/AIDS NGOs, the letter pointed to the impressive body of peer-reviewed research demonstrating that Insite has

reduced HIV and hepatitis C transmission, reduced drug injection in public places, prevented overdose deaths, steered people who use drugs into treatment, and has not led to an increase in drug use. The groups urged Minister Clement to use the XVI International AIDS Conference "to make a visionary statement by recognizing the remarkable achievements of Insite and ensuring its continuation."

Despite support from harm reduction activists and political luminaries such as Stephen Lewis,

the UN Secretary-General's Special Envoy for AIDS in Africa, former U.S. president Bill Clinton, and Dr. Alex Wodak, Director of the Drug and Alcohol Service at St. Vincent's Hospital in Sydney, Australia, Minister Clement remained silent on the fate of Insite. In response, on August 15, the Legal Network held a press conference at AIDS 2006 and called on the federal government to make its decision on Insite based on evidence and human rights guarantees, not on ideology. To highlight the urgency of the situation, the Legal Network was joined by an expert panel of speakers including **Dr. Julio Montaner**, Director of the British Columbia Centre for Excellence in HIV/AIDS and president-elect of the International AIDS Society, **Diane Tobin** of the Vancouver Area Network of Drug Users, and **Gillian Maxwell** of Insite for Community Safety.

Finally, in an eleventh-hour news release on the Friday afternoon before the Labour Day long weekend, Minister Clement announced that the decision on Insite's exemption would be deferred until December 31, 2007. It was also announced that Health Canada would not permit any other safe injection sites to open, pending the implementation of a new national drug strategy, as well as a complete review of Insite.

The Legal Network and three other national HIV/AIDS NGOs reacted in a September 2 news release, decrying the federal government's "indecision" and exhorting it to live up to its responsibility to prevent HIV rather than "blatantly disregarding evidence in favour of ideology." The Legal Network will continue to advocate not only for the continued existence, but also the expansion, of harm reduction services for people who use drugs.



Insite, Vancouver
Photo: Vancouver Coastal Health

To read our news releases, visit
www.aidslaw.ca/media.



Network News Flashes

Harm reduction in Russia

In July, senior policy analyst **Leah Utyasheva** made a three-week trip to Russia to meet key activists and policy analysts working on drug policy and harm reduction issues. Travelling to Moscow, St. Petersburg, Balakovo (Saratov region) and Kazan (Tatarstan), Leah met with harm reduction service providers, medical doctors, lawyers and policy advocates, representatives from organizations of people living with HIV, World Health Organization staff in Moscow, and other experts and activists in the field.

A hot topic of discussion was the illegality in Russia of methadone and other opiate substitutes, which results in the unavailability of opiate substitution therapy (OST). Many

activists and service-providers indicated that it is time to begin a broader discussion of drug addiction treatment, including OST. They also noted the dearth of information and awareness around heroin addiction policy, addiction treatment methods and regulations in other countries, and the evidentiary links between addiction and successful antiretroviral treatment.

Leah also visited major training centres for harm reduction services and laid the groundwork for future collaboration with the Legal Network. The trip was part of the Legal Network's project on capacity-building for drug policy reform in Russia, funded by the Open Society Institute.



Model legislation on drug use and HIV/AIDS

The Legal Network released a pre-publication draft of *Legislating for Health and Human Rights: Model law on drug use and HIV/AIDS* at the XVI International AIDS Conference. Informed by human rights law and national legislation, the model legislation sets out exemplary legal text to establish a clear framework for addressing the HIV/AIDS epidemic among people who use drugs.

Senior policy analyst **Richard Pearshouse** supervised summer students **Tim Franklin** and **Sara Kushner** in the preparation of the eight modules, which were distributed at the Legal Network's pre-conference satellite (see related story, p. 3) and at its conference exhibition booth.

The final document will be published in English and in Russian.

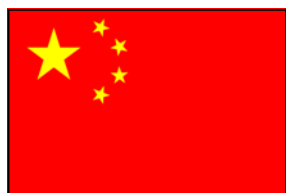
To read the pre-publication version of *Legislating for Health and Human Rights: Model law on drug use and HIV/AIDS*, go to www.aidslaw.ca/publications.



Human rights at World Outgames

On Thursday, July 27, senior policy analyst **Alana Klein** gave a workshop presentation at the International Conference on LGBT Human Rights, part of the 1st World Outgames in Montréal. The conference brought together some 2000 people from around the world to discuss LGBT human rights. As part of a panel on economic, social and cultural rights, Alana discussed concerns raised by the possibility of

health care privatization for people living with and affected by HIV/AIDS in Canada. Alana's co-panellists included Djoni Agus Suparta from Gay Nusantara in Indonesia, Cary Johnson of the International Gay and Lesbian Human Rights Commission, and Keith Goddard of Gays and Lesbians of Zimbabwe. The chair of the workshop was Kim Vance, Co-director of ARC International.



Legal Network contributes to week-long NGO workshop in Beijing

From July 16–21, the Legal Network's deputy director, **Richard Elliott**, joined Chinese and international experts on the faculty of a week-long workshop for NGOs on HIV, human rights and legal advocacy in Beijing. Organized jointly by Temple University's law school and the China HIV/AIDS Information Network (CHAIN), 40 participants spent the week discussing the legal and human rights dimensions of the AIDS epidemic in China and ways in which legal strategies could be used to

advance human rights in the response. Richard delivered presentations on: the history of the Legal Network and its research and advocacy on legal issues. He also spoke on intellectual property law and access to medicines (a particularly relevant topic to China, since it has a globally significant capacity to produce generic pharmaceuticals); and key developments regarding the human rights of LGBT people in international law and domestic legal systems.



Canadian Institute of International Affairs prepares for AIDS 2006

Joanne Csete was a featured speaker at an event organized by the Canadian Institute of International Affairs (CIIA) in the lead-up to AIDS 2006. The standing-room-only event in downtown Toronto focused on Canada's foreign policy in the global fight against HIV/AIDS.

In her remarks, Joanne emphasized that, with the U.S. and its allies taking positions on AIDS that undermine human rights, Canada has an especially crucial role to play if it is to continue

to position itself as a human rights leader in the world. She stressed progressive drug policy, strong support for comprehensive sex education, and support for the rights of sex workers, people who use drugs, and men who have sex with men as areas where Canadian leadership will be especially important on the international stage. A lively question-and-answer period revealed the AIDS-related concerns of Canadians interested in foreign policy.

Legal Network and MSF urge reforms to Canada's law on exporting generic medicines

One of the four points highlighted in the GTAG platform (see related story, p. 2) is the failure of Canada's 2004 law on exporting affordable generic medicines to developing countries (the *Jean Chrétien Pledge to Africa*, also known as Canada's Access to Medicines Regime). While the Legal Network has continued to comment in the media on the lack of progress on this initiative, the coverage generated by the GTAG press conference succeeded in putting this issue back on the map for both journalists and politicians.

The Legal Network and Médecins Sans Frontières (MSF) subsequently met with senior advisors to federal Health Minister Tony Clement to discuss possible legislative reforms. Following sustained media coverage during AIDS 2006, the Minister committed publicly to reviewing and amending the legislation.

Also during the AIDS conference, the Legal Network and MSF hosted a panel discussion examining the legislation and the difficulties encountered in trying to use it. Deputy director **Richard Elliott** introduced the panel with some remarks about the international and domestic context of the Canadian law. The audience heard the details of the legislative regime from **Brigitte Zirger** of Health



The Legal Network / MSF panel discussion at AIDS 2006

Canada. **Rachel Kiddell-Monroe** of MSF reviewed their experience of trying to use the legislation to order a fixed-dose combination antiretroviral from a Canadian generic manufacturer, while **Bruce Clark** of Apotex Inc. described the hurdles encountered in their effort to respond to MSF's request. Finally, **Anil Soni** of the Clinton Foundation expressed the Foundation's support for compulsory licensing to export generic medicines and interest in perhaps negotiating deals for Apotex's product. The **Hon. David Mwakuysa**, Minister of Health and Social Welfare of Tanzania, spoke from the audience and shared the perspective of a developing country government needing to secure less expensive medicines for treatment scale-up.

The Legal Network expects to be actively involved in ongoing discussions with Ottawa during the upcoming Parliamentary review, and will be preparing formal submissions regarding amendments that need to be made to finally deliver on the commitment to get more affordable medicines to countries and patients in need.



Deputy director Richard Elliott moderates

The Legal Network in the news



The Legal Network's press conference at AIDS 2006

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

The XVI International AIDS Conference (AIDS 2006) resulted in a staggering number of media calls to the Legal Network from June to August. The 93 requests received (of which one third was in French) translated into over 100 print media articles, 33 radio broadcasts and 11 television reports featuring Legal Network staff.

By far the biggest media breakthrough for the Legal Network during

the AIDS conference was on radio. Every morning, more than one million Canadians begin their day with *World Report*, CBC Radio's major morning news program. On August 16, the newscast led with a report by Maureen Brosnahan on the Legal Network's press conference of the previous day. The report addressed both topics of the press conference — keeping Insite (a safe injection site in Vancouver) open and introducing prison needle exchange programs in Canada — and included sound bites of **Joanne Csete**, Executive Director, speaking passionately on the urgent need for Ottawa to act. As well, the August 15 news release issued at the press conference ranked in the Top Ten accessed files on the CNW Group (formerly Canada NewsWire) website; on the day of the release alone, it was accessed 443 times out of a total of 337 releases.

The three-month period also saw international media requests come in from Agence France-Presse, BBC Radio 4, BBC World Service, Al Jazeera International, Radio Canada International and *New Scientist* magazine. Of particular note, Joanne spoke about routine testing on "Today," the flagship current affairs show of BBC Radio 4. **Richard Elliott**, Deputy Director, was interviewed on Canada's law on generic medicine exports for the BBC series, "Quest for a Cure." The segment is scheduled to air at the end of September or the beginning of October on 'the beeb's' Radio 4 and World Service stations.

Both prior to and during AIDS 2006, Joanne, Richard and senior policy analyst **Glenn Betteridge** made several appearances on national television in both English and French. Richard did interviews for *CBC News: The National* and *CTV News with Lloyd Robertson* following the launch of the GTAG platform (see related story, p. 2). On the same subject, he was later seen on CTV NewsNet and was quoted on *CBC News: Sunday Night* by host Carole MacNeil during an interview with federal Health Minister Tony Clement. Richard also made an early-morning appearance on *CBC News: Morning* to discuss why no lower-cost generic medicines have yet been exported to developing countries in need. Two news reports on *Global National* with *Kevin Newman* included interviews with Joanne, the first on HIV/AIDS prevalence and incidence rates in Canada, and the second on microbicides and vaccines. Joanne also did a prime-time interview on *CBC News: Tonight* to talk about U.S. overseas aid being tied to abstinence. Finally, both Richard and Glenn were interviewed live on RDI (Le Réseau de l'information, CBC Newsworld's French-language sister station) on the topics of HIV/AIDS and the law and HIV/AIDS in prisons, respectively.

In print, Glenn's letters to the editor responding to reports that safe tattooing pilot projects in federal prisons may be cancelled were published in the *Toronto Sun* and *Ottawa Sun* in June. "Avoiding the injection invective," an editorial authored by Joanne on drug injection and AIDS in Africa was published in the *Ottawa Citizen's* special AIDS 2006 supplement. And during the conference, the Legal Network garnered coverage from major dailies in every region in Canada, including numerous articles in the country's two English-language national newspapers, *The Globe and Mail* and *National Post*, and its largest newspaper, *Toronto Star*.

Overall, AIDS 2006 was a golden opportunity that allowed the Legal Network to kick its media relations activities into high gear and to increase its reputation among journalists as the "go-to" organization for expert analysis and commentary on HIV/AIDS-related legal and human rights issues.

Canadian legal community gathers at AIDS 2006

The Legal Network and the Health and Law Program of the Open Society Institute were pleased to host a reception for Canadian legal professionals and law students during AIDS 2006 at the Law Society of Upper Canada in downtown Toronto. The event featured engaging presentations by **Mark Heywood**, Director of the AIDS Law Project of South Africa, and **William Flanagan**, Dean of the Faculty of Law of Queen's University in Kingston, Ontario.

Mark Heywood described the lasting struggle of treatment and human rights activists in South Africa against a Minister of Health who continues in various ways to undermine treatment programs and a President who does not stop her from doing so. He recounted the South African government's mean-spirited attempts to block court-ordered antiretroviral treatment for prisoners. He also previewed his plenary speech at the main conference, delivered the following morning, in which he

called on the world to repudiate Pretoria's inaction and rejection of science, positions which have cost many lives.

William Flanagan presented the experience of the Canadian International Development Agency (CIDA)-supported Canada AIDS Russia Project (CARP), of which he was the director. This project, which ended in 2004, was Canada's first significant attempt to provide technical assistance to fledgling AIDS organizations in Russia. It laid the groundwork for many civil society efforts against HIV/AIDS at a key time, as NGO movements in Russia were emerging.

The reception allowed for spirited informal exchanges between lawyers and human rights activists working on AIDS around the world and their Canadian counterparts.



Mark Heywood
Director of the AIDS Law Project
of South Africa



New Resources

- Annual Report 2005–2006
www.aidslaw.ca/publications
- The Global AIDS Crisis: Four Steps for Canada
www.aidslaw.ca/gtag
- Legislating for Health and Human Rights: Model Law on Drug Use and HIV/AIDS — Pre-publication version
www.aidslaw.ca/publications
- Outcomes of the Symposium on HIV Testing and Human Rights
www.aidslaw.ca/testing > publications
- HIV and AIDS: Law, Ethics and Human Rights
CD-ROM available from the Canadian HIV/AIDS Information Centre (www.aidssida.cpha.ca)



Inside the Network

2006 AGM

For more information on the 2006 AGM, visit www.aidslaw.ca/agm.

To find out more about the Awards for Action, go to www.aidslaw.ca/awards.

“AIDS and the Third World Inside and Outside Canada” is the theme of the Legal Network’s 2006 annual general meeting and skills-building workshops, September 28 to 30 in Gatineau, Quebec. Organized jointly with the Interagency Coalition on AIDS and Development (ICAD), the event will open with a welcoming dinner featuring a keynote address from AIDS and human rights activist and educator **Kecia Larkin**, followed by the presentation of the Legal Network’s 2006

Awards for Action on HIV/AIDS and Human Rights.

The skills-building workshops on the following day promise a stimulating and informative exploration of issues, ranging from harm reduction to media relations. The AGMs will take place on the final day, with ICAD’s scheduled in the morning and the Legal Network’s in the afternoon.

New look for aidslaw.ca

On the eve of the XVI International AIDS Conference, the Legal Network completed months of planning and preparation to launch its redesigned website.

New features include updated Issues pages with one-click access to all related publications and news releases, improved search capability to find and sort publications, and links to our member organizations from our new Members page.

We invite you to visit our new on-line presence at www.aidslaw.ca. Please share your thoughts on the redesigned website with us by sending an e-mail to info@aidslaw.ca. Your feedback will help us to further improve our website to serve you better.



The home page of the Legal Network’s redesigned website

Created with the help of HJC New Media, a Toronto-based firm specializing in not-for-profit website design, the Legal Network’s website sports a new look and improved functionality, while continuing to be a definitive, fully bilingual resource on human rights issues related to HIV/AIDS.