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LEGAL NETWORK NEWS

Issue 31 | October 2008



Left to right: Joseph Amon of Human Rights Watch; Keo Tha, Andrew Hunter and Ly Pisey — all of Asia Pacific Network of Sex Workers — accepting the 2008 International Award for Action on HIV/AIDS and Human Rights; and Legal Network Executive Director Richard Elliott

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# Legal Network highlights human rights at AIDS 2008

The Legal Network once again took centre-stage in the promotion of human rights at the XVII International AIDS Conference (AIDS 2008) in Mexico City in August: as co-host of the first — and enormously successful — networking zone on HIV/AIDS and human rights in the Global Village (see "Networking for human rights," p. 3); as co-presenter of an international award for HIV/AIDS and human rights; and as recipient



of an award from the International AIDS Society in recognition of research on women's rights (see "Legal Network researcher lauded," p. 4).

In partnership with Human Rights Watch, the Legal Network presented the 2008 International Award for Action on HIV/AIDS and Human Rights to the Asia Pacific Network of Sex Workers (APNSW), in acknowledgment of its work on issues related to the health and human rights of sex workers and all marginalized groups in the community.

"Since 1994 — and against relentless odds — APNSW has promoted the participation of sex workers in HIV/AIDS programs and supported dialogue between nongovernmental organizations, governments and activists," said Legal Network Executive Director Richard Elliott, speaking first at a press conference in the Media Centre and then later at a special presentation event in the networking zone. "This award recognizes their extraordinary contribution in the struggle for sex workers' rights."

With human rights issues receiving an unprecedented degree of attention at AIDS 2008, the work of the Legal Network also found itself front and centre. From pre-conference satellite meetings to a slew of oral and poster presentations to formal and informal sessions at the networking zone, Legal Network researchers shared their expertise on a range of issues, including

women's rights in Africa, harm reduction-friendly law reform in Central Asia, and Canada's legislation on exporting lower-cost generic medicines.

Two issues in particular were covered in many sessions. Concern about the ongoing "creep" of criminalizing HIV transmission or exposure is increasingly on the agenda of policy-makers and the Legal Network's long-term analysis and advocacy continue to inform that debate. Director of Research and Policy Richard Pearshouse appeared at a well-attended press conference hosted by the Open Society Institute to speak out against the wave of proposed criminalization laws sweeping through sub-Saharan Africa

Similarly prominent was the issue of HIV-related travel restrictions, largely thanks to the work of the International Task Team convened by the United Nations Joint Programme on HIV/AIDS (UNAIDS), and to which the Legal Network is an expert contributor.

Before, during and after the conference, news releases, media interviews and editorial commentaries by Legal Network staff made the case for evidencebased, human rights-focused policies to Canadian, Mexican and global audiences (see "Media Scan," p. 10).

For a listing of Legal Network activities at AIDS 2008 — including links to presentations and webcasts — visit www.aidslaw.ca/aids2008. A special supplement in the upcoming HIV/AIDS Policy & Law Review showcasing key presentations on legal and human rights issues from the conference published in English, French and Spanish — will be available in early 2009 via www.aidslaw.ca/review.

#### LEGAL NETWORK NEWS

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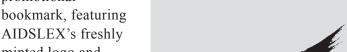
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The Canadian HIV/AIDS Legal Network promotes the human rights of people living with and vulnerable to HIV/AIDS, in Canada and internationally, through research, legal and policy analysis, education, and community mobilization. The Legal Network is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

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### AIDS 2008 | Introducing AIDSLEX

Though not scheduled to launch until mid-2009, AIDSLEX — the Legal

Network's multilingual web-portal on AIDS and the law — was introduced to a global audience at the XVII International AIDS Conference in Mexico City.



Project Coordinator David Cozac delivered a presentation on AIDSLEX at a pre-conference satellite session for lawyers and human rights activists, and at the conference itself, promoted the

resource among the thousands of delegates. This was done

> distribution of a multilingual promotional AIDSLEX's freshly minted logo and

chiefly through broad

visual identity, courtesy of leading

Toronto design firm, Soapbox, Inc. The bookmark also publicized www.aidslex.org, where visitors can sign up for updates on the website's development, as well as share input via an on-line survey.

# AIDS 2008 | First-ever international rally for human rights and HIV/AIDS

Hundreds of AIDS activists gathered on Thursday, August 7, to march in the first-ever international rally for human rights and HIV/AIDS, a key event of AIDS 2008. Participants demanded that governments ensure greater human rights protections for people living with HIV and those most affected by the epidemic.

"We need laws and policies that enable and encourage people to access prevention and treatment services, not policies that criminalize people and drive them underground," said Peter Piot, Executive Director of UNAIDS, speaking to the crowd. "We need more concrete programs to empower marginalized people to claim their rights. Only then will we overcome the forces of inequality and injustice that drive this epidemic."

A coalition of human rights and HIV/AIDS organizations, including the Legal Network, presented Piot and other high-level officials with the declaration, "Human Rights and HIV/AIDS: Now More Than Ever" — already endorsed by over 600 civil society organizations in more than 100 countries.

"This rally should mark a turning point in the global response to HIV,"



Jonathan Cohen of the Open Society Institute addresses the crowd assembled for the "Now More Than Ever" rally at AIDS 2008

said Ralf Jürgens, former Executive Director of the Legal Network, who coordinated the rally for the Open Society Institute's Public Health Program and human rights and HIV/AIDS organizations worldwide. "Human rights must occupy the center of the HIV response, and this demand is uniting activists from all parts of the world."

Mary Robinson, former UN High Commissioner for Human Rights and now Executive Director of the Ethical Globalization Initiative, headlined the event. Robinson attributed the slow progress against the HIV epidemic to the lack of urgency given to human rights concerns. In addition to Piot and Robinson, speakers at the rally included Michel Kazatchkine, Executive Director of the Global Fund on HIV/AIDS, TB and Malaria; Anand Grover, newly appointed UN Special Rapporteur on the Right to Health; as well as representatives of the United Nations Development Programme, the International Community of Women Living with HIV/AIDS, the Mexican Network of People Living with HIV/AIDS and other organizations. The event was emceed by representatives from the YouthForce.

If your organization has not yet endorsed the Now More Than Ever declaration, please do so now at www.soros.org/endorsehumanrights.



Human rights must occupy the center of the HIV response.

#### AIDS 2008 | Networking for human rights

One of the most magnetic spots at the AIDS 2008 Global Village turned out to be the Human Rights Networking Zone — an expansive space hosted under the banner "HIV/AIDS and Human Rights: Now More than Ever" by the Legal Network and the Open Society Institute, with additional support from the Levi Strauss Foundation and the Open Society Initiative for Southern Africa. The zone attracted delegates and members of the general public in the thousands over the course of the five-day conference.

Visitors to the zone found an event-packed schedule, including panel discussions and skills-building sessions in both English and Spanish, high-profile "Meet the Expert" forums, human rights video screenings, petition-signing campaigns and daily human rights reports direct from the presentation halls inside the conference — all bookended by boisterous opening and closing parties. The zone was also the kick-off point for the large and exuberant crowd that



At the Human Rights Networking Zone, a visitor signs a petition, while others collect resources from the display tables

gathered on August 7 to speak out for human rights (see "First-ever international rally for human rights and HIV/AIDS," p. 3).

"The goal was to raise the profile of human rights as a central and necessary part of responding effectively to HIV/AIDS," said Legal Network Executive Director Richard Elliott. "The tremendous success of this venture will be a springboard for even more prominent attention to these issues at future International AIDS Conferences."

The schedule of the Human Rights Networking Zone is available at www.aidslaw.ca/aids2008.

### AIDS 2008 | Legal Network researcher lauded

Director of Research and Policy Richard Pearshouse was named the recipient of the International AIDS Society's (IAS) Young Investigator Award for Track E (Policy and Political Science) for his presentation at AIDS 2008 entitled "Rape, sexual assault, domestic violence and HIV: promoting women's rights through legislation."

Based on the Legal Network's forthcoming volumes of draft legislation on women's rights in key areas relevant to HIV, the presentation



Richard Pearshouse (right) accepts his award from outgoing President of the International AIDS Society, Pedro Cahn

was delivered as part of the oral abstract session on "Advancing Human Rights in the AIDS Response." The Young Investigator Award has been given by the IAS since 2001 to acknowledge excellence in researchers under the age of 35. The award includes a cheque for US\$1000 — donated, at Richard's request, to a domestic-violence shelter in Botswana

To view Richard's presentation and a webcast of the award ceremony, visit www.aidslaw.ca/aids2008.

The draft legislation volumes are scheduled to be completed by the end of 2008.

#### Feature | Election 2008

The announcement came the first Sunday in September: a federal election on October 14 — but also an opportunity to focus attention on the issues related to HIV/AIDS, both for voters and the next federal government.

Immediately out of the gate, the Legal Network joined the Interagency Coalition on AIDS and Development to send a questionnaire to the five major federal parties, asking their positions on issues ranging from prisoners' right to health to the changes desperately needed in Canada's Access to Medicines Regime — and then

Partners — the Canadian AIDS Society — the Legal Network also conducted a poll through Angus Reid Strategies, asking Canadian voters about the state of funding for AIDS organizations and the inclusion of harm reduction in the national drug strategy. The results were clear. Canadians voiced support for a balanced drug strategy that includes harm reduction measures, and overwhelmingly approved of AIDS funding being either maintained or increased — results the two organizations launched at a press conference in Toronto on October 9. in the last few days before Canadians went to the polls. The

hub-page catered to a variety of different users: voters could access a schedule of upcoming all-candidates' meetings in one of the contested ridings and read the responses of four of the parties on AIDS-related issues; concerned Canadians and organizations could take action by sending an e-mail to federal party leaders, submit a letter to the editor of a local newspaper, easily copy coding to add a web-button to a blog or personal website, and join a special Facebook group; and journalists could consult one of the issue backgrounders, review the poll numbers and check in for recent news releases.

We know what's needed to prevent HIV from spreading and to support and care for people living with HIV, their families and their communities. But we need support from across the political spectrum in order to implement real solutions.

followed up with a news release evaluating the responses received from four of the five parties.

"We know what's needed to prevent HIV from spreading and to support and care for people living with HIV, their families and their communities," said Legal Network Executive Director Richard Elliott in the October 1 news release. "But we need support from across the political spectrum in order to implement real solutions."

With another of the National

effort garnered coverage on CBC's national TV news broadcasts and CTV, as well as in the *Toronto Star*, the *Toronto Sun*, and a number of other outlets carrying a *Canadian Press* report.

Pushing the issues beyond broadcast and print, the Legal Network expanded its strategy to target "new" media — that is, social networking websites and the vast blogosphere — with all activities anchored to an Election 2008 hub-page hosted at www.aidslaw.ca. Under the slogan "Vote for action on AIDS!", the

Supporting these activities was a mobilized cross-section of staff, consultants and volunteers, who maintained a steady barrage of mailings, phone calls, and e-blitzes across the blogosphere, urging Canadians to "Vote for action on AIDS!"

To read the questions to federal party leaders, the four party responses received, the news releases and backgrounders, visit the Election 2008 hub-page at www.aidslaw.ca/election2008.

### **Profiles | New faces at the Legal Network**

Two new staff members joined the Legal Network, two others saw promotions, and an entire new unit was added. Administrative Assistant Gilleen Witkowski joined the Program Support Unit in August, and Outreach and Development Coordinator Eowynne Feeney joined the new Finance and Development Unit at the beginning of October.

Heading up this new unit is former Finance Officer — now Finance Manager — Doriana Schiavi. With new funding from the Ontario Trillium Foundation, the unit will develop membership, establish a Legal Network patron's circle, set up a lawyer referral database, and organize an expanded summer symposium to coincide with the annual general meeting — watch upcoming issues of LNN for details.

Also, the long-time service of Program Support Coordinator Terry Gould was acknowledged in the change of his title to Program Support Manager.



Gilleen Witkowski Administrative Assistant

Gilleen's resourcefulness and competence — not to mention her boisterous good humour — did not take long to manifest themselves

at the Legal Network. Within days of starting, she was making vital contributions to the organization's election advocacy (see "Election 2008," p. 7), as well as brainstorming ideas for membership promotion and development — a project on which she will take greater responsibility in coming months, working with the Finance and Development Unit.

Raised in a progressive family in Markdale, Ontario, Gilleen was always encouraged to see beyond her own community to the issues that affect people globally. At age 15, a three-month French-language immersion course in France provided a glimpse of the possibilities.

"That experience changed my life in so many ways," reflects Gilleen. It inspired her three years later to enrol in the sociology program at the Université de Nice, and then as a recipient of an Erasmus Exchange grant, to complete her licence in political science at the University of Copenhagen. A final year back in Canada, focusing on international relations at the University of Toronto, completed her honours degree and qualified her for graduate studies — a next step she fully intends to take, but around which she admits she still has some thinking to do.

"I'm fascinated by international law and how it contributes to international development and closing the gap between rich and poor countries. I tend to be a bit of an idealist," she admits, "but I'm trying to look at things more realistically and see practical solutions to improving the lives of marginalized people."



**Eowynne Feeney**Outreach and Development
Coordinator

The first time Eowynne heard of the Legal Network was back in 2001 at McGill University, as an international development student with a burgeoning interest in the issue of access to medicines for developing countries. Through her subsequent memberships in the McGill Global AIDS Coalition and Universities Allied for Essential Medicines, she came more and more to turn to Legal Network research — specifically that of Executive Director Richard Elliott.

"I wrote my honours paper on intellectual property and access to medicines," she says. "Richard was nice enough to respond to the e-mails of an undergrad trying to make sense of some very complicated legal issues."

Born in Montréal and raised in Toronto, Eowynne credits her mother — a crisis counsellor for battered women — with fostering her activist nature. "I think she took me to my first rally when I was four," she laughs.

It is an influence that continues to guide Eowynne's career. Following graduation, she contributed to two research projects — one looking at Indian generic companies and their ability to provide essential medicines to developing countries; and another looking at refugee women's access to health care in a number of Toronto-area hospitals — and

most recently was part of a program through the Institute of Cultural Affairs providing grant-writing and evaluative support to NGOs in six African countries.

Speaking about what excites her

in this work, Eowynne points to its capacity to affect the lives of individuals. "But it's also the knowledge that when dedicated individuals come together behind a cause, real change can follow," she says.

#### Moving on | Richard Pearshouse

Having served since August 2007 as Director of Research & Policy, and prior to that as Senior Policy Analyst, Richard Pearshouse will leave the Legal Network in mid-December to start work as Senior Researcher in the Health and Human Rights Division of Human Rights Watch. Here he reflects on his time at the Legal Network.

in west Africa that genuinely reflects human rights principles, or researching the relationships between HIV and sexual violence, I've always felt that the Legal Network has let me work on the very frontlines of a human rights response to the epidemic.

The Legal Network's work is

For me, this is a goodbye to a country as well as an organization. Despite snowstorms and trees that turn red, I've never felt particularly far from home. Thank you. If there was a way to buy a country a beer, I would.

It's some consolation that this is not a proper goodbye. I'll begin work

The Legal Network's work is progressive, rigorous and principled. It prides itself on excellence. It works closely in solidarity with other people and organizations, yet often finds itself leading.

— Richard Pearshouse



Colleagues, friends:

For a little over four years, I have been privileged to share the Legal Network and the issues it works on with you. It has been a pleasure to work alongside you all.

The Legal Network is a truly special organization. It tackles some of the most difficult human rights issues. Whether I have been tracking down every law ever passed to address HIV prevention among people who use drugs, or pushing for HIV legislation

progressive, rigorous and principled. It prides itself on excellence. It works closely in solidarity with other people and organizations, yet often finds itself leading. Time and again, the advocacy I have done has been easier because of the organization I have represented.

In particular, I feel a debt of gratitude to both the executive directors I have worked with, Joanne Csete and Richard Elliott. Their impassioned activism and intellectual rigour are, simply put, inspirational.

shortly with Human Rights Watch, working on some of the same health and human rights issues that have occupied my days — and sometimes my nights — over these last four years. And so, with misty eyes, bring on Vera Lynn:

We'll meet again, don't know where, don't know when, But I know we'll meet again, some sunny day...



### IN BRIEF

# **Emphasizing human** rights in HIV testing

The Legal Network is part of an Ad Hoc Expert Working Group providing input and guidance to the Public Health Agency of Canada (PHAC) as it revises and updates the 1995 *Counselling Guidelines for HIV Testing* originally produced by the Canadian Medical Association.

"In 2007, an estimated 27 percent of people living with HIV in Canada were unaware of their HIV status," said Senior Policy Analyst Alison Symington, who represented the Legal Network at the Working Group's first meeting in September. "PHAC's overarching goal in developing a comprehensive and up-to-date policy framework for HIV testing and counselling in Canada is to decrease this number and make sure people have access to the treatment and care they require." PHAC also points to evolutions in the epidemic since 1995 that it says require a revised approach, such as testing and treatment advances and the existence of divergent provincial/ territorial policies.

Made up of public health officials, representatives from civil society and health policy researchers, the Working Group is considering the merits and drawbacks of various approaches — for example, anonymous testing, home-test kits, "opt-in" testing versus "opt-out" approaches, and providing just "pretest information" versus pre-test counselling — basing discussions on criteria of feasibility, effectiveness and acceptability.

"As always, one role for the Legal

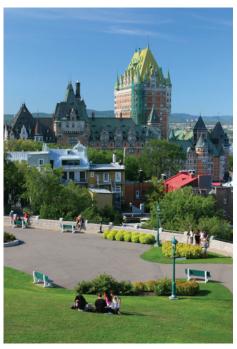
Network is to ensure that human rights are respected in all of these approaches," said Alison. "The '3 Cs'—informed consent, pre- and posttest counselling and confidentiality—have a clear foundation in human rights law and must remain central to the discussion of HIV testing policies. When policy approaches or practices infringe people's human rights—or encourage or risk infringements of those rights—governments and testing providers should reject them."

PHAC plans to conduct a pan-Canadian consultation to gather input from NGOs representing key populations, with the goal of identifying best policy directions and evaluating the viability of different options.



#### HIV and disability

The UN Convention on the Rights of Persons with Disabilities came into force in May 2008 to address the many areas in which persons with disabilities experience discrimination, including access to justice, participation in political and public life, and freedom of movement. But while the Disability



Québec City, host city of the 21st World Congress of Rehabilitation International

Convention addresses a number of issues shared by people living with HIV/AIDS, it does not explicitly include or exclude HIV or AIDS in its text.

To provoke thinking on the implications, challenges and opportunities of recognizing HIV infection as a disability — both under the law and under the Disability Convention — the Legal Network co-authored a discussion paper with the Canadian Working Group on HIV and Rehabilitation (CWGHR) and the Interagency Coalition on AIDS and Development (ICAD). "HIV, Disability and Human Rights: Opportunities offered by the UN Convention on the Rights of Persons with Disabilities" was launched in English, French and Spanish at the annual general meetings of the three organizations in June 2008 and then featured in a presentation at the XVII

International AIDS Conference in Mexico City in August.

Specifically engaging the disability community, Senior Policy Analyst Leah Utyasheva travelled to Québec City in the same month to present the paper at the 21st World Congress of Rehabilitation International, a biannual event gathering people with disabilities, academics, human rights and civil society activists, as well as government representatives from around the world.

"The theme of the congress was dedicated to the new Disability Convention," said Leah, "so it was a prime opportunity to put this discussion on the table." It is a discussion the Legal Network, CWGHR and ICAD hope to continue pursuing through future consultations with AIDS advocates, disability rights advocates, people living with HIV and people with other disabilities.

To read "HIV, Disability and Human Rights," go to www.aidslaw.ca/agm.

# Status report on injection drug use and HIV

Responding to an invitation from the Public Health Agency of Canada (PHAC), the Legal Network is participating in a working group to guide the development of a status report on HIV/AIDS and hepatitis C among people who use injection drugs. The report — to be one of a series of eight PHAC studies of specific populations — is intended to provide a user-friendly overview of the status of the epidemic, for the use of governments, researchers,

epidemiologists and communitybased organizations.

"It's important that PHAC consolidate all the solidly referenced materials on this issue," said Senior Policy Analyst Sandra Ka Hon Chu, who represented the Legal Network at a June meeting of the working group in Ottawa. Along with government, public health and civil society participants, Sandra discussed key themes — in particular, harm reduction and "determinants of health" — and identified relevant research and literature for inclusion in the report.

"A compendium of this kind will have real value for researchers," said Sandra. "But the report also needs to allow for evaluative comments and include evidence-based recommendations for both effective programs and effective public policy in addressing HIV among people who use drugs. Reporting on the state of the epidemic is one thing — governments and service-providers must also act according to what the research shows is needed."

A final draft of the report is expected to be completed by December 2008.

# Keynote on science versus ideology

Senior Policy Analyst Alison
Symington delivered the keynote
address at the Ontario HIV/AIDS
Treatment Network (OHTN) 1st
Annual Summer Learning Institute
on Social Justice and HIV/AIDS
Research — an event bringing
graduate students together with
community and academic mentors
to explore community-relevant

HIV/AIDS research.

Alison's speech — "Science versus Ideology: HIV/AIDS in a Human Rights and Legal Framework" — explained the relevance of human rights and the law to the tasks of HIV prevention, care, treatment and support, as well as to qualitative and quantitative HIV/AIDS research.

"The key to using a rights-based approach to HIV is getting beyond a legalistic emphasis on the provisions of covenants and policies, and developing a genuine understanding of the moral and pragmatic priority of human rights," said Alison. "All of our work should grow out of a respect for human life and human dignity, out of a genuine desire to foster the meaningful participation of those who are directly affected, and a commitment to prioritizing the rights of the most marginalized."

Alison explored the role of science versus ideology in driving critical policy developments by using the examples of Canada's anti-drug policy and criminal prosecutions for non-disclosure of HIV-positive status. In closing, she challenged participants to consider how research can be used to combat ideology and effect real change in realizing the human rights of people living with or vulnerable to HIV.

#### READER FEEDBACK

We welcome your feedback or our stories. Send your letters to the editor by e-mail to LNN-NRJ@aidslaw.ca.

## MEDIA SCAN

The following facts and figures provide a snapshot of the Legal Network's media activities from July 1 to September 30.

Minimum number of Legal Network media hits in outlets local (Montréal's Hour Magazine, The Penticton Herald), regional (The Winnipeg Free Press, The Halifax Chronicle-Herald), national (CBC Newsworld, The Canadian Press) and international (BBC World Service, New Zealand's Scoop Independent News)

Total number of AIDS 2008-related op-eds by the Legal Network published in Canadian newspapers, including two in *The Toronto Star* (one pre-conference and one post-conference) and one in Québec City's Le Soleil

Number of news releases and media advisories issued by the Legal Network, including two issued jointly with Human Rights Watch and one with the Open Society Institute

Minimum number of radio and TV appearances before and during AIDS 2008, including a segment on Voice of America News profiling the Legal Network and two broadcasts through France 24, a Paris-based radio station

Total number of media requests from outlets such as CBC Radio, Le Devoir, Vancouver Magazine and iChannel

### NEW THIS QUARTER

#### **Backgrounders**

Available at www.aidslaw.ca/election2008

- Election 2008 Vote for action on AIDS: Global access to life-saving medicines
- Election 2008 Vote for action on AIDS: Cuts to federal AIDS funding
- Election 2008 Vote for action on AIDS: Supervised injection facilities
- Election 2008 Vote for action on AIDS: The War on Drugs

#### **Advocacy**

 Universal Periodic Review (Canada) — Submission to the Office of the United Nations High Commissioner for Human Rights

www.aidslaw.ca > Publication Search > Document Type: Advocacy

#### **News releases**

Available at www.aidslaw.ca/media

- September 23, 2008 First Shipment of Affordable Medicines Finally En Route to Africa
- August 6, 2008 Sex Workers Group Wins HIV and Rights Award\*
- August 5, 2008 Federal Health Minister Tony Clement Urged to Keep Canada's Promise to the Developing World\*
- July 29, 2008 Global Village Hosts Human Rights Activists, Hot Topics (Media Advisory)\*

<sup>\*</sup> Also available in Spanish