

The title 'RIGHTS IN ACTION' is written in a white, bubbly, hand-drawn font with a black outline. The text is arranged in three lines: 'RIGHTS' on the top line, 'IN' on the middle line, and 'ACTION' on the bottom line. A thick black line starts from the left side of the page, loops around the text, and ends in a hand-drawn style at the bottom right, resembling a hand holding a pen. The background is a solid orange color.

RIGHTS

IN

ACTION

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

— Preamble to the *Universal Declaration of Human Rights*





A MESSAGE FROM
THE PRESIDENT AND THE
EXECUTIVE DIRECTOR

In 2008–2009, as the world marked the 60th anniversary of the *Universal Declaration of Human Rights*, the Legal Network continued its contributions to the struggle to ensure human rights are at the centre of the response to the HIV pandemic, at home and abroad.

In Canada, the Legal Network witnessed policies increasingly at odds with both scientific evidence and human rights. The federal government continued its campaign against Insite, North America's first legally-sanctioned supervised injection facility, by appealing a court judgment that granted a constitutional exemption from Canada's federal drug laws; the government also re-introduced a bill in Parliament to enact mandatory minimum sentences for certain drug offences, even as such disastrous laws are being abandoned in many U.S. jurisdictions. In the media, in

the community and on-line, as well as through a court affidavit and testimony before Parliament, the Legal Network was there, demanding that drug policy be based on evidence and on respect for the human rights of people who use drugs, particularly the most marginalized.

With federal policy maintaining its prohibition on access to sterile needles in prisons, the Legal Network continued to build the case for action. Honouring a courageous prisoner with an award for his work as health educator and AIDS activist behind bars, we attracted national media attention to the need for sensible, pragmatic HIV prevention services in prison. We began also to collect personal testimonies of prisoners and former prisoners from across the country documenting their first-hand experience of sharing contaminated, makeshift syringes to inject in prisons.

And not least, our persistent work to support scaling-up treatment in the developing world led to the introduction of a bill in Parliament to fix the flaws in Canada's Access to Medicines Regime, and we began to ramp up for the campaign to ensure its successful passage.

Internationally, the Legal Network was no less vocal in its promotion of human rights in the response to HIV. We played a prominent role at AIDS 2008 in Mexico City, winning an award for our research on women's legal rights and co-hosting the first-ever Human Rights Networking Zone. In Central Asia and Eastern Europe, our ongoing law reform project has already helped

stimulate legislative reform in Tajikistan, which has enacted some amendments based on Legal Network recommendations. We published Thai-language materials on HIV and harm reduction that will be useful for education and advocacy in Thailand and beyond, including a groundbreaking report analyzing the country's system of compulsory drug dependence treatment.

We bade farewell to Director of Research and Policy Richard Pearshouse, who for four years made tremendous contributions to the Legal Network. Richard's commitment to the movement continues in his work as a Senior Researcher in the Health and Human Rights Division of Human Rights Watch, a long-standing partner organization of the Legal Network.

We also welcomed new colleagues. Administrative Assistant Gilleen Witkowski contributes her able assistance on many valuable fronts. And Director of Communications Gilles Marchildon — one of Canada's leading activists for the rights of lesbian, gay, bisexual and transgender people — brings extensive experience as a journalist and editor, as well as in government relations and fundraising.

The Board of Directors welcomed Liesl Gertholtz (head of the Women's Rights Division at Human Rights Watch) and Ryan Peck (Executive Director of HALCO) as its newest members.

While human rights are critical for an effective response to HIV the world over, they cannot be realized without determined and sustained action. The common thread in our work — whether grounding our analysis in human rights law, equipping communities with the tools needed for their advocacy, or speaking out and mobilizing allies in defence of the human rights of those on the fringes of public sympathy — is our commitment to put rights into action.



Thomas Kerr
President



Richard Elliott
Executive Director



INALIENABLE

RIGHTS



CHALLENGING INJUSTICE



The Legal Network challenges the misinformation and stigma that often lead to misguided policies and to injustice, whether within government, media or the courts. Some would say we thrive on unpopular causes: challenging the overly broad criminalization of HIV exposure, resisting calls for forced HIV testing and demanding needle exchange programs in prisons, to name just a few. The Legal Network brings evidence and human rights to bear in resisting fear and prejudice, and the injustice they breed.

“I commend you for flagging real, important concerns regarding the need for continuity [in access to medicines]. I wish we had more people like you...”

—Meskerem Tebeje, Community Partnerships Coordinator, Voices of Positive Women

XVII INTERNATIONAL AIDS CONFERENCE (AIDS 2008)

One highlight of 2008–2009, AIDS 2008 drew to Mexico City thousands of activists, front-line workers, medical practitioners, government policy and public health officials, and media representatives. The Legal Network was present and active, effectively raising the importance of human rights in fighting the pandemic.

Through numerous oral and poster presentations, satellite sessions, and press conferences, Legal Network researchers shared their expertise on a range of issues, including legislating against gender-based violence (garnering one of the conference’s Young Investigator awards), harm reduction-friendly law reform in Central Asia, and Canada’s legislation on exporting lower-cost generic medicines. The issue of criminalizing HIV transmission or exposure drew attention as never before. The Joint United Nations Programme on HIV/AIDS (UNAIDS) released a policy brief which the Legal Network helped craft, and the Legal Network’s extensive analysis of poorly drafted “AIDS laws” being adopted in west and central Africa was widely circulated and helped spark overdue criticism that, among other concerns, such laws further expand the ambit of criminalization.

A new and central feature of our engagement at AIDS 2008 was the “Human Rights Networking Zone” — the first-ever such zone at an international AIDS conference — which the Legal Network co-hosted in the Global Village with the

Open Society Institute’s Public Health Program and in collaboration with a coalition of 24 HIV and human rights organizations and networks. Under the banner “HIV/AIDS and Human Rights: Now More than Ever,” the zone attracted thousands of visitors over the course of the five-day conference. The event-packed schedule included 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, culminating with a rally for human rights and HIV/AIDS with addresses by representatives of leading national and international NGOs and other global leaders in the fight against AIDS.

Also during the conference, 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), honouring its critical role across the region in resisting discrimination and violence against sex workers, including abuses exacerbated by laws criminalizing sex workers. APNSW members spoke movingly of their own personal experiences and highlighted how new anti-trafficking legislation in Cambodia has been enforced by incarcerating sex workers in “rehabilitation” centres in which they have been subjected to beatings and sexual violence, with little or no access to health care or food. The Award gave an immediate and timely boost to the efforts of APNSW and a broader global coalition in efforts to ensure that UNAIDS’ guidance on sex work and HIV is based squarely on a commitment to protecting and promoting the human rights of sex workers.

To find out more on Legal Network activities at AIDS 2008, visit www.aidslaw.ca/aids2008 (with links to presentations and webcasts). For more about key human rights issues discussed at AIDS 2008, consult the special supplement in the December 2008 issue of the HIV/AIDS Policy & Law Review — published in full in English, French and Spanish — at www.aidslaw.ca/review.

50+

Approximate number of television and radio broadcasts in which Legal Network staff were seen and heard, both in Canada (CBC, Global TV) and abroad (Voice of America News, France-24)

ANNUAL GENERAL MEETING

The June 2008 Annual General Meeting (AGM) in Ottawa allowed the Legal Network to collaborate with two other national partners – the Interagency Coalition on AIDS and Development (ICAD) and the Canadian Working Group on HIV and Rehabilitation (CWGHR) – providing fertile ground for inter-organizational networking as well as an opportunity to reflect with members on our past work and seek input on future plans. Formal business completed, attendees also participated in a day-long workshop and consultation entitled “HIV/AIDS, Disability and Human Rights: International and National Dimensions” – an effective dovetailing of issues relevant to all three organizations.

The AGM was also the occasion to announce the Canadian recipient of the 2008 Award for Action on HIV/AIDS and Human Rights, awarded jointly each year by the Legal Network and Human Rights Watch. This year we honoured the dedication of Peter Collins, a health activist and prisoner serving a life sentence at Bath Institution in Ontario. At the ceremony, a slideshow of Peter’s prolific and provocative artwork served as a backdrop for the recounting of his extraordinary contributions to advancing the health and human rights of prisoners, notably the establishment of a peer health education program in his prison, his collaboration on a report on safer tattooing practices by the Prisoners’ HIV/AIDS Support Action Network (PASAN), and his advocacy over the years on behalf of many individual prisoners living with HIV and with other health conditions.

HIV TESTING

Ensuring human rights are respected in HIV testing policy has long been a concern for the Legal Network, a concern intensified by the ongoing global push for routine “opt-out” testing (referred to by WHO and UNAIDS as “provider-initiated testing and counselling”). This year, as anticipated, the push came to Canada, as the Public Health Agency of Canada (PHAC) launched a review aimed at updating national counselling guidelines for HIV testing. As a member of the expert working group convened by PHAC, the Legal Network continues to highlight the human rights concerns raised by opt-out testing and will work with its members and other allies in the months ahead to insist that new federal policy respects human rights.

We have long argued against laws that compel a person to undergo testing for HIV or other blood-borne infections following occupational or even some non-occupational exposures by others to the person’s bodily fluids. This process represents a significant violation of human rights. Furthermore, it offers little benefit to those who may have been exposed to HIV or hepatitis B or C in the course of their duties, such as emergency responders and health-care workers.

These factors, however, did not prevent legislation on forced testing being considered by two additional jurisdictions in Canada during the past year.

In April 2008, the Legal Network presented a submission to the Government of Manitoba and members of the provincial legislature considering a draft bill on forced testing, in which sound and thorough arguments were put forward to argue against HIV testing without consent. The Legal Network also met with the provincial Minister of Health and encouraged local AIDS organizations to voice their concerns. Unfortunately, the bill enjoyed widespread support across party lines and ultimately Manitoba proceeded to adopt the law, which is similar to laws already adopted in several other provinces.

On a more positive note, however, the Legal Network's similar intervention in Yukon gave legislators there some pause for thought. Again, the Legal Network spoke out against the bill introduced in late 2008 by the territorial government — called the *Mandatory Testing and Disclosure Act* — joining the chorus of local voices in opposition including that of Blood Ties Four Directions Centre, the leading AIDS organiza-

tion in the territory and a long-standing member of the Legal Network. In January, the Legal Network delivered a submission to the territorial government and all members of the Legislative Assembly outlining how forced testing legislation is an unnecessary and unjustified infringement of human rights. A few weeks later, while attending and presenting at the 2nd Northern Harm Reduction Conference in Whitehorse, the Legal Network met with the Yukon Territory's Minister of Health, the Deputy Minister of Justice, the Chief Medical Officer of Health for the territory, and several opposition members of the Legislative Assembly. This was accompanied by a number of media interviews with radio and print outlets. In March, it was reported that the Yukon government had decided to defer forced HIV testing legislation. While the exact future of the bill remains unclear, the delay opens the door to changes.

The full text of the Legal Network's submissions to Manitoba and Yukon can be found at www.aidslaw.ca/testing.

CRIMINALIZING HIV NON-DISCLOSURE

Just as it has garnered increased attention internationally in the past year, without a doubt the HIV issue which received the single most media attention in Canada during 2008-2009 was the criminalization of HIV exposure without disclosure. This was largely due to a few highly sensationalized cases involving criminal prosecution against individuals who were accused of aggravated sexual assault for not disclosing their HIV-positive status to sexual partners. These high-profile cases underlined ongoing trends of concern to the Legal Network: the rising number of cases (roughly 80 in Canada to date), a greater frequency of such prosecutions (10 cases annually in each of the past 3 years), and the outward "creep" of criminalization to encompass non-disclosure of HIV status in a broader range of circumstances, even to those sexual activities involving dramatically reduced risks of HIV transmission.



Number of news releases and media advisories issued by the Legal Network on a variety of human rights issues

“The Legal Network has been instrumental in helping AIDS-service organization leaders such as myself navigate the often difficult landscape that has arisen from trying to find balance between protecting the rights of those who are living with HIV/AIDS, and the rights of Canadians from becoming infected.”

— Patricia Bacon, Executive Director,
Blood Ties Four Directions Centre

With a view to challenging misinformation and calling for limits on the use of criminal charges, the Legal Network continued to handle numerous media interviews on the topic. At the same time, the Legal Network was proactive in ensuring information on the status of the law was communicated to its members and to front-line workers. For example, in February and March 2009, the Legal Network partnered with the Canadian AIDS Treatment Information Exchange and 11 local and regional organizations across the country, including COCQ-Sida in Quebec, to deliver a series of in-person workshops on HIV disclosure and the law, each structured to meet the specific needs of community members as well as staff and other service providers.

Increasingly, the Legal Network is returning to the courts in an effort to limit appropriately the scope of the criminal law as it applies to HIV non-disclosure. This strategy is particularly critical as the first cases begin to appear before appellate courts since a landmark decision of the Supreme Court of Canada in 1998 ruled there is a legal duty to disclose HIV infection before engaging in sexual activity posing a “significant risk” of transmission, triggering the steady and significant

increase in prosecutions over the last decade. The Legal Network is focussing its efforts on ensuring that appellate courts limit the application of this threshold by excluding, for example, situations in which a person living with HIV practices safer sex (e.g., through condom use) or has an undetectable viral load. Jointly with the British Columbia Persons With AIDS Society, we intervened before the B.C. Court of Appeal in a case that indirectly raised the issue of condom use and, as of the end of 2008–2009, were seeking intervener status in another BC proceeding and a case before the Manitoba Court of Appeal.

In addition, the Legal Network, jointly with HALCO, the HIV & AIDS Legal Clinic (Ontario), convened an initial meeting of criminal defence lawyers already handling such cases or interested in representing people facing criminal charges. We also began moving ahead with development of a resource kit for defence counsel that will equip them with the necessary scientific material, precedents from Canada and other countries, and other materials useful in making arguments to limit the scope of the criminal law.

For more on the Legal Network’s work on criminal law and HIV exposure, please visit www.aidslaw.ca/criminallaw.



INHERENT



RIGHTS

DEFENDING VULNERABLE COMMUNITIES

The first to suffer from any erosion of human rights are those most easily targeted and least able to defend themselves.

HIV throws this vulnerability into stark relief, including for such groups as prisoners, people who use drugs, sex workers, women in poverty or at risk of violence.... Through its research and advocacy, the Legal Network pledges to defend their rights and ensure their voices are heard.

170+

Approximate number of print articles in which we were quoted, including Legal Network-authored op-eds published in 5 major Canadian newspapers

LAUNCHING HARD TIME

Prisoners deserve the same level of health care as people outside prisons, including with respect to comprehensive HIV and hepatitis C virus (HCV) prevention programs. To this end, the Legal Network undertook broad dissemination of *Hard Time: HIV and Hepatitis C Prevention Programming for Prisoners in Canada*, a report jointly written with PASAN. Distributed to prison systems, prisoner groups, government officials and community-based organizations alike, the publication was also presented to audiences at the annual British Columbia Corrections Health Care Conference and the Federal, Provincial and Territorial Heads of Corrections Working Group on Health.

STRENGTHENING PRISONERS' VOICES

Many prisoners have a history of addiction. Drugs make their way into prisons where there is widespread sharing of needles or makeshift implements to inject drugs. As in many countries, HIV and HCV prevalence in Canada are dramatically higher among prisoners than among the population as a whole. All of this is confirmed by study after study and by prison systems' own data, yet governments still refuse to implement comprehensive harm reduction measures in Canadian prisons. While the Legal Network has long made the case for such initiatives, based on solid evidence, we seek to bring the voices of prisoners themselves to this effort,

thereby strengthening the case for prison-based needle and syringe programs (PNSPs) with personal testimonies.

From Vancouver to Halifax and many points in-between, the Legal Network interviewed prisoners and ex-prisoners in every region of the country to learn about their experiences with injection drug use behind bars. The results, transcribed and commissioned as sworn affidavits, tell an urgent national story about the need for PNSPs in Canada's prisons.

With support from the M:A:C AIDS Fund, these personal affidavits will form the core of a report to be launched later in 2009, paired with the scientific evidence and legal arguments under international and Canadian law for implementing PNSPs.

To read the Legal Network's many resources related to HIV in prisons, please visit www.aidslaw.ca/prisons.

SCIENCE VERSUS IDEOLOGY

The Legal Network submitted an affidavit in an ongoing court battle to support Insite, the first government-sanctioned safe injection site located in Vancouver. Following a B.C. Supreme Court ruling that exempted Insite from Canada's drug laws, the federal government launched a legal challenge to shut Insite down. The Legal Network and its partners have persisted in resisting federal opposition to Insite, citing evidence that the facility saves both lives and money, in addition to providing drug users with access to resources and support in combating their addictions.

HIV, DISABILITY AND HUMAN RIGHTS

In recent years, there has been greater research and attention to the links between HIV and disability, growing attention from policy-makers and planners, and more HIV projects with a disability focus are being initiated. However, discussions between the disability rights movement and HIV activists reveal a gap between HIV activism and disability activism, prompting calls for more unity between the two.

The UN *Convention on the Rights of Persons with Disabilities* came into force in May 2008. As countries ratify the Convention, they are required to amend national laws and policies to give greater protection to the human rights of people with disabilities, including abolishing disability-based discrimination by the state and protecting persons against such discrimination by others. Although it does not explicitly include HIV or AIDS within its open-ended definition of “disability,” the Convention nonetheless addresses many of the issues faced by people living with HIV and could provide an additional tool for advancing the human rights of people living with HIV/AIDS internationally and domestically.

In collaboration with CWGHR and ICAD, the Legal Network co-authored a discussion paper exploring this links between HIV and (other) disabilities in national and international human rights law, as well as the opportunities for joint activism between HIV and disability rights activists in maximizing the protections afforded by the Convention. The three organizations launched the trilingual paper at their coordinated annual general meetings in June 2008 (see page 7) to provoke thinking and discussion among a largely Canadian audience on the implications and challenges of recognizing HIV infection as a disability. The analysis was also

shared with an international audience as well through presentations at both AIDS 2008 and in Québec City at the 21st World Congress of Rehabilitation International, a biannual event gathering people with disabilities, academics, human rights activists, and government representatives from around the world. In addition, the Legal Network presented at and participated actively in an international policy dialogue on HIV and disability hosted by Health Canada in Ottawa in March 2009 with experts and activists from a wide range of countries.

The discussion paper — “HIV, Disability and Human Rights” — is available via www.aidslaw.ca > Publications Search.

WOMEN’S RIGHTS LEGISLATIVE RESOURCE

In December 2008, the Legal Network attended the 15th International Conference on AIDS and STIs in Africa in Dakar, Sénégal. Both an oral abstract session and a poster presentation focused on women’s rights, foreshadowing a new Legal Network publication to be released and distributed globally in 2009.

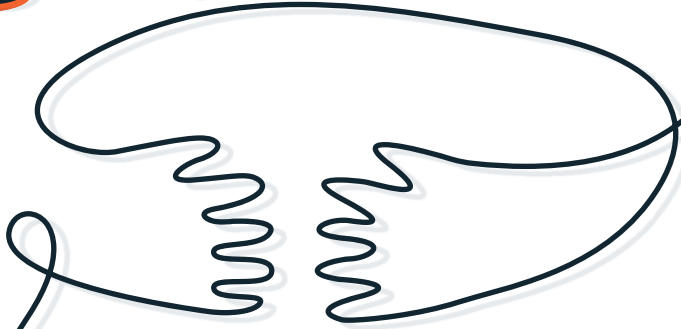
The legislative resource will deal with marriage and divorce, family, inheritance and property rights and how all of these affect women’s rights and their vulnerability to HIV. It is hoped this resource will help raise human rights considerations, particularly in the wake of the proliferation of the N’Djamena “model law” (see page 24), with its harmful provisions on the criminalization of HIV exposure and transmission.

The Legal Network was also actively promoting and publicizing its upcoming document at other key international conferences such as “Sex, Rights and Law in a World with AIDS”, which took place in February 2009 in Mexico. The meeting was organized by aids2031, a consortium of partners with the objective of studying lessons learned about the AIDS response and mapping out what longer-term strategies need to be implemented now to affect the state of the global epidemic by the time the world reaches the 50th anniversary of the epidemic’s first documentation.

“I want to express my great appreciation for the research you carried out for me. Your involvement is a real assurance of quality.”

—Blandine Mille, Event and Communications Intern, Médecins du Monde — Canada

EQUAL



RIGHTS

PROMOTING UNIVERSAL ACCESS



Universal access to HIV prevention, care, treatment and support will never be realized without defending and promoting human rights and ensuring the equal enjoyment of those rights for all. From supporting litigation that challenges the denial of health services to people with addictions, to campaigning for access to affordable medicines in developing countries, to informing voters about political parties' positions on key HIV issues during an election campaign, the Legal Network is part of the struggle for universal and equal access.

DYING FOR DRUGS IN THE DEVELOPING WORLD

As part of the Global Treatment Access Group, the Legal Network has been spearheading the campaign to reform Canada's Access to Medicines Regime (CAMR), the law intended to allow compulsory licensing of pharmaceutical products patented in Canada for the purpose of making lower-cost generic versions more accessible to developing countries.

From the moment CAMR was created, the Legal Network has been critical of its deficiencies and campaigning for its reform, keeping the issue in the media and on the political agenda. This included preparation of a brief submitted to Parliament in 2007 as part of its review of the legislation, in which the Legal Network outlined the case for numerous key reforms, including streamlining the compulsory licensing process, and presented the text of detailed legislative amendments.

In the five years since it was passed unanimously by Parliament, the law has been used but once by a generic manufacturer for a single authoriza-

tion to supply a fixed-dose combination (FDC) antiretroviral medicine to one country. In September 2008, the Legal Network welcomed the shipment of medicines to Rwanda — the first use anywhere of any country's law on compulsory licensing to export generic medicines to a developing country — but continued to highlight that there is little prospect of CAMR being used again absent reform. Furthermore, there is an urgent need for affordable, practicable paediatric formulations of antiretroviral medicines: one in two children with HIV in the developing world dies before reaching the age of two, in part because less than 15 percent of children receive treatment.

In the last quarter of 2008–2009, our persistent push to amend CAMR started to pay off.

First, negotiations with Canada's largest generic manufacturer of drugs, Apotex, Inc., led to their public commitment to produce a needed FDC drug in paediatric form if CAMR were streamlined. With Apotex on board, the Legal Network travelled to New York to meet with officials at UNICEF world headquarters, placing in their hands *Delivering on the pledge, treating the most vulnerable*, a new Legal Network backgrounder highlighting the urgency of reforming CAMR to help treat children with HIV. As a result, UNICEF agreed to provide valuable technical support to the Legal Network in the scale-up of treatment for children living with HIV.

The Legal Network then turned its attention to the challenge of engaging Ottawa, meeting face-to-face with Members of Parliament and Senators from all parties, as well as various ministers' offices, to explain the details of the proposed amendments, and in particular our proposed "one-licence solution" that would dramatically simplify the process of compulsory licensing for export.

At the end of March 2009, the Legal Network joined an expert panel on CAMR convened by Senator Yoine Goldstein in the National Press Gallery in Ottawa, which included Stephen Lewis (co-director of AIDS-Free World and former

350+

Approximate number of inquiries, by e-mail, phone and fax, to which Legal Network staff responded

*“Every
day, 8,000
people
around the
world die
of AIDS.”*

We could help if we fixed Canada’s Access to Medicines Regime — the law that was passed unanimously in Parliament to help export lower-cost generic drugs to developing countries but that has delivered little in more than four years. Unnecessary red tape in Canada’s law is costing lives.”

— Richard Elliott, letter to the editor, *The Globe and Mail*, February 11, 2009

142,7

Number of unique visits to
www.aidslaw.ca

United Nations special envoy for HIV/AIDS in Africa), Nigel Fisher (President and CEO, UNICEF Canada), and Peggy Edwards (Co-Chair, National Advocacy Committee of Grandmothers to Grandmothers Campaign). Days later, Senator Goldstein introduced legislation in the Senate (Bill S-232), largely reflecting the Legal Network's recommended amendments. The next day, student groups and others in six cities across Canada held public awareness events to highlight the need to fix CAMR, and the Legal Network and allies launched a campaign that in a matter of weeks saw thousands of postcards delivered to parliamentarians calling on them to support amendments to CAMR.

To learn more about the Legal Network's CAMR-related work, visit www.aidslaw.ca/camr.

AIDSLEX WEB RESOURCE

What speaks four languages (English, French, Spanish and Russian), can hold multiple simultaneous conversations, be present in Moscow and Abidjan at the same time as New York and Bogotá, and contains thousands of easily searchable resources on AIDS and the law? The AIDS and Law Exchange — or AIDSLEX — the Legal Network's multilingual web-portal on AIDS and the law.

In 2008–2009, the Legal Network moved steadily through the intensive conceptual and design work required to develop this extensive resource. Though not scheduled to launch before mid-2009, AIDSLEX was introduced in its development phase at AIDS 2008 to a global audience at a pre-conference satellite session for lawyers and human rights activists from across Latin America.

Profiting from the guidance of a 12-member international steering committee, AIDSLEX will be tailored to a global audience of researchers, advocates, and policymakers seeking a one-stop collection of resources on AIDS and the law. Its unique structure will also allow its library to build collectively through user submissions.

AIDSLEX, with funding from United Nations Development Programme (UNDP), UNAIDS, Levi Strauss Foundation and M-A-C AIDS Fund, will be found at www.aidslex.org.

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“Were it to listen to reason — and its own experts — the federal government would support harm reduction as a key part of any pragmatic, evidence-based, comprehensive approach to dealing with drugs.”

—Richard Elliott, op-ed, *The Toronto Star*, August 9, 2008

VOTING FOR ACTION ON AIDS

While a federal election campaign, such as the one held in October 2008, allows electors to choose their representatives, it also provides an opportunity to focus attention on issues related to HIV/AIDS, both for voters and those running for election.

The Legal Network did not miss this opportunity. In collaboration with ICAD, a questionnaire was dispatched to the five major federal parties, asking their positions on such issues as access to medicines for developing countries, domestic and international AIDS funding, prison needle and syringe programs and supervised injection facilities.

With the Canadian AIDS Society, the Legal Network also conducted a public opinion poll through Angus Reid Strategies during the election. The results demonstrated clear support among voters for a drug strategy that includes harm reduction measures, and for maintaining or increasing AIDS funding. The two organizations shared these results at a national press conference which garnered coverage on national televised broadcasts and in newspapers across the country.

The Legal Network also urged Canadians to “Vote for action on AIDS!” through social networking websites and the blogosphere. On its website, voters could view a schedule of upcoming all-candidates’ meetings in one of the contested ridings and read the responses received from four of the major federal parties to our questionnaire on AIDS-related issues. Concerned Canadians and organizations could take action by sending an e-mail to federal party leaders, submitting a letter to the editor of a local newspaper, adding a web-button to a blog or personal website, and joining a special Facebook group. Journalists could consult one of the issue backgrounders, review the poll numbers and check in for recent news releases.

An archive of our election activity can be found at www.aidslaw.ca/election2008.

A hand-drawn speech bubble with a black outline and a white fill. The bubble has a tail pointing towards the bottom right. Inside the bubble, the words "GLOBAL" and "RIGHTS" are written in a stylized, bubbly font. The letters are orange with a white outline and a slight drop shadow. The word "GLOBAL" is on the top line and "RIGHTS" is on the bottom line.

GLOBAL

RIGHTS

WORKING INTERNATIONALLY



The Legal Network recognizes the symbiosis between its global and its domestic efforts. International research and advocacy enriches our work in Canada, be it on drug policy or prisons, immigration or women's rights, intellectual property law or HIV testing.... Participation in global fora enhances the Legal Network's credibility at home, and multilingual information resources and advocacy tools broaden the reach of our work across borders.

“On the eve of the 2008 AIDS Conference, Canada has an opportunity to signal its intention to rejoin the global fight against AIDS. In the past two years, we have lost ground. It’s past time to deliver.”

—Richard Elliott, op-ed, *The Toronto Star*, *The Gazette* (Montréal), *Le Soleil* (Québec City), and *Winnipeg Free Press*, August 2–8, 2008

MULTILINGUALISM

To be effective on the international stage, it is crucial to speak to countries in their national language. In addition to developing the multilingual web-resource AIDSLEX (see page 18), the Legal Network produced a number of publications in languages other than English and French, including a Spanish-language issue of the *HIV/AIDS Policy & Law Review*, a Thai-language drug policy report with accompanying info sheets, and the Russian-language versions of two documents related to drug use and treatment (see details further below).

Russian-language resources are at www.aidslaw.ca/ru;
Spanish-language resource at www.aidslaw.ca/es.

HARM REDUCTION 2008

For the second year in a row, the Legal Network hosted a satellite meeting on HIV and HCV in prison and other closed settings just prior to the International Harm Reduction Conference in Barcelona in May 2008.

Over 200 researchers, advocates, health care workers, government representatives and others from a wide range of countries gathered for the pre-conference satellite, with the Legal Network presenting on legislating alternatives to imprisonment, emphasizing the importance of involving prisoners in addressing HIV and HCV in the prison setting. The satellite was jointly organized with the Open Society Institute (OSI) and the International Centre for the Advancement of Addiction Treatment, with the additional sponsorship and support of nine NGOs, UN agencies and government departments.

At the main conference, the Legal Network presented its research on drug addiction treatment and human rights standards and the UNODC-supported project on law reform in 6 countries (see below). We also joined a group of human rights and harm reduction advocates for a meeting with Paul Hunt, UN Special Rapporteur on the Right to the Highest Attainable Standard of Health and the conference’s keynote speaker, to discuss human rights issues and drug policy.

Finally, in collaboration with OSI’s International Harm Reduction Development Program and the International HIV/AIDS Alliance, the Legal Network launched the new international edition, in English and Russian, of *Nothing About Us Without Us*, our 2004 report on the greater involvement of people who use drugs.

To read the agenda of the satellite meeting and view key presentations, please go to www.aidslaw.ca/barcelona.

UNODC PROJECT IN CENTRAL ASIA AND AZERBAIJAN

Through an ongoing project supported by the United Nations Office on Drugs and Crime (UNODC), the Legal Network is striving to create a positive policy environment in Azerbaijan and five countries of Central Asia to improve HIV prevention and care.

In May 2008, the Legal Network attended the Second Eastern Europe and Central Asia AIDS Conference in Moscow — the largest AIDS-focused conference to date in the region. In addition to presenting drafts of the UNODC project, the Legal Network released the Russian translation of *Dependent on Rights: Assessing Treatment of Drug Dependence from a Human Rights Perspective*, addressing a human rights issue of great concern in a region where injection drug use is the primary driver of the HIV epidemic and people who use drugs are deeply stigmatized and exposed to a range of human rights abuses.

Using the Legal Network's model law resource on drug use and HIV, previously produced in both English and Russian, national assessment teams in the six countries analyzed legislative barriers to effective HIV prevention and treatment for prisoners and people who use drugs, and formulated reforms needed to support effective scale-up in the response to HIV. The Legal Network's technical report with detailed proposals for legislative and policy changes will be published jointly with UNODC in 2009 in both English and Russian. While it is expected that the report will serve as a key tool for pursuing reforms throughout the region, the project has already helped inform law reform initiatives in Azerbaijan and Tajikistan.

"PATIENTS, NOT CRIMINALS"

With support from the Levi Strauss Foundation, the Legal Network carried out important research into conditions faced by people who use drugs in Thailand.

In *Compulsory Drug Treatment in Thailand: Observations on the Narcotic Addict Rehabilitation Act B.E. 2545 (2002)*, we found that, in many

respects, people with drug dependence in Thailand are still being treated as criminals, rather than patients — contrary to the approach outlined in the 2002 law which proposed to treat people who use drugs as "patients, not criminals."

The bilingual report analyzed Thai law and reported on meetings with various government departments and officials, visits to several compulsory treatment centres and some fifteen detailed interviews with people who had passed through these centres.

In addition to raising questions of procedural fairness and concerns about the absence of clinical considerations in ordering someone into treatment, the report also proposes actions to improve the Thai approach, including developing minimum national standards for drug dependence treatment that reflect the best available scientific evidence and respect human rights, and allowing patients to have input into their treatment.

Presented at Harm Reduction 2009 along with a set of bilingual info sheets on drug use and HIV in Thailand, the report prompted an opinion piece published in the *Phnom Penh Post*.

The Thai resources are available at www.aidslaw.ca/drugpolicy.



Number of media requests received by the Legal Network, including 50+ on the criminalization HIV exposure, and 30+ on Canada's Access to Medicines Regime

TREATMENT OR TORTURE?

In November 2008, the Legal Network participated in an international consultation in Geneva to look at the issue of human rights in the context of treatment for drug dependence. A discussion paper (“Treatment or Torture?”) explored how certain types of abusive drug dependence treatment could be characterized as torture or as otherwise cruel, inhuman or degrading treatment — and thereby be challenged using international human rights law mechanisms. Hosted by OSI’s Public Health Program, the meeting brought together researchers, activists, UN agency representatives and legal experts, including from the UN human rights treaty-bodies to help chart research and advocacy priorities for challenging torture and other human rights abuses in the name of “treatment” against people who use drugs. The Legal Network will release its report on torture in 2009–2010.

“Coercive laws that invade people’s privacy and bodies provide only illusory peace of mind; education, protection and support bring real solutions as well as protect the health and rights of everyone, emergency workers and people living with HIV/AIDS alike.”

—Alison Symington, op-ed, *Winnipeg Free Press*, May 4, 2008 (re: Manitoba’s Bill 18, the *Testing of Bodily Fluids and Disclosure Act*)

A NEGATIVE ROLE-‘MODEL’ LAW

The Legal Network continued its efforts to counteract some of the damage done in west and central Africa by the harmful N’Djamena ‘model law’. Acting as a legislative template, the model law continues to influence national HIV laws, despite being poorly drafted and inadequately embodying key human rights norms and international policy guidelines on good legislative approaches.

The model law is silent on such critical issues as the rights of women and of prisoners. In other instances, its lack of precision or specificity is dangerous — for example, opening the door to dangerously broad criminalization of HIV transmission.

Since writing, at the request of the UNAIDS Regional Office for West Africa, an analysis of the model law and the first wave of seven national laws that it spawned, the Legal Network saw several countries pass HIV laws based on the model law. Additional countries — including Sénégal, The Gambia, Liberia and Côte d’Ivoire — have developed draft bills, on which the Legal Network presented detailed comments and alternative legislative provisions, travelling to the region several times to present these tangible, rights-friendly options to lawmakers.

Small gains were seen in amendments made to Sénégal’s bill, but more needs to be done there and in the other countries of the region, whose parliamentarians would be well served by greater understanding of HIV and human rights. To this end, the Legal Network conducted a three-hour training at the Regional Management Meeting of the UN in Dakar in June 2008 with the purpose of building awareness and capacity among UNAIDS and UNDP staff working in the region, so as to equip them to advocate for human rights-friendly laws relating to HIV/AIDS at the country level. But it has become clear that civil society groups in the region will need greater capacity and support if bad laws are to be resisted or amended successfully.

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RAISING OUR VOICE INTERNATIONALLY

In December 2008, responding to appeals from sex worker allies, the Legal Network and Human Rights Watch used the International Day to End Violence Against Sex Workers to issue an open letter to the Government of Macedonia regarding the detention, compulsory medical testing and criminal prosecution of alleged sex workers. Joined by 37 other organizations from around the world, the Legal Network strongly condemned police actions in relation to the mass arrest of alleged sex workers in Skopje.

In February 2009, Canada was reviewed for the first time by the UN's new Human Rights Council in Geneva. This process, called the Universal Periodic Review (UPR), involves a peer review of countries' human rights records. The Legal Network jointly signed a submission by close to 50 Canadian NGOs highlighting the growing gap between Canada's human rights promises in international instruments and its implementation of those commitments at home. However, we also prepared our own submission outlining five key human rights concerns that Canada should address in order to adhere to, and fulfill, its human rights obligations, both domestically and internationally: fix Canada's law on access to medicines in developing countries; restore funding cut from the federal AIDS strategy; improve access to harm reduction services for people who inject drugs; ensure prisoners' access to HIV prevention measures such as sterile injection equipment; and decriminalize sex workers to protect their health and safety.

In its capacity as a non-governmental organization in special consultative status with the United Nations Economic and Social Council, the Legal Network joined with Human Rights Watch, the Law and Health Initiative of OSI's Public Health Program, and the Huairou Commission to issue a statement at the UN Commission on the Status of Women (CSW). The theme of this year's meeting, the equal sharing of responsibilities between women and men, including care-giving in the context of HIV/AIDS,

Number of reports, journals, newsletters, information sheets, submissions, briefing papers and brochures published by the Legal Network, in languages including English, French, Russian, Spanish and Thai

guided the Legal Network's joint statement to argue that such sharing of responsibilities must include equal rights and responsibilities with respect to property, land, housing and inheritance, not just jointly caring for family members. Concluding with several recommendations, the statement called on states to review their legislation related to women's property rights, and to repeal or amend "all national laws that violate housing and land rights of women and girls, and allow for unequal inheritance."

Just as it supported litigation in the courts at home, the Legal Network also continued to support the efforts of human rights activists abroad in using the judicial system to defend and advance human rights. In addition to answering various questions from lawyers seeking precedents or material for use in their own cases, the Legal Network also prepared a detailed affidavit referencing international research and policy guidance to support the AIDS Law Project's successful court challenge against employment discrimination on the basis of HIV status by the South African National Defence Force.

*Our UPR is submission is available at www.aidslaw.ca/upr.
The joint statement for CSW is available at www.aidslaw.ca/women.*

OUR PEOPLE

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Institutions

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Gilles Marchildon
Azar Nikghadam
John Plater
Kathleen Yung

For more information on how you can support our work, please visit www.aidslaw.ca/donate.

PUBLICATIONS

2007–2008 Annual Report

“Adrift from the moorings of good public policy: Ignoring evidence and human rights” — article in *International Journal of Drug Policy* 19 (2008)

Compulsory Drug Treatment in Thailand: Observations on the *Narcotic Addict Rehabilitation Act B.E. 2545* (2002) (also available in Thai)

Criminal Law and HIV — series of 5 info sheets

Delivering on the pledge, treating the most vulnerable: Ensuring affordable AIDS drugs for children in the developing world by streamlining Canada’s Access to Medicines Regime

Distributing safer crack use kits in Canada: Questions and Answers

Drug Use and HIV/AIDS in Thailand — series of 6 info sheets (also available in Thai)

“Effects of UN and Russian Influence on Drug Policy in Central Asia” — article in *At What Cost?: HIV and Human Rights Consequences of the Global “War On Drugs”* (Publisher: Open Society Institute)

Election 2008 — Vote for action on AIDS: Cuts to federal AIDS funding

Election 2008 — Vote for action on AIDS: Global access to life-saving medicines

Election 2008 — Vote for action on AIDS: Supervised injection facilities

Election 2008 — Vote for action on AIDS: The War on Drugs

Harm Reduction and Human Rights: The Global Response to Injection-Driven HIV Epidemics — submission to the Office of the High Commissioner for Human Rights (Co-authored with International Harm Reduction Association, et al.)

HIV and Hepatitis C in Prisons — series of 13 info sheets

NEWS RELEASES

HIV/AIDS Policy & Law Review 13 (1) and 13(2/3)

Legal Network News 30, 31 and 32

Legislation to Authorize Forced Testing for HIV In the Event of Occupational Exposure: An Unjustified and Unnecessary Rights Violation — submission to the Government of Manitoba

Nothing About Us Without Us — A manifesto by people who use illegal drugs (Co-produced with International AIDS Alliance, Open Society Institute, and International Network of People Who Use Drugs; also available in Russian)

Nothing About Us Without Us — Greater, meaningful involvement of people who use illegal drugs: A public health, ethical, and human rights imperative (International edition) (Co-authored with International AIDS Alliance and Open Society Institute; also available in Russian)

The Proposed “Mandatory Testing and Disclosure Act”: An Unjustified and Unnecessary Violation of Rights — submission to the Yukon Department of Justice and Members of the Legislative Assembly

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

Update: Canada’s Access to Medicines Regime

“Viral time bomb”: Health and human rights challenges in addressing hepatitis C in Canada (Co-authored with Centre for Addictions Research of BC; publisher: Centre for Addictions Research of BC)

For more information, please visit www.aidslaw.ca/publications.

March 26, 2009 — Expert Panel Launches Campaign to Reform Access to Medicines Regime

March 24, 2009 — Expert Panel to Discuss Reforming Access to Medicines Regime (Media Advisory)

March 4, 2009 — The Rights of People Who Use Drugs in Prisons at Alberta Harm Reduction Conference (Media Advisory)

January 22, 2009 — Canada Faces Review by United Nations Human Rights Council

January 12, 2009 — Judge Admits Inappropriate Treatment of HIV-positive Witness

October 9, 2008 — Canada Needs New Direction on Key Health Issues

October 8, 2008 — Release of New Poll Results Highlights Health Issues Absent From Federal Election Campaign: National Drug Strategy and Funding For AIDS (Media Advisory)

October 1, 2008 — Major Federal Parties Respond to Election Questionnaire on AIDS

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)

June 16, 2008 — Health Activist in Prison Wins 2008 Human Rights Award for HIV/AIDS Work

May 29, 2008 — Insite Court Decision Confirms Canadian Drug Policy At Odds With Public Health and Human Rights

May 27, 2008 — Court Ruling Shields Vancouver’s Supervised Injection Site

May 5, 2008 — Canada Finally Poised to Deliver on Promise of Affordable Medicines to Developing Countries?

April 16, 2008 — Manitoba Forced HIV Testing Law Based on Flawed Rationale

For more information, please visit www.aidslaw.ca/media.

“I have found all the Legal Network’s on-line information to be well-written, accessible and remarkably jargon-free. This means a lot to journalists trying to tell the story of your work.”

— Louisa Taylor, Senior Writer, *The Ottawa Citizen*

STATEMENT OF FINANCIAL POSITION

As at March 31, 2009

	2009	2008
CURRENT ASSETS		
Cash	\$576,565	\$182,742
Short-term investments	216,233	161,335
Amounts receivable	116,932	117,319
Prepaid expenses	12,075	11,810
	921,805	473,206
Capital assets	1,998	3,330
	\$923,803	\$476,536
LIABILITIES AND NET ASSETS		
Current liabilities		
Accounts payable and accrued liabilities	\$67,169	\$39,141
Deferred grants	769,984	355,105
	837,153	394,246
Net assets		
Invested in capital assets	1,998	3,330
Unrestricted	84,652	78,960
	86,650	82,290
	\$923,803	\$476,536

STATEMENT OF OPERATIONS

For the year ended March 31, 2009

	2009	2008
REVENUE		
Grants	\$1,530,059	\$1,417,284
Service fees	38,795	47,351
Membership	10,644	11,025
Donations	10,284	9,779
Interest and other	13,991	26,683
	1,603,773	1,512,122
EXPENSES		
Personnel	703,781	719,000
Professional fees	328,663	190,092
Travel	165,211	130,754
Foreign country activities	128,284	215,537
Rent and maintenance	84,385	83,741
Communication	70,349	58,308
Information and publications	59,105	57,127
Facilities and equipment	19,321	10,067
Office equipment	17,428	14,520
Office support and maintenance	8,399	8,720
Other	13,155	20,333
Amortization	1,332	1,332
	1,599,413	1,509,531
EXCESS OF REVENUE OVER EXPENSES FOR THE YEAR	\$4,360	\$2,591