



Canadian HIV/AIDS Legal Network | Réseau juridique canadien VIH/sida

LEGAL NETWORK NEWS

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2010 Symposium Update: Keynote Speaker

A reminder: the Legal Network's annual general meeting and 2nd Annual Symposium on HIV, Law and Human Rights will be held in Toronto on June 11 and 12, 2010. Be sure to mark the dates in your calendar! We're very pleased to announce that this year's public lecture and reception will be headlined by our keynote speaker, **Dr. Michel Kazatchkine, Executive Director of the Global Fund to Fight AIDS, Tuberculosis and Malaria**. This year's Symposium will include: presentations on the latest research and legal developments on the criminalization of HIV exposure and discuss community initiatives to limit inappropriate prosecutions; a discussion of key women's rights issues that need to be addressed in Canada; and a panel on challenging restrictions in Canada's immigration policy affecting people with HIV. A closing plenary session, hosted jointly with the Canadian Working Group on HIV and Rehabilitation, will look at the issue of housing as an important human rights issue in HIV prevention, treatment, care and support. For updates, watch your inbox and check www.aidslaw.ca/symposium.

Under the Skin: A People's Case for Prison Needle and Syringe Programs

In the Legal Network's newest report, *Under the Skin*, people who have been in prison share their stories and add their voices to the growing number of experts calling for needle and syringe programs in Canada's prisons. Written by senior policy analyst **Sandra Ka Hon Chu**, the report puts a human face to the harsh statistics on injection drug use in prison and the struggle to protect the health and human rights of people who are easily forgotten behind prison walls. The report's release, with endorsements from the Canadian Medical Association and the John Howard Society, received widespread media attention across the country, including coverage on the CBC, in *The Toronto Star*, *Canadian Press*, *The Winnipeg Free Press*, Halifax's *Chronicle-Herald*, *The Edmonton Journal* and various SunMedia outlets, among others. The report is available at www.aidslaw.ca/undertheskin. The Legal Network has called for the House of Commons Standing Committee on Health to take up the issue of prison health. We are also seeking endorsements on an open letter addressed to the Prime Minister and Ministers of Public Safety and Health calling for the implementation of needle and syringe programs in Canada's federal prisons. To see a copy of the letter and add your name or that of your organization, please e-mail **Gilles Marchildon**, Director of Communications, at gmarchildon@aidslaw.ca.

Fixing CAMR: the campaign continues

The campaign to fix Canada's Access to Medicines Regime (CAMR) continues, so that more affordable life-saving medicines can get to developing countries. Prorogation signalled the end of the road for Senate Bill S-232. However, as a Private Member's Bill in the House of Commons, Bill C-393 survived and is automatically reinstated at the committee stage, where it was left after passing second reading in December. This means that Bill C-393 will be debated by the House's Standing Committee on Industry, Science and Technology now that Parliament has resumed.

In order to ensure that Bill C-393 is not watered down by the Committee and ultimately passed at third reading, it is important to maintain the campaign's momentum. MPs want to hear about the issues their constituents care about, so make your voice heard by contacting your MP and making it clear that you,

as a constituent, want to see CAMR fixed as part of Canada's response to the shameful inequity in access to AIDS treatment and other medicines between rich countries and the developing world.

How did your MP vote on Bill C-393 at second reading? Check here to see: <http://tinyurl.com/ya5t7ux>. If your MP voted in favour of moving the bill forward to committee, please thank him or her and ask for continued support in ensuring the bill is not watered down by its opponents. If your MP voted against Bill C-393, be sure to let him or her know you object and request that he or she reconsider this position, and that you'll be following this as it comes up for a future vote in Parliament.

More information can be found at www.aidslaw.ca/camr, including this key overview, "Fixing Canada's Access to Medicines Regime: 20 Questions & Answers", and the text of a postcard you can print off and mail to your MP. You can also watch the short video on why CAMR needs to be fixed and join the Facebook group on reforming CAMR. If you have any questions or require additional information, please contact our Outreach Coordinator, **Lindsey Amèrica-Simms**, at lsimms@aidslaw.ca.

Women's rights, at home and abroad

Deputy Director **Patricia Allard** led the Legal Network's consultation at the end of February with Canadian HIV and women's rights activists to help inform our advocacy for the coming years on how best we can contribute to and support broader efforts to address issues related to women's rights and HIV/AIDS in Canada. Through discussion, invited participants helped identify key priorities for domestic women's rights; current work in this area and opportunities for collaboration and support; and how best the Legal Network's resources can be used to facilitate advocacy initiatives that underline the human rights of women, including such issues as:



- criminalization of HIV non-disclosure;
- HIV policies and laws that threaten the safety of women in Canada; and
- social and economic policies that increase women's vulnerability to HIV.

Our women's rights work continues internationally as well. In February, senior policy analyst **Sandra Ka Hon Chu** met with legal and community-based women's rights and HIV organizations in Johannesburg and Harare to learn more about their work and to discuss possibilities for the Legal Network to support their advocacy efforts, applying the rich research featured in *Respect, Protect and Fulfill: Legislating for Women's Rights in the Context of HIV* (www.aidslaw.ca/womensrights). Released just last year, this extensive resource for legislators and human rights activists provides draft legislative provisions on key human rights issues affecting women's vulnerability to HIV infection and women living with HIV, in areas such as domestic and sexual violence, women's property rights, and equality in marriage and divorce laws. The visit was generously supported by Oxfam Canada and coordinated by Oxfam Canada and the Southern Africa HIV and AIDS Information Dissemination Service (SAfAIDS). In March, the Legal Network is co-hosting (with the Open Society Institute, Huairou Commission, UNDP, Women and Law in Southern Africa — Malawi, and the Centre on Housing Rights and Evictions) side events on the intersection of HIV/AIDS and the property and inheritance rights of women at the UN Commission on the Status of Women taking place in New York.

AIDSLEX Update

Have you visited the AIDS and Law Exchange (AIDSLEX) at www.aidslex.org yet? If not, register as a user so you can contribute to on-line discussions and add to the extensive collection of materials from around the world on HIV, law and human rights. AIDSLEX offers a wealth of information and features that promote the exchange of information and ideas on HIV, the law and human rights.

This month the Legal Network's senior policy analyst Sandra Ka Hon Chu, and **Priti Patel**, HIV/AIDS Project Manager for the Southern Africa Litigation Centre in Johannesburg, will respond to questions about promoting women's rights in the context of HIV. Their responses appeared on AIDSLEX on **International Women's Day on March 8**. If you'd like to suggest a topic for an "Ask the Expert"

session, please send it to us as experts@aidsex.org.

Criminalization of HIV exposure

The Legal Network is intervening in two significant court cases that are expected to address the questions of whether people living with HIV may still face criminal prosecution for not disclosing their status even if they use condoms or have an undetectable viral load. On February 10, the Legal Network was before the Manitoba Court of Appeal in the high-profile Winnipeg case of *R. v. Mabior*; later this year, the Legal Network and the Coalition des organismes communautaires québécois de lutte contre le sida (COCQ-sida), are intervening in the Montréal case of *R. v. D.C.* currently before the Quebec Court of Appeal.

Our policy analyst, **Cécile Kazatchkine**, is working on a resource kit for defence lawyers, an international version of which we are producing as one facet of a new partnership with the Paris-based organization AIDES and Groupe Sida Genève in Switzerland. Informed lawyers can challenge the “HIV panic” and related stigma and discrimination that are prevalent in many cases where criminal charges are pursued. Lawyers who are better equipped can better represent their clients, advance arguments based on the best available evidence, and ultimately contribute to a strictly limited, fair and evidence-based use of criminal law. Yet relatively few lawyers have experience handling such cases; they often lack access to the latest scientific developments or other relevant research that could be useful in representing people with HIV and arguing cases that influence the scope of the criminal law as it applies to HIV transmission or exposure.

This resource kit will: offer comprehensive information on HIV, including a detailed and fully referenced synopsis of the available scientific evidence regarding per-act risks of HIV transmission and treatment; give solid information on the social context of living with HIV; and provide lawyers with international and national legal materials and policy documents related to criminalization of HIV transmission or exposure. Once finalized, the kit will be available on the Legal Network’s website (www.aidslaw.ca), AIDSLEX (www.aidsex.org), and other sites.

If you no longer wish to receive any messages from the Legal Network, please reply to this message with "Unsubscribe" in the subject line.

About the Canadian HIV/AIDS Legal Network

The Canadian HIV/AIDS Legal Network (www.aidslaw.ca) 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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