



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

L E G A L N E T W O R K N E W S

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Annual Report Now Available: The Year in Review

We invite you to check out our **Annual Report 2010–2011** (www.aidslaw.ca/annualreport) for a full picture of our work over this past year. **This June marked the 30th anniversary of the first diagnoses of what eventually became known as AIDS**, and our report pays tribute to the history of the AIDS movement, featuring noteworthy moments of AIDS activism with moving images borrowed from the Canadian Gay & Lesbian Archives (<http://www.clga.ca>), among others. 2010–2011 has been a particularly busy year for the Legal Network. We intensified our existing campaigns, including our campaign to reform Canada's Access to Medicines Regime (CAMR), and began implementing our new five-year strategic plan with our work on **four priority areas: drug policy; HIV in prisons; women's rights and HIV; and criminalization of HIV non-disclosure**. If you would like a hard copy of the annual report, please email us at info@aidslaw.ca.

Remembering Dr. Robert Carr

Our friend and long-time board member Dr. Robert Carr passed away in Toronto on May 10, 2011. Robert was a true global leader of the AIDS movement and is sorely missed. Read our statement on his passing at <http://bit.ly/kWB6Qo>. In 2004, Robert founded the Caribbean Vulnerable Communities (CVC) coalition (<http://www.cvccoalition.org/>), a group of community organizations and non-governmental agencies providing services directly to and on behalf of Caribbean populations who are especially vulnerable to HIV infection or often forgotten in access to treatment and healthcare programmes. **This year at our 3rd Symposium we honoured both Robert and the work of the CVC with the 2011 International Award for Action on HIV and Human Rights** (presented jointly with Human Rights Watch).

Symposium Success

Over 150 activists, policy-makers, researchers and lawyers came together again this year for our **3rd Symposium on HIV, Law and Human Rights** (www.aidslaw.ca/symposium). The theme of this year's event was "**Litigating for Change**," and the symposium featured a series of workshops and panel discussions on the potential of **strategic litigation to protect and promote human rights of people living with and vulnerable to HIV in Canada and abroad**. Participants heard from a number of legal experts and community activists on efforts in the courts to limit the scope of criminal prosecutions for HIV non-disclosure; constitutional challenges to Canada's prostitution laws; and the litigation surrounding Vancouver's supervised injection site. Participants also heard from a panel of journalists about how HIV issues are covered by news media, and from a range of experts about ways that community organizations can use social media for promoting awareness and action on HIV-related human rights issues.

The Symposium also included a **stirring public lecture by Professor Alan Young, counsel in the landmark case *Bedford v. Canada***, who outlined the ways in which Canada's prostitution-related

provisions in the *Criminal Code* undermine the human rights of sex workers by increasing their vulnerability to both violence and death and making their jobs unnecessarily dangerous. You can watch Professor Young's keynote speech online at www.aidslaw.ca/agm2011#lecture.

As part of this year's Symposium, the Legal Network gave out the **2011 Awards for Action on HIV/AIDS and Human Rights, presented jointly with Human Rights Watch**. The Canadian recipient of this year's award was the **Prisoners' HIV/AIDS Support Action Network (PASAN, www.pasan.org)**. A long-time member of the Legal Network, PASAN is a community-based prisoners' rights organization that strives to provide advocacy, education and support to prisoners and ex-prisoners on HIV/AIDS, hepatitis C and other harm reduction issues. It is the only community-based organization in Canada exclusively providing HIV/AIDS and hepatitis C prevention education and support services to prisoners, ex-prisoners, youth in custody and their families. The 2011 International Award was given to **Dr. Robert Carr and the Caribbean Vulnerable Communities (CVC) coalition** (see previous section). For more information about this year's Awards and past recipients, visit www.aidslaw.ca/awards.

A full report on the Symposium will be available in the upcoming issue of the Legal Network's *HIV/AIDS Policy & Law Review*. In planning the Symposium's future, your suggestions are sought and welcome — please send any comments about what you'd like to see on the agenda to info@aidslaw.ca.

Challenging Canada's Prostitution Laws

The Legal Network and the British Columbia Centre for Excellence in HIV/AIDS (BC-CfE) were **granted joint intervener status before the Ontario Court of Appeal in *Bedford v. Canada*, a case involving a challenge to the current laws on prostitution**. In September 2010, the Ontario Superior Court of Justice struck down provisions of the *Criminal Code* that criminalized communicating for the purposes of prostitution, running a bawdy-house, and living on the avails of prostitution. These laws were deemed to be unconstitutional, as the presiding judge determined that the law as it stands puts sex workers in more dangerous situations. The Attorneys General of Canada and Ontario launched an appeal, and from June 13–17 the Ontario Court of Appeal heard arguments from government and non-government organizations. The Legal Network and the BC-CfE argued that the three *Criminal Code* provisions in question prevented sex workers from negotiating and practicing safer sex. It was also argued that the criminalization of prostitution drives sex workers further underground and prevents them from accessing health-care services such as HIV testing, prevention, treatment, care and support. **Our thanks to Renée Lang of the HIV & AIDS Legal Clinic (Ontario) (HALCO) and Jonathan Shime of Cooper & Sandler LLP, our able counsel in the intervention**. A decision is expected this fall and the implications of the Superior Court's decision will be profound, as a successful challenge to these provisions will almost certainly have an effect in other Canadian jurisdictions.

Treatment or Torture?

As part of the **Open Society Foundations' Campaign to Stop Torture in Health Care**, the Legal Network was the lead author on "**Treatment or Torture? Applying International Human Rights Standards to Drug Detention Centers**" (<http://bit.ly/jbr3ix>). The report reviews the abuses common in detention centres and shows how many governments have increasingly turned to detention, cruelty and even torture to combat drug abuse — "treatment" that is in violation of basic human rights treaties ratified by most nations worldwide. A companion piece, "**Treated with Cruelty: Abuses in the Name of Drug Rehabilitation**" (<http://bit.ly/mw5Ouh>), compiles personal testimonies from drug users who have been detained in such centers located in China, Cambodia, Mexico and Russia. **Both pieces were released around June 26**, which marked both the **International Day Against Drug Abuse and Illicit Trafficking and the International Day in Support of Victims of Torture**. The publications are intended to draw attention to this important, yet often ignored issue. It is time for governments to close abusive drug treatment centres and redirect efforts to address the root causes of drug addiction, replacing inhumane treatment practices with community-based, voluntary services that people deserve.

HIV/AIDS Policy & Law Review

The latest issue of our flagship journal, the *HIV/AIDS Policy & Law Review* 15(2) is available for download from our website at <http://tinyurl.com/3bowg38>. The issue features a **summary of the key findings and recommendations from the recent Legal Network–United Nations Office on Drug and Crimes (UNODC) report on the accessibility of HIV prevention, treatment and care services for prisoners and people who use drugs in Central Asia**. Inside you will also find briefings on legislative and policy developments in Canada and abroad, as well as summaries on recent court cases related to HIV, including recent challenges to the *Criminal Code* and equality rights under the *Canadian Charter of Rights and Freedoms*. If you would like to receive a hard copy of the current issue of the *Review* by mail, please send us an email at info@aidslaw.ca.

AIDSLEX: Now More Accessible

AIDSLEX (www.aidslex.org) is an invaluable source of information and resources on HIV-related issues, human rights and the law that is made available by the Legal Network. In May, the AIDSLEX website was **launched in Arabic and Standard Chinese, in addition to existing resources in English, French, Spanish and Russian**. This is in accordance with the official languages of the United Nations. Individuals and organizations that may not have been able to access AIDSLEX in the past can now use the site's extensive set of tools aimed at promoting and defending the human rights of people living with and vulnerable to HIV. These tools include networking with other like-minded organizations and accessing documents such as judicial decisions, declarations and resolutions in Arabic and Standard Chinese. We regularly add documents to the already extensive AIDSLEX electronic library.

New Colleagues

In December 2010, **Janet Butler-McPhee** joined the Legal Network as our new Director of Communications. Since then, she has worked tirelessly on making sure the Legal Network's voice is heard on a wide-range of issues related to our work on HIV/AIDS and human rights. Before joining the Legal Network, she worked as the Director of Communications for multi-level international refugee and maternal health initiatives at the Columbia University Mailman School of Public Health in New York City. She previously served as a Director of Communications for Environment Canada in Vancouver and Ottawa. Janet holds a Bachelor of Arts (Honours) in English from Saint Francis Xavier University, a Post Baccalaureate Diploma in Communication from Simon Fraser University, and a Master of Science (Honours) in Strategic Communications from Columbia University.

In April, **Eli Arkin** joined our team as a full-time Researcher and Program Support Officer after serving for four months as a volunteer. Eli has been supporting the communications department and our policy analysts with his strong research and analytical skills, and has also contributed to AIDSLEX and the *HIV/AIDS Policy & Law Review*. Before joining the Legal Network, Eli worked in Mozambique as an Organizational Development Advisor for a rural development association. He has also worked in Inuvik, Northwest Territories as an Environmental Assessment Coordinator for an environmental review board. Eli holds an Honours Degree in Environmental Studies from Trent University.

In May, we welcomed law students **Shalini Thomas** and **Rémi Weiss** who are joining us as interns for the summer term. Shalini recently completed her second year of law school at Queen's University. Last summer Shalini worked at a Human Rights NGO in Cape Town, South Africa, which sparked her interest in learning more about the world of human rights work at a domestic and international level. Rémi is entering his third year at McGill University's Faculty of Law. Originally from France, he completed his Bachelor and his Master's degree in French Civil Law. His areas of interest include criminalization of HIV transmission and discriminatory practices against people living with HIV/AIDS.

Board Changes and Elections

We are also very pleased to welcome **Micheal Vonn** and **Ken Buchanan** to our Board of Directors following our recent AGM. Micheal, a lawyer, has been the Policy Director of the BC Civil Liberties Association since 2004. She is a frequent speaker on a variety of civil liberties topics including privacy, national security, policing, surveillance and free speech. Ken is the Vice-Chair of the Positive Living Society of BC (formerly BC Persons with AIDS Society), having served on its board since 2005. He is Chair of the Community Representation and Engagement Committee, Positive Living BC's primary vehicle for affecting meaningful change in government policy and legislation. HIV-positive since 2004 and co-infected with hepatitis C, Ken's personal experiences have given him an in-depth comprehension of and compassion for the diverse challenges people living with HIV face on a daily basis, including the psychological, social and physical intersections related to HIV.

Board members **Daphne Spencer** and **Darlène Palmer** both completed their last terms on the Legal Network's Board of Directors at this year's AGM. Daphne joined the Legal Network's board in 2009, and Darlène has been with the board since 2004 and served as Vice President in 2006–2007. **The Legal Network would like to extend its profound gratitude for the contributions they have made to our work and we wish them the best in their new endeavours.**

Out & About

From April 3–7, Senior Policy Analyst Sandra Chu attended the International Harm Reduction Association's 22nd International Conference in Beirut. She presented on the Legal Network's advocacy strategies for prison-based needle and syringe programs and was the co-author of a presentation on sex work advocacy in Canada, along with Maggie's and STELLA. Senior Policy Analyst Alison Symington joined Sandra at the 20 Annual Canadian Conference on HIV/AIDS Research (CAHR 2011) in Toronto from April 15–17. Sandra sat on the Programming Sub-Committee for an ancillary CAHR event on women and HIV, which aimed "to initiate the development of a comprehensive research agenda for women, trans-women, girls and HIV/AIDS in Canada."

June was a particularly busy month for Executive Director Richard Elliott. Beginning the month in Edmonton, he gave the opening plenary address at the 11th Alberta Harm Reduction Conference. Throughout the month, Richard gave presentations on the criminalization of HIV exposure at events in Winnipeg, Ottawa and Halifax. These events were organized by member organizations of the Legal Network and other relevant organizations. Richard then headed to Sao Paulo, Brazil for a meeting of parliamentarians and civil society organizations to discuss intellectual property and treatment access. At the meeting, Richard spoke about Canada's Access to Medicines Regime (CAMR) and the effort to reform it under Bill C-393. At the end of June Richard participated in the Global Fund Partnership Forum in Sao Paulo. His contribution included providing input into the next five-year plan of the Global Fund with particular attention given to human rights issues.

Senior Policy Analyst Mikhail Golichenko participated in a number of international events advocating for harm reduction principles and evidence-based drug policies in Eastern Europe and Central Asia. This included the Regional Dialogue of the HIV and Law Commission in Chisinau, Moldova and consultations with the UN Special Rapporteur on the Right to Health.

In Closing

The Canadian HIV/AIDS Legal Network relies on multiple sources of funding in order to carry out its work promoting the human rights of people living with HIV and of communities vulnerable to HIV. Individual donations are a key source of funding that help ensure our independence. **Please consider making a tax-deductible donation by visiting www.aidslaw.ca/donate.**

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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