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CANADIAN HIV/AIDS LEGAL NETWORK APPLAUDS GLOBAL REPORT ON HOW LAWS HELP OR HINDER RESPONSE TO HIV

TORONTO, July 9, 2012 — Decriminalize drugs for personal use. Repeal laws that criminalize sex work. Implement comprehensive harm reduction services in prisons. Ensure access to health services for migrants. Fully enforce measures to end violence against women and ensure access to comprehensive sexual and reproductive health services. Create simple mechanisms for access to lower-cost, generic medicines and adopt a global moratorium on international trade agreements that would limit such access.

These are just a few of the strong recommendations in a powerful global overview released today by the Global Commission on HIV and the Law, a high-level, independent body of global leaders and experts. The report follows 18 months of extensive hearings and consultations in every region of the world, and comes two weeks before the International AIDS Conference in Washington, D.C.

At the heart of the report is the Commission's finding that bad laws and their punitive enforcement are fuelling the HIV epidemic — and conversely, good laws are key to overcoming it.

With the release of the Commission's long-awaited report, the Canadian HIV/AIDS Legal Network is calling on Canada's lawmakers and enforcers to take heed of the report's recommendations and enable an effective and sensible response to the ongoing AIDS crisis at home and abroad.

"If governments in Canada are committed to human rights and the public welfare, they can't ignore this report," says Richard Elliott, executive director of the Legal Network. "Many of the recommendations in this global report are directly applicable to what needs to be done here."

"For example, Canada's misguided, punitive laws on sex work, drugs and prisons are exactly the kinds of things that fuel the HIV epidemic and are condemned in this report," says Elliott. "The Commission is the latest high-profile body of experts calling on countries to decriminalize the possession of drugs for personal use and instead ensure access to harm reduction services. Yet Canada is heading in the opposite direction, perpetuating the failed war on drugs."

Many of the Commission's other recommendations are equally relevant to Canada, and the Legal Network is calling on governments to take action on several fronts:

- The federal Attorney General should abolish Canada's antiquated, Victorian-era **prostitution** laws, which only increase danger to the lives, health and safety of sex workers, particularly those most vulnerable to abuse. A few months ago, the Ontario Court of Appeal struck down some of these laws as unconstitutional. The government should abandon its appeal to the Supreme Court of Canada of the recent *Bedford* decision and instead amend the Criminal Code to remove these provisions.
- Federal and provincial governments cannot continue denying access to life-saving harm reduction measures in **prisons**. HIV and hepatitis C rates are much higher among people in prison, and high-risk drug injection continues in prisons despite enhanced, expensive efforts to keep drugs out. As confirmed by the Public Health Agency of Canada's own review, there is now two decades' worth of evidence from multiple countries that access to sterile injection equipment in prisons is a necessary, feasible and beneficial health service. UN agencies, domestic medical associations and human rights experts have called repeatedly for such programs to be in place, and Canada must heed this call.
- The Commission has also said clearly that **criminal prosecutions for HIV non-disclosure** are only justified in cases where there is intentional transmission of the virus. Yet in Canada, some Crown prosecutors are abusing the criminal law and engaging in a witch-hunt against people living with HIV. There are cases currently before the Supreme Court of Canada and other courts in which Attorneys General are trying to put people behind bars for aggravated sexual assault even though there was no significant risk of transmission. This injustice must end.
- Finally, the Commission calls on countries to permit the simple and accessible licensing of **life-saving medicines** for generic manufacture, and to adopt immediately a moratorium on any intellectual property rules in international treaties that would impede access to such medicines. It specifically calls on countries with the capacity to export lower-cost, generic medicines — such as Canada — “to adopt straightforward, easy-to-use” measures in their law to help respond to the need for medicines. Bill C-398, currently before Parliament, could fix Canada's failed Access to Medicines Regime and enable Canada to lead the charge on this important front. Canada should also demand the removal of any intellectual property provisions in ongoing trade negotiations for the Canada-European Union Trade Agreement (CETA) and the Trans-Pacific Partnership (TPP). Ever-more stringent patent barriers and high prices for medicines will mean that

millions of people continue to die because they simply cannot afford life-saving treatment.

To read the report from the Global Commission on HIV and the Law, visit www.hivlawcommission.org.

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 and analysis, advocacy and litigation, public 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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