

RESPECT PROTECT FULFILL

A HUMAN RIGHTS RESPONSE TO HIV

CANADIAN HIV/AIDS LEGAL NETWORK
STRATEGIC PLAN 2017-2022



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

Table of Contents

Who We Are	4
Vision.....	4
Mission.....	4
Values and Principles	4
Our Strategic Planning Process	5
Taking Stock: Our Current Environment	5
Selected Legal Network Milestones.....	5
The Legal Network and the Current Moment: Strengths, Weaknesses, Opportunities and Threats in the HIV Response.....	7
Moving Forward: Our Strategic Directions	10
Our Touchstones: HIV and the Law	10
Setting Priorities.....	11
The Ways We Work	11
Our Goals.....	11
Organizational Development	14
Conclusion	15
Acknowledgments	15
Strategic Planning Committee.....	15
Board Of Directors 2016–2017	15
Staff.....	15

Who we are

In 1992, a group of activists came together to create the Canadian HIV/AIDS Legal Network. They were united in their determination that any effective response to the pandemic must ensure that the human rights of people living with, at risk of or affected by HIV be respected, protected and fulfilled.

Since then, the Legal Network has worked tirelessly to defend the rights of people affected by HIV: from prisoners, people who use drugs and sex workers to women, gay men, Indigenous people and newcomers to Canada.

- Our research and resources address the needs of people living with HIV and support the work of front-line AIDS service organizations, researchers and community activists from across Canada and around the world.
- We engage decision-makers, from parliamentarians and judges, to United Nations delegates and forums, on the importance of human rights in the fight against HIV and AIDS.
- We defend and advance human rights through strategic litigation, in Canada and internationally.
- In the court of public opinion, we're often the first organization Canadian journalists call when reporting on HIV issues.

Today, the Legal Network is among the world's leading organizations tackling the legal and human rights issues related to HIV.

Vision

The Canadian HIV/AIDS Legal Network envisions a world in which the human rights and dignity of people living with HIV or AIDS and those affected by the disease are fully realized and in which laws and policies facilitate HIV prevention, care, treatment and support.

Mission

The Canadian HIV/AIDS Legal Network promotes the human rights of people living with, at risk of or affected by HIV or AIDS, in Canada and internationally, through research and analysis, litigation and other advocacy, public education and community mobilization.

Values and Principles

All of the Legal Network's work is rooted in our fundamental values:

- the centrality of human rights in the response to HIV and AIDS
- a focus on the rights of marginalized populations
- ensuring the meaningful participation of people living with and affected by HIV and AIDS in our work and in defining and implementing policies and programs
- ensuring the meaningful engagement of both francophones and anglophones in our work and that our work on domestic issues is accessible in both of Canada's official languages
- a commitment to action and activism for human rights
- accountability to the communities we serve and to donors, including transparent reporting and effective use of resources
- a commitment to global responsibility and engagement
- a commitment to excellence in all areas of our work

Our Strategic Planning Process

In 2016, the Legal Network undertook a strategic planning process to assess opportunities and set strategic directions for the next five years: 2017–2022. To guide the process, the Legal Network struck a strategic planning committee, comprising two staff and two board members, supported by a strategic planning consultant. The committee met numerous times over a six-month period to define a research agenda, compile data and formulate strategic recommendations for the board of directors. In the process, the committee reviewed the Legal Network's previous strategies, reflected on successes and failures, assessed the organization's strengths and weaknesses and considered how the Legal Network's environment had changed since the previous strategic plan (i.e., what opportunities and threats had emerged) and what was likely to change in the coming five years.

To solicit the perspectives of Legal Network stakeholders, the committee

- fielded an online survey among Legal Network members, national partner organizations, AIDS service organizations and other relevant community organizations across Canada;
- conducted key informant interviews among Canadian and international advocates (including key population representatives), funders and researchers;
- convened the Legal Network board of directors for a half-day strategic planning retreat;
- convened the Legal Network staff for a full-day strategic planning retreat; and
- conducted an online survey among staff to assess workplace issues and job satisfaction.

At the conclusion of its deliberations, the strategic planning committee developed a draft strategic plan, sought final input from staff and board members and then finalized this strategic plan, which was reviewed and approved by the Legal Network board of directors.

Taking Stock: Our Current Environment

Selected Legal Network Milestones

- **1994** — The Legal Network publishes the first issue of what evolved into the *HIV/AIDS Policy & Law Review*, one of the world's leading journals on HIV-related legal issues (and the only bilingual journal of its kind) for almost two decades.
- **1996** — The Legal Network produces *HIV/AIDS in Prisons: Final Report*, one of the first resources to examine whether there is a legal obligation to provide prisoners with harm reduction measures, including condoms and sterile injection equipment, and to make recommendations for action.
- **1998** — The Legal Network intervenes in the first case before the Supreme Court of Canada on the issue of criminal prosecution of people living with HIV for not disclosing their status.
- **1999** — The Legal Network and the Canadian Aboriginal AIDS Network jointly release a series of three reports outlining issues that need to be addressed in addressing HIV among Indigenous communities: discrimination, HIV testing and confidentiality, and questions of jurisdiction and funding for HIV programs reaching Indigenous communities in Canada.
- **2002** — The Legal Network releases the first comprehensive analysis of legal issues related to safe injection facilities in Canada, used to advocate for opening Insite, the first such legally authorized site in North America.
- **2003** — The Legal Network spearheads a national campaign leading to the enactment of Canada's Access to Medicines Regime (CAMR), the first legislation adopted in the world to allow the export of lower-cost, generic versions of patented medicines to developing countries (and subsequently leads the campaign to streamline the regime and fix deficiencies introduced by opponents in the pharmaceutical industry and in government).
- **2005** — The Legal Network hosts a national gathering of sex workers' rights activists from across Canada, and subsequently produces *Sex, Work, Rights*, one of the first reports laying out the constitutional case for reforming Canada's criminal laws on sex work.
- **2006** — The Legal Network produces *Legislating for Health and Human Rights: Model Law on Drug Use and HIV/AIDS*, which later becomes the centrepiece of a six-country UN project across Central Asia reviewing laws related to HIV, drugs and prisons.

- **2009** — The Legal Network releases one of the first country reports on human rights abuses in compulsory drug detention centres (in Thailand), followed later by a definitive analysis (in 2011) of how such centres violate international prohibitions on torture, which informs the work of the UN special rapporteur on torture.
- **2010** — The Legal Network and the UN Office on Drugs and Crime (UNODC) release an extensive joint report with dozens of recommendations for legislative and policy reforms to strengthen an evidence-based, human rights-based response to HIV in six countries in Central Asia and the Caucasus.
- **2010** — The Legal Network provides legal support to Russian activists in their submission to the UN Committee on Economic, Social and Cultural Rights, challenging the lack of access to opioid substitution therapy (OST), harm reduction and overdose prevention in Russia, leading the Committee to issue a very strong recommendation calling on the Russian government to lift the legal ban on OST and support harm reduction programs.
- **2011** — The Legal Network submits a novel report to the UN Committee Against Torture analyzing how Russian drug policy systematically degrades people who use drugs.
- **2011** — The Legal Network serves on the technical advisory group for the Global Commission on HIV and the Law and contributes to its landmark report *HIV and the Law: Risks, Rights & Health*.
- **2011** — The Legal Network and partners intervene as an international coalition of harm reduction experts before the Supreme Court of Canada to support an ultimately successful constitutional challenge allowing Insite, a safe injection site, to continue operating.
- **2012** — The Legal Network produces the groundbreaking documentary *Positive Women: Exposing Injustice*, which provides a personal look at the effects of unjust criminalization of HIV on women.
- **2012** — The Legal Network and partners intervene before the Supreme Court of Canada in a pair of key cases on the criminalization of HIV non-disclosure: *R. v. Mabior* and *R. v. D.C.*
- **2012** — The Legal Network launches a constitutional challenge against the federal government for its refusal to implement needle and syringe programs in federal prisons.
- **2013** — The Legal Network and UNAIDS release *Judging the Epidemic*, a handbook for judges on HIV, human rights and the law to assist them decide cases involving HIV-related issues in a fairer, more informed fashion.
- **2013** — The Legal Network and partners join other interveners before the Supreme Court of Canada to support a historic, and ultimately successful, constitutional challenge to elements of Canada’s “prostitution” laws that undermine the health and safety of sex workers.
- **2014** — Building on earlier recommendations from UN human rights bodies and supporting three individual activists, the Legal Network spearheads ground-breaking applications in the European Court of Human Rights challenging Russia’s prohibition of OST, a key measure for HIV prevention and health promotion among people who use drugs.
- **2014** — The Legal Network supports Canadian HIV researchers and clinicians in issuing a scientific consensus statement against the misuse of the criminal law against people living with HIV.
- **2015** — The Legal Network launches a constitutional challenge to the provisions in Jamaican law criminalizing consensual sex between men.
- **2015** — The Legal Network serves on the expert advisory group to the UN Secretary-General’s High-Level Panel on Access to Medicines and prepares one of its foundational background papers on how international human rights law reconciles the right to health with private intellectual property rights.
- **2016** — The Legal Network and partners submit a brief detailing new directions in Canadian drug policy, many of which are subsequently reflected in Canada’s positions at the United Nations, including the General Assembly’s historic Special Session on Drugs.
- **2016** — The Legal Network joins six other partner organizations from around the world in launching HIV Justice Worldwide, a new global initiative to resist unjust HIV criminalization.
- **2016** — The Legal Network and the Canadian Aboriginal AIDS Network release new resources on HIV-related legal issues for Indigenous people living with HIV and HIV service providers.
- **2016** — The Legal Network’s advocacy secures recommendations from the UN Committee on the Elimination of Discrimination Against Women (CEDAW) urging Canada to limit unjust HIV criminalization, and a historic, public recognition by the federal Justice Minister that measures are needed to address the over-criminalization of HIV.
- **2017** — The Legal Network’s advocacy contributes to the federal government repealing a misguided law impeding the scale-up of safer consumption services in cities across Canada and reinstating harm reduction as part of Canada’s federal strategy on drugs.

The Legal Network and the Current Moment: Strengths, Weaknesses, Opportunities and Threats in the HIV Response

The global HIV response is at a turning point. The past several years have witnessed a new momentum to end the HIV epidemic as a public health threat, with the increasing recognition that the goal could be substantially achieved within a generation if the resources and political will can be mobilized. Moreover, there has been a growing, global acknowledgment that ending the epidemic will require an enhanced and sustained focus on key populations — those marginalized populations that constitute the long-standing focus of the Legal Network's work. Meanwhile, sharp divisions have emerged globally over the costly and ineffective “war on drugs,” while significant advances on some aspects of equality and liberation for LGBTQI (lesbian, gay, bisexual, transgender, queer and intersex) people have solidified in a number of countries.

But ending the HIV epidemic remains an aspiration, not yet within reach, and there is the potential for worrisome setbacks. Globally, funding for an effective HIV response has never reached the levels needed to bring about a decisive end to the epidemic, and recently appears to be flat-lining even in the face of universal calls for “fast-tracking” increased investments. In many countries, people who use drugs, sex workers and LGBTQI people remain officially stigmatized, criminalized and abused with impunity, impeding HIV prevention and treatment efforts and contributing to a significant risk for violence. Meanwhile the unjust criminalization of HIV non-disclosure, exposure or transmission continues to expand internationally (but also provoking a growing global resistance). In many parts of the world, increasingly nationalist rhetoric has targeted immigrants and migrants, fueling a climate of hate. And in Canada, a wave of regressive legislation enacted over the past decade, compounded by problematic court decisions, has impeded efforts to protect and promote the health of people who use drugs, prisoners and sex workers.

Since its founding, the Legal Network has recognized that ending the HIV epidemic will require dramatically scaling up efforts to protect and fulfill human rights, particularly for marginalized populations. While encouraged by recent advances, the Legal Network has endeavored to assess a range of factors, both positive and negative, that characterize the current environment in which we operate, in an effort to maximize our future effectiveness. Key findings include the following:

The Legal Network's focus on the legal environment constitutes the organization's most important niche.

By focusing on the legal environment — laws and policies, enforcement practices and access to justice — the Legal Network occupies a space shared by relatively few organizations worldwide, adding considerable value to the international human rights debate.

“Legal work is really what distinguishes the Legal Network... most other groups don't do it. It's not just going to court... the Legal Network also has a strong analytical experience and skills. Evaluating new legislation, for example... I'm not sure anyone else has that specific skills set...”

The Legal Network's commitment to marginalized populations is central to its identity.

The Legal Network is widely admired for its focus on marginalized populations. The organization's considerable expertise regarding issues faced by key populations — people who use drugs, sex workers, LGBTQI people, prisoners and others — not only contributes to its credibility, but also enhances its reputation among stakeholders.

“These groups [prisoners, people who use drugs, sex workers] are all underserved, undervalued, sometimes despised, marginalized groups. It's incredibly important and bold to explicitly identify them — to say: these are our priorities.”

The change in the Canadian government may present new domestic and international opportunities.

The new federal government elected in October 2015 has shown itself, at least rhetorically, to be more open to domestic policies that respect the human rights of people living with or at risk of HIV, particularly people who use drugs, sex workers, prisoners, LGBTQI people and Indigenous communities. Moreover, Canada has recently been more willing to promote reforms on the international stage. While both represent significant opportunities, it will be important to hold the new government accountable for keeping its promises. Meanwhile, the approach to federal funding of HIV-related initiatives is shifting: while the new model appears to be more responsive again to addressing legal and human rights issues, at the same time there are serious concerns about whether key services and activities will continue to enjoy funding support in some areas.

“One thing that's very clear — the Legal Network should prioritize its engagement with the Canadian government. The Legal Network is one of the stronger organizations to do that... Canada offers an opportunity for movement, and they should keep doing that. Both Canadian drug policy and Canadian foreign affairs... the two issues are connected...”

By pursuing fewer policy issues in greater depth, the Legal Network could have greater overall impact.

In seeking to address the wide range of human rights abuses confronting people living with or at risk of HIV, and to build legal protections where possible, the Legal Network often finds itself stretched. Moving forward, an approach that emphasizes in-depth, long-term, sustained advocacy, but on fewer issues, may hold an opportunity for greater impact.

“If I were the Legal Network, I would go for depth over breadth...”

Similarly, the Legal Network may realize greater impact by focusing more resources on those issues where it is an acknowledged leader.

In addition to those issues where it occupies a leadership role (e.g., HIV criminalization), the Legal Network has always endeavoured to support a wide range of human rights causes. Moving forward, it may be advantageous to focus its work on those issues with maximum potential for impact and on which the Legal Network is recognized as a key actor in shaping the policy discussion.

The Legal Network has established itself as an important international player.

Internationally, the Legal Network is recognized as an important actor in global debates on HIV and drug policy in the UN system and on HIV criminalization, as well as an important national/regional contributor on various HIV-related human rights issues in Eastern Europe and Central Asia, the Caribbean and francophone Africa.

“The Legal Network is truly a high-level global policy contributor — particularly on key HIV and drug policy issues. Their perspective in international dialogues is really valuable.”

While the Legal Network continues to push to reform bad laws, helping key populations secure access to justice can have meaningful impact.

Building capacity among key population organizations in-country to know, defend, promote and access their rights can provide measurable relief, even in the face of punitive laws and policies, and their enforcement.

“There are all these efforts to change laws, but where are the efforts to help access while bad laws exist — improve legal empowerment, access to justice, police education, etc.? Laws criminalizing sex workers, people who use drugs, LGBTQI people are not going to change. But we know that we can do a lot to enable populations — in spite of laws, and to be protected against police violence. That would be more likely to lead to positive changes on the ground...”

The expertise of the Legal Network’s staff contributes to the organization’s credibility and reputation.

The Legal Network staff is highly regarded and well-known for its expertise, attention to detail and accuracy. Moreover, the organization has a strong reputation for being able to analyze, synthesize and communicate complex information and ideas, and for being approachable and accessible. As such, the Legal Network enjoys strong credibility among its civil society partners, policy-makers and funders.

“I’m very grateful that the Legal Network exists because they hold this unique position where — without diluting the urgency and complexity, the subtle, nuanced dynamics of the work — they maintain a respectable and professional reputation. They have a lot of credibility. I have a lot of respect for that. They are the experts, they’re always well-prepared.”

The Legal Network is highly regarded for its integrity and the consistency of its values.

In addition to being recognized for the quality of its work, the Legal Network is widely acknowledged for maintaining the highest standards of integrity and adhering to a strong set of values. Both of these attributes further enhance its credibility and reputation.

“Their rigour, depth of work, analysis, integrity. There is a broad recognition that the Legal Network is driven by principle, not politics.”

The Legal Network has a reputation for acting fearlessly — taking the right positions in spite of the risks — but diplomatically.

The Legal Network is well-known for holding principled positions, grounded in a human rights analysis, even when such positions are unpopular or controversial. But Legal Network staff members are also recognized for their diplomacy and respect for dissent.

“The Legal Network is principled and true to their beliefs, without being overly aggressive or confrontational. They are diplomatic and skillful, while still holding fairly radical policy positions. I love that combination!”

The Legal Network is known for sharing the spotlight, and giving credit where credit is due.

Listening to, enabling and foregrounding the voices and experiences of communities most affected by HIV is an important and valued dimension of the Legal Network's advocacy strategy.

“The Legal Network does a good job at sharing the glory, at collaborating... and not being elitist. That takes a lot more work, it requires patience with communities (and you end up taking a few lumps), but it's an important way of doing the work.”

The Legal Network benefits from a diverse and capable board of directors.

The Legal Network's constitution mandates an elected 12-person board of directors comprising representatives from every region of Canada, as well as international members and people living with HIV. Consistent with its commitment to accountability, the Legal Network also strives for gender balance and endeavours to recruit members of populations particularly affected by HIV. Recently, to further strengthen its operations, the board undertook a risk assessment and has begun reviewing and updating organizational policies. Among directors, some feel that there would be value in more frequent opportunities to meet in person, both as a full board and with staff.

While it successfully rebounded after a serious decline in funding, the Legal Network remains vulnerable to major funding shifts, and operates without the benefit of a significant reserve.

In recent years, the Legal Network experienced a relatively serious and sudden cut in funding, which prompted the organization to launch the three-year Right(s) Now campaign, a carefully planned fundraising initiative that helped to diversify sources of revenue and improve the organization's overall fiscal health, without compromising core programs. Notwithstanding, it would be prudent for the Legal Network to prepare as much as possible for the ongoing risk of significant funding shifts.

“After a major cut in funding... the work is as good or better than it has ever been.”

Legal Network communication products are highly regarded by advocates and service providers, and are viewed as credible and authoritative.

Many stakeholders report that Legal Network publications have been useful to them or to their organizations, increasing their ability to understand HIV legal and human rights issues, and enhancing their ability to communicate with others. Other Legal Network efforts — including workshops, symposia and documentary films — are similarly lauded.

“The workshop really upped my education, the Legal Network is really good at pulling together issues; sometimes I don't know what questions to ask — but the Legal Network covered all the issues. It's been so helpful for my work — to understand the different angles, and how much the law intersects. The LN is able to draw connections with how movements are related and connected — it's one of the most useful things the LN does for the broader community.”

The Legal Network could benefit from a stronger brand, including a new name.

Stakeholders, including board members and staff, largely agree that “Canadian HIV/AIDS Legal Network” may not be the most effective name for the organization at this stage in its development, given its organizational structure as well as the nature and scope of its work.

Among Legal Network staff, morale and job satisfaction are generally very good.

The strong majority (86%) of Legal Network staff report liking their work. Almost all (93%) report that the Legal Network maintains a positive work environment and culture.

The organization's ambitious agenda sometimes raises questions about whether the staff is stretched too thin.

When queried, most staff members report that their job is moderately (43%), very (21%) or extremely (7%) challenging. Though 43% of staff report that their workload is “about right,” 43% report that it is “somewhat too heavy.” Similarly, while 43% report that expectations set for them are “very realistic,” 43% report that expectations set for them are only “somewhat realistic.” Regardless, a large majority of staff feel that their work is moderately (36%), very (36%), or extremely (21%) meaningful. Importantly, most staff members agree (27%) or strongly agree (27%) that others in the organization could step in for them if an urgent situation arises.

Most Legal Network board and staff members feel that the organization could easily benefit from additional staff capacity should resources permit.

Given the option to recruit one additional employee to increase organizational effectiveness, efficiency and productivity, 43% of staff would seek someone with government relations expertise, consistent with the desire to have greater impact in influencing policy in line with Legal Network advocacy objectives; 29% would favour adding an additional lawyer to the team. Given the opportunity to recruit a second additional employee, however, 35% would choose additional management support for the executive director, while 21% would choose to enhance the in-house fundraising capacity and 21% would choose an additional lawyer.

Certain workplace or technological improvements might improve job performance and satisfaction.

Though all staff members report that getting the resources they need to do their job well is extremely (7%), very (21%) or somewhat (71%) easy, most also suggest that they would benefit from additional resources, particularly in the area of technology (computer hardware, software or peripherals, or telecommunications technology).

Moving Forward: Our Strategic Directions

Our Touchstones

HIV and the law

Since its founding in 1992, the Legal Network has recognized that an effective global HIV response must respect and protect human rights, particularly for those marginalized populations most at risk for stigma and discrimination. Advancing human rights is not only an ethical obligation; it also represents sound public health policy. To that end, the nexus between HIV, on the one hand, and law and policy, on the other, informs all of the Legal Network's work.

HIV and human rights

People living with, at risk of or affected by HIV have a right to health, including access to life-saving medications and HIV prevention services and technologies, and to freedom from discrimination and abuse that can increase their risk for HIV transmission or disease progression. For example:

- In Canada and around the world, people living with HIV are convicted of serious criminal offences, sometime resulting in significant prison sentences, for not disclosing their HIV status where there was neither actual HIV transmission nor intent to transmit the virus. In some cases, people have been charged and convicted even where there was no meaningful risk, in cases ranging from sexual intercourse with an undetectable viral load to oral sex or spitting. Such charges are often laid based on a public health argument — with no basis in evidence. The misuse of criminal charges violates human rights, provokes a climate of fear and impedes HIV prevention and treatment efforts.
- People who inject drugs are at risk for serious health consequences, including HIV and hepatitis C (HCV), from the use of non-sterile drug consumption equipment. Moreover, for all people who use drugs, punitive laws impede harm reduction and other services, fuel stigma and discrimination, and contribute to high incarceration rates, all of which further increase risk.

- In Canada and around the world, sex workers face serious human rights abuses. The criminalization of sex workers contributes to stigma, discrimination, marginalization and more precarious working conditions, impeding access to health care and other services. Abusive enforcement practices make sex workers vulnerable to extortion or harassment, and deny them basic police protections against violence. As a consequence, sex workers face increased risk for HIV, while the criminalization of sex work impedes HIV prevention and treatment efforts.
- The prevalence of HIV and HCV is dramatically higher in prisons, partly as a result of significantly higher incarceration rates among populations already facing disproportionate HIV and HCV risk, such as people who use drugs. Moreover, prisoners are often denied basic health care, including HIV prevention tools such as condoms or sterile syringes — a violation of human rights.
- While gay men and some other sexual minorities are at significantly higher risk of contracting HIV, their criminalization poses barriers to effective HIV prevention and treatment programs. Laws and policies criminalizing same-sex relations fuel stigma and discrimination, increase the risk for violence and impede access to services, including health care and police protection.

The rule of law: A double-edged sword

In many settings, stigma, discrimination and other abuses are often officially sanctioned by ill-advised or poorly crafted laws and policies that criminalize or otherwise fail to uphold the right to health of people who use drugs, sex workers, LGBTQI people or people living with HIV, among others. Such laws and policies impede effective HIV prevention, care, treatment and support and must be reformed.

But laws and policies can also serve to protect people from discrimination or abuse, and to guarantee rights — including access to health care. Local or national laws are underpinned by international treaties or obligations, many of which protect equal access to health care and prohibit discrimination.

However, it is also the application of law that matters — how laws are enforced (or not enforced) on the ground and how justice is administered. As such, the Legal Network recognizes that particularly for marginalized populations, access to justice — i.e., fair and equitable enforcement, access to remedies — is as equally important as favorable laws and policies.

Setting Priorities

Moving forward, the Legal Network is committed to maximizing its impact by working in greater depth on fewer issues, acknowledging that doing so will require reducing or eliminating efforts in other areas. As it operationalizes its strategic directions, the Legal Network has established a set of criteria that it will use to guide its priorities:

- **Likelihood for success.** Are we likely to achieve our goal? What is the prospect of achieving measurable impact?
- **Leadership.** Does the Legal Network play a leadership role on this issue? How can we best leverage our expertise and experience?
- **Values and Principles.** Are the issue and desired outcome consistent with our values, in particular our commitment to “the centrality of human rights in the response to HIV and AIDS” and “a focus on the rights of marginalized populations”?
- **Funding.** Are resources available to support the work — and to sustain the work for the immediate future?
- **Domestic/international balance.** Is the work in keeping with the Legal Network’s goal of achieving a portfolio that is balanced between domestic (Canadian) and international work?
- **Expertise.** Is the Legal Network’s staff well-suited to address the issue in terms of technical skills and experience?

The Ways We Work

To achieve its goals, the Legal Network will continue to employ four main strategies:

- Research and analysis
- Litigation and other advocacy
- Public education
- Community mobilization

Our Goals

On behalf of key populations who face a disproportionate HIV burden by virtue of their marginalization, unequal or unfair treatment under the law — including people living with HIV, people who use drugs, sex workers, prisoners and LGBTQI people — the Legal Network’s primary goals are to achieve:

- 1) the repeal or reform of **punitive laws or policies** that unjustly criminalize or discriminate against key populations affected by HIV;
- 2) the enactment or implementation of **laws and policies that protect** key populations from discrimination and abuse, and ensure access to appropriate health care; and
- 3) **support for key populations** affected by HIV to know, promote, demand and enjoy their human rights.

Priority policy or human rights outcomes are listed below for each goal:

1) Repeal or reform of punitive laws or policies that unjustly criminalize or discriminate against key populations affected by HIV

Key Population	Policy or Human Rights Outcome
People living with HIV	The Supreme Court of Canada, the federal government and/or provincial governments narrow the scope of HIV criminalization, through various means, thereby reducing substantially the number of unjust criminal prosecutions for HIV non-disclosure in Canada
People who use drugs	The federal government’s review of criminal justice policy includes the removal of mandatory minimum sentences for at least certain drug offences, and the review process includes consideration of proposals for decriminalizing the possession for personal use of various currently illegal substances
	The European Court of Human Rights issues a positive decision finding Russia’s criminal prohibition on opioid substitution therapy (OST) contravenes the European Convention on Human Rights
Sex workers	The federal government repeals or substantially amends the <i>Protection of Communities and Exploited Persons Act</i> , decriminalizing sex work so as to better respect and protect the health and safety of sex workers (including decriminalizing clients and third parties)
LGBTQI people	A court strikes down Jamaica’s laws criminalizing consensual sex and intimacy between men
	The groundwork is laid for a legal proceeding aimed at removing such criminal prohibitions in at least one other Caribbean country where they remain in law

2) Enactment and implementation of laws and policies that protect key populations affected by HIV from discrimination and abuse, and ensure access to appropriate health care

Key Population	Policy or Human Rights Outcome
People who use drugs	The federal government repeals or substantially amends the <i>Respect for Communities Act</i> to facilitate establishment of safer consumption sites
	The federal government reinstates harm reduction as a key element of Canada's federal drug strategy and increases the allocation of funds within that strategy for harm reduction
	UN human rights committees issue positive recommendations regarding drug policy and the rights of people who use drugs in EECA countries, including condemning Russian prohibition on OST as a violation of human rights treaties
	The Legal Network and partners develop international guidelines on drug policy and human rights that enjoy the support of some key UN agencies, human rights experts and mechanisms, and some member states
Sex workers	UN human rights committees issue positive recommendations regarding the rights of sex workers in EECA countries
Prisoners	Federal prisons in Canada implement prison-based needle and syringe programs (PNSPs)
LGBTQI people	A final appellate court upholds freedom of expression and the right of access to the media by ruling in favour of compelling TV stations in Jamaica to accept for broadcast an advertisement promoting respect for the human rights of LGBTQI people

3) Support for key populations affected by HIV to know, promote, demand and enjoy their human rights

Key Population	Policy or Human Rights Outcome
All	People living with HIV and key populations in Canada are empowered to exercise their rights in the context of HIV, including through educational activities, resources and legal support
All	Key populations are empowered to exercise their rights in the face of punitive legal environments in Russia and Eastern Europe/Central Asia (EECA)
All	Global Fund grantees strengthen human rights programs and services in West Africa and EECA
Sex workers	European Court of Human Rights renders a positive judgment on the ability of sex worker organizations in Russia to form and register legally
People living with HIV	People living with HIV and advocates, in Canada and internationally, are empowered to advocate against cases of unjust HIV criminalization, including through a national coalition in Canada and a widely endorsed, high-profile global consensus statement on HIV criminalization

Intersections in advocating for justice and health

People often belong to more than one “key population” or community disproportionately affected by HIV and so may experience heightened risks to health in various ways. In addition, individuals who are marginalized by virtue of their criminalization or experience of discrimination, such as people who use drugs, sex workers, prisoners and LGBTQI people, often face additional barriers to services, or experience added stigma and discrimination, due to other, intersecting factors, including sex, gender, race/ethnicity, gender, socioeconomic status, disability, immigration status or Indigenous status. These intersecting factors can often produce *syndemics*: a situation in which multiple, intertwining and mutually reinforcing factors — from biological conditions to social conditions and systems of inequality — can harm the health of individuals and communities and perpetuate social injustice.

For example, **gender inequality** is a key driver of the HIV epidemic. Discrimination, violence, poverty, lack of political power, inadequate educational opportunities, insecure housing and barriers to services all dramatically increase HIV risk among women and pose barriers to their access to adequate, appropriate care. In many countries, legal and social inequality make many women dependent on their male partners, impeding their ability to protect themselves from HIV. Violence against women is endemic, and sex workers (disproportionately, but not exclusively, women), women who use drugs and women in prison are often at heightened risk of discrimination and abuse. In all of its work, the Legal Network seeks to incorporate a gender-informed analysis and advocates for rights-based policies that promote gender-appropriate laws, policies and programs, protect women from violence and advance their social and economic equality.

Similarly, **racial discrimination** plays out in multiple ways to structure the risks many people and communities experience in relation to both HIV (and other sexually transmitted and blood-borne infections) and human rights violations, which also further exacerbate the impact of HIV. For example, Black people in Canada, including those who identify as part of African or Caribbean diasporas, as well as a range of other racialized communities, often encounter a variety of barriers in access to services, including racism. Black people also bear a disproportionate burden of policing — including in the context of HIV criminalization and the enforcement of prohibitionist drug laws — and higher rates of incarceration. In addition, as a result of Canada’s history of colonialism, cultural denigration and racism, Indigenous people experience higher rates of violence, incarceration and problematic drug and alcohol use than non-Indigenous people, all experiences that increase the risk for HIV and HCV. Moreover, First Nations, Inuit and Métis peoples often experience very different levels of service, depending on where they live; even where services are available, programs may be culturally inappropriate or in settings in which people encounter racism. The unequal treatment of Indigenous people is an affront to the ideal of Canada as a just and equitable society.

The Legal Network always strives to consider such intersectional factors and reflect these connections among health-related problems when advocating for human rights, whether in relation to a particular intervention or more broadly for just laws and policies that enable the full realization of the right to the highest attainable standard of health.

Organizational Development

The Legal Network recognizes that its capacity to reach its policy goals will depend on maintaining a well-resourced, sustainable, transparent and accountable organization. To that end, the strategic planning committee has identified and prioritized select organizational development objectives in the following areas:

Governance

Moving forward, the Legal Network board of directors identified a number of operational and procedural issues to explore in order to maximize its efficiency and impact, including the following:

- Improve the board's capacity to support Legal Network fundraising
- Enhance the abilities of Legal Network directors to serve as organizational ambassadors
- Consider approaches to increasing board and board-staff engagement, including the possibility of more frequent in-person meetings

Development

The three-year Right(s) Now campaign has been a success, having raised 93% of its fundraising goal as of March 2017. However, the Legal Network must continue to strengthen its development capacity, further diversify its funding sources and develop contingency plans in the event of unanticipated declines in revenue. To that end, to further enhance the organization's sustainability, the Legal Network will do the following:

- Further diversify funding sources, with a continued emphasis on individual giving, foundation support and earned income
- Enhance the fundraising capacity of both the board of directors and the Advocates Circle of supporters, by making greater use of members' skills and experience

Communications

Communications — including publications, media relations, educational events and government relations — remains an essential component of almost every aspect of the Legal Network's advocacy efforts. While many of its communications efforts are highly regarded by stakeholders, the Legal Network has identified a number of priorities for further enhancing its communications capacity:

- Enhance media relations capacity, with a particular emphasis on cultivating and stewarding relationships with Canadian journalists
- Boost the Legal Network's profile, credibility and authority among policy-makers, particularly at the federal level

- Increase capacity to engage international media, particularly in regions where the Legal Network focuses its advocacy efforts
- Research, develop and implement a rebranding initiative, to improve Legal Network's recognition and visibility, including enhancing its position as a key advocate on a range of HIV-related legal and policy issues affecting human rights

Staff Capacity

As resources permit, the Legal Network will seek to expand its staff capacity in ways that maximize the organization's efficiency and effectiveness in achieving its desired policy outcomes and organizational goals. Current priorities include the following:

- Recruit a new staff person with government relations experience, preferably at the federal level, to enhance the organization's effectiveness in advocating for key legal and policy reforms needed in the HIV response

Operations

The Legal Network always strives to maximize the efficiency of its operations, including administration, finance, human resources, information technology and facilities, and accomplishes a great deal with a relatively lean infrastructure. In most cases, staff report receiving sufficient support to accomplish their objectives. Notwithstanding, the Legal Network recognizes the need to constantly assess and adjust the organization's support functions, to ensure an optimal balance — avoiding not only profligate spending, but also excessive frugality, which can impede staff efficiency.

- Improve the Legal Network's information technology and telecommunications capacity

Monitoring and Evaluation

The Legal Network has developed Advocacy and Social Justice: Measuring Impact, a monitoring, evaluation and learning guide on HIV, the law and other social justice policies. The guide is designed to build the Legal Network's capacity to monitor and evaluate the impact of its programs, ensuring accountability, and also to promote organizational learning, that is, to inform an iterative process whereby the organization improves its practices by adjusting its activities and priorities based on demonstrated successes — or lack thereof. As such, as the Legal Network gains practice in using the guide, it should logically assist with implementing this strategic plan (and making adjustments to the plan and activities as necessary).

- The Legal Network will systematically incorporate monitoring, evaluation and learning practices across its programs and activities.

Conclusion

Many in the advocacy community have mobilized around the goal of ending the HIV epidemic as a public health threat, and there is widespread agreement that we have the requisite knowledge and the technological means to make substantial progress toward that goal. Whether there is sufficient political will, including the commitment of the funds needed, remains an open question. Success will depend on dramatically scaling up human rights protections for marginalized populations most affected by HIV — the core of the Legal Network’s work. For decades, the Legal Network has occupied a place at the forefront of this movement for health and human rights, and with this strategic plan and the continued support of members, colleagues and partners, commits to redoubling its efforts.

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Strategic Planning Committee

Sandra Ka Hon Chu, Director of Research and Advocacy

Richard Elliott, Executive Director

Marilou Gagnon, Chair, Board of Directors

Derek Hodel, Strategic Planning Consultant

Ron Rosenes, Vice-Chair, Board of Directors

Board of Directors 2016–2017

Andrew Beckerman

Jesse Brown

Veronica Cenac

Rosemary Fayant

Marilou Gagnon, Chair*

Louis Letellier de St. Just

Megan Longley

Maria Nengeh Mensah, Secretary*

Ryan Peck, Treasurer*

Ron Rosenes, Vice-chair*

Christine Vézina

Jessica Whitbread

* Executive Committee

Staff

Daniele Bourgeois, Program Support Assistant

Janet Butler-McPhee, Director of Communications and Advocacy*

Nicholas Caivano, Policy Analyst

Sandra Ka Hon Chu, Director of Research and Advocacy*

Adrineh Der-Boghossian, Communications Specialist

Richard Elliott, Executive Director*

Mikhail Golichenko, Senior Policy Analyst

Terry Gould, Program Support Manager*

Cécile Kazatchkine, Senior Policy Analyst

Lauryn Kronick, Communications and Outreach Officer

Kimahli Powell, Director of Development and Outreach*

Doriana Schiavi, Finance Manager*

Maurice Tomlinson, Senior Policy Analyst

* Management team

1240 Bay Street, Suite 600, Toronto, ON M5R 2A7
Telephone: 416-595-1666
www.aidslaw.ca

