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# Annual Report

2002 / 2003



# Our Mission

The Network is a charitable organization engaged in education, legal and ethical analysis, and policy development. We promote responses to HIV/AIDS that

- implement the International Guidelines on HIV/AIDS and Human Rights;
- respect the rights of people with HIV/AIDS and of those affected by the disease;
- facilitate HIV prevention efforts;
- facilitate care, treatment, and support to people with HIV/AIDS;
- minimize the adverse impact of HIV/AIDS on individuals and communities; and
- address the social and economic factors that increase vulnerability to HIV/AIDS and to human rights abuses.

We produce, and facilitate access to, accurate and up-to-date information and analysis on legal, ethical, and policy issues related to HIV/AIDS, in Canada and internationally. We consult, and give voice to, Network members and a wide range of participants, in particular communities of people with HIV/AIDS and those affected by HIV/AIDS, in identifying, analyzing, and addressing legal, ethical, and policy issues related to HIV/AIDS. We link people working on or concerned by these issues. We recognize the global implications of the epidemic and incorporate that perspective in our work.

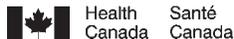


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# Message from the President

Once again we have seen a busy year pass very quickly, with a great deal of activity both at the Board level and in terms of the Network's wider efforts.

The Network continues to serve a diverse range of members across Canada and around the world. With the scope of Network activities still expanding, the Board made significant progress in 2002/2003 in providing strategic direction to the organization.

From November 2002 to June 2003, the Board assisted staff in the organizational restructuring process, leading to the set-up of a new team-based structure at the Network. The new organizational structure groups staff into dedicated teams focused on our core activities: research/advocacy, communications, and capacity-building. In addition, we have formed a management team and a program support team. This team-based reorganization will facilitate the integration of our Canadian and international work, and will allow us to better serve our members, our communities, and our cause.

Organizational restructuring has been complemented by the completion of a Board-led strategic planning process that will guide the Network's efforts over the next five years. The vision and goals identified through this process will orient our mission of promoting human rights in Canada and internationally for all people living with and vulnerable to HIV/AIDS through research, education, advocacy and community mobilization.

In October 2002, Michael Linhart resigned from his position on the Board for health-related reasons. Michael's contribution to the Network has been invaluable, and at its November 2002 meeting, the Board decided to appoint Michael as the Network's first "honorary member." In June 2003, the Board lost another member when Thomas Kerr stepped down as Board vice-president – happily, to accept a staff position as part of the Network's Research and Policy team. Although we will miss Thomas' contribution as a member of the Board, we wish him every success in this new role within the organization.

I would like to thank my fellow Board members for their continued commitment over the past year; the Network's staff for their hard work and many accomplishments; and, most importantly, our membership for the invaluable input and support you have provided in 2002/2003.

We look forward to another year of collaboration and results.



Kevin Midbo

## 2002/2003 Board of Directors

Kevin Midbo, *President* (Prairies)  
Thomas Kerr, *Vice-President* (Pacific)  
(November 2002 to June 2003)  
Ruth Carey, *Treasurer* (Ontario)  
Wayne Campbell, *Secretary* (Pacific)  
Ken Clement (Pacific)  
Joanne Csete (International)  
Marlene Daley (Québec)  
Michael Linhart (Pacific) (until  
October 2002)  
Michèle Lalonde (Québec)  
Stefan Matiation, (Ontario)  
Caroline Ploem (Atlantic)  
Alan Wood (Pacific) (since  
November 2002)

# Message from the Executive Director

With action still needed on so many fronts, it is important to remember that our efforts do have an impact. The events and accomplishments of the past year demonstrate that despite constraints, communities and governments can move ahead to address critical priorities.

Eight months after the Network released its April 2002 discussion paper on safe injection sites, Health Canada implemented some of the paper's recommendations. A government-authorized site will soon open in Vancouver. While Health Canada imposes rules that will limit the effectiveness of the site, this is nevertheless a step in the right direction.

This was also a notable year for our work on HIV vaccine issues, with treatment, microbicide and vaccine advocates embarking on new forms of collaboration and the federal government committing to develop a Canadian vaccine plan with community input and participation. By June 2003, Health Canada had begun these consultations.

2003/2003 saw the start of significant work which will continue over the next few years to increase community action to combat HIV-related stigma and discrimination. As well, we have begun a major effort to promote rights-based approaches to HIV/AIDS, aimed at raising awareness about why respect for human rights is so critical to any hope of truly confronting this epidemic.

Recognizing the successes of the past year, of course, should not distract us from the many areas where further work is still required. Our November 2002 report card on harm reduction in Canadian prisons, for instance, concluded that governments are still failing to provide the resources and leadership necessary to prevent the spread of infectious diseases among prisoners. We have also continued to collaborate with other Canadian NGOs to hold the federal government accountable in international trade and patent law negotiations that affect how accessible essential medicines are to people in developing countries.

The achievements of 2002/2003 are numerous, and were possible only through the hard work of many people at the Network and our partner organizations, whom I congratulate.

In his keynote address presented at the opening of the Network's 2002 AGM, David Hoe reminded us that the central challenge we now face may be to ensure "that the person with HIV/AIDS see him or herself as part of a greater picture of life; who is but potential; and who, at any point, can start to determine self-direction."

As we move into our twelfth year, I would like to extend special thanks to those who have helped keep this resolve at the centre of our concerns, including my co-workers for their team work and commitment, the Board for its dedication and clear direction, and our members for their support and ongoing engagement.

## Network Staff

Ralf Jürgens, Executive Director  
Richard Elliott, Director,  
Policy & Research  
Glenn Betteridge,  
Senior Policy Analyst  
Theodore de Bruyn,  
Senior Policy Analyst  
David Patterson,  
Senior Program Officer  
Glen Bugg, Finance & International  
Programs (until August 2003)  
William Hamilton, Finance and  
Office Coordinator  
Thomas Haig,  
Communications Manager  
Elana Wright, Community  
Development Coordinator  
Terry Gould,  
Program Support Coordinator  
Natalie Morin, Program Assistant  
Éric Nolet, Project and Publications  
Coordinator (until June 2003)  
Anne Renaud, Office and Project  
Coordinator (until June 2003)



Ralf Jürgens

# A Short History

**F**ounded in 1992, the Network has an eleven-year history of addressing the needs of people with and vulnerable to HIV/AIDS. Interest in our work has been overwhelming, and the many resources we have produced continue to be well received and much in demand. In Canada, people with HIV/AIDS, AIDS service organizations, national and international non-governmental organizations, lawyers and staff of legal clinics, human rights commissions and organizations, experts in research, ethics, and law, addiction/substance use, professional associations, health and public health practitioners, and government officials speak highly of our work and say they want and need more work in this area.

International recognition of our work is also growing. Among other things, the United Nations Programme on HIV/AIDS has funded several Network projects and continues to contract the Network to develop policy option documents (such as on HIV/AIDS and criminal law and on HIV testing of peacekeeping forces), and has included our activities in its collection of “best practices.” The *Canadian HIV/AIDS Policy & Law Review* is mentioned in the UN’s International Guidelines on HIV/AIDS and Human Rights as a model of community activity that governments should consider funding.

Since its inception, the Network’s activities have included:

- A Joint Project on Legal and Ethical Issues Raised by HIV/AIDS, undertaken in part with the Canadian AIDS Society. As part of this Project, we
  - published and widely distributed discussion papers and final reports on HIV/AIDS in prisons, criminal law and HIV/AIDS, gay and lesbian legal issues and HIV/AIDS, and HIV testing and confidentiality;
  - published and widely distributed a discussion paper on HIV/AIDS and discrimination;
  - held workshops on HIV/AIDS and prisons, gay and lesbian legal issues, criminal law and HIV/AIDS, testing and confidentiality, and HIV/AIDS and discrimination; and
  - have undertaken follow-up on the recommendations made in the final reports.
- Work on legal issues relating to Aboriginal people and HIV/AIDS, in partnership with the Canadian Aboriginal AIDS Network.
- An analysis of key legal and ethical issues associated with (1) providing HIV/AIDS care, treatment, and support to drug users, and (2) preventing the transmission of HIV through drug use by implementing harm reduction measures such as the establishment of safe injection facilities.
- A strategic planning process to reassess which legal, ethical, and human rights issues require most attention, and the development of an action plan for work on these issues in Canada for the period 1998-2003.
- As a result of the planning process and plan, undertaking multi-year projects in two areas: care, treatment, and support; and HIV vaccines.
- Each year since 2000, undertaking analysis of one new, emerging, or pressing legal, ethical, and human rights issue related to HIV/AIDS. Past projects have examined HIV/AIDS and immigration, privacy and confidentiality, and disability and income security.
- Planning for capacity-building in legal, ethical, and human rights issues related to HIV/AIDS, undertaking capacity-building initiatives within the legal

”  
*Somehow you have brought us all together in a manner that seems to work very well but also creates an atmosphere filled with hope and the certainty that anything is possible. Your continued dedication to transparency deserves much applause...*

*The Network continues to have a great impact upon my life and my work in many ways.*

– Sheila Norquay, Network member

profession, and organizing capacity-building workshops in a number of regions across Canada.

- Publishing and distributing the *Canadian HIV/AIDS Policy & Law Review*.
- Holding public seminars on law, ethics, and HIV/AIDS, with partial funding from the Québec Ministry of Health and Social Services.
- Maintaining a website of resources on current legal, ethical, and human rights issues raised by HIV/AIDS ([www.aidslaw.ca](http://www.aidslaw.ca)).
- Building up, systematizing, and maintaining our resource centre, the largest and most comprehensive publicly accessible documentation centre in Canada in the area of legal, ethical, and policy issues related to HIV/AIDS.
- Entering into a partnership with the AIDS Law Project, South Africa (ALP).
- Organizing, together with the ALP, the Lawyers Collective HIV/AIDS Unit (India), and UNAIDS, satellite conferences focusing on legal and human rights issues, held in conjunction with the International AIDS Conference in Durban in 2000 and in Barcelona in 2002.
- Expanding our international activities and integrating the domestic and international components of our work.
- In partnership with other NGOs, campaigning to improve global access to treatment, including a meeting with Prime Minister Jean Chrétien shortly before the WTO Ministerial Conference held in Doha in November 2001.
- Launching a listserv dedicated to the discussion of legal, ethical, and policy issues related to HIV/AIDS.
- Fighting unjust legislation, such as the now-defunct Bill C-217, which proposed compulsory testing in cases of occupational exposure.
- Participating in the UN General Assembly Special Session on HIV/AIDS, in June 2001.
- Establishing, together with Human Rights Watch, the “Awards for Action on HIV/AIDS and Human Rights,” to recognize individuals or organizations in Canada and internationally that have made an outstanding contribution to addressing HIV/AIDS and human rights issues.

# 2002/2003 Highlights

As in previous years, 2002/2003 was marked by many significant events and accomplishments. Here are some of the most notable highlights:

- We participated in a panel at the UN Commission on Human Rights, entitled Realising the Right to Health: Access to HIV/AIDS-related Medication.
- We organized an international consultation on HIV vaccine research in developing countries, held in Montreal in April 2002. Later, we released a summary report on *HIV Vaccines for Developing Countries: Advancing Research and Access*. (See p. 9).
- In June 2002, we published a backgrounder and series of info sheets on *HIV Vaccines in Canada*, calling for the development of a Canadian vaccine plan. (See p. 9)
- We collaborated with the AIDS Law Project (South Africa), the Lawyers Collective HIV/AIDS Unit (India), and UNAIDS to organize an official satellite event at the international AIDS conference in Barcelona. (See pp. 9 and 12.)
- We entered into a partnership with the International AIDS Vaccine Initiative (IAVI). (See p. 9).
- In November 2002, we published *Action on HIV/AIDS in Prisons: Too Little, Too Late – A Report Card*. (See p. 6.)
- We actively participated in efforts to renew and increase funding for the Canadian Strategy on HIV/AIDS. In March 2003, we appeared before the House of Commons Standing Committee on Health with a presentation on “Doubling the Funding for the Strategy: A Human Rights Issue.”
- In July 2002, UNAIDS published *Criminal Law, Public Health and HIV Transmission*, a document prepared by the Legal Network’s Richard Elliott.
- In March 2003, we published *Questions and Answers: Canada’s Immigration Laws as they Affect People Living with HIV/AIDS*.
- We organized a workshop and drafted a paper on disability and income security.
- We continued our community-based research project on the impact of the law and policy on human rights and HIV prevention and care.
- We began a three-year project to address HIV-related stigma and discrimination. (See p. 8.)
- We began a three-year project to promote rights-based approaches to HIV/AIDS. (See p. 10.)
- We provided technical assistance to member countries of the Caribbean Community.
- We formed new partnerships with the Kenyan Network on Ethics, Law and HIV and the Zambian AIDS Law Research and Advocacy Network. (See p. 11.)
- In September 2002, based on work the Legal Network contributed, UNAIDS and the Office of the UN High Commissioner for Human Rights published an update to Guideline 6 of the International Guidelines on HIV/AIDS and Human Rights.
- In partnership with Human Rights Watch, we inaugurated the Awards for Action on HIV and Human Rights. (See p. 7.)
- We held a capacity-building workshop in Vancouver in October 2002, and another in Montreal in March 2003. (See p. 13.)
- We conducted workshops in Canadian law schools, instituted an annual law essay contest, and provided new opportunities for student interns to work at the Network.



Lee Kirby, Ralf Jürgens and David Patterson carrying the Network banner at Ça Marche 2002.

*I would like you to know that the information that we receive from your organization, reports, files, etc. helps us immensely in developing our approaches. For a very long time, we have been presenting information about important legal implications which individuals should consider, whether they are front line workers, people vulnerable to HIV or people living with HIV infection.*

– Hélène Neault, Coordinator,  
SIDACTION (Trois-Rivières)

# Hope for Harm Reduction in Prisons

Canadian prison systems are still not meeting their moral and legal responsibility to prevent the spread of infectious diseases among prisoners.

*The Canadian HIV/AIDS Legal Network is to be commended for their consistently excellent reviews of international HIV/prison issues.*

– Rachel Maddow

**R**ates of HIV and hepatitis C are extremely high in Canadian prisons. Although the spread of these viruses could be slowed through needle exchange programs and other initiatives, Canadian prisons have been slow to implement such harm-reduction measures. While some prison systems have taken first steps by offering condoms, bleach kits, and methadone maintenance treatment, others have failed to respond adequately to this growing health crisis.

The Network called for additional action on these issues with the release of *Action on HIV/AIDS in Prisons: Too Little, Too Late – A Report Card* in November 2002. Undertaken as a follow-up to the Network's 1996 report on *HIV/AIDS in Prisons*, the report card was based on a survey sent in August 2001 to all federal, provincial, and territorial ministries responsible for corrections and to ministries of health.

Released in collaboration with HIV/AIDS Regional Services (HARS), the HIV & AIDS Legal Clinic (Ontario), Prisoners' HIV/AIDS Support Action Network (PASAN), and the Alberta Community Council on HIV/AIDS (ACCH), the report card concluded that Canadian prison systems are still not meeting their moral and legal responsibility to prevent the spread of infectious diseases among prisoners and to care for prisoners living with HIV and other infections, despite some significant positive developments over the past five years.

In a harm reduction rating compiled to measure the availability and accessibility of HIV and hepatitis C prevention measures, only three prison systems received a passing grade. The British Columbia provincial prison system scored highest, with 22 of 30 possible points, receiving a B. Next were the federal system (21 points: B-), and Newfoundland and Labrador (D). All other jurisdictions received a failing grade.

The report card generated significant media attention, and some prison systems moved to increase harm-reduction measures following its publication. In February 2003, the Network's executive director Ralf Jürgens met with Lucie McClung, Commissioner of Correctional Services Canada (CSC) and Assistant Commissioner Irving Kulik to discuss the possibility of needle exchange programs, the provision of tattooing supplies, and other concerns raised in the report card. Ms. McClung expressed a commitment to improving disease prevention efforts in federal prisons. CSC also provided a detailed written response to the report card, in which it made a commitment to harm reduction measures as one way of reducing the spread of infectious diseases. In March 2003, Ralf Jürgens met with the Honourable Wayne Easter, Solicitor General of Canada, for further discussion of these issues.

Since its inception, the Network has championed the health and human rights of prisoners in Canada and internationally. *Action on HIV/AIDS in Prisons* reflects the Network's increased commitment to activism to address HIV/AIDS and human rights issues. The Network will continue to collaborate with partner organizations in the call for increased leadership, action, and commitment by federal and provincial/territorial governments to prevent the spread of HIV and hepatitis C in prisons and to ensure adequate care to prisoners who are already infected.

# Awards Recognize Outstanding Activists

When the Network collaborated with Human Rights Watch to create the *Awards for Action on HIV/AIDS and Human Rights* in early 2002, we had no idea how timely the selection of the first international award recipient would be. Just weeks before Dr Wan Yanhai, one of China's most well-known and outspoken AIDS activists, was to travel to Canada to accept his award at



Dr. Wan Yanhai

Photo: Daniel C. Tsang

our 2002 AGM, he was detained by Chinese authorities. Dr Wan was charged with leaking "state secrets" concerning attempts by local authorities to cover up the HIV/AIDS epidemic in Henan province, where hundreds of thousands of rural villagers have contracted HIV/AIDS through unsanitary blood-collection practices. With his whereabouts still unknown, Dr Wan's wife, Ms Su Zhaosheng, came to Montreal to accept the award on his behalf.

Dr Wan was released from detention one week later. But his arrest vividly demonstrated the challenges faced by thousands of heroic people around the world who have fought for the human rights of people living with and vulnerable to HIV/AIDS.

The 2002 Canadian recipient was also no stranger to controversy. The Vancouver Area Network of Drug Users (VANDU) is one of the strongest and most innovative drug users' organizations in the world. Formed in 1997,



Dean Wilson, Ann Livingston and Su Zhaosheng

VANDU provides peer-based outreach and care to drug users in the Downtown Eastside of Vancouver. Using its insider knowledge and experience, VANDU has continuously placed the voice of drug users in the political arena and greatly extended the reach and effectiveness of public health efforts aimed at reducing drug-related harm. Dean Wilson explains the award's impact: "the esteem that the award brought to VANDU and its membership was simply astounding and made it that much easier to carry on fighting the injustices that marginalized persons face on a daily basis. I will always think of the Network and Human Rights Watch with a

great deal of fondness because by giving this award (to a group that sometimes feels that we don't deserve anything) you have acknowledged the spirit with which all of us fight against this disease and you have given the movement a real shot in the arm (no pun intended)."

Co-sponsored by the International Harm Reduction Development Program, the Hilda Mullen Foundation, and Mark Gallop, the Awards for Action on HIV/AIDS and Human Rights highlight outstanding contributions by individuals or organizations who have worked to decrease vulnerability to HIV/AIDS and protect the rights and dignity of those infected and affected.

## National Advisory Committee

Ruth Carey (until Sept. 2002)  
 Marlene Daley (since Sept. 2002)  
 Ralf Jürgens  
 Thomas Kerr  
 Kevin Midbo  
 Caroline Ploem (until Sept. 2002)  
 Michael Sobota (since Sept. 2002)  
 Kim Thomas

## International Advisory Committee

Joanne Csete  
 Ralf Jürgens  
 Renate Koch  
 Sophia Mukasa Monico  
 David Patterson  
 Meena Saraswathi Seshu (since Sept. 2002)  
 Kasia Malinowska-Sempruch (since Sept. 2002)

# Stigma and Discrimination

UNAIDS has made eliminating HIV/AIDS-related stigma and discrimination the theme of a two-year World AIDS Campaign (2002-2003).

*A sincere thank you for the informal documents that you sent me. They were greatly appreciated. With these documents my lawyer will be in a better position to help me and to defend me well in court.*

— R.L., e-mail to Network

In Canada, as in the rest of the world, people with HIV/AIDS continue to experience stigma and discrimination. They have been harassed where they live. They have lost their jobs. Some have experienced violence. Most must be careful about whether they disclose their status. Such experiences, combined with the other forms of inequality and discrimination that affect people with HIV/AIDS or those vulnerable to HIV/AIDS, are not only barriers to their health and well-being. They are also violations of their human rights.

This year, the Network began a three-year project to develop and implement an action plan to address HIV/AIDS-related stigma and discrimination, with funding from the Canadian Strategy on HIV/AIDS. The project is part of the Network's commitment to follow up on issues that need further work because they continue to have serious consequences for people with HIV/AIDS and populations affected by the epidemic.

During the first year of the project, the Network has been assessing the current state of stigma and discrimination in Canada and identifying priorities for action. This work is being done in consultation with an advisory committee, made up of representatives from organizations across Canada, including populations affected by HIV/AIDS, public health workers, and government. Based on this research and these consultations, a focused, specific and concrete action plan will be launched on World AIDS Day 2003.

The Network is also working on a project to mobilize communities to take action at the local level. The project will bring organizations together from across Canada to share models for action and develop plans of action to prevent, reduce, or redress HIV-related stigma and discrimination in their communities. Our partners in this project are AIDS New Brunswick, the Canadian Aboriginal AIDS Network, the Canadian Rainbow Health Coalition, GAP-VIES, the Vancouver Area Network of Drug Users, and Voices of Positive Women.

In both these projects the Network is moving from research to action in order to promote a society where people with HIV/AIDS and populations affected by HIV/AIDS enjoy all their rights and freedoms, including the freedom to live without discrimination.

# Preparing for Vaccines, in Canada and Around the World

**H**IV/AIDS medicine reached a milestone this spring, when the results of the AIDSVAX trials, the first large-scale efficacy trial for a preventive HIV/AIDS vaccine, were released. Although the volunteers in the study (drawn from three Canadian cities as well as the United States) showed little reduction in HIV infection, the trial raised many questions. How can vaccines be tested ethically? If an effective vaccine were to emerge, who would have access to it?

The discussion surrounding the release of the AIDSVAX results did not take the Network by surprise. Since 1999, in conjunction with the Centre for Bioethics of the Clinical Research Institute of Montréal, we have been studying the legal, ethical, and human rights issues raised by the development and eventual availability of an HIV vaccine. We have also undertaken a variety of initiatives aimed at mobilizing support for vaccine development among donor governments, developing country governments, private sector research companies, and affected communities; and at facilitating the widest possible access to HIV vaccines once they are developed.

In April 2002, the Network held an international expert meeting in Montreal on “HIV Vaccines for Developing Countries: Advancing Research and Access.” The results of this consultation led to our collaboration on a satellite event held at AIDS 2002 in Barcelona, entitled Putting Third First: Vaccines, Access to Treatment & the Law. This event promoted the notion of a common agenda among vaccine, treatment, and microbicide advocates.

The Network’s international work on vaccine research and access has since led to a partnership with the International AIDS Vaccine Initiative. The Network began a two-year collaboration with IAVI on vaccine advocacy and research in October 2002.

2002 also saw the publication of our report and series of info sheets on *HIV Vaccines in Canada: Legal and Ethical Issues*. Among other things, the report called on Health Canada to coordinate and provide funding for a Canadian vaccine plan. Our efforts in this regard have borne fruit, with Health Canada holding its first major consultation with experts and community groups to discuss development of the plan in June 2003.

Before an HIV vaccine becomes available, there are many legal and ethical issues to resolve. At the same time, efforts to develop vaccines must be stepped up. The Network will continue to undertake proactive research and advocacy in this area.

*The Network has played a large role “in bringing together the small but growing number of vaccine and treatment activists and advocates throughout the world and really trying to stimulate partnership and recognition of the need for both of those groups to work together.”*

– Craig McClure, International AIDS Vaccine Initiative (IAVI)

# Tackling HIV/AIDS Through Human Rights

Vulnerability to HIV/AIDS among stigmatized populations is linked to a long-standing failure to respect, protect, and promote the human rights and dignity of these populations.

*You have helped me to put in perspective exactly what it is about this policy that disturbs me and have given me an avenue to take with it. I really appreciate the time you gave to me on this matter.*

— Kathie Bonner,  
Continuing Care Nova Scotia

In Canada, non-government organizations, in particular the Legal Network, have consistently highlighted the need for the adoption of a rights-based approach to HIV/AIDS, and for laws and policies that respect the rights of people living with HIV/AIDS and those affected by the disease. In 2002/2003, the Network launched a three-year project to raise awareness in Canada of the link between health and human rights.

A rights-based approach recognizes that vulnerability to HIV/AIDS among stigmatized populations – such as gay men, people who inject drugs, and sex workers – is linked to a long-standing failure to respect, protect, and promote the human rights and dignity of these populations. The International Guidelines on HIV/AIDS and Human Rights, published by the United Nations in 1998, provide comprehensive guidance for countries on developing a rights-based approach to the epidemic.

However, the Guidelines themselves (and the commitments Canada made in the Declaration of Commitment on HIV/AIDS) are little known in Canada. As part of this project, we plan to raise awareness of the Guidelines and related materials. We will also undertake an assessment of Canada's compliance with the Guidelines to date, drawing on similar work undertaken in Australia and the United Kingdom. The project will culminate with the publication of a report on Canada's compliance with the Guidelines and a "road map" for action required over the next five years.

This work will complement and enrich many of the Network's ongoing projects, such as those dealing with HIV/AIDS in prisons, criminal law, testing and confidentiality, and stigma and discrimination. Our hope is that it will also improve the environment for advocacy on these issues, enhancing our capacity to analyze issues and promote change.

A rights-based approach is particularly important given the social justice framework that is expected to be incorporated into the new Canadian Strategy on HIV/AIDS. From this standpoint, it is clear that only by considering the structural reasons for the spread of HIV and its effects, only by addressing the human rights of people vulnerable to the virus, only by striving to change the social and cultural factors that drive HIV will Canada be able effectively to confront, and ultimately stop the HIV/AIDS epidemic.

# Planning for Action in Kenya and Zambia

In Kenya and Zambia, as in many countries, people living with HIV/AIDS struggle with mandatory testing in the workplace, a scarcity of anti-retroviral drugs, and other serious human rights issues. In the last few years, however, lawyers, law students, activists, and people living with HIV/AIDS in both Kenya and Zambia have formed new organizations to respond to these challenges. In May 2002, with funding from the Canadian International Development Agency, the Canadian HIV/AIDS Legal Network began an 18-month project to help build the capacity of two such organizations: the Kenyan Ethical and Legal Issues Network (KELIN) and the Zambian AIDS Law Research and Advocacy Network (ZARAN).

In Zambia, where it was estimated in 1999 that 20 percent of adults were living with HIV, a group of law students and lawyers founded ZARAN in 2001. With an enthusiastic membership of about 50 lawyers and students, ZARAN has become an effective advocate for the rights of people living with HIV/AIDS in Zambia. ZARAN's campaign against HIV testing in the workplace achieved a major success this year when the Zambian military announced that it would abandon its mandatory testing policy. Zambia's upcoming review of its constitution will give ZARAN another important chance to promote human rights.

KELIN is poised to contribute to the evolution of law relating to HIV/AIDS in Kenya, where 14 percent of adults were thought to be living with HIV at the end of 1999. Founded by experienced and widely respected Kenyan lawyers and activists, KELIN had a key role in drafting Kenya's forthcoming HIV/AIDS Prevention and Control Bill, which prohibits compulsory testing in schools and the workplace.

The Canadian HIV/AIDS Legal Network is working with KELIN and ZARAN to help them develop sound strategic plans for 2004-2006, and to thus improve the capacity of their members, other legal professionals, and government officers to address HIV/AIDS-related issues. ZARAN is currently receiving administrative support from the Zambian office of the International HIV/AIDS Alliance. KELIN is supported by the Kenyan AIDS NGO Coalition (KANCO).

In March-April 2003, Network member Stephanie Nixon visited both organizations to assess their progress. In June 2003, Dionne Falconer and Lisa Forman travelled to Kenya and Zambia respectively on technical assistance missions. While there, they met with staff and members of these organizations and helped facilitate strategic planning. Although the Network's partnership with KELIN and ZARAN has focused on capacity-building, such visits have also given the Network and its partners a chance to exchange ideas for law reform and advocacy.



Lisa Forman, Justice Edwin Cameron (South Africa)  
and Zambian judges

# Global Access to Treatment Campaign

*You do a great job of exposing really challenging, “hot” issues in a way that the media can take up, the public will read and consider, and yet the story [a newspaper article] is about the need for changes that most politicians don’t want to touch. Bravo to you!*

– Darien Taylor, Toronto

As part of a growing global movement to realize the fundamental human right to health, the Legal Network is working to promote greater access to HIV/AIDS treatments in developing countries by engaging in research, education and advocacy. Heeding the call by Executive Director Ralf Jürgens at last year’s AGM for “a return to anger and activism,” we have continued to address the urgent issue of global access to treatment. We use a broad diversity of tactics, including lobbying, letter-writing, and public demonstrations, to ensure that Canada meets its obligations to the Global Fund to Fight AIDS, TB and Malaria and other initiatives to combat the epidemic internationally. By working on many different fronts, the Network is helping to put this issue on the international agenda.

Highlights of our activities in 2002/2003 included our collaboration with the AIDS Law Project (South Africa), the Lawyers Collective HIV/AIDS Unit (India), and UNAIDS on a satellite meeting on legal, ethical, and human rights issues, called Putting Third First: Vaccines, Access to Treatment and the Law at the 14<sup>th</sup> International AIDS Conference in Barcelona, Spain. This meeting helped to build networks between advocates who are working on the issues, thereby uniting energies and sharing strategies in order to make a greater impact.

We also completed an update of the widely-distributed and oft-cited information sheet, *Patents, International Trade Law and Access to Essential Medicines*, co-published by the Legal Network and Médecins Sans Frontières, which answers some frequently asked questions about patents and international trade laws in this rapidly-changing area. Tools like these help us educate Canadians about the impact of foreign policy on the accessibility of essential medicines.

We also continued our work as a founding and active member of the Global Treatment Access Group (GTAG), a working group of Canadian civil society organizations sharing information and undertaking joint activities aimed at improving access to essential medicines and other aspects of care, treatment and support for people living with HIV/AIDS and other health needs in developing countries.

These efforts led to our collaboration with Médecins Sans Frontières Canada, the Interagency Coalition on AIDS & Development, labour unions and civic groups, as a co-sponsor of Global Health is a Human Right!: A National Civil Society Summit, held in Ottawa in May 2003. The summit brought key Canadian players together to address health policies as they relate to globalization, development, and poverty.

# Building the Skills for Change

**B**uilding the capacity of organizations and individuals across Canada to change and influence law and policy remains critical to the success of our efforts. In addition to ongoing initiatives such as the Network's Resource Centre and our AIDSPOLICYLAW electronic discussion list, 2002/2003 saw the continuation of innovative and challenging capacity-building projects that we began in previous years.

To support regional collaboration on HIV/AIDS legal and policy issues and increase local and regional access to the resources and expertise needed to address these issues, we continued our capacity-building workshop series in Vancouver in October 2002 with approximately 70 participants from BC and Yukon in attendance, and in Montreal in March 2003 with close to 100 participants from across Quebec.

Focused on human rights law, drug law and policy, and harm reduction in prisons, these intensive two-day events are geared toward people currently engaged in advocacy work or direct service provision. Each workshop is organized with the assistance of an advisory committee.

Although the prospect of gathering community workers, drug users, correctional officers, and health professionals together in one room was daunting at times, the workshops have paved the way for many of these participants to collaborate in new ways on common issues and strategies.

Building capacity to address HIV/AIDS within the legal profession in Canada is another of our ongoing priorities. Over the past year, our focus has been on increasing outreach to law students through workshops we have held at Canadian law schools, the launch of an annual law essay contest, and the hands-on experience and internships we provide to the law students who work with us each summer.

The workshops have paved the way for many of these participants to collaborate in new ways on common issues and strategies.

*I saw a number of very resistant [prison] staff change their feelings on needle exchange programs and safe injection facilities after the conference here.*

— Terry Howard,  
BC Persons with AIDS Society

# Getting our Message Across

*Your information resources are superb and the layout of your site is highly user friendly. Thank you for making my current research project (an environmental scan on harm reduction in an urban-rural health care region in Alberta) just that much more effective.*

– Mary Catherine Thompson,  
6Delta Consulting Ltd.

In the area of communications and media outreach, 2002/2003 was another active year.

This was a banner year for media coverage of many of our key issues. Canadian and international journalists have frequently called upon us for an informed point of view on a variety of legal, policy, ethical, and human rights topics. Through press conferences and media releases, we have also proactively drawn media attention to many issues including the inadequacy of harm reduction measure within Canadian prisons, and the catastrophic HIV/AIDS epidemic unfolding in rural China.

In addition, the past year saw the completion of a communications and membership services evaluation. We have recently redesigned our organizational newsletter, *Network News*, into a shorter, more action-oriented publication. This is one of a number of improvements that we are now planning for our communications activities over the coming months, based on the results of this evaluation.

The Network's web site continues to make our publications more widely available to people across Canada and around the world, with site traffic to [www.aidslaw.ca](http://www.aidslaw.ca) nearly doubling in 2002/2003 to 30,000 unique users each month. In April 2003, our site was ranked among the top 20 information resources available to AIDS professionals worldwide by the International AIDS Economics Network.

We also continue to receive positive feedback about our efforts to make difficult and complex information on legal, ethical, and policy issues easily accessible and understandable, and over the past year we have distributed thousands of copies of both newly-released and previously published papers and info sheets.



Ralf Jürgens doing an interview

# Acknowledgments

**T**he generosity of our supporters ensures the success of our programs and projects. Without them, we could not accomplish our work.

We gratefully acknowledge all individual contributions received during the 2002/2003 fiscal year. Many of our individual donors have requested to remain anonymous. Other donors include: Andréa Toepell, Andrew Johnson, Barbara Hopkinson, Brent Wilcox, Bruno Turmel, Claude Leblond, David Duncan, David Garmaise, El-Farouk Khaki, Eric Russell Greenan, Evan Wood, François Dussault, Garry Bowers, Glen Brown, Glenn Betteridge, Hiwot Teffera, Jean Dussault, Jeff Richstone, Joan Anderson, John Plater, Josée Dussault, Line Beauchesne, Lori Stoltz, Lynne Leonard, Marie-Claude Chartier, Mario Savoie, Mark Gallop, Michael Sobota, Nicci Stein, Philip Berger, Rick Lines, Ruth Carey, Sheila Norquay, Stefan Matiation, Stephanie Nixon, Theodore de Bruyn, and William Karchner.

Their donations have allowed us, among other things, to establish a scholarship program for attendants of our Annual General Meeting; to support our Resource Centre; and to present the Awards for Action on HIV/AIDS and Human Rights.

We would like to acknowledge the following contributions from pharmaceutical companies: Bristol-Myers Squibb contributed to the scholarship fund for the Annual General Meeting, the production of posters for the XIV International AIDS Conference in Barcelona, the development of the Network's website, and the regional capacity-building workshops; GlaxoSmithKline in partnership with Shire Biochem contributed to the Network's participation in the XIV International AIDS Conference in Barcelona, and hosted the welcoming reception of the 2002 and 2003 Annual General Meetings; Boehringer Ingelheim contributed to our participation in the XIV International AIDS Conference in Barcelona; and Abbott Laboratories Limited and Agouron Pharmaceuticals Inc. contributed towards the AGM Scholarship Fund.

Many thanks to our landlord, Mr Denis Leblanc, for donating part of our rent. We would also like to thank C&G Graphics, Titanic, and Notabene Communications for the generous donation of their services.

Particular thanks go to Health Canada, which provided core and project funding under the Canadian Strategy on HIV/AIDS; the International Affairs Directorate, Health Canada; the Canadian International Development Agency; the Québec Ministry of Health and Social Services; the Ontario AIDS Bureau; Human Resources Development Canada; the Joint United Nations Programme on HIV/AIDS; the WHO-UNAIDS HIV Vaccine Initiative; Human Rights Watch; the International HIV/AIDS Alliance; the Hilda Mullen Foundation; the John Howard Society; the Endswell Foundation; International Harm Reduction Development, Foundation Open Society Institute; the International AIDS Vaccine Initiative (IAVI); the POLICY Project, a five-year project funded by the United States Agency for International Development and implemented by The Futures Group International in collaboration with Research Triangle Institute (RTI); and The Centre for Development and Population Activities (CEDPA), for their support of Network projects and programs.

## Canadian HIV/AIDS Legal Network, Inc.

### Financial Summary for the Fiscal Year Ending March 31, 2003

#### Financial Position

	2003	2002
<b>Current Assets</b>		
Cash	\$ 94,189	\$ 20,500
Money market fund	9,025	8,886
Accounts receivable	42,305	30,165
Contributions and grants receivable	300,147	379,747
Prepaid Expenses	8,057	6,053
	<u>453,723</u>	<u>445,351</u>
Capital Assets	9,270	12,321
	<u>\$ 462,993</u>	<u>\$ 457,672</u>
<b>Current Liabilities</b>		
Accounts payable and accrued charges	\$ 203,287	\$ 244,027
Deferred revenue	10,422	11,043
Deferred grants	169,060	109,003
Deferred restricted donation	9,103	16,186
	<u>391,872</u>	<u>380,259</u>
<b>Net assets</b>		
Invested in capital assets	9,270	12,321
Unrestricted net assets	61,851	65,092
	<u>71,121</u>	<u>77,413</u>
	<u>\$ 462,993</u>	<u>\$ 457,672</u>

#### Operations

	2003	2002
<b>Revenue</b>		
Memberships	\$ 18,505	\$ 16,577
Contributions and grants	1,299,079	1,080,825
Donations	47,630	14,666
Miscellaneous	2,386	3,720
Interest	140	342
	<u>\$1,367,740</u>	<u>\$1,116,130</u>
<b>Expenses</b>		
Operational Funding	\$ 459,397	\$ 374,877
Legal and Ethical Issues Project	376,031	409,367
Capacity Building Among Lawyers	74,230	44,602
Community Based Research	4,156	20,779
Other Network Activities - Canada	38,703	9,593
Barcelona Satellite	81,681	29,350
International Vaccine Workshop	50,987	19,271
Building Capacity in Kenya/Zambia	49,356	-
Other Network Activities - International	239,491	192,209
	<u>\$1,374,032</u>	<u>\$1,100,048</u>
<b>Excess of revenue over expenses (Deficiency)</b>	<u>\$ (6,292)</u>	<u>\$ 16,082</u>

*Audited financial statements are available upon request.*