



Canadian HIV/AIDS Legal Network

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COMING SOON

FEEDBACK

NEW RESOURCES

NETWORK NEWS FLASH

Save Lives Now: Network Works with other civil society organizations to Ensure that Canada's Patent Act Is Amended

Network members were the first to hear Stephen Lewis, UN Special Envoy for HIV/AIDS in Africa, call on the federal government to amend the Canadian Patent Act to permit production of generic versions of patented medicines in Canada for export to developing countries. His call, made during his keynote address on "HIV/AIDS and Human Rights" at the Network's AGM on 12 September 2003, was reported nationally on CBC Radio. Mr Lewis later repeated his call during the International Conference on AIDS and STDs in Africa, when it received international attention. The next day, a "comment" from the Legal Network appeared in The Globe and Mail also making the case for such an amendment. Since then, the Canadian government has committed to amending the Patent Act.

Over the last weeks, the Network has worked tirelessly (in partnership with other organizations including Médecins Sans Frontières, Oxfam Canada, the Interagency Coalition on AIDS and Development, the Canadian Labour Congress, the Canadian Council for International Cooperation, and the North-South Institute) to ensure that Canada will indeed amend its Patent Act, and that it will do it right. The Legal Network has: spoken at and co-organized a number of press conferences and media briefings; met with officials from several federal government departments; prepared a backgrounder in question and answer format; collaborated in gathering endorsements for an amendment from Canadian and international NGOs, physicians and other health care professionals; initiated an action alert with its members; co-authored with other national organizations an "open letter" to the Government of Canada; published a comment in the Hill Times; delivered presentations at various seminars and conferences; and coordinated a mailing to all Members of Parliament with information on what action Canada should take.

Richard Elliott, the Network's Director of Legal Research and Policy, says: "Initially, we were absolutely thrilled that Canada would act and facilitate access to the drugs that developing countries so desperately need. But Canada must not only act quickly, it must get the details of its amendment right. If Canada limits the amendment to the Patent Act to drugs for HIV/AIDS, tuberculosis and malaria, this would set an unnecessary and dangerous precedent. It would represent a step back from the international consensus agreed at the end of August by all member countries of the WTO, who decided to loosen the WTO rules restricting exports of generic

2003 Awards for Action on HIV/AIDS and Human Rights



Now in their 2nd year, the 2003 Awards for Action on HIV/AIDS and Human Rights were presented recently by the Legal Network and Human Rights Watch. International recipient, the AIDS Law Project of South Africa, and Canadian recipient, prison activist Laurence Stocking, who died in prison in 1998, were each recognized for their outstanding contributions to addressing HIV/AIDS and human rights.

The Awards ceremony, held during the opening plenary of our AGM on September 12, was an enormous success, and a moving testament to the courage and commitment of the 2003 recipients. Stephen Lewis, UN Envoy for AIDS in Africa gave a moving speech, and presented the International Award to Liesl Gertholtz, who travelled to Montreal from Johannesburg to accept the Award on behalf of the AIDS Law Project. Dr. Mary Pearson, who worked with Laurence Stocking at Joyceville Penitentiary in Kingston, presented the award to Mrs. Ena Stocking, Laurence's mother, and to Chantelle Stocking, his daughter.

The 2003 AGM proceedings, including the transcripts of these speeches, will soon be available on our website.

The Awards are sponsored by International Harm Reduction Development, The Hilda Mullen Foundation, and Mark Gallop.

medicine and agreed not to limit such exports just to medicines for specific diseases or only to countries dealing with health 'emergencies'. Canada must do more than a half-hearted gesture that garners good publicity for the government but is arbitrarily and unethically limited in ways that make no sense from a medical or public health perspective. And as a question of human rights, it is unacceptable to say to physicians and their patients that they can get more affordable medicines to treat one health condition but not another."

Most recent indications are that the federal government may introduce an amendment to the Patent Act the week of November 3, 2003, although the bill may not be able to go through the full legislative process until early 2004, after the new session of Parliament begins under a Liberal government headed by Paul Martin as Prime Minister. The Legal Network will continue to work with other civil society organizations, in Canada and internationally, to ensure the Patent Act amendment is passed and without unnecessary and unjustified limitations. As soon as any bill is introduced in Parliament, the Legal Network will quickly prepare and circulate a concise analysis for our members and others working on this issue.

For more information about the Legal Network's ongoing work on this urgent issue, and a variety of key documents and resources, [click here](#).

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After *Cuerrier* Comes *Williams*... Responding to Media and Public Questions about the Disclosure of HIV Status

In collaboration with the Canadian AIDS Society, the Network has prepared an 8-page backgrounder for community-based organizations on *HIV Disclosure & the Criminal Law in Canada: Responding to the Media and the Public*.

Recent media reports have brought attention to a number of cases where criminal charges have been brought against HIV-positive people for failing to disclose their HIV status before engaging in sex. In addition, on 18 September 2003, the Supreme Court of Canada released its decision in the *Williams* case, the first criminal case dealing with HIV exposure to reach the Court since the 1998 *Cuerrier* decision.

The backgrounder is intended to help community organizations provide up to date and accurate information on HIV disclosure and Canadian criminal law in response to media and public questions. Media reports have tended to sensationalize stories of people charged with or found guilty of Criminal Code offences related to HIV transmission,

For photos of the Awards ceremony and nomination forms for the 2004 Awards, [click here](#).

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Remembering Bob Mills: A Passionate Activist Passes Away

After devoting himself to HIV advocacy even to his last days, Legal Network member Bob Mills passed away on 8 October 2003. A memorial service was held in his honour on 18 October in Edmonton.

"Bob became a good friend of mine during the UN General Assembly Special Session on HIV/AIDS in 2001," says Ralf Jürgens. "As representative of persons living with HIV/AIDS on Canada's delegation, he passionately fought for the interests of all those living with and vulnerable to HIV/AIDS. We will miss Bob a lot."

"He was a man living with AIDS who was passionately interested and committed to the response to the epidemic internationally," adds David Patterson. "He was always present in the Canadian response to the global epidemic, and often contributed to our listserv on international matters. Bob showed leadership and proved that PWAs are as concerned about HIV in Canada as they are concerned about it internationally."

"When I invited Bob Mills to join the advisory committee for the Legal Network's project on taking action against stigma and discrimination, he accepted immediately," says Theodore de Bruyn. "He said it would be an honour to participate, but in fact the honour was the Legal Network's. Bob regularly sent me emails with relevant information from around the world, provided comments on the project materials, and was always ready with advice. We never met, but his commitment was everywhere present." The Network's Action Plan on Stigma and Discrimination, to be released this winter, will be dedicated to Bob Mills.

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IAVI's Seth Berkley Visits the Network

A recent visit to our Montreal office by Seth Berkley, president and founder of the International AIDS Vaccine Initiative (IAVI) provided an opportunity to discuss Canada's contribution to HIV/AIDS vaccine research and the Network's collaboration with IAVI as part of our two-year partnership agreement.

leading to negative perceptions of people living with HIV/AIDS and contributing to a climate of fear and stigmatization.

The Briefing Note will be distributed by CAS and by the Legal Network in our next member mailings. It is also available on our website ([click here](#)).

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Harm Reduction in Vancouver: Research Provides Perspective on Policy, Practices

Thomas Kerr, the Network's Director of Health Research and Policy, and Network Board member Evan Wood from the BC Centre for Excellence in HIV/AIDS, are co-authors of several recently published papers that examine the impact of policy and practices on harm reduction efforts in Vancouver.

An article in the September 2003 issue of the *Journal of Urban Health* documents the impact of an unsanctioned needle exchange operated by the Vancouver Area Network of Drug Users (VANDU), demonstrating the significant role drug users can play in the prevention of HIV and other blood-borne diseases. The recent police crackdown in Vancouver's Downtown Eastside and its impact on VANDU's needle exchange is assessed in the September issue of the *Journal of Acquired Immune Deficiency Syndrome*.

An additional study published in the *Canadian Medical Association Journal* examines the impact of Health Canada's guidelines for safe-injection facilities (SIF) – as well as heightened police presence – on the likelihood that drug users in Vancouver will actually use such a facility.

-The release of the article coincided with the opening of Vancouver's first officially sanctioned SIF in September 2003. The Network has requested a meeting with Health Canada to discuss the negative impact of its current guidelines for SIFs, which many observers believe are too restrictive and will limit the ability of the facility to reduce drug-related harm and provide appropriate outreach to users.

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Network to Co-Sponsor Montreal Screening of *FIX*

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INSIDE THE NETWORK

2003 Annual General Meeting

This year's Annual General Meeting, held from 12-14 September 2003 in Montreal, was a huge success, with over 200 people in attendance. Bringing together members from across Canada and around the world, the AGM was a wonderful opportunity to report on the work done in the last year, and to plan for the future. We gratefully acknowledge contributions from the Ontario AIDS Bureau, Bristol-Myers Squibb, Abbott Laboratories Limited and Agouron Pharmaceuticals Inc. towards the scholarship fund, and GlaxoSmithKline in partnership with Shire BioChem for hosting the welcoming reception. For comments on this year's AGM, see the [Feedback section](#) in this issue.

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A New Board for 2003/2004

As announced at the AGM, the Network's 2003/2004 Board has welcomed two new members: Janet Connors and Evan Wood. In addition, Kevin Midbo, Ruth Carey, and Marlene Daley were re-elected to the Board for another two-year term.

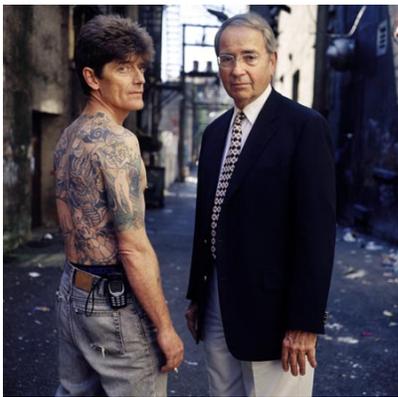
Janet Connors has been involved in AIDS work since 1990, and has been an outspoken advocate on Canada's blood system; treatment issues, drug pricing, and the Health Act. She has received three (Hon) PhDs, and many awards for her advocacy work.

Evan Wood works at the BC Centre for Excellence in HIV/AIDS, in the areas of access to antiretroviral therapy in marginalized populations, HIV prevention strategies for injection drug users, and the impacts of enforcement-based policies on HIV prevention and care. Evan has also been involved in advocacy with the Dr Peter AIDS Centre, the Harm Reduction Action Society, and PIVOT Legal Society.

We would also like to thank all those candidates who ran in this election, as well as outgoing board members Thomas Kerr and Caroline Ploem.

For a complete list of our 2003-2004 Board of Directors along with their bios, [click here](#).

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FIX: The Story of an Addicted City, a feature-length documentary by award-winning filmmaker Nettie Wild is now on tour across Canada. The film profiles activists Dean Wilson and Ann Livingston of VANDU, along with former Vancouver mayor Philip Owen, in their struggle to establish a safe injection site.

The Network and Cactus Montréal, a local needle exchange, are co-sponsoring the Montreal screenings of *FIX*, 7-13 November 2003 at the Cinéma du Parc. As with all screenings on the current tour, presentations of the film will be followed by a panel discussion featuring local activists, community workers, police, medical officials, and drug users and ex-users, who will discuss the local situation. Nettie Wild, Ann Livingston and Philip Owen will also participate in these discussions.

For more information about *FIX* and screening dates in other cities, [click here](#).

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Partnering on Harm Reduction in Eastern European Prisons

The Network's Director of Health Research and Policy, Thomas Kerr, has started working on our new multi-year project on HIV prevention in prisons in several countries in Eastern Europe and the former Soviet Republics, funded by CIDA through International Harm Reduction Development (IHRD). The Network will assist with program development, research, evaluation and advocacy efforts aimed at further promoting the establishment of prison-based harm reduction programs in the region.

As part of the project, Thomas attended a conference in Warsaw in September on "Dealing with Drug Use in Prison: Reviewing the European Experience and Sharing Good Practice." Thomas will be back in Eastern Europe in early November for a conference on Harm Reduction Policy in Moldova, organized by the Open Society Institute (OSI). At

Farewell to David Patterson

David Patterson joined the Network as Director, International Programs and Capacity Building, in June 2001. David is from Sydney, Australia and came to Canada in 1992 to undertake post-graduate studies at McGill University. David was a founding member of the Network during his studies at McGill. After graduating from McGill, David worked for the UN Development Programme's HIV and Development Programme in New York, and in 1998 with UNAIDS in Geneva as a human rights adviser. From 1999-June 2001 years David worked free-lance for WHO, UNAIDS, the Legal Network, ICAD, the International HIV/AIDS Alliance, and other organizations. David left the Network on 1 October 2003, but will continue working on some of the international projects as a consultant. "We wish David well, and look forward to his continued involvement in some of our activities," says Ralf Jürgens.

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Welcome to René Lessard, the New Finance and Administration Manager

René has been the Network's Finance and Administration Manager since September 2003. His responsibilities include creating and managing the Network budgets, overseeing the audit, and assisting with applications for funding and reports to funders.

He holds a B.A. in Business Administration from Bishop's University, as well as a diploma in Public Accountancy from McGill University. Previously, he worked in accounting at Ultramar and for the accounting firm Richter, Usher & Vineberg. During this time, he worked as a volunteer and served as a member of the Board of directors for *Les Enfants de Béthanie*, a Montreal organization that offers support to families affected by and infected with HIV/AIDS.

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Mélanie Paul-Hus and Jennifer Nicholls Join Staff

We are happy to welcome Mélanie Paul-Hus, and Jennifer Nicholls, who joined the Network staff in September 2003. Mélanie joins the communications team as Communications Assistant. Her responsibilities include membership relations, responding to requests for information to the Network's resource centre, and assisting with the production and promotion of the Network's print and web publications. After she graduated in Communications and Journalism at the Université du Québec à Montréal (UQAM), Mélanie worked as a researcher for the television show *Éros & Compagnie* on

the same time, he will visit needle exchange projects in Moldovan prisons, and work with the projects to look at how they can be evaluated and expanded to other prisons.

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Global Fund to Support Thai Drug Users Network

The Global Fund against AIDS, TB and Malaria has approved funding to support a project on "Preventing HIV/AIDS and Increasing Care and Support for Injection Drug Users (IDUs)," submitted last year by the Thai Drug Users Network (TDN).

Thomas Kerr, the Network's Director of Health Research and Policy, and Tomiye Ishida of the BC Centre for Excellence in HIV/AIDS, provided technical assistance to TDN in the development of the proposal. Over 50% of injection drug users in Thailand are living with HIV, yet the Thailand Ministry of Health has no clear policy on harm reduction. Current government policy – a 'war against drugs' – has served to increase discrimination against drug users and hamper access to health care services.

Both Kerr and Ishida will be returning to Bangkok in November to continue their work with TDN. Says Kerr: "This is a very exciting time for IV drug use and HIV/AIDS work in Thailand. I feel very honoured to have worked with this nationally-based user-run organization, and am look forward to continued work with them in the future."

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The Network at the UN High Level Meeting in September

On 25–27 June 2001, Heads of State and Representatives of Governments met at the United Nations General Assembly Special Session dedicated to HIV/AIDS.

The meeting was a historic landmark, highlighting the fact that, in only 20 years, the HIV/AIDS pandemic has caused untold suffering and death worldwide, destroying entire communities, undoing development gains, and posing a serious threat to whole continents. At the meeting, Heads of State and Representatives of Governments issued the Declaration of Commitment on HIV/AIDS. The Declaration provides for the dedication of "at least one full day of the annual session of the [United Nations] General Assembly to review and debate a report of the Secretary-General on progress achieved in realizing the Commitments set out in the present Declaration, with a view to identifying problems and constraints and making recommendations on action needed to

Canal Vie, and then for LES AFFAIRES, a business weekly published by Transcontinental.

Jennifer Nicholls joins the Support Team as a Program Assistant, providing program and administrative support for the Network's various activities. She says: "I am happy to be on the team, and my door is always open." She has 4 years experience in office administration and holds a D.E.C in Commerce/Tourism.

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Canadian HIV/AIDS Legal Network Law Essay Contest Winners

In 2002/2003, the Network held its first ever nation-wide essay contest for law students. There were 2 topic areas: one Canadian issue, and one international issue as it relates to Canada, with prizes given to the winner and runner-up in each topic area. This year all of the entries were on the international topic -- a case comment on the High Court of South Africa judgment in *Treatment Action Campaign et al v Minister of Health et al* ruling that the government was in breach of its constitutional obligations to provide a comprehensive national program to prevent mother-to-child transmission of HIV, including making antiretroviral drugs available for this purpose.

Congratulations go out to Kathryn Garforth and Showey Yazdanian. Kathryn's essay "Canadian "Medical Necessity" and the Right to Health" won first prize and she will receive \$500. Showey's essay, "The Impact of *Treatment Action Campaign v. South Africa (Minister of Health)* on the Right to Health In Canada" was selected in second place. Both essays will be published in an upcoming issue of the *Canadian HIV/AIDS Policy & Law Review*.

We would like to thank all those students who submitted essays to the contest. We would also like to thank our two external contest judges: Ian Malkin, Professor of Law at the University of Melbourne (Australia) and co-author of the Network's *Establishing Safe Injection Facilities in Canada: Legal and Ethical Issues*, and Jonathan Berger, a researcher on law and treatment access issues at the AIDS Law Project, Centre for Applied Legal Studies, University of the Witwatersrand, South Africa.

Look for details about the 2003/2004 Law Essay Contest soon on our website.

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make further progress." To this end, the General Assembly, decided to convene a one-day high-level meeting on progress achieved in the implementation of the Declaration of Commitment, on 22 September 2003. Ralf Jürgens, the Network's Executive Director, participated in the meeting as one of two NGO representatives on Canada's official delegation, which included Prime Minister Jean Chrétien and Minister of Foreign Affairs, Bill Graham. David Patterson also attended, representing the Network as an NGO that has consultative status at the UN.

Patterson described his experience as "sobering" Among the many heads of state present at the meeting, only Portuguese president Jorge Sampaio spoke to the need for national leaders to prioritize HIV/AIDS as an international issue. Jean Chrétien emphasized the government's commitment to community participation and the need for greater efforts to combat HIV-related stigma and discrimination.

Ralf Jürgens and Michael O'Connor (the other NGO representative on Canada's delegation) had an opportunity to discuss a number of key issues with Minister Graham: the need to increase Canada's contribution to the Global Fund on HIV/AIDS, Malaria, and TB; the need to increase funding for the Canadian Strategy on HIV/AIDS; and the need to amend Canada's Patent Act (see above).

Few community organizations attended the meeting, and there was little coordination of their efforts. Together with a few other organizations, the Network played a key role in discussions around the establishment of a specific HIV committee within the Conference of NGOs in consultative relationship with the United Nations (CONGO), which will aim at increasing communication among NGOs that have consultative status at the UN, on HIV-related issues.

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NEW RESOURCES

Canadian HIV/AIDS Policy & Law Review, Volume 8, Number 2, August 2003 - [click here](#).

Note on R. vs. Williams (criminal liability for HIV exposure), 18 September 2003 - [click here](#).

Many new resources produced by the Network to provide input on the efforts to amend Canada's Patent Act to allow exports of generic medicines to developing countries, including backgrounders,

COMING SOON

4th Canadian HIV/AIDS Skills Building Symposium, Calgary, 20-23 November 2003

Don't miss this great opportunity to attend these "hands-on" workshops based on the Legal Network's latest work. Space is limited, so register now.

Satellites (20 November):

- **S01 - Disclosure of HIV Status After *Cuerrier*: Issues for People with HIV/AIDS and Community-Based Organizations**, Glenn Betteridge & Anna Alexandrova (CAS). To register, email annaa@cdnaids.ca.
- **S04 - Taking Action on HIV/AIDS-Related Stigma and Discrimination**, Theodore de Bruyn & Ruth Carey (Board member) To register, email jnicholls@aidslaw.ca.

For descriptions of the satellites, please visit the [Skills Symposium website](#).

Workshops (21-23 November):

- **HRI01 - A Human Rights Approach to HIV/AIDS: Learning from the Experiences of AIDS Calgary**, Jessica Leech (AIDS Calgary) & Theodore de Bruyn
- **INT06 - Where to Now? TRIPS from Doha to Cancun ... and Beyond**, Richard Elliott
- **RHB04 - Disability & Income Security for People Living with HIV/AIDS**, Glenn Betteridge
- **HR107 - Canadian Women and HIV: Taking a Second Look at Legal Decisions, Policies and Practice**, Tasha Yovetich (Legal Network consultant) & Janet Rowe (Voices of Positive Women - Ontario)
- **HRI09 - Advocating for Needle Exchange Programs in Canadian Prisons - International Models & Best Practice Advocacy**, Ralf Jürgens & Rick Lines (Legal Network consultant)
- **HRI10 - HIV/AIDS, Privacy & the Disclosure of Health Information**, Glenn Betteridge & Ruth Carey (Board member)

press releases, letters and reports - [click here.](#)

For more information and to register on-line for the workshops, [click here.](#)

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Get involved!

To become a member, contact us by phone, email or fax (see listing below), or visit our website ([click here](#)).

Canadian HIV/AIDS Legal Network
417 rue Saint-Pierre, bureau 408
Montréal (Québec) Canada H2Y 2M4
info@aidslaw.ca www.aidslaw.ca

Tel. : 514-397-6828

Fax : 514-397-8570

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FEEDBACK from the AGM and Awards

I found the entire weekend to be a very powerful and uplifting experience. Often we feel isolated out here in Atlantic Canada so it was indeed nice to connect with others from across the country, to learn more about the incredible things the Network is doing, and to be among people of such vigour, intensity and intelligence. Keep up the outstanding work!

Aideen Reynolds, Research Officer, Atlantic Centre of Excellence for Women's Health

Many thanks for an inspiring, moving, educational and fantastically organized AGM.

Lisa Forman, Legal Network Member

I had a wonderful, inspiring time in Montreal, both at the Awards, but also during the AGM. Please let the staff members at the Network know that I am extremely grateful and also impressed!

Liesl Gerntholtz, AIDS Law Project

I just want to thank you for a great AGM. The support that you and the staff have given me throughout the years was very much on my mind as we opened up the safe injection site here in Vancouver yesterday. Your tireless efforts in support of our community with regards to safe injection sites has made my dream come true. It was a very hectic day but I thought of you guys often yesterday as this was just as much your victory as ours. On behalf of myself and the other 4000 addicts in the Downtown Eastside, thank you for all you have done. As to the AGM it just keeps getting better each year. I always leave invigorated and that feeling helps keep me going throughout the year. The struggle that we are all involved is not an easy one but when you bring us all together, the incredible dialogue and friendships that I make while I am there reaffirms my belief that we are doing the right thing at the right time.

Dean Wilson, Board member, Vancouver Area Network Area of Drug Users

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Editor: Elana Wright

Webmaster: Josée Dussault

Contributors: Thomas Haig, Ralf Jürgens, Glenn Betteridge, Theo De Bruyn, Thomas Kerr, Richard Elliott

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