



Canadian HIV/AIDS Legal Network

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## NETWORK NEWS FLASHES

### Advocates Build Joint Agenda for HIV Microbicides, Treatments, and Vaccines

Community advocates and researchers from twelve countries attended an expert consultation on HIV microbicides, treatments, and vaccines ("MTV") advocacy in Montreal from 17 to 19 November 2003. The meeting was made possible with support from UNAIDS, the WHO-UNAIDS HIV Vaccine Initiative, CIDA, Health Canada, IAVI, and the International Partnership for Microbicides. It was organized by the Legal Network, together with two partners: the AIDS Law Project, South Africa, and the International Council of AIDS Service Organizations (ICASO).

The most important outcome of the meeting was an agreement by advocates from the three movements to pursue a common agenda, based on human rights principles and a shared commitment to a comprehensive HIV response that acknowledges the role of biotechnologies within the treatment, care and prevention continuum. In the past, advocates have often had to compete for scarce resources, and have sometimes worked against, rather than with, each other.

"We are very excited about the avenues for collaboration now opening up in this area," said Anna Forbes, meeting participant and Global North Program Coordinator of the Global Campaign for Microbicides. "Our thanks to the HIV/AIDS Legal Network."



World experts at the Consultations on microbicides, treatments and vaccines in Montreal

Aiming to accelerate research and development and to ensure global access to emerging treatment and prevention technologies, participants reviewed a draft report and discussed strategies for joint action over the next 2 to 3 years. The meeting helped to foster a growing consensus

### Thai Network of Drug Users Extends Collaboration with Legal Network

In November 2003, Thomas Kerr, the Network's Director of Health Research & Policy, returned to Thailand to resume collaboration with the Thai Drug Users' Network (TDN). Working with Tomiye Ishida from the BC Centre for Excellence in HIV/AIDS to assist TDN in developing a peer-based harm reduction training manual, Thomas delivered a series of workshops on harm reduction programs and practices and facilitated TDN discussions concerning priorities for harm reduction in Thailand.

Following the training, Thomas and Tomiye further assisted TDN with the implementation of a peer-driven HIV/AIDS prevention and care project recently funded by the Global Fund to Fight AIDS, Tuberculosis, and Malaria. Over the next three years, Legal Network staff will take a lead role in developing and conducting the evaluation and monitoring component of this exciting project.

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### Anti-Discrimination Policy Development for Aboriginal Communities

The Legal Network is partnering with the Canadian Aboriginal AIDS Network (CAAN) to develop an anti-discrimination policy framework for aboriginal communities and organizations in Canada. Gilbert Deschamps, an Aboriginal lawyer who coordinates the project for CAAN, explains that the project goals are "to develop policies that reflect aboriginal ways of protecting human rights and to encourage Aboriginal ASOs to be pro-active in protecting human rights." Gilbert will be working with Theodore de Bruyn of the Legal Network to develop a policy development workbook, present a two-day workshop for Aboriginal AIDS organizations, and advocate for anti-discrimination policies in Aboriginal communities and organizations across Canada.

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### Building Capacity in the Caribbean

As reported in *Network News* 11, the Legal Network is working with Pan-Caribbean Partnership Against HIV/AIDS in the Caribbean Community (PANCAP/CARICOM) to present a series of regional training workshops in the Caribbean, which are

among advocates that HIV treatments, vaccines, and microbicides are complementary and necessary components of a comprehensive approach to combating HIV/AIDS. "I returned full of ideas on how to improve ... activities regarding MTV in Venezuela, Latin America and the Caribbean." said Edgar Carrasco, representative for the Latin America & The Caribbean Secretariat of ICASO.

As the next step, participants will develop a Joint Statement of Commitment to a comprehensive response to HIV/AIDS. The function of the Statement will be:

- to educate internal and external stakeholders, including the media and general public, about the interrelationship of treatment and prevention advocacy
- to encourage use of inclusive language and non-competitive organizational cultures
- to comprehensively refute arguments that prioritize prevention over treatment in high prevalence countries
- to acknowledge the specific role of biotechnological responses within the broader spectrum of behavioural and structural interventions and the status of products to prevent and treat HIV as global public goods
- to end the prioritization of treatment and vaccines (perceived as high tech, 'reliable' interventions) over microbicides, and to recognize the legitimacy of, and need for, a diversity of approaches; and
- to highlight the importance of a human rights approach to advocacy on biotechnologies (as distinct from approaches based only on economic or utilitarian grounds).

The Legal Network will continue to coordinate these efforts, and has already written to the World Health Organization and the Office of the United Nations High Commissioner for Human Rights, to inform them of the historic step forward in global treatment, microbicide, and vaccine activism.

For further information: the draft discussion paper entitled "HIV Treatments, Vaccines, and Microbicides: Developing an Agenda for Action and other documents related to global MTV advocacy, are available on our website ([click here](#)).

The final version of the paper, as well as the Joint Statement of Commitment, will be published in 2004 in

intended to build capacity to better respond to the legal, ethical and human rights challenges of HIV/AIDS in countries of the region. David Patterson facilitated the second workshop in November 2003, which was held in Georgetown, Guyana, with funding from CIDA.



November 2003 CARICOM workshop participants, Georgetown, Guyana

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## Joint Advocacy on Income Security Issues with the Canadian Working Group on HIV and Rehabilitation

The Legal Network has entered into a Memorandum of Understanding (MOU) with the Canadian Working Group on HIV and Rehabilitation (CWGHR) to pursue joint advocacy on HIV/AIDS and income security. CWGHR is a national non-profit organization promoting innovation and excellence in rehabilitation in the context of HIV disease. CWGHR and the Legal Network have each undertaken consultation and research on HIV as a lifelong episodic illness and the resulting income insecurity experienced by people living with HIV/AIDS in Canada. The MOU formalizes a commitment by both groups to engage in advocacy from a cross-disability perspective, and will lead to a joint release of key recommendations from CWGHR's *Unpredictable Episodes of Illness in the Experiences of Persons Living with HIV/AIDS: A Qualitative Study* (October 2003) and the Legal Networks forthcoming report on HIV/AIDS, Disability and Income Security. For more information about this project, contact Glenn Betteridge at [gbetteridge@aidslaw.ca](mailto:gbetteridge@aidslaw.ca). For more information about CWGHR, visit [www.hivandrehab.ca](http://www.hivandrehab.ca).

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## INSIDE THE NETWORK

### Glenn Betteridge Stays at the Network

English, French and Spanish.

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## Amendment to Canada's Patent Act: More Work Needed

As reported in the last issue of *Network News*, we have been lobbying to ensure that Canada's Patent Act is amended to permit production of generic versions of patented medicines in Canada for export to developing countries. Thanks in part to our efforts, the federal government introduced legislation (Bill C-56) which would amend the Patent Act in the House of Commons on 6 Nov 2003 . We have welcomed the introduction of the legislation, and congratulated the government for having listened to many of our key concerns in preparing the legislation. However, we have pointed out several serious flaws in the proposed legislation that would undermine its effectiveness. These concerns are detailed in a fact sheet we prepared on 10 November 2003 ("Amendment to Canada's Patent Act to authorize export of generic pharmaceuticals. Update -10 November 2003).

When the Bill was introduced on 6 November, we therefore resisted any attempt by the government to rush the legislation through Parliament in a single day. Together with our partners, we successfully lobbied to create an opportunity for further discussion of the flaws and for amending the bill to improve it. Because the session of Parliament ended in mid-November, the bill will need to be re-introduced in Parliament when the new session begins. While a spokesperson for Prime Minister Paul Martin recently said that Martin will ensure the bill is reintroduced "immediately" when the House of Commons reconvenes, Martin has also been reported as saying that Bill C-56 has "shortcomings." We will therefore continue calling on the new government to ensure that it will address the flaws in the bill and then ensure passage into law as quickly as possible. For more information , including a copy of the info sheet detailing the flaws of Bill C-56, see ([click here](#)):

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## Network Participates in Drafting of Warsaw Declaration

On 14 November 2003, the "Warsaw Declaration: A Framework for Effective Action on HIV/ADS and Injection Drug Use" was adopted at the 2<sup>nd</sup> International Policy Dialogue on HIV/AIDS. Its purpose is to provide a framework for - finally - "mounting an effective response that will slow and eventually stop the HIV/AIDS epidemic among injecting drug users worldwide."

Glenn Betteridge, who started working at the Network in February 2003 on a one-year leave from his position as staff lawyer and acting legal director with the HIV & AIDS Legal Clinic (Ontario), recently resigned from HALCO, and will continue working at the Network as a Senior Researcher on the Network's Research & Policy Team. Glenn will move to Montreal from Toronto, where he is currently working with Richard Elliott in the Network's small Toronto office, located within a progressive small Toronto law firm. Ralf Jürgens, the Network's Executive Director, says about Glenn: "In the early 1990s, Glenn was one of the students in the class I taught at McGill Faculty of Law. This is a dream come true. Glenn is not only a brilliant lawyer, but also a committed social activist. He will make important contributions to our work in Canada and internationally."

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## Students Working at the Network

McGill law students **Gord Cruess** and **Grant Holly**, are researching and writing articles for publication in the upcoming issues of the *Canadian HIV/AIDS Policy and Law Review*. **David McCombs**, an intern from the Concordia University course "HIV/AIDS: Cultural, Social and Scientific Aspects of the Pandemic," has been updating our Resource Centre database.

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## New Year Wishes

The Legal Network staff and Board wish all members the very best for a 2004 full of good health and happiness.



Legal Network staff, (clockwise, from top left: Thomas Haig, Jennifer Nichols, Richard Elliott, William Hamilton, Thomas Kerr, Theo de Bruyn, Elana Wright, Glenn Betteridge (seated), Ralf Jürgens, Natalie Morin, Mélanie Paul-Hus, missing: René Lessard, Terry Gould)

The Policy Dialogue was hosted by the Government of Poland, and sponsored by UNAIDS, Health Canada, the Open Society Institute, and the Canadian International Development Agency. Invited participants included people responsible for HIV/AIDS and people responsible for injection drug use from transitional countries such as Poland, Tajikistan, and Ukraine; from developing countries such as Brazil, Indonesia, and Thailand; from industrialized countries such as Canada, Switzerland, and the United Kingdom; and from four international agencies: the World Health Organization, the Joint United Nations Programme on HIV/AIDS, the UN Office on Drugs and Crime, and the United Nations Development Program.

Ralf Jürgens, the Legal Network's Executive Director, was one of only three non-governmental representatives at the meeting, and participated actively in the drafting of the Declaration. He said: "Most countries, including Canada, need to do a lot more to fight the epidemics of HIV/AIDS and hepatitis C among people who inject drugs. Governments continue to focus on approaches that have proven ineffective, such as the "War against Drugs," while neglecting to step up successful harm reduction interventions that protect public health as well as the human rights of drug users. The Warsaw Declaration will be a useful advocacy tool that we all should use widely in our work."

Copies of the Warsaw Declaration can be obtained via the UNAIDS website ([www.unaids.org](http://www.unaids.org)).

The full text of the Declaration, including a French translation, will also be available in volume 8, issue 3 of the *Canadian HIV/AIDS Policy & Law Review*.

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### **A Plan of Action for Canada to Reduce HIV/AIDS-related Stigma and Discrimination**

At a two-day workshop organized by the Legal Network and held in Montreal in October representatives from community, labour, and civil society groups from across Canada identified priorities and goals for reducing HIV/AIDS-related stigma and discrimination. In November, we widely disseminated a draft Plan of Action for Canada, seeking further input and comments.

In January to March, the Plan will be finalized and then released. Advocating for the implementation of the many recommendations in the Plan, which reflects the priorities of individuals and organizations across Canada, will be one of our major priorities for 2004.

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## **COMING SOON**

### **Satellite Conference on Prisoners, People who Inject Drugs, Human Rights and the Law - Bangkok, 9 July 2004**

As in Durban and Barcelona, the Legal Network is organizing a one-day satellite conference on pressing legal and human rights issues related to HIV/AIDS, just before the 2004 International AIDS Conference in Bangkok. The Lawyers Collective HIV/AIDS Unit, India, International Harm Reduction Development, and the Thai Network of Drug Users, will be co-organizers, and UNAIDS will be co-host of the conference. Everyone who plans to go to Bangkok, and has an interest in prisons, IDU, and/or human rights, should plan to attend the satellite conference. For more information, visit ([click here](#)), or contact Elana Wright at [ewright@aidslaw.ca](mailto:ewright@aidslaw.ca).

### **The Canadian HIV/AIDS Legal Network AGM and Skills Building Event, Montreal, 10-12 September 2004**

Reserve these dates on your calendar! More info and registration materials soon at: ([click here](#)).

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## **FEEDBACK**

*"I take this opportunity to thank and congratulate you and the Legal Network (& MSF et al.) for your outstanding leadership and clarity on this crucial issue (the amendment of the Patent Act). Keep up your excellent work!"*

- Dr. C. Nina

*"Sharing in the expertise of this talented and dynamic group of activists has been an incredible education."  
"Wow, this was truly an outstanding meeting. Congrats and thank you very much for your huge efforts in making it so successful."*

- Participant feedback from the HIV Microbicides, Treatments, and Vaccines (MTV) Meeting, Montreal, 17-19 November 2003.

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## Mobilizing Communities to Take Action on Stigma and Discrimination

In issue 11 of *Network News* we introduced our one-year project aimed at mobilizing communities to take action against HIV/AIDS-related stigma and discrimination and invited members to participate in the project. Since then, work on this project, which complements the Network's Action Plan against Stigma and Discrimination, has progressed, and seventeen people, representing community groups from across Canada, will come together from 30 January to 1 February 2004 in Montreal for a three-day workshop. They will develop plans for mobilizing their communities to reduce stigma and discrimination. For the first time, the Network is using a listserv as part of a process to enhance workshop participation. Using the listserv, participants are sharing successful experiences of reducing HIV-related stigma and discrimination in their community, preparing for further collaboration at the workshop. For more information, [click here](#).

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## Get involved!

Since 1992, the Legal Network has addressed the urgent need to promote the human rights of people living with or vulnerable to HIV/AIDS in Canada and around the world, through research, education and advocacy.

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

Tel. : 514-397-6828

Fax : 514-397-8570

[info@aidslaw.ca](mailto:info@aidslaw.ca) [www.aidslaw.ca](http://www.aidslaw.ca)

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**Editor:** Elana Wright

**Webmaster:** Mélanie Paul-Hus

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

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