



STEPPING UP

2006–2007 Annual Report



Canadian
HIV/AIDS
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VIH/sida

WHAT WE STAND FOR

The Canadian HIV/AIDS Legal Network is one of the world's leading advocacy organizations working exclusively on HIV/AIDS-related legal and human rights issues.

OUR VISION IS OF A WORLD IN WHICH

- the human rights of people living with and affected by HIV/AIDS are respected, protected and fulfilled; and
- laws and policies provide for rights-based HIV prevention, care, treatment and support for people living with HIV/AIDS.

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MESSAGE FROM THE PRESIDENT AND THE EXECUTIVE DIRECTOR

The XVI International AIDS Conference in Toronto was an unusual opportunity for the world to see “up close” the work of the Canadian HIV/AIDS Legal Network.

We took pride in watching our staff step up onto the world stage in so many prominent sessions of the conference in so many different roles — as expert panellists, presenters, moderators, rapporteurs and discussants, to name a few. The outstanding presence of the Legal Network’s voice in the national and international mass media in the days before, during and after the conference attested to the importance of the issues on which we work.

But our work isn’t focused on any particular conference or event. Rather, it’s concentrated on long-term ways of bringing AIDS-related human rights issues to the attention of policy-makers and the public, and ensuring that the interests of people whose rights are at risk are part of the decision-making process. In this, we enjoy, and are inspired by, partnerships with courageous individuals and organizations across Canada and around the world.

Thanks to the work of many brave activists, AIDS-related human rights concerns are becoming harder to ignore. But in most countries, the human rights of people affected by HIV/AIDS are still overlooked in policy and funding priorities. That’s what motivates us to continue fighting for the rights of men in Jamaica and China who have sex with men, people in Canada and Russia who use drugs, prisoners in Canada and other countries where comprehensive HIV prevention and care services remain unavailable, sex workers across the world, and women and girls around the world whose subordination makes them easy targets for HIV.

The Board of Directors said goodbye this year to one of its most inspiring and longest-serving members, Ruth Carey, who also left her position as executive director of HALCO, the HIV & AIDS Legal Clinic (Ontario), after 10 years of service. Ruth’s outstanding work was the embodiment of commitment to advancing human rights linked to HIV/AIDS, as she built an exemplary legal service for people living with HIV/AIDS that took on all the hard issues and influenced policy along the way. We will miss Ruth’s leadership.

The Board also thanked Wayne Campbell of the British Columbia Persons With AIDS Society and Michèle Lalonde for their generous service, and welcomed the talents and experience of AIDS Vancouver’s William Booth, Anna-Louise Crago (formerly of Stella in Montréal), and Rosemary Fayant of Edmonton’s Streetworks.

The pages that follow are a short summary of the Legal Network’s wide-ranging work from June 1, 2006 to March 31, 2007. We are grateful to the donors, members and partners who have stood with us and enabled us to continue to work with and on behalf of people affected by HIV/AIDS. We hope that you will find this account thought-provoking and informative.



Le-Ann Dolan
President



Joanne Csete
Executive Director

OUR WORK

We're committed to turning evidence-based research on HIV/AIDS-related issues into action that is firmly grounded in sound legal analysis and human rights principles.

In our work, we

- research and analyze legal and human rights issues important to people and communities affected by HIV/AIDS;
- inform, educate and mobilize individuals, organizations and communities to act on these issues; and
- challenge governments to fulfill their human rights obligations and implement laws and policies based on sound legal and scientific standards.

The following are highlights of our work in Canada and around the world between June 1, 2006 and March 31, 2007. (Starting in 2007–2008, our annual reports will cover a standard time period from April 1 to March 31.)

“Many thanks to OSI-IHRD, the Canadian HIV/AIDS Legal Network and Stephen Lewis for this important work. It constitutes a milestone in the review of international drug policies and policy-making processes. The content is especially vital for policy-makers in Asia, where drug and HIV policies often present contradictory objectives and strategies.”

—Ton Smits, Asian Harm Reduction Network, Chiangmai, Thailand (re: “Closed to Reason: The International Narcotics Control Board and HIV/AIDS”)

DRUG POLICY AND HARM REDUCTION

Evidence vs. ideology — the clash between the two overshadowed many of the developments related to the Legal Network’s activities on drug policy and harm reduction. (“Harm reduction” refers to a pragmatic and humanistic public health approach to reducing the individual and social harms associated with illegal drug use, especially the risk of HIV infection, without the presumption that all people who use drugs are able to immediately abstain from illegal drug use.)

In Canada, the Legal Network turned up the heat on the federal government to extend the exemption under which **Insite**, a Vancouver safe injection facility, operates. Without the exemption, Insite staff and clients would face criminal prosecution. An impressive body of peer-reviewed research proves that Insite has reduced risk behaviours for HIV (and hepatitis C) transmission, reduced drug injection in public places, prevented overdose deaths, steered people who use drugs into addiction treatment and to other health and social services, and has not led to an increase in drug use.

Despite support for harm reduction measures such as Insite from political luminaries, including Stephen Lewis, then-UN Secretary-General’s Special Envoy for AIDS in Africa, and former U.S. president Bill Clinton, the government remained silent on Insite’s fate, even as the pilot project’s initial three-year exemption was set to expire on September 12, 2006.

In response, the Legal Network held a press conference on August 15 at the XVI International AIDS Conference in Toronto and called on Ottawa to make a decision on Insite based on evidence and human rights guarantees, not on ideology. To highlight the urgency of the situation, the Legal Network combined its press event with that of an expert panel of Vancouver-based speakers, which included Dr. Julio Montaner, Director of the British Columbia Centre for Excellence in HIV/AIDS and president-elect of the International AIDS Society.

The government waited until two weeks after the end of AIDS 2006 and made its announcement about Insite’s future late on the Friday afternoon before the Labour Day long weekend: it would defer its decision on Insite’s exemption until December 31, 2007, and Health Canada would not permit any other safe injection sites to open, pending the implementation of a new national drug strategy and yet another review of Insite. In a joint news release, the Legal Network and three other national HIV/AIDS NGOs decried Ottawa’s “indecision” and exhorted it to live up to its responsibility to prevent HIV rather than “blatantly disregarding evidence in favour of ideology.”

Just over six months later, the new “**National Anti-Drug Strategy**” was unveiled in the federal budget of March 19, 2007. It eliminated harm reduction as one of the four so-called “pillars” of Canada’s drug policy. “Canada needs a sensible, responsible drug strategy that is based on evidence, respects human rights and improves public health,” read a Legal Network letter published in *The Toronto Star*. “Instead, the government is giving Canadians a strategy that continues to ignore the wealth of evidence on truly effective and humane responses to drug use and will result in the further worsening of the drug problem in Canada.”

Also in Canada, the Legal Network appeared before the House of Commons Standing Committee on Justice and Human Rights in September 2006 to highlight the ways in which **Bill C-9, An Act to amend the Criminal Code (conditional sentence of imprisonment)**, would undermine efforts to respond to HIV among people who use drugs. As originally drafted, the bill would have required mandatory incarceration for some of the drug offences in the *Controlled Drugs and Substances Act*, including “trafficking” or “(possessing) for the purposes of trafficking” any quantity of certain substances, such as heroin, cocaine or methadone.

In urging the Justice Committee to amend the bill so that it would not apply to drug offences, the Legal Network pointed out that the burden of mandatory incarceration would be borne by people involved in small-scale, street-level drug distribution and consumption to support their addictions. It also cited evidence from the U.S. indicating that mandatory minimum sentences for drug offences don’t curb drug use or drug-related crime, but simply lead to greater incarceration of non-violent drug offenders. The Legal Network also argued that it would be bad public health policy to simply incarcerate more people who use drugs, especially since Canadian prisons fail to provide access to sterile syringes, and that mandatory incarceration would be contrary to fundamental sentencing principles, and would infringe human rights by denying judges’ discretion to make sentences proportionate to the seriousness of an individual case.

In the end, the Justice Committee introduced amendments making the legislation much narrower — it precludes the option of conditional sentencing only in cases of certain “serious personal injury offences” (including sexual assault), terrorism offences, or criminal organization offences, where these carry a sentence of up to 10 years. The amended bill was passed by the House and sent to the Senate.

“I received your model-law kit today and was incredibly impressed by it. I am looking for ways to put your model laws to use and involve the Legal Network in those efforts. I hope the documents receive the wide audience they deserve!”

—Jonathan Cohen, Open Society Institute, New York (re: “Legislating for Health and Human Rights: Model Law on Drug Use and HIV/AIDS”)

On the international stage, the Legal Network went to United Nations headquarters in New York in February 2007 to launch ***Closed to Reason: The International Narcotics Control Board and HIV/AIDS***. The report, co-published with the International Harm Reduction Development Program of the Open Society Institute, reveals how the INCB, a UN-funded body responsible for monitoring compliance with the UN drug conventions, blocks effective efforts to address the HIV/AIDS epidemic. Stephen Lewis, former UN Special Envoy for HIV/AIDS in Africa, joined the call for greater accountability and transparency by the INCB.

In Canada, news of the launch broke in an exclusive interview granted by the Legal Network to *Global National with Kevin Newman*. The press launch was reported by the Canadian Press, the Associated Press, Reuters, and Deutsche Presse Agentur, with stories appearing in *The International Herald Tribune*, London’s *Guardian* newspaper, *The Toronto Star*, and *The Washington Post*, among other outlets.

The report had an almost immediate impact on the INCB, which released its annual report two days later in Washington, D.C. The UN press corps pushed the INCB to hold a previously unscheduled press conference at the UN in New York — and the INCB gave in. In an unprecedented briefing on March 7, UN correspondents peppered INCB President Philip Emafo and Secretary Koli Kouame with questions on the secrecy of the INCB’s proceedings and its positions with respect to HIV.

In December 2006, the Legal Network published a new model-law resource in English and Russian. ***Legislating for Health and Human Rights: Model Law on Drug Use and HIV/AIDS*** is designed to help policy-makers and advocates approach the task of reforming existing laws or making new ones to meet the legal challenges posed by HIV among people who use drugs.

This model-law resource refers to examples of law from jurisdictions that have attempted to establish a clear legal framework for addressing HIV/AIDS issues among people who use drugs. The eight modules, each of which is a stand-alone document, are available at www.aidslaw.ca/modellaw.

Because of legal and social barriers, millions of people around the world who use drugs do not have access to public health programs and services that prevent HIV transmission and reduce other harms of injection drug use, despite considerable evidence that such services are feasible and cost-effective.

For more information, please visit www.aidslaw.ca/drugpolicy.

WOMEN’S RIGHTS

Unable to own property. Unable to refuse sex. And often more vulnerable to HIV than their unmarried sexually active counterparts.

This is the reality often faced by married women in many African countries. Throughout sub-Saharan Africa, women are disproportionately vulnerable to and affected by HIV/AIDS due to gender inequalities reflected in and supported by often antiquated laws that are inconsistent with human rights norms.

In December 2006, the Legal Network held a consultation meeting with experts from across sub-Saharan Africa as part of an initiative to draft **model law on women’s rights and HIV/AIDS**. Once completed, the model-law resource will serve as an advocacy tool for African groups pushing for legal reforms to address gender inequalities and women’s subordination, both of which drive the AIDS epidemic. The consultation brought together lawyers and community leaders from Kenya, Tanzania, Zambia, Botswana, South Africa, Ghana, Swaziland, Uganda, and the United States, as well as UNAIDS officials, to share their experiences and expertise.

AIDS has highlighted the need for law reform to protect and promote women’s rights — particularly on issues such as sexual and domestic violence, marriage and divorce, and inheritance — to address the epidemic. Efforts to do so are underway across Africa, and advocates have expressed the need for draft legislation that reflects best practices in human rights. The Legal Network’s project aims to address that need, and will provide a focus for future collaboration with advocates in Africa on the rights of women and the rights of people living with or vulnerable to HIV/AIDS.

For more information, please visit www.aidslaw.ca/women.



PUBLIC

awareness

“Vive le Réseau juridique! This emphasizes the importance of coordinated efforts and the strength this kind of work can provide.”

—Jenn Clamen, Stella, Montréal (re: “Not Up to the Challenge of Change: An analysis of the report of the Subcommittee on Solicitation Laws”)

PRISONS

Missing the point — whether one was talking about the fact that prisoners in Canada still do not have access to needle exchange programs (which have been proven to reduce behaviours with a high risk of transmitting HIV and are available outside prisons) or about the arguments used to justify denying them such access, this summed up domestic developments (or the lack thereof) on prisons and HIV.

In December 2006, an opinion column by the Legal Network was printed in *The Toronto Star* on World AIDS Day. It explained the crucial link between prisoners' health and public health, and demanded the implementation of safer tattooing parlours in all Canadian prisons. Sadly, the plea fell on deaf ears — with little evidence to back its decision, the federal government axed the **pilot prison tattooing program** established by the Correctional Service of Canada (CSC).

The CSC began the safer tattooing pilot project in 2005 at six pilot sites: two prisons in Abbotsford, British Columbia, as well as institutions in New Brunswick (Renous), Quebec (Cowansville), Ontario (Bath), and Manitoba (Stony Mountain). The government's cancellation of the program came before all of the sites had finished their one-year trial period and even before a final evaluation was made public.

The Legal Network called the cancellation fiscally irresponsible and a threat to public health and human rights. The story generated significant press coverage, with over 50 print articles and 7 radio and television spots quoting Legal Network staff.

In Canada, people in prison are 7 to 10 times more likely to be infected with HIV than people outside prison. The lack of sterile tattooing equipment is partly to blame. (The lack of prison needle exchange programs — an issue on which the Legal Network has done extensive work — is another significant factor.) Prisoners fashion makeshift tattooing needles and inks that are reused and shared, increasing the risk of HIV transmission. As early as 1994, the federal Expert Committee on AIDS and Prisons (established by the CSC) recommended establishing safer tattooing programs to address higher prevalence rates of HIV in prisons.

Internationally, the Legal Network and the Irish Penal Reform Trust (IPRT) made a joint submission in January 2007 to the European Court of Human Rights in the case of ***Shelley v. the United Kingdom***.

John Shelley is a prisoner in the United Kingdom. In 2005, he took the British government to court for failing to provide prisoners with sterile syringes, which can help prevent the spread of HIV (as well as hepatitis B and C, and other blood-borne diseases). Shelley claimed this violated provisions of the *European Convention on Human Rights*.

Courts in the U.K. dismissed Shelley's case, saying there wasn't enough evidence showing the benefits of prison needle exchange programs and speculating, contrary to available evidence, that such programs “may lead to increased drugs use” in prisons. The case was appealed to the European Court of Human Rights in Strasbourg, France, and the Legal Network and the IPRT, both of which had been following the case, applied for and were granted standing to make a joint submission.

The submission was based in part on a Legal Network report, *Prison Needle Exchange: Lessons from a Comprehensive Review of International Evidence*, which remains one of the most comprehensive publications on the subject. The submission also drew upon a recent review by the Public Health Agency of Canada that concluded that prison needle exchange programs should be piloted in Canada.

If the Court rules in Shelley's favour, the ramifications would reach well beyond the U.K. All countries that have ratified the *European Convention on Human Rights* — and possibly countries of the former Soviet Union seeking membership in the European Union — could be affected.

For more information, please visit www.aidslaw.ca/prisons.

SEX WORK

Two federal elections, three prime ministers, and almost four years of on-again, off-again work — all for seven recommendations that did little to protect sex workers in Canada, or to promote their dignity and equality. And so it was that in December 2006, the Legal Network gave a failing grade to the **final report of the House of Commons Subcommittee on Solicitation Laws**, saying it fell far short of the measures required to ensure the health, safety and human rights of sex workers.

The Subcommittee was established in 2003 to review Canada's criminal laws related to sex work, in response to scores of brutal killings and disappearances of sex workers in Vancouver and Edmonton. Its mandate was “to review the solicitation laws in order to improve the safety of sex-trade workers and communities overall, and to recommend changes that will reduce the exploitation and violence against sex-trade workers.”

And yet, when the Subcommittee finally released its report, the Legal Network and two organizations of sex workers, Maggie's and Stella, found it riddled with shortcomings. In “Not Up to the Challenge of Change: An analysis of the report of the Subcommittee on Solicitation Laws,” the three groups took the Subcommittee to task for neglecting to recommend a single concrete legislative change to protect the human rights of sex workers in Canada.

As a result, three months later, the Legal Network convened a **daylong strategy session** in Toronto for sex workers and their allies from across Canada on how to continue the push to reform Canadian criminal laws on prostitution.

Around 20 people participated in the meeting. Much of the discussion was grounded in the significant body of research and analysis already published on the issue, including *Not Up to the Challenge of Change* and the Legal Network's 2005 report, *Sex, work, rights: reforming Canadian criminal laws on prostitution*.

For more information, please visit www.aidslaw.ca/sexwork.

TREATMENT AND THE GLOBAL TREATMENT ACCESS GROUP (GTAG)

Too many people in too many developing countries suffering and dying from treatable illnesses and diseases — all because they can't afford the medicines they need.

Among other initiatives, the Legal Network continued its efforts to help solve this problem by fixing **Canada's Access to Medicines Regime**. Originally passed in May 2004 as the *Jean Chrétien Pledge to Africa*, the Regime was meant to allow generic drug companies in Canada to produce and export lower-cost versions of brand-name drugs to developing countries. To date, however, not a single pill has left Canada.

In August 2006, the Legal Network met with senior policy advisors to the federal Minister of Health to propose reforms that would make the Regime more user-friendly and more likely to work for developing-country purchasers and generic manufacturers. The following month, the Legal Network met with federal members of Parliament to talk further about ideas for amending the Regime. Finally, another two months later, Ottawa initiated a review of the Regime (required under the original legislation). The Legal Network submitted its recommendations in January 2007, calling for a simpler and more straightforward process than the existing Regime. It also contributed to a separate submission made by the Global Treatment Access Group (GTAG). The filing of a government report in Parliament was scheduled for May 2007.

In addition to raising its recommendations directly with the federal ministers of Industry and Health, the Legal Network worked with members of Parliament in calling for parliamentary hearings on reforming the legislation. The hearings by the House of Commons Standing Committee on Industry, Science and Technology were scheduled for April 2007.

For more information, please visit www.aidslaw.ca/treatment.

In August 2006, just days before the start of the XVI International AIDS Conference in Toronto, the Global Treatment Access Group (of which the Legal Network is a founding member) released its **platform for action** at a joint press conference with the Make Poverty History Campaign

and Stephen Lewis, then-UN Secretary-General's Special Envoy for AIDS in Africa. Thanks to the work of communications staff from the Legal Network, Canadian Crossroads International and CARE Canada, the press conference and platform received widespread media coverage.

Endorsed at the time of launch by more than 80 civil society groups from across the country, the platform, entitled "The Global AIDS Crisis: Four Steps for Canada," was subsequently endorsed by the federal New Democratic Party at its national policy convention in September 2006. Thousands of postcards were distributed across Canada for individuals to send to the Prime Minister calling for action on the four steps in the GTAG platform.

For more information, please visit www.aidslaw.ca/gtag.

HIV TESTING

Informed consent. Pre- and post-test counselling. And guaranteed confidentiality of test results.

Human rights law requires that HIV testing include all three of these. But several Canadian provinces (Ontario, Nova Scotia, Alberta and Saskatchewan) have passed laws under which a person can be tested for HIV against his or her will, and test results disclosed to someone else. Generally, these laws allow for such **forced testing** in cases where another person has been exposed to bodily fluids in the course of certain kinds of work, providing emergency aid to someone, or as a result of an alleged crime.

The Legal Network is against such coercive testing, also sometimes referred to as "compulsory" testing, or, in the words of some laws, "mandatory" testing. The violation of several basic rights of people being tested — such as the rights to bodily integrity and to privacy — outweighs the limited benefits to the person claiming to have been exposed to what is, in almost all cases, an exceedingly small risk. While the Legal Network has previously succeeded in preventing the federal government from adding forced testing sections to the *Criminal Code*, this year, it was clear that we needed to address the issue at the provincial level, given the trend in recent years for provinces to adopt forced-testing laws in response to ongoing lobbying from various quarters, especially police associations.

In Ontario, the Legal Network made a submission to the provincial government opposing amendments that would further strengthen existing forced-testing legislation. Instead, the Legal Network supported the call from nurses and public sector unions to pass legislation mandating the use of safety-engineered needles in the workplace, not only as a matter of safeguarding workers' human right to a safe workplace, but also as a preferred alternative to testing people against their will.

"Thank you very much for this critique of the Subcommittee's report. I am very pleased that you were able to produce this, especially in partnership with Stella and Maggie's. Something needed to be done!"

—Frances Shaver, Concordia University, Montréal (re: "Not Up to the Challenge of Change: An analysis of the report of the Subcommittee on Solicitation Laws")

“I ended up writing an editorial on [Canada’s Access to Medicines Regime], and as always, the materials you provided me with were enormously helpful.”

—Peter McKnight, *Vancouver Sun*

In Saskatchewan, the Legal Network met with the Information and Privacy Commissioner to understand better the ways in which the harms from such legislation could be limited in the future. The same objective informed discussions with advocates in Alberta about that province’s legislation and draft regulations.

In Manitoba, the Legal Network filed a detailed brief with the provincial Minister of Health urging the government to resist calls for forced-testing legislation, and outlined our concerns to the provincial Ombudsman, whose mandate includes privacy issues. The Legal Network also met with numerous community-based organizations, including groups of people living with HIV/AIDS, and civil-liberties advocates, to prepare for a possibly coordinated response if and when the issue comes back on the legislative agenda. Indeed, the introduction of a private member’s bill in the provincial legislature at the end of 2006 suggests the issue remains alive.

Given the likelihood of such laws being introduced in other provinces, the Legal Network prepared an overview of existing legislation across Canada that provides for forced testing, as well as materials addressing common misconceptions and frequently asked questions about such laws, in order to help human rights advocates in responding to these proposals.

Finally, the issue made its way back onto the federal government’s agenda. In November 2006, the Legal Network made a submission to the Correctional Service of Canada and the Minister of Public Safety opposing proposals from the Union of Canadian Correctional Officers (UCCO) to legislate **forced HIV testing of federal prisoners**. The UCCO’s proposal would permit compulsory testing even when no correctional officer had been exposed to bodily fluids of the prisoner. However, it would not allow for testing of prison staff if prisoners were exposed to the bodily fluids of staff — a clear double standard that violates the principle of consistency in the law.

Internationally, HIV testing policy and practice re-emerged as a major point of contention in the context of scaling-up access to treatment. In July 2006, the Legal Network participated in a consultation convened by the World Health Organization (WHO) and the Joint United Nations Programme on HIV/AIDS (UNAIDS) to discuss new recommendations for implementing “**provider-initiated testing and counselling**,” arguing that respecting, protecting and promoting human rights must be central to any such move. The Legal Network

followed up with detailed submissions to the WHO and UNAIDS on the revised draft “guidance” that will shape HIV testing policy and approaches worldwide. The Legal Network opposes routine testing; instead, HIV testing should be routinely *offered*, but only conducted with the affirmative, informed consent of patients.

For more information, please visit www.aidslaw.ca/testing.

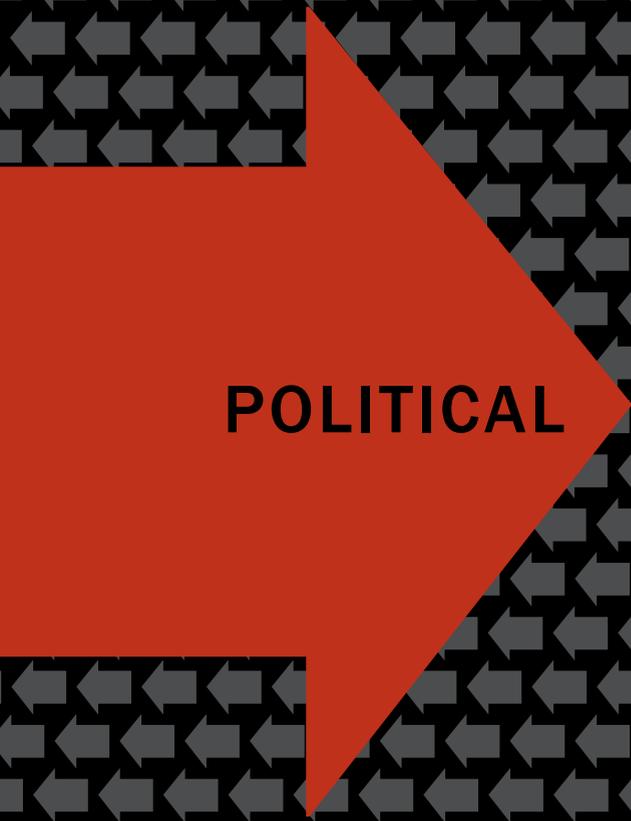
CRIMINAL LAW

In October 2006, the Legal Network served as an expert resource and rapporteur for a regional consultation on the **criminalization of HIV** and other sexually transmitted infections, organized by the Regional Office for Europe of the World Health Organization (WHO), in collaboration with the European AIDS Treatment Group. The consultation brought together representatives of organizations of people living with HIV/AIDS, non-governmental technical experts, as well as representatives from the WHO and UNAIDS. By sharing experiences from select European countries, the participants identified urgent needs for further collaborative action, including a WHO or UN position statement. Conclusions and recommendations were presented in several areas to address the need for additional research on the public health impact of criminalization, as well as to guide the conduct of police and prosecutors in handling such cases.

In Canada, HIV-related criminal **cases in the courts** continued to account for a steady stream of media requests to the Legal Network, reflecting a significant increase in the number of cases in which people living with HIV were charged for not disclosing their status to a sexual partner, and the continued police practice of issuing news releases with people’s names and photos seeking additional complainants and evidence to support prosecutions.

Throughout the year, the Legal Network also participated in a number of local and regional consultations on this issue, from a meeting held in conjunction with the Alberta Harm Reduction Conference to a daylong public forum in Vancouver co-hosted by AIDS Vancouver and the British Columbia Persons With AIDS Society.

For more information, please visit www.aidslaw.ca/criminallaw.



POLITICAL

pressure

INTERNATIONAL

support



“Heartfelt thanks from all of us working in harm reduction from all over the world for your superbly written and wonderfully researched report on the INCB. I have read this from cover to cover this morning. Excellent in every way. Congratulations — you should feel very very proud of this work. I have sent it on to hundreds of people today.”

—Dr. Alex Wodak, St. Vincent’s Hospital, Sydney, Australia (re: “Closed to Reason: The International Narcotics Control Board and HIV/AIDS”)

AIDS 2006

21 198 delegates. 187 countries. 6 days.

From August 13–18, 2006, these straightforward numbers framed the very complex reality of the XVI International AIDS Conference (AIDS 2006).

Having the conference take place in Toronto proved to be a boon in raising national and international awareness of many of the Legal Network’s issues.

Even before the official opening of AIDS 2006, the Legal Network was busy convening a one-day pre-conference satellite meeting of lawyers, human rights experts and AIDS activists from 28 countries. This groundbreaking symposium gave this group of uniquely experienced experts a rare opportunity to discuss ways of supporting each other’s work, networking and systematically sharing legal and human rights experiences and analyses.

Participants discussed drug policy, HIV-related discrimination, prisons and HIV/AIDS, access to treatment, testing, privacy and confidentiality, criminalization of HIV transmission, and women’s rights. They also made recommendations about needs for training, access to legal and human rights materials, communications, and financial support. This event was only the beginning of a dialogue that continued throughout the year to explore funding opportunities for follow-up networking and information sharing.

The symposium was supported by the Open Society Institute Law and Health Initiative, the Joint United Nations Programme on HIV/AIDS (UNAIDS), the United Nations Development Programme (UNDP), and the Canadian International Development Agency.

During the conference proper, the Legal Network and the Open Society Institute Law and Health Initiative co-hosted a reception for Canadian lawyers and law students at the Law Society of Upper Canada in downtown Toronto. Keynote presentations by Mark Heywood, Director of the AIDS Law Project of South Africa, and William Flanagan, Dean of the Faculty of Law of Queen’s University in Kingston, Ontario, were followed by a spirited exchange of information and ideas between lawyers and human rights activists working on AIDS around the world, and their Canadian counterparts.

The Legal Network also joined Médecins Sans Frontières/Doctors Without Borders to co-host a panel discussion on Canada’s Access to Medicines Regime. In addition to the host organizations, the Clinton Foundation, Health Canada, and Canadian generic drug manufacturer Apotex Inc. were represented on the panel. The Hon. David Mwakuya, Minister of Health and Social Welfare of Tanzania, shared his perspective of a developing-country government needing to secure less expensive medicines for treatment scale-up. (For more on this issue, see “Treatment and the Global Treatment Access Group” on p. 7.)

Individually, Legal Network staff maintained a hectic pace, working tirelessly in session after session as expert panellists, presenters, moderators, rapporteurs, and discussants. And, in between sessions, they appeared in over 100 print media articles, 33 radio broadcasts and 11 television reports, ensuring that the Legal Network’s voice was heard not only by conference delegates, but by people the world over.

One of the biggest media breakthroughs during the AIDS conference involved coverage of the Legal Network’s AIDS 2006 press conference, which was the lead story on *World Report*, CBC Radio’s flagship morning national newscast. With a daily audience of more than one million listeners, the story addressed both topics of the press conference — keeping Insite (a safe injection site in Vancouver) open and introducing prison needle exchange programs in Canada. As well, the August 15 news release issued at the press conference ranked in the top ten most-consulted news releases (out of a total of 337) on the CNW Group (formerly Canada NewsWire) website.

For more information, please visit www.aidslaw.ca/aids2006.

OTHER HIGHLIGHTS

China

In July 2006, the Legal Network participated in a week-long workshop for NGOs on HIV, human rights and legal advocacy in Beijing. Organized jointly by the law school of Philadelphia-based Temple University and the China HIV/AIDS Information Network (CHAIN), 40 participants spent the week discussing the legal and human rights dimensions of the AIDS epidemic in China and ways in which legal strategies could be used to advance human rights in the response.

In November 2006, the Legal Network testified before the House of Commons Subcommittee on International Human Rights, giving an overview of our collaboration with Chinese NGOs and the human rights challenges related to HIV/AIDS in China, particularly those faced by gays and lesbians, sex workers, and people who use drugs. The Legal Network underscored the need for a bilateral human rights dialogue that would take place at a higher government level than the current Canada-China Human Rights Dialogue, that would include legitimate civil society organizations in both countries, and that would have the clout to influence the programming of the Canadian International Development Agency (CIDA) and the policies of Foreign Affairs Canada.

Through CIDA's small-grants programs, which support partnerships between Canadian and non-Canadian organizations working on AIDS, the Legal Network collaborated with the Aizhixing Institute for Health Education in Beijing to develop human rights-centred educational materials on AIDS for men who have sex with men (MSM) in China.

In March 2007, the Legal Network visited with staff members of the Aizhixing Institute, and with courageous AIDS outreach workers from MSM groups in four cities in northeastern China, to learn more about their daily challenges and to refine the Legal Network's technical support to programs in this area.

Russia

In July, November and December 2006, the Legal Network held meetings with partner organizations in Moscow, St. Petersburg, Kazan (Tatarstan), and Balakovo (Saratov region). The meetings focused on the promotion of human rights for people living with HIV/AIDS, as well as human rights-based drug policy reform, including establishing a legal framework to make opioid substitution therapy (OST) available to drug users. Currently, OST remains illegal, denying a key HIV prevention tool to people who inject drugs.

In February and March 2007, the NAN-Balakovo Foundation — a regional training centre for front-line health workers in the Saratov region of southern Russia — used materials developed by the Legal Network to conduct five training sessions on international and Russian law and the right to health. The materials gave the more than 60 participants some background on the legal foundations of harm reduction in Russian law, and highlighted which legal provisions could be used in advocating for human rights-based drug policy reform.

The workshop attracted people from the Volga region of Russia, as well as Siberia. They were presented with hypothetical situations involving human rights violations, and asked to find ways to address them. Participants also heard of examples from around the world of the proven results and best practices of opiate substitution treatment.

In addition, the Legal Network created a new Russian-language web page at www.aidslaw.ca/ru. The page includes our mission, vision and values, as well as a link to all of our Russian-language publications.

Tajikistan

In December 2006, the Legal Network organized meetings in the capital city of Dushanbe with colleagues from the country's leading drug policy and harm reduction NGO, RAN, as well as other stakeholders. A key aspect of the Legal Network's work in Tajikistan includes technical assistance to RAN to build legal and human rights expertise for drug policy reform. The first phase of this project involves taking training materials on international human rights, humane addiction treatment and OST that were originally developed by the Legal Network for use in Russia and adapting them to the Tajik context. The two NGOs also discussed a future collaboration to address Tajikistan's newly adopted AIDS law, which is too vague in its current form and requires guidance for implementation.

Ukraine

In March 2007, the Legal Network and the State Department of Ukraine for Enforcement of Sentences signed an agreement to co-operate on harm reduction measures in Ukrainian correctional institutions. Under the agreement, two year-long needle exchange pilot programs will be undertaken starting in September 2007, and will be monitored and evaluated with the assistance of the World Health Organization and the United Nations Office on Drugs and Crime. The Legal Network will continue to provide technical assistance to the State Department, and help with the introduction of the pilot projects, as well as with the scale-up of access to antiretroviral treatment and the introduction of substitution therapy, in the penal institutions.

The same month, the Legal Network held a daylong meeting in Kiev centred on creating an international version of its 2005 report, *Nothing About Us Without Us — Greater, Meaningful Involvement of people who use illegal drugs: A Public Health, Ethical, and Human Rights Imperative*. Participants from Ukraine and Russia discussed and adapted the report's manifesto of people who use drugs, reviewed the list of do's and don'ts, and discussed organizational issues.

West Africa

In Senegal in October 2006, the Legal Network reviewed a project of the Open Society Initiative of West Africa (OSIWA) and the Open Society Institute's Network Public Health Program to support the development of human rights-based AIDS laws in 18 countries of West Africa. A regional workshop was organized and attended by consultants from the 18 countries who had submitted written assessments of the status of AIDS laws in the region, as well as other regional experts from the United Nations and universities.

A number of the AIDS laws already passed or being considered in the region are based on a model law developed by AWARE (Action for the West Africa Region), a project funded by the United States Agency for International Development (USAID). Unfortunately, the AWARE model law does not address the equality of women; the human rights of sex workers, people who use drugs, men who have sex with men; or the human rights of prisoners (beyond the right to information). The AWARE model law opens the door for elaborate criminalization of HIV transmission and exposure, which is not in line with UN recommendations, and it also has some questionable provisions on HIV testing. The Legal Network made recommendations to OSIWA and OSI, as they face the challenge of finding ways to support human rights-based AIDS laws in the region in light of these realities.

In August 2006, on the eve of the XVI International AIDS Conference, the Legal Network completed months of planning and preparation to launch its redesigned website.

Created with the help of HJC New Media, a Toronto-based firm specializing in not-for-profit website design, the website's new look and improved functionality have taken the Legal Network's on-line presence to the next step, while continuing to be a definitive, fully bilingual resource on human rights issues related to HIV/AIDS. The Legal Network also began work on ways to highlight and improve electronic access to its many publications that have been translated into languages other than English and French.

ANNUAL GENERAL MEETING

Over 100 people gathered in Canada's Capital Region to attend the joint annual general meetings of the Legal Network and the Interagency Coalition on AIDS and Development (ICAD). The AGMs and skills-building workshops, held in Gatineau, Quebec from September 28–30, opened with the presentation of the Awards for Action on HIV/AIDS and Human Rights.

The international recipient was Gareth Williams, the coordinator of Jamaica Forum for Lesbians, All-Sexuals and Gays (J-FLAG), who spoke movingly about the hostility and abuse faced by gay men and lesbians in Jamaica, where they continue to be criminalized under the law. His address followed an inspiring tribute, delivered together with Legal Network board member Robert Carr, to Steve Harvey, the Jamaican human rights and AIDS activist who was murdered in December 2005. Williams was equally eloquent at a meeting with officials from the Canadian International Development Agency and Foreign Affairs Canada on the second day of the AGM, remarking on the impossibility of implementing effective HIV/AIDS programs when gay men — one of the most affected groups — face violent abuse with impunity.

Sadly, just over four months later, Williams would be one of four victims of a disturbing anti-gay hate crime in Kingston, Jamaica. On February 14, 2007, Williams and three other men were branded as homosexuals and holed up inside a pharmacy for almost an hour. Outside, an angry mob of hundreds hurled homophobic insults and demanded that pharmacy staff hand over the men. Some called for the four men to be killed. Police were forced to use tear gas to disperse the crowd in order to remove the men from the scene. Williams says he was also pistol-whipped by police officers and accused of provoking the mob by being gay.

The Canadian recipient of the Awards for Action was Stella, a Montréal-based sex worker organization. Executive Director Claire Thiboutot accepted the Canadian award on behalf of her colleagues. She underlined how the continuing criminalization of sex work in Canada and worldwide keeps sex workers from being able to work as safely as possible. She also decried the regular tendency of donors and governments to view sex workers as “vectors” of HIV who need to be targeted with HIV/AIDS programs for the purpose of saving the “respectable women” whose husbands frequent sex workers. Stella screened its fast-moving short film, “Forum XXX,” which captured the highlights of the groundbreaking international conference in May 2005 of sex worker organizations.

In addition to the Awards and AGMs, members enjoyed three Legal Network skills-building workshops on media relations, barriers to needle exchange programs in Canada, and gender considerations in HIV/AIDS research.

The 2007 AGM is scheduled for June 10–11 in Toronto and will be a joint event with the Canadian Working Group on HIV and Rehabilitation (CWGHR).

For more information, please visit www.aidslaw.ca/agm.

FACTS & FIGURES

The following facts and figures provide a snapshot of the Legal Network's activities from June 1, 2006 to March 31, 2007.

150+

APPROXIMATE NUMBER OF PRINT ARTICLES IN WHICH
LEGAL NETWORK STAFF WERE QUOTED

18

NUMBER OF MEDIA ADVISORIES AND
NEWS RELEASES ISSUED BY THE
LEGAL NETWORK ON A VARIETY OF
HUMAN RIGHTS ISSUES

198

NUMBER OF MEDIA REQUESTS RECEIVED BY THE LEGAL NETWORK (FROM OUTLETS RANGING
FROM BBC RADIO AND AL JAZEERA INTERNATIONAL, TO *CBC NEWS: THE NATIONAL* AND THE
CANADIAN MEDICAL ASSOCIATION JOURNAL)

100+

APPROXIMATE NUMBER OF TELEVISION AND RADIO
BROADCASTS IN WHICH LEGAL NETWORK STAFF
WERE SEEN AND HEARD

329

NUMBER OF INFORMATION REQUESTS RECEIVED BY
E-MAIL, PHONE AND FAX TO WHICH LEGAL NETWORK
STAFF RESPONDED

PUBLICATIONS

- 2005–2006 Annual Report
- “AIDS and public security: the other side of the coin” in *The Lancet*, Volume 369, Issue 9563 (March 3, 2007)
- Closed to Reason: The International Narcotics Control Board and HIV/AIDS
HIV/AIDS Policy & Law Review, Volume 11, Number 2/3
Legal Network News, Issue 26
- Legislating for Health and Human Rights: Model Law on Drug Use and HIV/AIDS
- Legislation to Authorize Forced Testing of Federal Prisoners for HIV: An Unjustified Violation of Human Rights — Submission to the Minister of Public Safety and Emergency Preparedness Canada
- “Medicines for all? Commitment and compromise in the fight for Canada’s law on compulsory licensing for export” in *The Power of Pills* (Pluto Books, 2006)
- Misleading and Misguided: Mandatory Incarceration for Certain Drug Offences — Brief to the House of Commons Standing Committee on Justice and Human Rights regarding Bill C-9, *An Act to amend the Criminal Code (conditional sentence of imprisonment)*
- “Model law to address HIV/AIDS in prison” in *International Journal of Prisoner Health*, Volume 2, Number 3 (September 2006)
- Not Up to the Challenge of Change: An analysis of the report of the Subcommittee on Solicitation Laws
- Network News*, Issue 25
- Network News*, Issue 24
- Network News*, Issue 23
- “Pledges and pitfalls: Canada’s legislation on compulsory licensing of pharmaceuticals for export” in the *International Journal of Intellectual Property Management*, Vol. 1, Nos. 1/2, 2006
- Proceedings: Global Networking for AIDS, Law and Human Rights — Report from the satellite of the XVI International AIDS Conference
- “Rhetoric and reality: HIV/AIDS as a human rights issue” in *The Global Politics of AIDS* (Lynne Rienner, 2007)
- Review of Canada’s Access to Medicines Regime — Legal Network submission to the Government of Canada
- “Rights and lessons scorned: HIV/AIDS and human rights in Eurasia” in *HIV/AIDS in Russia and Eurasia*, Volume 1 (Palgrave MacMillan, 2006)
- Shelley v. the United Kingdom*: Response to the submission of the U.K. government
- Shelley v. the United Kingdom*: Submissions of the Intervenors in the European Court of Human Rights
- Update on Bill C-9, *An Act to amend the Criminal Code (conditional sentence of imprisonment)*
- For more information, please visit www.aidslaw.ca/publications.*

NEWS RELEASES

- February 28, 2007 — Canada Unfairly Berated by International Drug Body for Pragmatic, Effective HIV Prevention Measures
- February 27, 2007 — New Report Finds International Narcotics Control Board Blocks Effective HIV Prevention Among Drug Users
- February 20, 2007 — Former UN Special Envoy to join call for greater accountability at INCB (Media Advisory)
- February 16, 2007 — Legal Network Condemns Anti-gay Mob Attack on Award-winning Jamaican Activist
- December 13, 2006 — Commons Report on Prostitution Fails Sex Workers
- December 4, 2006 — Prison Tattoo Closure Irresponsible, Says Legal Network
- December 1, 2006 — NGOs welcome renewed focus on AIDS, but say pledge falls short
- November 28, 2006 — AIDS Review Should Endorse More Money for Most Vulnerable, Say National Organizations
- November 24, 2006 — Health and Industry Ministers Should Eliminate Red Tape in Canada’s Law on Generic Medicines for Export
- September 28, 2006 — Montréal Sex Workers and Jamaican LGBT Rights Activist Win 2006 Awards for Action on HIV/AIDS and Human Rights
- September 25, 2006 — 2006 Awards for Action on HIV/AIDS and Human Rights (Media Advisory)
- September 2, 2006 — Health Minister’s Indecision on Insite Ignores Scientific Evidence
- August 18, 2006 — Groups Urge Rapid Review of Canada’s Law on Generic Medicines for Export
- August 15, 2006 — Harper Needs Dose of Reality: Prime Minister should make life-and-death decisions based on evidence, not ideology, says Legal Network
- August 14, 2006 — Evidence or Ideology? Legal Network to demand Canadian government commitment to safe injection facility and prison needle exchanges (Media Advisory)
- August 10, 2006 — Will It Deliver? Assessing Canada’s pledge to export affordable AIDS drugs (Media Advisory)
- August 9, 2006 — Four Steps for Canada: Stephen Lewis and Canadian civil society groups demand action on global AIDS crisis
- August 2, 2006 — Stephen Lewis and Canadian Civil Society Groups to Launch Canadian Action Plan to Fight AIDS Globally (Media Advisory)
- For more information, please visit www.aidslaw.ca/media*

OUR PEOPLE

BOARD OF DIRECTORS

Executive Committee

Le-Ann Dolan, *President*

Darlène Palmer, *Vice President*

James ("Jim") Burns, *Secretary*

Ruth Carey, *Treasurer* (until December 31, 2006)

David Olson, *Treasurer* (as of February 17, 2007)

Members

David Barr

Denise Becker

William Booth

Robert Carr

Anna-Louise Crago

Rosemary Fayant

Stefan Matiation

David Olson

STAFF

Joanne Csete, *Executive Director**

Policy Unit

Richard Elliott, *Deputy Director**

Glenn Betteridge, *Senior Policy Analyst*

Alana Klein, *Senior Policy Analyst*

Richard Pearshouse, *Senior Policy Analyst*

Leah Utyasheva, *Senior Policy Analyst*

Communications Unit

Leon Mar, *Director of Communications**

Vajdon Sohaili, *Communications Specialist*

Program Support Unit

Terry Gould, *Program Support Coordinator**

Taslim Madhani, *Administrative Assistant*

Doriana Schiavi, *Finance Officer*

* Management team

SUMMER INTERNS

Jennifer Chan, University of Victoria

Tim Franklin, University of Toronto

Sara Kushner, McGill University

Ellen Silver, University of Toronto

VOLUNTEER

Glenn Dodge

THANKS

The generosity of our donors ensures the success of our programs and projects. We wish to acknowledge the contribution and support of the following institutions and individuals.

Institutions

- AIDS Bureau, Ontario Ministry of Health and Long-Term Care
- ARC International
- Association of Universities and Colleges of Canada
- Canadian International Development Agency
- Ford Foundation
- Global Students' Outreach Association (GOSA), University of British Columbia
- Hilda Mullen Foundation
- Human Rights Watch
- International Affairs Directorate, Health Canada

- International Harm Reduction Development Program, Open Society Institute
- Joint United Nations Programme on HIV/AIDS (UNAIDS)
- Law and Health Initiative, Open Society Institute
- Levi Strauss Foundation
- Public Health Agency of Canada
- Stephen Lewis Foundation
- United Nations Development Programme (UNDP)

Individuals

Joan Anderson
David Barr
Michael Battista
Line Beauchesne
Denise Becker
Jean-Pierre Bélisle
Glenn Betteridge
Louise Binder

William Booth
Glen Brown
Theodore de Bruyn
Twyla DeMello
Le-Ann Dolan
Josée Dussault
Dionne Falconer
Klaus Jochem
Marita Killen
Stefan Matiation
Guy Milner
Suzanne Owen
Nicola Stein
Lori Stolz
Lesley Stubbs
David Thompson
Richard Alan Wood
Anonymous donors

For more information on how you can support our work, please visit www.aidslaw.ca/donate

STATEMENT OF FINANCIAL POSITION

<i>As at March 31, 2007</i>	2007	2006
CURRENT ASSETS		
Cash	\$329,095	\$142,272
Short-term investments	113,062	31,445
Amounts receivable	82,703	262,994
Prepaid expenses	14,781	22,905
	539,641	459,616
Capital assets	4,662	10,751
	\$544,303	\$470,367
LIABILITIES AND NET ASSETS		
Current liabilities		
Accounts payable and accrued liabilities	\$175,123	\$119,976
Deferred grants	289,481	271,792
	464,604	391,768
Invested in capital assets	4,662	10,751
Unrestricted	75,037	67,848
	79,699	78,599
	\$544,303	\$470,367

STATEMENT OF OPERATIONS

<i>For the year ended March 31, 2007</i>	2007	2006
REVENUE		
Grants	\$1,446,970	\$1,358,972
Service fees and cost recoveries	37,569	69,621
Membership	14,414	17,022
Donations	10,429	8,395
Interest and other	23,129	20,971
	1,532,511	1,474,981
EXPENSES		
Personnel	774,475	668,583
Professional fees	205,627	251,654
Travel	198,877	208,142
Information and publications	87,024	84,310
Communication	71,933	58,688
Rent and maintenance	61,444	78,505
Country activities	58,440	27,562
Office equipment	18,376	25,982
Facilities and equipment	14,489	10,309
Office support and maintenance	9,862	16,342
Other	24,775	38,710
Amortization	6,089	5,854
	1,531,411	1,474,641
EXCESS OF REVENUE OVER EXPENSES FOR THE YEAR	\$1,100	\$340