



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

The Rights Response: Strategic Plan 2010-2015

Draft: 31 May 2009

1. Introduction

Founded in 1992, the Canadian HIV/AIDS Legal Network (www.aidslaw.ca) promotes the human rights of people living with and vulnerable to HIV and AIDS, in Canada and internationally, through research and analysis, advocacy and litigation, public education and community mobilization.

The Legal Network is a federally incorporated, not-for-profit organization with charitable registration in Canada, with organizational and individual members across the country and international members interested in the human rights aspects of HIV/AIDS who support our work. Our constitution mandates a 12-member, elected Board of Directors drawn from every region of Canada as well as international members, that includes a minimum number of people openly living with HIV or AIDS (PHAs) and encourages diverse representation from various constituencies with whom we work. At the time this Strategic Plan was developed and adopted, the Legal Network employed 12 full-time staff members and enjoyed ongoing collaboration with a number of expert consultants and advisors. As a national organization in a bilingual country, the Legal Network strives to ensure that its work in Canada is done in both official languages of English and French; internationally, our work has, over the years, been undertaken in a variety of other languages as well, in particular Russian and Spanish.

The Legal Network is a leading contributor to the movement for human rights in the response to HIV and AIDS in Canada and internationally. In pursuing our mission, the Legal Network has actively engaged policy-makers, the media, community groups and the courts in Canada, has collaborated with and supported civil society organizations and advocates in many regions of the world on a range of initiatives, and has been a principled voice for evidence-based, human rights-based law and policy at the international level, including vis-à-vis the member states and technical agencies of the United Nations and other international bodies. The Legal Network is a non-governmental organization in Special Consultative Status with the Economic and Social Council of the United Nations.

2. Background to this Strategic Plan

In 2005, with the assistance of an independent consultant, the Legal Network's Board of Directors developed an updated strategic plan for the period 2006-2010, that drew upon: surveys of front-line AIDS service organizations and legal service providers; a scan of the domestic and international environment for work on HIV/AIDS; discussions with Legal Network staff; and consultation with the Legal Network's membership, including at its 2005 Annual General Meeting. In early 2008, recognizing that there had been a number of changes both in the external environment and within the Legal Network, the Board and staff undertook a mid-term review of the strategic plan, considering any necessary or advisable adjustments to the organization's strategic priorities for the remainder of the existing plan. Some minor revisions to the current strategic plan were agreed.

At the same time, the Board and staff also began discussions about the future directions and priorities of the Legal Network beyond 2010 and launched a process to develop a Strategic Plan for 2010-2015. Each of the Board and the staff held a number of strategic planning discussions, including opportunities for the Board and staff to discuss together the future of the organization. A survey of more than 90 external key informants (members, allies and like-minded organizations, key funders, and other organizations and experts working the field of HIV, law and/or human rights) was conducted to solicit assessments of the Legal Network's work, the organization's strengths and challenges, and the priority issues and activities that should form part of the next phase of our work. Annual surveys of members and others about specific aspects of the Legal Network's work have also informed the strategic planning discussions. Finally, a draft of this strategic plan was discussed with members at the 2009 Annual General Meeting.

3. Current context

In scanning the environment in which we work, and in taking stock of the organization's current capacity and challenges, the Board and staff of the Legal Network identified a number of factors to be considered in charting the organization's future.

- “Human rights-based approaches” to responding to HIV/AIDS are often ignored and are under attack.
- Cuts to federal AIDS funding in Canada and the global recession that began in 2008 will create additional challenges for fundraising.
- As the epidemic diversifies, general awareness of HI is lower, HIV is seen primarily as a concern affecting particular “other” communities that are of minority and/or marginal status.
- Research indicates that, in Canada as elsewhere, HIV-related stigma remains a major challenge.
- Despite the role that economic and social inequalities play an important part in fuelling the epidemic, the Canadian government opposes recognition of economic and social rights and courts have been reluctant to recognize them.
- In many countries, religious fundamentalism hinders the implementation of evidence-based policies and programs and conservative economic ideology hinders the realization of equitable enjoyment of economic and social rights.

- While some gains have been made in the acceptance and use of harm reduction measures in Canada and abroad, the federal government in Canada has manifested an ongoing hostility to harm reduction and actively pursued policies and initiatives that will worsen the HIV epidemic among people who use drugs and impede their access to services.
- The Legal Network has core strengths and record on which to build, including its reputation for high-quality research and analysis; its principled commitment to human rights advocacy and to supporting marginalized and vulnerable communities; and producing a broad range of resources in a variety of formats and various languages, giving communities the tools needed to provide services and support to people living with or vulnerable to HIV and to advocate for human rights in the response to HIV. The Legal Network has played a key role in advancing legislative or policy change in Canada in a number of areas, is reasonably established as a key national commentator on a range of HIV-related policy issues (in media, with some policy-makers, and in parliamentary debates). Internationally, the Legal Network has made substantial contributions in UN policy documents and fora to articulating a human rights-based approach to HIV and related matters, and has contributed to legislative and policy reform in a number of countries and has supported the work of allies in various countries.
- The Legal Network faces a number of persistent challenges; it needs to maintain focus on priority issues and needs greater capacity in some key areas. Demands on the Legal Network exceed its capacity given its human and financial resources. As a result, Legal Network is often over-extended; the Legal Network needs to focus its efforts in the sense of working intensively, and on a sustained basis, on a narrower range of core issues, in order to maximize its impact in making change, be it within Canada or beyond. The Legal Network's funding is predominantly project-based and short-term, with little in the way of stable, longer-term and predictable funding for basic operations and little in the way of accumulated reserves to cushion a sudden, large drop or gap in funding.

4. Key Conclusions and Strategic Directions

As a result of its strategic planning process, the Legal Network has identified a number of key conclusions and strategic directions that should guide the organization over the next 5 years of its growth, as follows:

- The Legal Network's **mission, vision and values remain sound** and will continue to guide the organization well in the coming years.
- We will maintain our commitment to focussing on issues affecting **vulnerable and marginalized people** in the response to HIV/AIDS. We will seek to strengthen existing, and develop new, **relationships with community-based partners** who are key to addressing our policy priorities.
- We will maintain a **balance between Canadian and international work**, which will likely require particular efforts to diversify sources of funding for Canadian work.
- With respect to our Canadian work, we will maintain our commitment to serve and represent **all regions of the country** and to provide services in **both official languages**.
- We will focus our limited resources and energies on **fewer issues** to maximize impact and to allow for sustained strategies.

- There are additional demands for work by the Legal Network in a political environment that is hostile to human rights, particularly in the case of some of the controversial issues and socially excluded populations that are at the heart of our work in the response to HIV/AIDS. Therefore, we will need to:
 - **increase our capacity for the quality legal and policy research** that is one of the Legal Network’s recognized core strengths;
 - **enhance our media relations activities** to reach a broader public and decision-makers with the case for human rights-based responses to HIV and related concerns;
 - produce more brief, accessible communications tools to reach policy-makers, as part of a targeted **government relations strategy** to include law and public policy (with a focus on Canadian decision-makers); and
 - pursue **greater use of strategic litigation** to defend and promote the human rights of people living with or vulnerable to HIV through evidence and principled argument, in the face of public policy being shaped by ideology and short-term political calculation.
- While the Legal Network has strong connections to community-based organizations in Canada’s AIDS movement, we will seek to **strengthen our connections to the legal profession** in Canada.
- We need to **support the capacity of allied research, advocacy, and community groups** in taking up HIV/AIDS-related human rights issues, drawing upon the considerable expertise within the Legal Network, but will need to keep these efforts focussed if they are to be sustainable and effective in strengthening human rights advocacy related to HIV/AIDS.
- We need to **strengthen our organizational capacity, including both human and financial resources**, to meet the commitments outlined in the strategic plan.
- We need to continue **diversifying our funding**, with less reliance on government funding and some “buffers” should funding decrease.

5. Mission, Vision and Values

Mission

The Canadian HIV/AIDS Legal Network promotes the human rights of people living with and vulnerable to HIV/AIDS, in Canada and internationally, through research and analysis, advocacy and litigation, public education and community mobilization.

Vision

We envision a world in which the human rights and dignity of people living with HIV/AIDS and those affected by the disease are fully realized and in which laws and policies facilitate HIV prevention, care, treatment and support. The Canadian HIV/AIDS Legal Network will remain a recognized leader in this movement for health and human rights.

Values

The work of the Canadian HIV/AIDS Legal Network is rooted in a number of guiding values (see http://www.aidslaw.ca/EN/about_us/what_we_do/mission_vision_values.htm for more):

- the centrality of human rights in the response to HIV and AIDS;
- a focus on the rights of marginalized populations;

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

6. Strategic Policy Priorities

All indications are that the Legal Network needs to rationalize by focussing on a smaller number of core issues. In identifying priority policy issues for our work over the period 2010–2015, we have been guided by the following criteria:

- The issue embodies an urgent and continuing need in Canada or abroad.
- There is the opportunity for real impact in Canada or abroad in protecting and promoting the human rights of people living with or vulnerable to HIV/AIDS.
- The issue reflects concerns of key constituencies, namely people living with or vulnerable to HIV, front-line service providers and others who benefit from the Legal Network’s work.
- The Legal Network can address the issue by building on existing work and technical strengths of the organization.
- Working on the issue will reflect the values of the Legal Network, particularly our concern for the most marginalized persons.

The Legal Network recognizes that other urgent issues may arise in the period of this plan, and also that the strategic importance of some of the issues below may ebb somewhat, but this list represents our best attempt to prioritize issues for the Legal Network for the period 2010-2015. The figure below highlights the four top-priority issues that will lie at the core of the Legal Network’s work over this period. It also identifies a number of second-tier and third-tier issues for the organization: these are ones on which the Legal Network has previously done some work or that require some attention, but which will not generally be the focus of sustained, proactive work over the next 5-year span.

<u>Drug policy</u> and the rights of people who use drugs		<u>Prisons</u> and the rights of people in prison		<u>Women’s rights</u> and HIV		<u>Criminalization</u> of HIV exposure			
Access to treatment (intellectual property issues)		Immigration policy and travel restrictions		Sex workers’ rights		Privacy rights		HIV-based discrimination	
LGBT rights		HIV testing policy and practice		HIV prevention technologies		Disability rights		Income security policy and practice	

Priority should be accorded to the four top-tier issues in planning and implementing the organization's research, analysis, education, advocacy or community mobilization, and in its efforts to secure funding. Outlined below are details of the Legal Network's overarching goal and subsidiary objectives that will guide its work on each of its four policy priorities, within Canada and internationally.

Policy Priority 1: Drug Policy and the Rights of People Who Use Drugs

The Legal Network plays a leadership role among national organizations undertaking advocacy for evidence-based, human rights-based drug policy in Canada, and it has become an important contributor to global efforts on this front. We unfortunately do not foresee a diminution of the difficulty of protecting the human rights of people who use drugs in the coming period. In Canada, harm reduction issues are of particular concern to Aboriginal people, marginalized urban dwellers and young people. Everywhere, people with drug dependence are regularly among the most socially excluded and stigmatized.

Goal: *The Legal Network will work to realize human rights for people who use drugs and who are at risk of or living with HIV/AIDS.*

Objectives:

Domestic

- Eliminate legal provisions that impede access to health services and increase HIV risk
- Reduce the incarceration of people who use drugs through justice system reforms that respect human rights and promote health
- Secure and maintain inclusion of harm reduction as key element of public policy response to drugs and related harms
- Increase the proportion of funding in Canada's federal drug strategy that is spent on harm reduction approaches and on evidence-based, human rights-based prevention and treatment of drug dependence, relative to spending on law enforcement
- Increase access to harm reduction and other evidence-based health services (e.g., needle and syringe programs, safer crack kits, safe injection sites, addiction treatment) for those most at risk of HIV and other harms without such services
- Reduce police practices that increase health risks (including HIV infection) among people who use drugs (e.g., intensive, targeted policing near needle and syringe programs and other health facilities; confiscation or destruction of harm reduction equipment)
- Challenge and reduce discrimination against people who use drugs, particularly in health services

International (focus on UN system and selected countries of the former Soviet Union)

- Build UN system jurisprudence (e.g., human rights treaty bodies) and policy guidance addressing human rights violations against people who use drugs
- Promote international standards on drug dependence treatment that are consistent with human rights norms

- Secure legislative and policy reforms supporting increased access to opioid substitution treatment, and reducing the use of compulsory drug dependence treatment that contravenes human rights norms, in countries of the former Soviet Union
- Reduce or eliminate criminal or administrative liability for possession of quantities of drugs for personal use under the law in countries of the former Soviet Union

Policy Priority 2: Prisons and the Rights of People in Prison

Canada remains in violation of the basic human rights principle that people in prison should have access to health services equivalent to those enjoyed by the population at large. From the outset, the Legal Network has taken up the issue of HIV in prisons and has been one of the lead advocates in Canada on this front. Beyond Canada, the Legal Network hopes to continue to work with a range of partners to promote access to comprehensive HIV prevention, care, treatment and support services for people in prison.

Goal: The Legal Network will work to realize the human rights of people in prison at risk of or living with HIV/AIDS.

Objectives:

Domestic

- Improve access to voluntary HIV testing and other diagnostics in prison
- Improve access in prison to tools and services to reduce HIV and other harms (e.g., condoms and lubricant, safer tattooing programs, drug dependence treatment, needle and syringe programs)
- Improve access of PHAs in prison to uninterrupted HAART and other medical care

International (focus on selected countries of the former Soviet Union)

- Secure legislative and policy reforms that will protect the confidentiality of health information of those in prison (including HIV status and receipt of drug dependence treatment)
- Improve access to voluntary drug dependence treatment, including opioid substitution treatment, in prison systems
- Improve access of PHAs in prison to uninterrupted HAART and other medical care

Policy Priority 3: Women's Rights and HIV

In Canada and abroad, subordination of women is complex and entrenched and limits their ability to protect themselves from HIV and to have equal access to treatment and support. In Canada, the Legal Network will continue to advocate, in collaboration with other like-minded civil society organizations, for rights-based policies and programs to ensure women's equal access to services and support that respect women's rights and particular needs in their implementation, and that aim to advance women's broader economic and social equality.

Globally, the Legal Network will work, in collaboration with a few local partners in a select number of countries, for legislative reform that cements women's equality in the law in areas

most closely related to HIV risk. In further developing our work in this area, a first priority will be to establish stronger links and consult with existing women's rights organizations, in Canada and in particular countries or regions of interest, to best determine the contributions that can be made by the Legal Network.

Goal: *The Legal Network will work to realize the human rights of women including women at risk of or living with HIV/AIDS.*

Objectives:

General

- Determine Legal Network's potential niche in addressing women's rights related to HIV through consultation with key actors and develop appropriate partnerships

Domestic

- Ensure a portion of federal AIDS funding is earmarked for HIV prevention, care, treatment and support for women
- Increase Canadian contribution for research and development of microbicides and other HIV prevention tools that can be controlled by women to reduce their risk of infection through sex
- Ensure informed consent for HIV testing during pregnancy

International

- Develop and define appropriate, mutually-beneficial partnerships with selected organizations in selected sub-Saharan African countries working on women's rights in relation to HIV to undertake collaborative work in achieving legislative reforms in the areas of violence, marriage/divorce and property law (including inheritance rights)
- Develop and define appropriate, mutually-beneficial partnerships with selected organizations in selected countries of the former Soviet Union to secure legislative and policy reforms that protect and promote the rights of women who use drugs

Policy Priority 4: Criminalization of HIV exposure

Since the Supreme Court of Canada's landmark *Cuerrier* decision in 1998, the criminalization of non-disclosure of HIV status continues to be one of the central legal challenges for front-line service providers and organizations of people living with HIV in Canada, as well as an issue of ongoing and growing concern internationally. The Legal Network will continue to be called upon to help individual PHAs, community-based AIDS organizations and other service-providers interpret and understand legal developments, to assist defence counsel handling such cases and to provide media comment on cases as they arise. The Legal Network's expertise needs to be applied to shaping the course of Canadian criminal law in this area, including before the courts.

Goal: *The Legal Network will work to limit the scope and negative consequences of criminalization of HIV exposure within Canada.*

Objectives:

Domestic

- Limit the scope of criminal liability for HIV transmission and/or exposure through strategic interventions in proceedings before Canadian courts, support to defence lawyers and individual accused
- Limit the resort to and scope of criminal investigations and prosecutions by engaging relevant policy-makers in developing appropriate guidance for police and prosecutors
- Undertake limited and targeted capacity-building activities vis-à-vis community-based organizations and legal professionals, and selective media commentary

International

- The Legal Network will not actively undertake initiatives related to affecting the development of the criminal law relating to HIV transmission or exposure in other countries. It will, however, follow relevant developments that could affect Canadian law and will seek to ensure that information it obtains, and resources it develops, are made available to advocates elsewhere for use in their local contexts.

7. Strategic Organizational Directions

In order to achieve the priority policy objectives outlined above, the Legal Network will need to strengthen the capacity of partners and allies, enhance its own communications activities and attend to its own organizational development needs. Set out below are the strategic directions for the Legal Network as an organization in each of these areas over the period covered by this plan.

Organizational Direction 1: Strengthening the Capacity of Partners and Allies

Goal: *The Legal Network will strengthen the capacity of partners and allies to advocate for human rights responses to HIV/AIDS.*

Objectives:

- Strengthen the capacity of front-line service providers and others to advocate for human rights-based responses to HIV in Canada
- Strengthen awareness of HIV among Canadian lawyers and judiciary
- Strengthen awareness of HIV among policy makers (with a focus on federal government)
- Educate and connect researchers, lawyers, AIDS service organizations (ASOs) and community-based organizations (CBOs), students, PHAs, government policy-makers and journalists from across Canada (and beyond) with an annual signature event focussed on HIV-related legal and human rights issues
- Develop and sustain a cadre of advocates across Canada, based in ASOs/CBOs, who are equipped to work on legal and human rights issues and have an ongoing partnership with the Legal Network in advocacy efforts, including mobilizing their communities locally for work on federal issues (and to lead advocacy on provincial or local policy issues)
- Improve access of PHAs, ASOs and other CBOs in Canada to individualized legal advice and services where needed through a national lawyer referral database

- Establish the multilingual AIDS and Law Exchange (AIDSLEX, www.aidslex.org) as the premiere global web platform for information-sharing and networking among advocates and others working on HIV-related legal and human rights issues
- Raise the domestic and international profile and impact of the *HIV/AIDS Policy and Law Review* as a unique, bilingual (occasionally trilingual) and eventually peer-reviewed journal with human rights-based reporting and analysis of HIV-related legal and policy issues

Organizational Direction 2: Enhancing Communications

Goal: The Legal Network will enhance its communications targeting key audiences so as to make it a more effective advocate and to advance human rights responses to HIV/AIDS.

Objectives:

- Establish the Legal Network as the leading authority sought out by Canadian media for comment and analysis on HIV-related legal and policy issues, and develop appropriate media relations with partner organizations in other countries where we work to advance human rights.
- Establish the organization as a key intervener in developing Canadian (federal) law and policy in areas related to HIV through a targeted and sustained government relations strategy
- Strengthen and regularize communications with existing donors and develop effective communications materials for recruiting new donors
- Raise the profile of the Legal Network within the legal profession across Canada
- Keep our members, partners, allies, funders, policy-makers, legal professionals and other key stakeholders informed of HIV-related policy developments and of our work and successes
- Mobilize members and other key stakeholders to become involved in our advocacy initiatives
- Enhance the Legal Network's capacity for online community mobilization and fundraising

Organizational Direction 3: Organizational Development

Goal: The Legal Network will further strengthen its governance, membership and operations to achieve the goals and objectives set out in this strategic plan.

Objectives:

Governance

- Board of Directors represents the diversity of the HIV epidemic within Canada (specifically, diversify ethno-racial representation and representation from under-engaged regions)
- Board includes members with links to women's rights organizations in Canada and international members with links to countries/regions in which the Legal Network is undertaking sustained work (e.g. former Soviet Union, sub-Saharan Africa)
- Board members support the organization by playing a greater role as ambassadors for the Legal Network in their local communities and with their constituencies

- Board members continue to provide support and strategic guidance to the Executive Director in managing the organization and implementing the strategic plan, including assistance with implementing and monitoring plans for fund development

Funding

- Increase the overall budget
- Diversify funding sources by reducing dependence on federal government funding, establishing relationships with new foundations, and increasing revenues from research funding agencies, individual donors, members and Legal Network consultancies
- Increase the organization's unallocated reserves to cushion against a sudden loss of revenues
- Strengthen the organization's fundraising ability and efforts

Membership

- Expand and diversify membership, including attracting more non-AIDS organizations, women's rights organizations and legal professionals
- Raise the visibility of the Legal Network at the grassroots level across Canada
- Contribute the Legal Network's expertise to addressing human rights issues facing aboriginal PHAs and communities in Canada, as determined collaboratively with aboriginal partners

Staffing and operations

- Ensure appropriate support for senior management to assist with fundraising
- Expand the Research and Policy Unit to strengthen the capacity for additional high-quality research, analysis, education and advocacy
- Enhance the capacity of the Research and Policy Unit to undertake strategic litigation through a combination of in-house skills and collaboration with outside counsel, and by establishing relationships with other experts whose expertise is needed to support litigation
- Enhance and maintain the Legal Network's capacity to work effectively in French-speaking and Russian-speaking settings (particularly among researchers and communications staff)
- Maintain capacity for in-house production of some Legal Network materials
- Ensure appropriate staff complement and skill set to undertake effective, targeted media relations and government relations initiatives
- Increase the capacity of the Finance and Development Unit to recruit new funders, including through working with a circle of honorary directors
- Ensure appropriate staff complement and skills set within the Program Support Unit to support the research and advocacy activities of the Legal Network (including support to strategic litigation and government and media relations work), the organization's communications with members, funders, and other targeted audiences, and community mobilization efforts initiated by the Legal Network
- Reflect the demographic diversity of Canada among the staff of the organization
- Maintain salaries that are competitive for the sector and ensure professional development opportunities for staff

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