

# 2004 Awards for Action on HIV/AIDS and Human Rights

Recognizing outstanding contributions to addressing HIV/AIDS and human rights



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**The Canadian HIV/AIDS Legal Network** is a national organization engaged in education, legal and ethical analysis, and policy development, with over 250 organizational and individual members from across Canada and around the world. Founded in 1992, the Network promotes responses to HIV/AIDS that respect human rights; facilitate prevention efforts and access to care, treatment and support; minimize the adverse impact of HIV/AIDS on individuals and communities; and address the social and economic factors that increase vulnerability to HIV/AIDS and to human rights abuses. The Network is an NGO in Special Consultative Status with the Economic and Social Council of the United Nations and is a partner organisation of the AIDS Law Project of South Africa. Its work has received national and international recognition, and the United Nations Joint Programme on HIV/AIDS has included the Network's activities in UNAIDS' collection of "best practices."

**Human Rights Watch** is an independent, non-governmental organization that conducts regular, systematic investigations of human rights abuses in some seventy countries around the world. Its reputation for timely, reliable disclosures has made it an essential source of information for those concerned with human rights. Human Rights Watch addresses the human rights practices of governments of all political stripes, of all geopolitical alignments, and of all ethnic and religious persuasions. It defends freedom of thought and expression, due process and equal protection of the law, and a vigorous civil society; it documents and denounces abuses of internationally recognized human rights. Its goal is to hold governments accountable if they transgress the rights of their people. Human Rights Watch began in 1978, and today includes divisions covering Africa, the Americas, Asia, and the Middle East as well as three thematic divisions on arms, children's rights, and women's rights. The organization maintains offices in New York, Washington, Los Angeles, London, Brussels, Moscow and Tashkent.

# Taking Action on HIV/AIDS and Human Rights

In countries worldwide, more and more people are taking action to defend the rights of those most vulnerable to and affected by HIV/AIDS. They do so because they understand that protection of human rights is critical to an effective response to HIV/AIDS, because they realize that discrimination and stigma exacerbate the impact of the pandemic on the lives of individuals and communities, and because they know that the realization of human rights must include access to appropriate care, treatment and support for those infected and affected.

Often at great personal risk and far from the spotlight, they dare to organize communities, undertake advocacy and develop life-saving services where others might prefer to look the other way.

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

The 2004 *Awards for Action on HIV/AIDS and Human Rights* were made possible through generous contributions from these sponsors:



**The Hilda Mullen Foundation**

**Mark Gallop**

We are grateful to the following individuals for the in-kind contribution of their time and expertise: Grant Loewen, C & G Graphics, Jean Dussault, Imprimerie Transnumérique.

# Nomination Criteria

The Awards are intended to highlight outstanding contributions that decrease vulnerability to HIV/AIDS and protect the rights and dignity of those infected and affected.

Recognizing excellence and long-term commitment to work having a direct impact on HIV/AIDS and human rights issues – in particular work that is of direct relevance to marginalized individuals and communities – the Canadian award and the international award are presented annually to an individual or a non-profit organization.

Nominations for the *Awards for Action on HIV/AIDS and Human Rights* are accepted for any individual or non-profit organization, from Canada or another country, whose work has directly contributed to addressing HIV/AIDS and human rights issues. Anyone may submit a nomination.

The 2004 call for nominations was distributed broadly within Canada and internationally. Nominations were invited both for individuals and organizations working at the community level and for those operating at national and international levels.

Two advisory committees, composed of individuals familiar with HIV/AIDS and human rights issues, undertook to select the award recipients. The following criteria were considered and assessed in reviewing the nominees:

- Practical work linking HIV/AIDS and human rights issues;
- Relevance of work to marginalized individuals and communities living with or affected by HIV/AIDS;
- Evidence of serious and long-term commitment;
- Potential for award to strengthen nominee's work;
- Potential for award to enhance visibility and public awareness of issue or project the nominee is addressing;
- Potential for award to attract additional resources for resolution of the issue or advancement of the project.

We would like to thank members of the advisory committees for generously volunteering their time and expertise, as well as all those who submitted a nomination.

## 2004 Canadian Advisory Committee

Ralf Jürgens, Executive Director,  
Canadian HIV/AIDS Legal  
Network

Kevin Midbo, Regional Director,  
South Alberta, Canadian Cancer  
Society

Michael Sobota, Executive Director,  
AIDS Thunder Bay

Kim Thomas, Director of Programs,  
Canadian AIDS Society

Evan Wood, Assistant Professor of  
Epidemiology, UBC

## 2004 International Advisory Committee

Joanne Csete, Director, HIV/AIDS  
and Human Rights, Human Rights  
Watch

Liesl Gerntholz, Advocate and Head  
of the Legal Unit, AIDS Law  
Project (South Africa)

Ralf Jürgens, Executive Director,  
Canadian HIV/AIDS Legal  
Network

Renate Koch, Executive Director,  
Acción Ciudadana Contra el  
SIDA (Venezuela)

Kasia Malinowska-Sempruch,  
Director, International Harm  
Reduction Development program  
(IHRD), Open Society Institute

Meena Saraswathi Seshu, Executive  
Director, SANGRAM (India)

## How to Submit a Nomination

Nominations may be submitted in English, French or Spanish and should include:

- Nomination form;
- One or two letters of support from individuals or organizations familiar with the nominee's contribution;
- Brief biography or organizational sketch, along with nomination statement explaining why the nominee should be considered for this award (maximum 5 pages).

Nomination forms, and more details about the 2005 Awards are available at: [http://www.aidslaw.ca/Maincontent/awards\\_form.htm](http://www.aidslaw.ca/Maincontent/awards_form.htm).

The deadline for submissions for the 2005 Awards is **20 May 2005**.

# 2004 Canadian Recipient (Category: Individual)

## Megan Oleson

**M**egan Oleson is a 26 year-old nurse and activist who has been tireless in her fight to protect the health and human rights of some of the most vulnerable residents of Vancouver's Downtown Eastside (DTES). As a member of the Anti-Poverty Committee and the Vancouver Area Network of Drug Users (VANDU), Megan has spearheaded various direct action measures that address an array of issues ranging from lack of access to appropriate harm reduction measures and housing to poverty and police brutality. Consistent with the traditions of HIV/AIDS and human rights activism, Megan is committed to principles of community participation and has been fearless in her efforts despite the threats to her personal safety that have arisen as a result of her actions.



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Megan Oleson at the unsanctioned safe injection site at 327 Carrall Street

# Bringing Activism to Nursing

On April 7th, 2003, a large-scale police crackdown was initiated in Vancouver's Downtown Eastside. The Vancouver Police Department's crackdown on local drug users drew criticisms from several local community groups, and drew international attention when observers from Human Rights Watch issued a report stating that the crackdown had resulted in numerous human rights violations – a claim vigorously denied by police and local politicians. On the night that the crackdown was initiated, local activists and drug users opened an unsanctioned peer-driven safe injection site (SIS) in an effort to reduce the potential for health-related harms resulting from the crackdown, and to protest the government's failure to open a sanctioned SIS. This action was orchestrated by Megan, who acted quickly to organize drug users who operated the "327 Carrall Street" SIS for 181 days between 10 pm and 2 am.

As part of her work at the SIS, Megan supervised injections, taught drug users about safe injection practices, and referred individuals to available services. Megan also helped advance nursing practice within SISs by developing a protocol for accommodating individuals who require assistance with injections. Megan would often spend over an hour with individuals requiring assistance with injections, teaching them how to self-inject safely. She thus helped many to overcome a vulnerability (the inability to self-inject safely and thus the need to ask for assistance from other drug users) that has been shown to be associated with HIV incidence among injection drug users in Vancouver. Megan also worked to form a governing SIS council led by the drug users who used and/or volunteered at the SIS, and trained dozens of local drug users to help serve the people accessing the SIS. The users and staff of 327 Carrall Street SIS were repeatedly harassed by police throughout the operation of the site. In the face of these threats, Megan courageously and publicly addressed the ongoing police harassment and intimidation of SIS users and volunteers by directly confronting individual police officers and the Vancouver Police Board, and by documenting and disseminating information and press releases concerning police actions around the SIS.

While the 327 Carrall Street SIS was operating, Megan spent much of her days helping drug users, homeless people, and others obtain exemption from the impending cut to disability support in Vancouver. This process is time consuming and requires the assistance of a physician. For a large number of DTES residents, many of whom suffer from or are vulnerable to HIV infection, this would not have been possible without the support of Megan.

*"The positive energy that I get from Megan gives me that extra boost when we are working together. Megan's tireless effort in working for the cause has inspired me to become the leader that I am today."*

– Rob Morgan,  
President, VANDU

History has shown that grassroots activism can at times be dangerous. This has unfortunately been the case for Megan who has been arrested repeatedly during the course of her activism. On 23 February 2004, Megan and other activists were detained by police while walking home late at night. According to eyewitness accounts, Megan and another woman were pepper-sprayed and severely beaten by two police officers, leading bystanders to quickly call an ambulance to the scene. According to those confronted by police that night, one officer was overheard saying “we got the nurse” while holding Megan pinned to the ground. During the altercation Megan was knocked unconscious and sustained two broken ribs. Those involved have initiated a complaint with the police commissioner and are pursuing a civil suit against the arresting officers.

Megan Oleson has demonstrated a relentless and selfless commitment to activism that protects and promotes the health and human rights of individuals living with and vulnerable to HIV/AIDS. Megan has organized a multitude of political actions to address various harmful government policies and practices, and as a result has become a recognized leader in her community. Through her work, Megan has demonstrated an unyielding dedication to community involvement. Her success in mobilizing and empowering communities in the face of powerful opposition has served to protect and promote health and human rights and has resulted in increased awareness of the many issues affecting vulnerable and neglected communities in Vancouver and across Canada.

# 2004 Canadian Recipient (Category: Organization)

## Pivot Legal Society

**P**ivot Legal Society is non-profit organization dedicated to using law reform, legal education, and strategic legal action to advance the interests and improve the lives of marginalized people. Formed in the fall of 2000, Pivot focuses its efforts strategically to address the legal and human rights challenges commonly faced by those who are often most neglected by society, including sex workers, illicit drug users, and the homeless. The meaning of “Pivot” is described by its founders:

The basic concept underlying both Pivot’s name and mandate is that the pressure point of social change is to be found at the edge of legal and social boundaries. By aggressively advancing the interests and defending the legal entitlements of the most disenfranchised persons in society, Pivot aims for a trickle-up effect of respect and acceptance that will ultimately benefit all.

Pivot works primarily in Vancouver’s Downtown Eastside (DTES), which is among Canada’s poorest urban neighbourhoods and home to an estimated 5,000 injection drug users. The DTES has been the site of the one of the most explosive HIV epidemics ever documented in the developed world, and now approximately 35% of the neighbourhood’s injection drug-using residents are living with HIV/AIDS.

By addressing issues of human rights within the context of the legal system, Pivot has quickly achieved far-reaching change. Pivot initiatives have taken the form of multi-pronged campaigns on specific issues, including issues such as police brutality, the right to harm reduction services, social housing, and legal reforms related to sex work. Pivot sees the struggle for health and human rights as fundamentally linked, and embraces a social justice framework.

In a very short period of time, Pivot has made its mark and sent a message to the broader community that the rights of marginalized people living in the DTES will be protected. This was evident in February 2002 when a group of DTES merchants brought an application before the BC Supreme Court to shut down a newly developed Health Contact Centre. Representing the interests of local drug users, Pivot was granted intervenor status on behalf of the Vancouver Area Network of Drug Users (VANDU) and succeeded in keeping the Centre open. A few months later, Pivot again represented VANDU after Vancouver police shut down the organization’s peer-run needle exchange and accused VANDU members of dealing drugs. With the support of Pivot, the needle exchange was re-opened with increased funding, and the Vancouver police shortly thereafter issued a written apology to VANDU.

Pivot has grounded much of its research and related advocacy work in the words and experiences of the people of the DTES through the use of

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# In Defence of the Disenfranchised

affidavits. These sworn statements have shed light on adverse effects of police brutality and the criminal laws relating to sex work. Pivot has applied a rights-based analysis in its research, and has drawn extensively on Canadian and international human rights instruments throughout its work. Pivot's seminal report *To Serve and Protect: A Report on Policing in Vancouver's Downtown Eastside* was based on 50 affidavits and documented direct personal experiences and observations of police misconduct in the DTES. The report (available at: [www.pivotlegal.org/complaint/tab55.pdf](http://www.pivotlegal.org/complaint/tab55.pdf)) revealed evidence of systemic abuse of authority and included recommendations for reform. The affidavits also prompted an external Royal Canadian Mounted Police (RCMP) investigation of the complaints. This report was followed by an affidavit-based analysis of Canada's criminal laws relating to sex work. The report titled *Voices for Dignity: A Call to End the Harms Caused by Canada's Sex Trade Laws* (available at: [www.pivotlegal.org/sex-tradereport/index.htm](http://www.pivotlegal.org/sex-tradereport/index.htm)) is based on 91 affidavits which reveal the harm caused by Canada's sex trade laws. The report concludes that the Criminal Code provisions relating to prostitution violate the rights of sex workers, as guaranteed by the *Canadian Charter of Rights and Freedoms*. Pivot recommends that the adult sex industry be decriminalized and these sections of the Criminal Code be repealed.

Beyond its strategic legal actions and legal research, Pivot has also engaged in various educational initiatives such as the Rights Card project. Since the summer of 2002, Pivot has distributed over 10,000 Rights Cards to DTES residents and advocacy groups across Canada. The wallet-sized cards provide residents with a simple, easy to read summary of legal rights when being detained or arrested by police, and also include a statement which can be torn off and handed directly to police.

During its short history, Pivot has repeatedly demonstrated its dedication to a particular kind of justice, a transformative justice that challenges people to do the right thing: to respect the rights of all human beings equally, regardless of addiction, race, gender, disability, profession, or socio-economic





status. Remarkably, the vast majority of Pivot's work is undertaken by over 50 dedicated volunteers, including many of the residents of the DTES.

Through its work, Pivot has consistently pushed so-called straight, respectable, mainstream society to live up to the ideals set out in international and Canadian legislation that aims to protect and promote human rights for all. All Pivot initiatives are grassroots and successfully engage volunteers with a range of skills

and experiences including lawyers, physicians, nurses, epidemiologists, social activists, drug users, homeless people and sex workers in fulfilling its mandate. Pivot treats everyone with the respect and dignity they deserve, and again and again reminds us all to do the same.

# 2004 International Recipient

## The Thai Drug Users' Network

### Courage in the Face of Death

Thailand was chosen to host the International AIDS Conference in Bangkok in July 2004 partly in recognition of its achievements in fighting HIV/AIDS. The country enjoys an international reputation as a “best practice” model in the fight against AIDS principally because of its “100 percent condom” campaign in the 1990s. This campaign engaged sex workers with the clear recognition that they were part of the solution to a growing AIDS epidemic.

Drug users have not enjoyed the same recognition in Thailand. Although an estimated 30 percent of new HIV infections in Thailand by 2005 will be among drug users, the government has never sought to provide services to prevent HIV in this population. Thailand is one of only a few countries in the world where syringe exchange—a proven method of preventing blood-borne diseases by allowing drug users to exchange their used syringes for sterile ones—is unavailable. Thailand has an estimated 100,000 to 250,000 injection drug users of which many are heroin users. Opiate substitution therapy using drugs such as methadone is a central element of HIV prevention for heroin users in most countries, but substitution therapy in Thailand is extremely limited. As of early 2004, only 1 percent of Thai drug users were receiving any HIV prevention services—in a country upon which international praise has been heaped for its national AIDS program. As a result, an estimated 40 to 50 percent of drug users in Thailand are HIV-positive. Very few drug users have access to antiretroviral therapy.

The situation of Thai drug users worsened sharply in early 2003 when Prime Minister Thaksin Shinawatra declared a “war on drugs” that gave local authorities and the police free reign, in Thaksin’s words, to deal in a “ruthless” and “severe” manner with persons charged with drug offenses. While the government’s official target was drug dealers, in many jurisdictions both small-scale users and dealers were targeted by the crackdown. Thaksin had run for office on a platform of “prevention and suppression” of narcotic drugs and promised that his anti-drug programs would be humane. But the result of the first three-month phase of the crackdown was some 2,275 extrajudicial



killings, which the government blamed largely on gangs involved in the drug trade; over 500 more killings are estimated to have occurred in subsequent weeks of the crackdown. In addition, drug suspects were included arbitrarily on “blacklists” or “watchlists” of people targeted for police abuse, human rights defenders were intimidated, and many persons were forced into military-style camps allegedly for drug treatment. Of the deaths that occurred, the government claimed that fifty-one resulted from the police having shot drug offenders “in self-defense”. The government’s claim that most of the deaths resulted from drug gangs having turned on each other has not been verified independently, and the government’s own investigations have been slow and lacking in transparency.

## A new voice for the most marginalized

**T**he Thai Drug Users’ Network (TDN) was formed in 2002 by a few drug users who were moved to act by having seen so many of their peers die of AIDS and other drug-related harms. They began by documenting and analyzing the human rights abuses that not only impeded drug users’ access to HIV prevention services and AIDS care but also forced them to live on the margins of society. TDN’s documentation served to mobilize not only new members who sought advice and support from the growing network, but also attention within and outside Thailand to the plight of drug users and the absence of HIV/AIDS and other services for them. The network now has over 100 members and is active in all four regions of Thailand.



Paisan Suwannawong of TDN

TDN did not halt its activities in the face of the drug crackdown that began in early 2003. In April 2003, at a meeting of the International Harm Reduction Association in Chang Mai, Thailand, in spite of the danger to themselves, TDN members organized a peaceful public protest during a presentation by the Thai minister of health. Protestors stood with signs that read “Clean needles save lives” and “50% of Thai drug users = HIV+”. This action helped bring international attention both to the killings in the anti-drug crackdown and to the absence of government attention to HIV/AIDS among drug users.

The grounding of TDN’s work in the reality of drug users’ lives, its cogent analysis of drug policy and human rights issues, and its peaceful methods

seemed to impress some policy-makers. Officials of the Ministry of Public Health and the Office of Narcotics Control who had never interacted formally with drug users agreed to meet with TDN and continue to engage with the group on some issues. Among the achievements of this early collaboration was a change in the eligibility criteria for antiretroviral treatment that, in principle, allows drug users to receive ARV therapy, though most drug users still face extreme stigma and discrimination in the health system.

In spite of some collaboration with policy-makers, TDN was unable to persuade the Thai government to include HIV/AIDS services for drug users among the activities proposed in the government's several applications to the Global Fund to Fight AIDS, Malaria and Tuberculosis. Taking advantage of a Global Fund provision that allows nongovernmental organizations to make their own applications when the official proposals of their government exclude important issues or the concerns of marginalized populations, TDN applied for and won a grant of U.S.\$1.3 million to strengthen its policy advocacy work, expand services for drug users, and build the capacity of drug users to advocate for their human rights. When the funds are received, the grant will also enable TDN to raise awareness in the Thai population of the importance of protecting drug users and those around them from HIV, hepatitis, and other illnesses as well as of the reality of drug users' lives, a key to reducing population misconceptions and prejudices against drug users.



TDN's work has also revitalized Thailand's National Harm Reduction Task Force, a body representing government, local and national NGOs, and international agencies, with the mandate to review and recommend improvements for drug policy in Thailand. The Task Force is also active in improving the public's understanding of drug policy issues and developing technical guidelines for opiate substitution and other programs.

In response to criticisms of the anti-drug crackdown, the Thai government during the July 2004 International AIDS Conference pledged to improve both HIV prevention services for drug users and the availability of humane treatment for drug addiction, which has been virtually nonexistent. TDN's monitoring capacity and its in-depth understanding of the reality of drug addiction in Thailand make it a key player in ensuring accountability of the government with respect to these pledges as well as representing drug users in policy discussions.

TDN has resisted hierarchy within its organization and has sought to share the burden and credit from its work equally with all members. The Canadian HIV/AIDS Legal Network and Human Rights Watch are proud to confer on all the members of the Thai Drug Users' Network the 2004 Award for Action in AIDS and Human Rights.

# Previous Recipients of the Award for Action on HIV/AIDS and Human Rights

## 2003 Canadian Recipient Laurence Stocking



A tireless activist, Laurence Stocking fought to raise awareness of HIV/AIDS among prisoners and to ensure access to comprehensive HIV/AIDS services within the prison system. From behind the prison's walls, as a federal prisoner in Joyceville and Millhaven Penitentiaries in Kingston, Ontario, Laurence devoted his time to advocating for basic human rights for Canadian prisoners.

## 2003 International Recipient AIDS Law Project, South Africa



Established in 1993 by Judge Edwin Cameron, the AIDS Law Project has been in the forefront of the struggle against HIV/AIDS in South Africa since its inception. It has set an international standard for action on human rights and HIV/AIDS. As well as providing legal services to people in need, the AIDS Law Project is driven by a deeper commitment to social justice and is connected to wider social movements that are vital to the effective use of legal strategies in making long-term, systemic changes that protect and promote basic human rights.

## 2002 Canadian Recipient Vancouver Area Network of Drug Users (VANDU)



Photo: Elaine Briere

With more than 1,000 members and 800 peer volunteers, the Vancouver Area Network of Drug Users, has become one of the strongest drug users' associations in the world. VANDU has reached and cared for those who are among the most active and marginalized drugs users in the Downtown Eastside of Vancouver. Using its insider knowledge and experience, VANDU has continuously placed the voice of drug users in the political arena and greatly extended the reach and effectiveness of public health efforts aimed at reducing drug-related harm.

## 2002 International Recipient Dr. Wan Yan-Hai



Photo: Daniel C. Tsang

Dr. Wan Yanhai is coordinator of the AIZHI (AIDS) Action Project, a Chinese non-governmental organization he founded in 1994. Dr. Wan has been on the front lines of fighting a growing epidemic, which Chinese authorities have preferred to ignore. He has taken extraordinary personal risk to break down the conspiracy of silence around HIV/AIDS in China and to ensure protection for persons at highest risk.