



CANADIAN | RÉSEAU
HIV/AIDS | JURIDIQUE
L E G A L | CANADIEN
NETWORK | VIH-SIDA

Annual Report

1998/99



Our Mission

The Network is a charitable organization engaged in education, legal and ethical analysis, and policy development. We promote responses to HIV/AIDS that

- implement the International Guidelines on HIV/AIDS and Human Rights;
- respect the rights of people with HIV/AIDS and of those affected by the disease;
- facilitate HIV prevention efforts;
- facilitate care, treatment, and support to people with HIV/AIDS;
- 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.

We produce, and facilitate access to, accurate and up-to-date information and analysis on legal, ethical, and policy issues related to HIV/AIDS, in Canada and internationally. We consult, and give voice to, Network members and a wide range of participants, in particular communities of people with HIV/AIDS and those affected by HIV/AIDS, in identifying, analyzing, and addressing legal, ethical, and policy issues related to HIV/AIDS. We link people working on or concerned by these issues. We recognize the global implications of the epidemic and incorporate that perspective in our work.



For further information about the Canadian HIV/AIDS Legal Network or about this publication, please contact:

Canadian HIV/AIDS Legal Network
484 McGill Street
Montréal, Québec H2Y 2H2
Tel: (514) 397-6828
Fax: (514) 397-8570
Email: info@aidslaw.ca
Website: www.aidslaw.ca

Further copies can be retrieved at www.aidslaw.ca or ordered at the address above.

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Acknowledgments

The generosity of our supporters ensures the success of the Canadian HIV/AIDS Legal Network's programs and projects. Without them, we could not accomplish our work. We gratefully acknowledge all contributions received during the past fiscal year, and thank those who made these gifts possible.

Particular thanks go to the HIV/AIDS Programs, Policy & Coordination Division, Health Canada; the International Affairs Directorate, Health Canada; the Québec Ministry of Health and Social Services; the Joint United Nations Programme on HIV/AIDS; and The Center on Crime, Communities & Culture of the Open Society Institute, New York, USA, for their ongoing support.

Message from the President

In Canada and internationally, the last few years have seen human rights increasingly at the centre of analysis in regard to HIV/AIDS and, more generally, health issues. We have learned that the most effective way of preventing the spread of HIV is by protecting the human rights of those most at risk. This may contradict the instinctive feelings of most citizens, and challenges the assumptions and instant reactions of most political leaders. But it is most clearly evidenced by the fact that the incidence or spread of HIV is disproportionately high among the poorest and most marginalized in society – groups that already suffer from a lack of human rights protection and from discrimination. Unless we promote and protect their human rights, the gap between what is being done and what should be done in terms of HIV prevention and care for people with HIV/AIDS, will only become wider and deeper.

In Canada, the recent addition of a component on legal, ethical, and human rights issues to the new Canadian Strategy on HIV/AIDS demonstrates that the importance of adopting a human rights framework for the epidemic has been understood. Many challenges remain, however. Aboriginal people, for example, continue to be at high risk for HIV, at least in part because of the history of discrimination they have suffered. The spread of HIV among injection drug users has been explosive, at least in part because of governments' reluctance to adopt a rational drug policy. Prisoners continue to be at higher risk of contracting HIV because prison systems continue to refuse to make available the preventive measures available to citizens outside.

The Network will continue its many activities, as described in this report, with the ultimate goal of ensuring that the human rights and dignity of all Canadians with HIV/AIDS are respected, and that laws and policies facilitate, rather than hinder, prevention efforts and efforts to provide care, treatment, and support. We will continue to spread the message about the interrelationship of human rights and public health objectives. And we will continue our work internationally, as well as nationally, recognizing that we have much to contribute to the fight against AIDS internationally and that we equally have much to learn from our partners in that fight, including, in particular, our partner organization, the AIDS Law Project, South Africa.

We are proud of what we have accomplished in the last year, aware of the many challenges that lie ahead, and look forward to continuing to work with you.



Lori Stoltz

1998/99 Board of Directors

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Message from the Executive Director

This past year saw considerable change at the Canadian HIV/AIDS Legal Network. We grew from an organization with no staff and a Board with representation in only Québec and Ontario to an organization with four staff and a Board with national representation. The year also saw the beginning of a new Canadian Strategy on HIV/AIDS, which for the first time includes a specific component on legal, ethical, and human rights issues related to HIV/AIDS.

Network Staff

Ralf Jürgens, Executive Director
Richard Elliott, Director of Policy & Research
Éric Nolet, Project & Publications Coordinator
Anne Renaud, Office & Project Coordinator

As we learned through widespread consultations across the country, the daily work of many responding to the HIV/AIDS epidemic is filled with difficult legal and ethical questions. Our legal and policy responses affect efforts to prevent HIV infection and to provide care, treatment, and support to people with HIV/AIDS and those affected by the disease. Canadians appreciate that health and human rights are fundamentally linked; a rights-based approach to HIV/AIDS is not only ethically required but also, from a practical point of view, crucial to ensuring an effective and comprehensive response to the epidemic.

This past year, the Legal Network continued to address the urgent needs of people with HIV/AIDS and those affected by the disease, as well as actors such as governments, institutions, and professional associations, for analysis of the many pressing legal, ethical, and human rights issues raised by HIV/AIDS. We are proud of the work described in this report, and I would like to sincerely thank the staff for making this work possible, and the Board for its guidance and dedication.

New resources and new commitments notwithstanding, meeting growing demands will continue to be a challenge. Funding for efforts in this area remains limited, while the legal, ethical, and human rights issues raised by the epidemic become more complex and their resolution more pressing. Two themes emerge for our work in the years ahead: *continuity* and *innovation*. We will continue those of our activities that are most needed and respected, such as producing our reports providing in-depth analysis of issues; keeping Canadians abreast of new legal and policy developments through our regular publications; and consulting as widely as possible with those who are potentially affected by the legal, ethical, and human rights dimensions of HIV/AIDS. At the same time, we will also be taking up new activities, forging new partnerships, making our resources even more accessible. Through all our work, however, lies a commitment to placing human rights at the centre of strategies and interventions to fight the HIV/AIDS epidemic in Canada.



Ralf Jürgens

A Short History

Founded in 1992, the Network has a seven-year history of addressing the needs of people with and vulnerable to HIV/AIDS. Interest in our work has been overwhelming, and the many resources we have produced have been well received and much in demand. This is best measured by the results of a national consultation on legal, ethical, and human rights issues raised by HIV/AIDS that we undertook on behalf of Health Canada in late 1998: people with HIV/AIDS, AIDS service organizations, national and international non-governmental organizations, lawyers and staff of legal clinics, human rights commissions and organizations, experts in research, ethics and law, in addiction/substance use, professional associations, health and public health practitioners, and government officials spoke highly of our work and said they want and need more work in this area.

Our work has also received international recognition. Among other things, the Joint United Nations Programme on HIV/AIDS has twice funded Network projects, and included our activities in its collection of “best practices.” The *Canadian HIV/AIDS Policy & Law Newsletter* is mentioned in the UN’s International Guidelines on HIV/AIDS and Human Rights as a model of community activity that governments should consider funding.

During the last years, the Network’s activities have included:

- A Joint Project on Legal and Ethical Issues Raised by HIV/AIDS, undertaken in part with the Canadian AIDS Society, and with funding from Health Canada, Justice Canada, and the Correctional Service of Canada. As part of this Project, the Network
 - published and widely distributed **discussion papers** and **final reports** on HIV/AIDS in prisons, criminal law and HIV/AIDS, gay and lesbian legal issues and HIV/AIDS, and HIV testing and confidentiality;
 - published and widely distributed a **discussion paper** on HIV/AIDS and discrimination;
 - held **workshops** on HIV/AIDS and prisons, gay and lesbian legal issues, criminal law and HIV/AIDS, testing and confidentiality, and HIV/AIDS and discrimination; and
 - has undertaken **follow-up** on the recommendations made in the final reports.
- Work on legal issues relating to Aboriginal people and HIV/AIDS, most recently in partnership with the Canadian Aboriginal AIDS Network.

Thank you for sending me a copy of the Final Report on HIV Testing and Confidentiality. It is a very impressive document, and will without doubt serve as an important resource for organisations, legislatures and researchers internationally as well as within Canada.

– Prof R Magnusson, University of Sydney, Sydney, Australia, in his response to the report, dated 7 January 1999

- An analysis of key legal and ethical issues associated with (1) providing HIV/AIDS care, treatment, and support to drug users, and (2) preventing the transmission of HIV through drug use, with numerous recommendations to governments, health-care and social service providers, and researchers.
- A strategic planning process to reassess which legal, ethical, and human rights issues require most attention, and the development of an action plan for work on these issues in Canada for the period 1998-2003.
- A project to increase access on the Internet to materials on legal, ethical, and human rights issues raised by HIV/AIDS, with funding from the Joint United Nations Programme on HIV/AIDS.
- Publishing and distributing the quarterly *Canadian HIV/AIDS Policy & Law Newsletter*.
- Public seminars on law, ethics and HIV/AIDS, with partial funding from the Québec Ministry of Health and Social Services.
- Maintaining a website of resources on current legal, ethical, and human rights issues raised by HIV/AIDS (www.aidslaw.ca), which is accessed from across Canada and around the world.
- Acting as a resource centre on legal and ethical issues raised by HIV/AIDS.

1998/99 Highlights

The 1998/99 year has been extremely busy for the Network. Highlights include:

- legal, ethical, and human rights issues have been added as a separate component of the new Canadian Strategy on HIV/AIDS;
- a plan for activities in this component of the Strategy was developed through a national consultation process, and we immediately started acting on it;
- we prepared a number of important reports and papers that, we hope, will ensure that policy and legal responses to HIV/AIDS will respect the rights of people with HIV/AIDS; will facilitate HIV prevention efforts; and facilitate efforts to provide care, treatment, and support to people with HIV/AIDS. These include reports on HIV testing and pregnancy; injection drug use and HIV/AIDS; the consequences of the Supreme Court of Canada decision in *R v Cuerrier*; and more;
- we entered into a partnership with the Canadian Aboriginal AIDS Network to continue work on legal issues relating to HIV/AIDS in Aboriginal populations;
- we continued to work in partnership with the Canadian AIDS Society (CAS), and together we produced a series of info sheets on various legal, ethical, and human rights issues raised by HIV/AIDS: gay and lesbian legal issues and HIV/AIDS; HIV/AIDS and discrimination; criminal law and HIV/AIDS; HIV testing and confidentiality; and HIV/AIDS in prisons;
- we entered into a partnership with the AIDS Law Project, South Africa;
- we elected our first national Board;
- we hired our first staff person in May 1998 and have since hired three more staff.

Providing Leadership

I would like to commend the Network for the process that was used to lead the national planning exercise. The content of your report certainly indicates that you have accomplished your goal of developing a plan to address legal, ethical, and human rights issues associated with HIV/AIDS for the ... Canadian Strategy on HIV/AIDS.

– Honourable Mildred Dover, Minister of Health, Prince Edward Island, 17 May 1999

In May 1998, Minister of Health Allan Rock announced the new Canadian Strategy on HIV/AIDS (CSHA). The Strategy contains, for the first time, a component on legal, ethical, and human rights issues. This represents a huge step forward and a recognition that these issues must be an integral part of any strategy to fight HIV.

Subsequently, recognizing the Network's expertise and the central role we have played in this area over the years, Health Canada asked us to lead a national planning exercise, with the goal of developing a plan to address legal, ethical, and human rights issues related to HIV/AIDS that may arise through 2003. As part of this exercise, we held more than 70 meetings with over 200 individuals associated with 60 organizations in Halifax, Fredericton, Montréal, Ottawa, Toronto, Calgary, Edmonton, and Vancouver between June and November 1998. These consultations gave people across the country an opportunity to:

- identify priority legal, ethical, and human rights issues that need to be addressed in the next years;
- assess past activities and suggest which should be strengthened and which may be discontinued;
- consider who should be involved in activities and the roles they should play; and
- suggest the kinds of activities that should receive priority funding.

In January 1999 we released *Legal, Ethical, and Human Rights Issues Raised by HIV/AIDS: Where Do We Go from Here? Planning for 1998-2003. A Planning Report*. The report contains 34 recommendations that provide a basis for immediate action, and a plan that will guide action on legal, ethical, and human rights issues in the next five years. The report has been very well received. In addition, people expressed a high degree of support for the planning process used, even suggesting that a similar kind of planning exercise needs to be undertaken in all other major components of the Strategy.

As a result of this endeavour, there is now an increased level of knowledge, analysis, and direction among those concerned with respect to the legal, ethical, and human rights dimensions of HIV/AIDS. Activities in this area of the CSHA will also better reflect the needs of people with HIV/AIDS and all stakeholders.

Excellence in Research and Analysis

In 1998/99, as in previous years, we produced reports and papers on a variety of legal, ethical, and policy issues related to HIV/AIDS, providing an in-depth analysis of these issues and recommendations for change. Producing these documents involves a unique process of research, consultation, and revision, a process that combines rigorous legal research with consultation of a broad spectrum of people and organizations that are affected by the legal and policy decisions made. We are proud of the process used because it ensures both that the legal analysis is accurate and up-to-date, and that it is grounded in the reality of the people it affects.

Our capacity to undertake in-depth analysis and consultation on a wide range of legal, ethical, and human rights issues raised by HIV/AIDS has been highly praised by participants in the 1998 national consultations (see above). Many pointed out that the role we play here is quite distinct from that of other organizations, and complements their work. People also pointed out that the value of the Network's documents lies in the breadth and depth of analysis, including our effort to canvass not only one particular viewpoint, but to consider the different views on a particular subject in formulating conclusions and recommendations.

In 1998/99 we addressed the policy, legal, and ethical issues raised by injection drug use and HIV/AIDS. Canada is in the midst of a public health (and human rights) crisis concerning HIV/AIDS and injection drug use. After 18 months of work involving three national workshops with over 50 participants, we produced a report with 66 recommendations and a volume of background materials, which will be critical tools for use in legal advocacy and in shaping laws, policies, and practices relating to injection drug use and HIV/AIDS. Follow-up activities are planned to ensure that the recommendations in the report will be taken seriously.

The Network was also contracted by Health Canada to produce a paper on *HIV Testing and Pregnancy: Medical and Legal Parameters of the Policy Debate*. The paper provides the most compelling analysis yet of the medical and legal issues that should inform the policy debate regarding the HIV testing of pregnant women. We are confident that the paper will be most useful to policy-makers in Canada and worldwide.

It is thanks to such authoritative papers and reports, and the process we use to produce them, that our work has come to be seen as best practice, in Canada and internationally.

This is a highly recommended report for all libraries in all parts of the world. It can be used as a building block to bring about changes so that we truly do fight HIV/AIDS and not the individuals who happen to be infected.

– AIDS Book Review Journal, 1998
(review of *Gay and Lesbian Legal Issues and HIV/AIDS: Final Report*)

A Capacity to Respond Quickly to Urgent Issues

I am pleased that the Network is addressing these issues so quickly and competently.

- Comment in workshop evaluation



In a judgment released on 3 September 1998 in the case of *R v Cuerrier*, the Supreme Court of Canada unanimously decided that an HIV-positive person *may* be guilty of the crime of “assault” if they engage in unprotected sexual activity without disclosing their HIV-positive status. The decision received considerable media attention and commentary, and people across Canada raised many questions and concerns about its significance. In particular, there was concern that misinterpretation of the decision might lead to its being incorrectly applied in ways detrimental to both HIV-positive people and to public health generally.

We therefore undertook the task of preparing a careful analysis of the case, with two goals:

- to assist people with HIV/AIDS, AIDS service organizations and other community-based organizations, health-care workers, lawyers and legal workers, public health officials, and others in understanding what the decision does and does not mean, and what it may and could mean in a number of contexts; and
- to provide recommendations to policy- and decision-makers such as government and public health officials, prosecutors, police, legislators, and the judiciary as to how *Cuerrier* should – and should not – be interpreted and applied, so as to minimize the potential negative consequences of the decision on people with HIV/AIDS, on HIV prevention efforts in Canada, and on the provision of care, treatment, and support to people with HIV/AIDS.

We held a national workshop in February 1999, and within six months after the release of the decision, we released a paper entitled *After Cuerrier: Canadian Criminal Law and the Non-Disclosure of HIV-Positive Status*. In conjunction with the paper, we also released an expanded series of eight info sheets on criminal law and HIV/AIDS. The paper and info sheets provide much-needed guidance for people with HIV/AIDS as well as for people or organizations who come into possession of information about an HIV-positive person’s serostatus or their conduct that may risk transmitting the virus.

The decision is arguably the most important legal development in 1998 for people with HIV/AIDS and for prevention efforts. The Network’s quick response to the decision has been essential to help clarify the issues raised by the decision, and to reduce the potential negative impacts of the decision on the lives of people with HIV/AIDS and on prevention and care efforts.

The Fight Goes On

One of the main lessons we learned from our previous activities is that work on issues (such as HIV/AIDS in prisons, criminal law and HIV/AIDS, testing and confidentiality, etc) needs to continue even after the release of one of our “final” reports. These documents must be widely distributed in order to help inform laws, policies, and practices. Follow-up work is needed to ensure that recommendations are indeed implemented. We must monitor legal and policy developments, and sometimes this may require re-examining earlier conclusions and recommendations.

Responding to this need for ongoing work, in 1998/99 the Network undertook targeted distribution of our new reports, and continued distributing our “old” reports. We contributed articles on our work to a variety of publications, and gave numerous presentations at national and international conferences. We also continued research in areas such as HIV/AIDS in prisons, criminal law and HIV/AIDS, discrimination, and HIV testing and confidentiality. This kept us up to date with new and emerging questions and developments.

Legal Interventions

While we cannot and do not provide legal representation to individual clients, we have received several requests to intervene in court cases that involve HIV-positive litigants and/or that raise policy issues relevant to the rights of people with HIV/AIDS, prevention efforts, and/or care, treatment, and support for people infected and affected by HIV/AIDS.

During 1998/99, together with the Canadian AIDS Society and the British Columbia Persons with AIDS Society, we intervened in the Supreme Court of Canada case of *R v Cuerrier*. Although the Supreme Court did not adopt our reasoning, it was nevertheless influenced by our arguments, which prevented the Court from going even further and imposing a legal duty to disclose HIV-positive status regardless of whether or not precautions to prevent transmission are taken.

The Network Board has affirmed the important contribution we may make through intervening in court cases, where appropriate, to address legal and policy issues related to HIV/AIDS. We have developed a policy on legal interventions that sets out the criteria we consider in determining whether to intervene in a given court proceeding. An important component of our work in future years will be to develop a proactive litigation strategy for shaping laws, policies, and practices in Canada of significance to people living with HIV/AIDS or to a community-based response to HIV/AIDS. To this end, we will identify legal issues of concern, and possible opportunities for initiating legal proceedings to address these issues in a proactive fashion. As with the Network's approach generally, we will seek to work in partnership with other organizations to ensure that a rights-based perspective is brought to bear on these complicated legal issues.

Working in Partnership

Legal Issues Relating to HIV/AIDS and Aboriginal Communities

We started work on legal issues relating to Aboriginal people and HIV/AIDS in the summer of 1997, and released three discussion papers in March 1998, based on discussions with key informants working in the field of Aboriginal people and HIV/AIDS: *Discrimination, HIV/AIDS and Aboriginal People*; *HIV/AIDS and Aboriginal People: Problems of Jurisdiction and Funding*; and *HIV Testing and Confidentiality: Issues for the Aboriginal Community*. However, because of the serious epidemic of HIV/AIDS among Aboriginal people in Canada, we soon realized that more work was needed in this area, work that of necessity needed to be undertaken in partnership with Aboriginal organizations.

In December 1998 the Network and the Canadian Aboriginal AIDS Network (CAAN) agreed to work jointly to produce info sheets based on the issues addressed in the discussion papers. In addition, follow-up discussions were conducted in January and February 1999 about the issues addressed in the three papers, and revisions made to the papers. The revised papers and info sheets will be disseminated jointly by both organizations.

The work we have undertaken with CAAN has shown how the systemic and individualized discrimination experienced by Aboriginal people generally, and by Aboriginal people with HIV/AIDS in particular, contributes to the disproportionate impact of HIV/AIDS on Aboriginal communities. It has also highlighted problems of jurisdiction and funding that create barriers to the development and delivery of coordinated and comprehensive HIV/AIDS programs and services for Aboriginal people. Finally, that work has drawn attention to problems related to HIV testing and confidentiality for Aboriginal people.

The Network will continue to support Aboriginal HIV/AIDS organizations and those working in the field of Aboriginal people and HIV/AIDS by contributing its resources and expertise when possible and appropriate; and will continue to develop relationships and partnerships with Aboriginal HIV/AIDS organizations and Aboriginal people working in the field of HIV/AIDS, respecting the authority of Aboriginal people to exercise control over work and issues that affect them.

*I would like to thank you
for the documents
concerning the legal issues for
Aboriginal people raised by
HIV/AIDS that you sent to the
Ministry of Health and Social
Services, and to inform you that
they have been very useful in our
preparations to develop a
Strategy for fighting AIDS among
First Nations and Inuit people in
Québec.*

– Richard Massé, Assistant Deputy
Minister, Québec Ministry of Health and
Social Services, 10 May 1999

Providing Accessible Information

It is a challenge to make the often difficult and complex information on legal, ethical, and policy issues related to HIV/AIDS easily accessible and understandable. The Network has developed a range of different publications, striving to meet the needs of the various individuals and organizations who use our resources. We identify, compile, and provide easy access to materials on legal, ethical, and human rights issues related to HIV/AIDS through:

“
Your publication the
Newsletter is extremely
useful for research and for
keeping informed of current legal
developments. Keep up the good
work!

- Mark Wojcik, Associate Professor of Law,
John Marshall Law School, Chicago, Illinois

- our new series of info sheets;
- the *Canadian HIV/AIDS Policy & Law Newsletter*;
- *Network News*;
- our *Literature Review and Annotated Bibliography*;
- our resource centre; and
- by responding (in both official languages) to hundreds of requests for information from members, people with HIV/AIDS and those affected by HIV/AIDS, the media, and other interested parties.

Info Sheets. New in 1998/99 was our series of info sheets, which provide easy access to essential information. We released over 50 such sheets, in the following areas: gay and lesbian legal issues and HIV/AIDS, HIV/AIDS and discrimination, HIV testing and confidentiality, HIV/AIDS in prisons, and criminal law and HIV/AIDS.

The *Canadian HIV/AIDS Policy & Law Newsletter*. Our first publication, launched in October 1994, the *Newsletter* regularly deals with the many legal, ethical, and policy issues raised by HIV/AIDS in Canada and internationally. It has become required reading for all those working on, or interested in, legal, ethical, and policy issues related to HIV/AIDS, in Canada and internationally. The UN International Guidelines on HIV/AIDS and Human Rights promoted the *Newsletter* as a model of community activity that governments should consider funding.

In 1998/99 we published a special double issue of the *Newsletter*, which was distributed worldwide to people and organizations with an interest in HIV/AIDS and human rights, thanks to co-funding received from the Joint United Nations Programme on HIV/AIDS (UNAIDS). We also gave the *Newsletter* a new, improved look, making it more readable and visually appealing, and added many new columns that will become regular features.

***Network News*.** Another new addition in 1998/99, *Network News* is published every four months and keeps individuals and organizations informed about our activities.

Legal and Ethical Issues Raised by HIV/AIDS: Literature Review and Annotated Bibliography.

This Network document is an up-to-date annotated bibliography on legal, ethical, and human rights issues raised by HIV/AIDS, searchable by topic, in both hard-copy and electronic versions. During 1998/99 we released a second edition, funded by the Joint United Nations Programme on HIV/AIDS, and further expanded the electronic version. The objective was to expand the 1995 edition by including literature originating from developing countries, and to enhance access to information on HIV/AIDS-related legal, ethical, and human rights issues by adding two new sections: a compilation of Internet addresses leading to international and regional HIV-related human rights documents; and information on the websites of selected organizations or institutions containing information on legal, ethical, and human rights issues raised by HIV/AIDS.

The annotated bibliography now contains more than a thousand entries in 24 different areas, ranging from access to care and treatment, to development and HIV/AIDS, immigration, public health, and women and HIV/AIDS.

Our Resource Centre. During 1998/99 we built up and systematized our resource centre. Our collection of materials on legal, ethical, and human rights issues raised by HIV/AIDS is the largest in Canada and one of the largest internationally.

Open to the World: www.aidslaw.ca. We have maintained and updated our website on a monthly basis. This has proven to be a vital and cost-effective means of disseminating all the Network's publications – discussion papers, final reports, issues of the *Canadian HIV/AIDS Policy & Law Newsletter*, the *Literature Review and Annotated Bibliography* – not only across Canada, but throughout the world. In March 1999 the Network website received over 21,000 hits, up from under 4000 hits in April 1998, and the frequency of hits increases every time a new publication is released – on 31 March 1999, for example, it received more than 1000 hits.

I just wanted to commend you on your fabulous website, especially the lit review document. ”

– M Golde, social worker, email message dated 17 July 1998

International Collaboration

A second new component in the Canadian Strategy on HIV/AIDS is its international stream: for the first time, the Strategy contains funding dedicated to international work, evidence of the fact that Canadians are increasingly aware of, and interested in, the international dimension of the epidemic. Participants in the 1998 national consultations on legal, ethical, and human rights issues raised by HIV/AIDS also specifically requested that an “international perspective ... be integrated into all Canadian legal, ethical, and human rights efforts, in light of the cross-cutting nature of legal, ethical, and human rights issues themselves and the fact that both the HIV/AIDS pandemic and its solutions follow societal and structural factors that are transnational and global.” (*Legal, Ethical, and Human Rights Issues Raised by HIV/AIDS: Where Do We Go from Here?*, Recommendation 13).

The Network has always incorporated international activities into our work, recognizing not only that we can contribute to work being done internationally, but also that there is much we can learn from work in other countries. In 1998/99 we significantly strengthened the international component of our work.

Most important, in November 1998 the Network and the AIDS Law Project (ALP), South Africa, drafted a “memorandum concerning future co-operation.” The organizations agreed that a formal association between ALP and the Network would be beneficial to both organizations, and a number of short-, medium-, and long-term joint activities were suggested. The International Affairs Directorate of Health Canada later agreed to support the formalization of the relationship as a case study of “twinning in action.” Since then, a Partnership Agreement has been prepared and adopted by both organizations, a declaration of global solidarity and intent to work together for mutual benefit. The Agreement has been made part of the day-to-day work of the Network and ALP, a list of possible joint activities has been drafted, and a proposal for the period 1999-2000 has been prepared.

The HIV/AIDS epidemic demands that we explore new ways of working together internationally, while respecting our different needs and contexts, and our autonomy. The Partnership Agreement between the Network and ALP combines a sound core of basic principles with sufficient flexibility to adapt as required. We are very excited about the partnership with ALP, and confident that the Agreement will assist both organizations in our efforts to protect the human rights of those infected and affected.

Making a Difference

Most important, we are making a difference. In one of many cases brought to our attention this past year, an HIV-positive child was told that he could not attend summer camp because of the camp's policy of excluding HIV-positive children. We wrote a letter to the camp, explaining that refusing the child because of his HIV status constitutes discrimination, and added educational material about transmission of HIV and children and HIV/AIDS. In the end, the camp changed its policy.

Aside from making a real difference in individual cases, all our activities are part of our overall contribution to:

- minimizing the adverse impact of HIV/AIDS on individuals and communities;
- preventing the spread of HIV;
- ensuring care, treatment, and support for people with HIV and AIDS, their caregivers, family, and friends; and
- addressing the social and economic factors that increase the risk of infection.

We are pleased that because of the Network's activities, Canadian politicians and policy-makers, as well as community groups, have included on their agenda issues raised by HIV/AIDS in prisons, by criminal prosecutions for HIV exposure, by testing policies and confidentiality protections, and by discrimination as an underlying cause of the spread of HIV. A few examples of the Network's impact include:

- At the Correctional Service of Canada, work is under way on a strategic action plan to respond to the recommendations in the *HIV/AIDS in Prisons: Final Report*; a special working group of the federal/provincial/territorial Heads of Corrections was established; and provincial prison systems have increased their prevention efforts in prisons.
- *Criminal Law and HIV/AIDS: Final Report* was extremely important for the *Cuerrier* case, and the Network's analysis of that decision will be critical in shaping the criminal law in this area in future as courts interpret and apply *Cuerrier*.
- In light of the availability of new treatments, policy-makers are re-examining Canada's approach to testing, reporting, partner notification, and confidentiality. The final report on *HIV Testing and Confidentiality* is being widely used as a reference in these discussions.

I am pleased to advise you that the HIV Testing and Confidentiality: Final Report has and will be used in the development of HIV policy in Nova Scotia.

– Dr J Smith, Minister of Health,
9 February 1999

Canadian HIV/AIDS Legal Network, Inc.

Financial Summary for the Fiscal Year Ending 31 March 1999

Financial Position

	1999 (12 months)	1998 (5 months)
Current Assets		
Cash	\$ -	\$19,993
Money market fund	112,399	-
Accounts receivable	29,304	4,649
Contributions and grants receivable	109,021	52,653
	<u>250,724</u>	<u>77,295</u>
Capital Assets		
	14,563	-
	<u>\$265,287</u>	<u>\$77,295</u>
Current Liabilities		
Bank overdraft	\$ 11,568	-
Accounts payable and accrued charges	214,287	43,034
Deferred revenue	-	2,129
Deferred grants	3,105	15,691
	<u>228,960</u>	<u>60,854</u>
Net assets		
Invested in capital assets	14,563	-
Unrestricted net assets	<u>21,764</u>	<u>16,441</u>
	36,327	16,441
	<u>\$265,287</u>	<u>\$77,295</u>

Operations

	1999 (12 months)	1998 (5 months)
Revenue		
Memberships and subscriptions	\$ 8,697	\$ 6,138
Contributions and grants	784,742	83,328
Sale of goods and services	703	1,705
Donations	1,703	8,000
Interest	<u>2,399</u>	<u>-</u>
	\$798,244	\$99,171
Expenses		
Operational Funding	\$211,106	\$ -
Legal and Ethical Issues Project	508,816	-
International Inventory	9,300	-
Twinning in Action: A Case Study	6,350	-
Research Seminar Series	3,042	3,318
Annotated Bibliography - UNAIDS	19,780	7,000
Publication of Papers - UNAIDS	15,674	-
Administration	4,290	1,766
Drug Use Project	-	47,847
Aboriginal Project	-	16,286
Newsletter	<u>-</u>	<u>12,538</u>
	\$778,358	\$88,755
Excess of revenue over expenses	<u>\$ 19,886</u>	<u>\$10,416</u>

Audited financial statements are available upon request.