

Network news

Issue 16

Canadian HIV/AIDS Legal Network

July 2004

Network plays key role in building a comprehensive, global response to HIV/AIDS as treatment, microbicide and vaccine advocates join forces

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Treatment, microbicide, and vaccine advocates from around the world have joined in a call for a comprehensive global response to HIV/AIDS, issuing a joint *Statement of Commitment* and 12-point *Plan of Action* that will be widely promoted at the XV International AIDS Conference in Bangkok. Both documents, as well as background materials, have been prepared by the Network as part of its project on treatments, microbicides, and vaccines.

Aiming for a rapid expansion of community health care services – including access to current and future HIV/AIDS treatments and prevention products – in low and middle income countries, advocates hope their efforts will also lead to accelerated public and private research and development into HIV/AIDS treatments, microbicides and vaccines.

“This is a historic moment,” said Richard Elliott, the Network’s Director of Legal Research and Policy. “Distinct activist movements for HIV/AIDS have burgeoned in recent years, and we must avoid the trap of advocating for prevention at the expense of treatment, or treatment at the expense of vaccines. Each is a key component of a comprehensive response.”

Elliott noted that advocates from all fields have endorsed the *Statement of Commitment* and recognized the synergies of working together. The companion *Plan of Action* is intended to help governments, industry, and civil society organizations meet the moral and human rights imperative to accelerate research, development and access across a “prevention-treatment-care

continuum” that includes treatments, microbicides and vaccines.

“The Legal Network has played a leading role, globally, in promoting this kind of joint advocacy on microbicides, vaccines, and treatments,” said Stephanie Nixon, a Network member actively involved in this work. “The Network has advanced the idea among advocates and experts from the three fields that there is more to be gained from working together than from competing for limited resources. We are seeing this idea reflected in the work of advocates all around the world, from Nigeria to Brazil to Bangkok.”

“We are coming together to declare a shared commitment to building the comprehensive global response necessary to realize the human right to highest attainable standard of health for all people living with or affected by HIV/AIDS,” said Elliott. “Fulfillment of this right is called for in UN declarations on HIV/AIDS, to most countries are signatories.”

To further these efforts, Nixon and Elliott will participate in a cross-training workshop for microbicide, treatment, and vaccine advocates on 15 July in Bangkok, co-hosted by the Legal Network and the International Council of AIDS Service Organizations (ICASO). Network members will have the opportunity to participate in a similar workshop, co-facilitated by Nixon and Elliott, at the Legal Network and ICAD’s 2004 joint AGM this September.

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Network News Flashes

Network fights discriminatory hiring practices at the Montreal Police Service

After their successful fight against the Archdiocese in Montreal and its proposal to mandatorily test all applicants for priesthood for HIV (see issue 14 of Network News), the Legal Network and Quebec's Coalition of Community-Based Organizations Fighting AIDS (COCQ-sida) are now taking on the police. Together, we have sent a request to the Quebec Human Rights Commission asking for an inquiry into the hiring practices at the Montreal Police Service (SPVM) as well as admission criteria at the École nationale de police du Québec (ENPQ). At the same time, we issued a press release, which was picked up by the local media.

The police force's recruitment standards and the school's admission criteria stipulate explicitly that all candidates who test HIV-positive should be rejected, regardless of the particular aptitudes and skills that a candidate may have for the job.

The Legal Network and COCQ-sida will continue to pressure the Commission to undertake this investigation, and will provide updates to Network member on any new developments in this area.

To see the letter sent to the Commission, and the 7 May press release, visit:

[www.aidslaw.ca/
Maincontent/issues/
testing.htm](http://www.aidslaw.ca/Maincontent/issues/testing.htm)

“Global Health is a Human Right!” garners widespread support



Fifty-nine Canadian civil society organizations have thus far endorsed the call for “Action on HIV/AIDS and Global Health” since the Legal Network, the Interagency Coalition on HIV/AIDS and Development (ICAD) and Médecins Sans Frontières (MSF) began circulating a common platform – “Global Health is a Human Right!” – earlier this year (see Network News 15).

The call for endorsements will continue over the summer, with the hope that the common platform can serve as a key advocacy tool in the push for greater recognition of health as a basic human right and a more concerted response to HIV/AIDS and other global health issues. The common platform is available online at: www.aidslaw.ca/Maincontent/issues/cts/GTAGsummit/GHHR_Platform.pdf

Endorsements continue to come in, with support coming from a wide range of sectors including unions, professional associations, health care workers, student groups, community-based HIV/AIDS organizations, development groups, women's groups, and human rights organizations.

Organizations wishing to endorse the platform are invited to contact Richard Elliott at relliott@aidslaw.ca.

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The Canadian HIV/AIDS Legal Network is a charitable organization promoting the human rights of people living with and vulnerable to HIV/AIDS, in Canada and internationally. We accomplish this through research, policy analysis, education, advocacy and community mobilization.

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HIV/AIDS, prisoners, drug users and the law: addressing human rights “at the margins”



Over 160 participants from around the world concerned about HIV/AIDS and the human rights of drug users and prisoners are expected at a one-day satellite conference to be held Friday, 9 July 2004 in Bangkok just prior to the XV International AIDS Conference.

Organized by the Legal Network with the Lawyers Collective HIV/AIDS Unit (India), International Harm Reduction Development, and the Thai Drug Users Network, and co-hosted by UNAIDS, *Human Rights at the Margins: HIV/AIDS, Prisoners, Drug Users and the Law* will give participants from both developing and developed countries a chance to discuss an international agenda for action on HIV/AIDS, prisons, and injection drug use.

Rates of HIV infection among injection drug users and among prisoners are very high in many countries, and their human rights are routinely violated. Conference participants will examine prevention and treatment strategies that work, as well as the human rights and public health imperatives for the wider implementation of these strategies.

Draft background papers on HIV/AIDS, prisoners, drug users and human rights have been prepared by Network staff and can be found online at : www.aidslaw.ca/bangkok2004/PrisonSatellite-background.pdf. They will be revised after the satellite conference and sent to Network members in the Fall.

Disclosure of HIV Status After *Cuerrier*: Resources for Community Based AIDS Organizations

Published by the Canadian AIDS Society in partnership with the AIDS Coalition of Nova Scotia and the Canadian HIV/AIDS Legal Network, this new resource guide provides concise, accurate information and practical tools so that people living with HIV/AIDS (PHAs) and community based AIDS organizations (CBAOs) can make informed and empowered choices about how to respond to the complex legal and ethical issues related to HIV disclosure.

The resource guide is intended to assist organizations in developing or adapting client confidentiality and record-keeping policies; guidelines for counselling PHAs; and client re-

sources about HIV disclosure. It will also be useful to those who provide counselling to clients about HIV disclosure and the law, or who wish to learn more about the disclosure of HIV status as it relates to criminal law, public health law and civil liability; client confidentiality and record-keeping; counselling standards and approaches; how to respond to the media and the public

“Disclosure of HIV Status After *Cuerrier*: Resources for Community Based AIDS Organizations” is available online at: www.aidslaw.ca/Maincontent/issues/criminallaw.htm



Print copies can be ordered from the Canadian HIV/AIDS Information Centre:
Tel.: 1-877-999-7740
(within Canada)
aidssida@cpha.ca
www.aidssida.cpha.ca

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Joint Advocacy

The *Joint Advocacy on HIV/AIDS Treatments, Microbicides and Vaccines Statement of Commitment, Plan of Action, Issues Paper and Background Paper* will be launched at a press conference on 14 July 2004 in Bangkok and made available online in English, French and Spanish at: www.aidslaw.ca/Maincontent/issues/vaccines.htm

The release of the *Statement of Commitment and Plan of Action*, as well as a 24-page *Issues Paper* and in-depth *Background Paper*, is the culmination of a year-long project that brought together representatives from government, civil society organizations, and international agencies to work together on developing a joint agenda.

New Network report examines regulation of pharmaceutical prices



The cost of medicines is of obvious concern to people living with HIV/AIDS, and recommendations for strengthening or reforming policy in this area can help protect the interests of people living with HIV/AIDS, and of Canadians more generally, in accessing affordable health care.

With this goal in mind, the Legal Network has released a new report and series of info sheets on *Controlling Drug Costs for People Living with HIV/AIDS: Federal Regulation of Pharmaceutical Prices in Canada*. The report is another in a series of occasional papers by the Network on priority legal and ethical issues related to HIV/AIDS care, treatment, and support. The issue of drug pricing was identified as a priority by a project advisory committee, and complements and supports advocacy already initiated by other HIV/AIDS organizations in Canada.

The report highlights the impact of policy on drug pricing, outlines current federal law and

policy on the regulation of pharmaceutical manufacturers' prices, and examines recent developments in this area. Sixteen recommendations are provided for reform of federal regulation of pharmaceutical prices in Canada.

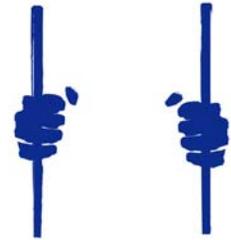
The report and info sheets are being sent to Network members, as well as to government policymakers, the Patented Medicine Prices Review Board, consumer organizations, pharmaceutical industry associations (both originator and generic), community groups and other interested parties for comments and input on how best to pursue implementation of these recommendations.

Controlling Drug Costs for People Living with HIV/AIDS: Federal Regulation of Pharmaceutical Prices in Canada, and the accompanying info sheets, can be found online at: www.aidslaw.ca/Maincontent/issues/cts/DrugPricingE/toc.htm

Advocacy for prisoners continues to be a priority for the Network

For a number of years now, Canadian community-based HIV/AIDS organizations and Hepatitis C organizations have been working together through the Prisons Networking Group to bring about reforms to the way prison systems throughout Canada address HIV/AIDS and Hepatitis C, and to meet the needs of individual prisoners infected and affected by HIV and Hepatitis C. Recently, the Prisons Networking Group decided that the time has come to split into two groups – one focused on networking for front line service providers and organizations who work with prisoners, the other focused on systemic research and advocacy issues.

The Canadian AIDS Society and the Canadian HIV/AIDS Legal Network have formed two new groups to better address HIV/AIDS and Hepatitis C in Canadian prisons: the **Prisons HIV/AIDS and Hepatitis C Networking**



Group and the Prison HIV/AIDS & Hepatitis C Research & Advocacy Consortium.

The Canadian HIV/AIDS Legal Network will facilitate the Prison HIV/AIDS & Hep C Research & Advocacy Consortium, which will advocate for the implementation of prison health policies, programs and services that reflect best practice and meet national and international human rights standards.

The Canadian AIDS Society will facilitate the new Prisons HIV/AIDS and Hepatitis C Networking Group, which will provide community groups and front line workers an opportunity to voice their concerns, exchange information, stay informed on the latest initiatives, and

bring forth issues that need to be addressed by the advocacy group.

The Network and CAS feel that having two groups will be more effective for all involved and will ultimately better serve prisoners in Canada and improve the response to HIV/AIDS and Hepatitis C in federal and provincial/territorial prisons. There will be a representative from both CAS and the Legal Network on both groups to ensure coordinated action.

We are inviting interested organizations, based on their mandate and strategic direction, to join one or both of the new groups. Membership is flexible and dynamic. Your organization can work on those issues it is interested in and has the resources to pursue, on an issue-by-issue basis.

For more information, a copy of the terms of reference, or to join, please contact:

- Prisons HIV/AIDS and Hepatitis C

Networking Group: Lynne Belle-Isle at lynneb@cdnaids.ca or at (613) 230-3580 ext. 126.

- Prison HIV/AIDS & Hepatitis C Research & Advocacy Consortium: Glenn Betteridge at gbetteridge@aidslaw.ca or at (416) 598-0052 ext. 119.

In addition to forming the Advocacy Consortium, the Network will soon release the first comprehensive review of prison needle exchange programs worldwide. We anticipate that this will be a very useful resource for all those advocating for the implementation of such programs in Canadian prisons. Finally, we have recently revised our series of Info Sheets on HIV/AIDS and prisons, which have continued to be in high demand. Some of the info sheets have been completely re-written to include the most recent information about HIV/AIDS and Hepatitis C in prisons. The third, 2004/2005 edition of the info sheets is available at: www.aidslaw.ca/Maincontent/issues/prisons/e-info-patoc.htm

Increase to CSHA funding a step in the right direction, but too little, too late

On 12 May 2004, just days before a series of demonstrations were to be held across the country by a coalition of HIV/AIDS organizations, Minister of Health Pierre Pettigrew announced a \$42.2 million increase over five years to the federal government's Strategy on HIV/AIDS (CSHA). The announcement marked the end of a widely criticized 11-year freeze on federal AIDS funding with the promise that CSHA funding will gradually and slowly rise to \$84.4 million.

The response of the Legal Network and other coalition members to Pettigrew's announcement was lukewarm, given that the House of Commons Standing Committee on Health had recommended an *immediate* \$100 million increase in June 2003, which had been supported by then Health Minister Anne McLellan.

"Even with the announced increase, the CSHA will remain chronically underfunded and Canada will fall further behind in its efforts to fight HIV/AIDS. A strategic five-year plan is being developed, but we will not be able to

adequately implement it without more funding than was announced," said Ralf Jürgens, the Network's Executive Director. The Network, which has actively participated in the community efforts to ensure adequate federal funding for HIV/AIDS, will continue the fight.



Demonstrators outside the CAHR Conference in Montreal on 14 May 2004



Inside the Network

Ralf Jürgens receives CAS Leadership Award

Since 1997, the Canadian AIDS Society (CAS) has celebrated the national contribution made by one outstanding individual or company in the fight against HIV/AIDS, who has shown a long term commitment to the AIDS movement in Canada, and who has shown their leadership either throughout Canada or within their local community or region, and having an impact on the national community.

This year, Ralf Jürgens, the Legal Network's Executive Director, was presented with the CAS Leadership Award at the CAS AGM on 18 June 2004. Gail Flintoft, a member of CAS' board of directors, states: "CAS was very proud to give the award to Ralf, for his on-going commitment and passion, not only in the fight against the virus, but for human rights."

Congratulations to Ralf for receiving this award!

Thomas Kerr returns to Vancouver

The Network's Director of Health Policy and Research, Thomas Kerr, has recently accepted a position at the British Columbia Centre for Excellence in HIV/AIDS. Currently based in Montreal, Kerr is relocating to Vancouver but will continue in his position at the Legal Network, working on a part-time basis in the ar-

reas of injection drug use and drug policy. "The move makes sense for my family and me at this time," Kerr notes, "but I look forward to continuing to work with the Network for years to come. It has been a great year in Montreal, and I will miss the day-to-day contact with other Network staff."

Student interns at the Legal Network



Debbie Mankovitz and Joanna Wells

We are pleased to welcome three law students, who are undertaking summer internships at the Legal Network with the assistance of Youth Employment Strategy of Social Development Canada and the McGill Human Rights summer internship program. **Debbie Mankovitz**, a third year law student at McGill, is undertaking research in the areas of HIV discrimination and the human rights of injection drug users.

Hari Subramaniam, a second year law student also at McGill, is focusing on the areas of HIV/AIDS in prisons and drug patent law. **Joanna Wells**, a second year student at Dalhousie Law School, is assisting with the finalization of university course modules on "HIV/AIDS and the Law" and "Women, HIV/AIDS, and the Law in Canada." The interns will also be contributing to the next issue of the *Canadian HIV/AIDS Law and Policy Review*.

Employment opportunity at the Legal Network

Applications are now being accepted for the position of **Senior Researcher/Policy Analyst**, based at the Legal Network's Montreal office.

Deadline to apply: **19 July 2004**. Job description and information on how to apply can be found at: www.aidslaw.ca/AbouttheNetwork/jobopportunities_r.htm



Feedback

Dear Richard Elliott,

I write on behalf of the BC Persons With AIDS Society (BCPWA) to thank and commend you for your outstanding work in leading and coordinating the civil society push for the introduction of and the subsequent improvements to Bill C-9, the Act to amend the Patent Act and the Food and Drugs Act...

We at BCPWA are convinced that the successes which greeted at least some of the civil society's efforts with regard to this legislation simply would not have been realized had it not been for your highly skilled and indefatigable efforts. Your relentless distribution of information of all sorts and marshalling of various community resources in aid of the effort was a near perfect textbook example of effective lobbying. We are all in your debt. Thank you.

-Glen Bradford, Chair, BCPWA



New Resources

Joint Advocacy on HIV/AIDS Treatments, Microbicides and Vaccines

Statement of Commitment, Plan of Action & Issues Paper

www.aidslaw.ca/Maincontent/issues/vaccines.htm

Info Sheets on HIV/AIDS and Hepatitis C in Prisons (Revised, 2004)

www.aidslaw.ca/Maincontent/infosheets.htm#isohaap

Syringe Exchange Programs in Prisons: Reviewing the Evidence

www.aidslaw.ca/Maincontent/issues/prisons/NEP_150604.PDF

Methadone Maintenance Therapy in Prisons: Reviewing the Evidence

www.aidslaw.ca/Maincontent/issues/prisons/MMT_150604.PDF

Report and series of info sheets on **Controlling Drug Costs for People Living with HIV/AIDS: Federal Regulation of Pharmaceutical Prices in Canada**

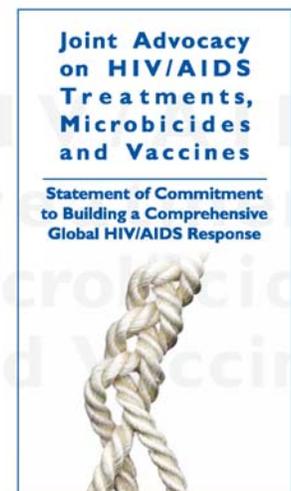
www.aidslaw.ca/Maincontent/issues/care-treatment.htm

Legal Network's Poster Presentations at the Canadian Conference on HIV/AIDS Research, 14 May 2004:

www.aidslaw.ca/Maincontent/events/CAHRPosters2004.pdf

Presentation on **Prison needle exchanges: A review of international evidence and expertise** at the 13th Annual Canadian Conference on HIV/AIDS Research in Montreal on 15 May 2004:

www.aidslaw.ca/Maincontent/issues/prisons/presentation_CAHR2004.PDF





The Legal Network at the XV International AIDS Conference Bangkok, Thailand

Satellite Conference:

Human Rights at the Margins: HIV/AIDS, Prisoners,
Drug Users and the Law
Friday, 9 July 2004

Asia Hotel, 296 Phayathai Road, Bangkok
*Organized by the Canadian HIV/AIDS Legal Network,
the Lawyers Collective HIV/AIDS Unit (India), International Harm
Reduction Development, and the Thai Drug Users Network, and
co-hosted by UNAIDS. Additional partners include ICASO.*

Skills-building workshop:

HIV Microbicides, Treatment and Vaccines "Cross-
Training" for Advocates and Activists: Understanding
the Agenda, Strengthening the Capacity.

*Co-organized by the International Coalition of AIDS Service
Organizations (ICASO), the Legal Network, International AIDS
Vaccine Initiative (IAVI), AIDS Vaccine Advocacy Coalition (AVAC),
and Global Campaign for Microbicides.*

Thursday, 15 July 2004, 2 to 5:30 pm
EC Room 5, Impact Centre

Poster Presentations:

- Mobilizing communities to take action against HIV/AIDS-related stigma and discrimination
- Privacy protection and the disclosure of health information: legal issues for people living with HIV/AIDS in Canada
- Disclosure of HIV status -- developing resources for community based AIDS service organizations
- HIV treatment, vaccine and microbicide advocacy: developing a common international agenda for action
- Developing option-based model legislation on HIV/AIDS

Canadian HIV/AIDS Legal Network Exhibit

*Publications, reading lounge, info on campaigns and
initiatives, free draws,
Booth 258 (NGO Exhibition Hall 1) IMPACT Centre*

Press Conference:

*Building a Comprehensive, Global Response to HIV/AIDS:
Treatment, Microbicide & Vaccine Advocates Join Forces
Wed 14 July 2004, 10:00 am
Room B, IMPACT Media Centre*

Oral Presentation:

*Establishing prison-based harm reduction policies and
programs in Eastern Europe and the former Soviet Union
(Presenter: Ralf Jürgens)
Wednesday, 14 July 2004, 2:45 pm
Session Room B, Impact Centre*

- Prison needle exchange: a review of international evidence and expertise
- TRIPS from Doha to Cancún...to Ottawa: WTO patent rules and Canadian civil society advocacy for global treatment access
- Developing a method to assess compliance with human rights law
- Human rights-based approaches to HIV/AIDS in the Caribbean region
- Human-rights based approaches to HIV/AIDS in two African countries