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Annual Report

2003 / 2004



Our Vision

A world in which the human rights and dignity of people living with HIV/AIDS and those affected by the disease are respected and fulfilled; and where laws and policies facilitate HIV prevention efforts, as well as care, treatment, and support for people with HIV/AIDS.

Our Mission

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

Our Values

The work of the Canadian HIV/AIDS Legal Network is rooted in the following values:

- Human Rights
- Focus on Persons Living with HIV/AIDS and on Marginalized Populations
- Action & Activism
- Collaboration & Partnership
- Accountability
- Participation
- Global Responsibility
- Excellence

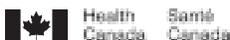


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Message from the President

The past year has been one of transitions and of exciting new developments for the Network's Board, and also for our staff. We are confident that for the many members who make use of our resources and participate in our activities, these developments signal the impact we continue to have as an organization that is evolving to address a changing spectrum of human rights issues facing people living with and vulnerable to HIV/AIDS.

The most notable transition this year is without a doubt the upcoming departure of Ralf Jürgens as the Network's Executive Director. Ralf was one of the Network's four founding members in 1992, became its first President in 1993, and has been its Executive Director since June of 1998.

Over twelve years of exceptional service to the Network and the community, Ralf has been a tremendous leader, and we have benefited in countless ways from his expertise, vision and strength of character. These few lines can scarcely do justice to the impact he has had – individually and with the help of others. We will miss Ralf enormously, and on behalf of the Board, staff and all members of the Legal Network, I would like to thank him for building such a strong organization and dedicated membership that will be able to carry forward the work that he started.

Although saying our farewells to Ralf will not be easy (and we hope he will return to the field before long!), this change in leadership – as he himself has said – also provides an opportunity to take the Network to the next stage in its development.

To this end, another significant milestone this year was the Board's adoption, in February 2004, of a new Strategic Plan for 2004 – 2008. These developments not only highlighted the need for a new strategic plan, but also had an impact on the decisions made concerning the plan.

The plan incorporates input provided by Network members at our 2003 AGM, and was developed through careful consideration of the factors we expect will shape our work over the next half decade. Among others: the extent to which human rights violations contribute to the ongoing and increasing epidemic; the degree to which stigma, discrimination, and lack of access to care, treatment and support remain as major challenges for people living with HIV; and the failure by governments and the public at large to see HIV/AIDS, and related legal and ethical issues, as priorities. To provide a strategic plan that addresses and is relevant to this context, the Board has approved new vision, mission and values statements (see inside cover of this Annual Report), and has identified strategic directions and activities for the next four years to guide implementation of the plan.

I would like to thank the members of the Board for their commitment and dedication in bringing this plan to completion, as well as for their overall contribution over the past year. I would also like to extend my best wishes to the three members of the Board – Ken Clement, Marlene Daly, and Janet Conners – who left their positions in 2003/2004. We were fortunate to fill these vacancies by welcoming LaVerne Monette, Darlène Palmer and Jacqueline Gahagan as new members of the Board. Finally, I would like to thank the staff of the Legal Network, and our members in every part of the country and around the world, for the outstanding achievements you made possible once again this year.

With a new strategic plan to guide us, the Board and staff look forward to another year of action, activism, collaboration and partnership. Thank you for your continued support.



Kevin Midbo

2003/2004 Board of Directors

Kevin Midbo, *President* (Prairies)
Stefan Matiation, *Vice-President* (Ontario)
Ruth Carey, *Treasurer* (Ontario)
Wayne Campbell, *Secretary* (British Columbia)
Ken Clement (British Columbia) (until December 2003)
Janet Conners (Atlantic) (until May 2004)
Joanne Csete (International)
Marlene Daley (Québec) (until January 2004)
Jacqueline Gahagan (Atlantic) (since August 2004)
Michèle Lalonde (Québec)
LaVerne Monette (Ontario) (since February 2004)
Darlène Palmer (Québec) (since February 2004)
Alan Wood (British Columbia)
Evan Wood (British Columbia)

Message from the Executive Director

Network Staff

Ralf Jürgens, Executive Director
Richard Elliott, Director,
Legal Research & Policy
Thomas Kerr, Director, Health
Research & Policy
Glenn Betteridge, Senior Policy
Analyst
Theodore de Bruyn, Senior Policy
Analyst (until April 2004)
David Patterson, Senior Program
Officer (until October 2003)
René Lessard, Finance and
Administration Manager
(until April 2004)
William Hamilton, Finance Officer
Thomas Haig, Communications
Manager
Elana Wright, Community
Development Coordinator
Mélanie Paul-Hus, Communications
Assistant (since September 2003)
Terry Gould, Program Support
Coordinator
Natalie Morin, Program Assistant
Jennifer Nicholls, Program Assistant
(since September 2003)



This has been another exciting and exhausting year at the Legal Network and in the fight against HIV/AIDS. Finally, things seem to be moving on a number of fronts, both domestically and internationally. In Canada, after over 10 years, federal funding for HIV/AIDS will be increased. Globally, there is an unprecedented level of commitment and resources, and HIV treatment is finally starting to become available in resource-poor countries. However, we are still far from where we need to be. In Canada, the governments continue to administer the epidemic rather than fighting it, and their response lacks vision and a commitment to truly make a difference. While funding will be increased, this will happen slowly and over many years. Calls for mandatory or routine HIV testing have increased, in Canada and internationally. Ideology, rather than a commitment to promotion and protection of health and human right, drives much of the global response, and far from enough is being done to address the determinants of vulnerability to HIV.

Against this background, the Legal Network has been able to make a difference in many areas, both nationally and internationally. Many people deserve credit for the accomplishments described in the following pages. My thanks go to all my co-workers, to the Board, and to the members. However, I would like to extend particular thanks to Richard Elliott, for his brilliant work, among many other things, to ensure that Canada's Patent Act would be amended. Richard has been an incredible support for many years, and a wonderful person to work with.

On a personal note, after 12 years with the Legal Network, time has come for me to move on. The decision to leave the Network is both easy and difficult. It is easy because the Network is a very strong organization with great staff. The Network has established a reputation for the quality and the dedication of its research, education and advocacy aimed at protecting and promoting the human rights of people living with HIV/AIDS and those vulnerable to this disease. These will continue to be the hallmarks of the Network's contributions to the response to HIV/AIDS in Canada and globally. Building upon the existing strengths, the new Executive Director will be able to take the organization to the next level. At the same time, the decision to leave is difficult because I have immensely enjoyed working at the Network and because so much work remains to be done.

After a short break, I will be back and will continue working on issues related to HIV/AIDS. I look forward to new challenges, and to staying in touch with the Network, its staff, and members. Thank you for your trust and support!

A handwritten signature in black ink, appearing to read 'R Jürgens'. The signature is fluid and cursive, with a large initial 'R'.

Ralf Jürgens

A Short History

The Legal Network has a twelve-year history of promoting the human rights of people living with and vulnerable to HIV/AIDS, in Canada and internationally.

It was founded on 17 December 1992 in Montréal by a group of four (relatively) young lawyers: Ralf Jürgens, David Patterson, Norman Halde, and David Thompson. Ralf had been working on legal issues related to HIV/AIDS since the late 1980s at McGill University, and David Patterson had just arrived to Canada from Australia, where he had worked as a lawyer in a community-based AIDS organization. With their friends, they decided to found an organization that would provide a research-based, but activist, response to the many legal and policy issues related to HIV/AIDS.

It took two years until the Network received some financial support from Justice Canada and Health Canada, for its first publication, the Canadian HIV/AIDS Policy & Law Newsletter, which was created to provide a much-needed forum for information and debate about legal and policy issues. In the meantime, the Network had made public submissions to human rights commissions, started creating links with other organizations in Canada and internationally, and built a network of people across Canada interested in supporting the Network's mission.

In 1995, the Network started doing what it is best known for: unique, high-quality, authoritative, up-to-date research on, and analysis of, legal, ethical, and human rights issues related to HIV/AIDS. The first of many Network "final reports" was published in September 1996: our report on HIV/AIDS in prisons. This was followed by other reports on criminal law, HIV testing, immigration, injection drug use, safe injection facilities, HIV/AIDS-related stigma and discrimination, HIV vaccines, and many more. For each topic, our work involves a process of research, consultation, and revision, leading to a final report and recommendations. Soon, we realized that in addition to producing reports, we also needed to engage in advocacy efforts in an attempt to ensure that our recommendations are translated into public policy and action; and in capacity building in an attempt to ensure that others can work with us to advocate for change.

Since 1998, we have received core and project funding from Health Canada allowing us to do that, with obvious results: evaluation undertaken by external consultants has shown that we have been very successful in influencing public policy, on a great number of issues. Thanks to the funding received, we were also able to hire our first three staff, including Ralf Jürgens.

Recent years have been characterized by the rapid growth of the Network, a result of the need for the unique expertise of the Network and the expansion of our international work. Today, we have over 250 members and work in Canada, but also in Eastern Europe and the former Soviet Union, Kenya, Zambia, Thailand, and at the international level. We have grown, but so has the need for research and action to promote, protect, and fulfil human rights of people with and vulnerable to HIV/AIDS. What has not changed, is our commitment to working hard to fill that need, in Canada and internationally.

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“It is the outreach of the Canadian HIV/AIDS Legal Network, and its concern from the start to look beyond the legal issues arising in Canada, that has made it the flagship of such networks throughout the world.”

– Justice Michael Kirby, writing for the soon-to-be published history of the Legal Network

2003/2004 Highlights

As in previous years, 2003/2004 was marked by many significant events and accomplishments. Here are some of the most notable highlights:

- Network members were the first to hear Stephen Lewis, UN Special Envoy for HIV/AIDS in Africa, call on the federal government to amend the Canadian Patent Act to permit production of generic versions of patented medicines in Canada for export to developing countries. His call was made during his keynote address at the Network's 2003 AGM. From that day on, the Network spearheaded a coalition of Canadian organizations fighting to ensure that Canada would indeed amend its Patent Act, and to do it right.
- In January 2004, we reacted quickly to the worst weeks in recent history for people living with HIV/AIDS in Québec, working in partnership with COCQ-sida. When Montréal Cardinal Turcotte made public statements suggesting that HIV-positive people would not be able to fulfill the duties of priesthood, and defending a decision to ask all priesthood applicants to undergo HIV testing, we took immediate action – and won.
- We took an active role in the efforts to secure increased funding for the Canadian Strategy on HIV/AIDS, stating that after ten years of “deadly public policy on HIV/AIDS” it was high time for the new federal government to step up Canada's efforts. We pointed out that at the United Nations General Assembly Special Session on HIV/AIDS in 2001 Canada made an “unprecedented” commitment to fight HIV/AIDS at the national and international levels, and that, thus far, Canada had “abysmally failed to meet that commitment.”
- We started a new project on “prostitution, criminalization and vulnerability to HIV/AIDS” after consulting with Network members about which new issue we should take on in 2003/2004. This project will continue in 2004/2005.
- We continued a number of other multi-year projects, including a project on HIV/AIDS-related stigma and discrimination that will soon result in the launch of an action plan and in sustained advocacy to fight stigma and discrimination; and undertook a 12-months project designed to build the capacity of community-based organizations from across Canada to mobilize their communities to take action against stigma and discrimination.
- We facilitated a process under which treatment, microbicide and vaccine advocates from all continents joined forces and issued a joint statement of commitment and plan of action aimed at accelerating research, development and access across a “prevention-treatment-care continuum” that includes treatments, vaccines, and microbicides.
- We started a multi-year project in Eastern Europe and the former Soviet Union, aimed at helping prison systems implement harm reduction measures; and completed the first comprehensive survey of prison-based needle exchange projects worldwide, to be released soon.
- We continued working with partner organizations in Kenya and Zambia to build their capacity to address legal, ethical and human rights issues.

Save Lives Now!

Global Access to Treatment and Canada's Bill C-9

Over the past few years, the Legal Network has been very involved in global efforts to increase access to medicines and essential health care in developing countries. In particular, we have been active participants in the Global Access Treatment Group (GTAG), a coalition of Canadian civil society organizations dedicated to improving access to care, treatment and support for people living with HIV/AIDS and other health conditions in the developing world.

In May 2003, the Network was one of the co-sponsors of "Global Health is a Human Right!", a national civil society summit held in Ottawa. A major outcome of the summit was the preparation of a civil society "Common Platform for Action on HIV/AIDS and Human Rights," that has been endorsed by over 60 organizations since its launch in February 2004.

This was also a year in which our ongoing work on the impact of patents and international trade law on access to affordable medicines took a dramatic and unexpected turn. In October 2003, the Canadian government agreed to amend the Patent Act and the Food and Drugs Act to permit generic manufacturers to produce copies of medicines patented in Canada and export them to countries unable to make their own. The case for such an amendment was put forward in compelling fashion by Stephen Lewis, UN Special Envoy for HIV/AIDS in Africa, during his keynote address at the Network's 2003 AGM. Lewis' proposal was reported nationally on CBC Radio, and later repeated at a conference in Africa where it received international attention.

Canada's initiative came in the wake of an August 2003 decision at the World Trade Organization (WTO), reached after several years of long and sometimes bitter debate over how to relax patent rules so as to expand access to affordable medicines in developing countries. However, when the federal government introduced legislation (Bill C-56) to this effect in November 2003, the bill contained a number of flaws that threatened to undermine the likelihood of its success. The flaws remained when the legislation was reintroduced as Bill C-9 at the opening of the new parliamentary session in February 2004.

Motivated by the bill's potential to alleviate great suffering and save lives in countries that cannot make their own generic medicines, the Legal Network undertook extensive efforts over several months to make politicians and the public aware of the problems with Bill C-9. This included distribution of a briefing kit to all 301 MPs, with recommendations on how to amend the bill. Press releases, news conferences and the publication of a number of op-ed pieces helped generate media coverage of deliberations over Bill C-9 and, more broadly, of the issue of global access to affordable medicines. An "Action Alert" campaign was also launched, resulting in thousands of emails, letters and faxes being sent to the government from across Canada and around the world. In late February 2004, the Network's Director of Legal Research and Policy, Richard Elliott, presented our concerns



*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-56/9, 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 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.*

Glen Bradford, Chair, BCPWA

”

regarding Bill C-9 to the House of Commons Standing Committee on Industry, Science and Technology.

These efforts led to the removal of some problems – in particular, a so-called “right of first refusal” for patent-holding pharmaceutical countries – before final passage of Bill C-9 by Parliament on 27 April 2004. However, the final text of the bill still contains a number of weaknesses that may undermine its effectiveness, and that fall short of what the Canadian government has endorsed internationally. Unfortunately, Canada’s Bill C-9 cannot be considered a model piece of legislation that should be copied elsewhere.

However, there is much for the Legal Network and other organizations to be proud of in our efforts over the past year to have the bill amended. These efforts brought together a broad coalition of civil society groups – students, unions, AIDS activists, development organizations, faith-based groups, human rights advocates, and humanitarian organizations. Interventions by the Legal Network and other members of this coalition had a concrete impact on how the government proceeded with Bill C-9. If the bill itself did not set the precedent we had hoped for, debate over the bill has succeeded in increasing awareness, in Canada and around the world, of the need to set aside strict patent rules in favour of the lives of poor people needing medicines.

For more info, the Network’s website at www.aidslaw.ca/Maincontent/issues/care-treatment.htm.

Treatment, Microbicide and Vaccine Advocates Join Forces

In recent years, distinct activist movements have burgeoned for microbicides, treatments, and vaccines. Although each area is a key component of a comprehensive response to HIV/AIDS, advocates from the three fields have often had to compete for scarce resources, and have sometimes worked against, rather than with, each other.

Nonetheless, there is growing recognition by advocates in all areas that treatment strategies will not succeed if prevention efforts are failing, while prevention strategies are less likely to succeed if treatments are not accessible. Advocates are increasingly committed to avoiding the trap of advocating for prevention at the expense of treatment, or treatment at the expense of vaccines. This was a key theme coming out of the satellite conference that the Legal Network organized just prior to the International AIDS Conference in Barcelona in 2002, and the Network committed to taking it on.

Consequently, to strengthen collaboration among microbicides, treatments, and vaccines (“MTV”) advocates, the Network held an international expert consultation in Montreal from 17 to 19 November 2003. Attended by community advocates and researchers from twelve countries, the meeting led to an agreement by advocates from the three movements to pursue a common agenda, based on human rights principles and a shared commitment to a comprehensive, global response to HIV/AIDS.

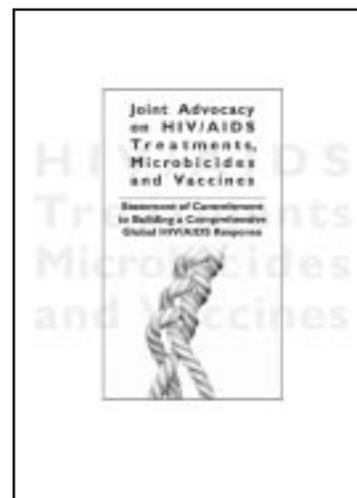
A key requirement for such a response is the rapid expansion of community health care services – including access to current and future HIV/AIDS treatments and prevention products – in low and middle income countries. Accelerated public and private research and development into HIV/AIDS treatments, microbicides and vaccines is equally critical.

These have been focal points for the development of a joint “MTV” agenda. In early 2004, further discussions among advocates led to the preparation by the Legal Network of a joint *Statement of Commitment* and 12-point *Plan of Action*, intended to help governments, industry, and civil society organizations accelerate research, development and access across a “prevention-treatment-care continuum” that includes treatments, microbicides and vaccines. Advocates from all fields have endorsed the *Statement of Commitment*, which is now being widely promoted along with the *Plan of Action* following their official launch in July 2004 at the XV International AIDS Conference in Bangkok.

The leading role played by the Legal Network in promoting this kind of joint advocacy has brought to the fore a shared commitment among advocates to realizing the human right to the highest attainable standard of health for all people living with or affected by HIV/AIDS.

The Network will be seeking additional endorsements for the *Statement of Commitment* over the coming year as we continue to undertake proactive efforts to promote the joint MTV action plan.

For more info, see the Network’s website at www.aidslaw.ca/Maincontent/issues/vaccines.htm.



“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.”

– Stephanie Nixon, Canada Coordinator,
International AIDS Vaccine Initiative
(IAVI)

Rapid Action Against Mandatory Testing

In the space of a few weeks in January 2004, actions by three different institutions in Québec (the Catholic Church, the police, and a hospital) combined to threaten the human rights of people living with HIV/AIDS, raise the spectre of mandatory HIV testing, and create unnecessary public fears about the spread of HIV infection.

‘The worst weeks in recent history’ for people living with HIV/AIDS in Québec began when Montréal Cardinal Turcotte made public statements defending the decision to ask all priesthood applicants to undergo HIV testing, suggesting that HIV-positive people would not be able to fulfill the duties of priesthood. Next, in response to news that an HIV-positive surgeon had operated at Ste-Justine Hospital in Montreal since the mid 1990s, there were calls for mandatory HIV testing of health-care workers despite 20 years of consensus that this is not the best way to protect patients, and despite the minimal risk of HIV transmission from health-care providers to patients. Finally, Peter Yeomans, City of Montreal Executive Committee member responsible for public security, irresponsibly suggested that applicants for Montreal’s police need to be free from HIV to be able to do their job.

In response to these events, the Legal Network, working in partnership with COCQ-sida (the Québec Coalition of Community-Based Organizations Fighting AIDS) issued several press releases, published op-eds in the Toronto Star and in Le Devoir, and wrote to the Montreal Archbishop, the City of Montreal, and the Quebec Minister of Health. Most importantly, we asked the Quebec Human Rights Commission to launch an investigation into the matter of HIV testing of priesthood candidates. One month later, and before the Human Rights Commission could even issue an opinion, the Archdiocese of Montréal issued a statement saying that it had rescinded its plan to require that applicants for priesthood undergo HIV testing.

Responding quickly and forcefully to the demonstrations of ignorance and prejudice by high-level public and religious officials in Quebec has clearly paid off, but sustained efforts will be necessary to counter increasing calls for routine and/or mandatory HIV testing. In Canada and internationally, the Network will once again make work on HIV testing a priority.

For more info, see the Network’s website at www.aidslaw.ca/Maincontent/issues/testing.htm.

*I warmly congratulate you for
the letter you wrote to
Cardinal Turcotte. He is sending
a very clear message to
employers: it is okay
to screen out potential
employees who have HIV/AIDS.
I am very happy that you have
taken action on this matter, and
fully support you.*

-Michael Peters, Montréal

*Your intervention re the AIDS
test at the seminary is dynamite.*

-Thomas Waugh, Concordia University

Taking Action Against Stigma and Discrimination

Stigma and discrimination continue to affect people living with HIV/AIDS and vulnerable populations, particularly those who are socially and economically marginalized.

Fear of stigma and discrimination may prevent people from seeking treatment for AIDS or from acknowledging their HIV status publicly. People with, or suspected of having, HIV may be turned away from health care services, denied housing and employment, shunned by their friends and colleagues, turned down for insurance coverage or refused entry into foreign countries. In some cases, they may be evicted from home by their families, divorced by their spouses, and suffer physical violence.

In 2003/2004, we continued our three-year project to develop and implement an action plan to address HIV/AIDS-related stigma and discrimination in Canada. Representatives from community-based AIDS organizations, labour organizations, and other social movements from across Canada met for a two-day workshop held in Montreal in October 2003, to identify priorities and goals for reducing HIV/AIDS-related stigma and discrimination. In November 2003, drawing on input received during the workshop, we widely disseminated a draft *Plan of Action for Canada to Reduce HIV/AIDS-related Stigma and Discrimination*, seeking feedback and comments from Network members, government officials, and the general public. Further work on the *Plan of Action* was undertaken in the first part of 2004 to incorporate this feedback. As a complement to the preparation of the action plan for Canada, we also undertook a one-year capacity-building project aimed at reducing stigma and discrimination at the *local level*. The project saw participants from community groups across Canada exchange information and experiences over four months using an electronic discussion list, and attend a three-day workshop held in Montreal in late January 2004. The goal was to develop local action plans to address HIV-related stigma and discrimination. The workshop provided participants with the opportunity to work through and share their action plans in relation to various models of community mobilization.

A key challenge that has become clear through both these projects is that combating HIV/AIDS related stigma and discrimination requires long-term, strategic action at the local level, with community-based organizations playing a central role. Yet most community organizations are already over-stretched, and cannot undertake the sustained, long-term action that is needed without greater access to appropriate funding.

Preparations are now underway for the finalization and release of the *Plan of Action* for Canada in the fall of 2004. Advocating for the implementation of the many recommendations in the plan, which reflects the priorities of individuals and organizations across Canada, will be one of our major priorities over the coming year.

For more info, see the Network's website at www.aidslaw.ca/Maincontent/issues/discrimination.htm

We are very pleased that the Canadian HIV/AIDS Legal Network is undertaking this (Stigma & Discrimination) project which will also significantly contribute to the dissemination at country level of UN policies in the area of Human Rights and HIV/AIDS.

– Miriam Maluwa, Law and Human Rights Advisor, UNAIDS

Prisoners Have Human Rights Too!



Legal Network staff members Ralf Jürgens and Thomas Kerr meet with prison officials during their travels in Eastern Europe.

Advocacy for prisoners continues to be a priority for the Network. HIV/AIDS is a serious problem for prison populations. In Canada and most other countries, rates of HIV infection are many times higher amongst prisoners than in the population outside prisons, yet adequate preventive measures are usually not provided even though such measures have been successfully introduced in some prison systems and shown to be effective. This failure to act has serious implications for both human rights and public health.

2003/2004 was an exceptionally busy year in terms of the Network's ongoing efforts to secure effective action on HIV/AIDS in prisons. In April 2003, the Network's Executive Director Ralf

Jürgens was invited to give a presentation on HIV/AIDS prevention for drug dependent persons within the criminal justice system at the United Nations Office on Drugs and Crime's governing board, the Commission on Narcotic Drugs.

In September 2003, the Network began work on a new multi-year project on HIV prevention in prisons in several countries in Eastern Europe and the former Soviet Republics, in collaboration with International Harm Reduction Development (IHRD). The project involves assisting with program development, research, evaluation, and advocacy efforts aimed at establishing prison-based harm reduction programs in the region.

During a mission to Russia and the Ukraine in March 2004, the Network developed an agreement with the Ukrainian prison system under which the Network will assist with implementation of pilot studies on methadone maintenance treatment (MMT) and needle exchange.

In February 2004, the *Dublin Declaration on HIV/AIDS in Prisons in Europe and Central Asia* was launched in Dublin, Ireland. The Declaration provides a framework for mounting an effective response to HIV/AIDS within prison systems based upon international best practice, scientific evidence, and the obligations of States to fulfil the fundamental human rights of people in prison. The Network's Executive Director, Ralf Jürgens, participated in the drafting of the Declaration, and the Network was one of the first organizations to endorse it.

We also revised and updated our series of info sheets on HIV/AIDS and hepatitis C in prisons, which continues to be in high demand; and produced the first comprehensive review of prison needle exchange programs worldwide, which we will release soon. We anticipate that this will be a very useful resource for all those advocating for the implementation of such programs in prisons in Canada and worldwide.

For more info, see the Network's website at www.aidslaw.ca/Maincontent/issues/prisons.htm.

Reducing Drug (Policy)-Related Harms in Canada and Around the World

Canada's first safe injection facility ("SIF") opened in Vancouver in September 2003, thanks in part to the Network's report on legal and ethical issues related to such facilities, and our sustained advocacy efforts in this area.

Further work remains to be done to ensure that Health Canada's guidelines for SIFs are not unnecessarily restrictive – and to encourage trials of such facilities in other Canadian cities. Nonetheless, the opening of the Vancouver facility provided a major boost to the Network's ongoing work on harm reduction, IV drug use and HIV/AIDS. These efforts continued in 2003/2004 through a wide range of activities that we undertook at the local, national and international level to promote effective responses by governments and in communities to the HIV/AIDS epidemic among injecting drug users.

In October 2003, the Global Fund against AIDS, TB and Malaria (GFATM) approved funding for a peer-driven HIV/AIDS prevention and care project submitted by the Thai Drug Users' Network (TDN) – the first time GFATM has provided grants directly to a user-run organization. Over 50 percent of injection drug users in Thailand are living with HIV, yet the Thailand Ministry of Health has no clear policy on harm reduction. Thomas Kerr, the Network's Director of Health Research and Policy, and Tomiye Ishida of the BC Centre for Excellence in HIV/AIDS, provided technical assistance to TDN in the development of the proposal. Kerr and Ishida later returned to Thailand to provide additional training and discuss upcoming collaboration on the evaluation and monitoring of this groundbreaking project.

In November 2003, the Network co-sponsored the week-long Montreal screening of *FIX: The Story of an Addicted City*, a feature-length documentary by award-winning filmmaker Nettie Wild that profiles the struggle to establish Vancouver's safe injection facility. Presentations of the film were followed by well-attended panel discussions featuring local activists, community workers, police, medical officials, and current and former drug users.

The Network also participated actively in the drafting of the "Warsaw Declaration: A Framework for Effective Action on HIV/AIDS and Injection Drug Use," which was adopted at the 2nd International Policy Dialogue on HIV/AIDS on 14 November 2003. Ralf Jürgens, the Network's Executive Director, was one of only three non-governmental representatives at the meeting that brought together participants from transitional, developing, and industrialized countries such as Canada and representatives of international agencies.

The Network's efforts over the coming year and beyond will continue to focus on the critical need for governments in Canada and around the world to step up successful harm reduction interventions that protect public health as well as the human rights of drug users.

For more info, see the Network's website at www.aidslaw.ca/Maincontent/issues/druglaws.htm.



The support that you and the staff have given me throughout the years was very much on my mind as we opened up the safe injection site here in Vancouver yesterday. Your tireless efforts in support of our community with regards to safe injection sites have made my dream come true. It was a very hectic day but I thought of you guys often yesterday as this was just as much your victory as ours. On behalf of myself and the other 4000 addicts in the Downtown Eastside, thank you for all you have done.

– Dean Wilson, Board member,
Vancouver Area Network of Drug Users

Continuing Work on Criminal Law and HIV/AIDS



Media reports throughout 2003/2004 brought ongoing public attention to court cases where criminal charges are brought against HIV-positive people for failing to disclose their HIV status before engaging in sex. Among these was the release, in September 2003, of the Supreme Court of Canada's decision in the *Williams* case, the first criminal case dealing with HIV exposure to reach the Court since the 1998 *Cuerrier* decision.

Media coverage has tended to sensationalize stories of people charged with or found guilty of Criminal Code offences related to HIV transmission, leading to negative perceptions of people living with HIV/AIDS that contribute to a climate of fear and stigmatization.

To equip community-based organizations in understanding the implications of the *Williams* decision, the Network and the Canadian AIDS Society moved quickly in the days following its release to prepare an eight-page background on *HIV Disclosure & the Criminal Law in Canada: Responding to the Media and the Public*. The backgrounder provides community organizations with up-to-date, accurate information on HIV disclosure and Canadian criminal law, with the hope of fostering more balanced media coverage and public discussion of these issues.

The Network also worked extensively with the Canadian AIDS Society and the AIDS Coalition of Nova Scotia in 2003/2004 on the preparation of a comprehensive guide on *Disclosure of HIV Status After Cuerrier: Resources for Community Based AIDS Organizations*. The project involved adapting resource materials originally prepared by the Ontario Advisory Committee on HIV/AIDS (OACHA) for use across Canada.

As part of this project, the Network co-facilitated a workshop held in Halifax in June 2003, where participants provided input on the types of resources people living with HIV/AIDS and community based organizations require in order to address issues of confidentiality of health information, counselling, and HIV disclosure. Additional workshops were held at the Network's 2003 AGM, and at the 4th Canadian HIV/AIDS Skills Building Symposium held in Calgary in November 2003.

Recently published in its final format, the resource guide provides concise, accurate information and practical tools so that people living with HIV/AIDS and community based AIDS organizations can make informed and empowered choices about how to respond to the complex legal and ethical issues related to 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.

As part of the Network's continuing work in this area, it is hoped the resource guide will assist organizations in developing or adapting client confidentiality and record-keeping policies; guidelines for counselling persons living with HIV/AIDS; and client resources about HIV disclosure.

For more info, see the Network's website at www.aidslaw.ca/Maincontent/issues/criminallaw.htm.

Honouring Action on HIV/AIDS and Human Rights

Co-sponsored by the Legal Network and Human Rights Watch and now in their third year, the *Awards for Action on HIV/AIDS and Human Rights* continue to put a much-needed spotlight on 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 International and Canadian recipients of the 2003 Awards have done brave and groundbreaking work to advance human rights in the context of HIV/AIDS.

2003 International Recipient, the AIDS Law Project South Africa (ALP), is the only organization in Africa working exclusively to promote equal rights and justice for people with HIV. Established in 1993 by Judge Edwin Cameron at the Centre for Applied Legal Studies, Wits University, the ALP has set an international standard for action on human rights and HIV/AIDS. With its slogan of "Equality and Justice for All!", the ALP has succeeded in making significant gains for people living with HIV/AIDS and those at risk of HIV infection and human rights abuses, both by providing legal services to people in need and through the pursuit of precedent-setting litigation that has successfully challenged discrimination in employment, health care services and education, and secured changes from major employers and service providers. The organization has also strategically used interventions in legal proceedings between the Pharmaceutical Manufacturers Association of South Africa and the South African government to help place the issue of access to health care in the developing world on the global agenda.

Prison activist Laurence Stocking, recipient of the 2003 Canadian award, was an outspoken advocate for prisoners living with HIV/AIDS and for the health care rights of prisoners in general. Stocking, who died in prison in 1998, was a Peer Educator and Counsellor who worked to raise awareness of HIV and hepatitis C among his fellow prisoners and spoke out in the media to publicize the HIV/AIDS crisis in prisons. With Dr Peter Ford of Queen's University, Stocking helped organize two major HIV and hepatitis C prevalence studies of among prisoners at Joyceville penitentiary in 1993 and 1998. His fearless advocacy for health care rights of prisoners, and his public criticism of the Correctional Service of Canada, won him the respect of both prisoners and the many community-based organizations with whom he worked. It also earned him a reputation within the system as a "trouble-maker," and resulted in various attempts to silence him through threats and punitive sanctions.

The Awards ceremony, held during the opening plenary of the Network's 2003 AGM, offered a moving testament to the courage and commitment of both recipients, with the international award accepted for the ALP by staff member Liesl Gerntholtz, and Laurence Stocking's award accepted by his mother and daughter, Mrs. Ena Stocking and Ms. Chantelle Stocking.

For more info, see the Network's website at www.aidslaw.ca/Maincontent/awards.htm.



L to R: Mrs. Ena Stocking, Chantelle Stocking, Liesl Gerntholtz, and Stephen Lewis

National Advisory Committee

Ralf Jürgens
Thomas Kerr (until March 2004)
Kevin Midbo
Michael Sobota
Kim Thomas
Evan Wood (since April 2004)

International Advisory Committee

Joanne Csete
Liesl Gerntholtz (since March 2004)
Ralf Jürgens
Renate Koch
Sophia Mukasa Monico (until September 2003)
David Patterson (until October 2003)
Meena Saraswathi Seshu
Kasia Malinowska-Sempruch

Communications

I would just like to commend you for the EXTRAORDINARY counter-points you presented during the interview on CBC's "The Current" today. Having just spent a good 10 minutes screaming at my radio listening to the Montreal seminary defend its policy followed by Peter Yeoman's weak (read: non-existent) defense of police exclusion of HIV positive candidates, your clear, simple, point-by-point demolition of this recent surge in HIV-AIDS hysteria was very welcome. I felt my blood pressure return to normal during your discussion.

— Murray B. Hay,
Université Laval, Québec

2003/2004 was another active year in the area of communications and media outreach.

The Network was in the news more than ever before. Canadian and international journalists have frequently called upon us for an informed point of view on a variety of legal, policy, ethical, and human rights topics. Through press conferences and media releases, we have also proactively drawn media attention to many issues including the fight for global access to treatment, proposals for mandatory HIV testing, and the chronic under-funding of the Canadian HIV/AIDS Strategy.

We also actively and persistently lobbied our elected officials, using innovative communications tools such as a briefing kit for MPs on the Amendment to the Patent Act.

In addition, the past year saw the consolidation of the communications team. With three staff members, the team can reach the Network's communications goals more efficiently and effectively.

Other highlights include the redesign of the format of our newsletter, *Network News*, which is now distributed every two months in both its web and print versions, keeping members aware of what we do. The Network's web site continues to make our publications more widely available to people across Canada and around the world, with site traffic to www.aidslaw.ca reaching 43,000 unique users per month. A redesign of the home page keeps visitors up-to-date on the Network's latest news, events, campaigns, and publications.

We continue to receive positive feedback about our efforts to make difficult and complex information on legal, ethical, and policy issues easily accessible and understandable, and over the past year have distributed thousands of copies of both newly-released and previously published papers and info sheets.

Acknowledgments

The generosity of our supporters ensures the success of our programs and projects. Without them, we could not accomplish our work.

We gratefully acknowledge all individual contributions received during the 2003/2004 fiscal year. Many of our individual donors have requested to remain anonymous. Other donors include: Joan Anderson, Sam Avrett, Line Beauchesne, Philip Berger, Garry Bowers, William Bromm, Diana Bronson, Dave Burrows, Marie-Claude Chartier, Alan Conter, Éric Descoteaux, Josée Dussault, Jean Dussault, Dionne Falconer, John Foster, Mark Gallop, Carole Grisé, William Karchner, Guy Milner, Sheila Norquay, John Plater, June Pond, Jeffrey Richstone, Stephanie Sebaski, Jan Skirrow, Nicola Stein, Lori Stoltz, Rachel Ntanga Tshibwabwa, Mark Wojcik, and Alan Wood.

Their donations have allowed us, among other things, to support a scholarship program for attendants of our Annual General Meeting; to present the Awards for Action on HIV/AIDS and Human Rights; and to work to ensure that Canada would amend its Patent Act.

We would like to acknowledge the following contributions during 2003/2004 from pharmaceutical companies: Bristol-Myers Squibb contributed to the scholarship funds for the AGM and for a number of skills building workshops; Abbott Laboratories Limited contributed to the AGM scholarship fund; and GlaxoSmithKline in partnership with Shire BioChem contributed to the welcoming reception of the AGM.

Many thanks to our landlord, Mr Denis Leblanc, for donating part of our rent. We would also like to thank C&G Graphics and Notabene Communications for the generous donation of their services.

For their support of Network projects and programs, particular thanks go to:

- Health Canada, which provided core and project funding under the Canadian Strategy on HIV/AIDS;
- the following other government funders: the International Affairs Directorate, Health Canada; the Canadian International Development Agency; Human Resources Development Canada; the Ontario AIDS Bureau; and the Québec Ministry of Health and Social Services;
- other Canadian donors and supporters: the Bealight Foundation; Rights and Democracy; The Somerset Foundation; the John Howard Society of Canada; the Tides Foundation; the BC Centre for Excellence in HIV/AIDS; and the Council of Canadians; and
- international funders: International Harm Reduction Development, Foundation Open Society Institute; the International AIDS Vaccine Initiative (IAVI); the Joint United Nations Programme on HIV/AIDS (UNAIDS); the WHO-UNAIDS HIV Vaccine Initiative; the Caribbean Community (CARICOM); International Partnership for Microbicides (IPM); the Hilda Mullen Foundation; Human Rights Watch; and Prison Reform International.

Canadian HIV/AIDS Legal Network, Inc.
Financial Summary for the Fiscal Year Ending March 31, 2004

Financial Position

	2004	2003
Current Assets		
Cash	\$ 320,888	\$ 94,189
Money market fund	9,183	9,025
Accounts receivable	36,070	42,305
Contributions and grants receivable	116,490	300,147
Prepaid Expenses	7,529	8,057
	<u>490,160</u>	<u>453,723</u>
Capital Assets	2,156	9,270
	<u>\$ 492,316</u>	<u>\$ 462,993</u>
Current Liabilities		
Accounts payable and accrued charges	\$ 227,147	\$ 203,287
Deferred revenue	11,614	10,422
Deferred grants	171,360	169,060
Deferred restricted donation	5,290	9,103
	<u>415,411</u>	<u>391,872</u>
Net assets		
Invested in capital assets	2,156	9,270
Unrestricted net assets	74,749	61,851
	<u>76,905</u>	<u>71,121</u>
	<u>\$ 492,316</u>	<u>\$ 462,993</u>

Operations

	2004	2003
Revenue		
Memberships	\$ 19,008	\$ 18,505
Contributions and grants	1,617,385	1,299,079
Donations	32,330	47,630
Miscellaneous	3,256	2,386
Interest	230	140
	<u>\$1,672,209</u>	<u>\$1,367,740</u>
Expenses		
Operational Funding	\$ 442,647	\$ 459,397
Legal and Ethical Issues Project	424,659	376,031
Capacity Building Among Lawyers	35,048	74,230
Community Mobilization against Stigma and Discrimination	101,425	-
Cuerrier Follow-up	22,875	-
Other Network Activities - Canada	92,346	42,859
International AIDS Conference Satellite	24,578	81,681
CARICOM Project	45,681	37,947
Kenya and Zambia Project (CIDA)	194,381	49,356
HIV Vaccine Research & Advocacy	46,672	30,092
HIV/AIDS in Prisons in Eastern Europe and fSU	64,845	-
Treatment, Vaccine and Microbicide Collaboration	120,091	-
International Vaccine Workshop	3,281	50,987
Other Network Activities - International	47,896	171,452
	<u>\$1,666,425</u>	<u>\$1,374,032</u>
Excess of revenue over expenses (Deficiency)	<u>\$ 5,784</u>	<u>\$ (6,292)</u>

Audited financial statements are available upon request.