

Network news

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The Legal Network's 2005 annual general meeting was held in partnership with the Interagency Committee on AIDS and Development (ICAD) for the second consecutive year in Montréal from September 9–11. Legal Network and ICAD members attended joint opening and closing sessions and workshops, and organized their respective membership meetings to allow members of both organizations to attend both meetings.

The Friday-night opening session featured a keynote speech by **Juanita Altenberg**, Executive Director of the Maxi Linder Association of Suriname, an organization that supports sex workers in that Caribbean nation. Ms. Altenberg described the empowering solidarity of sex workers in Suriname and their success, still incomplete, in fighting against police abuse, stigma and other human rights violations. She went on from Montréal to visit AIDS Edmonton, which has a staff exchange project with the Association.

The Awards for Action on HIV/AIDS and Human Rights were also presented at the Friday night session. The winner of the international award was **Alexander Tsekhanovich**, Director General of Humanitarian Action of St. Petersburg, Russia. He described the challenge of being the first organization in Russia to provide sterile syringes, and a wide range of other services, to people who use drugs and to sex workers. Humanitarian Action's groundbreaking work has been a model for HIV prevention in St. Petersburg and beyond, and has also brought to light the previously hidden HIV/AIDS epidemic among street children in Russian cities.

Mr. Tsekhanovich and Joanne Csete travelled to Ottawa, where he gave a presentation on HIV/AIDS in Russia to 10 staff members of the Canadian International Development Agency, Health Canada, Foreign Affairs Canada and the Open Society Institute. Mr. Tsekhanovich also visited Montréal and met with Médecins du Monde Canada, Stella and CACTUS Montréal (the Centre d'action communautaire auprès des toxicomanes utilisateurs de seringues). He went on to New York City and Washington, D.C., where he gave additional public talks and engaged with prospective supporters of Humanitarian Action's work.

The winner of the Canadian award was **Albert McNutt**, who inspired the Network and ICAD members with an account of his journey from bereaved lover of a person who died of HIV/AIDS



International Award recipient: Alexander Tsekhanovich



Canadian Award recipient:
Albert McNutt

to outstanding HIV/AIDS educator and activist. Mr. McNutt's persistent and courageous work is a model for bringing HIV/AIDS issues and services to underserved rural communities. He has also been a leader in the struggle for equal benefits for same-sex couples.

At the Legal Network's **business meeting**, several members raised concerns about the consolidation of the Legal Network's two offices into one office in Toronto. Board members and staff emphasized that the concerns of the membership in Quebec would continue to be central to the Legal Network's work. The membership passed a resolution offered by David Thompson instructing the Board of Directors to study the Legal Network's allocation of time and resources to issues of relevance to Quebec, the civil law tradition characterized by Quebec law, and francophone countries beyond Canada. The Board should report the results of its study at the next AGM.

Three Legal Network **workshops** on Friday and Sunday were very well attended and, according to participant evaluations, well received. The workshops were presented by Richard Pearshouse (model legislation), Glenn Betteridge and Joanne Csete (criminalization of sex workers and the impact on their human rights), and Ralf Jürgens, Darlène Palmer, and the Vancouver Area Network of Drug Users' Dean Wilson and Greg Liang (greater involvement of people who use drugs). ICAD presented an all-day workshop on gender and HIV/AIDS on Friday.

The closing session on Sunday was a stimulating discussion in which selected participants reported back from the workshops and **Michael Smith** of the Public Health Agency of Canada responded to the concerns raised in workshop discussions. **Claire**

Thiboutot, Executive Director of Stella (Montréal), offered a well-conceived program of action for government and civil society groups to put sex workers' human rights on the front burner in Canada. **Walter Cavalieri**, Director of the Canadian Harm Reduction Association, shared insights from his experience on the challenge of non-tokenistic participation of people who use drugs in policy and program decision-making. **Idah Mukuka**, a senior counsellor at the Chelstone Clinic in Lusaka, Zambia and a visiting scholar at St. Francis Xavier University's Coady International Institute in Antigonish, Nova Scotia, related the experiences of Zambian women living with HIV/AIDS and the relentless human rights abuses faced by those affected by HIV/AIDS in her country. In response, Mr. Smith emphasized that the new Federal Initiative to Address HIV/AIDS in Canada would bring a particular focus to specific vulnerable populations in Canada, as well as to the human rights of those living with HIV/AIDS. He highlighted the central role of civil society organizations in moving the Federal Initiative forward.



Opening plenary guest presenter: Juanita Altenberg, Executive Director of the Maxi Linder Association (Suriname)

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Editor: Leon Mar
Layout: Mélanie Paul-Hus
Translator: Josée Dussault

Contributors: Glenn Betteridge, Joanne Csete
Richard Elliott, Richard Pearshouse

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Canadian HIV/AIDS Legal Network
1240 Bay Street, Suite 600, Toronto, ON M5R 2A7
Tel: +1 416 595-1666 Fax: +1 416 595-0094
www.aidslaw.ca info@aidslaw.ca



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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Legal Network discusses model legislation project in Vilnius

Over the last few months, the Legal Network has drafted model legislation that incorporates relevant human rights principles and is informed by the few examples of countries that have passed progressive laws surrounding drug policy and harm reduction services. The model legislation would enable a variety of harm reduction services, including opioid substitution treatment, sterile syringe programs and safe drug consumption facilities. It also addresses stigma and discrimination faced by people who use drugs, and covers criminal law reforms related to the legal status of controlled substances and alternative sentencing measures to explore alternatives to incarceration. One chapter of the model legislation specifically addresses HIV issues (and other blood-borne pathogens) and drug use in prisons.

As an important step in the development of the model legislation, the Legal Network recently held a two-day meeting in Vilnius, Lithuania. The draft version of the model legislation was discussed over two days in November by a

group of 20 legal experts, harm reduction advocates and government representatives from Russia, Ukraine, Tajikistan, Georgia, Kyrgyzstan, Kazakhstan, Hungary, Slovenia, Bulgaria and the Czech Republic.

Senior policy analyst Richard Pearshouse, the model legislation project leader, and deputy director Richard Elliott represented the Legal Network. The group provided feedback on the draft, and creative insights into how it could more directly address HIV and drug policies in these countries. The meeting was funded by the Canadian International Development Agency's Conference Secretariat and the Open Society Institute's International Harm Reduction Development Program. The model legislation will eventually focus on law reform advocacy on a number of these issues in countries where the HIV epidemic is driven by injection drug use, but where the rights of people who use drugs are routinely violated.

More information about the model legislation project can be found at www.aidslaw.ca/Maincontent/issues/model-legislation.htm.

Network staff share ideas and mentoring at Skills Symposium

Four Legal Network staff members and several board members constituted a strong delegation to the 5th Canadian HIV/AIDS Skills Building Symposium in Montréal from October 27–30. The Legal Network took great pride in the selection of board vice-president **Darlène Palmer** as this year's keynote speaker. Darlène's inspiring talk to several hundred delegates reflected her own life experiences and her insights as an activist. She urged delegates to keep the dignity and human rights of all people at the forefront of their research and service delivery.

Communications assistant **Mélanie Paul-Hus** took part in the organization of a one-day youth-only event attended by over 40

participants from across Canada. This event was a unique opportunity to meet with peers and discuss the need for greater youth representation among community-based AIDS organizations. Through workshops and group activities, participants reaffirmed their responsibility in identifying priorities in the fight against HIV/AIDS and in the allocation of resources and services aimed at, and designed for, youth. All expressed hope that this satellite event will see its funding secured in order to become an integral part of the symposium.

Senior policy analyst **Glenn Betteridge** gave a comprehensive and well-attended presentation on the Legal Network's analysis of the impact

The presentations and resource materials will be made available on the Network's Web site, www.aidslaw.ca

of sex-work related provisions in the Canadian *Criminal Code* on sex workers' human rights, building on the workshop he and Joanne Csete facilitated at the Legal Network's annual general meeting in September. Glenn reviewed the relevant *Criminal Code* provisions and related jurisprudence, summarized research on human rights abuses faced by sex workers in Canada, and presented recommendations for amendments to the *Criminal Code* that would, in the Legal Network's view, improve the human rights of sex workers. Glenn emphasized the need to regard sex work as legitimate work and to afford sex workers full legal protection under Canadian human rights and workplace laws.

Board treasurer **Ruth Carey** and Glenn teamed up for a three-hour workshop on health-care advocacy for prisoners living with, or at risk of, HIV/AIDS. The presentation drew on the experience that Ruth and Glenn have gained as lawyers and advocates providing front-line services to prisoners. It also provided a practical health and human rights focus: While prisoners in Canada are entitled to the same standard of health care available in the community at large, this guarantee is rarely realized. Ruth and Glenn reviewed the legal obligations of Canadian prison authorities, and practical strategies that front-line workers can use when advocating for clients' access to pain medication, methadone maintenance therapy, and uninterrupted access to anti-retroviral medications, nutritious food and appropriate clothing. Ruth and Glenn prepared a collection of letters, cases and complaints, as well as a compendium of the relevant federal and provincial laws that govern prisons, all of which can be used by front-line workers. The presentation and resource materials will be made available in the HIV/AIDS in Prisons section of the Legal Network's Web site.

Senior policy analyst **Richard Pearshouse** teamed up with **Raffi Balian of COUNTERfit**, a harm reduction program for injection drug users in Toronto's South Riverdale neighbourhood, to give a presentation on the legal status of harm reduction services in Canada. The presentation covered a number of different harm reduction services, but concentrated on one particularly prominent matter: the legal issues surrounding the distribution of kits for safer crack smoking. Raffi shared his experiences establishing a

program to distribute the kits and Richard provided an overview of how Canadian law is not an insurmountable impediment to such distribution. Both presenters suggested that Canadian law could do more to provide legal protections for such programs and their clients. The presentation also provided the audience with a variety of practical advocacy resources, and finished with Raffi explaining the use of safer crack smoking kits.

Joanne Csete was a speaker in three sessions at Skills. She kicked off a satellite event, organized by the International Affairs Directorate of Health Canada, with a whirlwind introduction to human rights ideas related to HIV/AIDS. This introduction was loosely based on Joanne's article on the same subject in the April 2005 issue of the *HIV/AIDS Policy and Law Review*. In a well-attended session in the main auditorium, she was part of a panel on the use of language and HIV/AIDS, chaired by Darlène Palmer and featuring former Legal Network staffer **Maria Nengeh Mensah**, professor of social work at the Université du Québec à Montréal, and Vancouver-based author **Francisco Ibanez-Carrasco**. Joanne used examples from media reports and United Nations documents to suggest that words have the power to facilitate or mitigate human rights abuses related to HIV/AIDS. Finally, Joanne led an active audience through the analysis and conclusions of the Legal Network's recent analysis of women's human rights and HIV/AIDS in Canada.

Board president **Le-Ann Dolan** was also an active participant at Skills, leading a session on her remarkable work on the training of human rights workers at AIDS Calgary, and chairing a major session on systemic inequalities in HIV/AIDS and how communities can address them.

Former executive director **Ralf Jürgens**, along with board vice-president **Darlène Palmer** and **Ann Livingston** of VANDU (Vancouver Area Network of Drug Users), presented the work he has led for the Legal Network on greater involvement of people who use drugs in programs and policies affecting them.

The Legal Network in the news

Two recent high-profile criminal cases sparked a flurry of media opportunities for deputy director Richard Elliott and senior policy analyst Glenn Betteridge.

In October, Trevis Smith, a 29-year-old linebacker for the Canadian Football League's Saskatchewan Roughriders, was charged with aggravated sexual assault of a British Columbia woman. This led to a live national television appearance by Glenn on *CBC News: Today* on November 3. Two hours later, he fielded questions on the human rights issues surrounding HIV and privacy on *The Noon Edition*, a one-hour province-wide call-in show on CBC Radio One in Saskatchewan. Glenn also spoke on this topic to the *Edmonton Sun*, Vancouver's *Xtra West*, and New York City-based *POZ* magazine.

In November, a judge in Hamilton, Ontario ruled that there was enough evidence to send 49-year-old Johnson Aziga to trial for first-

degree murder. Aziga allegedly infected two women who later died. On November 16, Richard was interviewed by Anna Maria Tremonti on CBC Radio One's *The Current*, along with University of Western Ontario law professor Winifred Holland. (To listen to the interview, visit www.cbc.ca/thecurrent). Richard was also a guest on *Here and Now*, a drive-home show on CBC Radio One in Ontario, and was quoted in stories in *The Globe and Mail* and in various major dailies across Canada through a Canadian Press newswire story.

Finally, the federal government's new initiative to open tattoo parlours in federal prisons resulted in a front-page *National Post* article on November 11 quoting Glenn, as well as an interview by *The New York Times*.

These examples highlight the Legal Network's increasing profile among media outlets on legal and human rights questions on HIV/AIDS.

Report focuses on greater involvement of people who use drugs

In consultation with people who use drugs and other experts, the Legal Network, VANDU (Vancouver Area Network of Drug Users) and CACTUS Montréal have finalized a report on the right of people who use drugs in Canada to greater involvement in decision-making on policies and programs that affect them.

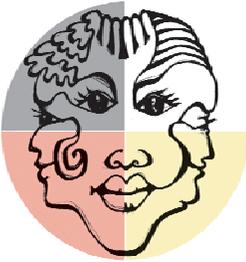
Drawing parallels to the 20-year effort to ensure greater involvement of people living with HIV/AIDS in decision-making, the report develops the human rights justifications for involving people who use drugs in education and information programs, policy consultations, and service provision, including HIV/AIDS prevention and care. It also includes the dos and don'ts of non-tokenistic involvement of people who use drugs, like inviting people who are active users (not just former users) to participate in meetings and policy dialogues, inviting more than just one person, ensuring compensation when people who use drugs are included in meetings, and choosing meeting places in which people who use drugs can be comfortable.

An accompanying booklet summarizes the main issues addressed in the report. It also contains a manifesto written by people who use drugs, and describes the achievements of two organizations of people who use drugs.

The report, booklet and its manifesto resulted from an extensive consultation with about 100 people who use drugs in Canada and others who work on services or programs related to drug use. The informed consent of people who use drugs was sought for their participation and their anonymity was assured. This work also benefited from having a project advisory committee that represented VANDU, CACTUS Montréal, AIDS service organizations, and federal and provincial/territorial governments. Former Legal Network executive director Ralf Jürgens spearheaded the process. The Legal Network and the project partners will disseminate these materials widely, and seek opportunities with AIDS service organizations and other stakeholders to use and evaluate them.



Blueprint for Action on Women and HIV/AIDS: Towards 2006



If you are interested in participating in Blueprint, please contact Kim Thomas at the Canadian AIDS Society by telephone at 1 800 499-1986 ext. 121, or by e-mail at: kimt@cdnaids.ca.

Thirteen months after its founding, the **Blueprint for Action on Women and HIV/AIDS: Towards 2006** has grown from a small group of representatives from five organizations to a thriving coalition of over 60 organizations and numerous individual members. In April, the Blueprint hosted a national meeting in Ottawa, where 30 participants came together to ratify the Blueprint's agenda and begin identifying areas for advocacy over the coming year. In addition to a conference committee planning for the upcoming International AIDS Conference held in Toronto in August 2006 and a communications committee, there are four committees addressing a broad range of topics:

- Care, treatment, support, prevention and diagnosis
- Research on women's health and social issues
- Public policy, legal, ethical, human rights and determinants of health
- Stigma and discrimination

These committees will identify priorities and the required responses from governments, corporations and individuals to address these priorities. This will give the Blueprint the opportunity to seek a response to these needs and prepare a report that will be released at AIDS2006.

In preparation for the International AIDS Conference, the Blueprint has begun advocating for the full integration of women's issues into the conference, as well as gender parity among presenters (both invited and in abstract selection processes) and in the granting of scholarships. To date, Blueprint members have met with representatives of the Toronto Local Host and have received positive feedback indicating that there is support for gender equity within the conference planning process.

The conference committee will continue to monitor and push this agenda to ensure that women's issues are well represented at Toronto 2006.



Inside the Network

Network welcomes new staff, says farewell to others

The Legal Network was pleased to welcome a new director of communications in October. **Leon Mar** joins us from the Government of Ontario's Democratic Renewal Secretariat. Previously, Leon worked for the Senate of Canada and PricewaterhouseCoopers LLP (Canada). Leon replaces Thomas Haig, who took an exciting senior position at Séro Zéro in Montréal.

We are also pleased to welcome administrative assistant **Vajdon Sohaili**, who has taken over a number of program support duties. A recent transplant from Los Angeles and prior to that Zimbabwe, Vajdon comes to us with strong and varied experience in program support and

a welcome commitment to justice and human rights.

The Legal Network said *au revoir* to three staff members following the closing of the Montréal office. Community development officer Elana Wright left the Legal Network in August to become the university liaison for Rights & Democracy, a human rights organization based in Montréal.

Jenn Nicholls and Natalie Morin, both on the Program Support team, also found other opportunities in Montréal. We wish all of them the very best in their new professional endeavours.

Ukrainian research fellows join Legal Network

The Legal Network is proud to be hosting two Ukrainian research fellows in November and December 2005. Over six weeks, the fellows will undertake research related to their professional activities in Ukraine.

Kseniya Shapoval was working until recently as Executive Director of the Ukrainian Harm Reduction Association. In October 2005, she established a new organization, the Open Institute of Public Health, which will work on developing public health policy in Ukraine. The organization will also monitor the activities of the Global Fund to fight AIDS, Tuberculosis and Malaria, the World Bank and the Government of Ukraine. While in Toronto, Kseniya's knowledge regarding the state of drug policy and harm reduction services in Ukraine will undoubtedly be invaluable to the Legal Network's model legislation project. Kseniya will also help to develop a plan for implementing parts of the model legislation in Ukraine.

Vlad Klisha is an official with the State Department of Ukraine for Enforcement of Sentences. Vlad will be working on ways to address the legal and policy barriers facing harm reduction services in Ukrainian prisons. In particular, Vlad will research issues surrounding prison needle exchange programs and will draft the necessary legal instrument for implementing needle exchange programs in Ukrainian prisons. Based on international best practices, he will also develop the draft legislative and/or regulatory and policy framework required for implementation of needle exchange in Ukrainian prisons. It is anticipated that the State Department will undertake pilot prison needle exchanges at two sites early in 2006.

The Legal Network welcomes Vlad and Kseniya and hopes that they will enjoy their time in Canada.



Kseniya Shapoval and Vlad Klisha

Legal Network Board elections

The results of Legal Network Board elections were announced at the annual general meeting in September. We are pleased to welcome new Board members Denise Becker, James Burns and David Olson, all of whom have made distinguished contributions as HIV/AIDS activists and experts.

Denise Becker is the founder the Hummingbird Kids Society of Burnaby, British Columbia, which assists children living with, or affected by, HIV/AIDS. She is a board member of the British Columbia Persons With AIDS Society (BCPWA) and a founding member of Children and AIDS International NGO Network. She has also represented people living with HIV/AIDS at the Pacific AIDS Network and the Canadian AIDS Society. She is a regular speaker in the media, at schools and in health care settings, and is known for her contribution to the "Last Blast" column in BCPWA's *Living Positive* magazine. Denise was awarded the Queen's Jubilee Medal for her service to communities affected by HIV/AIDS.

Lawyer **James Burns** has been on the Board of Directors of AIDS New Brunswick since 1999, having served two terms as its vice-president. He chairs AIDS New Brunswick's Recruitment and Retention Committee and also spearheaded the formation of a health and wellness committee composed of people living with HIV/AIDS. He is a member of the Law Society of New Brunswick and is a senior policy advisor with the New Brunswick Department of Justice, working on a range of issues that include criminal law, Aboriginal law, legal aid, family violence and justice for youth.

David Olson, also a lawyer, has been a member of the Ontario Bar Association since 1991. After learning that he was HIV-positive soon after being admitted to the bar, he became active with the AIDS Committee of Ottawa, first as a volunteer and later as a board member. He later volunteered with the AIDS Committee of Toronto (ACT) and the Toronto People With AIDS Foundation, and made presentations to ACT's donors and the City of Toronto's Budget Advisory Committee. He

also worked for Community Research Initiative of Toronto, a community-based HIV/AIDS research organization, where, among other activities, he helped to develop a medicinal marijuana research protocol. David is currently in law practice with the firm of Jordan Battista LLP. In his practice, he has represented HIV-positive refugee claimants from numerous countries, as well as Canadians living with HIV/AIDS, in landlord-tenant matters and other human rights cases.

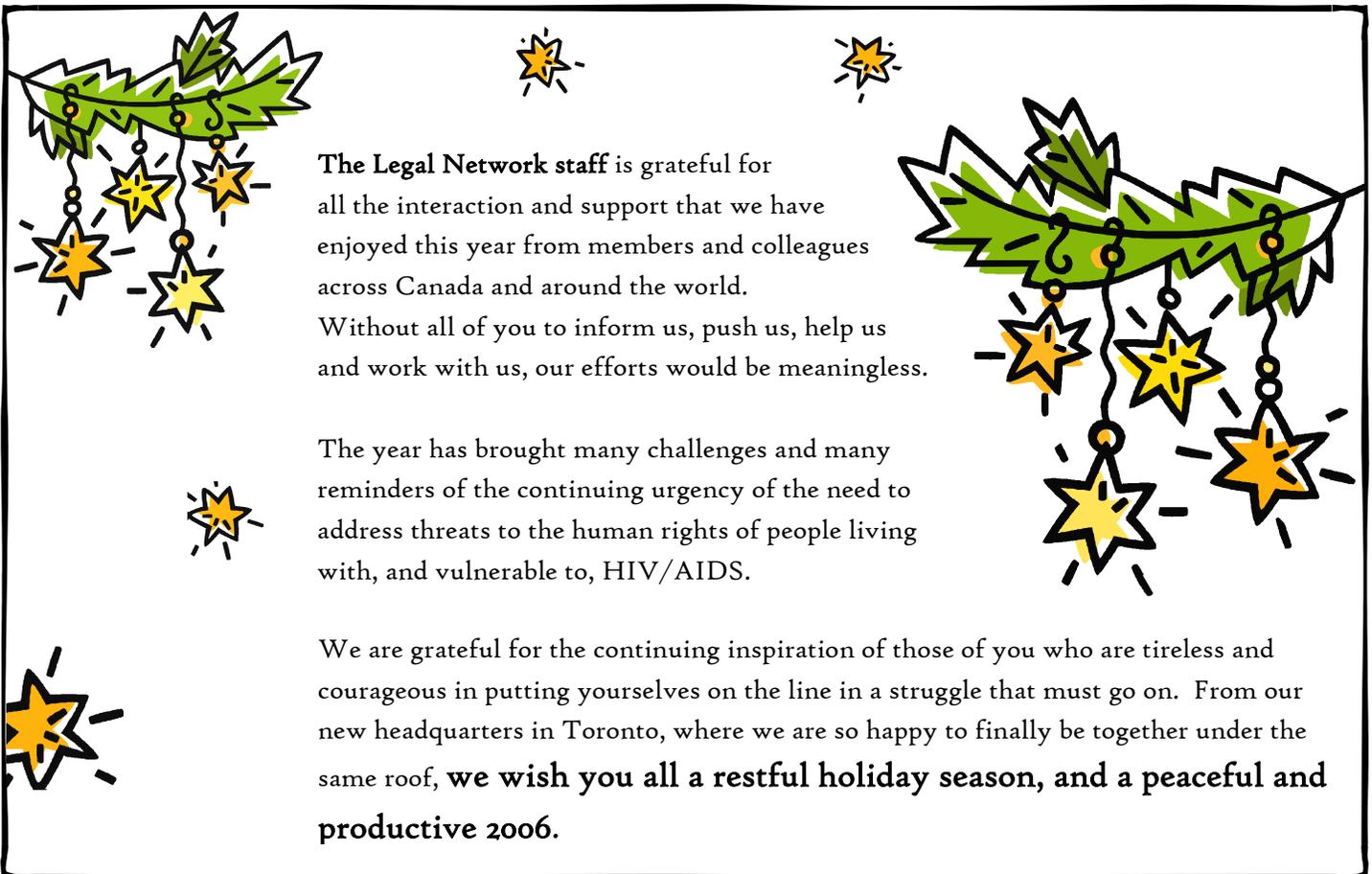
As of September 2005, the officers of the Board are Le-Ann Dolan, President; Darlène Palmer, Vice-President; Ruth Carey, Treasurer; and Stefan Matiation, Secretary.

The Board was sorry to say goodbye to outgoing president Kevin Midbo, and departing board members Jacqueline Gahagan of Dalhousie University and Laverne Monette of the Ontario Aboriginal AIDS Strategy. We thank them for their service to the Legal Network.



New Resources

- HIV/AIDS Policy & Law Review 10(2)
www.aidslaw.ca/Maincontent/otherdocs/Newsletter/vol10no22005/issue.htm
- Annual Report 2004/2005
www.aidslaw.ca/Maincontent/internaldocs/annreport/annreport0405.pdf
- 2005 Awards for Action on HIV/AIDS and Human Rights Brochure
www.aidslaw.ca/Maincontent/awards/e-brochure2005.pdf



The Legal Network staff is grateful for all the interaction and support that we have enjoyed this year from members and colleagues across Canada and around the world. Without all of you to inform us, push us, help us and work with us, our efforts would be meaningless.

The year has brought many challenges and many reminders of the continuing urgency of the need to address threats to the human rights of people living with, and vulnerable to, HIV/AIDS.

We are grateful for the continuing inspiration of those of you who are tireless and courageous in putting yourselves on the line in a struggle that must go on. From our new headquarters in Toronto, where we are so happy to finally be together under the same roof, **we wish you all a restful holiday season, and a peaceful and productive 2006.**