

Respect. Protect. Fulfill.

Working on the legal and human rights issues raised by HIV/AIDS

2005-2006 ANNUAL REPORT



Canadian
HIV/AIDS
Legal
Network

Réseau
juridique
canadien
VIH/sida

“It is imperative that the HIV/AIDS crisis be understood in human rights terms. An explicitly rights-based direction is a powerful force for progress against the pandemic. The Legal Network has been a global leader in advancing the cause of protecting, respecting and fulfilling the rights of people affected by and living with HIV/AIDS.”

—Stephen Lewis, United Nations Secretary-General’s Special Envoy for AIDS in Africa

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Message from the President and the Executive Director

The more things change, the more they stay the same.

In 2005–2006, we put this aphorism to the test — and in many ways we found it to be true.

The Canadian HIV/AIDS Legal Network was founded in Montréal in 1992. Seven years later, it opened an office in Toronto, firmly establishing its presence in Canada's two largest cities. But six years on, after countless long-distance phone calls and five-hour train rides, a forest's worth of faxes and an unimaginable volume of e-mail, it was clear that the time for consolidation had come. And so, as of October 2005, our staff members are finally working side by side and face to face in the Legal Network's new Toronto office.

Unfortunately, many of the issues on which we work saw far too little change. HIV/AIDS-related human rights violations seemed not to diminish in volume or severity. The number and diversity of individuals and organizations from across the country and around the world seeking assistance from us remained distressing. Whether they turned to us for our views of legal analyses and human rights arguments, our advice on advocacy strategies, or our interpretation of court decisions, one couldn't help but be awed by the variety, complexity and scope of human rights battles being waged in the fight against AIDS.

Through all of this, however, our commitment remains constant — to turn evidence-based research on HIV/AIDS-related issues into action that is firmly grounded in sound legal analysis and human rights principles, and to do so by working in solidarity with our members, partners and stakeholders, whose experiences both inform and inspire us.

The unique perspectives of Denise Becker, Carolann Brewer, Jim Burns and David Olson were welcome additions to our board of directors. And, as always, it was with

great gratitude and humility that we thanked outgoing board members Kevin Midbo, Jacqueline Gahagan and LaVerne Monette for their dedicated service and exemplary contribution.

Six professionals chose to come to the Legal Network and to devote themselves to our cause. With the addition of Alana Klein and Leah Utyasheva, the Policy Unit grew by two lawyers; Leon Mar and Vajdon Sohaili joined us to form the new Communications Unit; and Taslim Madhani and Doriana Schiavi became part of the Program Support Unit.

Whether talking on the phone with someone recently released from prison in Quebec, addressing United Nations meetings in Geneva or New York, conducting a workshop for front-line AIDS organizations in Alberta, being interviewed by a journalist in Nova Scotia, or answering e-mail enquiries from a civil society organization in Kyrgyzstan, we're working to promote the human rights of people living with or vulnerable to HIV/AIDS, in Canada and internationally. And now, more than ever, we're doing it together.

The pages that follow summarize our work from April 1, 2005 to May 31, 2006. We invite you to read them and to learn more about us, our issues and our work.



Le-Ann Dolan
President



Joanne Csete
Executive Director

Our Work

Unjust laws and policies and violations of human rights continue to worsen the impact of HIV/AIDS.

We work to bring about a world in which

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

The following are highlights of our work in Canada and around the world between April 1, 2005 and May 31, 2006.

Drug Policy and Harm Reduction

In April 2006, the Legal Network released a briefing paper, “Mandatory Minimum Sentences for Drug Offences: Why Everyone Loses,” calling on the newly sworn-in federal government to refrain from introducing **mandatory-sentencing policies**. The paper, a related news release and a myth-busting backgrounder were sent to key federal members of Parliament and cabinet ministers, as well as provincial and territorial ministers of health and justice. An action alert was also sent to subscribers of the Legal Network’s e-mailing list, AIDSPOLICYLAW.

Nevertheless, just two weeks later, federal Justice Minister Vic Toews introduced **Bill C-9**, *An act to amend the Criminal Code (conditional sentence of imprisonment)*, which would apply to certain drug offences. C-9 would remove the option of conditional sentencing in cases involving trafficking (or possession for the purposes of trafficking) and the importing, exporting or production of certain controlled substances, including heroin and cocaine. (It would not apply in cases involving possession.) The result: anyone sentenced to a term of imprisonment for such an offence would have to serve time in prison. The reality: those who will most commonly end up being charged with drug trafficking and who will bear the brunt of tougher sentences for any drug-dealing won’t be large-scale traffickers. Instead, it will be people who are addicted, and involved in small-scale, street-level drug distribution to support their addictions.

The Legal Network is monitoring the passage of C-9 through Parliament and is tentatively scheduled to appear as a witness before the House of Commons Standing Committee on Justice and Human Rights, which will study C-9 in September or October 2006.

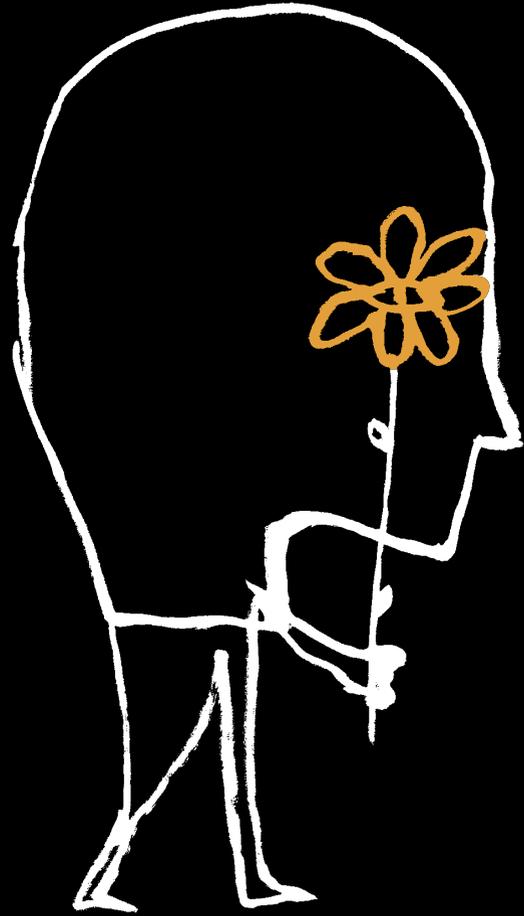
In November 2005, as part of its work to promote **human rights-based drug laws** around the world, the Legal Network held a two-day meeting in Vilnius, Lithuania to discuss a draft version of its model legislation on drug policy and harm reduction services. A group of 20 legal experts, harm reduction advocates and government representatives from Russia, Ukraine, Tajikistan, Georgia, Kyrgyzstan, Kazakhstan, Hungary, Slovenia, Bulgaria and the Czech Republic joined

senior policy analyst Richard Pearshouse and deputy director Richard Elliott to provide feedback on the draft, as well as 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 and the Open Society Institute. Activists in a number of countries are beginning to use provisions of the model law tool in their legal reform work.

In October 2005, the Legal Network publicly supported the visionary report and recommendations released by the **Toronto Drug Strategy** Advisory Committee. “In adopting the recommended strategy as policy, the City of Toronto would distinguish itself as having a drug policy based on sound empirical evidence, informed public health principles and respect for human rights,” said the Legal Network in an open letter to Toronto City Council. The report was adopted in December 2005.

In November 2005, another open letter from the Legal Network, this time to then-mayor-elect Sam Sullivan, deplored a **crackdown by the Vancouver Police Department** on people who use drugs in public places other than Insite, the city’s safe injection facility. “Opening a safe injection site in Vancouver ... was a huge step forward. Insite has helped people who use drugs by providing a place where the harms of drug use can be addressed compassionately by supportive health care workers. What the Vancouver police are doing now is taking two steps back, by turning a harm reduction service into a law enforcement tool,” said the Legal Network in a news release accompanying the letter.

In May 2006, the Legal Network made a splash at the **17th International Conference on the Reduction of Drug-Related Harm** in Vancouver with its groundbreaking 2005 report, *Nothing About Us Without Us: Greater, Meaningful Involvement of People Who Use Illegal Drugs*. Each conference delegate received a copy of the report, thanks to funding from the Public Health Agency of Canada. Keynote speakers referred repeatedly to the report and its key messages, and the report’s principal author, Ralf Jürgens (the Legal Network’s former executive director and co-founder), received a rousing ovation.



Respect

In addition, at the behest of conference organizers, the Legal Network convened a major session on the human rights of people who use drugs. Over 500 people attended this session, moderated by executive director Joanne Csete and featuring outstanding presentations from two Canadian and two international experts:

- John Richardson, Executive Director of Vancouver's Pivot Legal Society (a Legal Network member), passionately recounted efforts to assist the most marginalized people of Vancouver's Downtown Eastside in asserting their rights and protecting them from police harassment.
- Beverly Froese of the Winnipeg-based Public Interest Law Centre impressed the audience with a blow-by-blow account of winning the right to methadone in Canadian prisons through the use of human rights arguments.
- Dirk Schaeffer of the German organization JES (Junkies, Ex-users, and people in Substitution treatment) described successful efforts to improve health and social services for people who use drugs and to ensure their voice is heard around the policy table.
- Thai activist Paisan Suwannawong gave a moving account of the need to assert the right of people who use drugs to humane treatment for addiction, drawing on his own and his colleagues' experiences.

Also at the conference, senior policy analyst Richard Pearshouse gave two presentations on the right of people who use drugs to assisted injection in supervised injection facilities — a crucial matter for many women, new injectors, and people with disabilities. Insite, Vancouver's supervised injection facility, does not permit assisted injection. (This is the result of restrictions in the exemption provided to Insite by the federal Minister of Health. The exemption protects Insite's operators and users from criminal prosecution under drug laws.)

Outside of the conference, the Legal Network also participated in the inaugural meeting in Vancouver of the **Canadian Coalition of People Who Use Drugs**. This meeting laid the groundwork for the organizational structure and functioning of this new coalition, which will serve as a national voice and focus of support for people who use drugs. Darlène Palmer, Vice President of the Legal Network's board of directors, was a key player in planning the meeting.

Richard Pearshouse spoke again on the subject of Insite later in May at the **15th Annual Canadian Conference on HIV/AIDS Research** in Québec City, this time presenting an analysis of the criminal and civil liability faced by those who assist others in injecting drugs. At the same conference, Ralf Jürgens delivered a poster presentation on *Nothing About Us Without Us*.

Later in May 2006, executive director Joanne Csete, and senior policy analysts Richard Pearshouse and Leah Utyasheva participated in the **Eastern Europe and Central Asian AIDS Conference** in Moscow, the first such conference in the region. The Legal Network hosted a satellite meeting to discuss various legal and law enforcement barriers to comprehensive HIV/AIDS and harm reduction services in central and eastern European countries and those of the former Soviet Union. Richard delivered a presentation on the Legal Network's model legislation project, using the opportunity to promote the draft version of the document, which is currently being prepared for publication. Joanne and Leah had the chance to meet with a number of harm reduction service providers to gain insight into the necessary legal and policy reforms related to the human rights of people who use drugs in Russia.

For more information, visit www.aidslaw.ca/drugpolicy.

Sex Work

In December 2005, senior policy analyst Glenn Betteridge and Claire Thiboutot, Executive Director of Stella, a Montréal sex workers' organization and member of the Legal Network, held a morning press conference on Parliament Hill to launch *Sex, work, rights: reforming Canadian criminal laws on prostitution*. The report, the culmination of two years' work, made headlines across the country in 28 newspaper articles, and numerous television and radio news items.

"[T]his country's outdated criminal laws ... and the way in which they're enforced push sex workers into situations that put their health and safety at risk, and leave them open to stigma and discrimination, violence, and possible exposure to HIV," said the Legal Network's news release, which was supplemented by a backgrounder on the "bawdy-house," "living on the avails" and "communicating" provisions of the *Criminal Code*.

In February 2006, Glenn presented a plenary session based on *Sex, work, rights* to over 200 people at the **7th Annual Alberta Harm Reduction Conference** in Lethbridge. He was invited by the conference organizing committee at the suggestion of harm reduction service workers who had seen his presentation at the Canadian HIV/AIDS Skills Symposium in Montréal in November 2005.

Claire and Glenn reunited in Ottawa in late February 2006 for a **meeting with the Public Health Agency of Canada**. Twenty people from PHAC's HIV/AIDS division attended the afternoon session, which provided Claire and Glenn with the opportunity to examine legal and public health issues with the people responsible for funding their work.

In April 2006, at the **invitation of the Chief Public Health Officer of Canada**, Dr. David Butler-Jones, the Legal Network returned to Ottawa to discuss sex workers' health and human rights. Claire, Glenn, deputy director Richard Elliott, and Kara Gillies, a board member from Maggie's, a Toronto-based sex worker organization, emphasized to Dr. Butler-Jones and his senior staff the need for him as the country's leading public health official to speak out about the factors that undermine the health of sex workers, including their criminalization under laws that badly need reform.

The delegation also took the opportunity to meet separately with members of Parliament Réal Ménard (BQ–Hochelaga), Libby Davies (NDP–Vancouver East) and Hedy Fry (Lib–Vancouver Centre), to discuss the possible benefits of completing the work of the House of Commons Subcommittee on Solicitation Laws. The Subcommittee had been reviewing the impact of Canada's prostitution-related criminal laws and had heard important expert testimony from many sex workers and sex worker organizations. Following a joint letter from the MPs to the House of Commons Standing Committee on Justice and Human Rights, the Subcommittee was re-established in June 2006.

In May 2006, senior policy analyst Alana Klein delivered a poster presentation on *Sex, work, rights* at the **15th Annual Canadian Conference on HIV/AIDS Research** in Québec City.

For more information, please visit www.aidslaw.ca/sexwork.

Prisons

Through the efforts of former executive director Ralf Jürgens, working as an expert consultant, the Legal Network was instrumental in securing an agreement with prison and health officials for a **pilot syringe exchange program** in two Ukrainian prisons. In September 2005, Ralf led a delegation of Ukrainian officials to visit prison syringe exchange programs in Spain, where such programs are widespread and very successful. He also organized a conference of experts on HIV/AIDS and prisons in Kiev in November 2005. In 2006, unfortunately, political changes in Ukraine led to delays of the pilot project, but the Legal Network will continue to try to sustain the momentum around this development.

In May 2006, Ralf also presented the Legal Network's work on needle exchange in Ukrainian prisons at the **15th Annual Canadian Conference on HIV/AIDS Research** in Québec City. He described the disturbing conditions in Ukrainian prisons, and underscored the need for comprehensive needle exchange programs in response to the crisis of HIV and hepatitis C infection.

In November 2005, the Legal Network welcomed Vladislav Klisha, an official with the State Department of Ukraine for

Our commitment remains constant — to turn evidence-based research on HIV/AIDS-related issues into action that is firmly grounded in sound legal analysis and human rights principles, and to do so by working in solidarity with our members, partners and stakeholders.

Enforcement of Sentences, to Canada as part of a six-week research trip on ways to address the legal and policy barriers facing harm reduction services in **Ukrainian prisons**. In particular, Vladislav worked on legislative, regulatory and policy issues related to the implementation of needle exchange in Ukrainian prisons.

For more information, please visit www.aidslaw.ca/prisons.

Criminal Law

Throughout 2005–2006, **HIV-related criminal cases in the courts** accounted for a steady stream of media requests to the Legal Network. On average, we responded to five inquiries per month on the criminalization of HIV; the number of calls peaked at 16 in November 2005. With a number of high-profile criminal cases going to trial in late 2006, the Legal Network will continue to voice its concerns on the use of criminal law to achieve the public health goal of reducing HIV transmission. Legal Network staff also worked to ensure that media accounts of these cases not contribute to the stereotyping or stigmatization of people living with HIV.

In May 2005, at the invitation of Nine Circles Community Health Centre in Winnipeg, senior policy analyst Glenn Betteridge delivered two daylong workshops on **criminal and public health law and HIV/AIDS non-disclosure**. Nine Circles, a member of the Legal Network, requested our assistance in the wake of a high-profile case in which a man was criminally charged for not disclosing his HIV status prior to engaging in unprotected sex. The first workshop was an in-service training; the second brought together commu-

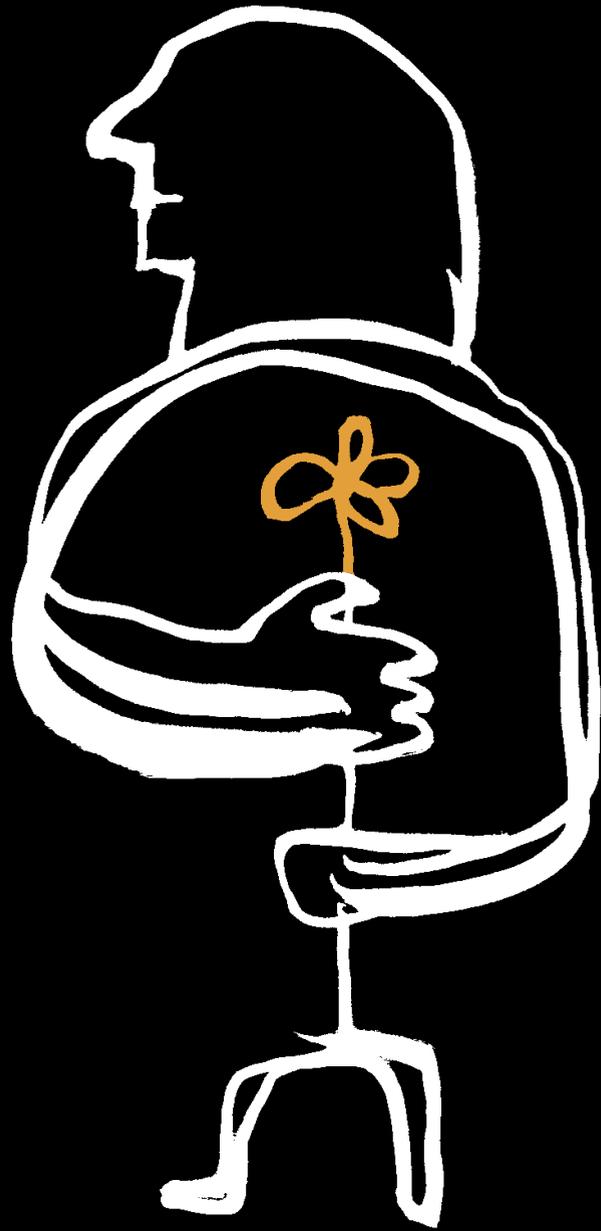
nity organizations, regional health authorities, lawyers from municipalities, a clinical ethicist, and provincial health ministry staff. Glenn subsequently consulted with the provincial working group struck to develop policy regarding non-disclosure of HIV status.

In February 2006, **criminalization of the homeless** was the subject of a forum co-sponsored by the Legal Network and RAPSIM (Réseau d'aide aux personnes seules et itinérantes de Montréal). The Montréal meeting attracted lawyers, magistrates and other stakeholders in the criminal law system, as well as human rights advocates and representatives from non-governmental organizations (NGOs). They heard two inspiring accounts of NGO-led efforts to address the increasing criminalization of the homeless:

- Bernard Saint-Jacques, community organizer of RAPSIM, described the efforts of Opération Droits devant, a project supported by 30 NGOs called to raise awareness of the human rights abuses faced by the homeless in Montréal.
- Retired lawyer Fernand Côté and lead counsel Hélène Héroux described their pioneering legal service, Maison Dauphine, a service for homeless young people in Québec City that has helped thousands of youth.

The experience of the homeless in Canada's cities is relevant to the situation of sex workers and people who use drugs. Criminalization of people who live or work on the street can add to HIV/AIDS risk in ways that the Legal Network and other partners have articulated in many reports and press statements.

For more information, please visit www.aidslaw.ca/criminallaw.



Protect

Income Security

In May 2005, as part of a coalition of organizations, the Legal Network launched the **Statement of Common Agenda on Disability, Full Participation and Work**. The statement was developed in partnership with the Canadian Working Group on HIV and Rehabilitation and the Canadian AIDS Society (both members of the Legal Network), the Multiple Sclerosis Society of Canada, and eight other disability groups from across Canada.

“People with disabilities have a legal right to participate fully and equally in Canadian society,” said the Legal Network in a joint news release announcing the launch of the report. “This means enabling people to work when they are able to work and providing easier, more flexible access to income support programs when they can’t.”

The groups called on federal, provincial and territorial governments and private sector companies to reform existing disability income support and replacement programs to meet the needs and respect the rights of people living with disabilities. Flexible work arrangements, partial disability pensions, and complementary and integrated federal and provincial programs are examples of possible reforms.

In December 2005, the Legal Network followed-up on its income security work with the release of ***Support for survival: barriers to income security for people living with HIV/AIDS and directions for reform***, a full-length report and a series of six info sheets.

For more information, please visit www.aidslaw.ca/incomesecurity.

Treatment and the Global Treatment Access Group (GTAG)

Throughout 2005–2006, the Legal Network responded to numerous media enquiries on the ***Jean Chrétien Pledge to Africa Act***, which allows generic drug companies to get compulsory licenses to export affordable medicines — both AIDS drugs and other medicines — to developing countries. The Act was also on the Legal Network’s list of top five HIV-related federal election issues. One of the five key questions in a letter sent to federal party leaders in January 2006 was “How will you ensure that the [Act] is used to give developing

countries better access to affordable medicines?”

In February 2006, the Legal Network called on the newly elected federal government to clear the way for the compulsory licensing of **Tamiflu** (oseltamivir phosphate), an antiviral medicine used to treat and prevent influenza, including the deadly H5N1 strain of avian flu. Access to less-expensive generic versions of Tamiflu is critical for developing countries wanting to stockpile the drug against a possibly imminent avian flu pandemic. In Africa, an outbreak of virulent influenza would be particularly devastating to the millions of people whose immune systems are already compromised by HIV or other illness. Although Canada’s law on generic medicine exports (the *Jean Chrétien Pledge to Africa Act*) allows compulsory licenses on patented medicines to be granted to generic pharmaceutical firms (so they can manufacture and export lower-cost medicines to eligible developing countries), only drugs listed in the Act are subject to compulsory licensing for export — and Tamiflu wasn’t one of them.

For more information, please visit www.aidslaw.ca/treatment.

The Legal Network also continued to play a leading role in the Global Treatment Access Group (GTAG), a working group of Canadian civil society organizations, of which the Legal Network is a founding member. GTAG developed a common platform for action, which highlights four areas in which Canada should take action to respond to the global AIDS crisis, and circulated it for wide endorsement by Canadian civil society. The platform will be launched shortly before the XVI International AIDS Conference in August 2006.

For more information, please visit www.aidslaw.ca/gtag.

Women’s Rights

In 2005–2006, senior policy analyst Alana Klein represented the Legal Network throughout the year in the coalition of organizations known as the **Blueprint for Action on Women and HIV/AIDS in Canada**. Alana was a mainstay of the Blueprint’s work on legal, ethical and human rights issues related to women’s vulnerability to HIV, including creating criteria for judging the performance of governments on women’s rights issues related to HIV/AIDS, and outlining

legal and human rights issues for the Blueprint's widely endorsed manifesto. In April 2006, she also joined 30 other NGO representatives in Ottawa to ratify the Blueprint's agenda, and to participate in planning a number of events related to women's and girls' rights at the XVI International AIDS Conference in August 2006.

In February 2006, the Legal Network released "*Vectors, Vessels and Victims*": *HIV/AIDS and Women's Human Rights*

in Canada. This report makes the case that while women in Canada may not suffer the extremes of subordination faced by many of their counterparts in other parts of the world, inequality and violations of women's human rights still contribute to their vulnerability to HIV and to the challenges they face in seeking treatment for HIV/AIDS.

For more information, please visit www.aidslaw.ca/women.

Other highlights

China

In June 2005, executive director Joanne Csete and former Legal Network president Lori Stoltz, a practising attorney in Toronto, accepted the invitation of the Aizhixing Institute of Health Education in Beijing to conduct a workshop on human rights and HIV/AIDS for lawyers, law professors and law students in the Chinese capital. Aizhixing translated a number of Legal Network documents into Chinese for this occasion. Joanne and Lori were moved by the eagerness of the audience to learn from the Legal Network's experience at a time when assertion of human rights linked to HIV/AIDS is often greeted with official hostility and repression. In 2006, deputy director Richard Elliott will participate in another such training in Beijing.

In December 2005, the Legal Network joined Human Rights Watch (HRW) in condemning the shutdown by the Chinese government of Beijing's first-ever gay and lesbian cultural festival. "This raid is part of a pattern of censorship and harassment of Chinese activists working for sexual rights and health," said the Legal Network in a joint news release with HRW. "The Chinese government tells the world that it is dealing with HIV/AIDS in internationally acceptable ways, but continues to persecute civil society organizations that can lead the way to effective programs."

In March 2006, the Legal Network joined the China AIDS Solidarity Network (an international coalition of AIDS and human rights groups, public health experts and scholars) in calling on China to release human rights advocates, including AIDS activist Hu Jia, being detained for participating in a peaceful hunger strike. Hu Jia was released later that month.

Canada

In January 2006, the Legal Network and the Interagency Coalition on AIDS and Development (ICAD) waded into the federal election campaign by jointly calling on federal party leaders to define their approaches to combating HIV/AIDS. HIV/AIDS was given only passing mentions in the platforms of the Liberals, New Democrats, Bloquistes and Greens; in the case of the Conservatives, it was simply not mentioned at all.

In February 2006, executive director Joanne Csete and senior policy analyst Alana Klein attended the annual consultation for human rights organizations hosted by the Human Rights, Gender Equality, Health and Population Division of Foreign Affairs Canada (FAC). They raised numerous concerns about human rights abuses faced by people living with and affected by HIV/AIDS and AIDS activists in Russia, China and other countries. They also participated in discussions about the subordination of women and its link to HIV/AIDS.

HIV/AIDS-related human rights violations seemed not to diminish in volume or severity. One couldn't help but be awed by the variety, complexity and scope of human rights battles being waged in the fight against AIDS.

Caribbean Community (CARICOM)

The Caribbean has the second-highest HIV prevalence rate in the world. Many countries in the region lack basic legal aid services and legal protection for people living with and vulnerable to HIV. The Legal Network has worked with CARICOM for a number of years, providing technical assistance on a number of projects under the Legal, Ethical and Human Rights program of the Pan-Caribbean Partnership Against HIV/AIDS (PANCAP), supported by funding from the Canadian International Development Agency.

Consultant and former Legal Network staff member David Patterson has been leading work on this project, with the assistance of consultant and Legal Network member Dionne Falconer and the participation of Legal Network lawyers. David and the Legal Network have provided guidance to the Caribbean Legislative Drafting Facility on the preparation of model legislation to protect against discrimination based on, or related to, HIV/AIDS. Dionne and the Legal Network continue to work with CARICOM on the process of developing model codes of practice for various health and related professions to better respect and protect the human rights of people living with HIV/AIDS.

In February 2006, senior policy analyst Glenn Betteridge and David Patterson worked with CARICOM, people living with HIV/AIDS and people from vulnerable communities to develop and deliver a workshop in St. Vincent and the Grenadines for legal service providers and policy-makers on better meeting such legal needs in eastern Caribbean countries.

In May 2006, deputy director Richard Elliott served as a resource person and rapporteur at a two-day CARICOM workshop on developing human rights-based responses to HIV/AIDS by bringing together regional AIDS and human rights advocates. Legal Network board member Robert Carr was one of the co-facilitators.

Ukraine

In November 2005, the Legal Network welcomed two Ukrainian research fellows to Canada as part of a six-week research trip related to their professional activities in Ukraine. Vladislav Klisha focused on harm reduction in Ukrainian prisons (*see Prisons, p. 6*), while Kseniya Shapoval worked on developing a plan for implementing parts of the Legal Network's model legislation project in Ukraine. Mere weeks before her arrival in Toronto, Kseniya had established a new organization, the Open Institute of Public Health, which works 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.

United Nations

In May 2006, executive director Joanne Csete spoke on a panel at the United Nations High-Level Meeting on AIDS in New York. In her remarks, Joanne criticized the reticence of some countries even to recognize human rights violations against men who have sex with men, people who use drugs, sex workers and prisoners. She also called on stakeholders to turn rhetoric on gender equity into real action to embody women's rights in the law.

This address is one of the most direct, best informed, most compassionate, inclusive, and intelligent I've read on the fallacy of AIDS policies the world over ... Joanne Csete is courageous to shed light on the usually hidden link between policy-making and its context of socially sanctioned systemic discrimination.

—Gail Taylor, Community Coach,

Vibrant Communities Saint John (New Brunswick)

Ful



f11

2005 Annual General Meeting

From September 9–11, 2005, the Legal Network's annual general meeting was held in partnership with the Interagency Committee on AIDS and Development (ICAD) in Montréal. 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 **opening session** featured a keynote speech by Juanita Altenberg, Executive Director of the Maxi Linder Association of Suriname, an organization that supports sex workers and advocates for the human rights of sex workers. 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.

The **Awards for Action on HIV/AIDS and Human Rights**, co-sponsored by Human Rights Watch, were also presented. 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 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.

The winner of the Canadian award was Albert McNutt, who inspired the audience with an account of his journey from bereaved lover of a person who died of HIV/AIDS 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.

Three Legal Network **workshops** on Friday and Sunday were very well attended and, according to participant evaluations, well received. Richard Pearshouse outlined the approach of using model legislation to promote harm reduction and women's rights. Glenn Betteridge and Joanne

Csete delivered a workshop on the criminalization of sex workers and the impact on their human rights. Ralf Jürgens (consultant and former executive director of the Legal Network), Darlène Palmer (Vice President of the Legal Network and worker at CACTUS Montréal, an organization providing needle exchange and other services to people who use drugs), and Dean Wilson and Greg Liang of the Vancouver Area Network of Drug Users led a workshop examining the greater involvement of people who use drugs in the response to HIV/AIDS. ICAD also presented an all-day workshop on gender and HIV/AIDS.

The **closing session** on Sunday was a stimulating discussion in which selected participants reported back from the workshops. Claire Thiboutot, Executive Director of Stella, 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 of the Canadian Harm Reduction Network 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, Michael Smith of the Public Health Agency of Canada 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 implementing the Federal Initiative.

The 2006 AGM is scheduled for September 28–30 in Gatineau, Quebec and will again be a joint event with ICAD. For more information, please visit www.aidslaw.ca/agm.

Facts & Figures

The following facts and figures provide a snapshot of the Legal Network's activities from April 1, 2005 to May 31, 2006.

21

Number of media advisories, news releases and backgrounders issued by the Legal Network on a variety of human rights issues

100

Approximate number of print, radio and television news reports in which Legal Network staff were quoted

I just wanted to express how impressed I was with Mr. Richard Elliott during his interview with Anna Maria Tremonti on CBC's The Current. I felt he and he alone grasped the delicacy of the issues generated by the possibility of laying criminal charges for the transmission of HIV by someone knowledgeable of their positive status.

—Jessica Hutchings (in a comment submitted via the Legal Network's website)

115

Number of domestic and international meetings, workshops and seminars in which Legal Network staff participated

300

Number of subscribers to the AIDSPOLICYLAW e-mailing list

143

Number of media requests received by the Legal Network (from outlets ranging from *The New York Times* and *The Globe and Mail*, to the Chinese-language *Sing Tao Daily* and Radio Yarona FM 106.6 in Gaborone, Botswana; and on issues ranging from criminalization of HIV and safer tattooing pilot programs in Canadian prisons, to rapid HIV tests and access to health care for people living with HIV/AIDS in rural/remote areas)

13

Number of letters sent by the Legal Network to high-level public officials (ranging from the President of China and the Prime Minister of Canada, to the Mayor of Vancouver and the Chief of the Toronto Police Service) on human rights issues related to HIV/AIDS

40+

Approximate number of presentations, lectures, workshops and public addresses delivered by Legal Network staff to stakeholders across Canada and around the world

Thank you so much for developing and delivering the HIV disclosure workshop! You covered vital information in a very accessible way. I really appreciate the time and effort that you put into this, the information you covered and the print material you provided — all real assets to our toolbox.

—Andrea Donovan, Case Coordinator, Gladstone Women's Program, Fife House, Toronto

7

Number of languages in which Legal Network publications were published (English, French, Chinese, Czech, Russian, Spanish and Ukrainian)



Board of Directors

Executive Committee

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* Management team

Left to right

Doriana Schiavi, Joanne Csete,
 Leah Utyasheva, Richard Pearshouse,
 Taslim Madhani, Alana Klein, Richard
 Elliott, Vajdon Sohaili and Leon Mar

Photo: John Lauener

Publications

2004–2005 Annual Report

Address to a panel discussion at the United Nations 2006 High-Level Meeting on AIDS by Joanne Csete, Executive Director

Courting Rights: Case Studies in Litigating the Human Rights of People Living with HIV

“Harm Reduction, HIV/AIDS, and the Human Rights Challenge to Global Drug Control Policy” in *Health and Human Rights: An International Journal*, Volume 8, Number 2

HIV/AIDS in prisons in Central and Eastern Europe and the former Soviet Union

HIV/AIDS Policy & Law Review, Volume 10, Number 1

HIV/AIDS Policy & Law Review, Volume 10, Number 2

HIV/AIDS Policy & Law Review, Volume 10, Number 3

HIV/AIDS Policy & Law Review, Volume 11, Number 1

Human rights-based approaches to HIV/AIDS: Three case studies

Injection Drug Use and HIV/AIDS

Mandatory Minimum Sentences for Drug Offences: Why Everyone Loses

Network News, Issue 20

Network News, Issue 21

Network News, Issue 22

Nothing About Us Without Us: Greater, Meaningful Involvement of People Who Use Illegal Drugs

Outcomes of the Symposium on HIV Testing and Human Rights

Prison Needle Exchange: Lessons from a Comprehensive Review of International Evidence and Experience (2006 Edition)

“Prisoners Who Inject Drugs: Public Health and Human Rights Imperatives” in *Health and Human Rights: An International Journal*, Volume 8, Number 2

Questions & Answers: Canada’s immigration policy as it affects people living with HIV/AIDS (March 2006)

Sex, work, rights: reforming Canadian criminal laws on prostitution

Support for survival: barriers to income security for people living with HIV/AIDS and directions for reform

“Vectors, Vessels and Victims”: HIV/AIDS and Women’s Human Rights in Canada

I would like to commend the Legal Network on its excellent work on [Sex, work, rights: reforming Canadian criminal laws on prostitution] and its ongoing commitment to addressing the legal, ethical and human rights aspects of HIV/AIDS in Canada and around the world. The Report will help inform the development of the Public Health Agency of Canada approaches for this population.

In addition, the Director of the HIV/AIDS Policy, Coordination and Programs Division will be sharing the Report with her provincial counterparts on the Federal, Provincial, Territorial Advisory Committee on AIDS to raise their awareness and to discuss common policy agendas.

—Dr. David Butler-Jones, Chief Public Health Officer of Canada

Just wanted to offer my HUGE thanks and congratulations on the amazing publications you created on Sex, work, rights. It is all quite brilliant and groundbreaking and incredibly helpful for everyone working around these issues. I will be talking about your publications as often as possible and sharing them widely with all our partners.

—Sue Simon, Open Society Institute

Just wanted you to know that I am reading your 13 information sheets [Injection Drug Use and HIV/AIDS] on legal and ethical issues and they are obviously well researched and articulated. In some ways they confirm what I know and in other ways they expand my thinking and awareness. Great job!

—Gail Linklater, Support Services Coordinator, AIDS Thunder Bay (Ontario)

News Releases

May 4, 2006

Mandatory minimum sentences:
why everyone loses

April 20, 2006

Canada should avoid U.S.-style drug laws

March 13, 2006

China should free human rights activists:
Legal Network

January 18, 2006

Realistic foreign aid plan needed:
Bloc Québécois

January 12, 2006

Party leaders must define their approach
to HIV/AIDS

December 20, 2005

China: Police shut down gay, lesbian event

December 13, 2005

New report calls on federal government
to decriminalize prostitution

December 12, 2005

Legal Network supports “visionary”
Toronto Drug Strategy

December 8, 2005

Legal Network to release report on Canada’s
criminal laws related to prostitution

September 9, 2005

Al McNutt: Fighting HIV/AIDS in
small-town Canada

September 9, 2005

Russia: HIV/AIDS Pioneer Fights for
Vulnerable Populations

May 27, 2005

Criminal charges against HIV-positive
mother inappropriate response, says
Canadian HIV/AIDS Legal Network

May 13, 2005

Human rights advocacy group welcomes
Canadian law coming into force, urges
generic drug companies and government to
follow through with lower-cost medicines

May 4, 2005

Canadians living with episodic disabilities
call for reform to benefit programs, launch
common agenda

May 4, 2005

Generic drugs bill still not in force one year
later; coalition calls on all parties in the
House of Commons to cooperate on final
procedural hurdle

Thanks

The generosity of our donors ensures the success of our programs and projects.

We wish to acknowledge the contribution and support of the following individuals and organizations.

Organizations

AIDS Bureau, Ontario Ministry of Health
and Long-Term Care

Canadian International Development Agency

Health Canada International Affairs Directorate

Hilda Mullen Foundation

International AIDS Vaccine Initiative (IAVI)

International Harm Reduction Development Program,
Open Society Institute

John M. Lloyd Foundation

Public Health Agency of Canada

Stephen Lewis Foundation

UNAIDS (Joint United Nations Programme on HIV/AIDS)

World Health Organization

Individuals

Joan Anderson

Glen Brown

Ruth Carey

Elizabeth C. Carlton

Theodore de Bruyn

Dionne Falconer

Mark Gallop

Ralf Jürgens

Lee Kirby

Peter Laekas

John Lauener

John Lauener Photography

Stefan Matiation

Eugene Oscapella

Violette Pedneault

Nicola Stein

Lori Stoltz

oline Twiss

Statement of Financial Position

<i>As at March 31, 2006</i>	2006	2005
Current assets		
Cash	\$142,272	\$263,445
Short-term investments	31,445	9,289
Accounts receivable	262,994	204,217
Prepaid expenses	22,905	27,319
	459,616	504,270
Capital assets	10,751	9,945
	\$470,367	\$514,215
LIABILITIES AND NET ASSETS		
Current liabilities		
Accounts payable and accrued liabilities	\$119,976	\$298,324
Deferred grants	271,792	137,632
	391,768	435,956
Invested in capital assets	10,751	9,945
Unrestricted	67,848	68,314
	78,599	78,259
	\$470,367	\$514,215

Statement of Operations

<i>For the year ended March 31, 2006</i>	2006	2005
REVENUE		
Grants	\$1,358,972	\$1,564,520
Service fees and cost recoveries	69,621	50,055
Membership	17,022	17,057
Donations	8,395	26,486
Interest and other	20,971	6,373
	1,474,981	1,664,491
EXPENSES		
Personnel	668,583	674,451
Professional fees	251,654	417,542
Travel	208,142	152,669
Information and publications	84,310	120,609
Rent and maintenance	78,505	85,724
Communication	58,688	77,416
Country activities	27,562	40,732
Office equipment	25,982	15,529
Office support and maintenance	16,342	26,949
Facilities and equipment	10,309	14,338
Moving costs and other	38,710	30,694
Amortization	5,854	6,484
	1,474,641	1,663,137
EXCESS OF REVENUE OVER EXPENSES FOR THE YEAR	\$340	\$1,354