



November 28, 2016

Dear Mr. /Ms. [Last name], MP:  
Dear Senator [Last name]:

Exactly one year ago, just before World AIDS Day (December 1), we congratulated you on your election to the 42nd Parliament of Canada and sent you a brief highlighting [five key HIV-related issues](#) facing Canada's federal government. And while we are seeing progress, locally and internationally, in the movement to end AIDS, there is still much to be done. Ill-conceived laws and policies are contributing to the unjust treatment of those disproportionately affected by HIV, including Indigenous communities, sex workers, LGBTQI people, people who use drugs and people in prison.

And Canada is front and centre on the world stage: just 10 days ago, the UN Committee on the Elimination of Discrimination against Women (CEDAW), having reviewed Canada's compliance with the *Convention on the Elimination of All Forms of Discrimination against Women*, issued its "[Concluding Observations](#)." This committee of experts confirmed that women in Canada — including women who live with HIV, Indigenous women, women in prison and women who use drugs — continue to bear a considerable burden under regressive criminal justice policy. Many of the issues on which they made [historic recommendations to Canada](#) are the same issues we put before you as federal parliamentarians one year ago.

In the past year, the federal government has taken some important steps in promoting the health and human rights of people living with and affected by HIV. For instance, it explicitly declared its support for harm reduction, both at home and abroad. From making bold statements at the UN General Assembly's Special Session on drugs, to moving forward with legalizing and regulating cannabis, to expanding access to life-saving naloxone, the Canadian government has recognized the need for a more public health-oriented approach to drug policy — an approach that reflects one of our five key recommendations.

But so much more is needed. This year also marked the five-year anniversary of the Supreme Court of Canada ruling that declared Vancouver's Insite, the first legally-authorized supervised injection site in North America, should stay open. Such health services are an essential part of the response to HIV and to the current national crisis of overdose deaths. On August 31, International Overdose Awareness Day, we joined more than 70 Canadian civil society organizations to release a [vital call to action](#) urging all levels of government to immediately implement several recommendations that could serve as initial steps of a response to the opioid overdose crisis, including scaling up supervised injections sites.

Yet five years after the court victory, Canada still has only two authorized sites in the entire country. And though Federal Health Minister Jane Philpott has expressed her support for supervised consumption services and has [promised](#) to amend legislation to address the opioid crisis, action is needed **now** as people continue to needlessly die.

Parliament also made progress this year in domestic LGBTQI rights. Amendments to add gender identity and expression to the *Canadian Human Rights Act* and the hate crimes sections of the *Criminal Code* just passed in the House of Commons (again), and they must now pass in the Senate. The government recently appointed a

Special Advisor on LGBTQ2 issues, a move expected to be a first step for a number of legislative and other initiatives to redress historical and continuing wrongs. However, Canada needs to play a bigger role in defending LGBTQI rights internationally — especially in countries where people are still criminalized (and sometimes punished by death) and hate is promoted by religious leaders, including from the global North. There is still [much that Canada can do](#) to be a global leader in supporting LGBTQI rights advocates around the world.

Canada's record on sex workers' rights and HIV criminalization, on the other hand, is far from stellar — as was recently pointed out by the UN CEDAW review. By criminalizing sex workers, and their clients, their workplaces and third parties with whom they work, the law perpetuates human rights violations, imperiling the health and safety of both sex workers and their clients, and exacerbating the HIV epidemic. Similarly, the continued overly broad use of criminal prosecutions against people living with HIV not only fuels the stigma and discrimination people living with HIV already experience but also hinders efforts to prevent and treat HIV.

Ending the HIV epidemic will require laws and policies grounded in respect for evidence and human rights. **It will also require a reinvigorated federal strategy on HIV and AIDS, as ours remains more than a decade old — and promised funding for community organizations across the country has been significantly withheld, redirected and eroded during that time.**

As one of Canada's federal lawmakers, you have a critical role to play in strengthening Canada's response to HIV. Here are a few concrete actions you can take:

- Demand the federal government restore the full \$84.4 million per year in funding that was promised (and supported by all parties) for the Federal Initiative on HIV/AIDS in Canada.
- Repeal the so-called *Respect for Communities Act*, which creates unnecessary and unjustifiable hurdles for opening and operating supervised consumption services.
- Repeal all sex work-specific criminal laws, which endanger sex workers' lives, health and safety.
- Support efforts to limit the misuse of the criminal law against people living with HIV, restricting it solely to cases of intentional transmission of the virus.
- Abolish mandatory minimum prison sentences for minor, non-violent drug offences.
- Decriminalize the possession of all drugs for personal use.
- Demand the government follow the evidence and implement needle and syringe programs in federal prisons.

Finally, as political leaders, you also have the power, and the responsibility, to speak out against hate and to challenge discrimination and the denial of rights and freedoms — whether they manifest in international forums, spew forth from the highest echelons of the US political establishment, or corrode the Canadian values of tolerance and generosity within your own caucus and party. When political leaders stoke fear and promote intolerance, we know that those already marginalized or disempowered are at even greater risk. And we know, from more than three decades of experience, that HIV thrives in such an environment of ignorance and injustice.

We could, in the coming few years, make a dramatic difference in the struggle against HIV in Canada and around the world, if we're willing to fund the interventions that work and implement smart policies. We look forward to working with you on these critical and life-saving issues and would be pleased to discuss them (or other HIV-related human rights issues) at your convenience.

Sincerely,

Richard Elliott  
Executive Director