

Network news

Issue 2

Canadian HIV/AIDS Legal Network

August 1999

1999 and 2000 Annual General Meetings

Mark these dates in your calendar! Our 1999 AGM will be held in Montréal on 17 and 18 September. It will be preceded by an open house at the Network office, at which everyone will have a chance to meet Network staff, and to familiarize themselves with the new Resource Centre, featured in this issue of *Network News*. This will be followed by two keynote presentations: the first on "Injection Drug Use and HIV/AIDS: Legal and Ethical Issues"; the second on "Development of a Vaccine for HIV/AIDS: Legal and Ethical Issues." Both the Open House and keynote presentations are open to the public. However, the events on the 18th are for Network members only: members will have a chance to provide their input into the Network's longer-term planning and visioning exercise, which started in June and will conclude at the 2000 AGM. The dates for that event have also been set: the 2000 AGM will be held on 16 and 17 June in Toronto. We hope to see you all, in Montréal and in Toronto!

Highlights

We continue to work hard to ensure that policy and legal responses to HIV/AIDS respect the rights of people with HIV/AIDS; facilitate, rather than hinder, HIV prevention efforts; and facilitate, rather than hinder, efforts to provide care, treatment, and support to people with HIV/AIDS.

Highlights include:

- With three-year project funding secured in April, we started a variety of new initiatives, including: a project on legal, ethical, and policy issues related to access to care, treatment, and support for people with HIV/AIDS; a project on legal and ethical issues related to the development and eventual availability of a vaccine for AIDS; and a project on collaboration, capacity building, and expert advice.
- We have undertaken a variety of initiatives aimed at ensuring that the recommendations in *Legal, Ethical, and Human Rights Issues Raised by HIV/AIDS: Where Do We Go From Here? Planning for 1998-2003. A Planning Report*, developed through a national consultation process in 1998, will be implemented.
- We have started a longer-term planning and visioning process, which will conclude at the AGM in June 2000. As part of this process, the Board has already developed and adopted a new mission statement, which will be presented for adoption by the membership at the 1999 AGM in September.
- We have released a large number of new publications, in particular our new series of info sheets that provide accessible information on many legal, ethical, and policy issues related to HIV/AIDS.
- We have adopted a policy on interventions in legal cases.
- We have further developed our partnership with the AIDS Law Project, South Africa.
- We have opened our Resource Centre to the public. This is the largest and most comprehensive publicly accessible documentation centre in Canada in the area of legal, ethical, and policy issues related to HIV/AIDS.



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Network news

Network News aims to keep readers up to date on activities undertaken by the Canadian HIV/AIDS Legal Network, and serves as a means of information sharing among Network members. It is published every four months by the Canadian HIV/AIDS Legal Network.

Contributions by Network members about their own HIV/AIDS-related activities in the area of law, ethics, and human rights are welcome and encouraged. Please submit such contributions in electronic format to Anne Renaud at:

Network News

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Canadian HIV/AIDS Legal Network

The Network is a charitable organization engaged in education, legal and ethical analysis, and policy development. We promote responses to HIV/AIDS that

- implement the International Guidelines on HIV/AIDS and Human Rights;
- respect the rights of people with HIV/AIDS and of those affected by the disease;
- facilitate HIV prevention efforts;
- facilitate care, treatment, and support of people with HIV/AIDS;
- minimize the adverse impact of HIV/AIDS on individuals and communities; and
- address the social and economic factors that increase vulnerability to HIV/AIDS and to human rights abuses.

We produce, and facilitate access to, accurate and up-to-date information and analysis on legal, ethical, and policy issues related to HIV/AIDS, in Canada and internationally. We consult, and give voice to, Network members and a wide range of participants, in particular communities of people with HIV/AIDS and those affected by HIV/AIDS, in identifying, analyzing, and addressing legal, ethical, and policy issues related to HIV/AIDS. We link people working on or concerned by these issues. We recognize the global implications of the epidemic and incorporate that perspective in our work.

The Network is based in Montréal. We welcome new members. For membership information, contact Anne Renaud at [<arenaud@aidslaw.ca>](mailto:arenaud@aidslaw.ca).

Three-Year Project Funding Secured

The results of the national consultations in 1998 on legal, ethical, and human rights issues raised by HIV/AIDS showed strong support for the work undertaken by the Network. Based on the results of the consultation, we submitted a three-year project funding proposal to the HIV/AIDS Division of Health Canada in February 1999. In April 1999 the proposal was accepted, and project funding secured for the period April 1999 to March 2002. With project funding, in each of the next three years we will address a mix of issues:

- new and emerging issues;
- issues that require in-depth analysis and a process of consultation; and
- critical future issues.

In addition, we will, in each year,

- undertake activities to strengthen the connections among actual and potential players in the legal, ethical, and human rights component of the Canadian Strategy on HIV/AIDS, and to facilitate collaborative action and the involvement of new players;
- produce and disseminate the *Canadian HIV/AIDS Policy & Law Newsletter*; and
- expand and update our annotated bibliography and literature review of legal, ethical, and human rights issues raised by HIV/AIDS.

These projects complement the programs we undertake with operational funding, allowing us to respond to the needs identified in the national consultation and to the recommendations in *Legal, Ethical and Human Rights Issues Raised by HIV/AIDS: Where Do We Go from Here? Planning for 1998-2003. A Planning Report*.

In particular, we will undertake the following activities:

New and emerging issues

Over the last several years, the Network has undertaken in-depth analysis of a number of priority legal and ethical issues raised by HIV/AIDS, following the results of our first national consultations undertaken in 1995. The work in these areas has provided detailed analysis of very large topics, such as HIV in prisons, criminal law and HIV, HIV testing and confidentiality, HIV/AIDS and discrimination, etc. The *Discussion Papers* and *Final Reports* produced on these topics are comprehensive resource documents,



accompanied by info sheets summarizing key information.

Of necessity, the process for producing such comprehensive, wide-ranging documents is lengthy, involving extensive research and wide consultation. But in the case of emerging or pressing legal and ethical issues related to HIV/AIDS, such a process may be neither feasible nor necessary. Rather, what is required is a flexible capacity to provide prompt analysis of a more narrowly defined issue within a shorter time frame. Therefore, in each of the next three years we will prepare a short paper or plan that promptly addresses new, emerging and/or pressing legal, ethical, and human rights issues related to HIV/AIDS in Canada.

In June the Network sent a letter and short discussion paper to its members, Health Canada, and selected community-based organizations, seeking input as to which emerging and/or pressing issues should be the subject of this year's work. Individuals and organizations were asked to select one of the following five issues, or to suggest other issues that they felt needed to be addressed urgently:

- HIV/AIDS and laws/policies regulating prostitution;
- issues raised by new testing technologies;
- privacy and confidentiality;
- changing practices in the legal definition of disability; and
- HIV/AIDS and laws/policies affecting immigrants and refugees.

Following the comments and input received, we will start working on one of these issues in early October and finalize a short paper/plan by the end of March 2000, with critical recommendations on how to advance law- and policy-making.

In-depth analysis & consultation: care, treatment, & support

As suggested during the 1998 national consultation, the Network is starting a three-year project analyzing "the issue of care and treatment because of its high priority to people with HIV/AIDS and to health-service providers, and of its growing legal, ethical, and human rights implications in the face of changing testing and

treatment technologies." (*Legal, Ethical, and Human Rights Issues Raised by HIV/AIDS: Where Do We Go from Here? Planning for 1998-2003. A Planning Report, Recommendation 8*). In the next months, this will involve:

- establishing an advisory committee for the project;
- conducting interviews with key individuals and organizations to undertake a preliminary assessment of the legal, ethical, and human rights issues raised by providing care, treatment, and support on which work needs to be undertaken;
- drafting a short paper canvassing the main legal, ethical, and human rights issues raised, the questions raised by these issues, and suggestions for work that could be undertaken; and
- organizing a national workshop with the members of the advisory committee and selected other participants to discuss the issues and questions and identify some "top priority" issues for further analysis.

In the following years, we will produce a discussion paper that analyzes the "top priority" issues identified in 1999/2000 from the perspective of ethics, law, and human rights; widely disseminate the discussion paper and solicit comments and input into it; incorporate the comments received; and produce a final report with recommendations.

Proactive work: vaccine development

In partnership with the Centre for Bioethics of the Clinical Research Institute of Montréal, we will publish a paper on legal, ethical, and human rights issues raised by the development and eventual availability of a vaccine for HIV/AIDS (including access to, and impact of, clinical trials). A first draft of the paper will become available to the public in March 2000, and will be widely distributed for comment. The final paper, to be released later in 2000, will be a critical contribution to discussion in Canada and internationally about the legal, ethical, and human rights issues raised by the development and eventual availability of a vaccine. This will provide an ethical framework to guide vaccine trials and related efficacy studies in populations at risk, which will facilitate vaccine research in Canada.

Collaboration, capacity building, & expert advice

The component on legal, ethical, and human rights issues raised by HIV/AIDS is a new component in the Strategy. The Network is the only organization in Canada, and one of the few organizations internationally, working



exclusively in the area of policy, legal, ethical, and human rights issues raised by HIV/AIDS. As the Network's reputation has grown, so has the number of invitations and opportunities to provide expertise and advice to others. While the Network has tried to respond to such requests in the past, the lack of a resource centre, the absence of an inventory of past and current activities, and limited resources have created barriers.

Participants in the 1998 consultation on legal, ethical, and human rights issues identified the "need to affirm and strengthen the central role that the Legal Network has played in the area of legal, ethical, and human rights issues." But they also spoke of the need to strengthen the capacity of other organizations to undertake activities in this area of the Strategy and, in particular, to undertake advocacy efforts.

The Network's mandate includes advancing education and knowledge about legal, ethical, and policy issues raised by HIV/AIDS, facilitating access to legal materials on HIV/AIDS, and linking people working on or concerned by HIV/AIDS-related social and legal issues. The Network therefore feels it must play a crucial role in facilitating the involvement of other players, in assisting them in their efforts, and in ensuring that efforts in this area will be collaborative and will complement each other.

We will do this through a variety of activities:

- In the fall of 1999 we will develop a plan for a mentorship project in the area of legal, ethical, and human rights issues raised by HIV/AIDS. The goal is to enhance the capacity of individuals and organizations to undertake activities in the area of legal, ethical, and human rights issues raised by HIV/AIDS (particularly follow-up activities in areas in which the Network has already undertaken work).
- The Network will participate in skills-building events, such as the November 1999 Skills Building Symposium organized by the Canadian AIDS Society, and is contributing to the development of the Symposium's component on policy, legal, and ethical issues.
- The Network will facilitate regular information exchange among those undertaking activities funded by this component of the Strategy, by

organizing a yearly telephone conference with the participation of Health Canada and all those undertaking activities in this area.

- The Network will regularly solicit articles for publication in the *Canadian HIV/AIDS Policy & Law Newsletter* from all those undertaking activities funded by this component of the Strategy.
- Provided funding can be secured, the Network will create an inventory of past and present activities and projects in the area of legal, ethical, and human rights. This inventory will be regularly updated.

Canadian HIV/AIDS Policy & Law Newsletter

Readers will have noticed many changes to the *Newsletter*. The summer 1999 issue is nearing completion and will soon be available. Feedback on our last, special, issue was overwhelmingly positive. Some readers felt that it may have been a bit long, and more suitably called the "Journal of HIV/AIDS Policy & Law." But there was consensus that the information provided was enormously useful, timely, relevant, and that the *Newsletter* was an interesting and, thanks to its new look, easier read. Funding received will allow us to produce three or four issues per year, but only partly covers our costs. Donations are therefore not only welcome, but essential. Please contact Éric Nolet at <enolet@aidslaw.ca> if you would like to make a donation toward the *Newsletter*.

Annotated bibliography and literature review

Funding will continue to be available to update the Internet version of our annotated bibliography and literature review, available at <www.aidslaw.ca/biblio/c-20.htm>. During the last months we have focused on updating the areas of HIV/AIDS in prisons, criminal law, public health, women and HIV/AIDS, HIV/AIDS and development, and vaccines. Hundreds of new entries will be added in the coming months.



Recent Activities

We released a series of 13 info sheets on HIV/AIDS in prisons. The sheets update *HIV/AIDS in Prisons: Final Report* (published in 1996 by the Network and the Canadian AIDS Society) and provide easy access to essential information on HIV/AIDS in prisons.

In July the Network, together with CAS and the Prisoners with HIV/AIDS Support Action Network (PASAN), met with representatives of the Correctional Service of Canada to obtain an update on the Service's activities.

Also in July, Ralf Jürgens gave a presentation on Needle and Syringe Exchange in Prisons at a "Hot Topic Session" at *AIDS Impact – Biopsychological Aspects of HIV Infection*.

Criminal law and HIV/AIDS

We released our paper *After Cuerrier: Canadian Criminal Law and the Non-Disclosure of HIV-Positive Status*, written by Richard Elliott. The Paper analyzes the significance of the Supreme Court's recent decision in the *Cuerrier* case and makes a number of recommendations to prosecutors, the judiciary, public health authorities, people with HIV/AIDS, and community-based organizations providing services to people with HIV/AIDS. In conjunction with the Paper, we released our expanded series of eight info sheets on criminal law and HIV/AIDS, which have been updated since their first release and now include information about the *Cuerrier* case.

Richard Elliott has presented the Network's analysis of the case at a plenary at the "Opening Doors" Conference in Kingston (April), at the 8th Annual Canadian Conference on HIV/AIDS Research in Victoria (May), as part of the Network's seminar series in Montréal (June), at a plenary at the Ontario HIV Prevention Conference in Toronto (June), as a poster at *AIDS Impact – Biopsychosocial Aspects of HIV Infection* in Ottawa (July), and at events organized by smaller community groups.

In light of the many questions and concerns about the decision in *Cuerrier*, work in this area will remain one of our priorities.

HIV testing and confidentiality

In partnership with the Canadian AIDS Society, we developed and submitted a joint letter to Citizenship and Immigration Canada to voice our concern regarding proposed changes to the *Immigration Act* that could result in making HIV testing mandatory for all prospective immigrants to Canada. The letter and appendices from *HIV Testing and Confidentiality: Final Report* were submitted at the end of March. In the letter, we repeated the recommendations developed by the Network and CAS in the *Final Report* that:

- Canada should not introduce mandatory HIV testing of prospective immigrants.
- The current system according to which immigration applicants who are found to be HIV-positive are assessed as "medically inadmissible" should be changed so that people with HIV/AIDS or other similar conditions will not automatically be excluded from immigrating. A new system should be developed in consultation with all those concerned, in particular people with HIV/AIDS and organizations representing their interests. It should take the individual circumstances of each case into account, weigh the costs against the benefits of allowing a particular person to immigrate, and take humanitarian concerns into account. Recommendations 11.1 and 11.2; see <<http://www.aidslaw.ca/elements/Testing/00cover.html>>.

Also in partnership with CAS, we submitted a letter to Dr Donald Sutherland, Director, Bureau of HIV/AIDS, STD & TB, and Beth Pieteron, A/Director, Medical Devices Bureau, to emphasize the importance of broad community consultation about issues raised by new testing technologies.

Finally, oral presentations on HIV testing and confidentiality, and on legal aspects of HIV testing



of pregnant women, were given by Ralf Jürgens and Lori Stoltz at the Eighth Annual Canadian Conference on HIV/AIDS Research, in Victoria in early May, and at *AIDS Impact* in Ottawa in July.

HIV/AIDS and discrimination

We released eight info sheets on HIV/AIDS and discrimination, summarizing the main issues raised in *HIV/AIDS and Discrimination: A Discussion Paper*.

Legal issues relating to HIV/AIDS and Aboriginal communities

We released three revised discussion papers, based on discussions with key informants working in the field of Aboriginal people and HIV/AIDS: *Discrimination, HIV/AIDS and Aboriginal People*; *HIV/AIDS and Aboriginal People: Problems of Jurisdiction and Funding*; and *HIV Testing and Confidentiality: Issues for the Aboriginal Community*. In addition, a series of nine info sheets based on the issues addressed in the discussion papers, prepared in partnership with the Canadian Aboriginal AIDS Network, was released. Finally, the Board of the Network, at its June meeting, adopted a series of recommendations concerning future Network activities in this area. Among the recommendations are:

1. That the Network support Aboriginal HIV/AIDS organizations and those working in the field of Aboriginal people and HIV/AIDS by contributing its resources and expertise when possible and appropriate.
2. That the Network continue to develop relationships and partnerships with Aboriginal HIV/AIDS organizations and Aboriginal people working in the field of HIV/AIDS. To the extent possible, formal partnerships for the completion of projects should respect the authority of Aboriginal people to exercise control over work and issues that affect them, and be based on: (1) joint planning from the outset; (2) joint agreement between the partners about the goals and objectives of the work and about the responsibilities of the partners.

HIV/AIDS and injection drug use: legal and ethical issues

The Network is finalizing its work on issues related to the care, treatment, and support of injection drug users with HIV/AIDS, and to prevention of HIV infection among injection drug users. A paper with recommendations on seven priority issues, and a volume of background materials providing an in-depth analysis of the legal, ethical, and policy issues raised by injection drug use and

HIV/AIDS, will be released soon. In addition, numerous presentations were given at a variety of conferences, including in Montréal in March at the conference on *Injection Drug Use: Societal Challenges*. The seven priority issues we analyzed are:

1. What is the impact of the current legal status of drugs and drug use on HIV/AIDS care, treatment, and support of drug users? What are possible alternatives to the current legal status? What legal and ethical issues are raised? What ethical issues should be considered in moving toward alternatives?
2. What legal and ethical issues must be considered in allowing or tolerating drug use in the course of providing health care or social services (primary health care, community clinics, pharmacy services, residential care, palliative care, housing services)?
3. Is it legal and ethical to make cessation of drug use a condition for treatment for a drug user? Is it legal and ethical to withhold antiretroviral drugs (particularly current triple or quadruple combinations of drugs) from HIV-positive drug users?
4. What legal and ethical issues must be considered in prescribing opiates and controlled stimulants to drug users in Canada?
5. Legal and ethical issues pertaining to clinical trials relevant to or involving HIV-positive injection drug users.
6. Legal and ethical issues raised by the current practices surrounding needle exchange programs and methadone maintenance programs; and
7. Legal and ethical considerations pertaining to censorship or misinformation about illegal drugs and their effects.

Policy statement on legal interventions adopted

While the Network cannot and does not provide legal representation to individual clients, the Network has received several requests that it intervene in court cases that involve HIV-positive litigants and/or that raise policy issues relevant to



the rights of people with HIV/AIDS, prevention efforts, and/or care, treatment, and support for people infected and affected by HIV/AIDS.

At its April meeting, the Network Board affirmed the important contribution the Network may make through intervening in court cases, where appropriate, to address legal and policy issues related to HIV/AIDS. The Board approved setting aside \$5000 for this fiscal year to fund such work. Network staff have had preliminary discussions with the Canadian AIDS Society (CAS) about establishing a standing arrangement for joint interventions by the two organizations.

At its June meeting, the Board approved a policy on legal interventions setting out the criteria the Network will consider in determining whether to intervene in a given court proceeding. Some of the factors the Network will consider include:

- Does the case promote the substantive equality rights of people with HIV/AIDS, or address discrimination and stigma experienced by people affected by HIV/AIDS?
- Does the case promote the access of people with HIV/AIDS to care, treatment, and support?
- What positions have already been advanced by the parties to the proceeding, and what is the significance of those positions for people with HIV/AIDS or for healthy public policy related to HIV/AIDS?
- Does the case raise issues falling within the institutional expertise of the Network? Has the Network already developed a community-based position to be advanced on these issues?
- Is intervention likely to achieve the goal of educating the public, the judiciary, or policy-makers about HIV/AIDS? Does it present an opportunity to implement policy recommendations already developed by the Network?
- What resources are available to the Network to finance the intervention?

In the coming months, the Network and CAS will further discuss formalizing their relationship through a joint committee on interventions. The Network may also enter into partnership with other organizations to intervene in appropriate cases. A copy of the Network's policy on interventions can be obtained by contacting Éric

Nolet at (514) 397-6828 #227 or <enolet@aidslaw.ca>. Inquiries about the policy can be directed to Richard Elliott at (416) 595-1666 or <relliott@netrover.com>.

Follow-up on the 1998 Planning Report

The Network has taken a lead in ensuring that the recommendations in *Legal, Ethical, and Human Rights Issues Raised by HIV/AIDS: Where Do We Go from Here? Planning for 1998-2003*. A *Planning Report* will be implemented. In particular, we expressed our concern to Health Canada that, as of June 1999, no open and transparent mechanisms had been established to allow individuals and organizations to access funding under this component of the Strategy, although recommendations 33 and 34 in the *Planning Report* contain clear guidance on this issue:

33. Health Canada should establish a mechanism to review and make recommendations on all proposals in a timely and coordinated manner that includes the considerations set out in this section. However, it should build on the following key parameters:
 - the funding process should promote the development of an integrated, managed plan for the annual expenditure of the legal, ethical, and human rights envelope that is available to all parties in advance of each new fiscal year;
 - it should also facilitate the maximum possible allocation of resources at the outset of each year, while respecting the importance of holding back a certain portion of funds to support unforeseen and pressing issues that may emerge;
 - clear guidelines would be developed and disseminated on how proposals would be assessed, monies allocated, and recommendations made;
 - the mechanism would be based on peer representation and review and would therefore consist of equal numbers of participants from government and non-government sectors, and would function on a transparent and participatory basis.
34. Health Canada should convene a small group on a priority basis to establish this mechanism in order to have guidelines in place for 1 April 1999, using the above parameters as a basis for initial planning.

Following our discussions with Health Canada, we were ensured that developing a funding mechanism respecting these recommendations would become an immediate priority.



Resource Centre Now Open

On 1 June 1999 the Network opened its Resource Centre to the public. The Resource Centre is the largest and most comprehensive publicly accessible documentation centre in Canada in the area of legal, ethical, and policy issues raised by HIV/AIDS, and probably one of the largest worldwide. It houses academic literature, books, court decisions, community reports, conference proceedings, government documents, newsletters, position papers, and unpublished research.

Our aim is to make information available to those enquiring about legal, ethical, and policy issues raised by HIV/AIDS, thus bridging an important gap in existing collections elsewhere. The materials we have gathered over the years are not always readily available in one place, such as universities, government libraries, or AIDS service organizations. Funded in part by Health Canada, this new addition to the Network takes advantage of the extensive research and materials compiled in the course of producing our reports, discussion papers, info sheets, and newsletters.

In November 1998 the Network hired Maria Nengeh Mensah on a two-day-a-week basis to set up and coordinate the Resource Centre. With the assistance of two volunteers, Terry Gould and Nicole Wesson, and through consultation with members of the Canadian HIV Resource Centre Network (CANNET), the organization of our collection of materials soon began. The major activities undertaken were the selection, processing, and cataloguing of materials. Available materials were identified and evaluated in terms of their relevance for the collection; each item was then described and assigned a subject heading; and finally, materials were entered in an electronic library

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catalogue. This is the DB/Text Works Library Catalogue, a system designed specifically for libraries.

The scope of the collection reflects the Network's very broad understanding of legal, ethical, and policy issues. Whether the matter relates to HIV testing and confidentiality, human rights and discrimination, prisons and HIV/AIDS, new HIV testing technologies, or debates on the criminalization of HIV transmission, the Network carries documentation on the subject. Broad geographic representation is another asset of our Resource Centre: materials may be from Canada, the United States, Europe, from many other countries, or from international organizations.

The collection is divided into five major components:

- copies of all *Canadian HIV/AIDS Legal Network publications* since its beginnings in 1992;
- *institutional publications* from local, national, and international organizations acting for people with HIV/AIDS;
- a large number of articles from

a variety of sources, making up the largest component of the collection, classified according to a *subject categories* list of standard terms;

- *reference tools*, such as books, directories, and bibliographies, including general overviews of legal, ethical, and policy issues raised by HIV/AIDS;
- numerous *periodicals*: collections of local, national, and international newsletters, magazines, and journals.

Different people may use the Resource Centre for many different reasons. The Network members access materials that will assist them in their respective projects. People with HIV/AIDS and



those affected find information on the human rights aspects of the epidemic. Students research the legal impact of the epidemic. Staff and volunteers from AIDS organizations look for community resources. Others consult documents on ethical issues raised by HIV/AIDS. By January 2000 the library catalogue will be available on the World Wide Web for online consultation by anyone searching our website at <www.aidslaw.ca>.

The Network provides, on appointment, on-site space for reading and studying all written documentation. Requests for information can be made by telephone, email, or fax. Whichever method is used, a *reference interview* with the Resource Centre Coordinator will clarify information needs and translate these into subjects

or terms used to organize our collection. Requests by members of the Network have priority over other requests. Members will usually obtain a list of available resources within a week of the initial request date. Where specific documentation is not available, appropriate referrals will be given.

The Network cannot unconditionally circulate its materials because of its limited financial resources and the fact that the collection is, in part, comprised of unique and otherwise inaccessible materials. A working circulation policy is currently in effect and users' comments are appreciated. If you wish to consult our collection of materials, contact Maria at (514) 397-6828 ext 224 or at mmensah@aidslaw.ca to schedule an appointment. You can also contact Maria to offer a donation to acquisitions.

Subject Categories (partial list)

Aboriginal Issues	Health-Care Issues
Activism, Empowerment, and Community Building	HIV Testing and Counseling
AIDS and the Workplace	HIV-Positive Health-Care Workers and Patients
Availability of Drugs	Home HIV Testing
Children and Youth	Housing
Civil Liability for (non- blood related) HIV Transmission	Immigration and International Travel
Clinical Trials	Injection Drug use
Confidentiality and Privacy	Insurance, Benefits, and Poverty
Consent	Legislation
Criminal Law	Mandatory or Compulsory Testing
Data Collection	Media
Day-Care Centres and Schools	Mental Health
Development	Partner Notification
Disability	Post-Exposure Prophylaxis
Discrimination and Human Rights	Pregnancy
Drug Law and Policy	Prisons
Drug Use	Prostitution
Duty to Report	Public Health
Duty to Treat	Quarantine
Economic Aspects	Rapid HIV Testing
Employment Discrimination	Reporting of AIDS and HIV Seropositivity
Employment Law	Research Ethics
Epidemiology	Sentencing
Estate Planning and Decision-Making	Sexual Violence
Euthanasia	Treatment Rights
Family Law	Tuberculosis
Gay and Lesbian issues	Unlinked Anonymous Seroprevalence Studies
Hemophilia and Blood Supply	Vaccine
Harm Reduction	Viral-Load Management



Partnership with the AIDS Law Project, South Africa

At its meeting in April 1999, the Board of the Network formally adopted a Partnership Agreement with the AIDS Law Project (ALP), South Africa.

ALP was founded in 1993 and is part of the Centre for Applied Legal Studies at the University of the Witwatersrand in Johannesburg. ALP aims to:

- carry out litigation to counter wrongs that have occurred and, where possible, to establish legal precedents that prevent them from recurring;
- offer free legal advice that will empower people with HIV/AIDS to seek legal remedies in response to acts of unfair discrimination;
- carry out research to support policy formulation and bring about practices that prevent discrimination; and
- produce media products that create an awareness of rights in government and civil society and promote effective lobbying and advocacy.

At the end of 1999 ALP was nominated by the United Nations Joint Programme on AIDS (UNAIDS) to be a UNAIDS “Collaborating Centre” in recognition of “the quality of work being done by your institution, as well as its potential to contribute to the work of UNAIDS.”

Until 1998 the Network and ALP had informally worked together on a variety of occasions, mainly by exchanging information about legal, ethical, and policy issues raised by HIV/AIDS. Two events in late 1998 then provided the impetus for formalizing and strengthening the collaboration. The first was the visit to Canada of the Director of ALP, Mark Heywood, in November 1998. The second was the national consultations on legal, ethical, and human rights issues related to HIV/AIDS undertaken in the fall of 1998, which showed that many Canadians want an international perspective in Canadian legal, ethical, and human rights efforts. This led to a recommendation in the report on the consultations, saying that “[a]n international perspective should be integrated into all Canadian legal, ethical, and human rights efforts, in light of the cross-cutting nature of legal, ethical, and human rights issues themselves and

the fact that both the HIV/AIDS pandemic and its solutions follow societal and structural factors that are transnational and global.” See *Legal, Ethical, and Human Rights Issues Raised by HIV/AIDS: Where Do We Go from Here? Planning for 1998-2003. A Planning Report*, Recommendation 13.

A memorandum that identified possible joint activities was prepared, and the International Affairs Directorate of Health Canada agreed to support the formalization of the relationship as a case study of “twinning in action.” David Patterson, one of the co-founders of the Network and now a consultant working out of Geneva, Switzerland, was given a contract to assist in the process, which would otherwise have had to depend on free staff time.

After further consultation with the staff of the Network and ALP, the Partnership Agreement (see box on next page) was prepared and adopted by both organizations. The Agreement is a declaration of global solidarity and intent to work together for mutual benefit. It has no legal or financial significance; such arrangements will be agreed to separately for each joint project.

The next step was to find ways to make the Agreement part of the day-to-day work of the Network and ALP. Finally, a list of possible joint activities was drafted and a proposal for the period 1999-2000 prepared. The proposal includes activities such as:

- the organization of a one-day Satellite Meeting on Legal, Ethical, and Policy Issues at the Durban 2000 International AIDS Conference;
- participation of an ALP staff member in the November 1999 Skills Building Symposium organized by the Canadian AIDS Society;
- the joint writing of articles on a variety of HIV-related legal issues relevant to Canada, South Africa, and the world; and
- the development of an international database of projects on legal, ethical, and human rights issues raised by HIV/AIDS.



In each case a “lead organization” was identified to carry the proposed activity forward, supported by the partner organization.

The HIV/AIDS epidemic demands that we explore new ways of working together internationally, while respecting our different needs and contexts, and our autonomy. The Partnership Agreement

between the Network and ALP combines a sound core of basic principles with sufficient flexibility to adapt as required. We are confident that the Agreement will assist both organizations in their efforts to protect the human rights of those infected and affected.

Partnership Agreement between the AIDS Law Project (South Africa) and the Canadian HIV/AIDS Legal Network

The AIDS Law Project (South Africa) undertakes research, publishes materials, provides legal advice and litigates issues relating to HIV/AIDS and human rights. The Canadian HIV/AIDS Legal Network also undertakes research, publishes materials and undertakes other activities to promote awareness and understanding of legal, ethical, and policy issues raised by HIV/AIDS.

In recognition of the global nature of the HIV/AIDS pandemic, the AIDS Law Project (South Africa) and the Canadian HIV/AIDS Legal Network hereby unite in a spirit of partnership to achieve their respective missions, goals and objectives by:

- working together to improve awareness and understanding of the legal, ethical and human rights impact of the global spread of HIV/AIDS;
- promoting regular communication between both organizations at both management and operational levels on the planning, implementation and achievement of each organization’s goals, objectives and activities; and
- undertaking joint activities including research, publications, the creation and support of networks, conferences, and other educational activities.

To achieve the mutual benefits of this partnership, the Canadian HIV/AIDS Legal Network and the AIDS Law Project undertake to:

- declare and promote this partnership within each organization and in both official and informal communications of each organization;
- facilitate communication between each organization, its staff and volunteers at distance and through personal visits;
- integrate this partnership into the work-plan of each organization, its staff and volunteers.

This agreement is intended to promote a vision and does not of itself create any expectation of legal or financial commitment of either organization. This agreement may be terminated with due notice in writing by either the AIDS Law Project or the Canadian HIV/AIDS Legal Network.

Important Dates

17-18 September 1999

The Network 1999 AGM in Montréal. For more info, contact Anne Renaud at (514) 397-6828 ext 222.

12-14 November 1999

The 1999 Skills Building Symposium, organized by CAS. Contains a stream dedicated to legal, ethical, and policy issues.

16-17 June 2000

The Network 2000 AGM in Toronto.

July 2000

The International HIV/AIDS Conference, in Durban, South Africa. Will include a new stream focusing on rights, politics, and commitment.



Comments and Feedback



I would like to thank you for the documents concerning the legal issues for Aboriginal people raised by HIV/AIDS that you sent to the Ministry of Health and Social Services, and to inform you that they have been very useful in our preparations to develop a Strategy for fighting AIDS among First Nations and Inuit people in Québec.

– Richard Massé, Assistant Deputy Minister, Ministry of Health and Social Services, 10 May 1999

I would like to commend the Network for the process that was used to lead the national planning exercise. The content of your report certainly indicates that you have accomplished your goal of developing a plan to address legal, ethical, and human rights issues associated with HIV/AIDS for the ... Canadian Strategy on HIV/AIDS.

- Honourable Mildred Dover, Minister of Health, Prince Edward Island, 17 May 1999

I would like to thank you and your staff for providing to the general public an EXCELLENT resource for current HIV information on a wide range of topics. I am glad that I found your [web]site. It has provided invaluable information.

- Email message of 2 June 1999

I just received the Canadian HIV/AIDS Policy & Law Newsletter. Congratulations on a great publication.

- Fernando Chang-Muy, The Philadelphia Foundation, 21 June 1999

New Resources

New info sheets

Our series of info sheets, with accessible, up-to-date information on a variety of legal, ethical, and policy issues related to HIV/AIDS, is expanding quickly. After the series of nine info sheets on gay and lesbian legal issues and HIV/AIDS, released in March, the following new series have been released recently:

- 13 info sheets on HIV/AIDS in prisons;
- eight info sheets on HIV/AIDS and discrimination;
- eight revised and two new info sheets on criminal law and HIV/AIDS; and
- nine info sheets on legal issues related to HIV/AIDS in Aboriginal communities.

Info sheets on HIV testing and confidentiality, and on legal and ethical issues related to injection drug use and HIV/AIDS, will follow soon.

New Reports and Papers

Four new reports and papers have become available:

- *After Cuerrier: Canadian Criminal Law and the Non-Disclosure of HIV-Positive Status*, written by Richard Elliott;
- three revised discussion papers on *Discrimination, HIV/AIDS and Aboriginal People*; *HIV/AIDS and Aboriginal People: Problems of Jurisdiction and Funding*; and *HIV Testing and Confidentiality: Issues for the Aboriginal Community*, written by Stefan Matiation.
- A report and a volume of background materials on legal and ethical issues related to injection drug use and HIV/AIDS, and a paper on ethical issues related to complementary and alternative therapies will become available soon.

All these and many other Network publications are available on the Network website at <www.aidslaw.ca>. Our website is updated every month. In May 1999 the website received 16,059 hits! All publications are also available from the Canadian HIV/AIDS Clearinghouse. Tel: 613 725-3434; fax 613 725-9826; email: <aids/sida@cpha.ca>. For a full list of publications, contact Éric Nolet at (514) 397-6828 ext 227.