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ON DECEMBER 17, 1992 A GROUP OF ACADEMICS AND IDEALISTS CAME TOGETHER TO CREATE THE CANADIAN HIV/AIDS LEGAL NETWORK. THEY WERE UNITED IN THEIR FIRM CONVICTION THAT ANY EFFECTIVE RESPONSE TO THE PANDEMIC MUST ENSURE THAT THE HUMAN RIGHTS OF PEOPLE LIVING WITH AND AFFECTED BY HIV ARE RESPECTED, PROTECTED AND FULFILLED.

CANADIAN HIV/AIDS LEGAL NETWORK

ANNUAL REPORT 2011-2012



Canadian
HIV/AIDS
Legal
Network

Réseau
juridique
canadien
VIH/sida

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TWENTY YEARS LATER, we are one of the world's leading organizations tackling the legal and human rights issues related to HIV, and advocating at both the policy and community levels. Our extensive body of publications and resources — including 18 years of the *HIV/AIDS Policy & Law Review* — is consulted by researchers, lawyers, judges and community advocates from around the world. Our voice is regularly heard in Parliament and at the United Nations, on issues ranging from women's rights to the misguided and counterproductive war on drugs, from immigration policy to the rights of lesbian, gay, bisexual and transgender people. Through strategic litigation, we defend and advance human rights in courts of law in Canada and Russia, and support similar efforts by our allies elsewhere. In the court of public opinion, our phone number is one of the first that Canadian journalists dial when reporting on these critical issues.

OUR RESEARCH AND ADVOCACY HAS DIRECT IMPLICATIONS FOR MILLIONS OF PEOPLE, INCLUDING — BUT CERTAINLY NOT LIMITED TO — SEX WORKER GROUPS ADVOCATING FOR IMPROVED WORKING CONDITIONS THAT SUPPORT THEIR HEALTH AND SAFETY, PEOPLE LIVING WITH HIV WHOSE MOST INTIMATE LIVES ARE ALL-TOO-OFTEN UNJUSTLY CRIMINALIZED, AND THE GRANDMOTHERS AND OTHER ALLIES FIGHTING TO ENSURE THAT LIFE-SAVING HIV MEDICATION IS AFFORDABLE AND AVAILABLE IN THE WORLD'S POOREST NATIONS.

THE HISTORY OF HIV CLEARLY DEMONSTRATES THAT WE WILL NOT OVERCOME THE PANDEMIC WITHOUT PROTECTING AND PROMOTING HUMAN RIGHTS. FROM THE BEGINNING, THE CANADIAN HIV/AIDS LEGAL NETWORK HAS BEEN COMMITTED TO THIS BASIC PRINCIPLE, AND OUR TWENTIETH ANNIVERSARY YEAR (2011–2012) WAS NO EXCEPTION. WE REFLECT BELOW ON JUST A HANDFUL OF HIGHLIGHTS FROM OUR HISTORY, JUXTAPOSED WITH SIGNIFICANT ACHIEVEMENTS IN THE PAST YEAR.

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2002 The Legal Network plays a key role in revising the United Nation's *International Guidelines on HIV/AIDS and Human Rights*, contributing to the global critique of harmfully restrictive patent laws that prevent millions of people from receiving life-saving HIV medication. In Canada, we spearhead advocacy that ultimately leads to the creation in 2004 of Canada's Access to Medicines Regime (CAMR) to allow exports of lower-cost, generic medicines to low-income countries, the first such legislation worldwide. However, strangled by red tape and denounced by powerful corporate lobbies, CAMR succeeds in delivering only one shipment of one drug to one country in the years that follow.

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2012 We continue our tireless efforts to reform CAMR, supported by a broad civil society coalition. Having very nearly succeeded in the previous Parliament, we press for the introduction of a new bill to reform CAMR. If passed, Bill C-398 would streamline the law with a "one-licence solution," a simple and straightforward fix that will allow CAMR to do what it was always supposed to: save lives. For more information and to get involved, visit medicinesforall.ca.

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1998 The Legal Network spearheads a coalition intervening in the first case to reach the Supreme Court of Canada on the complex issue of criminalizing HIV transmission or exposure. The eventual judgment sows uncertainty and fear for people living with HIV, but our intervention is key to the Court's recognition that blanket criminalization of HIV non-disclosure is unjust and that prosecution may be unwarranted in cases of safer sex. In subsequent years, zealous prosecutors make Canada a world leader in using the criminal law to stigmatize and punish people living with HIV. The Legal Network appears time and again in the media calling for rational limits on the law, while also developing resources for lawyers, AIDS service organizations and people living with HIV, and working with partners to deliver the first training session for Canadian judges on this issue. Working closely with defence counsel, our interventions in appellate courts lead to important legal precedents in three provinces.

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2012 Two appeals go before the Supreme Court of Canada, with prosecutors from several provinces arguing for a radical expansion of the already broad law. The Legal Network resists: we intervene again before the Court, heading up an even broader coalition, in an effort to strengthen earlier legal victories and ensure that the law evolves with available science. Meanwhile, we release our groundbreaking documentary — *Positive Women: Exposing Injustice* (positivewomenthefilm.org) — illuminating the real-life ramifications of misusing the criminal law. Disturbingly, the Court's decision a few months later amounts to a huge step backwards for people living with HIV and for the pandemic itself, largely disregarding scientific advances and concerns about the consequences of an overly broad criminal law. Within minutes, the Legal Network is in the national media explaining the ruling's defects and how unjust prosecutions will only further damage public health. Within days, we produce plain-language resources for people living with HIV and community organizations. The fight against unjust criminalization must shift: we renew our efforts urging prosecutors and provincial Attorneys General to exercise discretion in accordance with science and concern for human rights.

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2003 The Legal Network’s detailed legal analyses strengthen the fight for Insite — the first officially sanctioned supervised injection site in North America — by helping local Vancouver advocates break through the resistance of government decision-makers. Our commitment to harm reduction is grounded not only in sound public health evidence but equally in a commitment to the human rights and dignity of people who use drugs. This commitment is obvious in our many resources and initiatives, including a groundbreaking guide to the greater involvement of people who use drugs in HIV programs and policy decision-making (in both Canadian and international editions), a definitive analysis of how international laws against torture apply to compulsory drug “treatment” centres, and a comprehensive, human rights-based model law on drug use and HIV.

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1996 The Legal Network produces one of the earliest reports on HIV in prisons and steps to the fore in the ongoing fight for access to comprehensive harm reduction services for Canadian prisoners. In the years that follow, we produce an international review of sterile-syringe programs in prisons, translated into six languages and consulted widely by advocates and policy-makers around the world. We meet repeatedly with Canadian lawmakers to press the case for such health services, and we ensure the voices of current and former prisoners are heard through an affidavit project describing their first-hand experiences of sharing injecting equipment behind bars.

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2012 In the context of horrific violations against people who use drugs in Russia, we issue a barrage of reports and submissions to various United Nations bodies, including the Committee Against Torture and UNESCO. In Russia, we provide technical support to local activists pushing for reform from within the country and ramp up our media commentary challenging the government’s active demonization of people who are drug dependent. Meanwhile, we win a local court victory boosting the fight for free access to testing and treatment for hepatitis C in Russia, and file the first complaint to the European Court of Human Rights challenging the government’s ongoing criminal prohibition on methadone to treat opioid dependence.

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2012 Armed with a battery of affidavits from experts across Canada and the globe, we launch constitutional litigation against Canada’s government, on behalf of a former prisoner and a coalition of HIV organizations. Invoking the *Canadian Charter of Rights and Freedoms*, the suit seeks a court order compelling federal correctional authorities to ensure prisoners have access to clean needles, a key public health service available to people outside prisons across the country. For more information and to view our video series on this issue, visit prisonhealthnow.ca.

THIS WORK and more, has made the Canadian HIV/AIDS Legal Network a global leader in the struggle for human rights in the response to HIV. Yet over the past year, we have faced one of the biggest challenges of our 20-year history. In March, the government slashed funding to the Legal Network under Canada's federal AIDS strategy, including refusing to fund activities that had previously been supported. The reason provided was the mere possibility that our proposed activities "might" produce materials or other resources that could be used for advocacy.

This new criterion for denying funding seriously undermines Canada's response to HIV. History has exposed the role that ignorance and fear play in fuelling prejudice and discrimination against people living with HIV. Community organizations such as the Canadian HIV/AIDS Legal Network are crucial in empowering communities to defend human rights and in ensuring that government policies support effective HIV prevention and care. We are proud to be a leader on this front, in Canada and beyond; we have no intention of being chilled into silence.

We are grateful for the ongoing support from our funders and members, individuals and community-based organizations that will sustain us as we overcome this latest hurdle. As long as it takes to fully realize the rights and dignity of those living with and affected by HIV, we count on your continued solidarity.

STATEMENT OF FINANCIAL POSITION

As at March 31, 2012 and March 31, 2011

	2012	2011
ASSETS		
Current assets		
Cash	\$429,605	\$613,007
Marketable securities	66,636	166,415
Amounts receivable	121,738	73,338
Prepaid expenses	20,131	10,248
	638,110	863,008
Leasehold improvements	19,201	14,516
	\$657,311	\$877,524
LIABILITIES AND NET ASSETS		
Current liabilities		
Accounts payable and accrued liabilities	\$46,463	\$66,455
Deferred grants	520,122	721,203
	566,585	787,658
Net assets		
Invested in capital assets	19,201	14,516
Unrestricted	71,525	75,350
	90,726	89,866
	\$657,311	\$877,524

STATEMENT OF OPERATIONS

For the years ended March 31, 2012 and March 31, 2011

	2012	2011
REVENUE		
Grants	\$1,499,071	\$1,707,389
Donations	9,187	11,304
Membership	9,074	10,981
Service Fees	17,258	5,356
Interest and other	12,015	17,843
	1,546,605	1,752,873
EXPENSES		
Personnel	971,799	856,342
Professional fees	195,163	348,534
Travel	105,964	158,646
Rent and maintenance	85,081	82,578
Facilities and equipment	52,755	103,408
Communication	34,638	68,190
Information and publications	19,978	53,731
Office equipment	19,689	27,433
Foreign country activities	15,203	
Awards	10,103	10,604
Office support and maintenance	9,645	6,145
Strategic litigation	7,990	
Other	12,678	32,761
Amortization	5,059	2,607
	1,545,745	1,750,979
EXCESS OF REVENUE OVER EXPENSES FOR THE YEAR	\$860	\$1,894