



EMPOWERING PEOPLE. FIGHTING FOR CHANGE.

CANADIAN HIV/AIDS LEGAL NETWORK | ANNUAL REPORT 2012-2013



Canadian HIV/AIDS Legal Network | Réseau juridique canadien VIH/sida



Richard Elliott | Executive Director



Ryan Peck | (Acting) President, Board of Directors



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Canadian HIV/AIDS Legal Network
1240 Bay Street, Suite 600
Toronto, Ontario M5R 2A7
Telephone: +1.416.595.1666
Fax: +1.416.595.0094
E-mail: info@aidslaw.ca
www.aidslaw.ca

MESSAGE FROM THE EXECUTIVE DIRECTOR AND THE PRESIDENT

From our earliest days in the struggle, the Canadian HIV/AIDS Legal Network has resisted the injustice and inequality that fuel the HIV pandemic. We have consistently affirmed that without advocacy — by people and communities affected by HIV and by organizations dedicated to defending and advancing human rights — we will never overcome the virus. Indeed, Canada’s federal AIDS strategy, adopted in 2004, explicitly recognizes these touchstones.

How times have changed.

The government now deliberately stigmatizes people who use drugs and actively opposes evidence-based harm reduction services, including in prisons — to the point that we must turn to the courts to defend human rights. But laws that adequately reflect evidence and human rights don’t always come out of courts — witness the recent Supreme Court of Canada rulings authorizing an extraordinarily wide criminalization of people living with HIV, contrary to evolving science and international recommendations.

These developments only reinforce the importance of our work ensuring that people living with and affected by HIV understand the law and know their rights, and defending principled, evidence-based HIV prevention and care. Yet we have seen — and directly experienced — the contradiction between the stated principles of Canada’s federal AIDS strategy and the reality.

This past year, our application for continued federal funding was one of the proposals most highly ranked and was recommended internally. After being subjected to unprecedented, detailed review by the Health Minister’s office, we finally learned that funding would be instantly cut by two thirds.

More troubling was that the great bulk of our proposed activities — most of which continued or resembled activities previously funded for years — were now deemed ineligible simply because they “might” result in or produce something that could be used for advocacy.

This is a chilling outcome that bodes ill for human rights as part of the response to HIV in Canada. Where would we be today in the response to HIV had there been no community advocacy over the last 30 years? And how will we ever end AIDS, in Canada and around the world, if we don’t speak out for change?

Despite this setback, the Legal Network continues to advocate, using various tools and tactics, for sound public policies based on the most current scientific evidence, in order to help curb human rights abuses and to promote access to care for people living with HIV.

We do this work because when sex workers are criminalized, their health and safety are threatened. When people who use drugs are rushed to jail instead of receiving effective harm reduction services, their health is impaired and the epidemic feeds. When people locked away in prisons are routinely abused or denied access to health care, their rights and public health are both violated and undermined.

Defending and promoting human rights — both in and through the law — is essential to effective HIV prevention and care. But just as importantly, we do it because it is the right thing to do.

Please join us in the fight for dignity and, one day, an end to AIDS.

Richard Elliott, Executive Director

Ryan Peck, (Acting) President, Board of Directors



“A REMARKABLE AND PRODUCTIVE ORGANIZATION”

“I have been enormously enriched by my association with the Legal Network, as have many grandmothers across Canada. They have been unfailingly generous in sharing their expertise and facilitating, supporting and mentoring our advocacy efforts. Our association with the Legal Network has been a very important catalyst to the development of our advocacy capacity. They are the ‘go to’ organization for strengthening human rights and improving the lives of those marginalized by HIV/AIDS.”

Pat Evans | Grandmothers Advocacy Network

IS HIV A CRIME?

The Supreme Court of Canada's original 1998 decision on criminalizing the non-disclosure of HIV opened the door to more than a decade of misuse of the law. The Court's October 2012 decisions in *R. v. Mabior* and *R. v. D.C.* were an opportunity to bring the country's law on HIV disclosure into the 21st century, to champion science, reason and human rights, as we had successfully appealed in the lower courts. Instead, the Supreme Court unjustly expanded the law, contrary to evolving research on HIV, and entrenched the stigma, fear and discrimination that burden the lives of people living with HIV (PHAs). Currently, PHAs can face prison time and designation as a sex offender for not revealing their status, even if there was no transmission of HIV, no intent to cause harm, and miniscule risk of transmission thanks to an undetectable viral load or safer sex practices.

Leading a coalition that had intervened before the Court, the Legal Network was swift and blunt in its extensive media reaction to the decisions. We also quickly published plain-language resources to inform PHAs and community organizations about the implications of the rulings. This direct community engagement continues to be a major component of our pushback. Updated versions of our on-line resource kits — one targeted to lawyers (www.aidslaw.ca/lawyers-kit), another to service providers (www.aidslaw.ca/community-kit) — mean that PHAs and their representatives are better equipped to resist the creep of the criminal law. Simultaneously, we boost community awareness through frequent media commentary and public screenings of our ground-breaking documentary, *Positive Women: Exposing Injustice* (www.positivewomenthemovie.org).

Meanwhile, we initiated a project working with scientific experts to bring public policy in line with the evolving science. We are also working closely with community partners in several provinces to pursue prosecutorial guidelines. If adopted, such guidelines — informed by science, human rights and the input of PHAs and their allies — could discourage flagrant abuse of the criminal law.

PRISON HEALTH NOW

For years, the Legal Network has led advocacy efforts to establish prison needle and syringe programs (PNSPs) in Canada. PNSPs don't just protect prisoners from infection; they protect the health of prison staff and indeed of all Canadians. Yet despite astronomical rates of HIV and hepatitis C in prisons, as well as the overwhelming evidence of the benefits of PNSPs, Canadian prisons refuse to distribute sterile injection equipment, and our calls to the federal government to introduce these important harm reduction measures have been ignored. Until now.

In September 2012, on behalf of a former prisoner and a coalition of HIV organizations, the Legal Network launched a constitutional challenge against the federal government for its repeated refusal to provide prisoners with clean needles. Though it was the beginning

2012-13 HIGHLIGHTS

POSITIVE WOMEN: EXPOSING INJUSTICE



Our powerful documentary about the effects of HIV criminalization on women's lives garnered rave reviews in screenings from Victoria to Halifax, and in March, made its New York City debut.

HIV IN COURT



We organized a silent protest at the Ontario Court of Appeal, outfitting a team of activists with "HIV-positive" t-shirts to denounce the Crown's prosecution of a virus.

2012-13 HIGHLIGHTS

20 YEARS OF THE LEGAL NETWORK



Stephen Lewis joined over 100 of our supporters to celebrate our 20th anniversary at a gala event in December, where we also presented our 11th Annual Awards for Action — to pioneering Canadian researcher, Dr. Philip Berger, and to the Andrey Rylkov Foundation, a Russian advocacy group for people who use drugs.

of what will likely be a long legal battle, it was also the culmination of years of research and advocacy, and months of preparation. It also builds on our long collaboration with a wide network of contributors — from the community organizations that have joined us in the challenge, to the prominent litigators who continue to devote their time and expertise, to the courageous people who shared their traumatic prison experiences in affidavits and in short clips for our video advocacy project, *Inside Stories* (www.prisonhealthnow.ca). When PNSPs become a reality in Canadian prisons, it will be thanks to a community united by a conviction that the right to health does not end with the turn of a jailhouse key.

To complement the court case, a series of fora will explore how to implement PNSPs in Canada. Bringing together local and international researchers, prison outreach workers, former prisoners and prison health staff, these meetings will help develop guidelines for prison authorities and community partners to make sure that PNSPs are eventually implemented in ways that work best for those whose health is on the line.

HIV HAS NO BORDERS

It's no coincidence that Russia is host to one of the world's fastest-growing HIV epidemics and also guilty of widespread, systematic violation of the human rights of people who use drugs — and that it currently attracts our most focused international engagement.

Our work in Russia is built on two core beliefs. International human rights law must be bridged with legal practice at the domestic level. But even more importantly, for this to happen effectively, rights-holders themselves — people who use drugs and the community workers supporting them — must be empowered to claim those rights directly, in the courts and other public fora.

Through regular visits to the region and sustained contact with local activists and advocates, we provide education and technical support for legal proceedings before Russian courts, resulting in several positive judgments over the past year. Furthermore, we equip frontline outreach workers with rights-centred principles and information, effectively supporting them as community legal workers advocating for their clients. To maintain international awareness, we engage the European Court of Human Rights and UN human rights mechanisms with regular submissions calling out Russia for torture and other ill-treatment of people who use drugs, including its criminal prohibition on evidence-based forms of drug treatment such as methadone. Meanwhile, we launched an extensive research project documenting how human rights breaches in the criminal justice system drive the mass incarceration of people with drug dependence, further fuelling the HIV epidemic. The results will bolster our future media and courtroom advocacy for more sound, humane drug policy in Russia. Through this multi-pronged approach, we sensitize the international community to ongoing abuses in Russia, pressure state officials to respect, protect and fulfill human rights, and place the power for change directly in the hands of those who most desperately need it.



“QUICK, PROFESSIONAL AND INSPIRING”

“I believe in human rights and we need the Legal Network to make human rights operational and transcend from the laws on the books to the laws on the streets. The Legal Network is one of our closest partners who vigorously support us in our everyday human rights and advocacy work. Without this support we would not exist and our activists would not receive much-needed legal help.”

Anya Sarang | President, Andrey Rylkov Foundation for Health and Social Justice

“AN ESSENTIAL PARTNER”

“I admire and support the Legal Network’s continued focus and commitment towards its work. The Legal Network plays a number of important roles as a platform, incubator and strategic leader around rights issues and health promotion. They strive to be inclusive and take direction from the equity-seeking groups and individuals whose day-to-day lives are impacted by the social, economic, structural and legal ramifications of governmental responses to HIV.”

Seth Clarke | Federal Community Development Coordinator, Prisoners with HIV/AIDS Support Action Network



“THE LEGAL NETWORK CHANGED MY LIFE”

“I have been galvanized to actively support the Legal Network for their work on behalf of our vulnerable clients. As a gay man with 18 years of undetectable viral load, I depend on them to bring science-based evidence to the justice system. From Victoria, BC to Russia, the Legal Network is a leading organization that protects people’s privacy, safety and health.”

Andrew Beckerman | Donor and Chair,
AIDS Vancouver Island



“THEY’RE FIGHTING THE GOOD FIGHT”

“I support the Legal Network because they are doing the work. They are so committed to fighting stigma and discrimination against people living with HIV/AIDS. It was such an enjoyable experience working with them because they really made sure that the women who participated in the film were given a lot of support. Working with the Legal Network has really enlightened me about personal responsibility.”

Alison Duke | Director, *Positive Women: Exposing Injustice*

UNIVERSAL ACCESS DELAYED

This morning in the developing world, a two-year-old child with HIV may not be waking up — thanks to a slim majority of Canada’s MPs.

In November 2012, mere days before World AIDS Day, the House of Commons shamelessly defeated (by just seven votes) a bill in Parliament that would have reformed Canada’s Access to Medicines Regime (CAMR) to permit the more streamlined production and export of affordable, generic medicines to those desperately in need in the developing world. Spearheaded by the Legal Network, the years-long campaign to reform CAMR harnessed the tireless and dedicated advocacy of a broad array of supporters, from parliamentary allies, to civil society champions (including the formidable grassroots Grandmothers Advocacy Network), to the tens of thousands of individuals who volunteered their time or participated in our many social media calls-to-action. Yet, even though the bill enjoyed overwhelming support from the Canadian public, its opponents preferred to misrepresent the bill’s reforms, repeat big pharma’s misinformation, and vote no to life.

Until a new Parliament offers the possibility of reintroducing CAMR reform, our advocacy for treatment access must turn elsewhere — such as working with coalition partners in getting Canada to step up its funding contribution to address the global pandemic or resisting new trade agreements that further impede access to medicines.

Treatment access is an issue at home, too. PHAs face systemic barriers in getting legal access to cannabis as medicine, risking prosecution for the treatment they need. In a joint intervention before the Ontario Court of Appeal, we proposed a constructive, alternative approach to remedy this constitutional deficiency. But the court’s decision, as well as new government regulations, failed to fix this serious systemic problem — meaning our continued advocacy is required.

SEX, WORK, RIGHTS

Canada’s outdated and hypocritical criminal law on prostitution pushes sex workers to the margins and exposes them to avoidable physical harm. It unjustifiably impedes their access to health care services, including HIV testing, care, treatment and support, as well as their ability to negotiate safer sex. The defenders of prohibition claim they are protecting sex workers from abuse; yet paradoxically, Canada’s current law only reinforces the conditions perpetuating that abuse.

This objection is the cornerstone of our application to intervene before the Supreme Court of Canada, when it hears the much-anticipated appeal in *Bedford v. Canada* in June 2013. At the Ontario Court of Appeal, we worked closely with the dynamic sex worker advocates guiding this cause to ensure that the arguments before the bench sufficiently

2012-13 HIGHLIGHTS

MEDICINES FOR ALL



A day before the vote on CAMR reform, we organized a birthday-themed protest on Parliament Hill, bringing together grandmother activists and supportive MPs from three of the federal parties.

THE LEGAL NETWORK AT AIDS2012



Our staff joined hundreds of thousands of other protesters at the “We Can End AIDS” march at the international AIDS conference in Washington, D.C., where we called out the blights on Canada’s record.

2012-13 HIGHLIGHTS

A WIN FOR RIGHTS IN RUSSIA



Unjustly arrested and sentenced to over 3 years in prison, Lena was yet another casualty of Russian justice that punishes rather than treats addiction. But thanks to the diligence of her case worker and technical assistance from the Legal Network, Lena's case was dismissed and she was reunited with her children.

INSIDE STORIES



To support our lawsuit for needle and syringe programs in prison, former prisoners and their loved ones tell harrowing stories of life behind bars in a series of videos at www.prisonhealthnow.ca.

illustrated the degree to which Canada's law betrays the principles of equal treatment. That collaboration continues now that the federal government has appealed to the Supreme Court — and will remain central to our joint advocacy for sex workers' health and human rights beyond the struggle for decriminalization.

As with much of our work, the local informs the global, and vice versa. In our capacity as experts on human rights and the law, we are playing an advisory role to the Global Network of Sex Work Projects as it develops a global declaration on sex workers' human rights. The final product will be a compelling advocacy tool — informed by legal expertise and lived experience — to support the fearless and energized efforts of sex work activists the world over.

RIGHTS IN ACTION

Throughout the year, the Legal Network engages in activities that promote the human rights of those living with and affected by HIV — despite funding cuts, these activities reach far, attesting to the diligence of staff, the dedication of partners, and the enthusiasm and need of the communities we serve.

Across Canada, we conducted dozens of educational workshops for PHAs, legal professionals and service providers, helping them understand and navigate the legal issues related to HIV. Commissioned by UNAIDS, we produced a global handbook on HIV and human rights for judges. And in responding to a steady stream of information requests, by phone and e-mail, we empowered people to assert their rights and equipped legal representatives with the latest research to defend their clients.

At the 2012 International AIDS Conference, we co-organized for the third time running the Human Rights Networking Zone, a lively hub for presentations, panels and film screenings, including our own Positive Women. The conference was also a forum for discussions about the Global Commission on HIV and the Law's landmark new report — *Risks, Rights and Health* — to which the Legal Network made significant contributions. To influence the public conversation, we maintain a robust presence in both traditional and new media. As the go-to Canadian organization for comment on HIV and the law, we field hundreds of calls from journalists every year and issue dozens of news releases, embedding our message in print, on radio and TV, and on-line. We are also increasingly visible in social media, using Facebook and Twitter to alert supporters of breaking news and mobilize them with calls-to-action.

Whether speaking at the UN on behalf of LGBT people or communicating with the thousands of subscribers who receive our updates, whether informing a PHA of her rights in the workplace or intervening before the Supreme Court of Canada, the Legal Network — now in its 21st year — remains dedicated to promoting the human rights of PHAs, in Canada and internationally, through a combination of research, advocacy, public education and community mobilization.

THANKS

We wish to thank our donors, supporters, board and staff for their extraordinary commitment to the Canadian HIV/AIDS Legal Network's mission. Thank you for playing such an important role in our success.

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For more information on how you can support our work, please visit www.aidslaw.ca/donate.

STATEMENT OF FINANCIAL POSITION

AS AT MARCH 31, 2013

	2013	2012
ASSETS		
Current assets		
Cash	\$436,892	\$496,241
Amounts receivable	41,894	121,738
Prepaid expenses	9,705	20,131
	488,491	638,110
Leasehold improvements	13,915	19,201
	\$502,406	\$657,311
LIABILITIES AND NET ASSETS		
Current liabilities		
Accounts payable and accrued liabilities	\$46,454	\$46,463
Deferred grants	364,540	520,122
	410,994	566,585
Net assets		
Invested in capital assets	13,915	19,201
Unrestricted	77,497	71,525
	91,412	90,726
	\$502,406	\$657,311

STATEMENT OF OPERATIONS

FOR THE YEAR ENDED MARCH 31, 2013

	2013	2012
REVENUE		
Grants	\$1,330,132	\$1,499,071
Donations	70,875	9,187
Consulting fees	37,493	17,258
Membership	15,182	9,074
Interest and other	23,465	12,015
	1,477,147	1,546,605
EXPENSES		
Personnel	875,574	971,799
Professional fees	155,491	195,163
Travel	116,317	105,964
Rent and maintenance	92,904	85,081
Facilities and equipment	77,199	52,755
Strategic litigation	40,036	7,990
Communication	26,419	34,638
Office equipment	19,218	19,689
Information and publications	16,823	19,978
Office support and maintenance	10,126	9,645
Foreign country activities	3,847	15,203
Awards	1,201	10,103
Other	36,020	12,678
Amortization	5,286	5,059
	1,476,461	1,545,745
EXCESS OF REVENUE OVER EXPENSES	\$686	\$860