



FORWARD MOMENTUM

CANADIAN HIV/AIDS LEGAL NETWORK | ANNUAL REPORT 2013-2014

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

EN AVANCE

For 22 years, the Canadian HIV/AIDS Legal Network's mission has been to protect and promote the human rights of people living with and vulnerable to HIV and AIDS. Around the world, we are known for our principled advocacy in challenging injustice, whether in legal systems, government policy or the court of public opinion. We persevere in the face of blinkered, ideological politics. We challenge opinions and change conversations.

We do this because we, like you, envision a world that respects the inextricable link between health and human rights, and upholds dignity for all. We look forward, someday, to the end of HIV — and are doing our part to bring it about by defending and advancing human rights. That principled commitment is needed now more than ever — we know what works for HIV prevention and care, but too often those efforts are hindered by damaging laws and policies.

At the Legal Network, we pursue our vision through four interlocking and mutually reinforcing modes of work — research and analysis, advocacy and litigation, public education and community mobilization — both here at home and beyond our borders.

Our research and analysis provides the basis for all of our work. Public education is key to equipping and mobilizing activists. In turn, that broader community mobilization complements our own advocacy work, whether we're engaging directly with policy-makers, litigating a matter before the courts or making the case in the media. Finally, public education activities and community mobilization efforts allow us to work with dynamic organizations and inspiring activists, including from communities most affected by HIV. Those partnerships help shape our future research, analysis and advocacy. Deceptively simple, really.

Through these collaborations, and with your support, we amplify our voice and stay focused on our mission. We invite you to be part of our forward momentum.



Richard Elliott
Executive Director



James "Jim" Burns
Chair, Board of Directors



“We cannot end AIDS without protecting and promoting human rights for all.”



INCISIVE, CUTTING-EDGE, RIGOROUS

For more than two decades, our **RESEARCH AND ANALYSIS** has made significant, internationally recognized contributions to promoting human rights in the response to HIV. This work forms the bedrock of the advocacy, education and community mobilization efforts that complete our approach.

Too often, laws are based on stigma, misinformation and prejudice, hence undermining human rights and efforts to overcome HIV. We wrote and coordinated an extensive handbook to help judges worldwide adjudicate cases involving HIV-related issues and correct injustice.

Published by UNAIDS, and based on international human rights standards, the handbook explores a range of legal issues affecting people living with or affected by HIV — from criminal prosecutions for non-disclosure to women's rights, from discrimination to treatment access — providing commentary on factors that courts should consider and examples of helpful rulings from around the world. A practical, one-of-a-kind resource for judges, the handbook is also a powerful tool for advocates challenging harmful laws and promoting human rights as a critical component of HIV jurisprudence.

We are also regularly engaged by UNAIDS to provide technical expertise and human rights-based analyses of HIV-related legislation at the country level. Through an assessment of the local epidemic and domestic conditions, the legislative environment, and the specific provisions in a given bill, we make key recommendations to inform the law reform efforts by UNAIDS officials and civil society advocates. In this way, the Legal Network's rights-based analysis reaches from Ecuador to Côte d'Ivoire, from Vietnam to Zanzibar, and many more points in between.

Our expertise is also essential in strengthening HIV programming. On behalf of the Global Network of Sex Work Projects (NSWP), we conducted a review of HIV programs that affect sex workers in much of North America and the Caribbean, assessing fundamental factors that affect best practice. The resulting report and briefing papers will be used by NSWP and its members to advocate for better HIV programming and improved access to HIV treatment — an example of research and analysis fuelling action for change.



“Our rights-based analysis challenges oppressive laws and policies around the world.”



Because government action — domestic and international — often seeks to silence the voices of the most vulnerable, the Legal Network pursues a robust program of **ADVOCACY AND LITIGATION**, speaking out in corridors of power and courts of law.

Besides being simply wrong, the violation of LGBTQ rights directly feeds the HIV epidemic. Protesting Russia's draconian anti-LGBTQ laws, we mobilized over 100 civil society organizations prior to the Sochi Winter Olympics, and delivered an open letter to the Canadian government, the Olympic organizers and corporate sponsors, spearheading a broad public campaign. Since the Olympics, we are gathering civil society endorsements for a 10-point action plan to advance LGBTQ rights globally and building support among government representatives. Meanwhile, we maintain a voice at the UN level, decrying the ongoing, widespread violence against LGBTQ people.

The need for advocacy is clear on the domestic front as well. We condemned the government's moves to block supervised injection services in Canada via a bill which flies in the face of the Supreme Court's 2011 decision supporting these life-saving services. Through outreach to media, parliamentarians and civil society groups, we also continued resistance to the government's ongoing push for yet more so-called "free-trade" deals, including the Trans-Pacific Partnership, which would have devastating consequences for access to medicines both here and abroad.

On the litigation front, we welcomed the Supreme Court's 2013 decision striking down laws against sex work — a case in which we had intervened, alongside sex workers and other advocates — but we continue to actively oppose the government's attempts to impose new restrictions, including through the so-called "Swedish model" of criminalizing sex workers' clients and workplaces. And where a Supreme Court decision was not welcome — namely the 2012 ruling imposing an even higher burden of potential criminalization for non-disclosure on people living with HIV — we increased our technical support to lawyers defending unjustly prosecuted clients, and intervened once again at the Supreme Court in a case that could have made the law even worse. Both approaches yielded positive rulings, confirming the impact of our advocacy — even as we know more work lies ahead to rein in the unjust, overly broad use of the criminal law.

**SPEAKING OUT,
STANDING WITH**



“Case by case, we build alliances and resist unjust laws that criminalize people living with HIV.”



THROUGH KNOWLEDGE, EMPOWERMENT

Our **PUBLIC EDUCATION** work — particularly informational resources, public events and workshops, and media outreach — empowers communities affected by HIV and equips them and their supporters with the knowledge to defend their rights.

In 2013, we published the first set of our new *Know Your Rights* brochures, explaining the privacy rights and disclosure obligations of people living with HIV in various day-to-day contexts, including the workplace and the classroom. These plain-language materials quickly became our most sought-after resource; a second set addressing issues for parents, children and family-services providers is due in 2014. In a more academic vein, we contributed to a range of scholarly compilations, tackling issues such as women's rights in the context of HIV criminalization, international law as it relates to harm reduction, and torture in health-care settings.

Public events and workshops are an important means not only of getting information out, but also mobilizing community. We hosted several high-profile international visitors — including Catherine Healy of the New Zealand Prostitutes' Collective, Frank Mugisha of Sexual Minorities Uganda, and Yves Yomb of Alternatives-Cameroun (the international recipient of our 2013 Award for Action). Via public lectures, workshop presentations, media appearances, and meetings with parliamentarians and policy-makers, these courageous activists raised public awareness of urgent human rights issues affecting people living with and affected by HIV, and pointed the way for our localized action. We convened or presented at numerous events — including two international panel discussions on the need for needle exchange programs in Canadian prisons, and workshops across Canada to guide service providers and people living with HIV through the complexities of HIV disclosure and the criminal law.

Amplifying these approaches, we maintained a constant presence in both traditional and new media. We issued a steady stream of hard-hitting news releases, and made regular appearances in the opinion pages of major national newspapers, always making sure that our thousands of social media followers and subscribers to our e-bulletin stay connected to the latest developments in HIV and human rights.



“Our *Know Your Rights* resources equip people with the tools to defend their rights.”



Through **COMMUNITY MOBILIZATION** — a key complement to our own advocacy efforts — we engage with inspiring partners and generate popular momentum to defend human rights on a broader scale.

Evidence of the power of community mobilization was on display last July, when we teamed up with AIDS ACTION NOW! to organize a protest outside a courthouse in Barrie, Ontario. Inside, a woman living with HIV was being prosecuted for the virtually non-existent risk of transmission via oral sex. Between the protest, the media attention it garnered, our analysis of the Supreme Court's latest rulings on HIV disclosure, and our behind-the-scenes technical advice to the defendant's lawyer, this event demonstrates how our interlocking modes of work come together to produce results. Though the defendant was convicted on other counts, the judge ultimately rejected the Crown's aggressive push to criminalize oral sex, and we were able to play an important part in preventing the criminal law from further encroaching on the rights of people living with HIV.

Our work on LGBTQ rights also relied on strong community involvement. In the lead-up to the Sochi Winter Olympics, we partnered with the dynamic grassroots group #TOWithRussia, among others, to design and deploy a postcard campaign targeting the Russian president and his ambassador to Canada. And on the eve of the Olympics, we organized a rally outside the Russian consulate in downtown Toronto, attracting hundreds of supporters as well as media cameras, despite the record-breaking cold.

Acknowledging the effectiveness of this sort of relentless grassroots activism, we gave our 2013 Canadian Award for Action to a group of experts in this work, the Grandmothers Advocacy Network (GRAN). We had been proud to work alongside the members of GRAN's network of nationwide groups during our long campaign to fix Canada's Access to Medicines Regime and get affordable, life-saving generic drugs into the hands of people in developing countries. As we continue to fight for treatment access, we are honoured to maintain our alliance with GRAN, our collective voices raised for human rights.

FROM THE COURTS TO THE STREETS



“We rally with allies at home and abroad to end the legislated hate targeting LGBTQ people.”



KNOW NO BORDERS

Scaling up from the local to the global, our **INTERNATIONAL WORK** also combines all aspects of our strategic approach. We're effecting change the world over.

Our focus on Russia and other countries in Eurasia is a cornerstone of our international work. Jointly with the Andrey Rylkov Foundation (ARF) in Moscow, we are in the final phase of a groundbreaking research project analyzing the unjust prosecution and sentencing of people who use drugs in Russia. The research report will support our ongoing proactive advocacy and litigation at both local and regional levels. Local advocacy also requires local capacity, and so we continued to provide critical technical support to ARF's "street lawyers," enabling community outreach workers to become paralegal advocates for people who use drugs. The initiative's success has been demonstrated through the acquittals of victims of Russia's discriminatory enforcement climate. At the same time, we argued before the UN Working Group on Arbitrary Detention that Russian human rights and harm reduction activist Dennis Matveyev had been arbitrarily detained since 2009. The Working Group ruled in our favour and set an important precedent that we hope to parlay into reform at the Russian legislative level.

In 2013, we stepped into a new role as Secretariat to the UNAIDS Reference Group on HIV and Human Rights, facilitating regular meetings of this high-level body of advisors, and preparing reports and recommendations to channel rights-based guidance to UNAIDS leadership. We were also invited to lend our expertise at an international consultation convened by the UN Special Rapporteur on Torture. The resulting report identified prison-based needle and syringe programs as a minimum standard for the treatment of prisoners, a position we have long advocated. And as one of the few HIV organizations in consultative status with the UN Economic and Social Council (ECOSOC), we appeared regularly before UN human rights bodies, advocating for LGBTQ and other marginalized communities — people who, though they may be separated by borders, are united in their entitlement to full and unqualified human rights.



“From community education to courtroom interventions in Russia, we work for peace in the war on drugs.”



FORWARD MOMENTUM

In 2013, we undertook a rigorous strategic planning process, looking forward to the coming years and detailing the successes we plan and hope to achieve. We will continue to stand up for people living with and vulnerable to HIV, but in particular areas of focus.

Because gender inequality drives this epidemic, we will act to protect the rights of women and girls living with or affected by HIV — especially in areas where the Legal Network has existing expertise — and we will strengthen our support to global advocacy by women living with HIV. We will defend the rights of LGBTQ people, mobilizing against the hate now enshrined in law in dozens of countries and supporting efforts to extend protection under Canadian law for transgender people. We will demand human rights for people who use drugs, including in prison, in the face of stigma, abuse and increased prevalence of HIV and hepatitis C; in Canada, in Russia and at the global level, we will keep working to transform drug policy so that it protects people's health rather than punishes and incarcerates them. We will resist the unjust criminalization of people living with HIV, as misinformation and stigma fuel unfair prosecutions for non-disclosure of HIV status to sexual partners even where there is virtually no risk of transmission.

Supporting Aboriginal communities in Canada as they respond to HIV, we will partner with activists and organizations to work against the discrimination, violence and other risk factors that disproportionately affect indigenous people. And we will respond to other ongoing challenges related to HIV and human rights that undermine our shared public health.

For more than two decades, the Legal Network has been making a difference. We can envision an end to AIDS, but only if human rights are defended and realized. If you believe, as we do, that justice sits at the core of health, we hope you'll join us.



Demand rights for prisoners and people who use drugs



Resist unjust criminalization of HIV

RESEARCH AND ANALYSIS

ADVOCACY AND LITIGATION

MISSION

The Canadian HIV/AIDS Legal Network promotes the human rights of people living with and vulnerable to HIV/AIDS, in Canada and internationally.



Support Aboriginal communities' response to HIV



Defend LGBTQ rights

PUBLIC EDUCATION

COMMUNITY MOBILIZATION



Protect the rights of women



Respond to other HIV human rights challenges

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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how you can support our
work, please visit
www.aidslaw.ca/donate

IN MEMORIAM

Ken Buchanan (1957–2013)

In 2013, our community
lost a tireless advocate and
wonderful friend. Ken was
an invaluable member of
the Legal Network's Board
of Directors. His thoughtful
contributions and warm
smile are sorely missed.

STATEMENT OF FINANCIAL POSITION

AS AT MARCH 31, 2014

	2014	2013
ASSETS		
Current assets		
Cash	\$ 763,000	\$ 436,892
Amounts receivable	81,022	41,894
Prepaid expenses	14,054	9,705
	<u>858,076</u>	<u>488,491</u>
Leasehold improvements	7,883	13,915
	<u>7,883</u>	<u>13,915</u>
	<u>\$ 865,959</u>	<u>\$ 502,406</u>
LIABILITIES AND NET ASSETS		
Current liabilities		
Accounts payable and accrued liabilities	\$ 93,804	\$ 46,454
Deferred grants	679,613	364,540
	<u>773,417</u>	<u>410,994</u>
Net assets		
Invested in leasehold improvements	7,883	13,915
Unrestricted	84,659	77,497
	<u>92,542</u>	<u>91,412</u>
	<u>\$ 865,959</u>	<u>\$ 502,406</u>

STATEMENT OF OPERATIONS

FOR THE YEAR ENDED MARCH 31, 2014

	2014	2013
REVENUE		
Grants	\$ 1,132,735	\$ 1,330,132
Consulting fees	74,862	37,493
Donations	47,351	70,875
Membership	12,025	15,182
Interest and other	11,116	23,465
	<u>1,278,089</u>	<u>1,477,147</u>
EXPENSES		
Personnel	779,651	875,574
Professional fees	144,608	155,491
Travel	103,916	116,317
Rent and maintenance	93,063	92,904
Facilities and equipment	42,211	77,199
Office equipment	27,631	19,218
Information and publications	24,428	16,823
Communication	18,386	26,419
Office support and maintenance	11,837	10,126
Strategic litigation	2,663	40,036
Awards	1,278	1,201
Foreign country activities		3,847
Other	21,255	36,020
Amortization	6,032	5,286
	<u>1,276,959</u>	<u>1,476,461</u>
EXCESS OF REVENUE OVER EXPENSES	<u>\$ 1,130</u>	<u>\$ 686</u>



Canadian
HIV/AIDS
Legal
Network

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