



NET(WORK) GAINS

CANADIAN HIV/AIDS LEGAL NETWORK | ANNUAL REPORT 2014-2015



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

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NET(WORK) GAINS

Changing the harmful laws and policies that trample human rights and hinder meaningful responses to the worldwide HIV epidemic is hard. Mobilizing support and changing hearts and minds can be even harder. But the Canadian HIV/AIDS Legal Network has been committed to doing just that for as long as it takes to ensure that human rights are front and centre in the effort to end HIV and AIDS.

Simply put, we're in it for the long haul. And this year, we're proud to share some highlights of the critical gains we've made in all of our key areas of focus, often in collaboration with our valued partners and friends.

In Canada and abroad, we're conducting innovative research and analysis, and litigating precedent-setting cases before the courts, always complementing this work with strategic advocacy, public education and community mobilization.

This year, we were proud to intervene in *Carter v. Canada*, the assisted dying case which resulted in a landmark decision by Canada's highest court upholding personal autonomy in medical decision-making in life and in death, including for those living with HIV. Also in Canada, we continue our collaborative efforts with sex workers and other allies, and support defence counsel in resisting unjust criminal prosecutions of people living with HIV.

Further afield, we've advanced the first-ever cases before the European Court of Human Rights to challenge Russia's criminal ban on methadone as a violation of international human rights treaties and standards. And we've expanded our work into the Caribbean, as we strategize with on-the-ground partners about how best to safeguard the human rights of LGBTI people facing criminalization, discrimination and violence.

We also launched our newly revamped website, featuring even more human rights education resources now available in a wider array of languages. We invite you to visit us online and delve deeper into some of the work we've undertaken this past year.

We could not have accomplished all this without your support. From experiencing substantial and sudden funding cuts just a few years ago, we have succeeded in sustaining and even expanding our work — and we have ambitious plans for the future. Please join us as we continue to make significant net (and Network) gains in the coming year, and be part of our newly launched "Right(s) Now" campaign. Your commitment to human rights is now more important than ever.

Richard Elliott, Executive Director

James ("Jim") Burns, Chair, Board of Directors

WOMEN'S RIGHTS

"Women are increasingly affected by HIV for many complex reasons," says Anne Marie DiCenso, former Executive Director of PASAN (Prisoners with HIV/AIDS Support Action Network) and current Director of Community Health & Development at the Central Toronto Community Health Centres. "Women experience systemic discrimination, poverty, violence and lack of access to much-needed services, exposing us to unnecessary risk, and fueling the HIV epidemic at home and abroad."

Yet women's voices are all-too-often silenced or ignored. Women facing issues related to the criminalization of HIV non-disclosure, sex workers, women who use drugs, and women in prison are marginalized and stigmatized — their specific challenges overlooked and forgotten — placing them squarely in harm's way.

"The Legal Network is doing amazing work with and on behalf of women living with and affected by HIV. I'm proud to partner with them."

"I've spent much of my career advocating that women's voices must be heard," says Anne Marie. "The Legal Network is doing amazing work with and on behalf of women living with and affected by HIV. I'm proud to partner with them."

Committed to upholding human rights for all, the Legal Network teamed up with sex worker allies to mount a strong opposition to Bill C-36, the so-called *Protection of Communities and Exploited*

Persons Act, which became law in December 2014. We co-authored a Q&A resource (with Pivot Legal Society and sex worker rights organization, Stella) to shed light on the many harms this misguided law now enshrines.

We continue to work with our allies to encourage non-enforcement at the provincial level, and to mobilize community and other support for sex workers' rights — including, ultimately, decriminalization of sex workers, their clients and the places they work. At our Human Rights Networking Zone at AIDS 2014, we highlighted global success stories and strategized with international partners on how to keep up the pressure for sex workers' rights.

Meanwhile, the unjust criminalization of HIV non-disclosure has particular implications for women, and the Legal Network is leading the charge on new conversations and innovative legal thinking. In April 2014, we convened leading feminist scholars, front-line workers, activists and legal experts for a ground-breaking dialogue on the misuse of sexual assault laws in cases of HIV non-disclosure. This dangerous approach both over-extends the criminal law against people living with HIV and threatens to damage hard-won legal definitions of consent aimed at protecting women's sexual autonomy. We are working to challenge this highly problematic legal framing.



LGBTI RIGHTS

"Being seen is the first step to claiming one's human rights," says Maurice Tomlinson, lawyer, law lecturer, leading activist on HIV and LGBTI issues in the Caribbean, and the latest addition to the Legal Network's research and policy unit. "But much of Caribbean society wants to keep LGBTI people invisible, responding to their very existence with denial, discrimination and brutal violence."

Driven underground by fear, LGBTI people in the Caribbean are unable to claim the most basic human rights of forming intimate relationships or accessing services to protect their health and well-being. The result is a human-rights and public-health crisis.

"At the Legal Network," says Maurice, "we are working to make LGBTI people in the Caribbean visible to legislators, law enforcement and the community at large, and thus put a human face to their unjust and unconscionable persecution."

We are working to make LGBTI people in the Caribbean visible to legislators, law enforcement and the community at large, and thus put a human face to their unjust and unconscionable persecution.

Counteracting homophobia and stigma, our multi-faceted strategy includes targeted litigation and awareness-raising. In the courts, we are collaborating with local civil society on several key cases, including an appeal (to be heard in July 2015) challenging a lower court's ruling that allowed TV stations in Jamaica to refuse to air an advertisement promoting respect for the rights of gay people.

We also conducted highly successful LGBTI sensitization training for law enforcement officers in Suriname, with more such efforts already planned for other countries in the region. Police indifference to the violence experienced by LGBTI people is a major deterrent to reporting or holding perpetrators accountable. Our police training aims to humanize LGBTI people, dispel stereotypes and build appreciation among law enforcement personnel that human rights are indeed universal.

This important work in the Caribbean fits together with the Legal Network's growing global attention to LGBTI health and justice. We have recently ramped up our engagement with domestic policy-makers, particularly to influence Canada's foreign policy responses to LGBTI rights violations. To this end, we are a founding member of the new "Dignity Initiative," a network of organizations and individuals from across the country working to encourage a stronger and more strategic voice from Canada on human rights issues facing LGBTI communities around the world.



DRUG POLICY & PRISONS

"A prison sentence shouldn't translate into an interruption of health care," says Seth Clarke, Federal Community Development Coordinator with PASAN, an organization dedicated to providing prisoners and former prisoners with education and support around issues of HIV, hepatitis C (HCV) and harm reduction.

Yet Canadian prisons persist in denying an equivalent level of health care as on the outside — including access to sterile needles for injecting. To address this health and human rights violation, Seth has been collaborating with the Legal Network on our landmark litigation which, if successful, will require the federal government to establish prison-based needle and syringe programs (PNSPs).

"The Legal Network is an indispensable partner on a project of this scale," says Seth. "They bring tireless stamina, legal acumen, and an unflagging attention to the needs of the people whose lives are most jeopardized."

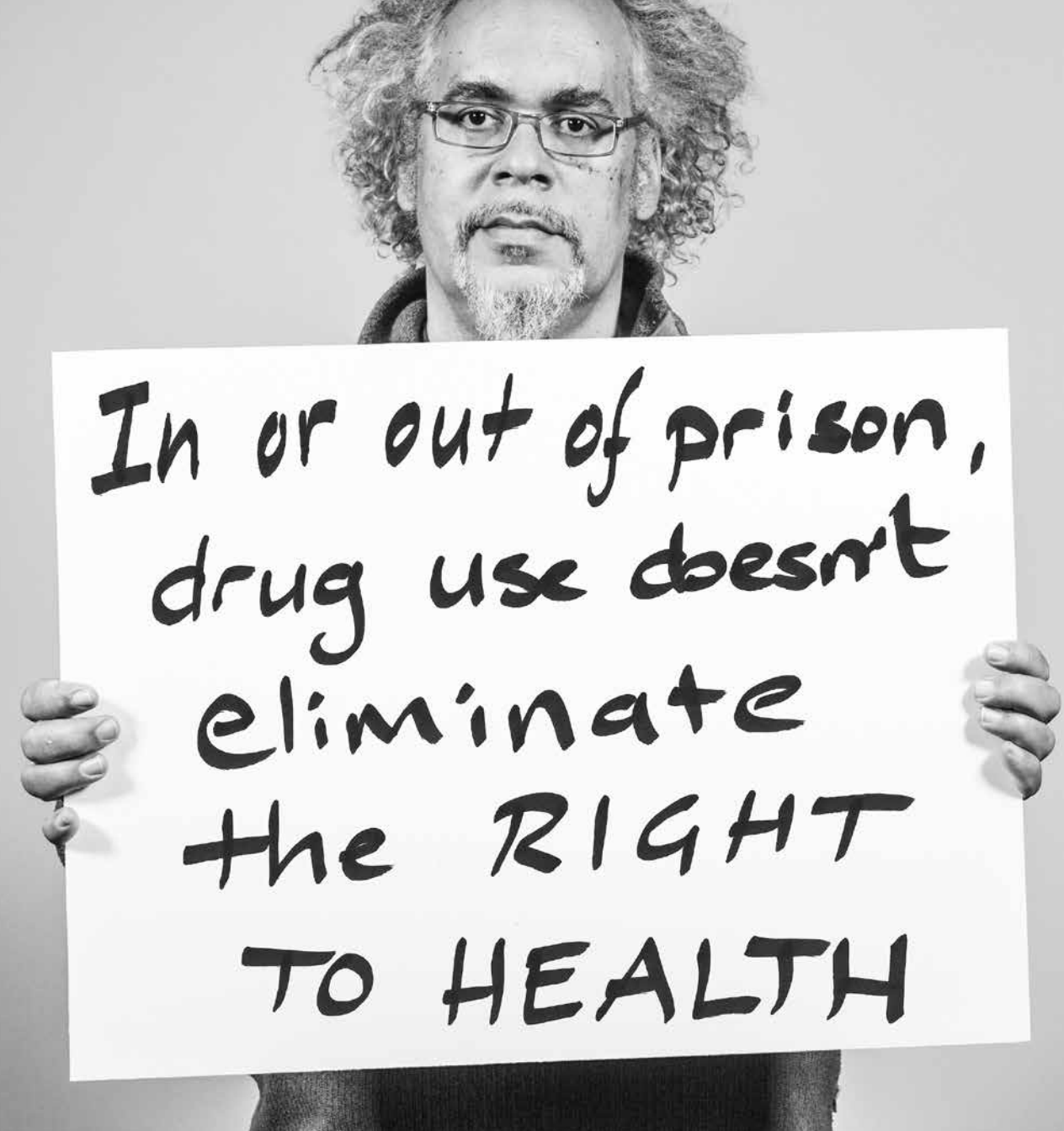
The Legal Network brings stamina, legal acumen, and an unflagging attention to the needs of the people whose lives are most jeopardized.

Despite the complexity and cost of mounting a constitutional challenge, the PNSP litigation is only one aspect of the Legal Network's intervention in drug policy. Both in and out of prisons, people who use drugs suffer appalling human rights violations. Flouting a positive decision from the Supreme Court of Canada in 2011, the federal government continued its campaign to block life-

saving supervised consumption services (SCS) — such as Vancouver's Insite — by introducing the misguided Bill C-2. We fought hard alongside the Canadian Drug Policy Coalition and other allies to inject reason into the debate and counter the government's anti-scientific spin on the bill and its stigmatization of people who use drugs.

Internationally, we maintained our presence in Russia, working with people who use drugs and their support networks, and pursuing numerous legal challenges against punitive Russian drug policy before domestic courts and the European Court of Human Rights. At the Commission on Narcotic Drugs in Vienna, we co-organized an event to underscore the importance of a public health approach to drugs. In Toronto, we hosted a public event with Sir Richard Branson, a Commissioner with the Global Commission on Drug Policy, to decry the devastating effects of the failed "war on drugs."

In all these activities and more, we are building toward April 2016, when the UN General Assembly will hold a Special Session on drugs — an opportunity for advocacy, both in Canada and abroad, for drug policies based on evidence, health and human rights.



CRIMINAL LAW AND HIV NON-DISCLOSURE

“The criminal law needs to catch up with HIV science,” says Cynthia Fromstein, a defence lawyer who represents people living with HIV in cases of non-disclosure. “Because judges and prosecutors misunderstand the science of transmission, people living with HIV face some of the most serious crimes on the books for allegedly not disclosing their status prior to having consensual sex, even when they take precautions.”

Cynthia joined the Legal Network in welcoming the May 2014 release of a pioneering consensus statement — endorsed by more than 70 scientific experts from across Canada — that outlines the low-to-zero possibility of transmitting HIV in various situations. Via this statement, many of Canada’s leading HIV scientists joined the growing chorus of concern with over-criminalization, and confirmed the position we have repeatedly advanced in court: current Canadian law is going too far and destroying lives in the process.

“The consensus statement could be a powerful evidentiary tool for reducing unjust convictions against people living with HIV.”

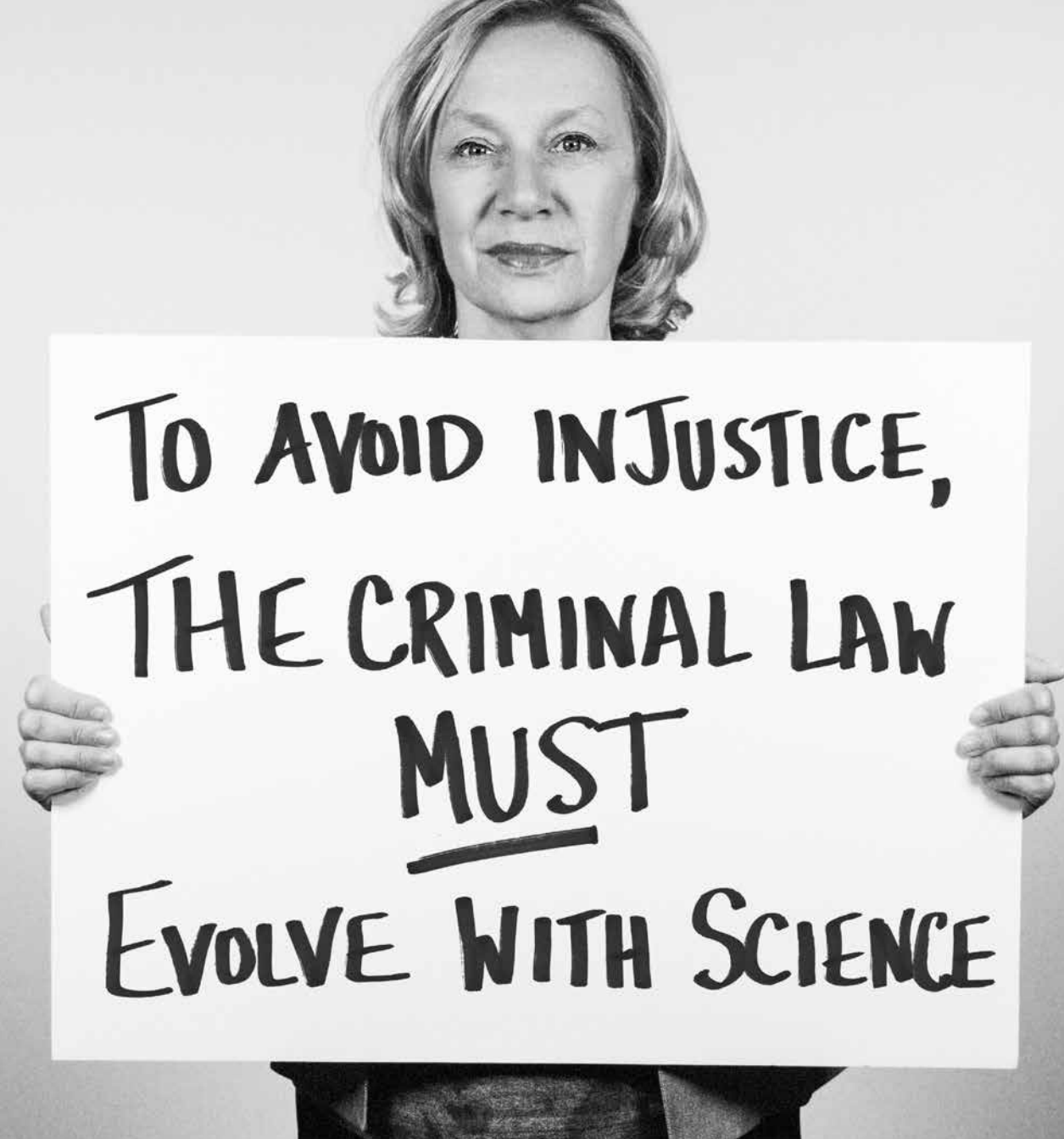
“I believe the consensus statement could be a powerful evidentiary tool for reducing unjust convictions against people living with HIV,” says Cynthia. “I hope it starts a shift by the courts that brings the law in sync with medical science.”

Committed to publicizing and disseminating the statement, the Legal Network provoked broad media coverage upon its release.

We cited it in two interventions at the Supreme Court of Canada, and continue to promote it in ongoing advisory work with defence counsel. We also convened a number of workshops countrywide — including one in Winnipeg led by Cynthia — in order to introduce defence lawyers to the statement and other materials designed to support them in representing clients living with HIV.

These workshops complemented our usual roster of training seminars — from Victoria, B.C., to St John, New Brunswick — briefing lawyers and community support-workers on a range of topics, including the implications of recent HIV-related Supreme Court decisions, and the rights of people living with HIV in the workplace. We also expanded our series of “Know Your Rights” educational resources, in multiple languages, addressing the day-to-day privacy rights and disclosure obligations of people living with HIV.

These few examples offer a glimpse into the Legal Network’s approach: forging alliances with dedicated defence lawyers and women’s rights advocates, and disseminating leading-edge legal analyses and scientific research, all aimed at stemming Canada’s overuse of the criminal law against people living with HIV.



ABORIGINAL COMMUNITIES

"Aboriginal people demand a place at the table," says Trevor Stratton, the coordinator of the International Indigenous Working Group on HIV & AIDS, an initiative hosted by the Canadian Aboriginal AIDS Network (CAAN). "Aboriginal communities are overrepresented in statistics on HIV, HCV, stigma and discrimination, and yet, Aboriginal voices continue to be excluded from the policy-making decisions that most affect us."

For more than a decade, the Legal Network has worked in partnership with CAAN, using our legal expertise to support the educational and advocacy efforts of Aboriginal initiatives, and ensuring that human rights concerns central to the HIV response among Aboriginal peoples inform our own research, education and advocacy.

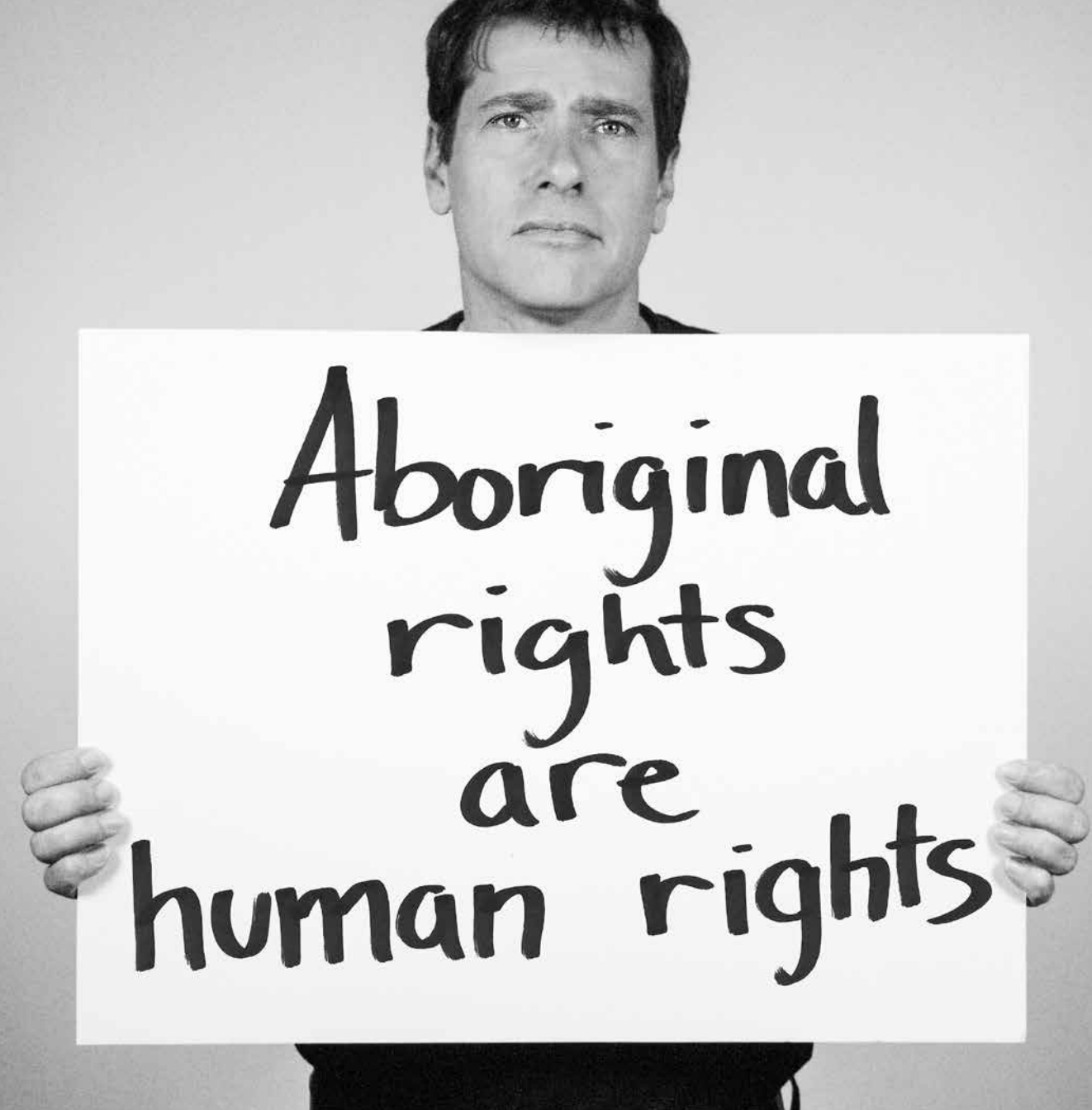
We're rewriting the deficit-based story that has too long been told about Aboriginal communities in Canada, and replacing it with one built on Aboriginal assets, insight and expertise.

"With allies like the Legal Network," says Trevor, "we're rewriting the deficit-based story that has too long been told about Aboriginal communities in Canada, and replacing it with one built on Aboriginal assets, insight and expertise."

In 2014–2015, the Legal Network brought a legal and human rights perspective to a number of initiatives designed by and supporting

Aboriginal communities. At Wise Practices, CAAN's annual capacity-building conference, we conducted a joint workshop to assess what sort of information on legal and human rights issues is needed by Aboriginal people living with HIV and/or HCV and their service-providers. Based on this assessment, we are embarking on a multi-year project to produce jointly a series of informational materials tailored to the needs of Aboriginal communities, starting with a Q&A on HIV disclosure and the law.

We were also closely involved in proceedings for Aboriginal AIDS Awareness Week, for which we co-hosted a day-long event in Toronto, and participated in a panel discussion on human rights challenges among Indigenous communities. We took this same issue to the global level at our AIDS 2014 Human Rights Networking Zone, when we convened participants from Canada, New Zealand and Guatemala for an interactive panel on Indigenous peoples' rights. This session was a forum for acknowledging that Canada's is not the only government failing to fulfill its human rights obligations, and for highlighting the extraordinary resilience of Indigenous peoples the world over.



THE LEGAL NETWORK AROUND THE WORLD

In addition to our strong Canadian focus, the Legal Network maintains an international presence that is growing every year. Whether pursuing litigation in the Caribbean, providing human rights training to high-level officials at the Global Fund to Fight AIDS, Tuberculosis and Malaria, or advising human rights advocates in Costa Rica on how to strategically push for human rights protections in HIV law, our work in 2014–2015 spanned 25 countries on 4 continents.

SWITZERLAND

Since December 2013, we have served as the Secretariat of the UNAIDS Reference Group on HIV and Human Rights, an independent body of experts advising UNAIDS on how to protect and promote human rights in relation to HIV. See www.hivhumanrights.org.

JAMAICA

Collaborating with local civil society, we're pursuing a legal challenge to appeal a Jamaican court's discriminatory ruling that TV stations can refuse to air an advertisement promoting respect for gay people's rights — part of our region-wide campaign to safeguard LGBTI human rights.

IVORY COAST, GHANA, TOGO, BENIN AND NIGERIA

Promoting gender equality and other human rights, we provided technical support to the Abidjan-Lagos Corridor Organization, which addresses the prevention, care and treatment of HIV along the transportation and commercial corridor running across the Ivory Coast, Ghana, Togo, Benin and Nigeria.

AUSTRALIA

At AIDS 2014, the International AIDS Conference held in Melbourne, Australia, we again co-hosted (with the AIDS and Rights Alliance of Southern Africa) the hugely successful Human Rights Networking Zone — four days of screenings, panel discussions and interactive educational and advocacy opportunities.

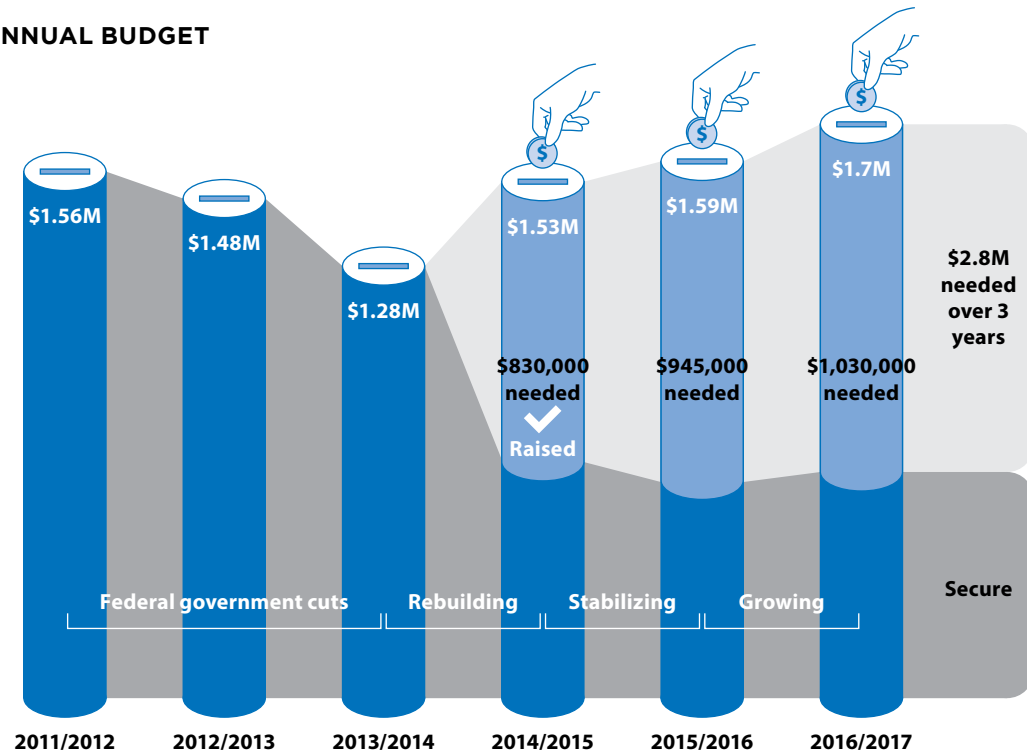
RUSSIA

Our work with people who use drugs in Russia includes providing technical support to a "street lawyers" program empowering outreach workers and people who use drugs to defend rights. We also pursue important human rights litigation locally, regionally and internationally.

THE “RIGHT(S) NOW” CAMPAIGN

Launched in April 2014, “Right(s) Now” is a comprehensive campaign designed to build a long-term, sustainable and integrated fundraising program to support the Legal Network’s policy goals from 2014–2017. As of June 2015, **we have raised nearly 60 percent of our \$3 million goal**. Contributions to the “Right(s) Now” campaign will help us bring lasting change in laws, policies and programs, improving the lives of thousands or even millions of people.

ANNUAL BUDGET



FINANCIAL OVERVIEW

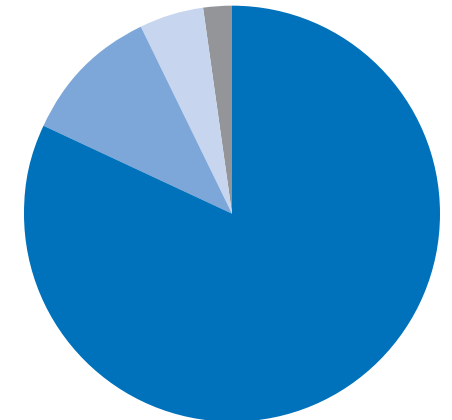
SUMMARY OF AUDITED FINANCIAL STATEMENTS

FISCAL YEAR ENDING MARCH 31, 2015

	2015	2014
REVENUE	\$	\$
Grants	1,222,361	1,132,735
Consulting Fees	159,350	74,862
Donations	91,897	47,351
Membership	9,300	12,025
Interest & Other	33,477	11,116
TOTAL REVENUE	1,516,385	1,278,089
EXPENSES		
Personnel Costs & Professional Fees	1,136,046	924,259
Travel Expenses	101,070	103,916
Event Expenses & Awards	43,189	43,489
Communication & Information	40,787	42,814
Strategic Litigation	14,931	2,663
Rent & Maintenance	89,212	93,063
Office Equipment & Expenses	45,244	39,468
Amortization	5,801	6,032
Other	25,228	21,255
TOTAL EXPENSES	1,501,508	1,276,959
NET ASSETS	107,419	92,542

WHERE OUR MONEY GOES

Charitable Activities	82%
Administration	11%
Fundraising	5%
Other	2%



THANKS

Sincere thanks to our extraordinary collaborators for playing such an important role in our success

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REMERCIEMENTS

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IN MEMORIAM

Elisse Zack (1952–2014)

A dedicated and passionate advocate — with Elisse's passing, social justice lost a champion, and the Legal Network a friend and colleague.

Une militante dévouée et passionnée. Avec le décès d'Elisse, la justice sociale a perdu une championne et le Réseau juridique a perdu une amie et une collègue.