

RESPECT PROTECT FULFILL

A HUMAN RIGHTS RESPONSE TO HIV

STRATEGIC PLAN 2017-2022



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

The Legal Network is among the world's leading organizations tackling the legal and human rights issues related to HIV.

Since its founding in 1992, the Legal Network has worked to defend the rights of people affected by HIV, including people who use drugs, prisoners, sex workers, women, LGBTQI people, Indigenous Peoples and newcomers to Canada.

Advancing Human Rights

An effective global HIV response must respect, protect and fulfill human rights, particularly for marginalized communities most at risk of having their human rights infringed and denied. Advancing human rights is not only the right thing to do, it is also sound public health policy. The many intersections of HIV, law and policy inform all of our work.

Taking Stock

In 2016, we undertook a planning process to set our strategic directions for the next five years (2017–2022), including seeking the input of our members, key partners and supporters.

Our focus on changing the legal and policy environment was rightly seen as a key area of expertise in the HIV response. Also highly commended were our commitment to marginalized populations, our integrity and consistency of values, and the expertise of our staff. In addition, we were acknowledged as an important international contributor to the HIV response.

Our review also underscored one of our ongoing challenges: we remain vulnerable to major funding shifts and operate without the benefit of a significant reserve.

“Legal work is really what distinguishes the Legal Network... most other groups don't do it. It's not just going to court... the Legal Network also has strong analytical experience and skills. Evaluating new legislation, for example...”

“I'm very grateful that the Legal Network exists because they hold this unique position where — without diluting the urgency and complexity, the subtle, nuanced dynamics of the work — they maintain a respectable and professional reputation. They have a lot of credibility. I have a lot of respect for that. They are the experts; they're always well prepared.”

Setting Priorities

Demands for the Legal Network's expertise and advocacy are high, yet achieving legal and policy change on the human rights issues we care about requires sustained engagement. We are committed to maximizing our impact by working in greater depth on fewer issues, considering the following criteria in setting our priorities:

- **Likelihood for success.** Are we likely to achieve our goal? What is the prospect of achieving measurable impact?
- **Leadership.** Does the Legal Network play a leadership role on this issue? How can we best leverage our expertise and experience?
- **Values and principles.** Are the issue and desired outcome consistent with our values, in particular our commitment to the centrality of human rights in the response to HIV and AIDS and a focus on the rights of marginalized populations?
- **Funding.** Are resources available to support the work, and to sustain the work for the near future?
- **Domestic/international balance.** Is the work in keeping with the Legal Network's goal of achieving a portfolio that is balanced between domestic (Canadian) and international work?
- **Expertise.** Is the Legal Network's staff well-suited to address the issue in terms of technical skills and experience?

Defining Goals

Our primary goals are to achieve

- 1) the repeal or reform of **punitive laws or policies** that unjustly criminalize or discriminate against key populations affected by HIV;
- 2) the enactment or implementation of **laws and policies that protect** key populations from discrimination and abuse, and ensure access to appropriate health care; and
- 3) **support for key populations** affected by HIV to know, promote, demand and enjoy their human rights.



Our Mission

The Canadian HIV/AIDS Legal Network promotes the human rights of people living with, at risk of or affected by HIV or AIDS, in Canada and internationally, through research and analysis, litigation and other advocacy, public education and community mobilization.



Our Vision

We envision a world in which the human rights and dignity of people living with HIV and AIDS and of communities particularly affected by the epidemic are fully realized, and in which laws and policies facilitate HIV prevention, care, treatment and support.



Our Values

- We believe that human rights must be central in the response to HIV and AIDS.
- We focus on the rights of marginalized populations.
- We ensure the meaningful participation of people living with and affected by HIV or AIDS in our work and in defining and implementing policies and programs.
- We ensure the meaningful engagement of both francophones and anglophones in our work, and that our work on domestic issues is accessible in both of Canada's official languages.
- We are committed to action and activism for human rights.
- We are accountable to the communities we serve and to our supporters, including using resources effectively and being transparent in our reporting.
- We are committed to global responsibility and engagement.
- We are committed to excellence in all areas of our work.



Priority outcomes are listed below for each goal:

1

Repeal or reform of punitive laws or policies that unjustly criminalize or discriminate against key populations affected by HIV

People living with HIV

- The Supreme Court of Canada, the federal government and provincial governments narrow the scope of HIV criminalization, through various means, thereby reducing substantially the number of unjust criminal prosecutions for HIV non-disclosure in Canada

People who use drugs

- The federal government's review of criminal justice policy includes the removal of mandatory minimum sentences for at least certain drug offences, and the review process includes consideration of proposals for decriminalizing the possession for personal use of various currently illegal substances
- The European Court of Human Rights rules that Russia's criminal prohibition on opioid substitution therapy (OST) contravenes the European Convention on Human Rights

Sex workers

- The federal government repeals or substantially amends the *Protection of Communities and Exploited Persons Act*, decriminalizing sex work so as to better respect and protect the health and safety of sex workers (including decriminalizing clients and third parties)

LGBTQI people

- A court strikes down Jamaica's laws criminalizing consensual sex and intimacy between men
- The groundwork is laid for a legal proceeding aimed at removing such criminal prohibitions in at least one other Caribbean country where they remain in law

2

Enactment and implementation of laws and policies that protect key populations affected by HIV from discrimination and abuse, and ensure access to appropriate health care

People who use drugs

- The federal government repeals or substantially amends the *Respect for Communities Act* to facilitate establishment of safer consumption sites
- The federal government reinstates harm reduction as a key element of Canada's federal drug strategy and increases the allocation of funds within that strategy for harm reduction
- UN human rights committees issue positive recommendations regarding drug policy and the rights of people who use drugs in EECA countries, including condemning Russia's prohibition on OST as a violation of human rights treaties
- The Legal Network and partners develop international guidelines on drug policy and human rights that enjoy the support of key UN agencies, human rights experts and mechanisms, and some member states

Sex workers

- UN human rights committees issue positive recommendations regarding the rights of sex workers in EECA countries

Prisoners

- Federal prisons in Canada implement prison-based needle and syringe programs (PNSPs)

LGBTQI people

- A final appellate court upholds freedom of expression and the right of access to the media by ruling in favour of compelling TV stations in Jamaica to accept for broadcast an advertisement promoting respect for the human rights of LGBTQI people

3

Support for key populations affected by HIV to know, promote, demand and enjoy their human rights

Key Populations

- People living with HIV and key populations in Canada are empowered to exercise their rights in the context of HIV, including through educational activities, resources and legal support
- Key populations are empowered to exercise their rights in the face of punitive legal environments in Russia and Eastern Europe/Central Asia (EECA)
- Global Fund grantees strengthen human rights programs and services in West Africa and EECA

Sex workers

- European Court of Human Rights renders a positive judgment on the ability of sex worker organizations in Russia to form and register legally

People living with HIV

- People living with HIV and advocates, in Canada and internationally, are empowered to advocate against cases of unjust HIV criminalization, including through a national coalition in Canada and a widely endorsed, high-profile global scientific consensus statement on HIV criminalization

Intersections in advocating for justice and health

People often belong to more than one “key population” or community disproportionately affected by HIV and so may experience heightened risks to health in various ways. In addition, individuals who are marginalized by virtue of their criminalization or experience of discrimination, such as people who use drugs, sex workers, prisoners and LGBTQI people, often face additional barriers to services, or experience added stigma and discrimination, due to other, intersecting factors, including sex, gender, race/ethnicity, gender, socioeconomic status, disability, immigration status or Indigenous status.

The Legal Network always strives to consider such intersectional factors and reflect these connections among health-related problems when advocating for human rights, whether in relation to a particular intervention or in making the case more broadly for just laws and policies that enable the full realization of the right to the highest attainable standard of health.

Conclusion

There is widespread agreement that we have the requisite knowledge and the technological means to make substantial progress toward ending the HIV epidemic as a public health threat. Whether there is sufficient political will, including the commitment of the funds needed, in Canada and abroad, remains an open question. Success will depend on dramatically scaling up human rights protections for marginalized communities most affected by HIV — the core of the Legal Network’s work. For more than two decades, the Legal Network has occupied a place at the forefront of this movement for health and human rights. With this strategic plan, and the continued support of members and donors, colleagues and partners, we commit to doing our part in ensuring a more just world.

We are a registered charity.

Please consider supporting our work with a donation. For more information: www.aidslaw.ca/donate

Why not become a member?

Membership is open to any organization or individual that supports our goals and activities. For more information: www.aidslaw.ca/joinus

Follow us on Twitter (@aidslaw)

or visit www.aidslaw.ca to learn more about our work.

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