

November 27, 2006

Mr. James Heenan
Office of the UN High Commissioner for Human Rights
Geneva, Switzerland
[by electronic mail]



Dear James:

The Canadian HIV/AIDS Legal Network would like to submit the statement that follows as a contribution to the High Commissioner's report to the Human Rights Council related to human rights and HIV/AIDS, as requested in your office's call for statements in mid-October. We hope that these points will be taken into consideration in the preparation of the High Commissioner's report. These items focus on developments in Canada.

Comprehensive HIV/AIDS services in prison: As in many countries, in Canada it is well documented that there is extensive use of illicit drugs in prisons. Studies have shown that HIV prevalence among incarcerated persons in Canada is many times higher than in the non-incarcerated population. On World AIDS Day (Dec. 1) 2004, the then-federal Minister of Health called on the federal corrections authorities to launch pilot sterile syringe programs and called on the public health authorities to develop guidelines for those pilot programs. The government changed with federal elections in January 2006. In spite of repeated calls from prisoner rights advocates and HIV/AIDS organizations, there has been no movement on provision of sterile syringes in Canadian prisons on federal or provincial levels. A number of European countries, including Spain, Germany, Switzerland and Moldova, as well as Belarus, Kyrgyzstan, and Iran, have prison needle exchange programs that have been shown to lower the risk of HIV and hepatitis C transmission in prison without encouraging initiation of drug use or posing a threat to prison guards. Indeed, in countries where these programs are well established, prison guards themselves have appreciated that they themselves are protected by these programs since it is less likely with controlled exchange of syringes that they will be pierced by contaminated injecting equipment during pat-downs or searches of cells. Sterile syringe programs are available to Canadians outside prisons. The government should respect and fulfill the right of prisoners to the same essential HIV prevention service.

Supervised injection facility: Vancouver, Canada is home to North America's only supervised injection facility in which people who use drugs can inject illicit drugs under medical supervision with sterile equipment and can receive medical assistance in the case of overdose as well as referral to other health services. This facility, called Insite, established in September 2003, has been extensively evaluated in studies reported in the world's most respected medical journals, including the *Lancet*, *British Medical Journal*, and *New England Journal of Medicine*. Research has demonstrated that Insite has resulted in reduction of syringe-sharing (the key risk behaviour for HIV transmission), an increase in referrals to addiction treatment, no increase in initiation of drug use, no increase in crime in the neighbourhood of the site, and a remarkable record of no mortality linked to the hundreds of overdoses that have occurred there. In spite of this

remarkable record, at the end of the three-year trial period for Insite in September 2006, the federal Minister of Health indicated that Insite permission to operate would be extended only until December 2007 to allow further research to take place, and he announced that there would be no further federal approvals of safe injection facilities in the meantime. This decision flew in the face of an impressive body of scientific evidence and of the position of the Vancouver Police Department and many mainstream community groups in favour of Insite and was a setback for the human rights of people who use drugs in Canada.

Same-sex marriage: In 2006, the current government of Canada made public its intention to reopen a parliamentary debate on the right to same-sex marriage, which was guaranteed under federal law in June 2005 and in some provinces several years earlier. If the House of Commons votes to reopen the debate, the government has declared its intention to introduce legislation to repeal the right of gay and lesbian persons to marry. In addition, the government cut funding off to the Court Challenges Program of Canada, eliminating an organization that enabled several gay rights cases to be brought to the federal courts. It also abolished the Law Commission of Canada and cut funding of the ministerial body Status of Women Canada, two institutions that supported the human rights of gay, lesbian, bisexual and transgender people.

Aboriginal rights: Aboriginal persons in Canada are disproportionately affected by HIV/AIDS. They represented about 3.3 percent of the Canadian population but over 7.5 percent of new HIV infections in 2005. About half of new HIV infections among Aboriginal persons in Canada are among women. Although Canada played a key role in drafting the UN Declaration on the Rights of Indigenous Peoples, the current government was one of only two represented at the Human Rights Council to vote against the adoption of the Declaration. The government preceding the current government pledged CAD \$5.1 billion over five years to Aboriginal communities to strengthen housing, health, education and other basic services, among other things. The current government has also repudiated that pledge by refusing to allocate the pledged funds. Aboriginal populations in Canada face discrimination of many kinds and social and economic marginalization, all of which are barriers to effective responses to HIV/AIDS in Aboriginal communities.

I hope these items can be taken into consideration in the High Commissioner's report.

With this go our best wishes, James, from all the staff.

Very truly yours,



Joanne Csete
Executive Director