

## PREFACE

Living with HIV/AIDS presents a significant number of challenges. Not only are People Living with HIV/AIDS (PHAs) required to navigate the complexities of their diagnosis and illness, but they are also faced with significant barriers – both direct and systemic – to living their lives. PHAs face the daily challenges of stigma and discrimination. Over the long term, these difficulties are very often compounded by increasing levels of poverty as living with the disease, and periods of illness make maintaining employment and financial independence more and more challenging.

The purpose of this manual is to help PHAs and service providers working with PHAs gain some of the knowledge and skills necessary to recognize and address a number of the common legal problems that arise. The manual is by no means exhaustive, and there are most certainly areas which are not covered in this manual. We are limited in our scope by two of our greatest challenges: time and money.

The Manual is intended to identify a number of the common problems that low-income PHAs face in Ontario and to attempt to provide detailed and instructive information about identifying problems and learning about ways to address and solve them.

The HIV & AIDS Legal Clinic (Ontario) (HALCO) abides by the following Statement of Principles:

It is agreed that:

1. People living with HIV and AIDS are confronted with unique legal problems of enormous proportions and complexity;
2. Those best equipped to make choices regarding HIV and AIDS issues and problems, are those individuals who are HIV positive themselves;
3. People living with HIV and AIDS must have control over their own lives.
4. The HIV and AIDS affected communities are very diverse and the priorities of those communities are by no means uniform.
5. It is necessary to create and foster a climate of understanding and mutual respect for the dignity and worth of people living with HIV and AIDS; and
6. The confidentiality, bodily security, autonomy and privacy of people living with AIDS and HIV must be respected, which includes but is not limited to:
  - a) the right of individuals to exercise control over their own medical treatment;
  - b) the right of individuals to make decisions concerning their own socio-economic position;
  - c) the right of all persons living with HIV or AIDS to be fully informed of all processes and procedures in which their interests are in any way involved; and
  - d) the right of all persons living with HIV or AIDS to consent, or withhold their consent, in all matters affecting them.

It is in the spirit of this statement that we present this manual as one of the tools which may be useful in meeting our ultimate goal of empowering PHAs and those who work for and with them to improve quality of life.

## **A Brief History of the HIV & AIDS Legal Clinic (Ontario)**

The HIV & AIDS Legal Clinic (Ontario) (HALCO) first came into existence in its current form in November 1995. Prior to that, HALCO existed as a project funded by a special grant from the Ontario Legal Aid Plan and housed first in conjunction with another community legal clinic, ARCH: A Legal Resource Centre for Persons with Disabilities. Eventually, HALCO moved and was co-located within the offices of the AIDS Committee of Toronto. Once additional funding had been secured through the AIDS Bureau of the Ministry of Health and Long Term Care, HALCO moved into its own offices, next door to the AIDS Committee of Toronto and the Toronto People With AIDS Foundation. With a mandate to provide free legal services to low-income people living with HIV and AIDS across the province of Ontario, HALCO officially began operations with staff of one lawyer, one community legal worker and one office manager.

Today, nearly nine years later, HALCO has grown to include a staff made up of three staff lawyers, one community legal worker, one office manager, one support staff and an articling student who works usually from September to June of each year. Of course, as we have grown, so has the number of clients and the variety and complexity of the legal problems they are experiencing.

HALCO continues to provide the full range of services of a community legal clinic. Known as a “specialty” clinic because our services are provided to a specific population, HALCO provides basic legal advice and brief services without requiring that callers be HIV positive or undergo a financial test. In order to open a file and represent a client, we require that the client be HIV positive and meet Legal Aid Ontario’s financial criteria.

HALCO is also very active in the other core activities of community legal clinics: public legal education, community development and law reform. HALCO provides a wide range of educational workshops across the province and beyond, providing training and materials to PHAs, front line workers, policy makers, doctors, nurses and other medical staff, social workers, prisons and prisoners with HIV/AIDS, immigrant-serving organizations and schools. HALCO also publishes a newsletter covering current legal issues and other educational materials. In the areas of law reform and community development, HALCO participates as a member of a number of different advocacy groups covering such issues as immigrants, refugees and newcomers with HIV/AIDS, social assistance, general HIV/AIDS advocacy and others. HALCO has participated both independently and by invitation in consultations with government and policy makers in the development of and response to government legislation, at the federal and provincial levels, which impacts on the lives of PHAs. As both a community legal clinic and an AIDS Service Organization, HALCO is very active in both networks as it aims to provide the best quality of service possible.

## **Scope of the HIV & The Law Advocates Manual**

This manual is written for PHAs and front line workers who wish to know more about the legal issues that impact on PHAs, and learn some of the basics of how to address the issues. The manual was originally conceived as a way of helping to address the overwhelming demand on HALCO’s services by creating a useful resource and increasing the capacity of other front line organizations to address some of the most common issues faced by our clients.

The manual is by no means an exhaustive and comprehensive guide to every legal issue faced by PHAs. Nor is it intended to replace legal advice. The manual is limited to the laws as they apply in the Province of Ontario.

## **A Note about the Format of this Manual**

The HIV & The Law Advocate's Manual has been conceived as both a hard-copy and electronic resource. The hard copy of the manual was created in loose-leaf format in order to enable easy periodic updating of the paper copy of the resource. The on-line version will be housed on HALCO's website in both HTML and PDF formats. It can be found by visiting [www.halco.org](http://www.halco.org) and following the links to the HIV & The Law Advocate's Manual.

You will note that there is a general Table of Contents at the beginning of the manual. The page numbering gives first the chapter number and then the actual page number. You will also note that each chapter begins with a mini-table of contents. This is to facilitate the use of the manual in case chapters are being used as stand-alone resources.