



HALCO – HIV & AIDS Legal Clinic (Ontario)  
65 Wellesley Street East, Suite 400  
Toronto, Ontario, Canada M4Y 1G7

Tel. 416-340-7790 / 1-888-705-8889  
TTY 416-922-2352 / 1-866-513-9883  
website: [www.halco.org](http://www.halco.org)

***Dignity. Equity. Justice.***

***Serving People with HIV/AIDS through Legal Advocacy.***

## **HALCO remembers James Kreppner**

*[please see page 2]*

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**HALCO wishes everyone a happy 2010!**

## James Kreppner

It was with profound sadness that we learned that James Kreppner passed away in May 2009. James was a founding and current HALCO Board member, a dedicated lawyer/advocate and a committed AIDS activist. His remarkable compassion, intelligence, wit and energy were all integral to his unflinching commitment to justice and to his innumerable contributions to improving living conditions for all. An incredibly moving Celebration of James' Life was held in late October. HALCO staff and Board were amazed to learn the tremendous breadth of James' activities to promote the well-being of people living with haemophilia, HIV and Hepatitis C, as well as his unwavering efforts to have all the issues related to Canada's blood supply addressed. We extend our deepest sympathies to James' family, friends and colleagues. *[HALCO Chair Robert Watkin remembers James in his report – please see page 10]*

## HALCO Update

2009 has been another exciting year for HALCO. The demand for our services has continued to grow at an incredible rate. Up until 2006, we handled approximately 2,300 requests annually for direct legal services. To date in 2009, we have handled 3,795 requests. So by the end of 2009, our intake services will have increased by more than 65% over 2006. We are also seeing an increase in the number of clients who are contacting us for the first time.



And these numbers do not include representation beyond summary legal services. Up until 2006, we opened approximately 70 case files per year. Thus far this year, we have opened 186 case files, which is a 165% increase over 2006.

The number of public legal education presentations has also dramatically increased. Up until 2006, we gave approximately 30-40 presentations each year. In 2008 we provided over 75 public legal education presentations throughout the province. To date in 2009, we have again done more than 75 presentations.

### **HALCO Staff:**

Our staff are [in alphabetical order]:

**Renée Lang**, Staff Lawyer

**Rick Lobodzinski**, Administrative Assistant

**Jill McNall**, Community Legal Worker

**Bill Merryweather**, Director of Administration

**John Nelson**, Staff Lawyer

**John Norquay**, Staff Lawyer

**Ryan Peck**, Executive Director/Lawyer



## HALCO Students:

**Karen Wheaton** was our articling student from August 2008 through July 2009. Her dedication and commitment were tremendous. She is a compassionate advocate and a fun person to be around. We cannot thank her enough for her hard work!

**Dale Whitmore** joined us in August as our articling student for the 2009/2010 year. Dale's experience at other legal clinics, in combination with his knowledge of tenancy law and ability to handle a large volume of intake, has been very helpful. Welcome Dale!

**Sari Feferman**, a first-year law student at the University of Ottawa, worked with us in the summer of 2009. Sari made a significant contribution in a short period of time and her willingness to help with whatever needed doing was most appreciated. We wish you all the best Sari!

HALCO is fortunate to have committed law student volunteers through Pro Bono Students Canada (PBSC). We benefit from their service, while they gain experience in legal clinic work and knowledge of HIV/AIDS issues. After our intensive training program in the fall of 2008, **Ori Bergman, James Cheng, Marilyn Maxwell Smith** and **Jennifer Quito** began to assist with intake and research. Their contributions were much appreciated by staff and clients. We are very pleased that **Ori Bergman** is continuing to volunteer this year.

## HALCO Board:

HALCO depends on its skilled and committed volunteer Board members to oversee our governance. The majority of our Board members are people living with HIV.

At our Annual General Meeting on September 23, 2009, our membership elected three new Board members: **Michael Capp, Irene Mlambo** and **Jessica Whitbread**, and re-elected two Board members: **Anne Marie DiCenso** and **Richard Sabourin**. Our four other Board members are in the middle of their two year terms: **Mark Blans, Believe Dhlwayo, Martha Mackinnon** and **Robert Watkin**.

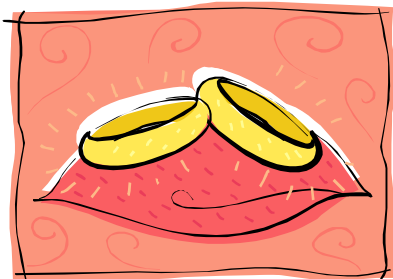


HALCO's new Board Executive is: **Martha Mackinnon (Chair), Jessica Whitbread (Vice-Chair)** and **Bob Watkin (Treasurer)**.

We are grateful for the contributions of our Board members who have recently "retired" from our Board: **Luc Bourassa** and **Keith Wong**.

We are also fortunate that **Gary Salter** is continuing his involvement as an administrative volunteer and member of the HALCO Outreach Committee.

As noted above, we were all extremely saddened when HALCO Board member **James Kreppner** passed away in May 2009.



Everyone at HALCO was delighted when **Luc Bourassa** announced that he and **Norman Sobel** were to be married. When Luc told us that they were asking for contributions to HALCO in lieu of wedding gifts, we were touched and truly grateful. Luc and Norman’s friends and family have been extremely generous in their donations to HALCO. Thank you so much Luc and Norman!

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## HALCO’s New Fundraising Initiatives

Due to the increasing demand for our services, we have developed our first ever detailed fundraising strategy to increase and diversify our sources of revenue. Our strategy includes corporation and foundation asks, planned giving, a direct mail campaign, and fundraising events. We are very excited about this strategy.



We have had some great initial success in raising both awareness and funds:

- a) We received a significant and very welcome grant from the M-A-C AIDS Fund (a fund established in 1994 by M-A-C Cosmetics that supports men, women and children affected by HIV/AIDS globally). This funding will assist us in our plan to hire a part-time intake lawyer in 2010.
- b) We were the designated charity at the annual Church Street Fetish Fair in August 2009, where volunteers raised \$2,800 in donations from the fair’s participants.
- c) We raised \$10,000 at our first-ever fundraising bowl-a-thon at Danforth Bowl on November 7, 2009. Congratulations to **Karen Wheaton** for raising the most funds by an individual, and to **“The Spins”** for raising the most funds by a team. It was a great night, a lot of fun, and we are looking forward to our second annual bowl-a-thon in fall 2010!

The clinic has also begun to expand its volunteer program by recruiting and training new fundraising volunteers.

If you are interested in being part of HALCO’s fun and fabulous fundraising volunteer team, please contact Bill Merryweather at 416-340-7790 extension 42, or send him an e-mail at: [merryww@lao.on.ca](mailto:merryww@lao.on.ca)

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## New Funding for Legal Aid Ontario

As a community legal aid clinic, one of our core funders is Legal Aid Ontario. On September 8, 2009, Ontario’s Attorney General announced additional funding for Legal Aid Ontario. Over the next four years, there will be increases of \$15 Million each year for base funding. This will increase Legal Aid Ontario's base funding by \$60 million by 2012. Five advisory groups have been created to provide advice to the Attorney General on the allocation of the new money. **Ryan Peck**, Executive Director of HALCO, was appointed to the “Poverty Law” Advisory Committee, which focused on funding for community legal aid clinics. The Committee met in November and December 2009.

## Some “How-To” Information for Getting Help from HALCO

### “Intake” for new inquiries:

Due to the increasing demand for our services, we have reduced our Intake hours for new inquiries from five days to four days per week. It is very important to note that the reduction in intake hours has been an extraordinary step for the clinic, and one which we hope is very short-lived. From our inception, we have always been open five days per week for Intake for new inquiries. Accessibility is of the utmost importance to HALCO. Unfortunately, we simply had to reduce our hours to allow staff the opportunity to work on client and systemic matters.



### Our Intake procedure:

If you would like to contact us for free legal help, you can call or drop in during our Intake Hours. Our Intake Hours are Monday, Tuesday, Thursday and Friday from 9:00 a.m. to 5:00 p.m. (*Intake Hours are subject to change*). You can also contact us by E-mail at [talklaw@halco.org](mailto:talklaw@halco.org), but remember that the internet is not confidential and E-mail may be lost, blocked or slow to arrive. We do not have after-hours emergency service.

You do not need an appointment for Intake, but people do have to wait their turn. If you call or drop in, you may have to wait to speak with the caseworker on Intake. Some Intakes may be complex and take a long time, but others may be very brief. Depending on your question, the caseworker on Intake may need to do some research, consult another HALCO caseworker, and/or refer you to another service.

Many legal matters have time limits called “limitation periods”. Please contact us as soon as you have a question or problem, so that we will have enough time to try to help you.

We provide services in English. Some of our staff speak Spanish and French, and we can arrange interpreters for other languages. Please call ahead if you need service in a language other than English.



### Public Legal Education:

HALCO staff are available to speak to groups and to attend community events. If you would like to discuss having us speak or participate in an event, please contact our office. It is best to give us as much advance notice as possible so that we can try to have the appropriate staff person attend.

## **HALCO Publications Update**

### ***HIV testing in Ontario* pamphlet**

We are very pleased to announce that our *HIV testing in Ontario* pamphlet has been updated and reprinted (co-produced with Community Legal Education Ontario "CLEO"). The on-line version of the pamphlet can be found at [www.cleo.on.ca/english/pub/onpub/PDF/health/hivtest.pdf](http://www.cleo.on.ca/english/pub/onpub/PDF/health/hivtest.pdf)

You can contact CLEO to order copies by phone 416-408-4420 or the CLEO

Order Form is available on-line: [www.cleo.on.ca/english/pub/order/submit/order.asp?l=1](http://www.cleo.on.ca/english/pub/order/submit/order.asp?l=1)



### ***HIV disclosure: a legal guide for gay men in Ontario***

Our new publication *HIV disclosure: a legal guide for gay men in Ontario* is available in English and French. Translations into other languages are under way. The guide is available on the *Publications* page of our website or by contacting our office. We hope to be able to develop similar guides for other audiences in Ontario.

The Canadian AIDS Treatment Information Exchange "CATIE" has developed a national version of the guide. It can be found in English and French on CATIE's website: [www.catie.ca](http://www.catie.ca)

### **HALCO pamphlet is undergoing a much-needed update**

A new HALCO pamphlet to explain "everything you need to know about HALCO and its services" will be available shortly.

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## **Ontario Disability Support Program "ODSP" Updates**



On May 1, 2009, the time limitation for requesting an Internal Review of decisions made by Ontario Disability Support Program "ODSP" or Ontario Works "OW" was increased to 30 days from 10 days. However, we recommend that Internal Review requests be made as soon as possible.

The employment or training earnings of "full-time" post-secondary students is no longer deducted from ODSP and OW assistance.

We continue to help people living with HIV who are receiving ODSP and whose Special Diet Allowances have been improperly reduced or cancelled.

People receiving Ontario Disability Support Program "ODSP" or Ontario Works "OW" benefits saw a recent 2% increase in their basic benefits. The increase took effect on November 1, 2009, for ODSP and on December 1, 2009, for Ontario Works.

**If you have any questions about ODSP or OW, please call our office to speak with the caseworker on Intake.**

## **U.S.A. HIV “Travel Ban” News**

**We are very happy to report that the United States government has announced that, as of January 4, 2010, the ban on HIV+ visitors and immigrants to the U.S.A. will be lifted.**

For over 20 years, the United States has banned people living with HIV from visiting or immigrating to the U.S.A. except in very limited situations. Many people ignored the ban and tried to enter the U.S.A. without revealing their HIV status, and many did not even know the ban was in place. Over the years, we have received countless calls from people concerned with and affected by the travel ban.

The end of the U.S.A. travel ban means that as of January 4, 2010, people living with HIV will not be prevented from travelling to the United States solely because of their HIV status. HIV-positive visitors to the U.S.A. will be allowed to bring their medications for use during their stay – and in fact your prescription medications must be in their original containers whenever you travel. You can contact HALCO for referrals to information about bringing medications into the United States.

**We do not know whether the US government will continue to enforce the travel ban from now until January 4, 2010.**



**Some other countries continue to ban HIV positive people from visiting or immigrating.**

**Also, remember that any country can deny entry to any visitor for any number of reasons.** Some examples of the reasons that you ***might*** be denied entry include:

- if you have a criminal record
- if officials suspect you will try to remain in the country permanently
- if you do not have a return plane ticket
- if officials do not think that you have enough money for your expenses during your visit.

**If you are a person living with HIV who plans to travel to another country, contact HALCO to get information on how you can find out if your HIV status will affect your ability to enter that country.**

## **Important Immigration Information for People from Burundi, Liberia and Rwanda**

On July 23, 2009, the Federal government cancelled the temporary suspension of deportations to Burundi, Liberia and Rwanda.

*This information does **not** affect you if you are a Canadian citizen, a Permanent Resident of Canada, or if Canada has already accepted you as a refugee or protected person.*

**If you are affected, you should get legal advice as soon as possible because the limitation to make an application to stay in Canada on Humanitarian and Compassionate grounds is January 23, 2010.**



You can get more information at:

[www.ccrweb.ca/documents/infosheetmoratoria2009.pdf](http://www.ccrweb.ca/documents/infosheetmoratoria2009.pdf)

French: [www.ccrweb.ca/documents/infosheetmoratoria2009FR.pdf](http://www.ccrweb.ca/documents/infosheetmoratoria2009FR.pdf)

**If you are living with HIV and are affected by this change, please call HALCO for advice as soon as possible.**

If you are not living with HIV, please contact your immigration lawyer or local community legal clinic for advice right away. You can contact Legal Aid Ontario for the phone number of your local legal clinic:

[www.lao.on.ca](http://www.lao.on.ca) 1-800-668-8258 / TTY 1-866-641-8867.





## **Inquest into the Death of a Person Living with HIV in Prison**

In 2007, a young man in his twenties died from AIDS-related causes while serving a sentence in an Ontario correctional facility.

The law at the time of his death stated that whenever a person dies in custody, an inquest must be held. Inquests are hearings that are held in front of a jury. The purpose of an inquest is to inquire into five questions:

- (1) who was the deceased?
- (2) where did the death occur?
- (3) when did the death occur?
- (4) how did the death occur? (for example., medical cause)
- (5) by what means did the death occur? "By what means" must be one of the following categories: natural causes, accident, homicide, suicide, and undetermined.

At the end, the jury makes recommendations. The recommendations are not orders and there are no consequences for not following them. However, such recommendations are important in ongoing attempts to effect organizational change. For example, the more Coroners' juries make recommendations regarding the prison system, the more likely positive outcomes will result.

The inquest was held in Fall 2008. HALCO represented the young man's family, and Cynthia Fromstein, senior criminal defence counsel, represented the Prisoners' HIV/AIDS Support Action Network (PASAN).

HALCO and PASAN presented evidence demonstrating problems with the treatment of prisoners with chronic and life-threatening illnesses, including difficulties with access to outside organizations like PASAN. Representatives from the prison system presented evidence about new policies and practices being developed to better treat prisoners with chronic and life-threatening illnesses.

The jury made nine recommendations. The first three were to speed up the development of the outstanding policies and practices. Four recommendations dealt with access to support organizations, including access to PASAN's newsletter, *Cell Count*. The remaining two recommendations were to make a brochure on prisoner health (which is already being developed) available as soon as possible and to start an electronic health records database as soon as possible.

If implemented, these recommendations could go a long way to improving the treatment and the health of prisoners living with HIV, Hepatitis C, and other serious illnesses that require continuous monitoring.

HALCO would like to thank the young man's family for giving us permission to share information about the inquest.

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NOTE: In 2009, the *Coroners Act* was amended so that inquests into deaths in correctional institutions are no longer mandatory. Inquests will only be held when a coroner is of the opinion that the person may not have died of natural causes. HALCO opposed this amendment.

## **Criminalization of HIV Non-Disclosure**

The criminalization of HIV non-disclosure is one of the most pressing issues facing people living with HIV. To help address this issue, people living with HIV, community activists, AIDS service organization staff, lawyers and others have formed the Working Group on Criminal Law and HIV Exposure (CLHE). Ryan Peck, Executive Director of HALCO, and Anne Marie Dicenso, Executive Director of Prisoners' HIV/AIDS Support Action Network (PASAN), are the Co-Chairs of CLHE. HALCO strongly supports CLHE's position that HIV/AIDS is an individual and public health issue first and foremost, and should be addressed as such. HALCO strongly supports CLHE's position that the turn to criminalization of HIV non-disclosure has gone forward without sufficient debate and critique.

To ensure that the criminal law will not be used inappropriately and/or in a discriminatory manner in cases involving allegations of HIV non-disclosure, CLHE will soon be embarking on a campaign urging Ontario's Attorney General to undertake a process to develop guidelines for police and criminal prosecutors. Police and prosecutors need guidelines to ensure that decisions to investigate and prosecute such cases are informed by a complete and accurate understanding of current medical and scientific research about HIV, and take into account the social contexts of living with HIV.

CLHE is very interested in hearing your views on this matter. CLHE can be contacted at:  
CLHE@pwatoronto.org

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### **- Report to HALCO Annual General Meeting - HALCO Chair Robert Watkin – September 23, 2009**

The Report given at last year's Annual General Meeting dealt extensively with Professor Michael Trebilcock's Report of the Legal Aid Review and with Legal Aid Ontario's (LAO) Consultation on the Roles, Responsibilities and Relationships of LAO and Community Legal Clinics and the implications of those initiatives for HALCO. As was reported, the effect of those initiatives was to create a great deal of uncertainty for the future operations of HALCO. A year later few of these concerns have been resolved. Some resolution may occur in the coming year when the space needs of HALCO are addressed in connection with the renewal of its lease. Going forward, vigilance must be exercised to ensure the viability and sustainability of the services now provided by HALCO.

In its recently released Annual Review for 2008, Pro Bono Law Ontario justifiably takes pride in having provided services through self help to close to 5,000 low-income Ontarians and to 4,798 more in the first six months of 2009. This remarkable achievement was accomplished through the hard work of seven full time staff and the contribution of volunteer time by literally hundreds of lawyers, paralegals and articling students.

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**(Chair's Report – continued)**

In the first eight months of this year HALCO handled 2,652 requests for services. If the demand for services continues to increase at the present rate, HALCO will have handled approximately 4,000 requests by the end of this year. This astonishing accomplishment has been achieved through the very hard work of seven full-time staff, an articling student, a summer student, and several pro bono law students. There can be no doubt that HALCO delivers exceptional value for every dollar contributed by its funders and donors.

Numerical values represent one form of measurement of accomplishment. At least as important to HALCO is the qualitative value of the services it provides in terms of the difference made in so many lives that is inherent in those numbers.

HALCO's mandate goes far beyond the provision of direct client services. Despite the incredible pressure placed on HALCO to fulfill the requests for service, HALCO has also strived to fulfill its obligations to educate and to achieve reform.

This year saw the publication of *HIV disclosure: a legal guide for gay men in Ontario*. It has been very clear that the publication of this guide was the very first time many people consciously addressed the issue of disclosure in terms of what it means to disclose; what is disclosure; when is it required; how to try to accomplish it; and the legal consequences of the failure to disclose or to do so with certainty, if any certainty is realistically possible. This publication has been so significant that it was adopted by the Canadian AIDS Treatment and Information Exchange and became the focus of a national education effort.

Work is ongoing on a pamphlet addressing HIV and AIDS in the context of immigration law.

HALCO has also maintained a demanding schedule of presentations throughout the province on various topics related to HIV including criminalization, governance of AIDS service organizations, income issues, and immigration.

It was reported last year that HALCO had joined in making a complaint to the Ontario Judicial Council concerning the outrageous conduct of a Simcoe County Judge towards an HIV positive witness. The outcome of that complaint was that the Judge was required to undergo remedial training in relation to HIV. In making that complaint it was dismaying to learn that judges receive no training in HIV. The National Judicial Institute has since contacted HALCO and the Canadian HIV & AIDS Legal Network to consult on developing this type of training for judges.

HALCO continues its leadership role with the Ontario Working Group on Criminal Law and HIV Exposure, including its work on the *Position Paper on the Criminalization of HIV Non-Disclosure*. One very significant result of this participation by HALCO, with a far reaching effect, has been the formation of a group of criminal defence lawyers and medical professionals which is actively involved in strengthening the defence of HIV-related charges.

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**(Chair's Report – continued)**

The incredible accomplishment of HALCO in meeting the rapidly escalating demand for its services while striving to fulfill the rest of its mandate is solely due to the hard work and unwavering commitment of its staff. Words are insufficient to adequately recognize the efforts of **John Nelson, Jill McNall, John Norquay, Bill Merryweather, Ryan Peck, Rick Lobodzinski** and **Renee Lang**.

Recognition of their valuable contribution to that collective effort must also be given to **Karen Wheaton** who recently completed her articles and **Sari Feferman** who spent time with us as a summer student. A thank you also goes to **Ori Bergman, James Cheng, Marilyn Maxwell-Smith** and **Jennifer Quito**, all pro bono law students who spent time with us being trained and doing some research and intake. Although he only recently began his articles, **Dale Whitmore** has been immersed from the outset in meeting the ever increasing requests for service being experienced by HALCO.

Leaving aside the fulfillment of the other aspects of HALCO's mandate, there was a total of 2,923 requests for service by HALCO's clients in 2008, with 1,996 of them having been made by the end of August last year. By the end of August this year there were 2,652 requests for service representing a greater than 33 % increase over the same period last year. Unlike the production of widgets, each request for service is as unique as the client making it and requires HALCO's staff to exercise varying ranges of effort, knowledge, skill, and action of varying complexity and differing times to fulfill it. There are only the same number of staff available to provide the services. There are not hundreds available to do so. The ever increasing demand is placing an inordinate stress on the resources available to HALCO and its staff to meet it.

HALCO has been forced to adopt a number of interim measures to address the situation, including cutting back the time HALCO is open to receive requests for service by one day a week. This allows staff the ability to do the work necessary to address already received requests without being obliged to field additional new requests for service for that one day. This measure has been reluctantly adopted by HALCO which has always valued accessibility as being of primary importance to its clients. It can only be considered to be an interim measure at best. A longer term solution needs to be found.

One concrete step in the direction of a solution has been taken. HALCO has adopted a new Fundraising Policy underlying which is a fundamental shift for HALCO from being a passive to an aggressive fundraiser. One of the primary goals of this shift in focus is raising sufficient funds to hire a new intake worker. Another is the continuing goal of raising funds for the Stigma Action Fund.

In conjunction with this shift in focus, the job description of Office Manager has been reworked to include the responsibility of overseeing the fulfillment of the new Fundraising Policy. **Bill Merryweather** has been confirmed in this newly created position of Director of Administration.

The first effort undertaken by HALCO in this new direction occurred while its Fundraising Policy was still being developed. The designation of HALCO as the charity for this year's Church Street Fetish Fair resulted in dollars raised and, equally importantly, allowed HALCO to begin the process in terms of identifying the skills and resources it will need to acquire to become an effective fundraiser. The next effort will be the Bowl-a-thon which will take place on Saturday, November 7, 2009 and for which it is hoped everyone here tonight will be an active participant.

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**(Chair's Report – continued)**

The work HALCO now does could not be accomplished without the fundamental support it receives from Legal Aid Ontario and the AIDS Bureau of the Ministry of Health and Long-Term Care. HALCO continues to be deeply grateful for that continuing support.

As much appreciation must also be expressed to the private, corporate and individual donors to HALCO, such as the AIDS Committee of Toronto Community Partners Fund, RBC Foundation, GlaxoSmithKline in partnership with Shire Canada, IBM Employees Charitable Fund, United Way, Priape, Toronto Hydro Employees Charity Fund and Alliance for South Asian AIDS Prevention for their generous contributions sustaining HALCO's work.

The variety and the complexity of the issues dealt with by HALCO in relation to its clients, HIV and AIDS generally, as a legal aid clinic and as an AIDS service organization requires a broad and deep resource of knowledge. HALCO is fortunate to have a Board of Directors including **Anne Marie DiCenso, Mark Blans, Martha Mackinnon, Believe Dhiwayo** and **Richard Sabourin** whose depth and knowledge and collective insight is an invaluable resource to it.

**Jessica Whitbread** became a member of HALCO's Board in May of this year. Despite the steep learning curve, Jessica has adapted quickly and has become a valuable addition to HALCO's resource of cumulative knowledge and experience.

We regret that **Keith Wong** was unable to complete his term as a director and resigned in October of last year. Keith's acumen was an irrefutable asset to HALCO over his years of service.

We also regret that **Luc Bourassa** will no longer be with us as part of the Board. For personal reasons Luc has decided not to stand for re-election. Luc has proven himself to be an unwavering and hardworking supporter of HALCO and its mission. We congratulate Luc and **Norman Sobel** on their upcoming marriage and thank them both for requesting their wedding guests donate to HALCO in lieu of gifts.

**James Kreppner** attended his last meeting of the Board by telephone on April 27th of this year. At that meeting James voiced his belief that HALCO must do all it can to resist the criminalization of HIV and AIDS through an active involvement in court proceedings. One year earlier on April 28, 2008 at James' urging HALCO endorsed the HIV+ People's Access to Organ Transplants initiative to pressure the Transplant Society to ensure that HIV+ individuals have the same access to liver transplants as non-HIV+ individuals. The results of that initiative did not come quickly enough for James. He died in May of this year.

James was a founder of HALCO and a member of its Board of Directors from its inception. For fourteen years James' wisdom, compassion, experience, endurance, resolve, and common sense were a guiding hand maturing HALCO's ability to meet the serious challenges arising from HIV and AIDS. James recognized early on that it does not matter what is your background or how and when you were infected, being HIV+ alone is the *raison d'être* of the stigma that gives rise to a multiplicity of legal consequences with staggering impact both individually and collectively for HIV positive people. It was this truth that underlay his purpose as a Director of HALCO.

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**(Chair's Report – continued)**

James was a haemophiliac co-infected with HIV and Hepatitis C. The conduct of the systems, institutions and individuals entrusted with the responsibility for the care of his genetic disability were the cause of his co-infection. James was at the forefront of the struggles both to achieve compensation and to assign criminal responsibility for what had occurred. Compensation was achieved; albeit incrementally and in a less than comprehensive manner and with lingering legal complexities.

There is a bitter irony in the fact that those parties whose conduct can be traced through blood to the infection of thousands and the death of so many due to HIV and Hepatitis C were absolved of the criminal responsibility being so readily assigned to HIV positive individuals.

James' personal struggle with HIV both as a disease and its legal consequences was never an easy one. His own struggle, overwhelming as it was at times, never deterred him from persevering in his commitment to ensuring other HIV positive people had access to the legal resources so necessary to helping confront the problems it seems they must inevitably face because of the disease.

James' physical presence may be gone, but his spirit is embedded in the mandate and mission of HALCO. It will serve HALCO well to honour his memory in everything it does in the future.

The delivery of this report will be the last formal public act of my current tenure as Chair of HALCO. As such, I trust you will permit me the leeway to make some personal observations.

Three years ago, immediately upon becoming Chair, I became aware that HALCO was about to undergo a fundamental transition through dramatic changes in its personnel. Those changes included the loss of **Ruth Carey**, its then Executive Director, whose presence had been a dynamic and intrinsic part of HALCO's existence. I confess to feeling overwhelmed by the prospect of what was about to occur.

When it did occur, I quickly learned that HALCO had available to it the uniquely incredible strength of the unwavering resolve and commitment of directors and staff who unstintingly dedicated their time and effort to ensuring the very best transition that could possibly occur for HALCO. Then, and since then, as new people became part of HALCO's reality, they have added an even greater vibrancy and depth to its reality. Today the reincarnated HALCO stands at least as resilient and as strong as it did three years ago when I became Chair. All of you can justifiably take pride in what we accomplished together. I know that my successor as Chair will have capable hands to rely on going into the future.

It has been a matter of great personal pleasure to me to have watched **Ryan Peck's** growth in the role of Executive Director. It is a role he came to without experience. It is a role into which he has grown and in which he has exceeded every expectation we had of him. Today, Ryan is his own dynamic and intrinsic part of HALCO's existence.

HALCO is facing serious challenges. The renewal of its lease could very well crystallize the concerns in its relationship with LAO that have been unrealized for the past year as immediate issues. As long as HIV disease has a criminal context, in my view there will be no cessation of the surge in requests for services being experienced by HALCO.

*(continued...)*

**(Chair's Report – continued)**

It will be increasingly difficult for HALCO to provide the requested services while continuing to fulfill the other aspects of its mandate. There has already been one casualty in terms of the fulfillment of its ongoing governance requirements. It will be a serious challenge for HALCO to find a long term solution that doesn't necessitate cutting back on services permanently as has already occurred on a temporary basis. An even greater challenge will be for HALCO to finally find a way to both address the symptoms of the problem as reflected in the increased demand for services, while directly confronting the underlying problem which is the stigma attached to HIV and AIDS. I believe that with grit and determination it is a realistic possibility to do all of those things.

Stepping down as Chair allows me the freedom to give voice to my own views. It may be that the views I will express differ from those adopted by HALCO, particularly in relation to the issue of criminalization of HIV and AIDS. I am inalterably opposed to the criminalization of HIV and AIDS in whatever form or for whatever reason. While it may be that my personal views differ, I will remain as committed and unwavering in my support of HALCO as was true when I became a member of its Board of Directors fourteen years ago.

**Chair Robert Watkin, HALCO Annual General Meeting – September 23, 2009**



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*HALCO news contains general information only and is not legal advice. If you have a legal question, please contact HALCO, your local legal clinic or a lawyer.*

*The views expressed in HALCO news may not reflect HALCO Board and/or staff views.*





65 Wellesley Street East, Suite 400  
 Toronto, Ontario M4Y 1G7  
 telephone 416-340-7790 / 1-888-705-8889  
 TTY 416-922-2352 / 1-866-513-9883  
 FAX 416-340-7248 www.halco.org

# HALCO Membership Application

The primary goal of the HIV & AIDS Legal Clinic Ontario is to provide legal services to persons living with HIV/AIDS in Ontario that are relevant to their well-being and that enable them to participate fully in the communities in which they live. To assist us in fulfilling our goal, we need the participation of members of communities affected by HIV and AIDS.

Please offer your support by becoming a member of the HIV & AIDS Legal Clinic Ontario "HALCO". As a member of HALCO, you will be invited to join us at our Annual General Meeting, where you can participate in the business that helps to guide the clinic, including the election of our Board of Directors. *Membership takes effect when it is approved by the Board of Directors. Only members in good standing who have been members for at least 30 days before the meeting may vote at a membership meeting.*

There is no fee for HALCO membership and membership is renewed annually. To become a member, you must be a resident of Ontario who is 16 years of age or older and you must agree with our Statement of Principles [on the other side of this application]. Please complete this form and return it to our office. We regret that our budget cannot provide for return postage.

Your membership information will be kept confidential and will be used to inform you of our Annual General Meeting and to give you the opportunity to renew your membership annually. We never share our membership list. You can also choose to receive other HALCO information, including our Newsletter, by checking the box below.

**Declaration of my wish to join the HIV & AIDS Legal Clinic Ontario (HALCO):**

I agree with the Statement of Principles of the HIV & AIDS Legal Clinic Ontario (HALCO), I am a resident of Ontario, I am 16 years of age or older, and I would like to become a member of HALCO.

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Name:** \_\_\_\_\_

*(please print)*

**Address:** \_\_\_\_\_

**Unit/Apartment:** \_\_\_\_\_ **City/Town:** \_\_\_\_\_

**Province:** \_\_\_\_\_ **Postal Code:** \_\_\_\_\_

**Home Phone:** \_\_\_\_\_ **Other Phone:** \_\_\_\_\_

May we leave phone messages? Yes \_\_\_\_\_ No \_\_\_\_\_ **E-mail Address:** \_\_\_\_\_

Please tell us how you found out about HALCO: \_\_\_\_\_

Would you like to be on our mailing list to receive our newsletter, etc.? No \_\_\_\_\_ Yes \_\_\_\_\_

May we send newsletters, etc., to you by E-Mail? No \_\_\_\_\_ Yes \_\_\_\_\_

**Thank you for applying to be a member of HALCO!**

[HALCO news Fall 2009]



## **Statement of Principles of the HIV & AIDS Legal Clinic (Ontario)**

Adopted January 30, 2006 by the Board of Directors  
of the HIV & AIDS Legal Clinic (Ontario).

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 are confronted by overwhelming challenges derived from both their diversity and from their common experience as people living with HIV and AIDS.
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 exercise control over decisions concerning their own socio-economic position;
  - c) the right of all persons living with HIV or AIDS to be fully informed of all process 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.