

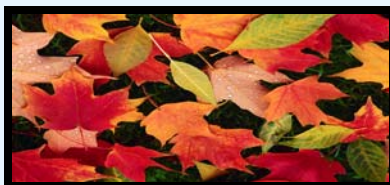
HALCO

HIV & AIDS Legal Clinic Ontario

news

- HALCO provides free legal services to people living with HIV in Ontario -

HALCO news Autumn 2012:



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HALCO Annual General Meeting

Our 2012 Annual General Meeting took place on Thursday September 27, 2012. We bid a fond farewell to departing long-term Board Members **Martha Mackinnon** and **Robert Watkin**. Martha's contributions have been many over the years, and her extremely sharp mind was key in leading the clinic through its current period of expansion. Bob, who has been with the board since the clinic's inception in 1995, poured his entire being into HALCO. Like Martha, his accomplishments are many, including navigating the clinic's drive to attain charitable status and steadfastly advocating for the rights of people with HIV. We will always be deeply indebted to these two remarkable individuals, and wish them the best.

Tracy Gregory and **Barbara Ncho** were elected as new HALCO Board members. **Mark Blans** and **Peter Gross** were re-elected. We look forward to their participation and contributions.

“Positive Women: Exposing Injustice” film and panel

We were very pleased to screen the documentary film “Positive Women: Exposing Injustice” and to have a panel discussion following the film with a woman from the film and one of the film's producers. The film takes the audience into the hearts and minds of four women living with HIV bravely speaking out about the criminalization of HIV non-disclosure. Both the film and the panellists spoke eloquently and frankly about the issues. The film was produced by the Canadian HIV/AIDS Legal Network. For information about the film, please visit:

www.positivewomenthemovie.org

HALCO Annual Report 2011-2012

Our **Annual Report 2011-2012** was presented to our membership at our Annual General Meeting. It provides highlights of our work, as well as our financial report. The report is available on the **About Us** section of our website (www.halco.org/about) and in print (please contact us if you would like a print copy).

John Plater

June 1, 1967, to July 28, 2012



It is with great sadness that we acknowledge the passing of **John Plater**.

A leader since the 1980s, John was a lawyer and dedicated advocate for people with HIV and Hepatitis C. He championed HIV treatment for all and opposed the criminalization of HIV. John was a member of HALCO's Board of Directors in 2000 and was also active in many other organizations over the years. The Ontario AIDS Network awarded him the Social Justice Award in 2006. The Canadian AIDS Society and Ontario AIDS Network websites have moving tributes to John: www.cdnaids.ca/JohnPlater2012

www.ontarioaidsnetwork.on.ca/news_dtls.php?nid=20

The tributes are an inspirational reminder of the extraordinary John Plater. Our hearts and thoughts are with John's family, friends and colleagues.

HALCO Fundraising News

HALCO's 4th Annual Bowl-a-thon is Saturday November 3, 2012

We are pleased to announce our fourth annual fundraising bowl-a-thon on Saturday, November 3, 2012, at 8:00 pm at Bathurst Bowlarama, 2788 Bathurst Street, at Glencairn Street, Toronto (www.bathurstbowlerama.com)!



Please join us for a fabulous evening of fundraising and disco bowling as we raise funds for HALCO. There will be prizes for the individual and the team that raise the most money, prizes for the best - **and worst!** - bowler, and the very popular "Team Spirit" award.

We are asking that each bowler raise a minimum of \$125 and that teams raise a minimum of \$750 in pledges. There will also be fabulous silent auction items, including sporting event and theatre tickets, amazing gift baskets, gift certificates, etc. Funds raised will be used to provide front-line legal services, and tax receipts will be provided for all donations of \$20.00 or more.

If you would like to bowl with us, please contact **Rhonda Major**, our Administrative Assistant at majorr@lao.on.ca or **Bill Merryweather**, our Director of Administration at merryww@lao.on.ca.

If you are unable to join us that evening, please consider making a donation. Simply click on the **DONATE** button on our website www.halco.org or go to www.halco.org/get-involved/donate.

Pride and Remembrance Run – June 30, 2012

HALCO was very pleased to have been chosen as one of the beneficiaries of the 17th annual Toronto Pride and Remembrance Run. The Run, which took place in downtown Toronto on June 30, 2012, was a great success and raised over \$85,000.00!



The funds that we receive from the Run will be used to support our Articling Student program. The articling student provides direct legal services to people living with HIV/AIDS in Ontario.

HALCO's own Pride Run team "the HALCO Legal Briefs" raised \$6,046.00 and received the award for most funds raised by a team! As a beneficiary, HALCO provided 50 volunteers who assisted with a variety of tasks to support the Run. We could not have done it without our dedicated volunteers – thank you all!

We would like to once again express our thanks to the Pride and Remembrance Association for designating HALCO as one of the beneficiaries of the 2012 Run.

Monthly Giving Program

There is much demand for HALCO services. You can help us meet this ever-increasing need by becoming a monthly donor. Monthly giving provides us with a steady and dependable base of support. For as little as \$10, \$20 or \$25 per month, you can make a huge difference! You choose the amount. Your generosity will support the work we do throughout the year. Tax receipts are provided for donations of \$20.00 or more.

If you are interested in becoming a monthly donor, please contact **Bill Merryweather** at 416-340-7790 or toll free 1-888-705-8889 extension 42, or by email at merryww@lao.on.ca

Supreme Court Ruling on Criminalization of HIV Non-disclosure

The Supreme Court of Canada released its new approach to the criminalization of HIV non-disclosure on October 5, 2012. The *R. v. Mabior* decision is on the Court's website:

<http://scc.lexum.org/en/2012/2012scc47/2012scc47.html>

The decision is extremely disappointing and will have serious implications not only for people living with HIV in Canada, but also for public health, police practices and the Canadian criminal justice system.

HALCO was part of the coalition that intervened at the Supreme Court. The coalition members are:

- Canadian HIV/AIDS Legal Network
- HIV & AIDS Legal Clinic Ontario (HALCO)
- Coalition des organismes communautaires québécois de lutte contre le sida (COCQ-SIDA)
- Positive Living Society of British Columbia (Positive Living BC)
- Canadian AIDS Society (CAS)
- Toronto People with AIDS Foundation (PWA)
- Black Coalition for AIDS Prevention (Black Cap), and
- Canadian Aboriginal AIDS Network (CAAN)

The coalition released a statement regarding the Supreme Court's approach to HIV disclosure, which is on the next page (page 5). The statement is also available in both English and French on our website:

www.halco.org/2012/news/unjust-supreme-court-of-canada-ruling-on-criminalization-of-hiv-non-disclosure

You can find the coalition's Intervener Factum (legal arguments) on our website:

www.halco.org/wp-content/uploads/2012/03/Supreme_Court_Intervener_Factum-MabiorD.C.-2012-Feb.pdf

We are committed to working with our coalition partners to help people living with HIV understand the law. We are also committed to continuing our law reform initiatives to improve the legal landscape for people living with HIV.

For more information about the decisions and the criminalization of HIV non-disclosure, please visit the Canadian HIV/AIDS Legal Network's website: www.aidslaw.ca/stopcriminalization

If you are living with HIV in Ontario, please contact us for free legal information and advice (please see back page for HALCO contact information).

Statement of the Intervener Coalition:

UNJUST SUPREME COURT RULING ON CRIMINALIZATION OF HIV MAJOR STEP BACKWARDS FOR PUBLIC HEALTH AND HUMAN RIGHTS

October 5, 2012 - As a coalition of interveners, we are shocked and dismayed at today's ruling by the Supreme Court of Canada that says that even the responsible use of a condom does not protect a person living with HIV from rampant prosecution. The Court's judgments in *R. v. Mabior* and *R. v. D.C.*, two cases relating to the criminalization of HIV non-disclosure, are a cold endorsement of AIDS-phobia. They will stand as an impediment to public health and prevention, and add even more fuel to stigma, misinformation and fear. And they place Canada once again in shameful opposition to standards set out by international human rights bodies, UNAIDS and the Global Commission on HIV and the Law.

In its decisions, the Court purports to uphold its own 1998 decision standard that a "significant risk" of HIV transmission is required in order to trigger the legal duty to disclose. But this is an illusory limit to the criminal law. It blatantly ignores solid science and opens the door to convictions for non-disclosure even where the risk of transmission is negligible, approaching zero. Even in 1998, when there was less science quantifying the small risks of HIV transmission than there is today and less effective treatment for HIV, the Supreme Court had ruled that condom-use might sufficiently reduce the risk below "significant" for the purpose of the criminal law. Yet now, 14 years later, despite significant advances in scientific knowledge, the Supreme Court decides condoms are not enough. In practice, today's ruling means that people risk being criminally prosecuted even in cases where they exercised responsibility and took precautions, such as using condoms - which are 100% effective when used properly.

Adding to continued injustice, the Court's actions will seriously undermine public health efforts. Criminalizing HIV non-disclosure in this way creates another disincentive to getting an HIV test and imposes a chill on what people can disclose to health professionals and support workers. People living with HIV need more health and social supports; they don't need the constant threat of criminal accusations and possible imprisonment hanging over their heads. Similarly, people not living with HIV need to be empowered to accept responsibility for their own health, and not proceed under a false sense of security that the criminal law will protect them from infection. In short, the Court's actions will have deleterious effects not only on the lives and health of people living with HIV, but on all of us, through fostering a climate of fear and recrimination.

While we welcome the Court's acquittal of D.C. - an acknowledgement of at least one miscarriage of justice - the onus must now fall to those protecting the health and defending the dignity of people living with HIV. We also call on Crown prosecutors to use their discretion and refuse to be complicit in injustice just because the Court gave them the power to do so. It is not in the public interest to prosecute people living with HIV where condoms have been used or where a person has a low or undetectable viral load. Prosecutions in such cases will only perpetuate misinformation, pander to prejudice and undermine efforts at HIV prevention and treatment.

Signed, the interveners:

Canadian HIV/AIDS Legal Network
HIV & AIDS Legal Clinic Ontario (HALCO)
Coalition des organismes communautaires québécois de lutte contre le sida (COCQ-SIDA)
Positive Living Society of British Columbia (Positive Living BC)
Canadian AIDS Society (CAS)
Toronto People with AIDS Foundation (PWA)
Black Coalition for AIDS Prevention (Black Cap), and
Canadian Aboriginal AIDS Network (CAAN)

“Public Interest Standing” Decision of Supreme Court of Canada

From the Canadian HIV/AIDS Legal Network (www.aidslaw.ca):

The Canadian HIV/AIDS Legal Network, the HIV & AIDS Legal Clinic Ontario (HALCO) and Positive Living BC applaud a unanimous decision of the Supreme Court of Canada to grant the Downtown Eastside Sex Workers United Against Violence Society (SWUAV) and Sheryl Kiselbach public interest standing to launch a Charter challenge to prostitution-related provisions of the Criminal Code.

In 2007, SWUAV - an organization run by and for street-based sex workers in Vancouver's Downtown Eastside - and Ms. Kiselbach - who worked as a sex worker for 30 years - filed a constitutional challenge to those Criminal Code provisions. The federal government opposed their move on the basis that neither had the right to challenge the law, because neither was at risk of being charged under those provisions.

In 2008, the B.C. Supreme Court agreed with the government, deciding that neither SWUAV nor Ms. Kiselbach should be granted either public or private interest standing to pursue their challenge. That decision was reversed by the B.C. Court of Appeal, which granted both SWUAV and Ms. Kiselbach public interest standing.

The case was appealed to the Supreme Court of Canada, where the Canadian HIV/AIDS Legal Network, HALCO and Positive Living BC intervened, arguing that people living with and affected by HIV face various forms of socio-economic marginalization, which results in both special vulnerability to constitutional violations and difficulty in accessing the courts to seek protection and redress. Therefore, the test for public interest standing should be liberalized.

The Supreme Court held that a "flexible and generous" approach should be taken to public interest standing. In particular, it noted that courts should consider the "practical realities" of litigation, such that it is "very unlikely" that a person charged under the prostitution-related provisions would challenge those laws. The Supreme Court also acknowledged that public interest litigation may "provide access to justice to disadvantaged persons in society whose legal rights are affected." In its view, the present litigation constituted an effective means of bringing the issue to court and granted SWUAV and Ms. Kiselbach public interest standing.

The ruling means that SWUAV and Ms. Kiselbach can return to the B.C. Supreme Court to pursue the case it launched five years ago - challenging the criminalization of sex work in Canada. On a broader level, this decision facilitates access to the courts for marginalized people, including people living with and affected by HIV, who wish to bring human rights claims before the courts through public interest organizations to defend and promote their rights.

Note:

Justice for Children and Youth, ARCH Disability Law Centre and West Coast LEAF also intervened as a coalition in this case and were very pleased with the Supreme Court's decision.

Medical Marihuana Access Case at the Ontario Court of Appeal

HALCO, along with the Canadian AIDS Society and the Canadian HIV/AIDS Legal Network, intervened in the *R. v. Mernagh (Mernagh)* matter at the Court of Appeal for Ontario.

The *Mernagh* case deals with the constitutionality of Canada's *Marihuana Medical Access Regulations (MMAR)*. Although production and possession of marihuana (marijuana) is illegal, the MMAR allow an exemption from the criminal law for individuals who require marihuana for medical purposes.

The *MMAR* require that a physician complete an application to Health Canada in order for individuals to legally possess medical marihuana. However, many Canadian physicians are unwilling to complete the applications.

Mr. Mernagh, who lives with a number of serious medical conditions, uses and produces medical marihuana to control the symptoms associated with his illnesses. Although he is a legitimate medical marihuana user, Mr. Mernagh was unable to find a physician to complete the *MMAR* forms. As a result, he was charged with production of marihuana.

At trial, the charges were dismissed, and the *MMAR* regime was found to be unconstitutional as it failed to provide an adequate means for a legitimate medical user like Mr. Mernagh to obtain a lawful exemption from the criminal prohibition. Due to the fact that many legitimate users cannot find a physician to complete the required form, the trial judge found that the current *MMAR* regime violates section 7 of the Canadian *Charter of Rights and Freedoms* by depriving ill persons of a means to access a safe and effective medicine of choice without both the threat and risk of criminal sanction.

Although this was the third time in less than 11 years that courts in Ontario have told the federal government that its medical marihuana exemption regime must be more sensitive to the needs of individuals who require marihuana for medical purposes, the federal government appealed the trial decision.

The Ontario Court of Appeal heard the matter in May 2012. HALCO's coalition argued that the current regime is unconstitutional, and submitted that the federal government has a constitutional obligation to ensure that the *MMAR* regime provides a just and rational mechanism for ill persons to obtain medical marihuana.

The Court of Appeal decision is pending. **If you are living with HIV in Ontario and want advice about medical marijuana, please contact HALCO** (please see back page for HALCO contact information).

Changes to Canadian Citizenship Language Requirements

All people applying for Canadian citizenship who are between the ages of 18 and 54 years of age must show that they have good knowledge of either English or French.

Currently, the way that you show that you have knowledge of English or French is by writing the citizenship exam (which tests knowledge about Canada) or by speaking with a Citizenship Judge.

As of November 1, 2012, the language requirements will change. If you are between 18 and 54, your citizenship application will have to include proof that you have good knowledge of English or French. You will have to prove that you:

- passed a certified English or French language test (like IELTS, the International English Language Testing System), or
- completed secondary or post-secondary education in English or French in Canada or another country, or
- have completed English-as-a-Second-Language or French-as-a-Second-Language (ESL or FSL) courses to a high enough level.

More details about the types of proof can be found on the Government of Canada website:
www.cic.gc.ca/english/citizenship/language.asp

It may be difficult and expensive to get proof of your English or French language skills. **If you are not yet a Canadian citizen, and you are between the ages of 18 and 54, you should consider applying for citizenship before November 1, 2012.**

You must be eligible to apply for citizenship and you are probably eligible to apply if:

- you have been in Canada as a permanent resident for at least 3 years (became a permanent resident before October 2009), or
- you have been a permanent resident living in Canada for at least 2 years and have lived in Canada for at least another 2 years before becoming a permanent resident (arrived in Canada before October 2008 and became a permanent resident before October 2010).

There are other requirements for citizenship. **If you are living with HIV in Ontario and you think you are eligible for citizenship, please contact HALCO right away for advice and for assistance with a citizenship application** (please see back page for HALCO contact information).



Even if you are not concerned about the new English and French language requirements, it is a good idea to apply for citizenship at the earliest opportunity to ensure that your status in Canada is as secure as possible.

For more information about citizenship, you can visit the Government of Canada's Citizenship website:

www.cic.gc.ca/english/citizenship/become.asp

Major Immigration Law Changes

Refugee Law Changes

In previous editions of *HALCO news*, we announced that the Government of Canada was making changes to immigration processes that will have an impact on HALCO's clients, in particular refugee claimants and unsuccessful refugee claimants. Bill C-31, *Protecting Canada's Immigration System Act*, passed on June 28, 2012, and some changes are already in effect. Other changes will come into effect later this year, probably (but not certainly) on December 15, 2012.



Humanitarian and Compassionate grounds applications

Two of the changes that are in effect now are:

- Someone who has a refugee claim in process at the Immigration and Refugee Board (IRB) can no longer also apply to remain in Canada on **Humanitarian and Compassionate grounds** (“an H&C application”) at the same time.
- An unsuccessful refugee claimant cannot make an H&C application unless it has been one year or more since the refugee claim was refused, abandoned, or withdrawn after a hearing was started. There are exceptions to this rule if the best interests of a child are involved or if the claimant's life would be at risk because they would be deported to a country that cannot provide adequate health care.

Under the old system, many unsuccessful refugee claimants filed an H&C application while they were waiting for their hearing or soon after they received their negative refugee decision. Because of the new law, this is no longer possible in most cases.

If you are living with HIV and are thinking of making a refugee claim, please contact HALCO for free legal advice before you make your refugee claim (please see back page for HALCO contact information).

Pre-Removal Risk Assessment (PRRA) changes

An important change to the **Pre-Removal Risk Assessments (PRRA)** is now in effect. In most cases, an unsuccessful refugee claimant cannot apply for a Pre-Removal Risk Assessment (PRRA) unless it has been over one year since the refugee claim was refused, withdrawn, or abandoned at the IRB. **This means that most unsuccessful refugee claimants will be deported much more quickly after receiving their negative decisions than in the past.**

Other Refugee Law Changes

Other parts of Bill C-31 will come into force on a date that has not been officially announced, however most sources currently say this date will be December 15, 2012.

Bill C-31 makes significant changes to the refugee determination system, including:

- **A new “Basis of Claim” (BOC) document** will replace the “Personal Information Form” (PIF) that is given to all refugee claimants when they make their claim. Refugee claimants will have as little as 15 days instead of the current 28 days to complete and submit this extremely important and complex document.
- **Refugee hearings will be held very quickly:** within 60, 45, or even 30 days after the refugee claim is made. This is a very sharp reduction from the current wait-times, which range from 4 months to as long as 2 years.
- **A new appeal process** will be available to most refugee claimants who are not successful at their hearing. Most, but not all, unsuccessful refugee claimants will be able to appeal their decision to the Refugee Appeal Division (RAD). There will be a very short deadline of 15 business days (approximately 3 weeks) to file the appeal, and the appeal must include all of the evidence and legal arguments.
- The Minister of Citizenship and Immigration will have the power to create a list of **“Designated Countries of Origin” (DCO)**. These will be countries that generally respect human rights, or whose citizens are not often successful in refugee claims in Canada. The Minister has not yet announced what countries will be on the list. The refugee process for claimants from these countries will be very short and opportunities to appeal will be very restricted.
- **If you have a criminal record** in Canada, the United States or another country, it will be more likely that you will be ineligible to even make a refugee claim at all. **If you are thinking of making a refugee claim and you have a criminal record in any country, you should get legal advice before making your refugee claim. If you are living with HIV, contact HALCO for free legal advice**

We are happy to report on a positive change to the law. Refugee claimants who are successful after their hearing at the Immigration and Refugee Board or who receive a positive decision on a Pre-Removal Risk Assessment have always had a right to apply for permanent residence. Under the old law, there was a 6-month deadline to make this application. As of August 16, 2012, the 6-month deadline has been repealed. This means if you have been successful in your refugee claim, there is no time limit on when you can apply for permanent residence.



The troubling exception to this change is refugee claimants who have been labelled by the Minister as a “Designated Foreign National” who entered Canada as part of an “irregular arrival”. These claimants are barred from applying for permanent residence for a period of five years.

If you are living with HIV and want more information, please contact HALCO for free legal advice (please see back page for HALCO contact information).

Changes to the Interim Federal Health Program

The Interim Federal Health Program (IFHP) provides health care coverage to refugee claimants and some refused refugees in Canada. On June 30, 2012, the Government of Canada made a number of significant changes to the IFHP. **HIV medications, doctor's visits for HIV follow-up and blood work are still covered under the new IFHP system.** However, some important non-HIV related health care benefits that were previously covered have been eliminated. There are now three categories of IFHP coverage:

1. "Health care coverage":

Who is covered?

- Refugee claimants waiting for a hearing or decision, or a decision on their appeal if they have received a negative decision (unless they are from a "Designated Country of Origin," see below), and
- Successful refugee claimants who are not yet eligible for OHIP.

What is covered?

- This coverage includes most health care services like seeing a doctor when you feel sick or have an accident, prenatal and childbirth care, and visits to a doctor to be monitored for a health condition like heart disease or diabetes. HIV care is included.
- Prescription medications are only covered for diseases that the federal government considers to be a risk to public health (like HIV or Tuberculosis-TB) or a risk to public safety.

2. "Public health or public safety health care coverage":

Who is covered?

- Refused refugee claimants whose appeals have been exhausted but whose deportation order is not yet enforceable and who are still legally in Canada.
- Refugee claimants from a "Designated Country of Origin" (DCO) who are waiting for a hearing or decision. A DCO is a country that the Minister of Citizenship and Immigration has decided is generally a safe place to live. The DCO list has not yet been issued, but it will likely include most European countries, the USA, Australia and New Zealand. We will provide an update as soon as the DCO list is published.

What is covered?

This coverage is extremely limited. It covers only services and prescription medications needed to diagnose, prevent or treat diseases that the federal government considers to be a risk to public health (like HIV or TB), or to diagnose or treat a condition of public safety concern.

3. "Expanded health care coverage":

Who is covered?

Refugees who are resettled from overseas and are "government-assisted".

What is covered?

These refugees have health care coverage, including all prescription drugs and a range of supplemental services such as emergency dental care, eye care, physiotherapy, mobility devices, prosthetics, home care, and services of a psychologist.

(continued on page 12)

Changes to the Interim Federal Health Program (continued from page 11)

While HIV medications and treatment are covered under all categories, some other significant benefits were eliminated.

Refugee claimants or refused refugee claimants who receive a drug card through the Ontario Disability Support Program (ODSP) or Ontario Works (OW) will still be able to access prescription medications using their ODSP or OW drug card. It is the doctor's visits and hospital visits for issues other than HIV treatment that may be affected.



If you are living with HIV in Ontario, and would like more information about the changes to IFHP, please contact HALCO for free legal advice (please see back page for HALCO contact information).

You can also visit the **Immigration Law** section of our HALCO website at:
www.halco.org/areas-of-law/immigration-law

Immigration Law Public Legal Education Workshops

HALCO is planning public legal education workshops for our community to explain the changes to the law in greater detail.

The workshops will be scheduled in the coming months. Please visit our website at www.halco.org/our-services/public-legal-education for information about our workshops.

If you would like to arrange a HALCO workshop for your community, please contact us (please see page 14 for more information about our workshops).



Lawsuit against the Government of Canada for Failing to Protect the Health of Federal Prisoners



The Canadian HIV/AIDS Legal Network, Prisoners with HIV/AIDS Support Action Network (PASAN), CATIE, the Canadian Aboriginal AIDS Network (CAAN) and Steven Simons, a former federal prisoner, launched a lawsuit against the Government of Canada over its failure to protect the health of people in prison through its ongoing refusal to implement clean needle and syringe programs to prevent the spread of HIV and hepatitis C virus in federal institutions.

For more information, please visit the Canadian HIV/AIDS Legal Network "Prison Health Now" website: www.prisonhealthnow.ca

Ontario's Social Assistance Review

As we reported in previous editions of *HALCO news*, the Ontario government began a major review of Ontario's social assistance system in January 2011.

The Commission for the Review of Social Assistance was established by the government to carry out the review. The Commission's final report, which was originally due in June 2012, is now expected to be released during the week of October 15, 2012.

The Commission's report will be available on its website: www.socialassistancereview.ca

The Income Security Advocacy Centre (ISAC) is a legal clinic that specializes in income security research, policy, test cases, etc. and has its own website about the Social Assistance Review: <http://sareview.ca/>

You can find more information about social assistance in Ontario on HALCO's website: www.halco.org/areas-of-law/income-security

HALCO's Public Legal Education Workshops

As always, our staff continue to provide legal education workshops for groups and organizations at events and conferences across Ontario.

Our seventh series of free **Public Legal Education Workshops** will take place in our HALCO Boardroom in November 2012.

Please contact us or visit the **Public Legal Education** section of our website for more information about our workshops:

www.halco.org/our-services/public-legal-education

Our workshop legal topics include:

- **Criminalization of HIV Non-Disclosure**
- **HIV Legal Issues Overview**
- **HIV and Immigration Law**
- **HIV and Privacy Law**
- **HIV and Private Insurance**
- **HIV and Employment Law**
- **Planning for illness: legal information for people living with HIV in Ontario**
- **Powers of Attorney and Advance Care Planning**
- **Government Sources of Income for Individuals and Families**
- **Ontario Disability Support Program**
- **Registered Disability Savings Plans**
- **Ontario's Drug Benefit Programs**
- **Your Rights as a Tenant**

Please contact us if you would like to request a workshop or our participation in an event (please see back page for HALCO contact information).

HALCO's website: www.halco.org

Our **What's New** website sidebar helps keep you up-to-date on current issues, announcements, events, and more.

Our **Areas of Law** pages include information about many different legal topics: www.halco.org/areas-of-law

You can apply to become a member of HALCO or to renew your HALCO membership on our website: www.halco.org/getinvolved/membership

If you have any questions about our website, please contact us! Please see back page for HALCO contact information.



HALCO Board of Directors

HALCO relies on its skilled and dedicated volunteer board members to oversee our governance.

Our HALCO board members are:

- **Mark Blans**
- **Michael Capp**
- **Eric Cashmore**
- **Frederique Chabot**
- **Tracy Gregory**
- **Peter Gross**
- **John McCallum**
- **Eric Mykhalovski**, and
- **Barbara Ncho**.

For more information about our board and board committees, please contact us or visit **Get Involved** on our website: www.halco.org/get-involved

HALCO Students

We are very fortunate to have the assistance of enthusiastic and committed law students. They help us to be able to do much of the work that we do!

Lesley Freiberg, our articling student for the 2012 to 2013 year, joined us in August and has already become a valued member of our team. Welcome Lesley!

Megan Andrews is a law student who worked with us on immigration issues in the summer of 2012 (supported by the Donner Canadian Foundation). She will continue as a volunteer for the 2012 to 2013 school year.

Marcus McCann continued to volunteer with us during the summer and is continuing in the autumn too.

We are also pleased to welcome **Sarah Sproule**, a lawyer volunteer who is assisting with immigration issues.

HALCO Staff

Our invaluable HALCO staff are vital to our services:

- **Renée Lang** (staff lawyer)
- **Rhonda Major** (admin. assistant)
- **Bill Merryweather** (director of admin.)
- **John Norquay** (staff lawyer)
- **Amy Wah** (staff lawyer)
- **Rick Lobodzinski** (admin. assistant)
- **Jill McNall** (community legal worker)
- **John Nelson** (staff lawyer)
- **Ryan Peck** (executive director/lawyer)
- **Kevin Wong** (staff lawyer)

HALCO provides free legal services for people living with HIV/AIDS in Ontario.

We provide intake for new inquiries on Monday, Tuesday, Thursday and Friday from 9 a.m. to 5 p.m. (not Wednesdays). A HALCO caseworker is assigned to deal with all new inquiries each intake day.

HALCO is a “scent-reduced environment” so please avoid wearing scented products when coming to our offices. Help us to make HALCO more comfortable for everyone!

HALCO is a registered charity funded by Legal Aid Ontario, the AIDS Bureau of the Ministry of Health and Long-Term Care, and other sources including corporate, foundation and individual donors.

We welcome **donations** and tax receipts are issued for donations of \$20.00 or more. If you would like to make a donation to support our work, you can call us toll-free at 1-888-705-8889 or make an on-line donation through **CanadaHelps** on our website:

www.halco.org/get-involved/donate

HALCO news contains general information only. It is not legal advice.

Laws, policies and practices can and often do change.

If you have a legal question or problem, you need legal advice. Please contact HALCO, your local legal clinic or a lawyer for legal advice.

HALCO news is published by the HIV & AIDS Legal Clinic Ontario (HALCO) and is distributed free to our members, interested individuals, agencies and organizations.

Please contact HALCO if you want to reproduce or excerpt any part of *HALCO news*.

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

(HALCO - 2012 October)

HALCO Membership/Renewal Application

HALCO's primary goal is to provide free legal services to people living with HIV/AIDS in Ontario. To help us to fulfil our goal and to ensure that our services are relevant, we need the participation of people living with HIV/AIDS in Ontario, as well as those who are not living with HIV/AIDS.

Please offer your support by becoming a member of HALCO. As a member of HALCO, you have the right to participate in and vote at our General Meetings, and to stand for election to our volunteer Board of Directors. Membership takes effect when it is approved by the Board of Directors. HALCO reserves the right to deny Membership Applications/Renewals. 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 page 2 of this application).

Your membership information will be used to inform you of our Annual General Meeting and to give you the opportunity to renew your membership annually. You can also choose to receive other HALCO information, including our newsletter, by checking the box below. We will only share your membership information as required by law. You can also apply for or renew your HALCO membership on our website: www.halco.org/getinvolved/membership

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 am applying to:

become a member of HALCO or **renew my HALCO membership**

Signature: _____ Date: _____

Name: _____

(please print)

Address: _____

Unit/Apartment: _____ City/Town: _____

Province: _____ Postal Code: _____

Phone: _____ May we leave phone messages for you? Yes No

Email Address: _____

To receive our newsletter, updates, etc., please choose mailings by: Email Mail

If you are a new member, please tell us how you found out about HALCO:

Thank you for applying to be a member of HALCO!

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/AIDS are confronted with unique legal problems of enormous proportions and complexity;
2. Those best equipped to make choices regarding HIV/AIDS issues and problems are those individuals who are HIV positive themselves;
3. People living with HIV/AIDS must have control over their own lives;
4. The HIV/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/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/AIDS; and
6. The confidentiality, bodily security, autonomy and privacy of people living with HIV/AIDS must be respected, which include but are 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/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/AIDS to consent, or withhold their consent, in all matters affecting them.