

PASAN

INFO BULLETIN #2

BASIS OF UNITY

PREAMBLE

PASAN is a community-based network of prisoners, ex-prisoners, organizations, activists and individuals working together to provide advocacy, education and support to prisoners on HIV/AIDS and related issues.

Our goal is social change. We take risks in our work. We take unpopular stands. We work for all prisoners and young offenders and against all forms of discrimination and oppression. We recognize that we cannot work to ensure the fundamental human rights and dignity of prisoners and young offenders unless we also work against racism, classism, sexism, ageism, ableism, anti-Semitism, heterosexism, homophobia and AIDS-phobia. We believe that committed persons working in coalition and in consensus with other persons can make a significant change in the quality of life for all prisoners and people living with HIV/AIDS.

Members of PASAN work towards justice, equity and compassion in human relations using democratic processes and with respect for the inherent worth and dignity of every person.

PASAN

PRISONERS' HIV/AIDS SUPPORT ACTION NETWORK

517 College Street • Suite 237 • Toronto • ON • M6G 4A2

(416) 920-9567 • (416) 920-4314 FAX

WE ACCEPT COLLECT CALLS FROM PRISONERS IN CANADA.

STATEMENT OF BASIC AND FUNDAMENTAL RIGHTS

In all our efforts, PASAN affirms the basic and fundamental human rights of prisoners, young offenders, and people living with HIV/AIDS. We define these rights to include:

- i) Every person's right to make their own informed choices and decisions about their own body.
- ii) Every person's right to the sexual practices of their choice with an informed and consenting partner of equal power. *Rape, in or out of prison, is a violation and an assault - not a sexual act between informed, consenting equals.*
- iii) Every person's right to protect themselves from HIV infection or other communicable diseases, and to have access to the education and materials necessary for that protection.
- iv) Every person's right to anonymous HIV testing without persecution or punishment.
- v) Every person's right to choose to end their own life. PASAN supports the right of every person to ask someone for assistance in doing so.
- vi) Every person's right to reduce the *negative consequences* of their own drug use. This includes the right to informed choice and access to treatment options for those who wish to stop or reduce using, and the right to access information and materials to reduce the harm and the transmission of HIV and other infections for those who either cannot or do not wish to stop using.
- vii) Every person living with HIV/AIDS has an inalienable right to the same access and quality of health care as any other person in society.
- viii) Every woman's right to terminate or continue pregnancy, regardless of HIV status or prison status.

GUIDING PRINCIPLES

Given these basic and fundamental rights, PASAN maintains five guiding principles which inform our approach to questions concerning HIV/AIDS in the prison system.

- 1) Prisoners and young offenders with HIV/AIDS have a basic right to maintain their health.

- 2) Prisoners and young offenders have a right to protect themselves against HIV infection.
- 3) Prisoners and young offenders have a right to keep their health status private. This means that (i) HIV-antibody testing should be done anonymously, and (ii) prisoners and young offenders should be able to keep their health status private. *PASAN opposes mandatory HIV testing in all forms either inside or outside of prison, as it violates these basic principles, criminalizes people living with HIV/AIDS, and promotes incorrect health promotion messages.*
- 4) Prisoners and young offenders have a right to informed consent with respect to HIV-antibody testing and HIV/AIDS treatment.
- 5) Prisoners and young offenders have the right to access support, education and treatment programs of their choice. Therefore, HIV/AIDS support, education and treatment programs should be available from community-based organizations brought into the institutions, rather than by correctional staff alone.

PERSPECTIVES ON PRISON AND HARM REDUCTION

In all our efforts, PASAN's approach and the decisions we make on program and public policy initiatives are informed by the following perspectives.

- i) A person's treatment under the law depends upon their relationship to systems of privilege (race, class, gender, etc.). The law is used to disproportionately punish people who are socially marginalized from systems of privilege - those who are poor rather than affluent; people of colour and First Nations people; women; lesbians and gay men; transsexual and transgendered people; youth; sex-trade workers; immigrants and refugees; drug users; psychiatric survivors; the developmentally challenged. People in these communities are arrested more often, charged more harshly, and imprisoned more often than are people who enjoy greater access to privilege.
- ii) Regardless of intent, prisons are places of punishment and degradation. They are not places of rehabilitation. Prisoners and young offenders are rehabilitated through their own efforts and need to be supported in those efforts, respecting their own schedule and agenda for doing so.
- iii) We recognize the sex-trade as a form of work, and understand people working in the sex-trade as workers. *Therefore, we support the decriminalization of prostitution.*

iv) PASAN follows a harm reduction approach in our political perspective and in our program development and implementation. We understand that drug-taking behaviours result in effects that are either beneficial (as in the case of life-saving medication), neutral or harmful. Assigning a positive or negative value - a benefit or harm - to such effects is subjective. A harm reduction framework offers a pragmatic means by which consequences can be objectively evaluated. Our approach recognizes that

► Drug use is a health concern, *not* a criminal one. Medical and social supports should be provided to clear a path towards the natural recovery of users (recognizing that drug dependency often results from a need for relief from other suffering). People do not choose to be dependent on drugs, nor can they stop their dependency at will. We recognize that abstinence may be neither a realistic nor a desirable goal for some, especially in the short term. While harm reduction and abstinence are not mutually exclusive, we recognize that abstinence is not the only acceptable or important goal.

► People who use drugs have an equal right to access medical and social supports as do non-users. This includes the right to access information and materials to reduce the possible harm to themselves through their using, such as sterile injection equipment to avoid HIV and hepatitis infection.

► Repressive drug laws cannot and will not effect the prevalence and use of drugs in society. Such laws only stimulate an underground economy in drugs which results in community problems such as crime, violence, rising prison populations, and health problems. Repressive drug laws, *not* drug use, are the root cause of those problems. In order to realistically and effectively reduce societal harms caused by this situation, public law and policy must abandon the failed zero-tolerance perspective and move towards a harm reduction model which increases supports for users and decriminalizes drugs.

APPROVED: May 1, 1996

PASAN formed in 1991 as a grassroots response to the AIDS crisis in the Canadian prison system.

Today, PASAN is the only community-based organization in Canada exclusively providing HIV/AIDS prevention education and support services to prisoners, ex-prisoners, young offenders and their families.