

- iii) Every person's right to protect themselves from HIV infection, Hepatitis C and 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 punishment. Everyone should also have the right to refuse HIV testing.
- 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, Hepatitis C, and other infections for those who choose not to stop using.
- vii) Every person living with HIV/AIDS and/or Hepatitis C and any incarcerated person has a 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 and Hepatitis C in the prison system.

- 1) Prisoners and youth in custody with HIV/AIDS and/or Hepatitis C have a basic right to maintain their health.
- 2) Prisoners and youth in custody have a right to protect themselves against HIV, Hepatitis C and other infection.
- 3) Prisoners and youth in custody have a right to keep their health status private. This means that HIV-antibody testing should be done anonymously. *PASAN opposes mandatory HIV testing in all forms either inside or outside of prison, as it violates these basic principles and criminalizes people living with HIV/AIDS. It also violates their constitutional rights and is illegal.*
- 4) Prisoners and youth in custody have a right to informed consent with respect to HIV-antibody testing and HIV/AIDS treatment, and have a

right to pre and post-test counselling as followed in "Best Practice Models".

- 5) Prisoners and youth in custody have the right to access support, education and treatment programs of their choice. HIV/AIDS and Hepatitis C 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 rich, people of colour and Aboriginal people, women, lesbians and gay men, transsexual and transgendered people, youth, sex-trade workers, immigrants and refugees, drug users, psychiatric survivors, and people with disabilities. 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) Prisons are places of punishment and degradation. They are not places of rehabilitation. Prisoners and youth in custody rehabilitate themselves through their own efforts and need to be supported for doing this.

iii) We recognize the sex-trade as a legitimate means of employment, and we view people working in the sex-trade as workers. *Therefore, we support the decriminalization of prostitution.*

iv) PASAN uses a harm reduction approach to inform our program development and implementation. We understand that drug use can result in effects that are either beneficial (as in the case of life-saving medication), neutral, or harmful. Assigning a positive or negative value to such effects is subjective. Our harm reduction approach recognizes that:

- ◆ Drug use is a health concern, *not* a criminal one. Those using drugs should be provided with the appropriate medical and social supports they need to deal with their situation. We recognize that abstinence may be neither a realistic nor a desirable goal for many, especially in the short term.

BASIS OF UNITY

PRISONERS WITH HIV/AIDS SUPPORT ACTION NETWORK (PASAN)

◆ People who use drugs have a right to access the same level and quality of 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, crack kits etc., to avoid HIV and hepatitis infection.

◆ Repressive drug laws cannot and will not affect the level of drugs and drug-use 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. Strict drug laws, *not* drug use, are the root cause of those problems. In order to effectively reduce societal harms caused by this situation, law and public policy must move towards a harm reduction model which increases supports for users and decriminalizes drugs and drug users.

The Basis of Unity reflects the core beliefs and philosophies which underlie the work we do at PASAN. We recognize that implementing these principles in our daily work can at times be challenging. However, we do adhere to these principles as much as possible and welcome input from our clients and community members about how we can continue to provide services that are valuable and useful.

PASAN

314 Jarvis Street, Suite 100
Toronto, ON, M5B 2C5
Telephone: 416-920-9567 or 1-800-668-2437
Fax: 416-920-4314 Email: info@pasan.org

WE ACCEPT COLLECT CALLS FROM PRISONERS IN CANADA

I have read and agree to follow the Basis of Unity as a member of PASAN.

Signed: _____ Name: _____

Date: _____

PASAN is a community-based prisoners' rights organization that strives to provide advocacy, education, and support to prisoners and ex-prisoners in Ontario on HIV/AIDS, Hepatitis C and other harm reduction issues. PASAN formed in 1991 as a grass roots response to the AIDS crisis in the Canadian prison system. Today, PASAN is the only community-based organization in Canada exclusively providing HIV/AIDS and Hepatitis C prevention education and support services to prisoners, ex-prisoners, youth in custody and their families.

Our goal is social change. As an agency, we take risks in our work. We strive to work for all prisoners and youth in custody and against all forms of discrimination and oppression. We work to ensure that the fundamental human rights and dignity of prisoners are protected. We listen to and value the opinions of prisoners because they understand their life circumstances better than anyone else. We strive to continually update our knowledge and understanding of the prison movement, the HIV/AIDS movement, and other information relevant to our work. We believe that through our work and in partnership with other organizations we can make a significant change in the quality of life for all prisoners, people living with HIV/AIDS and/or Hepatitis C, and society as a whole.

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

STATEMENT OF BASIC AND FUNDAMENTAL RIGHTS

In all our efforts, PASAN works to affirm the basic and fundamental human rights of prisoners, youth in custody, and people living with HIV/AIDS and Hepatitis C. We define these rights to include:

- i) Every person's right to make informed choices and decisions about their own body.
- ii) Every person's right to the sexual practices of their choice with informed and consenting people of equal power. *Rape, in or out of prison, is a violation and an assault - not a sexual act between informed, consenting equals.*