

HIV *Legal* **NETWORK**

*WHAT DOES THE HIV LEGAL NETWORK
MEAN TO YOU?*

PRISON HEALTH **MIGRANT RIGHTS** **Women's Rights** **Harm Reduction**
EDUCATION **Community Mobilization** **INTERSECTIONAL ANALYSIS**
NG MOVEMENT **COMMUNITY** **Constellation** **Collective** **Solid**

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The Legal Network acknowledges that the land on which we live and work is traditionally known as Turtle Island and home to the the Haudenosaunee, the Wendat, and the Anishinaabe, including the Mississaugas of the Credit First Nation. We are all Treaty People. As settlers and as human rights advocates working for health and justice, we are called to honour the Calls to Action of the Truth and Reconciliation Commission in our work. We must do our part to address the ongoing injustices and resulting health inequities faced by Indigenous Peoples, which contribute to the disproportionate impact of the HIV epidemic on Indigenous communities. We are actively committed to this effort, working in collaboration with our Indigenous colleagues and others.

A MESSAGE FROM Our Chair and Co-Executive Directors

Dear friends,

One question we often get in our work is about our name. “What exactly is a ‘legal network’?” we hear. “What does that mean?” It’s a good question — and the answer is both simple and complex.

It’s simple because, at its core, the answer is that we work collaboratively with many others toward a common goal: realizing the human rights of people living with HIV and other populations disproportionately affected by criminalization and punitive laws and policies around the world. The complexity comes from how we do this — the many diverse but interconnected ways we work to make that positive change.

It is this interconnectivity — with likeminded allies, using a host of change-making strategies — that inspired the theme of this year’s annual report: “The Network.” Read on and you will hear more about our work over the past 30 years, where we started and where we’re going, how we plan to get there, and some of the amazing people who have helped us along the way.

This past year was a momentous one for the HIV Legal Network. Not only did we celebrate the 30th anniversary of our founding, we also launched a new strategic plan, *Rights Within Reach*, outlining our goals for the next five years. This plan is ambitious, but achievable. Human rights are within reach, and we are excited and confident that we can get there, together. In *Rights Within Reach*, you will recognize our longstanding policy areas and our

CONNECTING 30 YEARS OF WORK

DEC 1992

A group of activists come together to create the Canadian HIV/AIDS Legal Network.

Sept 2020

The Canadian HIV/AIDS Legal Network rebrands as the HIV Legal Network to reflect the evolution of the organization.

commitment to challenging wrongs, advancing rights, and transforming lives. You will also see more about our intention to forge new partnerships and deepen existing ones as we work towards reconciliation and centering Indigenous perspectives, combating anti-Black and other forms of racism, and always employing an intersectional feminist lens in all that we do.

Truly, people are at the very core of our network. Whether it's our staff, our partners, our supporters, our members, or our board members, we rely on the dedication and the passion of our vast, international network to accomplish great things. We lost two of those passionate and dedicated people this past year with the untimely passing of our beloved board members Alexandra de Kiewit and Karim Ladak. Alexandra was an inspirational, dedicated, respected activist who used her deep expertise and knowledge to make the lives of others better — and she worked tirelessly to defend the rights of people who use drugs, sex workers, people living with HIV, people living with disabilities, and others. Karim was a global citizen and a champion of the 2SLGBTQ+ community, in Canada and around the world; he was kind, principled, and forever giving of himself in so many ways and to so many people. We dedicate this annual report to their memory and commit ourselves to continuing the work that meant so much to them.

In solidarity,

Leegay Jagoe

Chair of the Board

Janet Butler-McPhee

Co-Executive Director

Sandra Ka Hon Chu

Co-Executive Director

2022/23

The HIV Legal Network recognizes 30 years of working to ensure that the human rights of people living with HIV and other populations disproportionately affected by HIV, punitive laws and policies, and criminalization are protected, respected, and fulfilled.

STRENGTH IN *Numbers*

45+

Interviews and op-eds in Canadian media, including on [the state of HIV](#)

18

Court cases including constitutional challenges to Canada's sex work laws and homophobic colonial-era laws in Jamaica and Dominica

98

Signatories to [Change the Code](#), a second CCRHC community Consensus Statement on limiting HIV criminalization

21

Reports publications, or submissions to governments and UN bodies

11

Presentations at the 2022 International AIDS Conference in Montreal

5

Workshops with Indigenous audiences on [HIV criminalization](#) and the [Good Samaritan Drug Overdose Act](#)

6

Podcast episodes in Season One of "[Not a Crime/Pas un crime](#)"

12

Other workshops and presentations on different topics related to HIV and human rights to a total audience of 1,177 people

8,763

Subscribers to the [Legal Network News](#)

7

Consultations with people living with HIV and allies on HIV criminalization in Canada

15,296

Followers on social media

186

Public info requests answered

597

Donations made to the HIV Legal Network

RESEARCH AND Analysis

As always, this year our work was guided by consultation and collaboration with our partners and community members and rooted in human rights. Building our network means listening to the perspectives of those most affected by the issues we're trying to address. Below you will find some examples of this collaborative research from the past year.

PRESSING ON FOR HUMAN RIGHTS IN EECA

Ever since the Russian invasion of Ukraine in early 2022, we've fielded many questions about how we planned to either continue or pause our work in the Eastern Europe and Central Asia (EECA) region. How would we advocate for drug policy reform and support for people living with HIV when there are other pressing human rights abuses happening every day, against the backdrop of war? The answer is that our work must continue because the issues on which we work don't simply disappear when others emerge. Indeed, they are often magnified as human rights in general are pushed aside.

To highlight this and keep our work going under exceptional circumstances, Senior Policy Analyst Mikhail Golichenko collaborated with sociologists and other experts in EECA to research legal barriers to health services facing people living with HIV and people with disabilities in Russia — making the links between such abuses and their access to crucial HIV services.

As a regional human rights expert, Mikhail also worked on two other projects connecting health and human rights

CONNECTING 30 YEARS OF WORK

2011

The HIV Legal Network submits a novel report to the UN Committee Against Torture analyzing how Russian drug policy systematically degrades people who use drugs.

2010 to 2023

The HIV Legal Network supports civil society organizations in EECA to secure recommendations from UN Human Rights Treaty Bodies to reform laws and policies to stop discriminating against people who use drugs, sex workers, men who have sex with men, and people living with HIV. In Ukraine, the war has drastic impacts on the health and safety of communities with whom we work — and our work continues.

in EECA — REAct and RADIANT. A project of the Ukrainian Alliance for Public Health, REAct (Rights – Evidence – Actions) saw Mikhail support country teams to document human rights barriers key populations face in accessing HIV services in EECA countries. This online platform allows people to register cases of human rights violations and links them to supports. RADIANT, led by our partner the Eurasian Harm Reduction Association, helps people who use drugs in Georgia, Kazakhstan, Moldova, and Russia to overcome legal barriers and improve access to the HIV continuum of care. In this project, Mikhail helped country teams build their capacity to document and report human rights violations to international treaty bodies. The final report will be ready later in 2023.

READ [*THE MOST VULNERABLE SUFFER*](#)
READ MORE ABOUT [*REACT*](#)

STUDYING THE PRISON NEEDLE EXCHANGE PROGRAM (PNEP)

Four years ago, the Correctional Service of Canada implemented a needle exchange program to provide people in prison with sterile injection equipment. This came after years of advocacy from the Legal Network, Steve Simons, a man formerly incarcerated who contracted hepatitis C behind bars, and three other HIV organizations (CATIE, PASAN, and CAAN), including a constitutional challenge we began in 2012. But the program as implemented was fundamentally flawed and still only available in nine institutions. This year, we teamed up with researchers from Toronto Metropolitan University to interview people across Canada who had been formerly incarcerated in a prison with a PNEP to assess barriers to access and how the program must be improved and further expanded in order to fully respect the rights of people who use drugs in prisons. Our findings were published in *Points of Perspective*.

READ [*POINTS OF PERSPECTIVE*](#)

1996

The HIV Legal Network produces ***HIV/AIDS in Prisons: Final Report***, one of the first resources in Canada to examine whether there is a legal obligation to provide people in prison with harm reduction measures, including condoms and sterile injection equipment, and to make recommendations for action.

2010

The HIV Legal Network publishes ***Under the Skin: A People's Case for Prison Needle and Syringe Programs***, a collection of affidavits or testimonials from 50 individuals from across Canada who had used drugs in a federal prison, adding to growing body of evidence highlighting the need for prison needle and syringe programs.

2018

The Government of Canada quietly announces a **Prison Needle Exchange Program to be implemented in two federal prisons** to inform a full national roll-out.

EXPLORING ALTERNATIVE JUSTICE RESPONSES

Indigenous communities are among those most disproportionately affected by HIV and criminalization in all its forms, so it is crucial to centre their voices in any conversation about reforming the criminal legal system. Colonization has imposed a system of punishment and incarceration that runs counter to what many Indigenous cultures are based on. This is why, along with CAAN Communities, Alliances and Networks and Women & HIV/AIDS Initiative (WHAI), we hosted a roundtable in June 2022 to look at alternative justice responses to the criminalization of HIV non-disclosure in Canada. Over the course of the afternoon, we heard from activists and frontline staff from the HIV and violence against women sectors, Elders, and people from the community who have experienced criminalization about ways that restorative and transformative justice could be used to minimize the harms that have been inflicted. The result is a report, *A Gender-Centred Dialogue on Alternative Justice Responses to HIV Non-Disclosure Criminalization*, recommending steps to take to realize these alternative responses and ongoing strengthening of relationships among our organizations.

[READ A GENDER-CENTRED DIALOGUE ON ALTERNATIVE JUSTICE RESPONSES TO HIV NON-DISCLOSURE CRIMINALIZATION](#)

2022

The HIV Legal Network, in collaboration with CAAN Communities, Alliances & Networks and the Women & HIV/AIDS Initiative, hosted a roundtable about alternative justice responses to the criminalization of HIV non-disclosure in Canada.

Litigation AND OTHER ADVOCACY

Sometimes, going to court is necessary to ensure voices are heard and rights safeguarded. In these instances, we either advance ground-breaking cases ourselves with our on-the-ground partners or we act as intervenors, collaborating with individuals or other organizations to pool our expertise and make a bigger impact. In this section, you'll find updates on some of the litigation we've worked on over the past year.

LGBTQ+ RIGHTS IN THE CARIBBEAN

Thanks to the legacy of colonialism, many countries in the Caribbean have maintained laws criminalizing acts of same-sex intimacy. The HIV Legal Network has been involved in several cases challenging these anti-LGBTQ+ laws — including in Jamaica and Dominica. This year saw developments in both of these cases as we worked with our partners to move forward.

In September 2022, the High Court of Dominica heard a constitutional challenge from a gay man who was seeking to have two sections of the *Sexual Offences Act* (SOA) criminalizing consensual same-sex activities declared unconstitutional. This is a case that began in 2019 and although we do not yet have a ruling, we are hopeful that Dominica will follow in the footsteps of Barbados, Antigua and Barbuda, and St. Kitts and Nevis in striking down these homophobic laws.

At the end of March 2023, we also received news about Maurice Tomlinson's long-delayed constitutional challenge to sections of Jamaica's *Offences Against the*

CONNECTING 30 YEARS OF WORK

2015

The HIV Legal Network supports a constitutional challenge to laws criminalizing LGBTQ+ people in Jamaica, led by Maurice Tomlinson. Despite numerous delays by government lawyers, Maurice's case continues to gain momentum.

2018

The HIV Legal Network supports three Barbadians' petition before the Inter-American Commission on Human Rights challenging laws criminalizing "buggery" and other intimacy between consenting same-sex partners as violating numerous rights guaranteed in the American Convention on Human Rights.

Person Act, which similarly criminalize same-sex intimacy. Unfortunately, in this instance, the court reversed a previous decision and allowed the case to be split in two. This means that there will need to be a preliminary hearing on a matter of law before the challenge can proceed, leading to a further delay of justice for LGBTQ+ people in Jamaica. While we are disappointed by this decision, we are hopeful that these laws will be struck down and that Jamaica will heed the direction of the Inter-American Commission on Human Rights, which instructed the country in 2020 to repeal these laws.

READ THE STATEMENT ON [DOMINICA](#)

READ THE STATEMENT ON [JAMAICA](#)

CHALLENGING THE IMPACTS OF HIV CRIMINALIZATION

While we wait for law reform to make its way through Parliament, litigation is one of the ways we seek justice for those who have been unjustly convicted and punished.

In *R. v. Sharma*, an Indigenous woman was convicted in 2015 of a drug trafficking offence and sentenced to a prison term. In appealing her prison sentence, Ms. Sharma argued that certain provisions of the *Criminal Code* violated her *Charter* rights to liberty and equality as her conviction made her ineligible for a conditional sentence. We intervened in her appeal along with HALCO, both at the Ontario Court of Appeal and the Supreme Court of Canada, making the link between Ms. Sharma's sentence and those given to many people convicted for HIV non-disclosure. Because they are generally convicted of aggravated sexual assault, conditional sentences are unavailable to them — and so these restrictions cast too wide a net. Sadly, the Supreme Court ruled that the conditional sentence restrictions are constitutional and upheld Ms. Sharma's sentence.

Thankfully, we had better news in *R. v. Ndhlovu*. In this case, a young man was convicted of two counts of sexual assault, which automatically added him to the national sex offender registry for life. He appealed this mandatory, automatic registration, claiming that it violated his

2019

With critical legal support from the HIV Legal Network, a gay man challenges Dominica's homophobic laws that criminalize “buggery” and “gross indecency,” targeting the consensual sexual activity of LGBTQ+ people.

1998

The HIV Legal Network intervenes in *R. v. Cuerrier*, the first case before the Supreme Court of Canada involving the criminal prosecution of a person living with HIV for not disclosing their status.

Charter rights. We agreed and intervened along with HALCO, given the implications for people convicted for HIV non-disclosure in aggravated sexual assault cases. In October 2022, the Supreme Court of Canada agreed that such mandatory, lifetime orders violate human rights, and this decision will allow people living with HIV to seek removal from the registry under certain conditions. HIV non-disclosure still needs to be removed from the laws of sexual assault, but until it is, we are very pleased that this particular injustice has been struck down.

READ OUR STATEMENTS ON [SHARMA](#) AND [NDHLOVU](#)

CHALLENGING THE CRIMINALIZATION OF SEX WORK

A key part of our network is our relationship with sex work organizations as we stand together to change the harmful laws that govern sex work. This year, as part of the Canadian Alliance for Sex Work Law Reform, we worked on the Alliance's *Charter* challenge arguing that criminal prohibitions on sex work, including those in the *Protection of Communities and Exploited Persons Act*, enacted in 2014, are unconstitutional — denying sex workers' autonomy and endangering their health and safety. As part of the case, Alliance members shared their experiences and highlighted the ways in which the current legislation subjects them to harm. This challenge was heard in October 2022 at the Ontario Superior Court, where numerous allies also intervened to underscore the ways in which the sex work offences deprive sex workers of their rights. We hope that the court will heed the voices of lived and living experience and this rich network of allies.

READ THE [OP-ED](#) BY SANDRA KA HON CHU AND JENN CLAMEN

2012

The HIV Legal Network and partners intervene before the Supreme Court of Canada in a pair of **landmark cases on the criminalization of HIV non-disclosure**: *R. v. Mabior* and *R. v. D.C.*

2013

The HIV Legal Network and partners join other interveners before the Supreme Court of Canada in *Canada (Attorney General) v. Bedford*, to support a historic, and ultimately successful, **constitutional challenge to Canada's sex work prohibitions that undermine the health and safety of sex workers**.

2021

The Canadian Alliance for Sex Work Law Reform — of which the HIV Legal Network is a member — goes to **court to challenge Canada's sex work prohibitions**, including those in the *Protection of Communities and Exploited Persons Act*.

PUBLIC EDUCATION

Education is key to changing hearts and minds — and when the issue is human rights, this becomes all the more critical. If the public isn't aware of how human rights are being trampled on, nothing will change. But it's also just as critical — if not more so — that communities are able to know and defend their rights. This year, we focused our education efforts on both these areas. After all, the strength of our network depends on them.

NOT A CRIME/PAS UN CRIME

For public education to be effective, it must reach a wider audience. And with COVID still complicating in-person events, we knew we had to try something different this year. To that end, we launched our new podcast, *Not A Crime/Pas un crime*, with three episodes in English and three in French. In the English episodes, Senior Policy Analyst Mikhail Golichenko and Policy Analyst India Annamanthadoo discussed HIV criminalization and drug policy in both EECA and Canada, focusing on the impact these issues have on human rights in those regions. For the French episodes, Senior Policy Analyst Cécile Kazatchkine took listeners to the Democratic Republic of Congo, Morocco, and Niger as she spoke to activists there about HIV criminalization and disclosure. All episodes explored the need to build a community of activists who can advocate for human rights in difficult circumstances — and we are hopeful that our new podcast will help to support them and inform other listeners.

LISTEN TO [*NOT A CRIME*](#)

CONNECTING 30 YEARS OF WORK

2005

The HIV Legal Network publishes “**Nothing About Us Without Us**,” detailing why **people who use drugs must be meaningfully involved in Canada’s response to HIV, HCV, and drug policy**, and containing a manifesto written by people who use drugs demanding this meaningful involvement.

2011

The HIV Legal Network and partners intervene before the Supreme Court of Canada in *Canada (Attorney General) v. PHS Community Services Society*, a landmark decision ruling that shuttering Insite would violate the Charter rights of people who use drugs.

RESOURCES FOR INDIGENOUS COMMUNITIES

The harms of colonization are many, far-reaching, and long-lasting. Among these harms is the overrepresentation of Indigenous people affected by HIV and by criminalization in all its forms. This is why one of the pillars of *Rights Within Reach* is our intention to work more deliberately to dismantle some of these harmful laws and policies and to strengthen our relationships with Indigenous organizations. And part of this dismantling requires us to work in collaboration with Indigenous partners to support Indigenous people to understand how colonial laws affect them, and how to navigate within their confines.

To this end, we teamed up with CAAN and HALCO to produce resources and conduct workshops for Indigenous communities across this land — [posters](#) that focus on the *Good Samaritan Drug Overdose Act* along with an [info sheet](#) on HIV criminalization. Both were developed through consultation with Indigenous people and organizations who told us what information would be most useful and how best to communicate it to their communities. We worked with Indigenous artists to license original artwork that speaks to the diverse Indigenous cultures and included translations in several Indigenous languages. All of these were accompanied by a list of legal contact information for Indigenous communities.

We also revisited our Know Your Rights publications to create new ones specifically for Indigenous communities — one on [privacy](#) in the context of HIV and the other on living with HIV or HCV in [prisons](#). Once again, these were developed in consultation with Indigenous communities and organizations and feature Indigenous artwork and translations.

There is a long road ahead as we collectively work to undo the systems that continue to oppress Indigenous people in Canada. By strengthening our connections to Indigenous communities and organizations — and by prioritizing their perspectives and experiences — we hope to be a supportive part of their networks.

1999

The HIV Legal Network and CAAN Communities, Alliances & Networks (formerly the Canadian Aboriginal AIDS Network) jointly release a series of three reports outlining issues that need to be addressed in addressing HIV among Indigenous communities: discrimination, HIV testing and confidentiality, and questions of jurisdiction and funding for HIV programs.

2016/17

The HIV Legal Network, in partnership with CAAN, conduct a legal needs assessment to determine priority legal questions for Indigenous people living with HIV and/or HCV and produce a series of legal information resources touching on HIV disclosure to sexual partners, privacy and confidentiality, harm reduction services for Indigenous people who use drugs, and HIV and HCV in federal prisons.

SEE THE [POSTERS](#)
 READ THE REPORTS:
 KYR [Privacy](#)
 KYR [Prisons](#)
[HIV Crim info sheet](#)

COMMUNITY Mobilization

For 30 years we have worked in collaboration with people and organizations around the world to challenge wrongs, advance rights, and transform lives. By engaging meaningfully with on-the-ground experts and people with lived experience, we ensure that our work is informed by the people most affected by human rights violations in Canada and internationally. Through our various collaborations, we are also able to magnify our messages and mobilize people around the world to take action.

BUILDING CAPACITY IN FRANCOPHONE AFRICA

As a leader in HIV Justice Worldwide's (HJWW) Francophone Network, the HIV Legal Network, represented by Senior Policy Analyst Cécile Kazatchkine, coordinates a dynamic group called *l'“Espace francophone,”* which fosters the continuous exchange of resources and experiences among Francophone activists working to challenge HIV criminalization in West, North, and Central Africa.

Over the past year, our group was able to provide colleagues in Benin, Burkina Faso, and Niger with small grants, which had a big impact. In Benin and Burkina Faso, our small grants program helped fund community-led advocacy for law reform and helped ensure that people living with HIV and key populations have the information and resources they need to effectively participate in efforts to end HIV criminalization. And in Niger, we supported a research project that promoted advocacy calling for more resources and information about disclosure for people living with HIV — including women living with HIV.

CONNECTING 30 YEARS OF WORK

2016

The HIV Legal Network joins six other partner organizations from around the world in launching HIV Justice Worldwide, a new global initiative to resist HIV criminalization.

In the Democratic Republic of Congo (DRC), we supported HODSAS — a long-time partner dedicated to protecting the human rights of sexual minorities. Our assistance contributed to HODSAS' resilience as it emerged from COVID restrictions and enabled the organization to undertake a study involving 120 people from the sex work community and other communities that routinely experience human rights violations. It is our hope that by amplifying this work, our network can help shine a light on these abuses and change the dynamic for the better.

READ MORE ABOUT OUR WORK IN [NIGER](#) AND [BENIN](#)
LISTEN TO OUR [PODCAST](#) WITH MODESTE FROM HODSAS

UNITING FOR SEX WORKERS' RIGHTS

Nearly 20 years ago, the HIV Legal Network brought together sex workers' rights activists from across Canada for conversations about the human rights and Charter violations perpetuated by Canada's criminal laws on sex work. Over the past year, we have continued collaborating, working in consultation with and under the leadership of sex workers and sex workers' rights organizations.

In February 2023, we partnered with Butterfly (Asian and Migrant Sex Workers Support Network) to host an in-person convening in Toronto of migrant sex workers from across Canada. This was an unprecedented opportunity for workers to come together to share their experiences with sex work, immigration, human trafficking, and municipal laws and their enforcement, exchange knowledge and strategies in the face of such repressive laws and practices, and build community.

We are also active members of the Canadian Alliance for Sex Work Law Reform (CASWLR), which comprises sex workers' rights groups across the country focused on law reform. Led predominantly by and for sex workers, CASWLR launched a challenge against Canada's flawed sex-work laws in Ontario Superior Court in 2021 highlighting the many ways that Canada's *Protection of Communities and Exploited Persons Act* (PCEPA) violates

2005

The HIV Legal Network hosts a national gathering of sex workers' rights activists from across Canada, and subsequently produces *Sex, Work, Rights*, one of the first reports laying out the constitutional case for reforming Canada's criminal laws on sex work.

sex workers' human rights to dignity, health, equality, security, autonomy, and safety. During the hearing in October 2022, supporters lined the street in front of the courthouse and raised their voices in support of sex worker rights.

READ OUR [OP-ED](#) ABOUT THE CASE

ENDING VIRAL HEPATITIS IN CANADA

As we recognize our 30th year of work, we also have another 30 in our sights: Canada has committed to eliminating viral hepatitis as a public health threat by 2030. As an active, longtime Steering Committee member of Action Hepatitis Canada (AHC), the HIV Legal Network is helping to hold various governments in Canada accountable to this promise.

In 2022, AHC released *Prison Health is Public Health*, which included a review of prevention, testing, and treatment services in place in Canadian federal and provincial prisons, and made recommendations to ensure that people in prison — who are 40 times more likely to acquire hepatitis C (HCV) than the general population — have access to the same health services as people living outside of prison.

The launch of this critical report was bolstered by a robust social media campaign featuring shareable graphics with the stories of people with lived experience of HCV, followed by an April 2022 webinar about using the report as an advocacy tool with policymakers.

In May 2022, AHC joined CanHepC, CanHepB, the Canadian Liver Foundation, and the Canadian Association for the Study of the Liver to mark the inaugural Canadian Viral Hepatitis Elimination Day in Ottawa with a press conference on Parliament Hill, a Parliamentary Reception, and meetings throughout the day with key policy makers.

READ [PRISON HEALTH IS PUBLIC HEALTH](#)

2012

The HIV Legal Network, along with Steve Simons (a former prisoner who contracted HCV in prison), and three other HIV organizations, launches a constitutional challenge against the Government of Canada for its refusal to implement needle and syringe programs in federal prisons.

2013

Action Hepatitis Canada — of which the HIV Legal Network is a long-time Steering Committee member — is formed.

Case Study

CHALLENGING HIV CRIMINALIZATION: MOBILIZING FOR COMMUNITY CONSULTATIONS IN CANADA

From its beginning, the HIV Legal Network has been at the fore of the fight against the criminalization of HIV non-disclosure. Since the first HIV medications came on the scene decades ago — and began to slow and finally cease the carnage in many parts of the world — we have understood that our advocacy had to actively counter HIV-related stigma and its related harms. HIV criminalization is one of the most serious, multi-faceted, and insidious of these harms.

In Canada, people living with HIV who are alleged to have not disclosed their status to a partner before sex are still at risk of being prosecuted, convicted, and sentenced to prison terms and life-long consequences such as sex offender registration. This is true regardless of whether HIV was transmitted, whether there was a realistic chance of it being transmitted, or whether the person had any intent to transmit HIV. And people living with HIV are forced to live with this constant, looming threat that can affect many parts of their lives and, of course, their relationships. HIV criminalization in Canada and worldwide has a disproportionate impact on gay, bisexual, and other men who have sex with men, women living with HIV, and Indigenous and Black communities.

HIV criminalization protects no one and can drive people living with HIV away from treatment and care and other systems of support. And so the HIV Legal Network, in partnership with many collaborators, has embarked on a decades-long campaign for law reform — in Canada and beyond — to end the injustice.

This work began in the 1990s and continued building in 1998 with the HIV Legal Network intervening in *R. v. Cuerrier*, the very first case of HIV criminalization before the Supreme Court of Canada. But the past ten years

have marked a critical turning point and galvanized the growing momentum for change in Canada. It is over this decade that we have finally seen opinions — and even certain media narratives — evolving. Civil society and people living with HIV themselves have been the catalyst for this change of hearts and minds with the support of their allies including scientists and lawyers.

Since 2012, when the HIV Legal Network and our partners again intervened before the Supreme Court of Canada in a pair of landmark HIV non-disclosure cases, namely *Mabior* and *D.C.*, our campaign to end HIV criminalization has kicked into even higher gear. Along with our legal strategy and interventions in precedent-setting cases, our ongoing research and analysis, public education, and community mobilization efforts have made progress on many fronts. This multi-pronged approach, drawing on the strengths of our broad international network, has now placed us on the brink of long-awaited law reform in Canada.

CONNECTING 30 YEARS OF WORK

2014

The HIV Legal Network supports HIV researchers and clinicians in Canada in issuing a ground-breaking scientific consensus statement against the misuse of the criminal law against people living with HIV.

In 2021, the Canadian Coalition to Reform HIV Criminalization (CCRHC) — of which the HIV Legal Network is a founding member and the current Secretariat — embarked on a series of community consultations with people living with HIV, service providers, allies, researchers, and legal experts. These consultations led to the creation of our second Community Consensus Statement, *Change the Code: Reforming Canada's Criminal Code to Limit HIV Criminalization*, endorsed by more than a hundred and counting civil society organizations. Strategically released in July 2022, just before the International AIDS Conference held in Montreal, this CCRHC statement calls on the Government of Canada to:

1. Remove non-disclosure, exposure, or transmission of HIV or other STBBIs from the reach of sexual assault laws, including the current mandatory designation as a sex offender.
2. Enact reforms to ensure that any other provisions in the *Criminal Code* are not used to further stigmatize and discriminate against people living with HIV and STBBIs. Any prosecutions should be limited to cases of actual and intentional transmission.
3. End the deportation of non-citizens following conviction.
4. Review past convictions so that people living with HIV previously criminalized under these harmful and stigmatizing laws are no longer forced to live with the label of a sex offender and criminal.

July 2022 proved to be a pivotal moment in this movement for yet another reason: years of behind-the-scenes advocacy with policymakers resulted in an important announcement at AIDS 2022 by the Minister of Justice and Attorney General of Canada to launch a public consultation on reforming the criminal law in this country, a positive step and another signal that concrete action could follow.

The Government of Canada consultations opened in October 2022, and we were ready. Our [resources and key messages and templates](#) made certain that our communities were empowered to act and fully participate in this process. Over the course of three months, we delivered workshops to hundreds of participants, including people with lived experience of criminalization, supporting them to tell their stories in the face of injustice. The government consultations concluded in January 2023.

Since that time, the HIV Legal Network and our CCRHC colleagues have been working tirelessly and meeting with government officials as they review the results of their consultations and consider a path forward. We continue to mobilize our communities and are committed to challenging HIV criminalization in Canada and beyond, with the ultimate goal of a progressive, well-considered bill before Canadian Parliament. With a new law that prioritizes human rights, we could finally see the end of the harmful and stigmatizing effects of criminalization on people living with HIV.

2016

The Canadian Coalition to Reform HIV Criminalization (CCRHC), a national coalition of people living with HIV, community organizations, lawyers, and researchers, and others, is created to reform and limit HIV criminalization in Canada.

2018

On World AIDS Day, Canada's Attorney General announces a new directive to help limit prosecutions against people living with HIV in Canada for non-disclosure.

FINANCIAL OVERVIEW

SUMMARY FROM AUDITED FINANCIAL STATEMENTS
FISCAL YEAR ENDING MARCH 31

REVENUE	2023	2022
	\$	\$
Grants	1,501,254	1,931,964
Consulting Fees	284,560	106,435
Donations	116,963	217,025
Membership	2,320	810
Interest & Other	27,116	3,776
Total Revenue	1,932,213	2,260,010

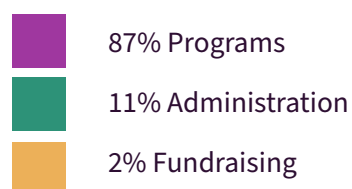
EXPENSES

Personnel Costs & Professional Fees	1,609,883	1,311,696
Rent & Maintenance	75,620	84,118
Travel	53,273	5,244
Strategic Litigation	40,987	18,992
Communication & Information	32,388	21,250
Outreach Expenses	19,600	42,993
Facilities & Equipment	6,121	4,966
Office Equipment & Expenses	23,801	35,340
Other	34,818	34,845
Total Expenses	1,896,491	1,559,444

NET ASSETS

Designated	736,288	700,566
Unrestricted	138,042	138,042
Total Net Assets	874,330	838,608

WHERE OUR MONEY GOES



2018

The HIV Legal Network releases an **important analysis of how the federal government presided over the steady erosion of funding**, leading to numerous HIV and AIDS organizations across Canada being pushed to the brink, with some preparing to close permanently.

2020

A motion is introduced in the Senate that draws attention to the **need to strengthen Canada's HIV response**.

2022

In advance of AIDS 2022, the HIV Legal Network co-creates a **campaign to restore the missing millions to Canada's HIV funding**.

Thank You!

ACKNOWLEDGEMENTS

Every year, the generous support of our volunteers, supporters, and partners is what keeps us going. Your gifts of your time, resources, and collaboration make it possible for us to continue our work of challenging the inequalities and injustices faced by people living with HIV and AIDS and other communities disproportionately affected by HIV, punitive laws and policies, and criminalization. Special thanks go to our monthly donors on whose regular contributions we rely and to all those who gave as part of Andrew Beckerman's *Charlie's Challenge*, whose donations were generously matched, helping each gift go twice as far. Thank you for being part of our ever-growing network of strong and committed human rights advocates.

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Canada Summer Jobs

Canadian Women's Foundation

City of Toronto, Investing in Neighbourhoods initiative

Department of Justice/Justice Partnerships Innovation Program

Impact Fund

Levi Strauss Foundation

M·A·C Cosmetics Canada

MakeWay – AIDS-Free World

McLean Foundation

Ontario Trillium Foundation

Open Society Foundations

Public Health Agency of Canada

Robert Carr Fund

The Global Fund to Fight AIDS, Tuberculosis and Malaria

The Law Foundation of Ontario

Toronto Metropolitan University

Women and Gender Equality Canada (WAGE)

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