action





Canadian HIV/AIDS Legal Network VIH/sida

Réseau juridique canadien

ANNUAL REPORT 2016-2017

CANADIAN HIV/AIDS LEGAL NETWORK

words

WORDS.

This report is dedicated to Raffi Balian (1956-2017): activist, educator, mentor, healer, friend.

In memory of Mark Wainberg (1945-2017), an advocate for the human rights of people living with HIV.

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HIV/AIDS

Legal

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CHARITABLE REGISTRATION # 141110155 RR0001

The international community has declared the common global goal of "ending AIDS" by 2030. This year, we heard promising statements from some decisionmakers, and we observed *some* action on some fronts that could help realize the goal. However, words must be matched by deeds if we are to truly protect and promote the health and human rights of people living with HIV and communities particularly affected by the epidemic.

Our calls to action had a direct impact this year. Canada's Justice Minister made a historic promise to review the criminal justice system's overcriminalization of people living with HIV, and work is actively underway. The federal Health Minister introduced several harm reduction measures and reinstated harm reduction to the federal drug strategy; she also heeded our steady calls to repeal the current, objectionable law impeding access to life-saving safer consumption services. The federal government began to fulfill its promise to legalize marijuana with a bill – albeit imperfect – tabled in Parliament.

Though our advocacy has yielded tangible results, as always the gains are incremental, the need for pressure constant. We welcome the passage into

Network VIH/sida

ACTION. IMPACT.

law of Bill C-37, making safer consumption services a more likely reality across our country, but we need our governments to go further and undertake a deeper rethinking of drug laws and policies in Canada. The federal government also walked away from mediation in our constitutional challenge to prison-based needle and syringe programs a regrettable decision, flying in the face of its own previous recognition of the evidence and declared commitment to harm reduction.

And sometimes not only action, but also inaction can be detrimental. The Federal Initiative to Address HIV/ AIDS in Canada is now more than a decade old and more than \$100 million committed to the HIV response has never been delivered. Meanwhile, promising early statements about changes to federal funding mechanisms were not matched in the implementation, causing disarray in the community sector. Words are not enough.

With the uncertainty of federal funding, individual giving becomes even more critical. Though we wrapped up our *Right(s) Now* campaign this year, we continue to rely on our donors and supporters for their invaluable support, and we are determined to make health and human rights a reality for all.

This year we also launched our guide on monitoring. evaluation and learning – a tool we hope will help advocacy organizations measure their impact and successfully foster change. We also produced a series of resources for Indigenous communities to know their rights in various contexts. Our work has taken us both inside and outside the courtroom: from advocating LGBTQI rights in the Caribbean to providing technical assistance to street lawyers in Russia.

The following pages reflect just some of the areas where our words and our action have led to impact. We are always striving to do better. In 2017, we will launch our new Strategic Plan and mark our 25th anniversary. We hope you will continue to join with us in advancing health and social justice.

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RICHARD ELLIOTT EXECUTIVE DIRECTOR

MARILOU GAGNON CHAIR, BOARD OF DIRECTORS

UNDERFUNDING = INACTION

Ending the HIV epidemic will require laws and policies grounded in respect for evidence and human rights. But we can't get there without adequate funding and an updated federal strategy on HIV and AIDS. Words are simply not enough.

In 2003, Parliament's health committee unanimously recommended that funding for Canada's federal strategy on HIV be doubled to \$84.4 million annually. The government of the day committed to reaching this target over the subsequent five years. However, in 2007, the subsequent government froze funding at \$72.6 million annually and redirected some of what remained to a different initiative. That funding has

remained frozen ever since – and in some years, even the reduced budgeted amount has gone unspent. As a result, over the last decade, nearly \$104 million dollars originally committed to the HIV response has never been delivered.

The impact of this inaction on funding is palpable. The Federal Initiative to Address HIV/AIDS in Canada is more than a decade old. The federal government claims it supports evidence-based policies and programs; this means its strategy, and what it funds, must take into account the latest science, as well as community developments and current legal and policy realities. An updated federal action plan on HIV also needs to be fully and adequately funded; the government must act to correct the chronic underfunding of the HIV response. It also must include support for a strong community sector – and yet the rollout this past year of a new, restructured HIV and Hepatitis C Community Action Fund has raised serious concerns, including what appears to be the complete or partial loss of funding for approximately one-third of HIV organizations in Canada. Inadequate investment in the response to HIV, including a community-based response, is a significant roadblock to reaching the UNAIDS goals of bringing us closer to the target of zero infections, zero deaths and zero HIV-related stigma – a target to which Canada has agreed.

In contrast, in October 2016, Canada championed renewed support for the Global Fund to Fight AIDS, Tuberculosis and Malaria, hosting a global donor conference and modestly increasing its own contribution. This is a welcome example of matching words with action. Yet Canada is simultaneously acting at cross-purposes with the goal of increased access to medicines by promoting, in trade agreements such as the Trans-Pacific Partnership, ever more restrictive intellectual property policies that impede access to lower-cost, generic medicines.

A funding commitment on the international stage must be matched here at home. Without a strong community-based response, many direct HIV prevention and support services will go missing, and Canada will be unable to meet the UN's international targets for HIV testing, prevention and treatment to which we have committed, including in the new global Sustainable Development Goals. An updated federal action plan on HIV also needs to be fully and adequately funded; the government must act to correct the chronic underfunding of the HIV response.

We could, in the coming years, make a dramatic difference in the struggle against HIV in Canada and around the world, if we're willing to fund the interventions that work and implement smart policies. A new, updated, adequately funded federal, strategy on HIV and AIDS – in consultation with organizations responding to HIV and representatives of affected communities, and including increased, sustained support to civil society organizations – is long overdue.

FOR MORE INFORMATION: > AIDSLAW.CA

RIGHTS IN Solidarity

Despite important advances, the rights of LGBTQI (lesbian, gay, bisexual, transgender, queer and intersex) people remain under constant threat in countries around the world. Since launching a ground-breaking constitutional challenge to Jamaica's anti-gay law in December 2015, the Legal Network has been busy building support both inside and outside the courtroom. We continue to engage progressive religious leaders and communities to speak up for LGBTQI rights, an effort all the more important since the Jamaican Supreme Court admitted numerous homophobic religious groups as "interested parties" in our challenge (while denying such standing to the Public Defender, the country's official human rights ombudsman).

Nevertheless, our work has already had an impact in the region. A recent claim filed in Trinidad challenging the country's anti-gay laws was directly inspired by our own legal action in Jamaica. And the momentum Challenging statesponsored homophobia in the courts is one way to defend the human rights of LGBTQI people around the world; building community and supporting activists on the ground is another.

for change got a boost just a few months ago: in a long-awaited decision, the Supreme Court of Belize ruled in favour of human rights activist Caleb Orozco's constitutional challenge to the anti-sodomy law in his country, a victory that sent shock waves across the region.

Challenging state-sponsored homophobia in the courts is one way to defend the human rights of LGBTQI people around the world; building community and supporting activists on the ground is another. Sponsored by the Legal Network, the second Montego Bay Pride was a resounding success, with participation increasing by half from the previous year. We were pleased to continue the dialogue about litigation and other advocacy strategies with community activists and lawyers from numerous countries at a gathering convened by the recently launched Eastern Caribbean Alliance for Diversity and Equality (ECADE) (and co-facilitated by one of our international board members). We continued to host multiple activists from various Caribbean states (and Uganda) to talk about LGBTQI rights in Toronto and to meet with Global Affairs Canada officials in Ottawa, helping to build connections and local support from Canada's diplomatic representatives on the ground. Through these events, we've cultivated and strengthened relationships with not only LGBTQI activists from Caribbean countries, but also diaspora communities in Canada.

We have also been active via the Dignity Initiative, which we cofounded, organizing a national roundtable in Ottawa with civil society and government participants, submitting recommendations to Canada's review of its approach to international development assistance, and ramping up advocacy efforts for LGBTQI rights locally and globally. We have also continued to raise various human rights issues affecting LGBTQI communities in Canada with the Prime Minister's special advisor on these issues, building on our contributions to the recommendations in the *Just Society Report* released by Egale in June 2016.

In this way, we are making an impact, fostering positive change both at home and abroad, through litigation, advocacy and community mobilization.

FOR MORE INFORMATION: AIDSLAW.CA/LGBTIRIGHTS DIGNITYINITIATIVE.CA

WOMEN IN ACTION

Though Canada may consider itself a world leader in gender equality, the truth is women in Canada continue to bear the burden of regressive policies. With a self-proclaimed feminist at its helm, the Canadian government has promised to reverse a number of the previous government's draconian, punitive criminal laws and strengthen the legal protections that some of the nation's most marginalized groups of women sorely need – but on many fronts we are still waiting for these words to translate into action. Last year, and for the first time since 2008, the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) reviewed Canada's compliance with the *Convention on the Elimination of All Forms of Discrimination against Women*. In our briefing to the Committee – which we also presented in person in Geneva – we articulated our concerns with Canada's implementation of specific aspects of the Convention: namely, those that affect women living with HIV, women who use drugs, women in sex work, and incarcerated women. Our intervention had a direct impact on

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CEDAW's Concluding Observations, which expressed deep concern about the overly broad use of the criminal law in cases of HIV non-disclosure, the unreasonable legal barriers to supervised consumption sites, the excessive use of incarceration as a drug-control measure against women, risks to the security and health of sex workers brought about by criminalizing sex work, and high rates of HIV among women in detention.

CEDAW's historic recommendations were clear: end unjust HIV criminalization, repeal laws restricting supervised consumption services, and implement prison-based needle and syringe programs. In short, what the Legal Network has been advocating for years.

The Legal Network has long realized the disproportionate impact of unjust laws and policies on women. We have been calling for action on numerous fronts, while also raising awareness and developing useful resources for those affected by these policies to navigate the law, resources such as the "Know Your Rights" guides for parents living with HIV and for providers of child and family services. More recently, we reviewed a diverse body of research to examine the intersections between gender-based violence and HIV for Indigenous women; our report identifies numerous reforms needed to address these intertwined epidemics.

Laws must protect the rights of all women. As a member of the Canadian Alliance for Sex Work Law Reform, we contributed to building the case for federal legislative reforms to remove all sex workspecific criminal laws, including those criminalizing clients and third parties, as these undermine the health and human rights of sex workers. And finally, as a founding partner of HIV JUSTICE WORLDWIDE and the Canadian Coalition to Reform HIV Criminalization (see p. 9), we ensure that local and international approaches to reform discriminatory and unjust laws are always informed by a gender-aware analysis and a commitment to respecting, protecting and fulfilling women's rights.

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FOR MORE INFORMATION: AIDSLAW.CA/WOMEN

RETHINKING JUSTICE

HIV criminalization was a hot topic last year: we amplified our efforts, and as a result, our calls for action were echoed in the media and heard by government. The Legal Network met repeatedly with Justice Canada to outline our concerns about the unjust, overly broad criminalization of people living with HIV – and on World AIDS Day 2016, we welcomed a historic statement by the federal Minister of Justice.

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who recognized this ongoing problem and committed to working with provinces, affected communities and medical professionals to address the concern.

As a founding member of both the newly formed Canadian Coalition to Reform HIV Criminalization and the Ontario Working Group on Criminal Law and HIV Exposure (CLHE), the Legal Network continues to speak up for policies and initiatives to limit the use of criminal charges in cases of alleged HIV non-disclosure. Since more than half of HIV nondisclosure cases have taken place in Ontario, we continue to urge the Ministry of the Attorney General of Ontario to adopt sound prosecutorial guidelines, engaging Minister Yasir Naqvi and other provincial ministers at a roundtable meeting. More recently, we wrote to Minister Yasir Naqvi with specific requests, including imposing a moratorium on all HIV nondisclosure prosecutions (except cases of alleged intentional transmission) while law reform and other options are being explored. We also organized a community email advocacy campaign to highlight these important demands.

Our words and direct action on this issue have not only attracted the attention of government bodies, but also generated increased media coverage – and have elevated the conversation – on HIV criminalization, including stories in The Canadian Press, CBC and the *Toronto Star*, and a front cover and feature spread in *NOW Magazine*. Coverage has been increasingly critical of overly broad HIV criminalization in general and of its effect on women, and Indigenous and racialized communities in particular.

Recognizing the impact of these unjust laws on specific communities, the Legal Network also developed a number of resources for people living with HIV to know their rights. Together with the Canadian Aboriginal AIDS Network, we produced a series of bilingual resources for Indigenous communities, beginning with a booklet on HIV disclosure to sexual partners. We also produced an illustrated privacy and disclosure guide for youth living with HIV or hepatitis C, expanding the reach of our work. In addition, a report analyzing the key trends and patterns of HIV criminalization in Canada Our words and direct action on this issue have not only attracted the attention of government bodies, but also generated increased media coverage and have elevated the conversation on HIV criminalization.

since its onset in the late 1980s has proven to be an invaluable resource for advocates, scholars, the media and policymakers alike.

HIV criminalization impedes prevention by increasing stigma, discouraging testing and spreading misinformation about the nature of HIV and its transmission. Prosecutions also have a disproportionate impact on the most marginalized and vulnerable. The Legal Network, together with its partners and allies – not only in Canada but in the new HIV JUSTICE WORLDWIDE coalition we helped found – will keep driving change with words and action that will have a lasting impact.

- FOR MORE INFORMATION: AIDSLAW.CA/CRIMINALLAW
- CLHE.CA
- > HIVJUSTICEWORLDWIDE.ORG

CRITICAL SHIFT

Evidence ignored, human rights denied. The story of prohibitionist drug policy has been told many times, but not enough. For this reason, we are dedicating more space to this issue, as much has happened in this area this past year and yet so much more still needs to be done. We outlined five priorities for action to change the narrative in Canada in our powerful new short film "Advocacy in Action." The calls for change grew louder over the past year, especially as the death toll mounted from the ongoing opioid overdose crisis devastating our communities. We heard promising words from policymakers, *some* of which translated into action.

In December 2016, the federal Health Minister committed the government to a new national drug strategy that reinstates harm reduction as a key, non-negotiable pillar – a demand the Legal Network has been advocating for years since it was removed a decade ago. But the extent to which the stated

Through numerous briefs, letters, media commentaries and meetings with the federal Health Minister. we repeatedly made the case for repealing the odious Respect for Communities Act With the passage into law of Bill C-37 in May 2017, we secured a hard-won victory and a real-world result of our advocacy.

commitment will be matched by funds being shifted from ultimately ineffective, harmful enforcement of Canada's prohibitionist drug laws to scaling up harm reduction measures and community-based harm reduction services remains uncertain. Through numerous briefs, letters, media commentaries and meetings with the federal Health Minister, we repeatedly made the case for repealing the odious Respect for Communities Act. With the passage into law of Bill C-37 in May 2017, we secured a hard-won victory and a real-world result of our advocacy, as many of the onerous requirements for opening and operating safer consumption services without risk of criminal prosecution have now been removed. But changing words in the statute must be matched by action: we urge all governments to immediately commit to long-term funding for these health services, scale up access to treatment for opioid use disorder and continue to rethink drug policy. These issues were front and centre at the two-day dialogue on scaling up safer consumption services we co-convened with the Canadian Drug Policy Coalition in Vancouver in February 2017.

A stated commitment to evidence-based responses also translated into action on other fronts. Acknowledging the severity of the opioid overdose crisis, Health Canada guickly approved a nasalspray formulation of naloxone, a much-needed emergency medication to prevent such overdoses from being fatal. It also removed the previous government's regulation banning medically prescribed heroin. These were among the steps urged in the ACTION-LIFE call to action we coauthored and issued with endorsement from organizations across the country in August 2016. Yet more is needed, and urgently; hence our support for the National Day of Action in February 2017 organized by the Canadian Association of People who Use Drugs and the importance of its ongoing campaign #TheyTalkWeDie.

Canada moved forward with its welcome commitment to legalize and regulate cannabis, a globally significant step away from prohibition, and we shared our views with the government's task force on the issue. But legalization will entail a breach of unduly restrictive UN drug control conventions. We co-authored a policy brief with several partners on options for managing this challenge while preserving Canada's commitment to international law, and met with numerous government officials to share our recommendations.

But the same rationales – including the protection of public health - require that we extend the discussion, and legislative action to abandon prohibition, beyond cannabis. In June 2016, we underscored this message at "Decriminalization and Regulation," our 2nd National Conference on Charting the Future of Drug Policy in Canada. We welcomed federal Health Minister Dr. Jane Philpott to deliver opening remarks to more than 120 participants from across the country - and, importantly, she heard directly from people who use drugs, who welcomed the government's renewed support for harm reduction but also sounded the alarm about the potentially harmful, unintended consequences of plans to restrict opioid prescribing, including driving people to secure drugs from more dangerous, illegal sources, as has been seen before. Attendees also heard a keynote address from former Legal Network executive director Dr. Joanne Csete, the lead author of the Lancet Commission's scientific review of international drug policy and public health, and from Portugal's national drug policy coordinator on that country's successful 15-year experience of decriminalizing the personal use of all drugs.

We will be moving forward with our constitutional challenge to protect the health and human rights of people who use drugs — both in prison and in the community.

If Canada is to embrace harm reduction, it must also do so for people in prison. During the 2015 election, the ultimately successful Liberal Party declared: "There is compelling evidence to support needle and syringe programs in prisons as being an effective way to decrease syringe sharing among inmates who inject drugs, thereby decreasing the risk of HIV and HCV transmission between inmates." Since then, the Public Safety Minister has reiterated his government's commitment to "evidence-based policies." We were therefore profoundly disappointed in January 2017 when the Government of Canada abruptly withdrew from a planned mediation that might have settled our ongoing lawsuit to secure access to such programs in federal prisons. Such programs have operated for decades in community settings across Canada and in numerous prisons in other countries, and are

As an international organization, we also take action on the world stage. We deepened and expanded our work with "street lawyers" and community activists defending rights and promoting access to health services for people who use drugs in Russia.

recommended by a wide range of domestic and international health experts. We will be moving forward with our constitutional challenge to protect the health and human rights of people who use drugs – both in prison and in the community.

As an international organization, we also take action on the world stage. We deepened and expanded our work with "street lawyers" and community activists defending rights and promoting access to health services for people who use drugs in Russia. In 2016, more than 500 community representatives, community legal workers and experts participated in the human rights educational, capacity-building and networking activities led by the Legal Network. We also helped our partners draft and present a shadow report to the United Nations' Committee on Economic, Social and Cultural Rights. This report put the spotlight on Russia's continued legal ban on opioid substitution therapy and ongoing refusal to adequately fund needle and syringe programs, overdose prevention and other harm reduction services, even as unsafe drug injection fuels the rapidly growing HIV and hepatitis C epidemics. We continue to provide legal support to our partners to resist the discriminatory "foreign agent" label, one of Russia's misguided legal attempts to clamp down on civil. society. We also filed additional materials in support of our ongoing court case before the European Court of Human Rights challenging the government's ban on methadone.

FOR MORE INFORMATION: AIDSLAW.CA/DRUGPOLICY AIDSLAW.CA/PRISONS AIDSLAW.CA/RUSSIA

The following facts and figures provide a snapshot of the Legal Network's activities from April 1, 2016, to March 31, 2017.

Approx no. of information requests received by email and phone to which our staff responded

500+

13 publications,

x 5 6,277

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NUMBERS

- **18 newsletters**
- + 12 and blog posts
 - issued 43

nisitare to aidelaw. Ca 218.942 Monitoring, **Evaluation and** Learning workshop attendees

15

LGBTQI rights in Caribbean and Africa: 7 activists, 8 public forums, **400 participants**

> **Russia street lawyers'** project: Representatives of key populations who received consultations on legal or human rights issues

> > 11,372

Attendees of **Montego Bay Pride in Jamaica**

250+

jkes on 2.862

rideogon lin

8,000+

FUNDING + PASSION = ACTION

93% of \$3,000,000 goal reached

Our donors, volunteers and dedicated staff are definitely not short on passion, skill and determination. Aside from stigma and political obstructionism, the biggest barrier to fulfilling our mission is that financial resources are all too often limited.

Three years ago, we launched the Right(s) Now campaign. We sought to expand and diversify our base of support to allow us to defend human rights for those living with and affected by HIV. At the Legal Network, we are honoured by your response to this campaign and proud to report that 93% of the \$3,000,000 goal was achieved, thanks to the generosity of people who believe in and support our mission and values. Donors have often added heartfelt notes with their gifts, sharing personal stories of connection to our work, further inspiring our staff and volunteers.

One such supporter is Andrew Beckerman, Legal Network board member and friend, who demonstrated his commitment by issuing a donationmatching challenge to raise more so we could do more. Named after Andrew's father, "Charlie's Challenge" has inspired many existing donors to increase their gifts and motivated new donors to join our community of supporters – supporters who have chosen the Legal Network via workplace giving campaigns, estate gifts, single gifts and monthly giving programs. Our board chair, Marilou Gagnon, launched the "Scholars Circle" to encourage researchers and academics who benefit from our work and collaborate with us to become monthly donors.

This support has helped the Legal Network to advance the rights of people living with and affected by HIV, in Canada and around the world. The Legal Network will persist until health and human rights for all are a reality.

We thank all of our generous donors for their continued support. Please continue to stand with us in solidarity.

individual donors contributing to the Right(s) Now campaign 399



FINANCIAL OVERVIEW

SUMMARY OF AUDITED FINANCIAL STATEMENTS

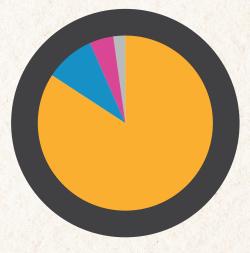
FISCAL YEAR ENDING MARCH 31

	2017	2016
REVENUE	\$	\$
Grants	1,846,105	1,556,393
Donations	203,904	117,207
Consulting Fees	33,527	322,480
Membership	6,953	1,288
Interest & Other	11,113	6,805
TOTAL REVENUE	2,101,602	2,004,173
EXPENSES		
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NET ASSETS	111,406	109,957
TOTAL EXPENSES	2,100,153	2,001,635
Other	35,463	36,543
Amortization	1,293	2,082
Office Equipment & Expenses	52,348	52,048
Rent & Maintenance	126,110	109,670
Strategic Litigation	21,981	26,776
Communication & Information	67,236	53,130
Events Expenses	84,831	83,729
Travel Expenses	200,343	235,235
Personnel Costs & Professional Fees	1,510,548	1,402,422

WHERE OUR MONEY GOES

Charitable Activities	84.3%
Administration	9.2%
Fundraising	4.5%
Other	2%



Sincere thanks to our extraordinary collaborators for playing

SIN

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rene Gerassimova, Development **Mikhail Golichenko**, Senior Policy développement (until August 2016 / jusqu'en août 2016) / directeur général Officer / agente du

and Campaigns Officer / agent rayonnement (until March 2017 -auryn Kronick, Communications and Outreach Officer / agente et rayonnement (until October **Doriana Schiavi**, Finance Manager Cécile Kazatchkine. Senior Policy Development and Outreach / directeur du développement 2016 / jusqu'en octobre 2016) Analyst / analyste principale Joshua Terry. Communications Analyst / analyste principal leave as of March 2017 / en / gestionnaire des finances Communications / directeur August 2016 / jusqu'en août des politiques (on parental des communications et du Terry Gould, Program Support Manager / gestionnaire du des communications (until soutien aux programmes congé parental compter Kimahli Powell, Director of Vajdon Sohaili, Director of / jusqu'en mars 2017) depuis mars 2017) des politiques 2016)

Maurice Tomlinson, Senior Policy campagnes (as of April 2017 / Analyst / analyste principal Development / directeur du compter depuis avril 2017) February 2017 / compter développement (as of Philip Wong, Director of depuis février 2017) des politiques

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des communications et des

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