

OUR VOICE

This year marked the 25th anniversary of the founding of the Canadian HIV/AIDS Legal Network. Twenty-five years of advocacy, of striving for fair laws and policies that respect the fundamental human rights of those living with and affected by HIV and AIDS. Twentyfive years of never giving up.

And this has been a year of redefining ourselves and refocusing our work. In 2016, we began a process of evaluating our priorities and setting out our strategic directions for the coming years — and in 2017, we released our strategic plan for the next five years, entitled Respect, Protect, Fulfill: A Human Rights Response to HIV. One thing was clear from this process: our strength is in our expertise and our commitment to social justice. We are seen as leaders in advocacy and legal analysis, on both the international and domestic stages, and our commitment to supporting the voices of communities often

unheard is recognized. The goals outlined in the strategic plan are as ambitious as they are simple — we want our friends, family and community members who are at risk of or living with HIV, who use drugs, who participate in sex work, who are behind bars, or who belong to LGBTQ communities, to live without fear of discrimination, persecution or harm.

This basic principle has driven our work this year, as you'll see in this report. From our work in the Caribbean challenging anti-gay laws to our "street lawyers" program in Russia that helps people who use drugs advocate for their human rights and access the health services they need, we've been defending dignity and advancing health. And we've seen results, from connecting individual people to HIV and hepatitis C testing and treatment to a growing number of LGBTQ people standing up and speaking out.





We've been speaking out for change here at home, too. Late last year, we called on the House of Commons Standing Committee on Citizenship and Immigration to repeal provisions in immigration law and policy that limited the ability of people with HIV to immigrate to Canada based on the theory of "excessive demand" — meaning that their health care costs were deemed to be too high and a likely drain on the public purse. Thanks to the concerted pressure of many, in April 2018, the Minister of Immigration, Refugees and Citizenship announced the rules would be changed — and that there would be far fewer barriers to those living with HIV or other health conditions. Although the reforms fall short of the full repeal that is still needed, they represent a significant victory — thanks to civil society and individuals raising their voices.

Our voice — and the voices of the people whose rights we defend — are being heard on other fronts, too. One of our major advocacy projects this year was the development of the Community Consensus Statement, which called on federal and provincial governments to end unjust criminal prosecutions of HIV non-disclosure. This development took months of hard work and collaboration with other organizations as part of the Canadian Coalition to Reform HIV Criminalization. By the time it was released shortly before World AIDS Day 2017, the statement had been endorsed by more than 150 organizations across the country, from the HIV sector and beyond, who all backed the call for sound prosecutorial directives to limit unjust prosecutions, reform of the federal Criminal Code, and training for judges and other actors in the criminal justice system. The statement was impossible to ignore and on World AIDS Day in December, Justice Canada released a groundbreaking report, which drew on the years-long work of the Legal Network and partners, and put

forward numerous sound recommendations. The same day, the Ontario Attorney General announced that provincial prosecutors would no longer be prosecuting cases of non-disclosure against individuals who had a suppressed viral load for at least six months. These are significant steps forward, showing that sustained advocacy can successfully challenge injustice — but they also fall short of what is needed, and so we need to keep raising our voices.

Gathering people together is another key way of amplifying their voices — and this is exactly what we did last October in Jamaica. Our Intimate Conviction conference brought together dozens of people from around the Commonwealth to discuss the role of the church in campaigning for the repeal of colonial-era laws criminalizing and inciting violence and discrimination against LGBT people. Many attendees belonging to the LGBTQ community told us they felt seen in a way they hadn't experienced before. Their experiences were validated and their identities accepted. Their voices were finally being heard.

These are just some of the ways we have raised our collective voice this year. In the sections that follow, you will find more detail about our advocacy efforts and their results. Over the coming months and year, we will continue to speak out, to make policy waves and to advocate for law and policy reform that respects the human rights of vulnerable people. We are grateful for your support, now and always.

In solidarity,

Ron Rosenes, Chair Board of Directors Richard Elliott Executive Director

DEMANDING DIGNITY

"It's how I support myself; it's how I survived since I was 18, on my own. It's how my kids got better things in life than I had growing up. I don't look at it as trying to hurt another human being, and I don't find it hurting myself at all. I just wish things would change for the better when it came down to sex work. If people don't try and look at it differently, there's only one way you're going to see it, no matter what anybody tries to do or say."

- Sex worker interviewed for our Sex Worker Documentation Project

The popular image of a sex worker is that of a woman standing on a street corner, trying to attract customers from passing cars. Or a migrant woman held hostage by exploitative third parties and forced to provide sexual services. A woman who has little control over her trade or her clientele.

The reality of sex work is far more varied and more complex — and we at the Legal Network have been working hard this year to shed light on this. In 2014, the federal government passed the *Protection of Communities and Exploited Persons Act* (PCEPA), decrying in the preamble to the law the "exploitation that is inherent in prostitution" while claiming to "encourage those who engage in prostitution to report incidents of violence and to leave prostitution" by criminalizing the purchase of sexual services. Around the same time, the

federal government also passed immigration regulations prohibiting people in Canada without citizenship or permanent resident status — including people with work permits — from legally working in the sex industry, under the guise of protecting vulnerable women from exploitation.

To counter this kind of thinking, in May 2017, we partnered with Butterfly: Asian and Migrant Sex Workers Support Network to release a brief to Ontario's Standing Committee on Social Policy regarding Bill 96, the *Anti-Human Trafficking Act.* We urged them to reject this problematic bill, which conflates human trafficking and sex work and plays into stereotypes that will increase anxiety, moral panic and racism against racialized migrants and sex workers. We highlighted the fact that the Bill would lead to increased



policing and enforcement of perceived victims of human trafficking, which would result in greater police surveillance, targeting, arrests and detention of sex workers and deportation of migrant sex workers, making sex workers far less likely to call for help in the event of a threat. While the bill was ultimately passed, we were encouraged by the strength of the partnership and the opportunity to highlight the impact of growing anti-trafficking discourse and policy on migrant sex workers.

We are also an active member of the Canadian Alliance for Sex Work Law Reform and as such we contributed to Safety, Dignity, Equality: Recommendations for Sex Work Law Reform in Canada. This detailed report outlines exactly what needs to be done to ensure the law works to uphold sex workers' human rights, including removing sex work–specific criminal provisions. Despite PCEPA's purported claim to protect women from exploitation, it has become increasingly evident that sex workers are still under threat. They face challenging encounters with law enforcement, and experience numerous harmful effects on their health, safety and well-being.

This is why we have been focusing on an exciting new project that we'll be launching next year (spoiler alert!). Called the Sex Worker Documentation Project, this project sprung from a need identified by sex worker advocates and allies to document sex workers' experiences with law enforcement. Funded by the Law Foundation of Ontario, this project will explore the ways in which criminal, immigration and anti-trafficking laws and enforcement practices

affect sex workers' health, safety and

agency by preventing

them from working safely and free from violence and hindering their access to health and social supports and police protection. While sex workers bear the brunt of these laws and law enforcement practices, the public, law enforcement and policy-makers have rarely acknowledged sex workers' experiences with law enforcement. Through this project, we are seeking to bridge that gap.

Work began in early 2018 as we finalized the scope of the project, found interview sites in Ontario and started recruitment. We sought out sex workers across the province who have encountered law enforcement in the context of their work and talked to them about the impact of these encounters. The interviews were completed in the fall and will be used to create a multimedia installation project using the sex workers' own words and voices. Our hope is that this project — and the advocacy efforts described above — will amplify the voices of those who are bearing the brunt of these harsh laws and lead to real change.



action = Life

"The most worrisome and frustrating for me was the fact that the same situation could happen to other women. [...] There is a need for the health authorities to undertake some systematic steps in order to ensure that pregnant women who use drugs can get access to effective medical services. This [...] would be the only way for me to find at least partial relief from my pain and suffering."

- O.S., client of the "street lawyer" program in Russia, in submission to the UN regarding human rights abuses

People who use drugs are a particularly vulnerable population — that's no secret. The stigma surrounding the use of currently illegal drugs pushes people to the margins of society, denies them appropriate medical treatment and threatens them with criminal charges instead of offering them harm reduction services. At the Legal Network, we defend the human rights of people who use drugs, fight for their access to safe places to consume them, and mobilize for changes to unjust laws that criminalize them.

Our "street lawyers" program in Russia, spearheaded by Senior Policy Analyst Mikhail Golichenko, has been one of the most dramatic areas of this work.

Through this program, we are working directly with people who use drugs to put the power in the hands of those most affected. The street lawyers program helps people who have been denied opioid substitution therapy (OST) or otherwise been refused adequate medical or social supports because of their drug dependence. And this year, we took up

the cases of several people who have been targeted in this way. We made numerous submissions to the UN outlining various ways in which our clients' human rights have been violated by Russia's refusal to treat addiction as a health care issue. Many of our clients are women — some living with HIV — who are seeking help controlling their drug use and instead are being charged under the Criminal Code and imprisoned. Russia does not allow OST nor does it have any mechanism for allowing mothers seeking addiction treatment to stay in a residential program with their children. This dehumanizes these women, subjects them to humiliating treatment and treats them as criminals. Our submissions led to new conclusions and recommendations to Russia from three UN human rights bodies the Committee for the Elimination of all forms of Discrimination Against Women (CEDAW), the Committee on the Rights of Persons with Disabilities (CRPD) and the Committee Against Torture (CAT). And our hope is that with strong advocates, these women will finally be able to access the care and treatment they've been asking for.



Closer to home, the Legal Network has been actively campaigning for better harm reduction strategies across Canada. Since our last annual report, we have seen the shift to the decriminalization of cannabis for personal use in Canada — and we've been using this as leverage as we advocate for full decriminalization for personal use of all currently illegal substances. Starting in April 2017, we met with partner organizations to strategize, and have since taken every opportunity to make the case for decriminalization.

In May 2017, we presented a vision for a new course of action, "Canada Needs Action Now," at the 25th Annual Harm Reduction International Conference in Montréal. In it, we outlined five priorities for harm reduction and drug policy in Canada; it was shared with all MPs and all federal. provincial and territorial ministers of health and justice. It received nationwide media attention, including a piece in PostMedia newspapers focused on the recommendation to implement prison needle and syringe programs. And in April 2018, we also mobilized support for a policy resolution at the Liberal Party of Canada's national policy convention, which called for the party to approach the opioid crisis through a public health lens. The resolution passed and is now Liberal Party policy, meaning that two major federal parties in Canada now have formal positions supporting decriminalization of possession for personal use.

Meanwhile the opioid overdose crisis continues to take a terrible, deadly toll across the country. In response, we continued our advocacy for the implementation and spread of supervised consumption services and defended "popup" overdose prevention sites (OPS). And we found some success by the end of 2017 when Ontario announced an arrangement with the federal government to expand the OPS. The

federal government issued a "class exemption" from criminal prosecution to OPS that were approved by the Ontario government, effectively delegating the decision-making to the province. Sadly, this success has been threatened in 2018 by the election of the new provincial government, but we remain committed to this advocacy and this work. We began work on a report documenting the remaining challenges to the legal exemption of SCS through a number of in-depth interviews with front-line service providers and people who use drugs. The report will present the case for a variety of further legislative or policy reforms that would further facilitate SCS, providing a basis for ongoing advocacy with the federal government.

Along with the OPS and SCS advocacy, a major part of our harm reduction work was the creation and distribution of our Good Samaritan wallet cards. These cards provide crucial information about the 2017 federal *Good Samaritan Drug Overdose Act*, letting people know what their legal rights are when calling 911 to get help for someone experiencing an overdose. All of the 50,000 cards printed have now been distributed and our online version had been downloaded hundreds of times. These cards are an important tool in the fight against the overdose crisis and we're actively looking for ways to further spread this life-saving information.

There is much more to do as we continue to work for the implementation of harm reduction strategies globally, but we are encouraged by the accomplishments we've seen to date. Whether on the streets in Moscow or in a pop-up OPS in Toronto, people who use drugs, and those of who us care about them, are making their voices heard — and we are committed to amplifying those demands for dignity and for change wherever we can.

DISRUPTING DISCRIMINATION

"We want Jamaica to acknowledge and understand that we are unique and we only wish to be accepted as people."

- Montego Bay Pride 2017 attendee

There is no more basic human right than the right to be oneself. To feel free to show one's family, friends and society who one truly is and to live in the certainty that one is accepted, valued and safe. But as we all know, this isn't reality for many. In much of the world, LGBTQ people are discriminated against, persecuted and threatened with violence — all because of who they are.

This is particularly true in the Caribbean and other former British colonies. Of the 73 countries that currently criminalize consensual same-sex intimacy, more than 50 are in the Commonwealth and nine are in the Caribbean, which is why the Legal Network continued to support voices demanding change in this region.

One of the major undertakings this year was the first ever international conference examining the role of the Christian church in the establishment and maintenance of anti-sodomy laws across the Commonwealth. Called Intimate Conviction, this conference took place over two days in Kingston, Jamaica, and brought together faith leaders from around the world and from different denominations. Our speakers were church officials, legal experts and Biblical scholars, many of whom broke down myths about the supposed religious necessity of such laws.

While there was opposition to the conference from some fundamentalist groups and in some parts of the media, the conference was well received, and most importantly, it included the voices of progressive faith leaders challenging the dominant anti-LGBTQ orthodoxy. To further amplify the voices from the conference, our Communications team has compiled an edited volume of some of the presentations, to be distributed in late 2018 and spread the call for decriminalization.

Days after the conference, the third annual Montego Bay Pride brought visibility to Jamaica's LGBTQ community with a safe space for celebrations, pop-up street protests and Jamaica's first LGBTQ film festival. Thanks to our donors, the Legal Network was able to provide financial and logistical support to local leadership — in keeping with our commitment to mobilizing and supporting communities in defending and advancing their rights. This year's event had more than 850 participants, which was a huge growth from previous years and demonstrates the critical need for this type of opportunity for the LGBTQ communities to gather and celebrate.

In early 2018, our Caribbean work faced significant advocacy challenges. In January, we got word that Steven Anderson, an



American preacher known to spread hatred and homophobia, was planning a "mission trip" to Jamaica. Anderson had previously been barred from visiting other countries, including Canada, because of his hatemongering. But Jamaica's lack of hate speech legislation and some initial statements from the government made it seem likely that he would be admitted. One brave Jamaican citizen refused to have this. Jay John decided to start a petition calling on the Jamaican government to bar Anderson from the country, to prevent him from spreading his calls for the death of homosexuals and from bringing harm to vulnerable populations. But Jay's attempts to create an official government petition were denied and he turned to an online platform instead.

When the Legal Network heard about Jay's petition, we moved quickly to use our contacts to amplify his message. Together, we accumulated more than 38,000 signatures — more than two and a half times the requirement for a government response. Even so, the government refused to hear it. In response, we wrote an open letter to the government, outlining the legal case for

banning Anderson from Jamaica. We pointed out that under Jamaican law, an immigration officer could deny Anderson entry because of his outspoken campaign for murder and his Holocaust denial. The letter was signed by some 70 organizations and individuals in Jamaica and around the world. Our work paid off. On January 29, 2018, Anderson was preparing to board a flight from Atlanta to Kingston, when he was told that the Jamaican government had denied him entry.

Even with these victories in the region and such encouraging signs of progress, there are still areas of frustration. We continue to wait for a decision from the Jamaican court on our challenge to a television station's refusal to air an ad supporting LGBT rights, which was first heard in 2016. We are also still waiting for a hearing date on the merits of our constitutional challenge to Jamaica's laws against "buggery" and "gross indecency." Justice delayed is justice denied.

LGBTQ rights are currently making news worldwide, and our goal is to capitalize on this much-needed attention, and raise the voices of those who are being persecuted simply for who they are, for who they desire and who they love.



CHALLENGING CONVICTIONS

"The sole issue in this case is whether psychological harm said to have been caused by non-disclosure of HIV status vitiates consent to sexual activity. The short answer is no, it does not."

- Nova Scotia Court of Appeal, R. v. T., February 15, 2018.

Last year was a banner one in the fight against the unjust criminalization of HIV. From groundbreaking court decisions to positive movement from all levels of government, we are finally seeing real change — and the Legal Network's ongoing advocacy work has been key to making this happen.

In May 2017, we led an intense day-long think tank on Criminal Code reform as a means of containing HIV criminalization. This successful initiative brought together 20 expert participants and resulted in a discussion paper on the pros and cons of some of the options for reform. This session was followed by a half-day training session for people living with HIV on advocating against HIV criminalization in the media, and then, at our 2017 AGM, a symposium on the topic. The full-day conference, Rethinking Justice, kicked off a national consultation on a broader community consensus statement that we worked on as part of the Canadian Coalition to Reform HIV Criminalization (CCRHC) for much of the year.

This community consensus statement was the culmination of months of work and

bilingual nationwide consultation. When that statement was released in November 2017, it bore the signatures of more than 150 organizations who all supported our three calls to action: sound prosecutorial guidance in every jurisdiction to restrain the misuse of criminal charges, changes to the federal *Criminal Code*, and training for judges and others in the criminal justice system.

As momentous as this statement was, our work didn't stop there. On World AIDS Day 2017, Justice Canada released its report, *Criminal Justice System's Response to the Non-Disclosure of HIV*. This report was informed heavily by on going discussions during the previous year between the Legal Network and Justice Canada, and represents the first-ever recognition by a federal government of the need for reforms. The same day, the Attorney General in Ontario announced that provincial prosecutors would no longer prosecute cases of alleged non-disclosure where the accused person living with HIV has a suppressed viral load.

And of course, while mobilizing community and trying to hold politicians to account, the Legal Network was also in court challenging



HIV criminalization. We were delighted to see concrete results in a Nova Scotia case. The accused, a young man with an undetectable viral load, had been convicted of sexual assault causing bodily harm for not disclosing his HIV status to his partners despite having sex with a condom. Even though the trial judge found there was no realistic possibility of transmission in this case, the young man was convicted all the same. In a deeply problematic ruling, the judge pronounced that the emotional distress his partners felt while waiting for an HIV test was enough to warrant conviction. The defence lawyer immediately appealed the decision and we applied for and were granted intervener status together with the HIV & AIDS Legal Clinic Ontario (HALCO) and COCQ-SIDA, the federation of HIV community organizations in Québec. After we filed our factum, the Crown agreed that the appeal was justified and should be allowed. And on February 15, 2018, the Nova Scotia Court of Appeal agreed and the conviction was overturned. Meanwhile in Ontario, another man was acquitted because he had an undetectable viral load at the time he had sex without disclosing. Such positive results demonstrate the importance of working with defense lawyers and pushing for the recognition of scientific evidence in cases related to alleged non-disclosure of HIV.

To this end, the Legal Network was a lead contributor to the development of a new global expert consensus statement on the science of HIV in the context of criminal law. This statement, authored by HIV experts from around the world, was the result of extensive mobilization and coordination over many months and was ultimately endorsed by HIV JUSTICE WORLDWIDE — a global movement to end HIV criminalization.

Our global contributions to the struggle against HIV criminalization extend to working with local activists in francophone Africa. In December 2017, we released a report prepared for HIV JUSTICE WORLDWIDE on HIV-specific laws and prosecutions against people living with HIV in the region and organized a meeting at the ICASA conference in Abidjan, Côte d'Ivoire, which led to the emergence of a francophone network against HIV criminalization. The Legal Network also provided support to lawyers and activists around the world — including in Malawi where a woman convicted for breastfeeding her child was finally acquitted thanks to the concerted efforts of local and international partners.

While there is much more work to be done, both in Canada and around the world, decisions like this one are encouraging steps in the right direction. With effective advocacy and tireless support, we can change the laws and the attitudes that unjustly criminalize people living with HIV — and give voice to those who may not otherwise be heard.



PROTESTING INJUSTICE

"A prison needle exchange is the best thing prisons could implement. [...] There is no way corrections can stop drugs from getting in or stop people from using drugs. Disease is not just going to stay in prison. We are all going home."

- Harold Griffin, former prisoner.

Prisoners are among the most affected by the criminalization of drug use. Stigmatized and "othered" from the moment they enter the justice system, they are often left to fend for themselves without any support systems or advocates. They are also denied access to the life-saving health services that many of us on the outside take for granted.

Without harm reduction supplies including sterile injection equipment, people who use drugs in prison are forced to borrow, rent and reuse injection equipment, which can lead to needless HIV and hepatitis C infections and increase the risk of overdose. Because of this, the Legal Network has been a longtime and outspoken advocate for the human rights of people in prison and their need for equivalent access to health care — including prison-based needle and syringe programs.

In 2012, we launched a court case against the Government of Canada. We argued that their failure to ensure reasonable and effective access to these programs violates prisoners' rights to health and to equal benefit of the

law. Since then, numerous affidavits from prison health and harm reduction experts in Canada and Switzerland have been filed, experts cross-examined and legal documents were exchanged in preparation for our hearing. Then, on May 14, 2018, without fanfare or prior notice to the Legal Network, the government quietly announced the implementation of two prison needle exchange programs and a plan to roll them out in federal prisons across Canada, beginning in 2019. Victory? Maybe — but not a complete one.

While we are encouraged by what our advocacy has accomplished, we are deeply concerned that the government's program is inadequate. From what we now know, it doesn't conform to public health principles or to accepted standards — and so prisoners will still be denied access to sterile injection equipment that could protect their health. Over the coming year, we will monitor prisoners' access to this program and continue our litigation to ensure that their voices are heard and their rights are upheld.

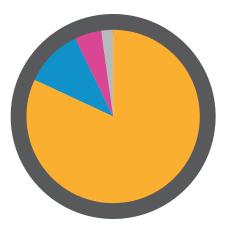
FINANCIAL OVERVIEW

SUMMARY OF AUDITED FINANCIAL STATEMENTS FISCAL YEAR ENDING MARCH 31

	2018	2017
REVENUE	\$	\$
Grants	1,689,986	1,846,105
Donations	147,116	203,904
Consulting Fees	140,597	33,527
Membership	8,505	6,953
Interest & Other	9,178	11,113
TOTAL REVENUE	1,995,382	2,101,602
EXPENSES		
Personnel Costs & Professional Fees	1,486,766	1,510,548
Travel Expenses	126,870	200,343
Events Expenses	67,518	84,831
Communication & Information	44,564	67,236
Strategic Litigation	17,480	21,981
Rent & Maintenance	129,041	126,110
Office Equipment & Expenses	53,052	52,348
Amortization	3,104	1,293
Outreach Materials	29,092	0
Other	36,202	35,463
TOTAL EXPENSES	1,993,689	2,100,153
NET ASSETS	113,099	111,406

WHERE OUR MONEY GOES

Charitable Activities	82%
Administration	11%
Fundraising	5%
Other	2%





(+13, 929 from last year)

2,360

VISITS TO OUR SYMPOSIUM WEBPAGE

STRENGTH SIN NUMBERS



+160

15

COURT CASES
THE LEGAL NETWORK
WAS INVOLVED IN

NUMBER OF ORGANIZATIONS
ACROSS CANADA NOW ENDORSING
THE COMMUNITY CONSENSUS
STATEMENT TO END UNJUST
HIV CRIMINALIZATION

MOST DOWNLOADED DOC **HIV CRIMINALIZATION IN CANADA: KEY** TRENDS AND PATTERNS

1,711 times

BER OF SPEAKERS AT INTIMATE CONVICTION **CONFERENCE**

NUMBER OF FIRST-TIME

DONORS THIS YEAR

NUMBER OF **ATTENDEES**

+125

MEDIA INTERVIEWS **GIVEN**

(+70 from last year)

826,269 TWITTER IMPRESSIONS **THIS YEAR**

775

TENDEES AT OUR RETHINKING JUSTICE

+20 million

MEDIA IMPRESSIONS

NUMBER OF TIMES OUR HIV CRIMINALIZATION SECTION ACCESSED **ON WEBSITE**

608,340 people

FACEBOOK REACH

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Development / directeur du Philip Wong, Director of dès janvier 2018) January 2018 /

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