

2023/2024 ANNUAL REPORT

RAISING THE BAR



HIV
LEGAL
NETWORK



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DEAR FRIENDS,



A letter from the Chair of the Board and Co-Executive Directors

The HIV Legal Network is now in its 32nd year, and we've been setting higher standards and expectations — for ourselves, and for policy- and decision-makers the world over — this entire time. When it comes to the realization of human rights for all, including people living with HIV and people who are caught in cruel carceral webs, we are not willing to step back. We will continue to challenge those wrongs, and we have no intention of stopping the push to advance rights and transform lives in Canada and beyond.

This year, our theme of “Raising the Bar” feels very apt. For people living with HIV, the move to bring science to justice has changed critical conversations — we know that criminalization is wrong and that law reform is required, and so do our leaders. For 2SLGBTQ+ people, the idea of accepting anything less than their full spectrum of human rights and living their authentic lives is being challenged more and more and victories in courts of law, including our recent win in Dominica, reflect this new reality. For people who use drugs, including those in prison, new and novel programs, while not going nearly far enough, are showing us ways to protect health and dismantle punitive systems that are stuck in our shameful prohibition past. For immigrants to Canada who happen to live with HIV, there is no going back to the harmful and discriminatory policies that we've fought hard to end with considerable success just this past year, and Canada must be as welcoming as we claim it is. Despite demoralizing court judgements this past year, the sex worker-led movement for decriminalization remains strong, with the recognition that decriminalization is at the forefront of this cause. These are just a few of the bars we've helped to raise that must never be lowered.

Our beloved colleague and former Board Chair, Ron Rosenes, definitely would have agreed. He was a lover of life and people who advocated with grace within our sector, mentoring many along the way including Janet and Sandra. He had the highest of expectations for his fellow humans and made us all better. Ron passed away in October, and we dedicate this annual report to his memory, which is indeed a blessing. We recommit ourselves to raising the bar in his honour.

To us, this means we simply cannot and will not accept going backwards. Gains made on many human fronts now represent the new bare minimum, and we intend to safeguard and steadily build on these with our partners and supporters. Thank you for traveling with us on this journey towards health and justice for all.

In solidarity,

Rai Reece, Chair of the Board

Sandra Ka Hon Chu, Co-Executive Director

Janet Butler-McPhee, Co-Executive Director





One worldwide celebration

after the High Court of Justice in Dominica struck down two sections of the country's *Sexual Offences Act* that criminalize same-sex intimacy.



Nine people shared their lived experience

for a video on HIV and the criminal law for African, Caribbean, and Black communities.



87 organizations signed on to an open letter

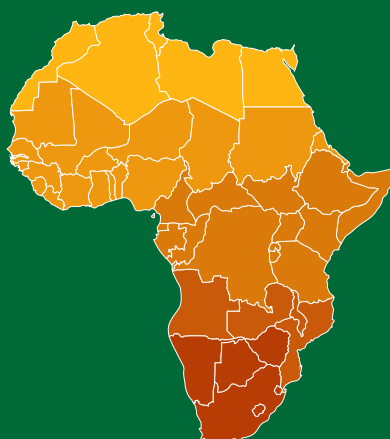
calling on the Government of Canada to renounce forced treatment and repeal punitive drug laws.

STRENGTH IN NUMBERS



15,296 followers
on social media.

8,547 subscribers
to the *Legal Network News*.



\$50,000 given by leadership donor Andrew Beckerman

to match donations to the HIV Legal Network as part of Charlie's Challenge.

Six media interviews

to highlight the urgent need to scale up harm reduction measures in Canadian prisons.



Five reports, publications, or submissions

to governments and United Nations bodies.



Nine languages

in which HIV Legal Network resources were produced — Anishinaabe, Arabic, English, French, Inuktitut, Mi'kmawí'simk, Plains Cree, Russian, and Swahili.



12 women's shelters participated

in the *Violence Against Women (VAW) Shelter Harm Reduction Roundtable* to share information about their low-barrier, harm reduction practices.



10 webinars

on the criminalization of HIV and drug use for people living in Eastern Europe and Central Asia.



Eight court cases including constitutional challenges

to Canada's sex work laws and immigration policies, and homophobic colonial-era laws in Jamaica and Dominica.



By clearly laying out what the problems are and how to address them, *The Right to Care* establishes a road map for policymakers to follow. Our work has raised the bar for human rights for people living with HIV; we are now continuing to do the same for people living with and disproportionately affected by HCV.



PHOTO ABOVE: Action Hepatitis Canada



HCV: A ROADMAP FOR HUMAN RIGHTS

The hepatitis C virus — like HIV — is a blood-borne illness that thrives on inequity, stigma, and discrimination. And, also like HIV, it disproportionately affects marginalized communities, including 2SLGBTQ+ people, people who use drugs, Indigenous Peoples, people in prison, and people migrating from countries experiencing high rates of HCV. It is also a common co-infection alongside HIV.

We know from experience that advocacy works. We've seen what we can accomplish when we band together: bad policies are changed and lives are improved. We've made great strides with HIV (though there is of course much more to do) and we know we can have the same impact on HCV.

To this end, we've further strengthened our ties with Action Hepatitis Canada over the past year, sharing strategy and reinforcing our common advocacy goals. And along with this work, we published *The Right to Care: Hepatitis C Among Priority Populations in Canada*, a new report that looks at the legal and policy changes that need to happen in order to eliminate new HCV infections. Much as we've done with HIV over the years, this report uses a human rights lens to explore the barriers to prevention, treatment, and care experienced by people living with HCV, from a lack of consistent harm reduction policies and services for people who use injection drugs to healthcare inequities for people in the prison system and Indigenous people across the country.

CHANGING MINDS

TO CHANGE THE CRIMINAL CODE

Any discussion about “raising the bar” for human rights in our work would be incomplete without the inclusion of HIV law reform. This has been a key pillar of our work since our inception, and we have made great progress over the years.

This past year was no different. From intense lobbying with government to working with the Canadian Coalition to Reform HIV Criminalization (CCRHC), we continued to make inroads even in the face of political inaction.

To change laws, we must first change minds. And sometimes the best way to change minds is through direct, personal communication. That’s one of the routes we took this year in our lobbying of the federal government. Together with the CCRHC, we repeatedly met with Justice Canada, including the newly appointed federal Minister of Justice, many times throughout the year and put forward [our recommendations](#) yet again.

Changing minds also applies to the public perception of HIV criminalization — law reform is desperately needed, but we must also work to fight the stigma and prejudices that allow

this injustice to continue. This year, with the help of the Elizabeth Taylor AIDS Foundation, the CCRHC held Canada’s first ever “HIV Is Not A Crime” Day and we got the message out that people living with HIV deserve better. Getting cooperation from major media outlets is another way to reach a wider audience and to spread the word about why law reform is such a critical human rights issue. We achieved this over the past year with a major media outreach effort, which resulted in a feature article being published in the [Globe and Mail](#), highlighting the stories of people who have been criminalized along with legal insights from Legal Network Policy Analyst André Capretti and former executive director Richard Elliott. As André said in the article, “Scientists have been saying undetectable equals untransmittable for many years now. But it takes a lot of time for that to permeate into the public consciousness, including at the prosecutorial level, police level and individual level.”

While we have yet to see concrete action taken by the Government of Canada to remove this injustice by reforming the Criminal Code, we are hopeful that it won’t be much longer before the bar is well and truly raised for all people living with HIV in Canada.



PICTURED ABOVE:

We spent an amazing day in February 2024 with the team from Nabaga Media to produce a video about HIV criminalization for ACB communities in partnership with ACCHO, APAA, Black CAP, and HALCO.

JAMAICAN

HUMAN RIGHTS CHALLENGE BLOCKED BY COURT

Nine years ago, supported by the HIV Legal Network, Maurice Tomlinson launched a constitutional challenge in Jamaica, hoping to strike down the homophobic laws that criminalize same-sex consensual relations in that country. He did so at great personal cost — knowing that he could never easily return to the country of his birth — because he believed so strongly that these laws violated the human rights of all LGBTQ+ people living in Jamaica and that they must be overturned.

The challenge received a potentially fatal blow in October 2023, when

the Jamaican Supreme Court determined that the “savings clause,” an obscure technical provision in the Constitution, prevented it from examining the constitutionality of the three sections of the *Offences Against the Person Act* that criminalize same-sex intimacy.

This could have been the end of the line for the challenge, leaving LGBTQ+ people in Jamaica still vulnerable to prosecution and criminalization — and leaving Jamaica behind as other Caribbean countries strike down their own homophobic laws. But in December, Maurice bravely decided to file an appeal of this horrendous decision.

Maurice’s decision to take this to the Jamaican Court of Appeal means that future generations of LGBTQ+ Jamaicans have the real possibility of living in a society that no longer criminalizes their intimacy and allows them to be fully themselves without fear of imprisonment or financial penalties. The bar has been raised in Barbados, Trinidad and Tobago, Antigua and Barbuda, St. Kitts and Nevis, and most recently Dominica — it is time for Jamaica to join its Caribbean neighbours in finally respecting the human rights of LGBTQ+ people and repealing these homophobic laws.

PHOTO BELOW:

Maurice Tomlinson with the hosts of the The Social. Maurice appeared on The Social on May 24, 2003, to discuss the ongoing constitutional challenge to homophobic laws in Jamaica.

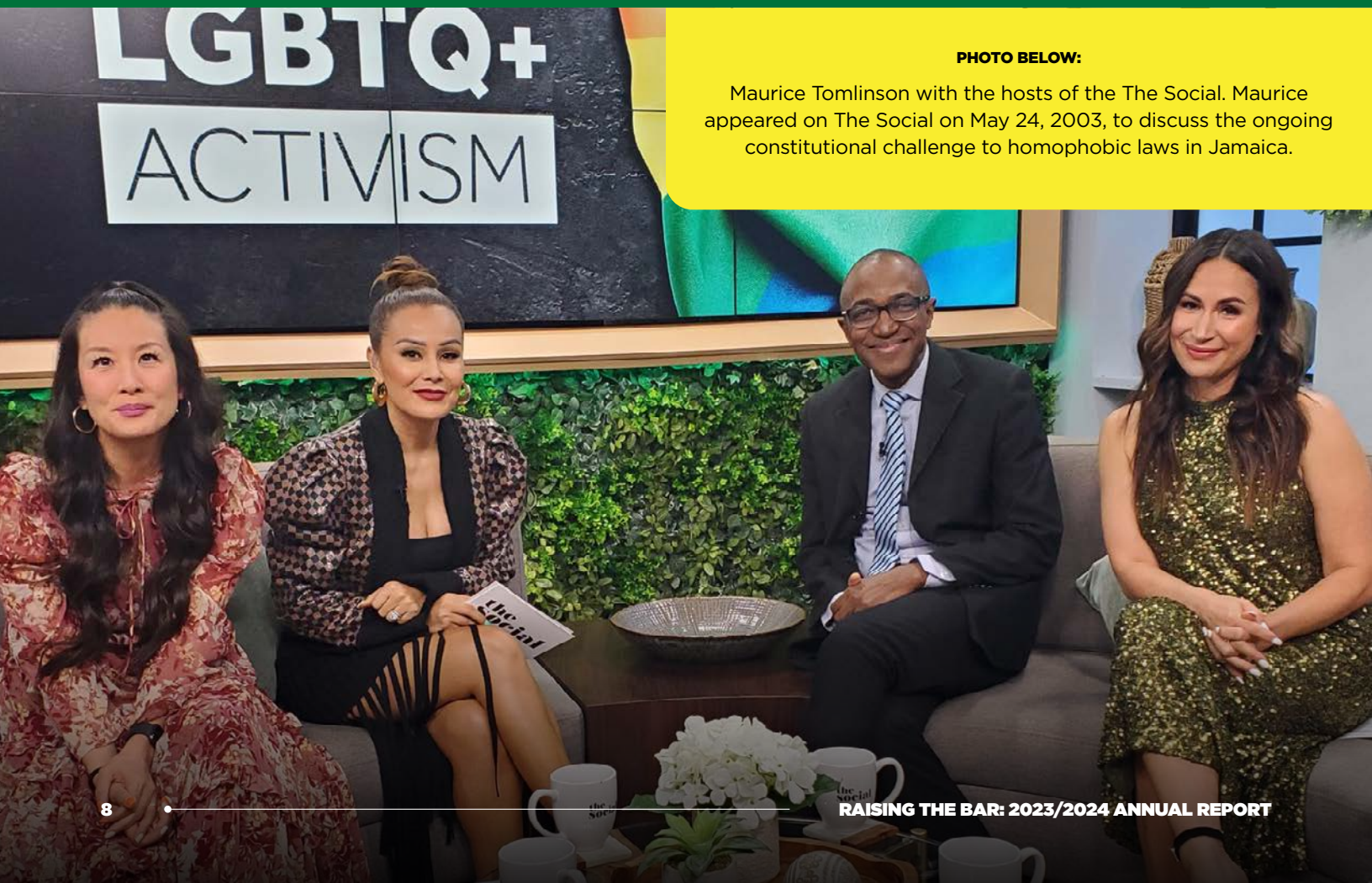




PHOTO ABOVE:

Daryl Phillips, Minority Rights Dominica founder, Jeansil Bruyère, HIV Legal Network board member, and Maurice Tomlinson, HIV Legal Network consultant, in Toronto, 2024.

VICTORY IN DOMINICA!



In a stunning contrast to the devastating decision in Jamaica, the [constitutional challenge in Dominica was victorious](#) in April 2024. In this case, the Government of Dominica conceded that many of the challenged sections of its *Sexual Offences Act* were in fact unconstitutional and could not reasonably be justified in a democratic society. The sections were consequently struck down by the High Court of Justice, freeing LGBTQ+ people in Dominica from the threat of prosecution that has existed since the Act was established in 1873 under British colonial rule.

The HIV Legal Network, alongside [our local expert partner Minority Rights Dominica](#) (MiRiDom), had supported this challenge since its inception in 2019, brought by a gay man who must still remain anonymous for his own protection. While the laws can no longer be used to justify homophobic violence or persecution, there is still much work to be done to combat the stigma and discrimination faced by the LGBTQ+ community in Dominica and to ensure that all people can live freely and safely. Legal recognition is the bare minimum — we will not stop our efforts until social acceptance is more widespread and LGBTQ+ people experience the true freedom to be who they are.



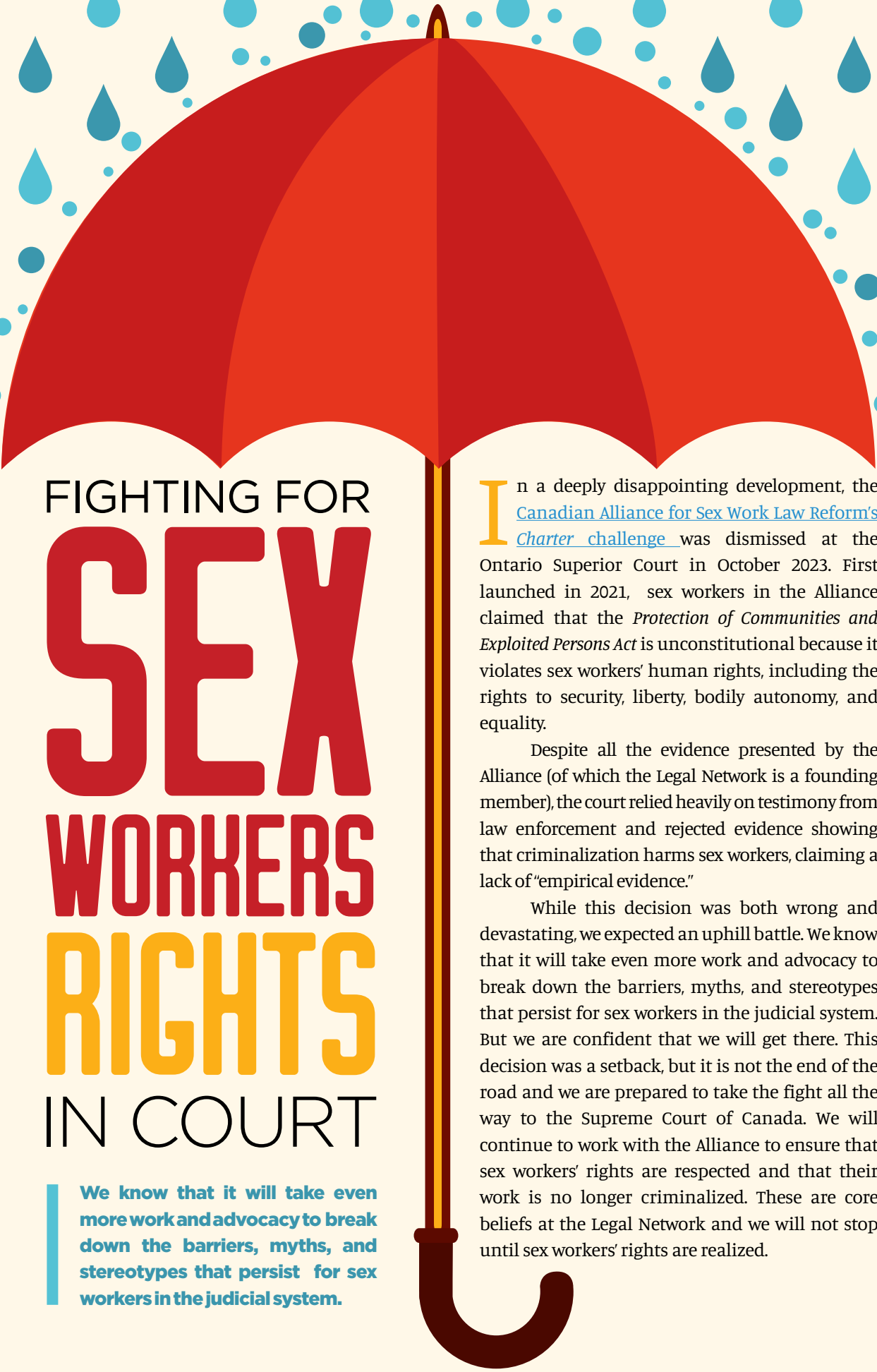
Challenging the “EXCESSIVE DEMAND” Regime

In February 2024, an individual client of Battista Migration Law Group who is living with HIV, along with the HIV Legal Network, filed a [challenge to the constitutionality of Canada’s “excessive demand” regime](#).

Under this regime, the government considers the [expected cost of healthcare](#) for people migrating to Canada — and can deny them status if their needs are determined to exceed an annually set cost threshold. The very nature of this regime is discriminatory and encourages stigma against people with health conditions — including HIV and HCV — and requires them to prove to Canada that they will not be an economic burden or have their immigration application rejected. It reduces people to their healthcare costs without considering the many and varied contributions, both financial and social, that they have already made, or that they will make, to this country.

In fact, then Canadian Minister of Immigration, Refugees and Citizenship even recognized this in 2018, when he promised to revoke the regime on the basis that it “no longer aligns with our country’s values on the inclusion of people with disabilities in Canadian society.” And yet, to date, there has been no action on this front, making our legal challenge necessary. The time to respect and protect the dignity of people with disabilities and health conditions is long overdue.

While the challenge has yet to be resolved, it has already made an impact by bringing much-needed media attention to this neglected issue. Legal Network Policy Anne-Rachelle Boulanger, who is spearheading this work, spoke with both the [CBC](#) and the [Toronto Star](#), generating positive coverage. We can only hope that this case puts pressure on the Government of Canada to finally do the right thing and keep their years-old promise of eliminating this discriminatory barrier to immigration.



FIGHTING FOR **SEX** **WORKERS** **RIGHTS** IN COURT

We know that it will take even more work and advocacy to break down the barriers, myths, and stereotypes that persist for sex workers in the judicial system.

In a deeply disappointing development, the [Canadian Alliance for Sex Work Law Reform's Charter challenge](#) was dismissed at the Ontario Superior Court in October 2023. First launched in 2021, sex workers in the Alliance claimed that the *Protection of Communities and Exploited Persons Act* is unconstitutional because it violates sex workers' human rights, including the rights to security, liberty, bodily autonomy, and equality.

Despite all the evidence presented by the Alliance (of which the Legal Network is a founding member), the court relied heavily on testimony from law enforcement and rejected evidence showing that criminalization harms sex workers, claiming a lack of "empirical evidence."

While this decision was both wrong and devastating, we expected an uphill battle. We know that it will take even more work and advocacy to break down the barriers, myths, and stereotypes that persist for sex workers in the judicial system. But we are confident that we will get there. This decision was a setback, but it is not the end of the road and we are prepared to take the fight all the way to the Supreme Court of Canada. We will continue to work with the Alliance to ensure that sex workers' rights are respected and that their work is no longer criminalized. These are core beliefs at the Legal Network and we will not stop until sex workers' rights are realized.

CONNECTION CARE COMMUNITY

FIRST-EVER REPORT FOR
GBTQ2 PEOPLE WHO USE DRUGS



After extensive consultation and research, our first-ever report on substance use specifically in theGBT2Q community, [Connection, Care, Community](#), was published in early 2024. Authored by Legal Network consultant and past Executive Director Richard Elliott, this project sheds light on the relationship between substance use and community ties among gay, bisexual, and other men who have sex with men (GBMSM). Drawing on interviews with queer people working in harm reduction, the summary report looks at the role of substance use in some sexual encounters and the particular challenges of accessing support for problematic use as a GBMSM.

Accompanying the summary report is an Agenda for Action, which lays out nearly 30 critical recommendations for how to improve this area. From increasing funding for the healthcare ofGBT2Q people who use drugs and making services more accessible to challenging stigma and enacting law reforms, the Agenda for Action makes it clear that a new standard is possible. We know what must be done to ensure thatGBT2Q who use drugs are healthy and supported, and their human rights respected. Now is the time to raise the bar and meet these evidence-based standards for people who have not been front and centre in the drug policy movement.

FIRST CONFERENCE ON

HIV &

HUMAN

RIGHTS IN TUNISIA



PHOTO ABOVE:

HIV Legal Network Senior Policy Analyst, Cécile Kazatchkine, with our partners from the Global Fund.

When human rights are under attack, ensuring that these rights are centred in the HIV response is both critical and challenging. Last year, we supported Avocats sans frontières in doing just this — hosting Tunisia’s first national conference on HIV and human rights in December.

Focusing on the rights of key populations, the conference brought advocates and experts together from many different disciplines — from lawyers and community members to health professionals and academics — to foster a collaborative approach to fighting inequality, strengthening community leadership, and identifying key areas for local advocacy — all through the lens of HIV and human rights.

The HIV Legal Network, together with a local consultant, provides technical assistance in relation to Global Fund human rights programs in Tunisia. We took the opportunity to attend the conference and present on how to use science to push back against the criminalization of HIV exposure and transmission. This information has been used to great success in Canada and other jurisdictions around the world to change attitudes and, in some cases, laws based on outdated beliefs about transmission, demonstrating the strength of collaborative partnerships between scientists and community advocates. While there is still a long way to go, conferences like this one are helping to ensure that the bar is raised for all.

MODEL LAW

**SETS STANDARDS
FOR RIGHTS IN EECA**



The Eastern Europe and Central Asia (EECA) region has some of the most restrictive drug laws in the world. These laws increase stigma, encourage harsh treatment by law enforcement, and drive the transmission of HIV by erecting barriers to harm reduction measures.

We know what needs to be done to ensure that the human rights of people who use drugs in this region are protected. Working with the Eurasian Harm Reduction Association and many regional and national activists, we have developed a model law that sets out exactly what changes need to be made and gives lawmakers in the region a template from which to work.

While implementing these changes will not be easy, the model law offers a concise legal framework, empowering regional lawyers, state actors, and civil society with a tool to advocate for meaningful reforms. We will continue to work tirelessly until these reforms are realized, ensuring that the rights and humanity of people who use drugs are fully respected. This is the minimum to which all people are entitled, and we will not stop until we've successfully raised the bar to achieve this and more.

STANDING UP

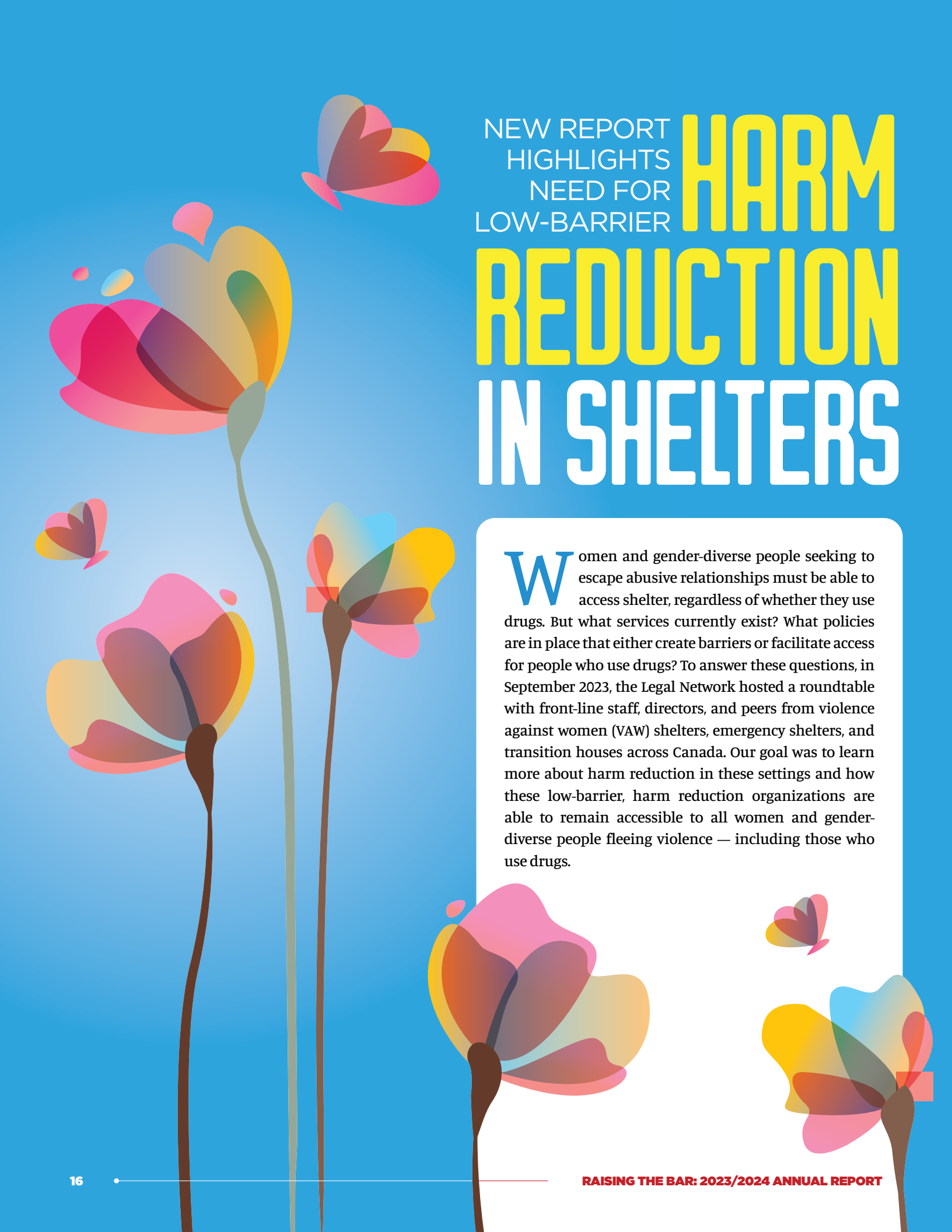


FOR HARM REDUCTION IN CANADA

Changing political tides continued to threaten both supervised consumption sites (SCS) and safe supply programs this past year. The recriminalization of public drug use in B.C. and the federal government's rejection of Toronto's application for decriminalization were other devastating blows for drug policy. We know what happens when we turn our backs on people who use drugs — lives are lost and communities are put at risk.

This is why we published two reports this year, specifically on these issues. The first, *How to Innovate in an Emergency*, outlines the legal and policy measures needed to scale up safe supply at supervised consumption sites. Written in collaboration with harm reduction nurse and former Legal Network board member Corey Ranger, it explores barriers to scaling up safe supply in supervised consumption sites and how this life-saving initiative can be broadened. The second, *Scaling Up Supervised Consumption Services: What Has Changed in Canada?*, builds on our previous 2019 report and examines the current state of SCS across the country.

Taken together, these two reports offer a snapshot of where things stand at the moment for these particular harm reduction initiatives in Canada. They have been shared with Health Canada and beyond, and we will continue to call for greater access to SCS and safe supply, grounded in the strength of our research. With the tides seemingly turning against any future expansion, we will continue to use these as evidence for why we can't afford to relax our efforts in drug policy. Too much is at stake to risk going backwards now.

The background of the page is a solid blue color. On the left side, there are several stylized flowers and butterflies. The flowers have multiple overlapping petals in shades of pink, purple, yellow, and blue. The butterflies are also stylized with overlapping wings in similar colors. The overall aesthetic is modern and artistic.

NEW REPORT HIGHLIGHTS NEED FOR LOW-BARRIER **HARM REDUCTION** IN SHELTERS

Women and gender-diverse people seeking to escape abusive relationships must be able to access shelter, regardless of whether they use drugs. But what services currently exist? What policies are in place that either create barriers or facilitate access for people who use drugs? To answer these questions, in September 2023, the Legal Network hosted a roundtable with front-line staff, directors, and peers from violence against women (VAW) shelters, emergency shelters, and transition houses across Canada. Our goal was to learn more about harm reduction in these settings and how these low-barrier, harm reduction organizations are able to remain accessible to all women and gender-diverse people fleeing violence — including those who use drugs.

NEW REPORT HIGHLIGHTS NEED FOR LOW-BARRIER HARM REDUCTION IN SHELTERS...

The findings from the roundtable are presented in our new report, [Towards Access for All](#), which gives a snapshot of what services are currently available and roadblocks that persist. The report synthesizes the key practices described by the roundtable participants, which enable meaningful access to their shelters, notably:

- 1 Maintaining low-barrier admissions;**
- 2 Creating flexible, participant-centred expectations (rather than rules);**
- 3 Fostering a trusting environment;**
- 4 Recognizing women's intersecting identities; and**
- 5 Providing comprehensive, non-judgemental harm reduction supports.**

The report and an accompanying video have been shared with partners and politicians across the country. Going forward, we will engage provincial and territorial governments, as well as shelters, to maintain the momentum. We are proud to have created a resource that clearly outlines for policymakers and shelter operators how they can best support women and gender-diverse people who use drugs and need shelter after experiencing gender-based violence.

We are also very pleased to have increased our connections with shelters offering these low-barrier, harm reduction services. We will continue to push more and more shelters to offer these services, recognizing that drug use should never be a barrier to safety.



Not a Crime PODCAST FINDS ITS AUDIENCE



Our [Not a Crime/Pas un crime](#) podcast continued to widen our reach this year. With episodes on LGBTQ+ rights in eastern Europe and harm reduction policies in violence against women shelters in Canada, these conversations gave personal insights into our reports and research. People from all over the world — in fifteen different countries across four continents — listened in, learning more about human rights and legal challenges faced by people who use drugs, people living with HIV, and many more. By presenting our work in another medium — and sharing diverse voices at times — we have not only made it more accessible, but deepened the impact, spreading the message even farther.

THANK YOU!



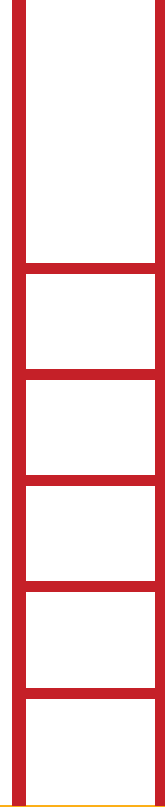
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- Canada Summer Jobs
- Canadian Women's Foundation
- City of Toronto, Investing in Neighbourhoods initiative
- Community Service Recovery Fund
- Department of Justice/Justice Partnerships Innovation Program
- Elizabeth Taylor AIDS Foundation
- Harm Reduction International
- Impact Fund
- Levi Strauss Foundation
- M·A·C Cosmetics Canada
- Open Society Foundations
- Ontario Trillium Foundation
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- Robert Carr Fund
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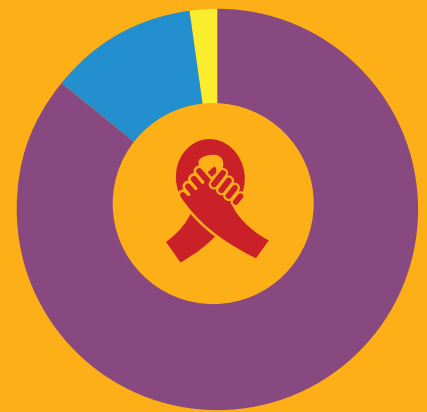
FINANCIAL OVERVIEW



Summary from Audited Financial Statements

FISCAL YEAR ENDING MARCH 31	2024	2023
REVENUE	\$	\$
Grants	1,372,561	1,501,254
Consulting Fees	438,460	284,560
Donations	152,718	116,963
Interest & Other	45,996	27,116
Membership	5,640	2,320
TOTAL REVENUE	2,015,375	1,932,213
EXPENSES		
Personnel & Professional Fees	1,591,467	1,609,883
Travel	147,010	53,273
Rent & Maintenance	79,948	75,620
Strategic Litigation	54,966	40,987
Communication & Information	28,538	32,388
Office Equipment & Expenses	27,200	23,801
Outreach Activities	17,892	19,600
Facilities & Equipment	11,221	6,121
Other	37,558	34,818
TOTAL EXPENSES	1,995,800	1,896,491
NET ASSETS		
Designated	755,863	736,288
Unrestricted	138,042	138,042
TOTAL NET ASSETS	893,905	874,330

Where our money goes:



Programs	86%
Administration	12%
Fundraising	2%



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