



HIV JUSTICE FOUNDATION ANNUAL REPORT 2022



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HIV JUSTICE FOUNDATION MANAGEMENT BOARD REPORT 2022

MESSAGE FROM THE EXECUTIVE DIRECTOR



On 13th February, 2012, a group of individuals from civil society around the world, concerned about the inappropriate and overly broad use of the criminal law to regulate and punish people living with HIV for behaviour that in any other circumstance would be considered lawful, [came together in Oslo](#) to create the [Oslo Declaration on HIV Criminalisation](#).

The Oslo Declaration, published on the brand new [hivjustice.net](#) website on 22nd February 2012, became the founding document of the HIV Justice Network (HJN). Within weeks, more than 1700 supporters from more than 115 countries had endorsed the declaration, creating a network of diverse activists, all fighting for HIV justice.

HJN was formed due to a growing frustration over increasingly punitive approaches to HIV prevention - in particular, the inappropriate use of criminal law, even though HIV criminalisation is discredited as a public health response. We have grown in size, capacity, and impact in the intervening decade thanks to our [funders](#), our small-but-dedicated [HJN team](#), our [Supervisory Board](#), our [Global Advisory Panel](#) and our [HIV JUSTICE WORLDWIDE](#) coalition partners.

We have helped to significantly grow and co-ordinate the global movement against HIV criminalisation by raising awareness, building the evidence base, creating advocacy tools and resources, and connecting, convening and supporting national, regional and global networks and advocates.

Thank you to everyone who has supported us on our journey so far. We couldn't have done it without our partners, including funders, who recognise the importance of this work, nor without the courage and commitment of the many advocates working in often challenging circumstances to save and improve lives by challenging laws, policies and practices that inappropriately regulate and punish people living with HIV in all our diversity.

I hope you enjoy reading about our achievements in 2022 and will continue to support our work - in whatever capacity you are able - in 2023 and beyond.



In solidarity,

Edwin J Bernard

Edwin J Bernard
Executive Director

MESSAGE FROM THE CHAIR OF THE SUPERVISORY BOARD

As you will see in the pages of this year's Annual Report, there is so much yet to be done in the struggle against HIV criminalisation. But I hope that, like me, you are also inspired by what you read here.

Change is possible, change is happening. That change comes about because of smart, strategic and sustained research, education and advocacy, from the national level to the global - and the HIV Justice Network (HJN) is an essential and leading contributor to this struggle. It is truly encouraging to reflect on what has been accomplished by this organisation, and the partners and allies it has supported and mobilised, in virtually every region of the world, in just a decade - indeed, even in just the past year.

It's a privilege to play a role in supporting that work as the Supervisory Board, providing oversight and support to the organisation's management.

One of our major tasks in 2022 was the completion of a thorough overhaul of our Articles of Association. While a lengthy process, it has resulted in a carefully considered and up-to-date governance structure that should serve HJN well as we grow and evolve as an organisation. I want to thank the other members of the Supervisory Board for their contributions to the HIV Justice Network and the movement to end HIV criminalisation. In particular, I wish to acknowledge our former Treasurer and my predecessor as Chair, Kevin Moody, who stepped down from the Supervisory Board in early 2023. He brought to this work his extensive experience in not-for-profit management, including in the context of Dutch regulations for the sector, and contributed significantly to developing our organisational governance policies and mechanisms. HJN is stronger and better positioned as a result.

The Supervisory Board also worked closely with the Executive Director and other staff to expand our Global Advisory Panel, our other key governance body that provides strategic guidance to HJN's substantive work. With a larger, and more diverse, pool of expertise on which to draw, our research, education and advocacy will be better and stronger.

And that work, as detailed in the pages that follow, is impressive. From supporting local advocates in multiple countries to a new edition of our flagship report on the state of HIV criminalisation globally, from high-profile media advocacy to the launch of the extraordinary multilingual learning resource that is the new *HIV Justice Academy*, HJN is building a movement and making a difference. On behalf of the Supervisory Board, congratulations and appreciation to the HJN team for these many accomplishments.

Finally, I wish to thank our funders who have seen the importance of this work. As an activist who has been involved in resisting HIV criminalisation for years before HJN was created, I am delighted to see the vision of a global movement being realised. HJN has been the catalyst for that movement. It's why I'm pleased and proud to support this organisation - and I hope you will too.



In solidarity,

Richard Elliott

Richard Elliott
Chair, Supervisory Board

ORGANISATIONAL PROFILE

The HIV Justice Network (HJN) leads and supports the global movement against HIV criminalisation through several mutually reinforcing activities:

- We build the evidence base against the unjust criminalisation of people living with HIV by gathering relevant data and information from around the world.
- We raise awareness in scientific, medical, policy, advocacy, media and donor communities of the harms of HIV criminalisation.
- We create, collate and disseminate advocacy tools and resources to foster more effective responses to damaging laws, policies, and media narratives.
- Informed by an intersectional analysis, we bring individuals and national, regional and global networks and organisations together, across movements and communities, to catalyse change. Part of this involves co-ordinating the HIV JUSTICE WORLDWIDE (HJWW) coalition which campaigns to end HIV criminalisation globally.

HJN's fiscal host is the HIV Justice Foundation (in Dutch, *Stichting HIV Justice*). The HIV Justice Foundation is an independent, non-profit legal entity registered in the Netherlands specifically for this purpose. Our team operates remotely and is located in countries across Europe, Africa and the Americas. We benefit from the strategic input of two governance mechanisms: a Supervisory Board, responsible for supporting the overall management of the organisation in accordance with Dutch law and best NGO practice, and our Global Advisory Panel, an international expert group comprising individuals working on HIV and intersectional criminalisation from all regions of the world.

HJN'S STRATEGIC PLAN 2022-26

Our *Strategic Plan 2022-26* was developed through a participatory process involving a range of internal and external stakeholders including the team, HJN's Supervisory Board and Global Advisory Panel, and HIV JUSTICE WORLDWIDE coalition partners. People living with HIV are at the heart of this strategy. All of our work is designed to contribute towards an environment in which people living with HIV feel safe, empowered and able to enjoy their human rights.

We recognise that HIV criminalisation can disproportionately affect people who are criminalised or otherwise targeted by discriminatory legal systems and policies (e.g., because of their sexual

orientation, gender identity, sex work, drug use, irregular migrant status, or on grounds of race, sex, disability, or socioeconomic status). We strive to unmask privilege and marginalisation, and proactively address intersectional stigma, discrimination and criminalisation.

Mindful of the many challenges inherent in removing discriminatory laws, policies and practices, our *Strategic Plan 2022-2026* identifies four specific areas of focus with five related strategic goals. The areas of focus align with the [Global AIDS Strategy 2021-2026](#) and reflect the [2021 Political Declaration](#) on HIV and AIDS.

Based on our strengths and expertise, HJN uses four strategic approaches to achieve these goals, within an overall framework of intersectional analysis.

The success of our *Strategic Plan 2022-2026* depends on people living with HIV and our allies building power together. We can achieve far more by working collaboratively and so we will continue to rely on the support of our members, partners and funders.



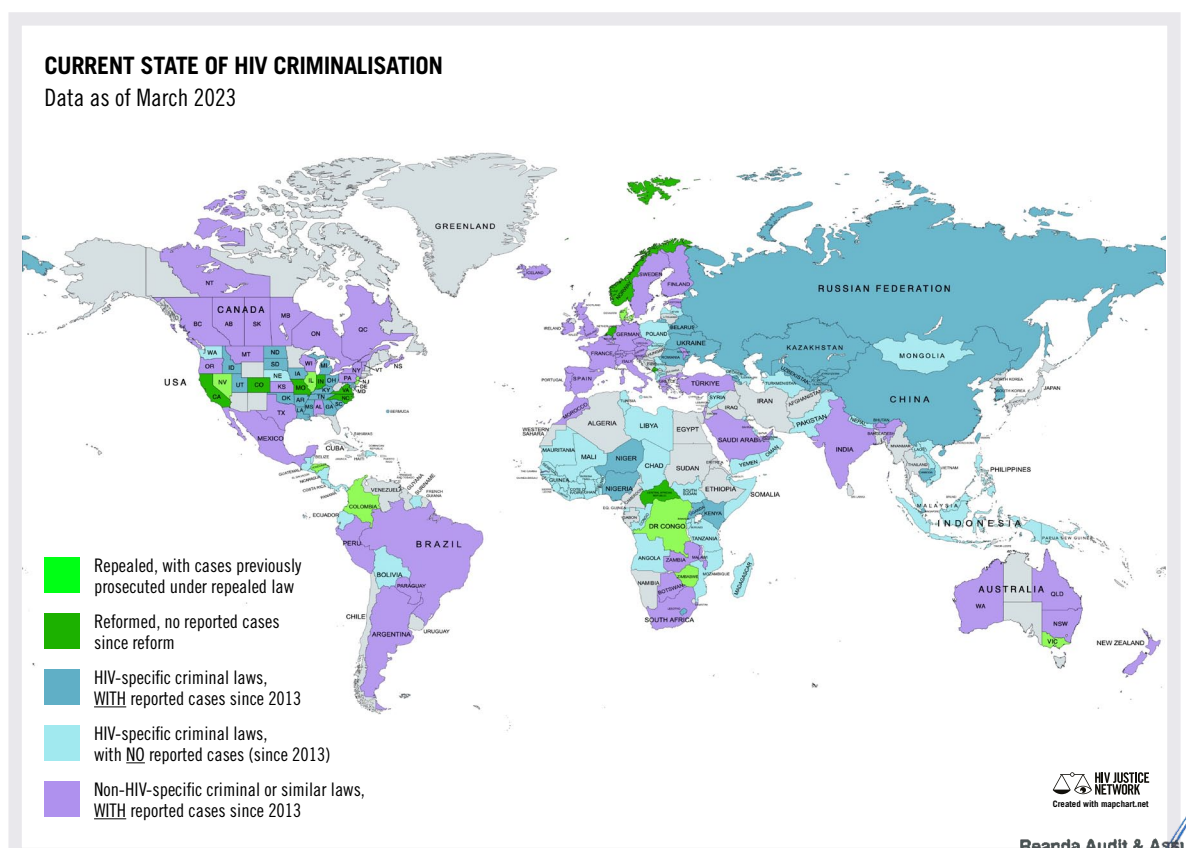
2022 IN REVIEW

Looking back on all that happened in 2022, **we are cautiously optimistic that the year will be seen as a turning point in the global movement to end HIV criminalisation.** We celebrated promising developments in case law, law reform and policy in many countries and jurisdictions throughout the year, building on the momentum of 2021. Although there is much more work yet to do, it's clear that **progress is being made** - thanks primarily to the leadership of people living with HIV.

Continuing a trend that began in 2020, **overall there seems to have been a decline in the number of HIV-related prosecutions.** In 2022 we identified **media reports** of **49 new HIV criminalisation cases in 16 countries plus seven US states.** This compares to 54 new cases in 20 countries in 2021 (which was still fewer than reported in previous years). In 2022, the **highest number of case reports came from Russia, followed by the United States (with multiple cases in the state of Florida), and France.**

It is possible that we were seeing fewer media reports because there were actually fewer cases, but we must always consider the possibility that these known cases are illustrative of what is likely a more widespread, poorly documented use of criminal law against people living with HIV. The media, public health authorities and law enforcement may still be distracted by the global financial crisis precipitated by Russia's invasion of Ukraine and the impact of COVID-19 - a pandemic that continues to disproportionately affect people living with HIV.

After being near the top in previous years, **Belarus was bumped off the 'most cases' list** in 2022. In 2021, the Belarus Investigative Committee **reported** 34 new HIV-related criminal cases. It is highly likely



that in 2022 there were some (unreported) cases, but it is also **clear that the number of cases has been slowing down since 2020**, possibly due to [ongoing discussions with the government to limit the use of the criminal law](#).

Canada used to be a global leader in HIV criminalisation, but no new cases were reported in 2022. In fact, **the only case reports from Canada were about two cases overturning convictions** based on the accused person's viral load. In the first, the Ontario Court of Appeal [overturned a 2013 conviction](#) after it accepted there was no "realistic possibility of transmission" - the legal threshold triggering a duty to disclose under current Canadian law - as the accused woman had an undetectable viral load. Unfortunately, the court refused to make a broader, general pronouncement, beyond the facts of this particular woman's case, that as a matter of law a person on antiretroviral treatment and with a suppressed viral load has no duty to disclose. Two months later, the same court overturned another conviction, from 2016, [based on the accused man's elite controller status](#). **These positive rulings follow many years of sustained advocacy, which has also led to the federal government opening a public consultation on reforming the criminal law.** The Canadian Coalition to Reform HIV Criminalization has [welcomed this consultation](#) as a first step to concrete action on law reform.

Early in 2022, **Taiwan's Supreme Court also recognised the prevention benefit of treatment by upholding the acquittal of a man** with an undetectable viral load who was accused of alleged HIV exposure. But elsewhere in Asia, Singapore continues to unjustly prosecute gay men living with HIV under [draconian laws](#), despite being celebrated for [recently repealing their colonial-era law that criminalised sex between men](#). **Singapore is also the world leader in prosecuting gay men for not disclosing a possible HIV risk before donating blood.** Our [Bad Blood report](#), published in September, concludes that the criminalisation of blood donations by people with HIV is a disproportionate measure - the result of both HIV-related stigma and homophobia, and not supported by science.

In the United States, we continued to see a **reduction in the number of states with HIV-specific criminal laws thanks to the ongoing advocacy by networks of people living with HIV supported by human rights and public health organisations.** In 2022, [Georgia](#) modernised its law and [New Jersey](#) became the third US state to fully repeal its HIV-specific criminal law. President Biden again highlighted HIV criminalisation in his [World AIDS Day proclamation](#) stating that "outdated laws have no basis in science, and they serve to discourage testing and further marginalize HIV-positive people." In October, the Presidential Advisory Council on HIV/AIDS unanimously passed a historic resolution on [molecular HIV surveillance](#) - which can mean 'a perfect storm' of rights violations in the context of HIV criminalisation - that will be critical to protecting the human rights and dignity of people living with HIV. But **problematic new laws continue to be enacted despite strong opposition from civil society.** In November, Pennsylvania's Governor [signed into law](#) an overly broad, unscientific statute that makes it a felony to pass on a communicable disease, including HIV, when someone "should have known" they had the disease.

There was also mixed news from the African continent. In March, **Zimbabwe became the second African country to repeal its HIV-specific criminal law** (the Democratic Republic of Congo repealed its HIV-specific criminal law in 2018, although [prosecutions are still possible under an STI law](#)). The removal of the HIV-specific criminal law in Zimbabwe is testament to



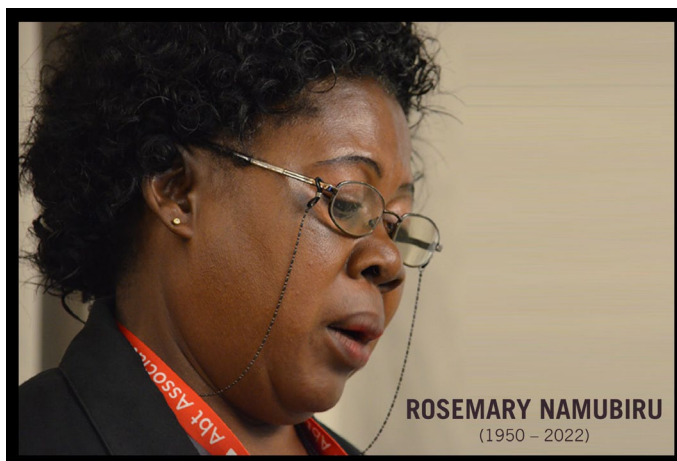
the effectiveness of a multi-year, multi-stakeholder campaign that began with civil society advocates sensitising communities and [parliamentarians](#), notably the Honourable Dr Ruth Labode, Chairperson of Parliamentary Portfolio Committee on Health and Child Care. She began pushing for a change in the law in 2018, having previously been in favour of the provision, which she thought protected her female constituents. However, a woman charged a month prior to the law's repeal [remains on remand and has taken her case to the Constitutional Court](#).

In October, the **Central African Republic enacted a new HIV law** that focused primarily on social protections for people living with HIV, limiting the overly draconian criminalising provisions of its 2006 predecessor. This was achieved through collaboration between local partners, including networks of people living with HIV, with support from UNAIDS, UNDP and the Global Fund. However, [ambiguous drafting](#) means that HIV 'exposure' may still be prosecuted under this law as well as under a general criminal law provision.

Also in October, the Lesotho [High Court issued a positive judgement](#) following a constitutional challenge to sections of the *Sexual Offences Act* that imposed a mandatory death sentence on persons convicted of sexual offences if they were living with HIV. Following interventions from members of the HIV JUSTICE WORLDWIDE coalition and others, **the Court ruled that people living with HIV have the same right to life as all others** - and commuted the sentence.

The news elsewhere on the continent, however, wasn't so positive. After six years of waiting, **a constitutional challenge to some of the most problematic, criminalising sections of Uganda's HIV/AIDS Prevention and Control Act was dismissed outright in November**. The same fate befell a [similar challenge in neighbouring Kenya in December](#) originally filed in 2018.

In 2022, we also mourned the loss of Ugandan nurse and HIV criminalisation survivor, [Rosemary Namubiru](#), who was a posthumous recipient of the Elizabeth Taylor Legacy Award at the [24th International AIDS Conference](#) (AIDS 2022).



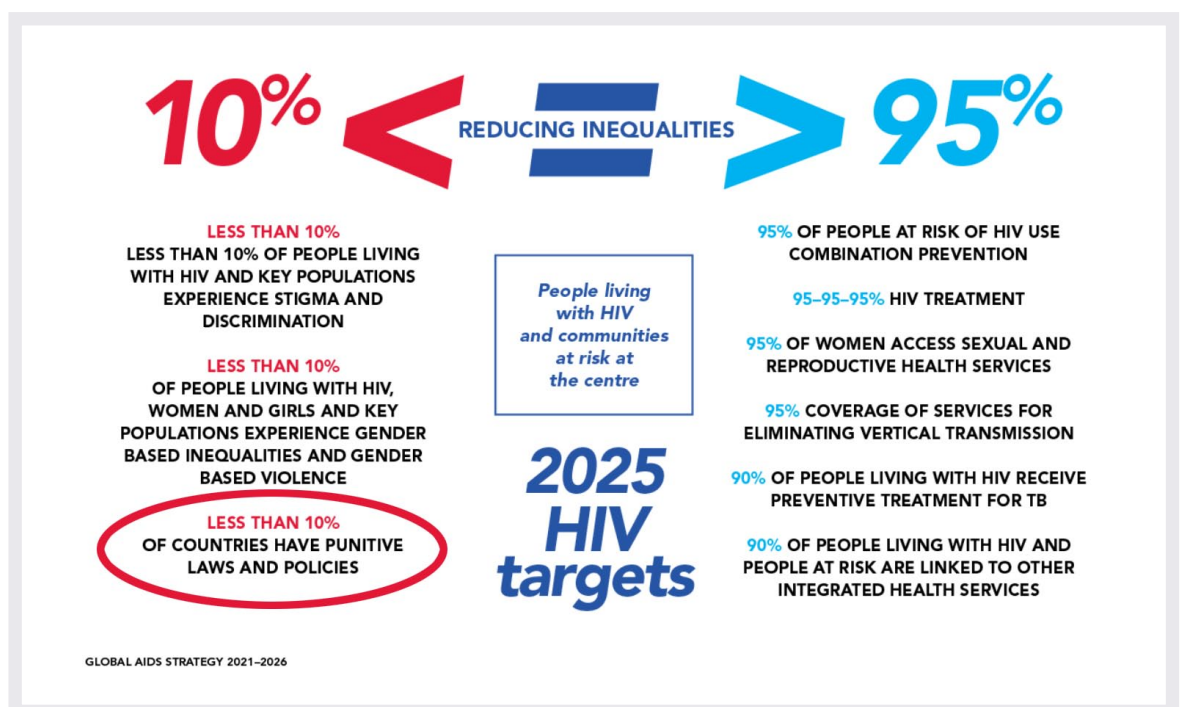
Women - who were accused in around 25% of all newly reported cases in 2022 - also faced criminal prosecution in relation to breastfeeding or comfort nursing, mostly across the African continent. In addition, in multiple countries, **women living with HIV continue to be threatened with punitive public health measures and child protection interventions for breastfeeding their children**. That's why we created the short film, *Mwayi's Story*, to highlight the injustice of such treatment and [facilitate discussion](#) about HIV and breastfeeding. We also worked with our HIV JUSTICE WORLDWIDE coalition partners to [publish a paper](#) in the peer-reviewed, open access journal *Therapeutic Advances in Infectious Diseases* to highlight these problematic and unjust approaches to women with HIV who breastfeed or comfort nurse.

In 2022, we learned from the [Eurasian Women's Network on AIDS](#), working with the [Global Network of People Living with HIV](#), about how women living with HIV are both disproportionately affected by HIV criminalisation across the Eastern Europe and Central Asia (EECA) region and also leaders in research, advocacy and activism in response. Their [report](#) illustrates how **HIV criminalisation and**

gender inequality are intimately and inextricably linked. Case studies include a woman in Russia who was prosecuted for breastfeeding her baby and several women in Russia who were blackmailed by former partners who threatened to report them for alleged HIV exposure as a way to control, coerce, or abuse them.

The disproportionate impact of HIV criminalisation on women was also the focus of a 2022 **World AIDS Day statement by the [Organization of American States \(OAS\)](#) calling on Member States to end HIV criminalisation.** Earlier in the year, Argentina had enacted a new, comprehensive and non-punitive [HIV, STI and TB law](#). Yet despite this positive legal development, [prosecutions of people living with HIV continue under general criminal law](#).

That is why there is still so much more to do to reach the [global target](#) of fewer than 10% of countries with punitive laws and policies that undermine the HIV response. **To keep up the momentum, we continued to produce reports and analysis** - including our flagship [Advancing HIV Justice 4: Understanding Commonalities, Seizing Opportunities](#) - as well as contributed to peer-reviewed journal articles, such as [So many harms, so little benefit](#) in *The Lancet HIV* and [Punishing vulnerability through HIV criminalization](#) in the *American Journal of Public Health*. We're also doing our best to ensure we change the media narrative on HIV criminalisation, including by contributing to *The Guardian's* [World AIDS Day podcast on HIV criminalisation](#).



Did we turn the corner in 2022? Only time will tell, but one thing we know for sure is that changing hearts and minds with respect to HIV criminalisation is a long road with many ups and downs along the way. We know that **important progress was made in 2022** and that we face 2023 and beyond with fresh analysis, new tools and a renewed spirit of solidarity.

HIV JUSTICE NETWORK: ACTIVITIES AND ACHIEVEMENTS

THE *HIV JUSTICE ACADEMY*



HJN's greatest achievement of 2022 was the design, development and launch of the *HIV Justice Academy*. The *Academy* is a multilingual global learning and resource hub designed to support, inspire and connect people around the world who are motivated to end HIV criminalisation. The online platform provides easy access to an *Online Course on HIV Criminalisation*, practical *Action Toolkits*, and an extensive *Resource Library*. There are also features such as a Glossary, Help, and multilingual Chat.

HJN was delighted to be awarded funding through an “exceptional opportunity” of the Robert Carr Fund for civil society networks to produce an online learning hub on HIV criminalisation. Recognising the limitations on in-person gathering posed by the COVID-19 pandemic (and future epidemics or pandemics), the strategic need for high-quality, accessible on-line training options was clear.

Every member of the HJN team contributed to this project. In addition, we hired a talented project manager who was brought on specifically to usher this work through to completion. We engaged a huge team of translators and benefited from numerous volunteer testers from across our network. Our HIV JUSTICE WORLDWIDE coalition partners were instrumental in providing input and content throughout the process. As such, the *HIV Justice Academy* is infused with the collaborative spirit of HJN.

The [HIV Criminalisation Online Course](#) consists of seven modules:

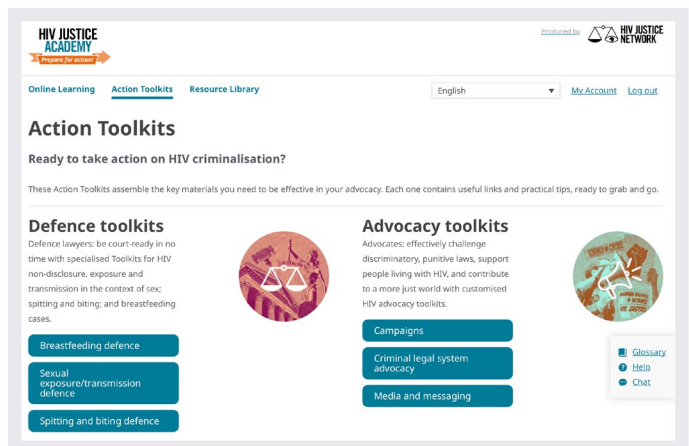
- Background (HIV-related stigma, experiences of people affected by HIV criminalisation)
- HIV criminalisation (what, where, who, how; intersectionality of criminalisation)
- Why HIV criminalisation is harmful (to human rights and to public health), and alternatives to it
- Bringing science to justice (why science matters; harm, risk and proving transmission; how science has helped limit criminalisation)
- How to advocate against HIV criminalisation (reform or repeal, limiting general laws, international instruments, communication strategies)
- Recap and test
- Wrap up



Video still from the HIV Criminalisation Online Course; Edwin J Bernard.

The [Action Toolkits](#) cover:

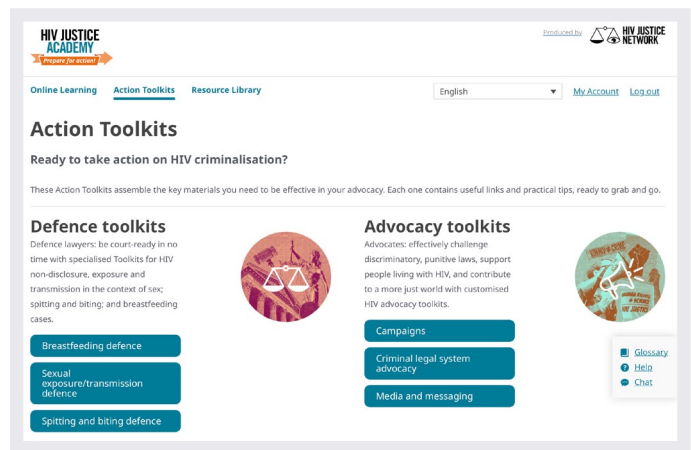
- Breastfeeding defence
- Sexual exposure / transmission defence
- Spitting and biting defence
- Law reform campaigning
- Criminal legal system advocacy
- Media and messaging



In addition, building on the popular *HIV Justice Toolkit*, formerly hosted on the HIV JUSTICE WORLDWIDE website, we created the [Resource Library](#) as the global HIV justice movement's archive. The archive goes back to 1988 and includes resources from approximately 80 countries plus all global and regional policy documents, legislative analyses, court decisions, civil society reports, training manuals, webinars, model policy, scientific research, videos, and more. As new resources become available, we will continue to add them to the library making it a unique global hub for information on HIV criminalisation and related policy, research and advocacy.

The *Resource Library* currently includes:

- 428 English documents (an increase of 78 since 2021)
- 239 French documents (+ 53)
- 129 Spanish documents (+ 43)
- 86 Russian documents (+ 39)



The English version of the *HIV Justice Academy* launched in October 2022. By the end of 2022, 100 people had already enrolled in the English online course and 21 had completed it. Feedback has been uniformly excellent.

“The course took a holistic approach to explaining HIV criminalisation. It lends legal, scientific, and social perspective, it also went further to touching on how I could be an advocate. It exceeded my expectations!”

HIV Justice Academy user, Nigeria

“[I liked] all the resources that were provided but mainly the fact that this course does not take anything for granted. Anyone could easily follow it, independently from their background.”

HIV Justice Academy user, Belgium

“The course was easy to follow along to, videos were helpful to see people’s thoughts and emotions when telling their story, rather than just reading their words.”

HIV Justice Academy user, Canada

“It’s so enlightening and has increased my knowledge on how to advocate for change when the need arises.”

HIV Justice Academy user, Ghana

A key rationale for the *HIV Justice Academy* is to ensure that as many people have access to the information, tools and resources about HIV criminalisation as possible. That meant undertaking our largest ever translation programme. In 2022, we translated more than 40 documents from English to French, Russian and Spanish as well as two from Russian to English. We also subtitled 30 English-language videos into French, Russian and Spanish and created a glossary in English, French, Russian and Spanish with forty-eight key terms.

The French-language version of the *HIV Justice Academy* was launched in mid-November 2022. (The Spanish version launched in March 2023 and the Russian version launched in May 2023).



All versions of the *HIV Justice Academy* can be accessed here: <https://academy.hivjustice.net/>

Our largest undertaking to date, we are confident that the *HIV Justice Academy* marks a turning point in our work to end HIV criminalisation and will further propel us toward our vision.

BUILDING THE EVIDENCE BASE

To better understand the situation on the ground with respect to the criminalisation of people living with HIV for alleged non-disclosure of their known HIV-positive status, perceived or potential sexual exposure or transmission, spitting, biting, breastfeeding, donating blood, or any other activity that is criminalised due primarily to the person's HIV-positive status, we monitor trends and new developments in every jurisdiction of the world. We also collect and share vital learning on what works to end or limit the injustices of HIV criminalisation.

The *Global HIV Criminalisation Database* comprises three interconnecting, fully searchable databases: **Laws & Analyses** features the full text of known HIV criminalisation laws used by country / jurisdiction, an overview of how laws are used, and significant advocacy developments; **Cases** has HIV criminalisation case reports taken verbatim from news media but with names and other identifying characteristics removed; and **Organisations**



provides details on organisations actively working against HIV criminalisation and other intersectional forms of criminalisation. Each section of the *Global HIV Criminalisation Database* also features an interactive search tool and global map providing a visual account of where different kinds of laws are used, where various types of cases have been reported, and where organisations operate.

This unique tool was continually updated in 2022 to cover the latest developments in laws, cases and advocacy. For the first time, we also included an analysis of each individual US state. In addition, the Organisations section was updated to include new members of our network.

In 2022, the *Global HIV Criminalisation Database* had close to 4000 unique visitors.

Advancing HIV Justice 4: Understanding Commonalities, Seizing Opportunities was published in July 2022 by the HIV Justice Network on behalf of HIV JUSTICE WORLDWIDE. It provides a global overview of the state of HIV criminalisation and a progress report of achievements and challenges in global advocacy against HIV criminalisation. All of the case analyses and the vast majority of the legal and policy analysis in this report cover a 36-month period - 1 January 2019 to 31 December 2021, which begins where the third *Advancing HIV Justice* report left off. However, significant law reform developments that took place in the first quarter of 2022 are also included in our maps and analysis.

The report is available to download in English, French, Russian and Spanish [here](#).



ADVOCACY TOOLS AND RESOURCES

We utilise our network's experiences and technical expertise and collaborate with experts in a range of relevant fields (e.g., legal, medical, public health, social sciences), to create tools and resources to challenge HIV criminalisation.

These tools and resources support those advocating for law repeal / reform, effective defences and / or prosecutorial guidelines. They provide accurate and reliable information that supports rights- and science-based legal approaches, including robust legal defences; help organisations to challenge stigmatising media coverage and improve reporting; guide the development of policy positions on unintended negative impacts of punitive public health policies and practices; and support successes amongst advocates, organisations and networks working to end HIV criminalisation.

We also produce toolkits and guides to facilitate advocacy and to ensure robust defences in the courtroom and the media, targeted to specific audiences. These can all be found in the *HIV Justice Academy*.

These tools and resources are disseminated through our newsletter, *HIV Justice News*, our website, www.hivjustice.net, social media, and webinars and presentations. Where possible, we ensure they are created in, or translated into, multiple languages. We include all of the resources and tools we create in our *Resource Library*.

We undertook a number of activities in 2022 to raise awareness of, and to advocate against, the criminalisation of people living with HIV for breastfeeding, chestfeeding or comfort nursing.

First, we produced a short film, *Mwayi's Story*, and an accompanying [discussion guide](#). *Mwayi's Story* is a story about courage and about women standing up for their rights. The three-minute illustrated film is based on the story of a woman in Malawi who was



prosecuted for briefly breastfeeding another woman's baby and the subsequent successful advocacy to prevent an HIV criminalisation statute being passed.

Mwayi's Story has been subtitled in French, Russian and Spanish and can be viewed alongside all our videos on our [YouTube channel](#).

Mwayi's Story can be used as an awareness-raising and educational resource in classes, webinars and workshops. The [discussion guide](#) was created to help facilitators lead conversations before and after viewing the film. It provides some background information and then poses a number of questions to stimulate thought and discussion.

The film has been viewed on our YouTube channel more than 330 times. It was also screened during an ICW [#GenderMatters](#) Webinar on June 10, 2022, where 133 participants viewed the session live.

We also worked with several of our HIV JUSTICE WORLDWIDE coalition partners to co-author a paper, [When law and science part ways: the criminalization of breastfeeding by women living with HIV](#), for a Special Collection on Women's Health and HIV for the peer-reviewed, open access journal *Therapeutic Advances in Infectious Diseases*. The article was co-authored by Alison Symington (HJN's Senior Policy Analyst), Nyasha Chingore-Munazvo (ARASA) and Svitlana Moroz (EWNA).



When law and science part ways places the criminalisation of women with HIV for breastfeeding within the context of current medical recommendations and cultural views of breastfeeding. It reviews the criminal cases against women living with HIV for breastfeeding around the globe, examines the injustice of these prosecutions, and provides recommendations for decriminalisation. This article remained on *Therapeutic Advances in Infectious Diseases*' ['most read' list](#) at least six months after publication.

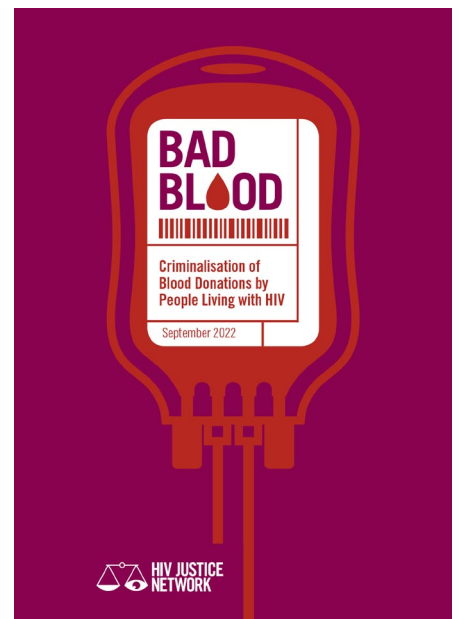
HJN also produced translations of *When law and science part ways* in [French](#), [Russian](#) and [Spanish](#) to increase accessibility.

Following reports of blood donation-related prosecutions in Russia, Singapore, and the United States, we undertook desk-based research, collating and categorising all known country and jurisdictional laws that specifically criminalise blood donations by people living with HIV, and known prosecutions under these laws. We found that 37 jurisdictions in 22 countries around the world maintain laws which either explicitly criminalise successful or attempted blood donations by people living with HIV; or have related provisions which could be interpreted to criminalise this conduct; or have prosecuted people living with HIV who have donated blood under general communicable disease or other criminal laws.

We analysed these laws and cases using a global policy guidance and human rights law framework, informed by international and state-level scientific data assessing risks of transmission via blood

transfusion. The criminalisation of donors with HIV has primarily come about due to both HIV-related stigma and homophobia and is not supported by science. Science-informed measures (such as individual donor risk assessments and universal blood screening) should be relied on to protect the public against transfusion-transmitted infection.

The report, *Bad Blood: Criminalisation of Blood Donations by People Living with HIV*, provides a foundation for advocacy on this issue. We also presented our findings and recommendations in an [oral abstract session](#) at AIDS 2022: Not just law: Legal obstacles to an effective HIV response.



CONNECTING, CONVENING AND SUPPORTING

Throughout 2022, despite ongoing COVID-related limitations on travel and in-person meetings, we continued to bring individuals and organisations together across countries and continents to share experiences, learn, and develop strategic collaboration and campaigning.

The [HJN website](#) hosts the *Global HIV Criminalisation Database*, our own news, news curated from other sources, and our publications. In 2022, we had more than 45000 total visitors, of whom 5000 were returning visitors.

In 2022, we produced 23 issues of our newsletter, *HIV Justice News*, which was delivered to over 1150 subscribers and disseminated on our English and French language listservs and on our various social media channels: [Twitter](#) (5210 followers); [Facebook](#) (2800); Instagram (1000); and [LinkedIn](#) (500).



5000
returning visitors



1500
subscribers



5210



2800



1000



500

As well as continuing to co-ordinate the HIV JUSTICE WORLDWIDE coalition - more on that below - we also supported like-minded organisations outside of the coalition.

Following the publication of their 2021 report, *Breaking barriers in HIV: Action for legislators to address LGBT+ inequities*, which included [recommendations for legislators to repeal or modernise HIV criminalisation laws](#), we reached out to the Global Equality Caucus to support them in following up on these recommendations. This included participating in two roundtables with parliamentarians in the US and Canada and across Africa, Asia and Europe. The result was a 2022 report, [Decriminalising HIV: Strategies and best practice for legislators](#) which proposes ten recommendations for legislators working to decriminalise HIV.

REPRESENTATION AND AWARENESS-RAISING

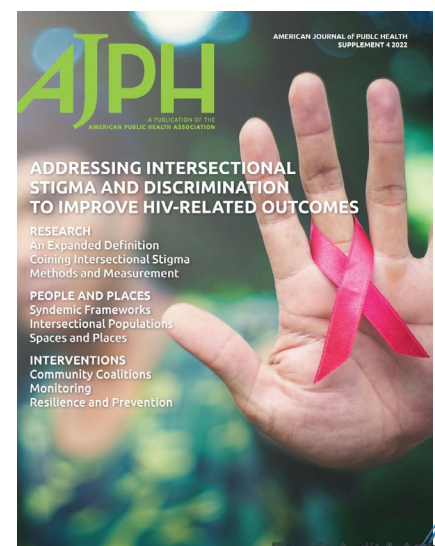
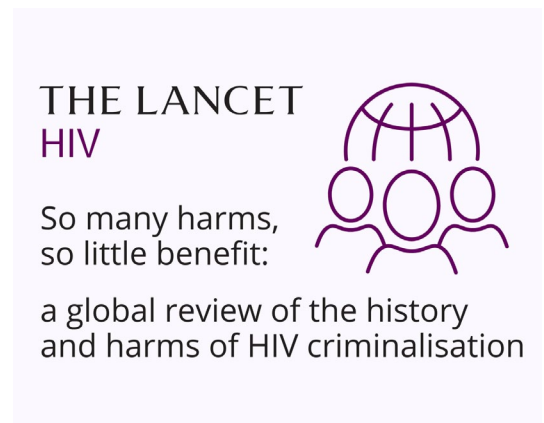
Throughout 2022, we raised awareness of HIV criminalisation and the HIV justice movement. We amplified the voices of HIV criminalisation survivors and used our expertise and media savvy to ensure that HIV criminalisation remained high on global, regional and national policy, advocacy, and funding agendas.

[So many harms, so little benefit: a global review of the history and harms of HIV criminalisation](#) was published in *The Lancet HIV* in October 2022, co-authored by leading human rights experts, Joanne Csete (Columbia University) and Richard Elliott - who is also Chair of our Supervisory Board - and HJN's Executive Director, Edwin J Bernard.

The review summarises key developments in the history of HIV criminalisation and highlights newer research on its public health and human rights harms. It summarises expert guidance, especially as it reflects evolving science, also noting the health and human rights concerns about the application of phylogenetic analysis for molecular surveillance data in the context of HIV criminalisation. It also explores the impact of HIV criminalisation on different populations - women, sex workers, men who have sex with men, Indigenous persons, immigrants and racial minorities. Finally, it reviews recent significant efforts to limit the impact of HIV criminalisation, most of which would have been impossible without advocacy organisations of people living with HIV and their allies.

HJN also arranged translation of the article into [French](#), [Spanish](#) and [Russian](#) to increase accessibility.

HJN was invited to write an editorial for the July 2022 special supplement of the *American Journal of Public Health* which highlights the importance of reducing HIV-related intersectional stigma and discrimination. Our editorial, [Punishing vulnerability through HIV criminalization](#), explores the links between HIV criminalisation and other punitive laws and policies that regulate bodily autonomy, including reproduction, sexuality and gender. The analysis was based on the research we undertake utilising our *Global HIV Criminalisation Database*.



To mark World AIDS Day on 1st December 2022, *The Guardian* (an influential British newspaper and website with a global reach) produced a podcast entitled ‘[Imprisoned for being HIV positive](#).’ Alongside two HIV criminalisation survivors - people living with HIV who faced criminal charges in the U.S. - HJN’s Executive Director, Edwin J Bernard, provided context and analysis on the history and harms of HIV criminalisation for the podcast.



Following a lengthy application process, HJN received special consultative status with the United Nations Economic and Social Council (ECOSOC) in 2022. This allows us to access ECOSOC, its many subsidiary UN bodies, various human rights mechanisms of the United Nations, and special events and *ad hoc* processes. With this expanded access to the UN, we will advocate to keep HIV criminalisation and punitive public health approaches on policy-making agendas.



Throughout 2022, HJN had discussions with colleagues at UNAIDS, UNDP, GNP+, ICW Global, Y+ Global, and the leaders of global key population networks about the HIV justice movement and the need for legal reform and justice for people living with HIV in the criminal legal system. We also advocated for rights-based public health policies and practices in national, regional and global forums. In addition to presentations already mentioned, HJN also:

- created a [video](#) for the 2022 Zero Discrimination Day campaign, led by UNAIDS and GNP+ to demand that countries [#EndBadLaws](#);
- participated in the [official launch of the Not a Criminal global campaign](#) with GNP+, ICW Global, Y+ Global, and the global key population networks, which took place in Montreal during the 24th International AIDS Conference (AIDS2022);
- co-chaired a panel on [Big Data and AI](#) at AIDS 2022 with UNAIDS deputy director Matt Kavanagh, discussing the contested areas of phylogenetics and biometrics in HIV science and programmatic research;
- delivered presentations on international experiences of decriminalising HIV to UNDP’s EECA Regional Judges Forum, and to Belgian parliamentarians, convened by Sensoa, the Flemish expertise centre for sexual health and HIV;
- contributed to the development of the [British HIV Association \(BHIVA\) position statement on HIV, the law and the work of the clinical team](#), to outline issues at the interface between HIV prevention and the law and provide guidance to healthcare professionals working in the field of HIV medicine; and
- presented at an internal UNAIDS and WHO meeting on the human rights implications of HIV recency testing for surveillance to update country guidance for PEPFAR focus countries.



Not a Criminal – campaign launch at AIDS 2022; source: GNP+.

HIV JUSTICE WORLDWIDE: ACTIVITIES AND ACHIEVEMENTS

HIV JUSTICE WORLDWIDE (HJWW) is a global coalition that opposes criminal and similar laws, policies and practices that regulate, control and punish people living with HIV based on their HIV-positive status. The HIV Justice Network serves as the secretariat for HJWW, coordinating its various activities, including its website, publications and resources, and strategy meetings.



WHY IS AN INTERNATIONAL COALITION OPPOSING HIV CRIMINALISATION NEEDED?

HIV criminalisation is a global phenomenon and a critical public health and human rights issue. Pushing back takes collective, coordinated action. To keep HIV criminalisation on policymakers' agendas - including national governments, the legal community and international institutions - we must keep the pressure on.

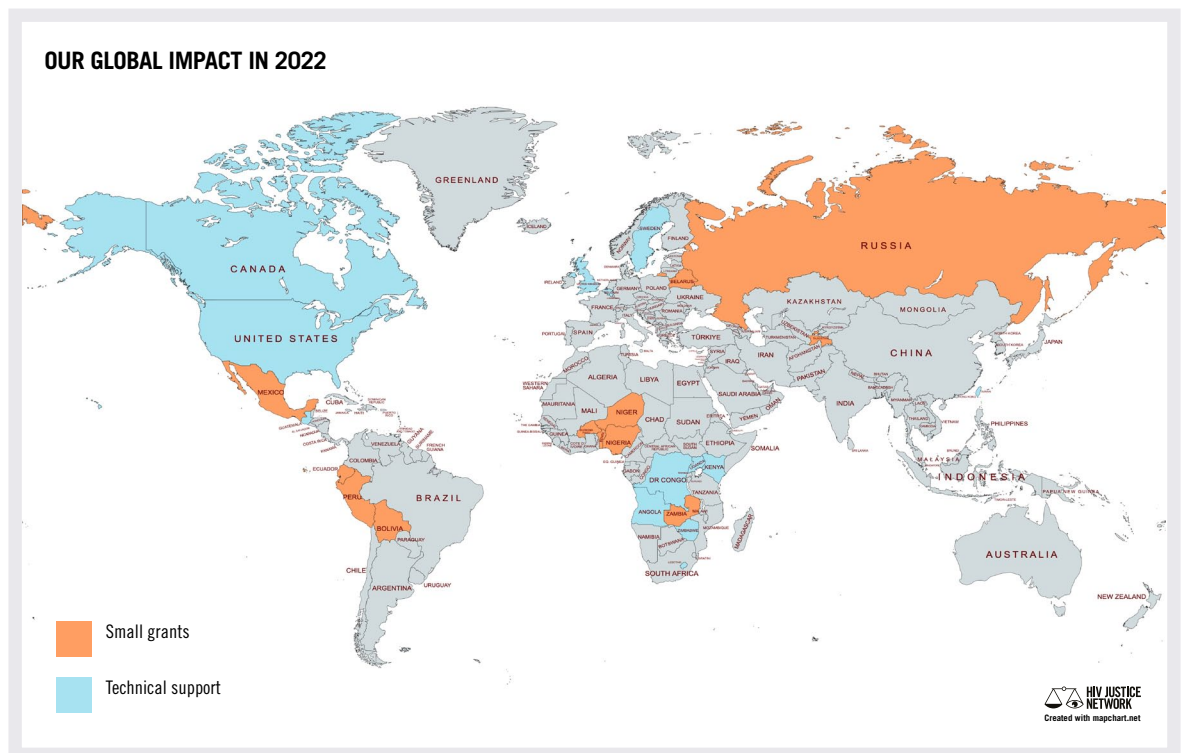
By coordinating the activities of civil society organisations around the world working to end HIV criminalisation, we can have maximum impact and influence while ensuring our resources (both human and financial) are used efficiently. We can avoid duplication, share data and experiences, develop capacity, build consensus, and create energy and action. We can extend our reach, connecting across regions, identities and languages. Each coalition member is able to achieve more mission-aligned impact through their engagement in HJWW.

Building power together, in 2022, HJWW members strategised about ways to increase our engagement with the World Health Organisation (WHO); advanced intersectional analysis and collaboration across movements; co-created and launched the global *Not A Criminal* campaign; consulted with young people on how HIV criminalisation affects them and how HIV criminalisation intersects with other criminalised identities or factors of vulnerabilities to create a layered or compound effect; and developed an advocacy agenda for implementation in 2023 and beyond.

In addition, the HJWW coalition supported the development of the *HIV Justice Academy* by contributing content, reviewing draft texts, checking translations, testing the platform, and participating in the launches of each language version.

Much of the work undertaken by HJWW has been funded by the Robert Carr Fund for civil society networks through the HIV Justice Global Consortium. The Consortium partners are the HIV Justice Network (HJN), AIDS and Rights Alliance for Southern Africa (ARASA), the Eurasian Women’s Network on AIDS (EWNA), the Global Network of People Living with HIV (GNP+), the HIV Legal Network, Southern Africa Litigation Centre (SALC) and the Sero Project.

By providing technical assistance and grants, the Consortium has been able to nurture and support the development of new national and regional networks and expand the capacity of existing ones. Throughout 2022, we oversaw the distribution of small grants through our Consortium partners working in Eastern Europe and Central Asia (EECA), Francophone Africa, Anglophone Africa, and Latin America and Caribbean.



OUR GLOBAL IMPACT IN 2022: WHERE WE AND OUR HIV JUSTICE GLOBAL CONSORTIUM PARTNERS PROVIDED SMALL GRANTS AND TECHNICAL SUPPORT.

- **Anglophone Africa** small grants - overseen by ARASA and supported by SALC - supported a civil society organisation in **Nigeria** (Lawyers Alert) to attempt to prevent the passage of a new HIV-specific criminal statute in Akwa Ibom state; and supported the **Zambia** Network of Religious Leaders Living with or personally Affected by HIV/AIDS (ZANERELA+) to support a community-led movement to address HIV criminalisation in Zambia. However, both efforts have been thwarted by the challenging political situations in their respective countries.
- **EECA** small grants - overseen by Eurasian Women's Network on AIDS - supported a study on the attitudes of infectious disease doctors and epidemiologists based at AIDS centres toward HIV criminalisation in the **Russian Federation**, [published in Russian and English](#); supported the legal defence for two women living with HIV in **Tajikistan** charged under the country's HIV-specific criminal law; supported data collection for the community-led report, [HIV Criminalisation Scan in EECA for 2018-2022](#); and provided support for community-led campaigning and advocacy in **Belarus**, as well as direct support to people living with HIV who face charges under the country's HIV-specific criminal law.
- **Francophone Africa** small grants - overseen by the HIV Legal Network - supported a PLHIV network (RéBAP+) in **Benin** to mobilise against problematic provisions in the country's HIV law; supported the National Coalition for the Decriminalization of HIV in **Niger** (RENIP+) to organise a public consultation on the issue of disclosure of HIV-positive status to sexual partners in order to lay the groundwork for the substantive and formal requirements of an accompanying process to guide the development of national guidelines on this issue; and supported a community group (COCOFA) in **Burkina Faso** to review and make recommendations for the law to remove repressive provisions against people living with HIV.
- **Latin American and Caribbean** small grants - overseen by the Sero Project - supported RedTraSex in **Mexico** to conduct workshops to train health personnel, activists and key local actors on political advocacy to safeguard the human rights of people living with HIV; supported Fundación Igualdad in **Bolivia** to produce the brochure *Alleviating the criminalisation of HIV*; and supported training on HIV criminalisation in judicial procedures for representatives from the Judicial Power and the local Ombudsman's Office in Peru. Small grants also supported educational webinars on HIV criminalisation delivered by the Latin American and Caribbean Network of Women Sex Workers, the Latin American and Caribbean Network of Journalists on HIV, and an LGBT organisation in **Ecuador**.

ORGANISATIONAL DEVELOPMENT, CONSORTIUM LEADERSHIP, FUNDRAISING AND GOVERNANCE

ORGANISATIONAL DEVELOPMENT

During the first half of 2022, the HJN team comprised one full time staff member - the Executive Director, Edwin J Bernard, based in the Netherlands - plus eight additional core team members:

Virginia Barder (Project Manager for the HIV Justice Academy, based in the United Kingdom); Sylvie Beaumont (Research and Translations, based in France); Nicholas Feustel (Video and Visuals, based in Germany); Elliot Hatt (Policy Analyst, based in the United Kingdom); Julian Hows (Partnerships, Governance and Learning, based in the Netherlands); Sive Stofile (Grants, Compliance and MEL (monitoring, evaluation and learning), based in South Africa); Alison Symington (Senior Policy Analyst, based in Canada); and Sofia Varguez (Virtual Office and Academy Co-ordination, based in Mexico).

In July 2022, Sive Stofile, responsible for grants, compliance and MEL, was appointed as a full-time staff member.

We also have a roster of preferred consultants with expertise in finance, web development, as well as French, Russian and Spanish translators and proofreaders.

As we started the implementation of our *Strategic Plan 2022-26*, we focused on three key organisational development priorities:

1. Strengthening our governance and advisory panel structures by revising our Articles of Association to ensure mutually understood clarity regarding the roles and responsibilities of both the Executive Director and the Supervisory Board, and to ensure that the organisation continues to be run effectively, ethically and transparently, in accordance with Dutch law and best international NGO practice. We also refreshed and expanded our Global Advisory Panel (see below).
2. Recruitment of new auditors to ensure the organisation is run in accordance with best international NGO practice.
3. Mobilising resources to support and enhance our work by implementing our fundraising principles and diversifying our funding sources to ensure the sustainability of HJN into the future.

CONSORTIUM LEADERSHIP

In 2022, HJN was fortunate to be supported through two grants from the Robert Carr Fund for civil society networks (RCF) as lead of two different consortia. As such, we had ultimate responsibility for the delivery, financial management and reporting obligations related to the grants.

All grant income is received from RCF by our registered fiscal organisation, the HIV Justice Foundation (in Dutch, *Stichting HIV Justice*), on behalf of these consortia. The funds are transferred by the HIV Justice Foundation to each of the consortia partners as per the approved workplan and budget in accordance with the provisions of the contracts entered into between HJN and RCF, and between HJN and each of the consortium partners respectively.

We co-ordinated the budget and workplans of our consortium partners for these two grants - as well as those of their sub-grantees - and supported them throughout the grant with regular meetings and email communications. We also provided technical support in the form of guidance and/or templates to ensure that each partner (and sub-grantee) was able to fulfil their financial, narrative and outcome reporting obligations. All partners were independently audited, which included, per our agreements with them, accounting for funds they received from HJN as part of a consortium.

HIV JUSTICE GLOBAL CONSORTIUM 3.0

Since 2019, HJN has been the lead grantee of the HIV Justice Global Consortium and in 2022, we successfully replenished our funding for another three years (2022-24). The total amount of funding from RCF for this consortium was \$610.866 in 2022, of which \$364.088 was on behalf of our six consortium partners: ARASA, EWNA, GNP+, HIV Legal Network, and the Sero Project; and \$246.778 for HJN.

EXCEPTIONAL OPPORTUNITY FUNDING

We also received additional RCF funding through their Exceptional Opportunity Funding (EOF) grant to lead a four-organisation consortium (with ARASA, GNP+ and HIV Legal Network) to allow us to adapt our work to the context of the COVID-19 pandemic. The total amount of funding from RCF for the EOF grant was \$686.618, of which \$289.711 was on behalf of our three consortium partners: ARASA, GNP+, and the HIV Legal Network; and \$396.907 for HJN.

FUNDRAISING

We continue to explore relationships with partners and potential funders. The Supervisory Board and the Global Advisory Panel support the Executive Director in building these relationships.

HJN strives for best practice in all we do, and therefore all resource mobilisation activities follow HJN's fundraising principles:

- We are independent of any individual funder's agendas - whether that be governmental, corporate, or organisational - and our fundraising and advocacy activities will always respect and protect that independence.
- We will ensure that projects for which we raise funds reflect our mission, organisational principles and strategic priorities, so that neither the funding opportunities we pursue, nor the requirements of funders will deflect us from our strategic objectives.
- We recognise that although our funders may share some of our values, they may not agree with everything we say or do. We will not allow any funding relationship with a government, corporation, organisation or individual to constrain us from criticising them or from exposing any human rights violations for which they may be responsible.
- We understand that accepting funding from any source comes with potential risks. Before considering whether to accept funding we will undertake a risk assessment analysis on a case-by-case basis led by the Executive Director in close consultation with the Supervisory Board to ensure minimal risk and maximum benefit.
- We will behave with integrity in all our fundraising activities, ensuring we undertake all due diligence to comply with our organisational and fundraising principles, and that these activities also comply with regulations and legislation in the Netherlands and other applicable jurisdictions.
- We are accountable to our members, partners, and the wider HIV justice movement, and will fundraise with transparency. If we get things wrong, we will be open about our mistakes and take swift action to fix them.

Using these principles, we were successful in securing a two-year grant from the Levi Strauss Foundation to contribute towards our core costs for 2023-2024.

We also continued to receive funding from The Elizabeth Taylor AIDS Foundation's [HIV is not a Crime](#) programme which supported us in the creation of advocacy tools and awareness to prevent the criminalisation of women living with HIV for breastfeeding or comfort nursing.

In 2022, we were [validated](#) by [Charities AIDS Foundation \(CAF\) International](#), having undergone an extensive application and due diligence process that includes a review of our key operational elements including our governance structure, registration status, annual financial statements, online and media presence, and our board members and senior staff.



This validation process ensures that all funds sent to the organisation will be used charitably, and it allows CAF International and their donors to mitigate the risk of fraud, money laundering, and other criminal activities.

We were also recently granted charitable status as a [Public Benefit Organisation](#) (in Dutch, *ANBI* or *Algemeen Nut Beogende Instelling*) by the Dutch tax authorities.

GOVERNANCE: SUPERVISORY BOARD

In keeping with provisions of Dutch law, HJN's fiscal organisation, the HIV Justice Foundation (in Dutch, *Stichting HIV Justice*) is run by a Management Board - HJN's Executive Director - and a Supervisory Board. In 2022, we initiated and completed a process that has significantly strengthened our governance and advisory panel structures.

The Executive Director and the Supervisory Board worked with our *pro bono* notaries at international law firm, Dentons, to significantly revise and update our Articles of Association to ensure they were fit for purpose. The [revised Articles](#) were executed and submitted to the Netherlands Chamber of Commerce in December 2022. The process was illuminating for all involved and has resulted in a much better understanding of the roles and responsibilities of the Executive Director, the roles and responsibilities of the Supervisory Board, and the various decisions regarding our governance.



Richard Elliott

In 2022, a number of changes regarding the composition of the Supervisory Board took place. **Richard Elliott** (Canada) was appointed to the Supervisory Board taking over from **Kevin Moody** (Netherlands) as Chair in March, whilst Kevin took on the role of Treasurer.¹

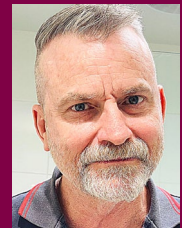


Kevin Moody



George Ayala

In April, after 15 months of service, **George Ayala** (United States) stepped down from the Supervisory Board, and **Paul Kidd** (Australia) was reappointed for a further four years.



Paul Kidd

Immaculate Owomugisha
Bazare

Immaculate Owomugisha Bazare (Uganda) was appointed to the Supervisory Board in October. **Sarai Chisala-Tempelhoff** (Malawi) remained a member of the Supervisory Board throughout 2022.



Sarai Chisala-Tempelhoff

We are grateful to Supervisory Board members, past and present, for their commitment to the organisation and to the HIV Justice movement.

To learn more about the individual members of the Supervisory Board please visit [HJN's Supervisory Board page](#).

¹ Kevin Moody stepped down from the Supervisory Board in January 2023.

GOVERNANCE: GLOBAL ADVISORY PANEL (GAP)

HJN’s Global Advisory Panel (GAP) is an international expert reference group of activists, lawyers and academics from all regions of the world who are working on various aspects of decriminalisation relating to people living with HIV and key populations. More than half of the GAP is living with HIV. First convened in January 2020, all members agreed to serve on the GAP for an initial period of two years, until 31 December 2021.

During 2022, we took time to refresh and expand our GAP. We undertook an open recruitment and selection process which generated over 100 applications. Following an extensive shortlisting, selection and on-boarding process, we now have a truly diverse group of 20 individuals from 15 countries across five continents who are well equipped to fulfil their role:

- to provide feedback on our current work, activities and outputs;
- be both a ‘critical friend’ as well as an ambassador for the ways that we are delivering on our mission, strategically and operationally; and
- assist us with building strategic alliances and developing our intersectional approach with the communities that they identify and work with.

To learn more about the individual members of the GAP please visit [HJN’s GAP page](#).



Our Global Advisory Panel: Alexander McClelland (Canada), Cecilia Chung (USA), Ron McInnes (USA), Robert Suttle (USA), M. Alfredo Gonzales (Argentina/USA), Federico Villalba (Argentina), Ann Fordham (UK/Thailand), David Haerry (Switzerland), Aleksey Lakhov (Russian Federation), Elie Balan (Lebanon), Justin Chidozie (Nigeria), Rose Wanjiku (Kenya), Allan Maleche (Kenya), Shawn Mugisha (Uganda), Michaela Clayton (Namibia/UK), Zione Ntaba (Malawi), Amelia Vukeya Motsepe (South Africa), Anukriti Singh (India), Jeffrey Acaba (Philippines/Thailand), Jules Kim (Australia/UK)

LOOKING TO THE FUTURE

RISKS AND UNCERTAINTIES

In 2022, HJN identified the following risks and uncertainties and took mitigation measures to manage these risks:

STRATEGIC

1. **Diversification of funding:** There continues to be a great need for HJN to source additional funds and a more diverse portfolio of funders to provide a level of security to the organisation for sustainability and continuity. HJN has been sustained primarily with funding from the Robert Carr Fund (RCF) through three rounds of three-year grants to the HIV Justice Global Consortium (HJGC). With the organisation's growth, it is becoming increasingly evident that RCF funding alone cannot sustain the organisation, both when it comes to core team costs and our programmes and activities. A reduction in (or loss of) future RCF funding could result in a reduced core team (of consultants), either in number of people, or number of hours/days consultants work for us, as well as limiting our ability to sustain our work or to undertake additional programmes.

Mitigation measures

As outlined in our fundraising principles (see *Fundraising*, p28), we took the initiative to look for appropriate philanthropic funders proactively. This has resulted in a \$100,000 grant from the Levi Strauss Foundation for 2023 and 2024.

OPERATIONAL

1. **Sick leave insurance:** Dutch labour law governs the requirements around sick leave for staff. The Executive Director's employment contract stipulates two years' sick leave (at a rate of 100% for first 26 weeks, 80% for the next 26 weeks and then 70% for year two). Due to financial restrictions, HJN had not been able to secure insurance to cover the risk of the Executive Director having to go on long-term sick leave.

Mitigation measures

We contracted an insurance consultant to assist in searching for an appropriate insurance provider for the Executive Director's sick leave insurance. The Supervisory Board approved a proposal in September and insurance was initiated from Q4 of 2022.

2. **Team Satisfaction:** At the beginning of 2022, the HJN team comprised one staff member on payroll and several consultants. In 2022, for various reasons, two consultants not based in the Netherlands requested that we consider moving them to payroll. Not meeting this request posed a risk that these consultants may become dissatisfied and no longer contract with HJN.

Mitigation measures

We were able to add a second person to payroll in 2022, and although we explored payroll possibilities for the second consultant, we found it to be prohibitively expensive to do so. Instead we

offer competitive rates to our consultants which are also increased year-on-year to match inflation as well as the immense skills and experience they bring to the team. We continue to review our finances annually to determine if we can bring more team members onto payroll.

- 3. Disclosure of personal/sensitive information:** With the development of the HIV Justice Academy, we directly engaged with individuals for the first time, when previously we only worked with organisations. Engaging with individuals means we have access to personal and sensitive information, and so we needed to become more aware of our need to comply with the EU's General Data Protection Regulation (GDPR). We realised we needed to have a digital/IT security policy to guide how a global team (based within and outside the EU) handles personal and sensitive information without putting the organisation at risk of not adhering to the regulations.

Mitigation measures

We initiated an assessment of how we, as an organisation, handle personal and sensitive information and worked with GDPR experts to develop a policy with guidelines to ensure we comply with the regulations. Limited personnel will have access to sensitive data and controls, restrictions and encryptions are in place to access such data.

FINANCIAL

- 1. Foreign exchange fluctuations:** Our current RCF grant funding, which we receive in USD, does not allow us to budget for foreign exchange fluctuations. Any losses due to foreign exchange need to be covered through our organisational reserves, which are smaller than we would like.

Mitigation measures

We currently maintain a bank account allowing us to transact in USD and EUR. We try, as far as we can, to pay in USD to avoid any currency fluctuations. We were fortunate in 2022 that the USD was much stronger against all currencies we pay in, which resulted in a currency exchange surplus. We are constantly monitoring foreign exchange rates and our budgeting for 2023 is based on extensive research into the projections of rates for 2023.

- 2. VAT implications of Brexit:** With Brexit coming into effect in 2020, there were changes in the trade agreements between the EU and the UK, with guidelines on the VAT rules for purchasing services from the UK during the transition period until 31 December 2020. It was unclear what these rules would be from 2021, but early advice suggested that a UK company would need to charge Dutch VAT and file a VAT return in the Netherlands. HJN has contracted with several UK-based consultants for many years, primarily to design, develop and maintain our websites. To date, contractors have invoiced HJN for services rendered without charging VAT. If UK contractors had needed to file VAT returns in the Netherlands, this could have resulted in them no longer wanting to work with HJN because of the additional significant paperwork required.

Mitigation measures

HJN is continuously keeping an eye on the situation. We and our UK-based consultants further investigated the new VAT rules and together we were confident that we could proceed with our current contractors without having to charge VAT. We will continue to confirm this with any new UK-based contractors.

- 3. Audit compliance standards:** Since our first audit in 2019, we have been using RJ640 accounting standards for Dutch non-profit organisations. Our main funder, RCF (whose funds are disbursed via Aidsfonds), allows such standards if they are not substantially different from International Standards on Accounting (ISA). As part of our fundraising strategy to source not only those funders based in the Netherlands, we decided that it would be better to move to ISA.

Mitigation measures

We sent out requests for proposals to several Netherlands-based auditors with international non-profit experience who are also ISA compliant. In August, we employed the services of Reanda Netherlands to serve as our new auditors.

LOOKING AHEAD

The world only has until 2025 to achieve the bold *Global AIDS Strategy* targets, including removing “societal and legal impediments to an enabling environment for HIV services”. This means achieving the goal of fewer than 10% of countries with “punitive laws and policies”, including those that allow for HIV criminalisation. 2025 is just around the corner.

Fortunately, we now have the tools to support advocates and to help countries achieve these targets - contained in the various sections of the *HIV Justice Academy*. With the back-end scaffolding of the *Academy* in place, we will be able to add to, and build upon, the *Academy* in the months and years ahead.

Moreover, with our newly minted ECOSOC status, giving us expanded access to the UN, we will keep the pressure on to ensure that efforts to end HIV criminalisation and other punitive public health approaches remain on policy-making agendas.

We know that HIV criminalisation often serves as a proxy for other kinds of discrimination - discrimination based on class, ethnicity, gender identity, migrant status, race, sex, sexual orientation, disability, and other potential markers of social vulnerability. And we know that the most aggressive push to criminalise people living with HIV tends to occur at the intersection of several stigmatised or criminalised identities. So, we remain firmly committed to an intersectional and collaborative approach.

We also know that decriminalisation alone will not address the full complexity of the intersecting stigmas behind these laws and their enforcement. As with other manifestations of stigma and discrimination, the ultimate solution lies in equality and empowerment. This is a marathon, not a sprint, and dismantling systems that have been built over decades and that oppress people living with HIV in all our diversity takes time.

Advocacy to change bad laws doesn't always lead to success - at least the first time around. Despite the best efforts of our colleagues at KELIN and UGANET, we were disappointed to learn at the end of 2022 that constitutional challenges to Kenya's and Uganda's HIV-specific criminal laws were unsuccessful. Nevertheless, both will appeal these retrograde rulings, because they - and we - are on the right side of history. After all, Zimbabwe repealed its HIV-specific criminal law in 2022 following years of advocacy that followed unsuccessful strategic litigation.

Successful strategic litigation or law reform also doesn't happen in a vacuum. That means not only funding the legal or human rights organisations working in country to challenge the laws, but also:


- funding the communities affected by those laws, supporting people to know their rights;
- funding the community-based paralegals to help frightened and vulnerable people navigate the harsh realities of criminal legal system;
- funding community-based organisations to monitor rights violations, produce shadow reports, and document the evidence of the harms of criminalisation;
- funding community-led training and sensitisation of police, prosecutors and judges, and law- and policymakers; and
- funding the community-based organisations supporting and co-ordinating the work regionally and globally, creating tools for challenge including working with the media where so much of the stigma created by these harmful laws is perpetuated, but can be also where hearts and minds can be changed.

Achieving HIV justice can only happen if there is commitment - and sustained funding - for our work and the work of our partners. Funders Concerned About AIDS [recently revealed](#) that in 2020 only around 0.5% of all philanthropic funding supported HIV decriminalisation work globally. That is simply not enough.

We are grateful to our current funders, partners and allies, but this work needs more resources. We hope this report has inspired you to support this work in whatever way you can. If 2022 was a turning point in the global movement to end HIV criminalisation, achieving HIV justice will depend not only on sustaining this work but also moving forward at an even faster pace.

If you would like to support our work to end HIV criminalisation, please donate here:

www.hivjustice.net/donate



HIV JUSTICE FOUNDATION FINANCIAL STATEMENTS 2022

BALANCE SHEET AS AT 31 DECEMBER 2022

(After appropriation of the result)

	31/12/2022	31/12/2021
	\$	\$
ASSETS		
CURRENT ASSETS		
1 Other receivables	78.812	68.767
2 Cash and cash equivalents	104.143	673.716
<i>Total current assets</i>	182.955	742.483
	182.955	742.483
EQUITY & LIABILITIES		
FOUNDATION'S EQUITY AND RESERVES		
3 Restricted reserves	9.536	5.876
4 Unrestricted reserves	19.030	15.759
<i>Total equity and reserves</i>	28.566	21.635
SHORT TERM LIABILITIES		
5 Grants received in advance	86.134	652.232
6 Payables related to taxes & social security	2.735	2.638
7 Trade payables	21.001	10.565
8 Other liabilities and accrued expenses	44.519	55.413
<i>Total current liabilities</i>	154.389	720.848
	182.955	742.483

STATEMENT OF INCOME & EXPENSES FOR THE YEAR 2022

	Actuals 2022 \$	Budget 2022 \$	Actuals 2021 \$
INCOME			
9 Government funding	0	0	0
10 (I)NGO, Trust & Foundation funding	677.882	834.399	464.390
11 Other sources of funding	500	0	0
<i>Total income</i>	<i>678.382</i>	<i>834.399</i>	<i>464.390</i>
EXCEPTIONAL INCOME AND EXPENSES			
12 Interest	52	0	0
13 Currency fluctuations	1.441	0	-3.081
<i>Total exceptional income and expenses</i>	<i>1.493</i>	<i>0</i>	<i>-3.081</i>
EXPENSES			
14 Personnel costs	498.607	590.895	299.875
15 Sub-granting	0	15.000	31.810
16 Programmatic costs	111.802	152.021	88.473
17 Office & organisation costs	62.535	70.357	37.664
<i>Total expenses</i>	<i>672.944</i>	<i>828.273</i>	<i>457.822</i>
Net result	6.931	6.126	3.487
APPROPRIATION OF THE RESULT			
<i>Net result to restricted reserve(s)</i>	<i>3.660</i>		<i>3.487</i>
<i>Net result to unrestricted reserve</i>	<i>3.271</i>		<i>0</i>
	6.931		3.487

CASH FLOW STATEMENT

(Prepared using the indirect method)

	2022	2021
<i>Cash flow from operating activities</i>		
Operating result	6.931	3.487
Adjustment for depreciations	0	0
Gross cash flow from operation activities	<u>6.931</u>	<u>3.487</u>
<i>Changes in working capital</i>		
Mutation in receivables	-10.045	-26.189
Mutation in liabilities	-566.459	550.435
Net cash flow from operational activities (A)	<u>-569.573</u>	<u>527.733</u>
<i>Cash flow from investment activities</i>		
Investment in fixed assets	0	0
Cash flow from investment activities (B)	<u>0</u>	<u>0</u>
Movement in cash and cash equivalents (A+B)	<u><u>-569.573</u></u>	<u><u>527.733</u></u>
Cash and cash equivalents 1 January	673.716	145.983
Cash and cash equivalents 31 December	104.143	673.716
	<u><u>-569.573</u></u>	<u><u>527.733</u></u>

NOTES TO THE FINANCIAL REPORT

DIRECTIVE 640

The HJN financial report 2022 has been developed in accordance with directive RJ 640 for non-profit institutions, issued by the Dutch Accounting Standards Board. This directive aims at increasing clarity and transparency in the manner in which fundraising institutions report on their revenues and expenditures.

ASSETS AND LIABILITIES

Unless stated otherwise, assets and liabilities are stated at their historical cost, expressed in US Dollars. Fixed assets are depreciated on a straight line method.

INCOME AND EXPENSES

Revenues are attributed to the financial year in which the related costs are incurred. Costs are recognised as soon as the obligation arises.

FOREIGN CURRENCIES

Assets and liabilities which are denominated in foreign currencies are translated into US Dollars at the exchange rates in effect at the balance sheet date. Resulting exchange differences are taken to the statement of income and expenses. Transactions in foreign currencies are converted to USD on the basis of currency exchange on the day the funds are received or paid. HJN has bank accounts in EUR and USD.

SALARIES AND WAGES

HJN has 1 staff member (1 FTE) based in Amsterdam, NL, and 1 staff member (0,8 FTE) based in Cape Town, SA. Salaries, wages and social security contributions are taken to the statement of income and expenses based on the terms of employment, where they are due to employees.

NOTES TO THE BALANCE SHEET AS AT 31 DECEMBER 2022

	<u>31/12/2022</u>	<u>31/12/2021</u>
1 OTHER RECEIVABLES		
Grants to receive	68.583	68.267
Prepaid expenditures	4.865	500
Partner installments	0	0
Other receivables	5.364	0
	<u>78.812</u>	<u>68.767</u>
2 CASH AND CASH EQUIVALENTS		
Current account dollar	86.986	665.529
Current account euro	17.157	8.187
	<u>104.143</u>	<u>673.716</u>

All cash and cash equivalents are at the free disposal of the foundation.

FOUNDATION'S EQUITY AND RESERVES

	<u>Restricted reserve per</u> <u>31/12/2022</u>	<u>Mutations</u> <u>2022</u>	<u>Restricted reserve per</u> <u>31/12/2021</u>
3 RESTRICTED RESERVES			
Staff transition reserve	7.004	2.219	4.785
Total	7.004	2.219	4.785

The staff transition reserve is a reserve formed by the board in 2019 in order to be able to meet future obligations arising from the provisions regarding the transition allowance under the current Dutch Labour Act (Wet Arbeidsmarkt in Balans).

Currency variance reserve	2.532	1.441	1.091
Total	2.532	1.441	1.091

The currency variance reserve is a reserve formed by the board in 2020 and mutated annually to compensate for exchange rate fluctuations of the HJN bank account in EUR.

	<u>Unrestricted reserve per</u> <u>31/12/2022</u>	<u>Net result</u> <u>2021</u>	<u>Unrestricted reserve per</u> <u>31/12/2021</u>
4 UNRESTRICTED RESERVE			
Continuity reserve	19.030	3.271	15.759
Total	19.030	3.271	15.759

Per 31 December the continuity reserve equals 10,4% of the organisation's annual staff and organisation costs. To ensure sustainability of the organisation, the continuity reserve should be at least 25%.

	<u>31/12/2022</u>	<u>31/12/2021</u>
5 GRANTS RECEIVED IN ADVANCE		
Robert Carr Fund	86.134	618.035
Other	0	34.197
	<u>86.134</u>	<u>652.232</u>
All grant obligations have a duration of 1 financial year or less.		
6 PAYROLL LIABILITIES		
Holiday allowance reserved	2.735	2.638
	<u>2.735</u>	<u>2.638</u>
7 TRADE PAYABLES		
Trade creditors	<u>21.001</u>	<u>10.565</u>
8 OTHER CURRENT LIABILITIES		
Partner installments	14.732	42.565
Auditing	21.963	5.792
Other expenses to be paid	7.824	7.056
	<u>44.519</u>	<u>55.413</u>

Partner installments are booked as liability when partners receive installments, and offset against grants received when expenditures are reported. A negative liability indicates a partner reported expenditures over installments received, and the balance installment is to be received by the partner.

OFF-BALANCE SHEET COMMITMENTS

As lead organisation for the HIV Justice Global Consortium, HJN has an ongoing grant agreement with Aidsfonds / the Robert Carr Fund for Civil Society Networks (RCF) until December 31st, 2024.

NOTES TO THE STATEMENT OF INCOME & EXPENSES FOR THE YEAR 2022

	Actuals 2022	Budget 2022	Actuals 2021
9 GOVERNMENT FUNDING			
Funding from governmental agencies	0	0	0
	0	0	0
10 (I)NGO, TRUST & FOUNDATION FUNDING			
Robert Carr Fund	643.685	809.399	448.587
The Elizabeth Taylor Aids Foundation	34.197	25.000	15.803
	677.882	834.399	464.390
11 OTHER SOURCES OF FUNDING			
CREA	500	0	0
	500	0	0
12 INTEREST	52	0	0
13 CURRENCY FLUCTUATIONS	1.441	0	-3.081

	Actuals	Budget	Actuals
	2022	2022	2021
14 PERSONNEL COSTS			
Staff costs			
Staff salaries	78.303		81.792
Staff social premiums	9.557		17.793
Staff holiday allowance	4.300		5.363
Staff abroad	29.127		0
	121.287	170.817	104.948
Other personnel costs			
Sick leave insurance & ARBO	388	0	0
Capacity development	3.572	6.720	0
Other costs	0	0	0
Consultancy	373.360	413.358	194.927
	377.320	420.078	194.927
	498.607	590.895	299.875
15 SUB-GRANTING	0	15.000	31.810
16 PROGRAMMATIC COSTS			
Communication & PR	85.648	107.471	58.335
Legal expertise	0	0	0
Other expertise	20.720	32.500	29.750
Conference & travel costs	5.434	12.050	388
	111.802	152.021	88.473
17 OFFICE & ORGANISATION COSTS			
Office costs	5.267	5.717	1.980
Audit	31.795	23.750	11.649
Financial & salary administration	17.689	37.040	12.220
Bank costs	4.187	3.000	2.541
General organisation costs	3.595	850	9.274
Depreciation	0	0	0
	62.535	70.357	37.664

ADDITIONAL INFORMATION

CONFIRMATION AND APPROVAL OF THE FINANCIAL REPORT 2022

The Board of HJN has confirmed and approved the financial statements 2022 at the board meeting of 11 May 2023.

RESULT ALLOCATION

The result is allocated according to the results allocation on page 37.

STATUTORY REGULATION OF RESULT ALLOCATION

Not applicable

EVENTS AFTER THE BALANCE DATE

Not applicable

OTHER INFORMATION

The independent auditor's report is included on the following pages.

HIV JUSTICE FOUNDATION INDEPENDENT AUDITOR'S REPORT

INDEPENDENT AUDITOR'S REPORT

To: The supervisory board of Stichting HIV Justice

A. Report on the audit of the financial statements 2022 included in the annual report

Our opinion

We have audited the financial statements 2022 for the year ended 31 December 2022 of Stichting HIV Justice based in Amsterdam.

In our opinion, the accompanying financial statements give a true and fair view of the financial position of Stichting HIV Justice as at 31 December 2022 and of its result for 2022 in accordance with the 'RJ-Richtlijn 640 Organisaties zonder winststreven' (Guideline for annual reporting 640 'Not-for-profit organisations' of the Dutch Accounting Standards Board).

The financial statements comprise:

1. the balance sheet as at 31 December 2022;
2. the profit and loss account for 2022; and
3. the notes comprising of a summary of the accounting policies and other explanatory information.

Basis for our opinion

We conducted our audit in accordance with Dutch law, including the Dutch Standards on Auditing. Our responsibilities under those standards are further described in the 'Our responsibilities for the audit of the financial statements' section of our report.

We are independent of Stichting HIV Justice in accordance with the Verordening inzake de onafhankelijkheid van accountants bij assurance-opdrachten (ViO, Code of Ethics for Professional Accountants, a regulation with respect to independence) and other relevant independence regulations in the Netherlands. Furthermore we have complied with the Verordening gedrags- en beroepsregels accountants (VGBA, Dutch Code of Ethics).

We believe the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

B. Report on the other information included in the annual report

In addition to the financial statements and our auditor's report thereon, the annual report contains other information that consists of:

- the management report;
- other information as required by the Guideline for annual reporting 640 "Not-for-profit organisations" of the Dutch Accounting Standards Board.

Based on the following procedures performed, we conclude that the other information is consistent with the financial statements and does not contain material misstatements.

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We have read the other information. Based on our knowledge and understanding obtained through our audit of the financial statements or otherwise, we have considered whether the other information contains material misstatements.

By performing these procedures, we comply with the requirements of the we comply with the requirements the Guideline for annual reporting 640 “Not-for-profit organisations” of the Dutch Accounting Standards Board and Dutch Standard 720. The scope of the procedures performed is substantially less than the scope of those performed in our audit of the financial statements.

Management is responsible for the preparation of the other information, in accordance with the Guideline for annual reporting 640 “Not-for-profit organisations” of the Dutch Accounting Standards Board.

C. Description of responsibilities regarding the financial statements

Responsibilities of management and the supervisory board for the financial statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with the 'RJ-Richtlijn 640 Organisations zonder winststreven' (Guideline for annual reporting 640 'Not-for-profit organisations' of the Dutch Accounting Standards Board).

Furthermore, management is responsible for such internal control as management determines is necessary to enable the preparation of the financial statements that are free from material misstatement, whether due to fraud or error.

As part of the preparation of the financial statements, management is responsible for assessing the company's ability to continue as a going concern. Based on the financial reporting framework mentioned, management should prepare the financial statements using the going concern basis of accounting, unless management either intends to liquidate the company or to cease operations, or has no realistic alternative but to do so.

Management should disclose events and circumstances that may cast significant doubt on the company's ability to continue as a going concern in the financial statements.

The supervisory board is responsible for overseeing the company's financial reporting process.

Our responsibilities for the audit of the financial statements

Our objective is to plan and perform the audit engagement in a manner that allows us to obtain sufficient and appropriate audit evidence for our opinion.

Our audit has been performed with a high, but not absolute, level of assurance, which means we may not detect all material errors and fraud during our audit.

Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements. The materiality affects the nature, timing and extent of our audit procedures and the evaluation of the effect of identified misstatements on our opinion.

We have exercised professional judgement and have maintained professional scepticism throughout the audit, in accordance with Dutch Standards on Auditing, ethical requirements and independence requirements. Our audit included among others:

- identifying and assessing the risks of material misstatement of the financial statements, whether due to fraud or error, designing and performing audit procedures responsive to those risks, and obtaining audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not

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detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control;

- obtaining an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control;
- evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management;
- concluding on the appropriateness of management's use of the going concern basis of accounting, and based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the company's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause a company to cease to continue as a going concern.
- evaluating the overall presentation, structure and content of the financial statements, including the disclosures; and
- evaluating whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with the supervisory board regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant findings in internal control that we identify during our audit.

Amsterdam, 15 June 2023

Reanda Audit & Assurance B.V.

Valid Signed by Gerard Uijtendaal
on 15-06-2023



G. A. J. Uijtendaal AA

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HIV JUSTICE NETWORK



VISION

Our vision is of a world where people living with HIV, in all our diversity, can enjoy our human rights and live in dignity, without fear of unjust criminalisation, regulation or control.

MISSION

Our mission is to support individuals, communities, and organisations around the world to effectively advocate against discriminatory laws, policies and practices that unjustly regulate, control, or criminalise people living with HIV.

If you would like to support our work to end HIV criminalisation, please donate here:

www.hivjustice.net/donate