



Criminalization of HIV Non-disclosure: another mechanism of social and judicial surveillance and control of Black Women living with HIV in Canada

*Apondi Odhiambo, Marvelous Muchenje,
Saara Greene, Renee Hall, Angela Kaida*



29th Annual Canadian Conference on HIV/AIDS Research



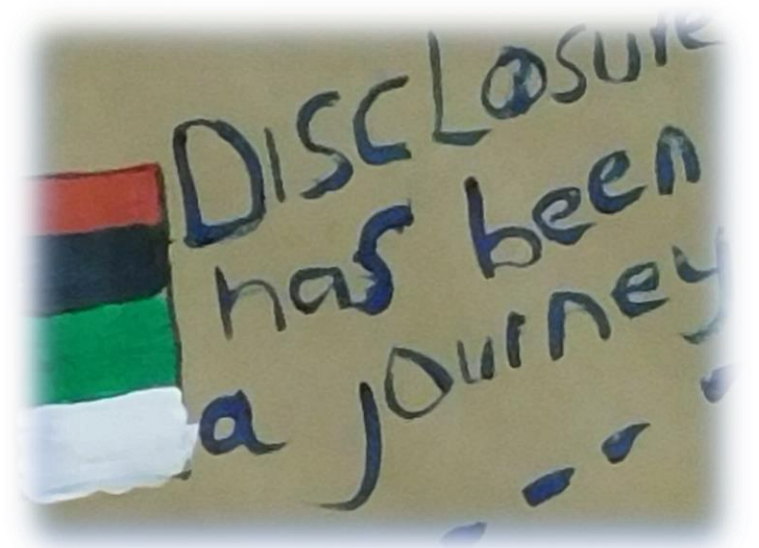
Background & Research Question

“My feeling on criminalization. In criminalization of HIV - I’ve been working in the HIV/AIDS sector in Toronto for some years. And what I see in terms of criminalization is victimization. I mean there’s a lot of victimization due to your race. And especially if you are black, either a man or a woman”

- Women, ART and the Criminalization of HIV (WATCH) is a national collaborative team comprised of women living with HIV, academic researchers, and members of community health and social service organizations.
- Objective: to explore the impacts of criminalization of HIV non-disclosure on lives of women living with HIV across Canada (formal law and informal processes, values, attitudes, and systems) through arts and community based research
- Context: The application of the sexual assault law criminalizes HIV non-disclosure. Although some may argue that the law was meant to protect women and advance gender equality, this has not been proven to be the case. Rather, the law that criminalizes HIV non-disclosure is inconsistent with the lived and criminal justice experiences of Black Women living with HIV in Canada.
- **Question to explore: how does the criminalization of HIV non-disclosure infiltrate the lives of Black Women beyond the court room?**

Methodology & Data Analysis

- **Body Mapping:** artistic exercise to create life sized visual narratives
 - 7 Body mapping workshops (June 2016-May 2017)
 - **Toronto workshop with 8 Black Women who immigrated from African and Caribbean countries**
 - Peer-led, co-facilitated process of creating body map with sharing of personal narratives
- **Participatory Analysis:** visual and narrative data analysis grounded in Critical Race and Feminist theoretical framework
- **Body Map summaries** shared with participants; participants provided feedback, input, revisions, approval.
- **Analysis of images created on body maps were integrated with narrative stories** about the images. This included the meaning associated with the women's use of colour, symbols, words, and imagery.
- In depth **reflexive and analytical discussion** with Body Map co-facilitators and members of research team.



Findings

Criminalization of HIV non-disclosure **infiltrates the lives of Black Women** beyond the judicial system as it intersects with:

- Immigration
- Health and Legal Surveillance
- Gender based Violence

Sources of Strength and Resistance

- Self
- Family
- Community and Religion



“My strengths are going to be my kids. Because whenever I think about my kids, they keep me moving. Too my mom. She always gives me encouragement, telling me, “Mommy, you’re going to do this. You’re going to go through this. You’re going to be able to go through that whatever.” When I call to her, “Mommy, this is what I’m struggling with,” she always tells me, “You’re going to go through it. I know you’re strong. You’re going to go through it.”



“The big eye. There's watch.... Somebody somewhere, everywhere, anywhere watching you. I probably have not got into a position where I would be watched on HIV. But we know that here in Canada, every move, every step you take. I have just 2 weeks ago confirmed that even police have your HIV status on their data...So it took my mind back. So when police is right behind me, and they put my plate number in, it is registering my name, HIV pops up there. But it's okay. That's my identity for now.”

Recommendations & Implications

“But I used the symbol of a bird. This bird is called, I checked it in English, is called a vaudeville bird. It has these beautiful colours. But what I learned about that bird to reflecting my image is that it can stand all conditions and support itself wherever, what happens. It can move long distances across in all seasons. When it’s hot, it will find...it will make its nest cool. And when it’s cool, very cold, it will make its nest very warm. And the bird sings for other people. They may think the bird is making noise but it’s giving...it’s entertaining other people...other animals in the forest. So that’s why I read about that bird. And I feel it’s me.”

- Black Women living with HIV experiences with the law in regards to HIV non-disclosure is a mechanism of social and judicial surveillance and control, resulting in fear of ongoing violence due to intersections of race and immigration, gender, and experiences with law and healthcare
- This is responded to with acts of physical, sexual, spiritual/religious, and psychological/emotional resistance; operationalized through sources of strength and resilience, by Black Women as a response to the fear experienced from judicial and intimate partner violence as it intersects with the intricacies of Black Female identity
- Advocacy efforts need to be grounded in Critical Race and Feminist frameworks that recognize the confluence and racial and gender based violence within the Canadian judicial system and health care institutions.



Thank you!

For more information, please contact:

Apondi Odhiambo

judith.odhiambos@gmail.com

Visit us online: watchHIV.ca