

Indigenous Resilience and Allyship in the Context of HIV Non-Disclosure Criminalization: Conversations with Indigenous People Living with HIV and Allies Working in Support of Community

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A Bit About the Authors

Emily Snyder is a white settler who lives in Treaty 6 Territory and the homeland of the Métis. Her partner and his family are Cree and Métis. Margaret Kîsikâw Piyêsis is a First Nations Cree woman of the Moose Clan and Bear Clan with family ties to George Gordon First Nation in Treaty 4 Territory. She has worked in Indigenous HIV advocacy for twenty plus years.

Introduction

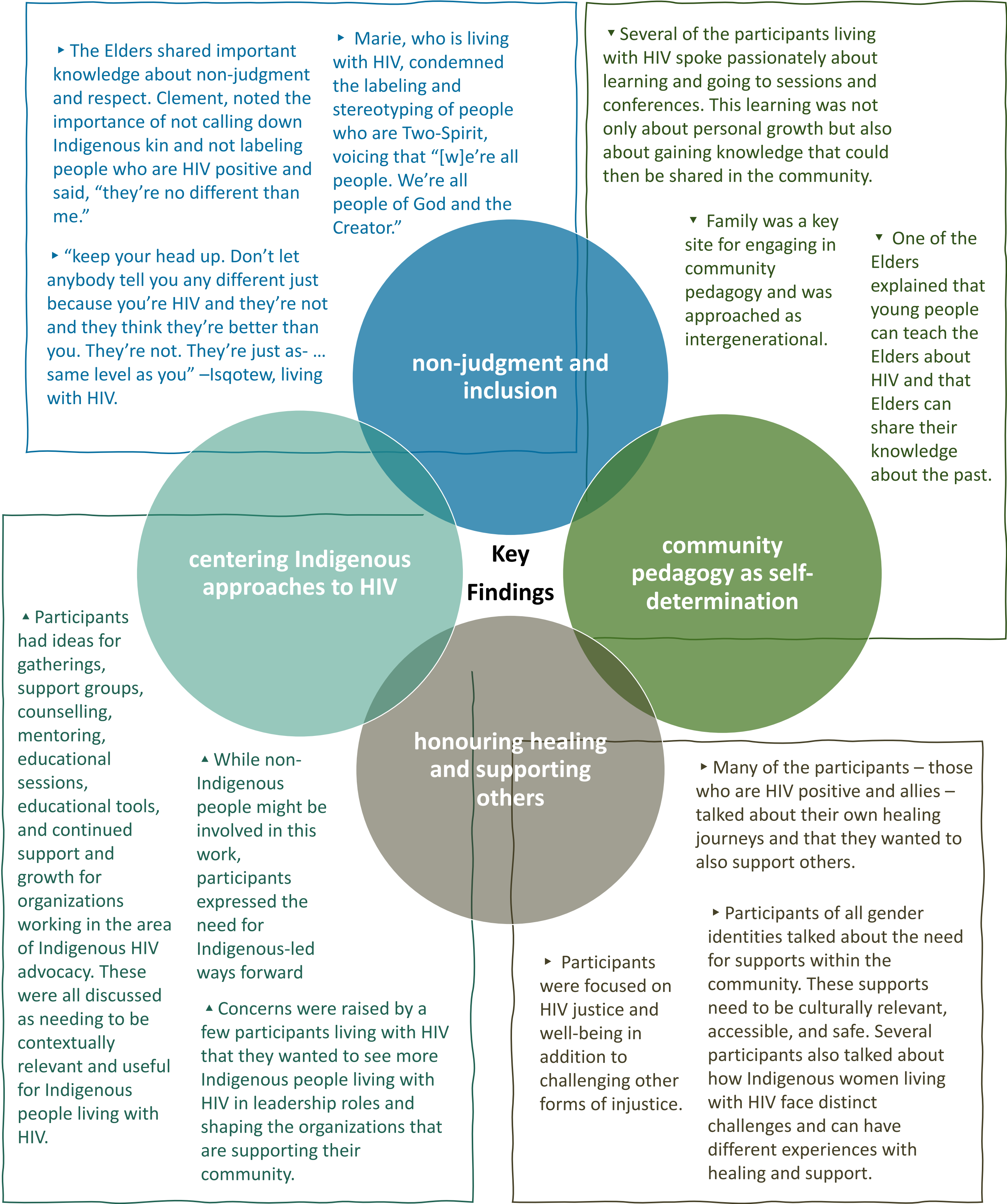
In this research, we return to interview data from a 2017 community-based case study on the impacts of the criminalization of HIV non-disclosure on Indigenous people living with HIV. A total of 26 semi-structured interviews were completed and in this poster presentation, we discuss the results from a second round of coding the data, in which we focused on strengths, resilience, and the possibilities of allyship. Participants in the research included Indigenous people living with HIV, as well as Indigenous people (and one non-Indigenous person) not living with HIV who we are referring to as allies. While it is crucial to center Indigenous people living with HIV, we argue that there is also value in examining the role of allies in Indigenous HIV research and advocacy. Those allies, which included Elders, brought different perspectives to this research and we frame their relational engagement with others as allyship through kinship.

HIV Criminalization Context

- In Canada, criminal law is used to intervene in situations where not disclosing one’s HIV status prior to sex could create a “significant risk” for a sexual partner. The use of criminal law has become increasingly punitive with people most often being charged with aggravated sexual assault.^{1,2}
- Due to pressure from HIV advocates, in 2018, the Attorney General issued a directive to not use sexual offenses for non-disclosure.³ While this announcement was a positive step against HIV criminalization, concerns remain that further change is still needed, that it is up to each province to take up this federal directive, and that there is still confusion about if and how this change will be implemented.³

Methods

- Based on a case study in Treaty 4 Territory, Regina, SK, where All Nations Hope Network, the community partner, is located.
- A qualitative approach that draws on Indigenous and decolonizing methodologies was used.
- Semi-structured interviews were used so that people would be able to speak in depth about HIV criminalization.
- Purposive and snowball sampling were used.
- Pseudonyms are used to refer to participants.



The Participants

- 17 participants living with HIV.
- 9 participants not living with HIV.
 - ▼ 6 Elders (1 of whom is not Indigenous).
- Overall, 96% (all but 1) of the participants were Indigenous and 81% were women.

Discussion

- Those who we are referring to as allies, did not necessarily label themselves as such. Despite people not calling themselves allies, we found that allyship was present largely as a form of kinship and was intimately tied up with resilience, including a commitment to family and to upholding the well-being of all Indigenous people. Allies also challenged settler colonialism alongside Indigenous people living with HIV, so as to encourage conditions of safety.
- There is a need for more information about HIV criminalization, so that Indigenous people living with HIV, and also the allies working in support of the community, have a better understanding of the implications of the current legal context. Community pedagogy involves drawing on knowledge from within the community, while also drawing on other knowledge, and using it in a way that supports self-determination. Allies can be a key part of this work by sharing what they know about the criminalization of HIV or by learning about it.
- The interviews work to challenge the stigma that fuels HIV criminalization, and can work to challenge Canadian legal approaches to HIV that attempt to undermine Indigenous legal agency – that is, the ability of Indigenous people to address complex social and legal issues by drawing on community strengths, Indigenous knowledges, legal principles, and practices.
- There is a need for allies to always be learners and to work alongside Indigenous people living with HIV, however that relationship is also not straightforward, especially when thinking about non-Indigenous allies. As vital as it is to center Indigenous people living with HIV and to celebrate the strengths of practices such as community pedagogy, all of this work also cannot fall entirely on Indigenous people who are HIV positive, nor on Indigenous allies working with community. Settlers, particularly white settlers, need to learn more about settler colonialism and need to work to dismantle these systems, including challenging the harms perpetuated through the legal system.

- A full discussion about this research is forthcoming in the [Journal of Indigenous HIV Research](#).

References

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No conflict of interest to declare.