

Structural barriers and legal challenges experienced by diverse women living with HIV in Ontario, Canada

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Stigma: Impacts and Interventions
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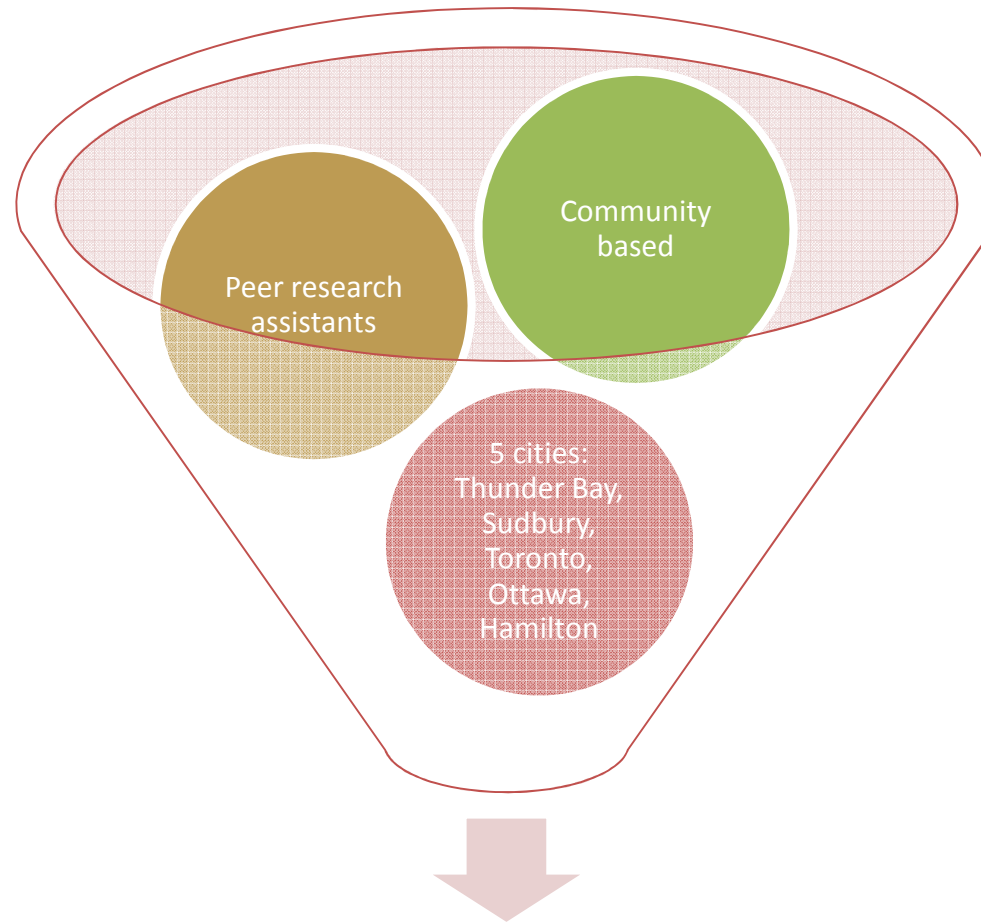
Background

Mirroring global HIV statistics, HIV infection rates are increasing among women in Canada

As of 2008, women constitute 26% of new HIV infections—an 11% increase from the previous year (PHAC, 2010)

Marginalized women disproportionately impacted:
7-fold over-representation of new HIV infections in the Black female population in Canada in comparison with the general population

Methods



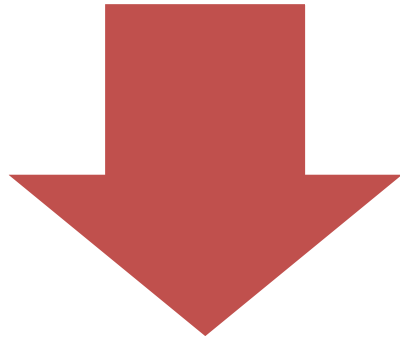
Methods

15 focus groups with WLWH:
Aboriginal, African, Caribbean,
South Asian, Latina, sex worker,
injection drug user, people who
were formerly incarcerated,
lesbian/bisexual/queer, and
transgender

4 focus groups with service
providers: Toronto (n=2), Ottawa,
Hamilton

Theoretical approach

Objective



Structural
barriers



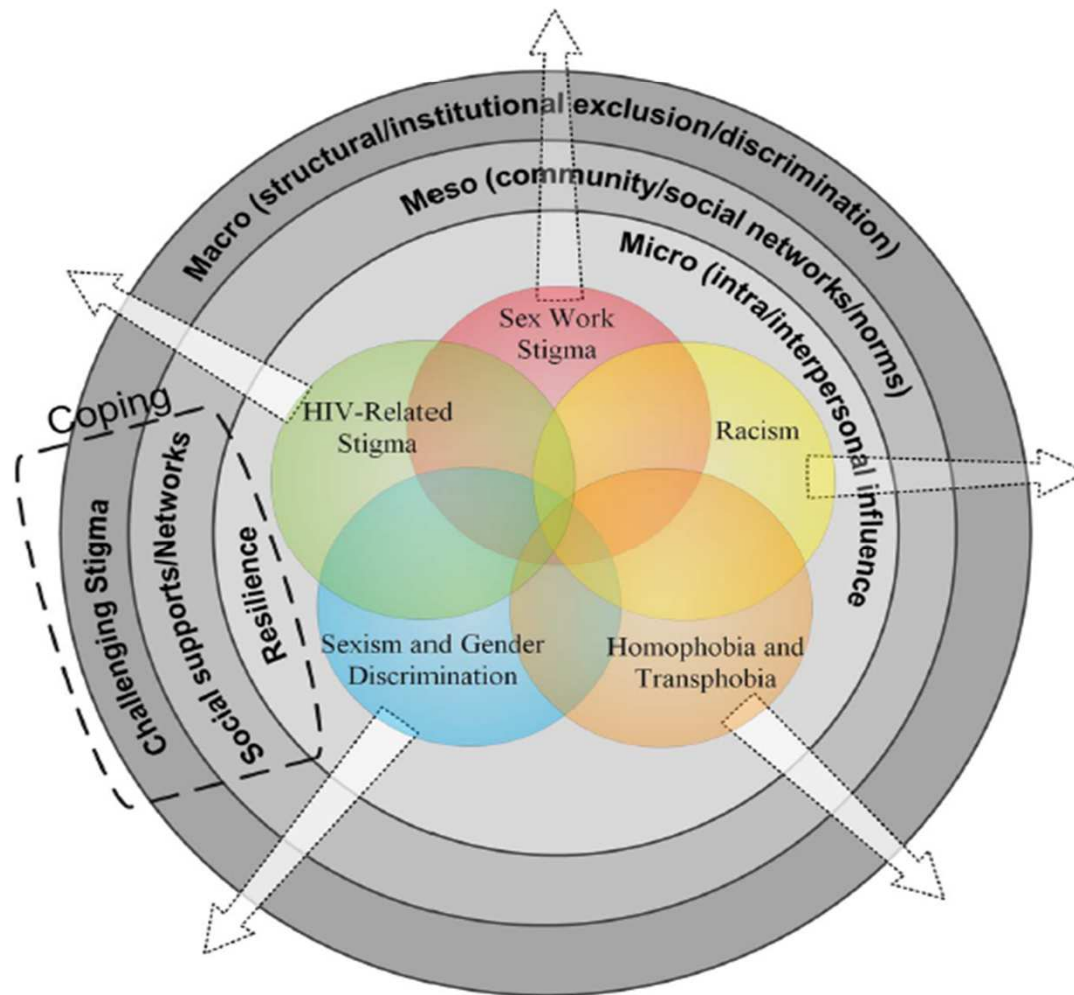
Social
barriers



Findings

HIV, Gender, Race, Sexual Orientation, and Sex Work: A Qualitative Study of Intersectional Stigma Experienced by HIV-Positive Women in Ontario, Canada

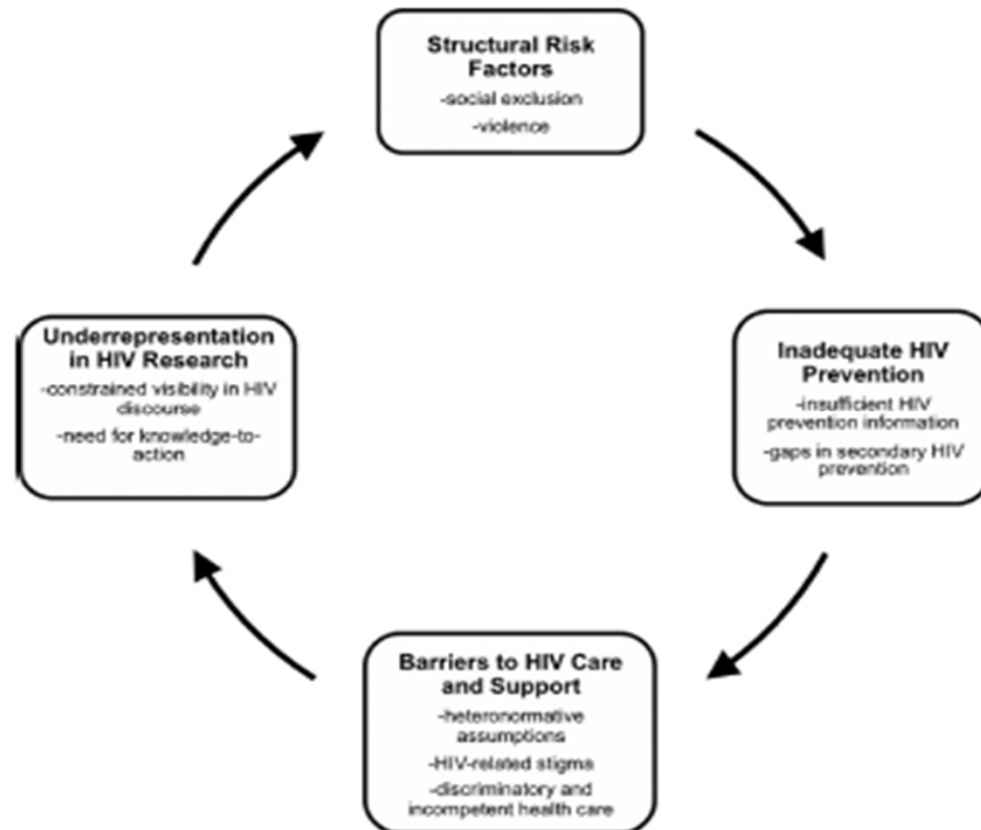
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Research article

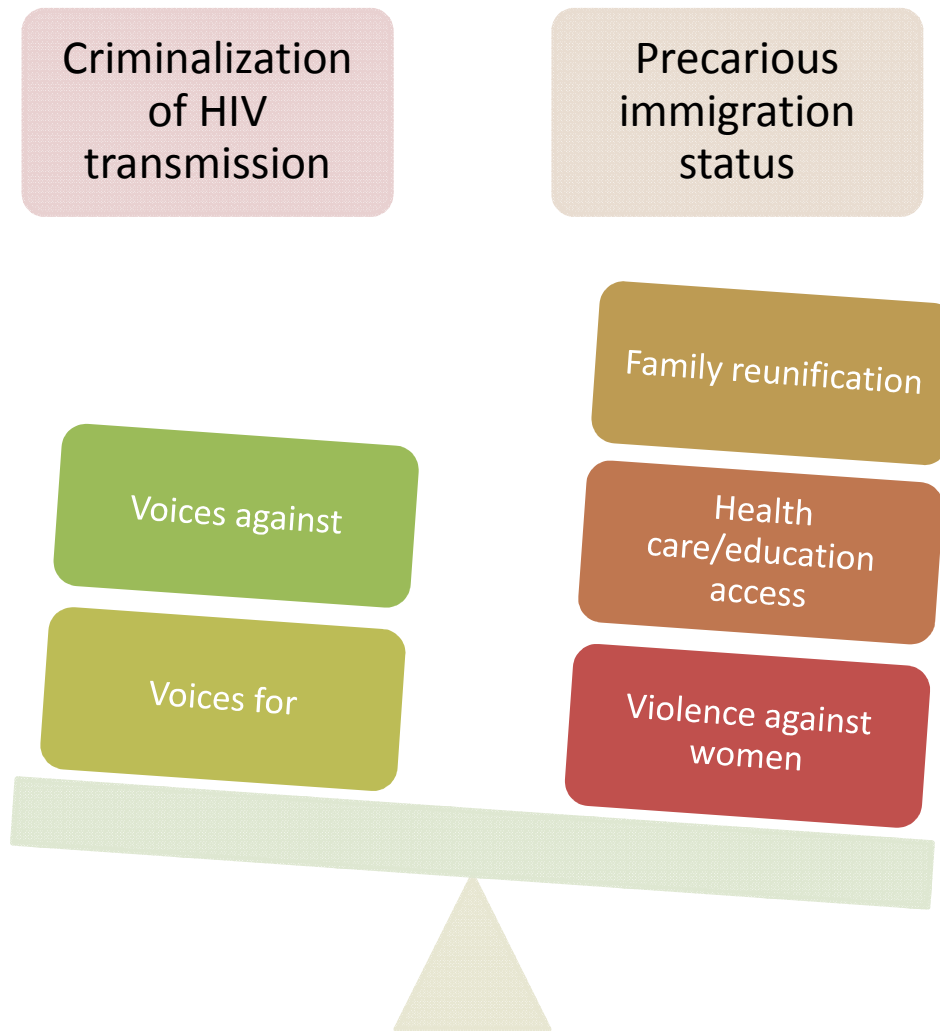
“We don’t exist”: a qualitative study of marginalization experienced by HIV-positive lesbian, bisexual, queer and transgender women in Toronto, Canada

Carmen H Logie^{5,1,2}, LLana James³, Wangari Tharao³ and Mona R Loutfy²



Findings: Legal issues

Legal issues experienced by women living with HIV in Ontario



Criminalization of HIV transmission

Criminalization of HIV transmission: voices against

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|---------------------------|--|
| <i>Asian/ South Asian</i> | If you're not in a relationship, because there are HIV positive women who want to be in a relationship and because of the criminalization with HIV, it's like you're scared; it's like what do I do now and that creates stress. |
| <i>Asian/ South Asian</i> | Society makes it so difficult for us. They tell us all this crap about we can't get children and we can't have sexual relationships; you know, the criminalization of women and HIV. It's so complicated. |
| <i>Transgender</i> | I'm HIV-positive but the situation is a bit humiliating for immigration. They gave me the deportation order because I am a prostitute and HIV-positive. |

Criminalization of HIV transmission: voices for

Thunder Bay

As far as I'm concerned, if anybody that has HIV and is not wearing a condom, should be charged with murder, or attempted murder.

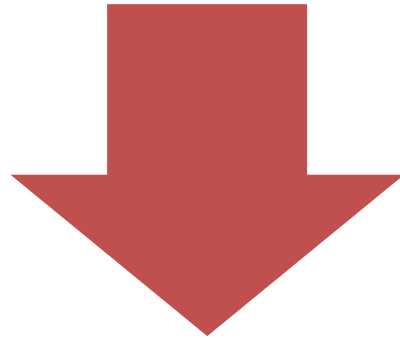
Sex Worker

When you know you have HIV and you're having unprotected sex, it's murder. It's murder. criminal compensation now, which is a new thing that they're finally doing for the women. If you don't want to press charges on that guy, you can still get criminal compensation. It's a hard, long process. They (criminal justice system) put you through the ringer, the ringer. Re-victimize you.

Sex Worker

I've spoken to a john (client) once and he was HIV positive. And he said he broke up with his wife and whatever because of it. But he felt that he could just have sex with prostitutes because he was HIV positive. And he wouldn't have sex with

Precarious immigration status



Violence
against
women



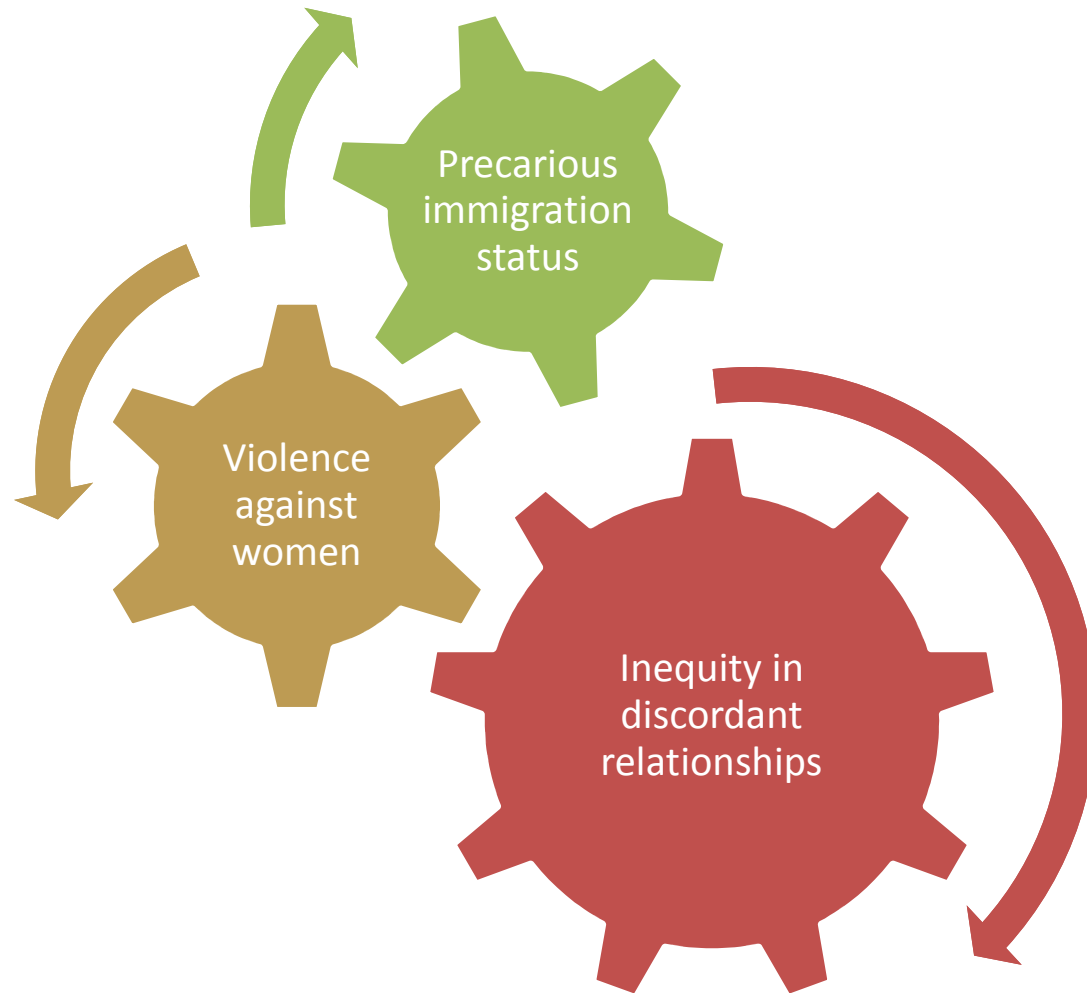
Access to
health care
and other
services



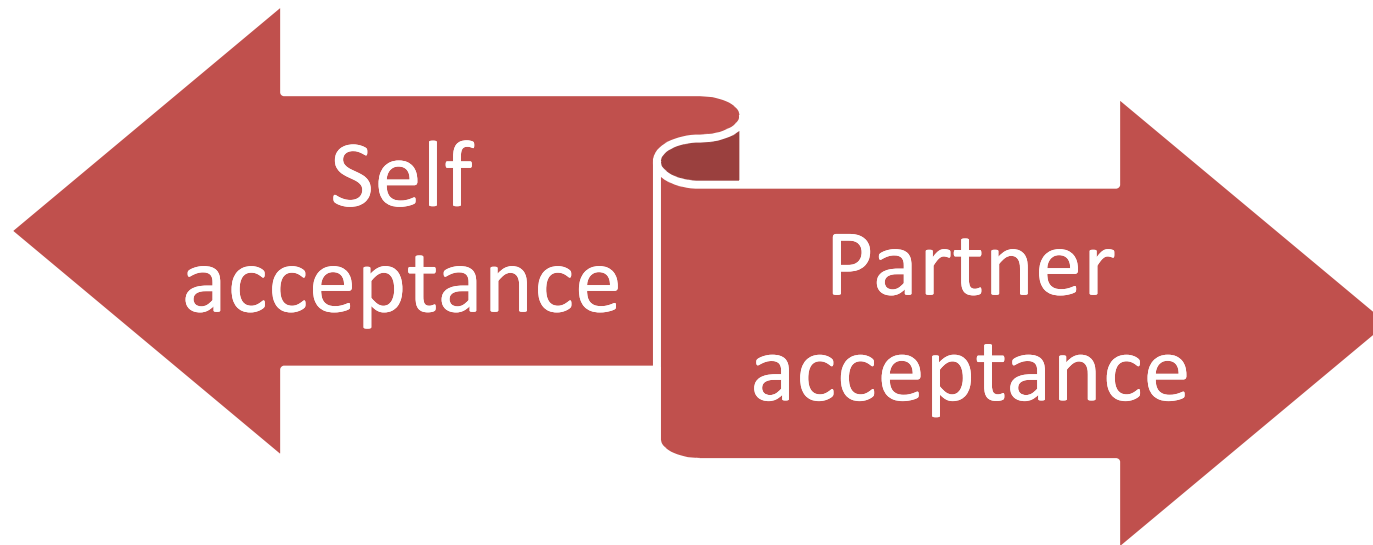
Violence against women



Relationship dynamics



Gender inequity and HIV



Self acceptance

- *Trans woman:*

I think a lot of it is like acceptance, accepting yourself with something like that. I mean a lot of my boyfriends have been HIV and some of them give in and some of them keep going right. It's hard. It's really hard. It's to live with it. It's hard to have sex. It's hard to have a family, a normal life

Partner acceptance

- *Women who injected drugs:*

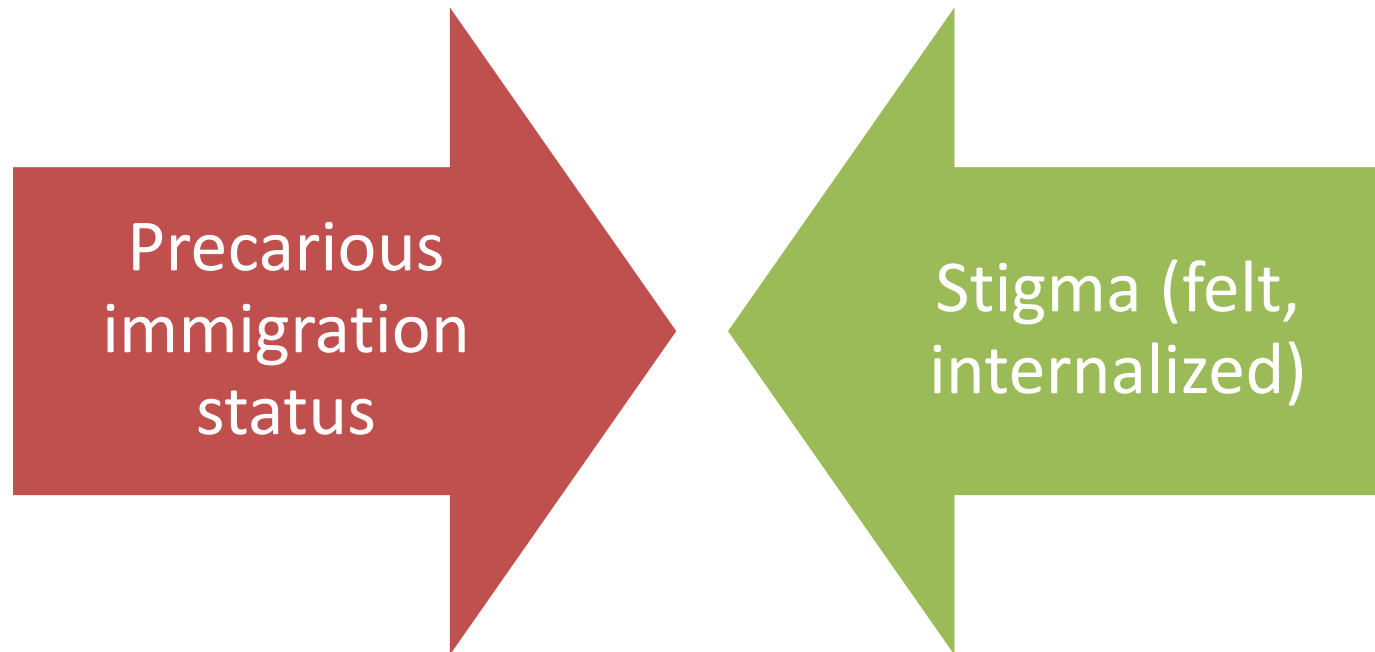
If I had HIV and my partner didn't, do you know how much of a response my partner would get? Well, why are you with somebody like that? Why are you with somebody like that? Do you want to kill yourself?

Gendered acceptance

- *Sex worker:*

It's more easily acceptable for a man to have it than a woman to have it. And I find that men can still engage in normal relationships and have it as long as they're using protection and stuff like that. But women, they're looked at like they're dirty.

Intersection of social/structural



Precarious immigration status

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|--|--|
| <p><i>African Caribbean Ottawa</i></p> | <p>I want to talk about women and violence. Sometimes a woman has a partner, they cannot get out of the relationship and if people have no papers, the husband has papers but not the woman, so when it comes to violence you cannot leave him because no one wants to sponsor you. And so you have nothing. You have to stay home and everyday hell with your partner.</p> |
| <p>Service Providers Toronto (group 1)</p> | <p>Many of them come and have no financial security and are dependent on the one who sponsored them. Sponsorship laws are different; ten years the sponsor is in charge of you and if you choose to separate from that person, they penalize the sponsor and the sponsor, then it's connected to domestic violence and so as a result of the domestic violence, the woman opts to keep her mouth shut and not even come in and see us.</p> |
| <p>Service Providers Toronto (group 2)</p> | <p>The women as newcomers to Canada, not knowing very much about their position here or their new rights. That can be held over them. We've seen women who have been abused and then told that they had to give their passport to their husband or their whole immigration position is abused as well. The abuse can extend beyond what we usually think of as abuse.</p> |

Internalized stigma

- *Young Women:* Yeah, sometimes, because when you have HIV, sometimes some people go through, you want to be loved unconditionally ... So fear of leaving the relationship, that you wouldn't find another person to love you, to treat you the way that he was treating you before. So, all of that, you take abuse thinking that he will change, that he will change and go back to the same person when you first started out. But sometimes they never change.

Lack of accessible VAW services

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|--|--|
| <i>Toronto service providers (group 2)</i> | I've realized that a lot of women go through abuse from either husbands or boyfriends but they go through a lot of abuse and they can't see out. Sometimes they are dependent on the person or because they are HIV positive they can't just move out. They are threatened... He can do whatever he wants because knowing that if the woman will never say I'm going, okay you exposed me. They are threatened. They are abused. And right now a lot of women they don't know how to go about it- even to just move out. |
| <i>Peer research assistants</i> | Women with HIV, they often end up in abusive relationships, I think, and they suffer from violence, and often people don't really want to talk about that at all, and there's no program specific to women with HIV who are in violent relationships at all. |
| <i>Toronto service providers (group 1)</i> | You see it's immigration, domestic violence, refugee status; the legal system here, it doesn't take these women through those and it's all connected. When that is not in place, then the question of health issues comes, some of them are not eligible if they are not refugees here or if it is women who are in the country on a sponsorship, they can't apply for Ontario Health so they're financially dependent on the other person. |

Access to health care, education and immigration services



Medication access

| | |
|--|---|
| <i>Young woman</i> | I'm not a citizen. I haven't got my papers as yet so for me it's kind of hard because you don't have your papers and medication. So for me to get my medication without my papers, that is a bit tricky. |
| <i>Toronto service providers (group 1)</i> | Refugees and non-status people, immigration, legal status in Canada. It is a big battle to get access and services. In the last two months I've seen, women have been called to return, there are women who have been in Canada for maybe five, six years, they maybe they applied for refugee status, they were denied, then they went underground and have never gone to see a doctor. They have never taken their medication; they've just been living, working under the table, living in hiding because they fear deportation. These women cannot access anything and that's a big barrier for them. |

Education

- *African Caribbean Ottawa*

I'm facing immigration. When people don't have immigration papers it's hell to get education. If you don't have education you can't access a good job. And everything is horrible. If you can make it easier policies for immigration, for people living with HIV.

Family reunification

*African Caribbean
(Ottawa)*

If you are positive and you want to sponsor somebody from your country it's not possible with immigration. So can we do something about it? We all can't remain single for life. We need partners.

*African Caribbean
(Ottawa)*

I can give you an example, it happened to me in 2005/2006. I was very ill. My Doctor helped write a letter to Immigration to help bring my brother because I wasn't working and he went to be interviewed and they kept asking him, "Is your sister working? Babysitting? So how you gonna live? She getting ODSP?" Of course I'm getting ODSP. They know my situation is bad. They read all the letters and they know and they still said No. If I wasn't on ODSP I'm sure they would of given him papers to come here. I couldn't even walk. I had problems eating...walking.

Recommendations for PHAC

- *Queer woman*

I think for newcomers, like when you first come in the country you don't have anyone, you don't know anything, you don't know what to get where and how. So, I think when the public health tells you about your status, I think you need maybe to go there maybe one-on-one, like okay, this is what it is. And then maybe you fill the form, like in the form they know that you are bisexual, you are queer, or something. Then they will give you all the organizations that you would go to, other than just giving you only the HIV organizations. I would think maybe the day they tell you about your status they tell you all the information that you need to know.

Summary



Legal issues impact women living with HIV in numerous and complex ways

There is more than one discourse on criminalization of HIV transmission

- Women involved in sex work—particularly vulnerable to sexual violence—expressed more support for criminalization to protect themselves

Precarious immigration status impacts all aspects of life

- Agency to leave interpersonal violence
- Access to health care and education
- Family reunification

Implications

Tailored services and education for women living with HIV of various immigration statuses

Tailored services for women living with HIV experiencing interpersonal violence

Policy:

Access to health care and education for undocumented persons

Flexible sponsorship agreements for family members on ODSP, particularly for sponsoring family to provide health care

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