

EXPLORING THE EXPERIENCES OF VIOLENCE AGAINST WOMEN LIVING
WITH HIV IN THE CONTEXT OF HIV NON-DISCLOSURE CRIMINALIZATION IN
CANADA

EXPLORING THE EXPERIENCES OF VIOLENCE AGAINST WOMEN LIVING
WITH HIV IN THE CONTEXT OF HIV NON-DISCLOSURE CRIMINALIZATION IN
CANADA

By MARIA CAROLINA LOPEZ RICOTE, B.S.W. (Hons.)

A Thesis Submitted to the School of Graduate Studies in Partial Fulfilment of the
Requirements for the Degree Master of Social Work

McMaster University

McMaster University MASTER OF SOCIAL WORK (2020) Hamilton, Ontario

TITLE: Exploring The Experiences of Violence against Women living with HIV in
the Context of HIV Non-Disclosure Criminalization in Canada

AUTHOR: Maria Carolina Lopez Ricote, Hons B.S.W.

SUPERVISOR: Dr. Saara Greene

NUMBER OF PAGES: vii, 101

ABSTRACT

An extensive body of knowledge points to the intersection of violence against women and HIV as it is well-established that violence is ubiquitous in the lives of women living with HIV. Experiences of violence exist within a socio-legal context that criminalizes HIV non-disclosure. In Canada, the federal law requires people living with HIV to disclose their HIV positive status before a sexual encounter with a partner that may pose, according to the Supreme Court of Canada, a “realistic possibility of transmission.” The criminalization of HIV non-disclosure carries particularly negative consequences for women living with HIV. This thesis includes an analysis of data from the Women, ART, and the Criminalization of HIV (WATCH) Study, a qualitative, arts-based research study on the impact of the HIV non-disclosure law on women living with HIV in Canada. Grounded in an intersectional feminist framework, this thesis presents findings from the narrative and visual data collected from the three Ontario workshops in the WATCH study. This thesis explores how women living with HIV visually and narratively express and describe their experiences of violence in the context of the criminalization of HIV non-disclosure. The stories and artwork shared by participants demonstrate how the law used to criminalize HIV non-disclosure creates and exacerbates experiences of interpersonal and structural violence and surveillance in the lives of women living with HIV. This thesis offers important insights for reconceptualising violence against women living with HIV from a structural lens. This project demonstrates how violence stems from legal institutions that do not respond to the needs of women, and instead, further exacerbate marginalization, violence, and surveillance in the lives of women living with HIV.

ACKNOWLEDGMENTS

First and foremost, I would like to express my sincere gratitude to the incredible women who participated in the WATCH study, particularly those who shared their stories in the Ontario workshops. Thank you to the WATCH team for letting me part of this amazing research project. A special thank you to Dr. Saara Greene for trusting me with these valuable stories and artwork.

To my thesis supervisor, Dr. Saara Greene, you have been a great source of mentorship and support throughout my undergraduate and graduate career. Thank you for always believing in my ability and skills that I sometimes do not see in myself. I deeply appreciate the immense patience, support, and knowledge that you have shared with me in our many thought-provoking and inspiring conversations. I am extremely thankful for the opportunities that you have provided me with and for having the privilege to work under your guidance.

A special thank you to Dr. Allyson Ion for your guidance, support, and patience through each stage of the research process. I would also like to thank Mary Vaccaro for taking the time to share your knowledge of visual analysis methodologies. I am deeply grateful to have been supported and guided by incredible women and mentors during my academic career that has culminated in this thesis work.

I would like to express my deepest gratitude to my partner, Connor Droog. Thank you for love, patience, encouragement, and support always, and especially during this challenging time. Thank you for always encouraging me to be my best self. Thank you to my mom, Maria-Eugenia Ricote, for the patience, support, and love you show me always. I would also like to thank my family and friends for your patience, flexibility, and support during my academic career. I truly could not have done this without you and your unconditional love and support.

TABLE OF CONTENTS

ABSTRACT	iv
ACKNOWLEDGMENTS	v
TABLE OF CONTENTS.....	vi
CHAPTER 1: INTRODUCTION TO THE PROJECT	1
CHAPTER 2: CRITICAL LITERATURE REVIEW.....	4
2.1 The Criminalization of HIV in Canada	5
<i>Tensions between Scientific Evidence and the Criminalization of HIV: Realities for PLWH</i>	10
2.2 Women, HIV, and the Criminalization of Non-Disclosure.....	13
<i>Women Living with HIV in Canada</i>	13
<i>Gendered and Feminist Analysis of the Law in the Context of the lives of WLWH</i> ...	15
2.3 Criminalization of HIV Non-Disclosure and Violence against Women Living with HIV	17
CHAPTER 3: METHODOLOGICAL APPROACH	24
3.1 Theoretical Framework	24
1. <i>Feminist Theory</i>	24
2. <i>Intersectional Feminism</i>	26
<i>Intersectionality and Violence against WLWH</i>	32
3.2 Research Approach	34
1. <i>Community-Based Research</i>	34
2. <i>Decolonizing and Indigenous Frameworks</i>	37
3. <i>Feminist Participatory Arts-Based Research</i>	39
CHAPTER 4: METHODS	42
4.1 Recruitment	42
4.2 Data Collection.....	42
1. <i>Body Mapping</i>	42
2. <i>Sharing Circles</i>	45
4.3 Visual and Narrative Data Analysis	46

1. <i>Visual Analysis</i>	48
2. <i>Narrative Analysis</i>	49
4.4. Ethical Considerations.....	51
1. <i>Reflecting on Researcher Social Positionality in Data Analysis</i>	52
CHAPTER 5: FINDINGS.....	55
5.1 Histories of Violence in the Lives of WLWH.....	55
5.2 The Law as a Weapon of Violence	57
5.3 Interface between the Law and Women’s Experiences of Surveillance	67
<i>Surveillance by Law Enforcement</i>	71
<i>Surveillance of Sexual Relationships</i>	73
5.4 Women’s Resistance	78
CHAPTER 6: DISCUSSION.....	87
6.1 Summary and Interpretation of Key Findings.....	87
1. <i>Criminalization of HIV and VAW: The Law as a Weapon of Judicial Violence</i>	89
2. <i>The Criminalization of HIV Non-Disclosure & Surveillance</i>	90
3. <i>Women’s Resistance to Judicial Violence and Surveillance</i>	93
<i>Developing a Structural Conceptual Framework of Violence against WLWH</i>	94
6.2 Project Limitations	97
6.3 Implications for Social Work and Future Research	97
CHAPTER 7: CONCLUSION	101
APPENDICES	102
Appendix 1: Visual Data Analysis Template	102
Appendix 2: Narrative Thematic Analysis Template.....	103
Appendix 3: Demographic Information	104
References.....	105

CHAPTER 1: INTRODUCTION TO THE PROJECT

Two significant health concerns facing women in Canada today include HIV and violence. In Canada, women are overrepresented and disproportionately affected by HIV (PHAC, 2014). Moreover, it is well-established that women experience interpersonal and systemic forms of violence across their lifetimes in Canada (Biesenthal et al., 1997; Brownridge, 2003; PHAC, 2014; Varcoe & Dick, 2008). An extensive body of knowledge points to the intersection of violence against women (VAW) and HIV as it is well-established that violence is ubiquitous in the lives of women living with HIV (WLWH) (Campbell et al., 2008; Gielen et al., 2007; Kennedy et al., 2015; Maman et al., 2000; Salamander Trust, 2014; Varcoe & Dick, 2008). It is important to note that violence against WLWH in Canada exists in the context of criminalization of HIV non-disclosure (Greene et al., 2019). Despite scientific advancements, criminalization, HIV-related stigma, and violence continue to exacerbate the risks involved in HIV disclosure to sexual partners (CHLN, 2017; Greene et al., 2019).

Given this socio-legal context, this thesis project analyzed data collected from the Women, Art, and Criminalization of HIV (WATCH) study to address the intersection of VAW and HIV in the context of legal criminalization of HIV non-disclosure in Canada. As such, grounded in intersectional feminism, this thesis explored how WLWH visually and narratively express and describe their experiences of violence in the context of the criminalization of HIV non-disclosure in Canada.

My experiential and personal knowledge and practice-based experiences have influenced my interest in this field of research. This thesis project was guided by a strong

interest in contributing to the literature on VAW grounded on a feminist lens and a commitment to social justice. My passion for ending VAW alongside my research experience with arts-based research methodologies and community-based research (CBR) has illuminated the importance of exploring the intersection of the law, violence, and HIV in the lives of women.

More specifically, my recent academic employment experience conducting an arts-based research project grounded in CBR principles that explored VAW; and experience as a research assistant in various projects focusing on HIV-related stigma and gender-based health has influenced this thesis project. Moreover, my experience as a placement student at Interval House of Hamilton exposed a gap in knowledge and services for women fleeing violence. Similarly, my placement at Brant Family and Children's Services further informed this thesis project. This experience provided me with the opportunity to critically reflect on the challenges and limitations of policies and laws in place for protection. This project examines laws put into place for the protection of WLWH that in reality exacerbate women's experiences. The purpose of this project is to work toward just policies and laws that protect WLWH from gender-based violence and unjust legal criminalization.

My interest in social work research is informed by my experiences as a graduate and undergraduate student at the School of Social Work at McMaster University. As a social work undergraduate student at McMaster, I have been exposed to the critical perspective presented by this institution. This school has instilled in me a need to not only seek social justice but to recognize and critically analyze the challenges and limitations

that accompany our practice and policies, influenced by both history and social location. More specifically, the MSW program has challenged my understanding of social work practice as I critically analyze the challenges and possibilities of working with communities toward just policies and addressing power imbalances.

I believe that building a critical foundation for my social work practice is essential to pursuing a social justice agenda. I am interested in working with communities on a policy level, creating large-scale and evidence-informed social change. To create change in the laws, policies, and programs aimed at supporting and protecting WLWH, it is important to build a foundation of knowledge grounded in women's voices and lived experiences. More specifically, in my social work practice, I want to implement policy and programmatic changes that will protect WLWH from gender-based violence related to legal criminalization. Building a foundation of knowledge rooted in a critical analysis of social work, social change, and its limitations is imperative to carry out social justice agenda. Therefore, I aim to highlight areas of new research and identify directions for future initiatives to address this complex interface. It is my hope that findings from this thesis project will support the advancement of this body of knowledge in a Canadian context as well as develop appropriate and socially just responses to violence against WLWH.

CHAPTER 2: CRITICAL LITERATURE REVIEW

In Canada, criminal law can be used to prosecute individuals living with HIV who do not disclose their HIV status before consensual sex (R. v. Mabior, 2012). More specifically, it is sexual assault law within the *Criminal Code of Canada* that is applied in cases about alleged HIV non-disclosure. Importantly, research on the relationship between the application of the law and VAW has examined the experiences of WLWH with disclosure of HIV status to sexual partners (Colombini et al., 2016; Kennedy et al., 2015; Krusi et al., 2018; Siegel, Lekas & Schrimshaw, 2008). Although there is research on the legal, health, and social implications of the law on people living with HIV (PLWH) in Canada (Adam et al., 2012; Adam et al., 2014; Krusi et al., 2018; McClelland, 2019), there is limited research on the specific experiences of WLWH within the current criminalization of HIV discourse. As such, a focus on the voices of WLWH is needed to better understand their specific experiences in the context of criminalization of HIV non-disclosure (CHLN, 2017). One particularly important issue that emerged from the WATCH study, is the ways in which the criminalization of HIV non-disclosure intersects with women's past and present experiences of violence. This focus is based on discussions with my supervisor and the presentation completed by members of the WATCH team at the Canadian Conference of HIV/AIDS Research that showcased WATCH findings (Odhiambo et al., 2020). As such, this literature review will critically examine the law that criminalizes HIV non-disclosure in Canada and what we know about violence against WLWH in this context. It will then highlight the need for more

research and knowledge mobilization at the intersection of the criminalization of HIV non-disclosure and violence against WLWH.

2.1 The Criminalization of HIV in Canada

Human Immunodeficiency Virus (HIV) is a retrovirus that causes an infection that may lead to Acquired Immunodeficiency Syndrome (AIDS), which causes the immune system to progressively deteriorate subjecting the body to life-threatening conditions (Department of Justice Canada, 2017). From its identification in the 1980s, a diagnosis of HIV infection has often carried with it substantial moral judgment (Greene et al., 2019). On a global scale, criminal laws have been used increasingly to regulate HIV risk (Adam et al., 2014; Burris & Cameron, 2008; Swiffen, 2015). This has negative implications for HIV prevention, public health, and human rights (Swiffen, 2015). Though HIV was once considered a fatal infection, scientific advancements in knowledge and treatment have made it a manageable health condition (Barré-Sinoussi et al., 2018; Department of Justice Canada, 2017; Krusi et al., 2018; LeMessurier et al., 2018; Loufty et al., 2014; Singh & Busby, 2019). Living with HIV has changed dramatically since 1987, with early diagnosis, similar life expectancy as HIV-negative populations, effective medications, and sexual transmission prevention to near-total certainty (Singh & Busby, 2019).

In 2016, the Prevention Access Campaign, an initiative for health equity working to end the HIV/AIDS pandemic and HIV-related stigma launched the Undetectable = Untransmittable (U=U) initiative (Collins, 2019; Eisinger, Dieffenback & Fauci, 2019). U=U highlights the biomedical advances that led to effectively no risk of HIV transmission in a sexual encounter when the person with HIV is receiving antiretroviral

therapy (ART) and has an undetectable plasma viral load (Barré-Sinoussi et al., 2018; Cohen et al., 2016; Collins, 2019; Eisinger, Dieffenback & Fauci, 2019; LeMessurier et al., 2018; Rodger et al., 2016; Samandari et al., 2017; Singh & Busby, 2019). Despite scientific advancements, Canadian criminal law continues to be applied to penalize PLWH for alleged, perceived, or potential HIV exposure if a person living with HIV does not disclose their status before consensual sex (CHLN, 2017; Eisinger, Dieffenback & Fauci, 2019; French 2015; Swiffen 2015).

The criminalization of HIV refers to the application of general criminal law or implementation of HIV-focused statutes to HIV exposure or transmission, which has become a standard of HIV-related policy worldwide (Adam et al., 2014; Burris & Cameron, 2008). While some law enforcement bodies in Canada have dealt with HIV-related cases involving non-sexual behaviour, such as spitting and blood donations, most cases that intersect with the criminal justice system are thought of as non-disclosure of HIV status in the context of sexual encounters (Department of Justice Canada, 2017). The criminalization of HIV non-disclosure refers to criminal cases related to alleged HIV transmission or exposure (Singh & Busby, 2019). The use of criminal law as a tool to punish and govern HIV transmission has been an ongoing trend in Canada (Burris & Cameron, 2008; McClelland, 2019). Aside from the U.S. and Russia, Canada has the highest prosecution rate for HIV non-disclosure compared to all other countries (McClelland, 2019; Singh & Busby, 2019). To understand the legal mechanisms used to criminalize HIV non-disclosure in Canada, it is important to understand the history of HIV non-disclosure criminal cases.

The increased judicial application of criminal law for sexual exposure or transmission of HIV was significantly influenced by and gained momentum following the decision by the Supreme Court of Canada (SCC) in *R. v. Cuerrier*, [1998] 2 S.C.R. 371. This case involved a man living with HIV who had unprotected vaginal intercourse with two HIV-negative women (*R. v. Cuerrier* 1998). The SCC used the law of aggravated sexual assault, defined as endangering the complainant's life, to rule that PLWH had an obligation to disclose their status when there was a potential of "significant risk" or "significant bodily harm" (*R. v. Cuerrier* 1998, para. 373); in this context, HIV infection constituted this risk and harm. As a matter under the *Criminal Code of Canada*, assault is established as non-disclosure, which constitutes fraud that negates consent to sexual activity (Adam et al., 2014; *R. v. Cuerrier* 1998; Department of Justice 2017; McClelland, 2019; Singh & Busby, 2019). As a result, the concepts of "significant risk" and "significant bodily harm" became the judicial definition of risk and harm for HIV non-disclosure (*R. v. Cuerrier* 1998).

It is important to note that aggravated sexual assault carries a maximum penalty of life in prison and mandatory registration on the national sex offender registry (CHLN, 2017). The use of this statute on HIV non-disclosure cases demonstrates the SCC's ruling that HIV can result in death and the individual living with HIV, therefore, endangers the life of their sexual partner. However, in the *Cuerrier* case, neither of the women acquired HIV (*R. v. Cuerrier* 1998). This case created the precedent for other non-disclosure cases in which, aggravated sexual assault, the most detrimental and serious of categories of sexual assault, became de facto policy and the charge most regularly laid in such cases

(Adam et al., 2014; Singh & Busby, 2019; Symington, 2009).

In 2012, there was another important development in the criminalization of HIV non-disclosure in Canada. The SCC restated and expanded the ruling around non-disclosure after the decision in the paired rulings on the cases of *R. v. Mabior* (2012) and *R. v. D.C.* (2012). In these cases, the SCC ruled, in a unanimous vote, that PLWH are legally required to disclose their HIV status before a sexual encounter that poses a “realistic possibility of transmission” (*R. v. Mabior* 2012, para. 5; *R. v. D.C.* 2012). More specifically, the realistic possibility is vitiated if the accused’s plasma viral load was low (defined by the SCC as under 1500 copies/ml), and with the use of a condom for protected intercourse (*R. v. Mabior* 2012, para. 94). In the case of a lack of disclosure, unprotected intercourse, or a higher viral load, an otherwise consensual sex act becomes non-consensual from the perspective of the court (McClelland, 2019). As a result, PLWH who do not disclose their serostatus to a sexual partner face the possibility of an aggravated sexual assault charge within this context (Adam et al., 2014; Greene et al., 2019). The *Criminal Code of Canada*, therefore, does not have a specific offense that makes the non-disclosure of HIV illegal (Housefather, 2019). However, the SCC, through the aforementioned cases, has established that PLWH have a legal duty to disclose their HIV-positive status (Greene et al., 2019; Housefather, 2019; McClelland, 2019; Singh & Busby, 2019).

Though there are inconsistencies in the application of criminal law across provinces, it is worth noting that in 2017, Ontario changed the standard as part of prosecutorial guidelines, following Nova Scotia’s steps (Singh & Busby, 2019). A viral

load of less than 60 copies/ml is now considered sufficient to remove the realistic possibility of transmission (Singh & Busby, 2019). Though influenced by medical experts and community advocates and activists, it is important to note that this decision was made by Ontario's attorney general, Yasir Naqvi, and health minister, Eric Hoskins (Gallant, 2017). Today, only Ontario and BC have formal policies that limit the prosecution of alleged HIV non-disclosure, with the Provincial directives differing from the Federal directives (Housefather, 2019; Singh & Busby, 2019). Ontario's Directive states that there is no possibility of transmission if an individual living with HIV has a suppressed viral load for 6 months, and thus, non-disclosure does not equate to criminal liability (McClelland, 2019; Singh & Busby, 2019).

In their report on the criminal justice system's response to the criminalization of HIV non-disclosure, the Department of Justice Canada (2017) reported on all HIV-related cases from 1988 to April 2017. Of 90 HIV-related reports, 59 involved HIV non-disclosure, and of those 59, 76% (45 cases) were found guilty (Department of Justice Canada, 2017). Of those convicted, 72% were charged with aggravated sexual assault, 13% were for aggravated assault, while 15% included other offenses (Department of Justice Canada, 2017). Sentencing information for 43 of the 45 cases found that in almost half of the cases (20), the defendant was sentenced to imprisonment for 5+ years (Department of Justice Canada, 2017; Singh & Busby, 2019). Additionally, 6 people were sentenced to 10-15 years, 2 people were sentenced to 18 years, and 1 person to life imprisonment (Department of Justice Canada, 2017; Singh & Busby, 2019). Hastings, Kazatchkine, and Mykhalovskiy (2017) suggest that these rates demonstrate the higher

rates of conviction for HIV non-disclosure (54 months), compared to the average prison sentence for sexual assaults in Canada (24 months). Thus, the criminalization of HIV non-disclosure in Canada demonstrates a clear trend of harsh sentencing and criminalization (Hastings, Kazatchkine, and Mykhalovskiy, 2017). Moreover, it is important to note that regardless of the number of prosecutions, PLWH continue to live their lives in a criminalized context.

Tensions between Scientific Evidence and the Criminalization of HIV: Realities for PLWH

Legal prosecutions for HIV non-disclosure, transmission, or exposure, and thus the over-criminalization of PLWH is a global phenomenon (Barré-Sinoussi et al., 2018). To address the use of science related to HIV, twenty scientists from all over the world created an Expert Consensus Statement (Barré-Sinoussi et al., 2018). This statement provided an analysis of the scientific and medical data on HIV transmission and treatment to be effectively used and understood in criminal law situations (Barré-Sinoussi et al., 2018). In line with the literature on the science of HIV (Housefather, 2019; Krusi et al., 2018; LeMessurier et al., 2018; Loufty et al., 2014; Singh & Busby, 2019), this statement suggests criminal laws used to prosecute HIV-related disclosure cases do not reflect the scientific advancements of knowledge and treatment of HIV (Barré-Sinoussi et al., 2018).

In addition to advances highlighted in the U = U initiative, Barré-Sinoussi and colleagues (2018) state that the use of condoms in intercourse prevents HIV transmission, with population studies corroborating these findings, even after considering incorrect use of condoms and breakage. The literature highlights that there is a zero to low possibility

of transmission from a single episode of sex (Barré-Sinoussi et al., 2018; Loufty et al., 2014). In this context, the application of criminal law on HIV non-disclosure cases in Canada and globally has inconsistently applied scientific research and knowledge. It overstates the risk of HIV transmission as well as potential harm to an HIV-negative person's well-being and health (Barré-Sinoussi et al., 2018; LeMessurier et al., 2018; Loufty et al., 2014).

The law is a powerful and normative tool that creates and maintains narratives that deem certain actions as socially acceptable. Both the application of the law by people operating in the criminal justice system and the law itself as a blunt instrument used to criminalize people ignore the dynamics of people's social realities. Further, criminal laws often reflect and are influenced by ubiquitous social stigma and fear around HIV (Barré-Sinoussi et al., 2018). The criminalization of HIV non-disclosure does not take into account is not informed by a socio-legal analysis of political narratives and power dynamics as these interact with race, gender, and class (Greene et al., 2019). Based on the legal context of HIV criminalization in Canada, the literature corroborates that PLWH are singled out, prosecuted even when there is no transmission or intention of harm, and when HIV transmission was not possible, unlikely, and not proven (Barré-Sinoussi et al., 2018; Loufty et al., 2014).

The over-criminalization of HIV non-disclosure is therefore a consequence of exceptionalism where PLWH are given disadvantageous treatment due to stigma underpinning HIV (Barré-Sinoussi et al., 2018; Greene et al., 2019; Housefather, 2019). Moreover, the Canadian legislative framework fails to acknowledge and implement

scientific evidence in cases of HIV non-disclosure (CHLN, 2017). As a result, PLWH have been persecuted for non-disclosure even when there was no risk of transmission (Housefather, 2019). A limited application of the science related to HIV and its transmission contributes to the overly vague utilization of criminal law against PLWH in cases of HIV non-disclosure (Loutfy et al., 2014). This sheds light on the stigma, discrimination, and judgment that surrounds HIV, as it is these discourses that influence the criminal law decisions, rather than evidence-based facts. Though in theory, criminal law evaluates the risk of harm from an act, in reality, HIV is over-criminalized, stigmatized and as a result, the risk of harm and transmission is misconstrued (Housefather, 2019).

The potential adverse effects of criminalization, specifically its impact on the heightened HIV-related stigma as a result of increased criminalization and consequent media coverage of cases is discussed in the literature (Greene et al., 2019; Mykhalovskiy, 2015; Singh & Busby, 2019). Though the primary objective of the criminalization of HIV non-disclosure is to, supposedly, prevent HIV transmission, the heightened stigma surrounding the cases may discourage HIV testing, treatment, and support (Greene et al., 2019; Mykhalovskiy, 2015). Mykhalovskiy (2015) argues that media representations of HIV criminal cases create and reproduce public discourses of fear, stigma, and discrimination of PLWH, which further complicates the public health efforts that the Government of Canada has endorsed.

The WATCH study has found that the punitive use of the aggravated sexual assault criminal law on HIV non-disclosure cases has heightened HIV-related stigma and

discrimination (Greene et al., 2019). The intersection of HIV-related stigma, discrimination, and risk of disclosure amounted to adverse consequences for WLWH (Greene et al., 2019). These experiences are exacerbated by the interactions with other forms of marginalization such as racism, violence, and poverty (Greene et al., 2019). For instance, disclosure is further complicated when it intersects with other forms of structural oppression. African, Caribbean, and Black (ACB) women and newcomer communities experience the over-criminalization from the criminal law, further advancing forms of racial and gender-based oppressions (Greene et al., 2019; Odhiambo et al., 2020). More specifically, in Ontario, ACB, refugee and immigrant women account for 39% of new female diagnoses (Liu and Remis 2007; Remis and Liu 2013), and of the women charged from 1989 to 2016 with known ethnicity, 42% were Indigenous (CATIE 2014; PHAC, 2010). The number of Indigenous women is significant given the connection between gender-based violence and HIV (CHLN, 2017; Greene et al., 2019). Thus, the disproportionate criminalization of racialized WLWH points to the connections of various forms of discrimination and stigma embedded in the law (Greene et al., 2019).

2.2 Women, HIV, and the Criminalization of Non-Disclosure

Women Living with HIV in Canada

The HIV epidemic disproportionately impacts women. One significant increase in diagnoses observed is the proportion of women impacted by HIV in Canada. Since 2012, the percentage of individuals newly diagnosed with HIV who identify as female has remained between 22 to 25%, (Haddad et al., 2019). However, there was a significant increase to 29% in 2018 (Haddad et al., 2019). Ontario is reported to have the largest

number of WLWH and this group represents 38.5% of the total number of diagnoses for women in Canada (PHAC, 2014).

The social world is created by gendered power dynamics, norms, and systems that influence the interaction between women and their social environments (Hesse-Biber, 2007; Sokoloff & Dupont, 2005; Wingood & DiClemente, 2000). The gendered and power social arrangements embedded in society are reflected in women's experiences with HIV (Wingood & DiClemente, 2000). As recognized by the United Nations General Assembly (2006) Declarations of Commitment on HIV/AIDS, gender inequality is a “key driver” of the female HIV/AIDS epidemic. CATIE (2020) reports that according to the 2016 national HIV estimates, the majority of new HIV infections in females in Canada are attributable to heterosexual sex (78%) and injection drug use (22%). Based on an analysis of gendered power relations, these exposure categories of HIV transmission are connected to power relationships and inequalities between genders (PHAC, 2014).

Through a gendered and intersectional feminist lens, it is important to note that women are not uniformly affected by HIV. WLWH in Canada hold various and diverse social locations and as such, experience multiple and intersecting forms of oppression and subordination (Hankivsky et al., 2010). Compound discrimination refers to experiences of discrimination based on more than two grounds that reinforce each other in particular contexts and result in a person's or community's increased marginalization (PHAC, 2014). The literature suggests that women who are subjected to this form of discrimination are at heightened risk of acquiring HIV (PHAC, 2014). In a Canadian context, women from Indigenous communities, ACB women, women from HIV-endemic

countries, criminalized women, women with histories of injection drug use, and women living in poverty are overrepresented and disproportionately affected by HIV/AIDS (Aidala et al., 2005; CATIE, 2013; PHAC, 2014; Spittal et al., 2002).

While it has been established that gender plays a significant role in the experiences of WLWH, the intersection of gender with various mutually reinforcing socio-political and economic factors, known as determinants of health, impact the lives of women and influence their vulnerability to HIV (PHAC, 2014). Determinants of health such as Indigenous status, immigration or refugee status, poverty, homelessness and access to secure housing, access to services and supports, histories of substance use and criminalization, and colonization can significantly influence how women experience, live with, and manage HIV (Aidala et al., 2005; CATIE, 2013; Martin et al., 2005; PHAC, 2014; Poulin et al., 2007; Spittal et al., 2002). Women are particularly affected by the compounding and complex intersections of gender and other social determinants as this creates and reinforces their interactions and experiences with interpersonal, community, and institutional processes (PHAC, 2014). As such, the interaction of patriarchal systems that produce gender-based inequality and women's intersecting social locations create and shape women's experiences of HIV (Wingood & DiClemente, 2000).

Gendered and Feminist Analysis of the Law in the Context of the lives of WLWH

Effective HIV prevention strategies include access to care, supports, and treatments (CHLN, 2017; Galletly & Pinkerton, 2006). These strategies involve the promotion of HIV testing, safer sex practices (Kapiriri et al., 2016), and fostering safe disclosure (Colombini et al., 2016; Kennedy et al., 2015) for WLWH. This in turn

promotes the empowerment of women through the implementation of supports informed by the intersectional analyses of determinants of health that shape the realities of WLWH (CHLN, 2017). HIV prevention also requires the acknowledgement of “pervasive violence against women that increases their risk to HIV and creates barriers to access to treatment, care, and support and to HIV disclosure” (CHLN, 2017, p. 2). However, HIV non-disclosure criminalization does not address these objectives.

A gendered analysis of the current applications of criminal law to HIV non-disclosure demonstrates that the criminalization is limited in protecting women from HIV vulnerability (CHLN, 2017; Greene et al., 2019). The criminalization of HIV non-disclosure has been widely challenged by women’s advocates, feminist legal scholars, and the HIV community as an erroneous framework for addressing HIV exposure (CHLN, 2017). A gendered analysis recognizes that rather than protect women, criminalization creates substantial harm, contributes to HIV-related stigma, discrimination, and violence, and undermines efforts to end the HIV epidemic (CHLN, 2017). Instead of responding to HIV prevention efforts and protecting WLWH, the criminalization of HIV non-disclosure discourages HIV testing for some groups and perpetuates misinformation about HIV transmission (CHLN, 2017). Moreover, compared to men, women have a decreased probability to meet the legal criteria (condom use, and low viral load), that remove obligation of HIV disclosure prior to sexual intercourse (Patterson et al., 2016). As such, the current legal framework may be placing an increased number of women at risk of prosecution (Greene et al., 2019).

Violence is a common occurrence in the lives of women, and violence against women and sexual assault are ubiquitous in Canada (CHLN, 2017; Kennedy et al., 2015). The particular use of the law of aggravated sexual assault in the prosecution and conviction of HIV non-disclosure cases is problematic and ironic. The application of sexual assault convictions where sexual activity is consensual contradicts the use of the sexual assault law as a mechanism to gain gender equality and criminalize gender-based violence (CHLN, 2015; CHLN, 2017). The parallel drawn from non-disclosure of HIV with sexual assault, a violent crime, contradicts the original purpose of the law, to protect women from violence (CHLN, 2017). Given the gendered power dynamics inherent in many relationships, HIV non-disclosure may be a consequence of lack of power, rather than the exercise of power, making an aggravated sexual assault charge disproportionate (CHLN, 2017). As such, the use of this law on HIV non-disclosure cases exacerbates HIV-related stigma and has disproportionate punitive consequences for WLWH charged (CHLN, 2017).

2.3 Criminalization of HIV Non-Disclosure and Violence against Women Living with HIV

It is well-established that HIV disclosure by WLWH exists within a socio-legal and political context of widespread HIV-related fear, stigma, and violence as a consequence of disclosure (Adam et al., 2015; Kaida et al., 2015; Mahajan et al, 2008; Rouleau, Cote & Cara, 2012). This socio-legal context, intersecting with gender inequality, patriarchal norms, and power differentials in relationships, disproportionately affects WLWH (Adam et al., 2015; Kaida et al., 2015; Mahajan et al, 2008; Rouleau,

Cote & Cara, 2012). Given this social context, discussions surrounding HIV, forced disclosure, safe sexual practices, and condom use are rendered invisible (Mahajan et al., 2008). Further, it creates limited opportunities for safe disclosure and sexual relationships for WLWH, and it decreases their autonomy in seeking services and treatment (Mahajan et al., 2008).

The concept of structural violence has been taken up in the literature as a way through which the sociopolitical, cultural, and economic inequalities and power differentials that shape experiences of living with HIV for women can be understood (Bourgois, Prince, & Moss, 2004; Krusi et al., 2019; Parker & Aggleton, 2003; Shannon et al., 2008). Structural violence is a concept that enables a focus on unequal power dynamics and how these dynamics create and maintain unequal experiences (Galtung, 1990). Under a structural lens, violence is understood as a means by which individuals have and maintain power and control over others (Hale & Vazquez, 2011). Violence that sustains the system becomes part of the system, and as a result, becomes accepted by society (Hale & Vazquez, 2011). Conceptualizations of violence under this lens thus move beyond individual and single-axis understandings of VAW (Crenshaw, 1994). Instead, it focuses on the diverse structures and dimensions of class, gender, race, immigration status, and other categories that intersect to create experiences of violence in specific contexts. As such, violence is ubiquitous and embedded in the social structures and organization of society (Galtung, 1969). Violence against WLWH, therefore, occurs at the structural, cultural, and personal levels and includes acts, systems, and processes that cause harm to WLWH (Hale & Vazquez, 2011). This lens highlights how socio-legal

structures and systems of oppression shape and maintain experiences of violence in the lives of WLWH (PHAC, 2014; Greene et al., 2019).

Applied to the specific socio-legal context, structural violence in the lives of WLWH focuses on the interaction between the criminalization of HIV and gender inequality at the systemic level (Hale & Vazquez, 2011; Krusi et al., 2018). An understanding and application of the concept of structural violence, therefore, provides a lens through which we can examine how systemic violence shapes and exacerbates sexual relationships, sexuality, intimacy, and disclosure among WLWH (Krusi et al., 2018). Informed by Hale and Vazquez (2011), this project seeks to explore violence against WLWH as occurring at the structural, cultural, and personal levels. This conceptual model is “based on an understanding that difference based on factors including gender, sexuality, socio-economic status, ethnicity/’race’, and HIV status, are key to maintaining the power hierarchies that support and underpin violence of all three types [structural, cultural, and personal]” (Hale & Vazquez, 2011, p. 7).

Violence is a common reality in many women’s lives (Kennedy et al., 2015). A global survey of 832 WLWH reported experiences of increased and intolerable levels of violence prior to, during, and/or as a result of disclosing their HIV status and diagnosis (Salamander Trust, 2014). As such, VAW is both a risk factor for and a consequence of HIV (WHO, 2013). In the context of the criminalization of HIV non-disclosure, a growing body of literature focuses on the experiences of violence against WLWH in the context of personal and relationship violence. More specifically, women in violent relationships are at an increased risk of further violence as a response to HIV status

disclosure (Kennedy et al., 2015). Similarly, women without histories of violence may also experience it as a consequence to disclosing their HIV status (Kennedy et al., 2015).

Contrary to what some feminist legal scholars and advocates hoped for or anticipated, a critical feminist analysis of the application of the law that criminalizes HIV non-disclosure argues that the law does not protect women from gender-based violence (CHLN, 2017). This is based on the assertion that women exist in a patriarchal society organized by gender inequality and power arrangements that privilege male dominance (Hunnicut, 2009). Given this larger structural context, many women do not have the autonomy to make decisions about their sexual activity (with whom and what type) and control over condom-use (CHLN, 2017; Krusi et al., 2018). Moreover, experiences of poverty, violence, control, and coercion limit women's ability to disclose their HIV status (CHLN, 2017). The criminalization of HIV non-disclosure does little to protect women from these situations or change the structural factors impacting their sexual autonomy (CHLN, 2017). In actuality, non-disclosure laws may place women at a greater risk of violence.

HIV disclosure in sexual encounters has been reported in the literature as a significant source of stress for WLWH, with many women experiencing male partner HIV-related stigma and violence (Colombini et al., 2016). The risk of prosecution may stop WLWH from leaving violent and abusive relationships, or seeking formal supports (i.e. police) for sexual assaults in fear of the use of their HIV status against them (CHLN, 2017; Siegel, Lekas & Schrimshaw, 2008). Moreover, women may hide or wait to disclose their HIV status due to fear of violence and rejection (Siegel, Lekas &

Schrimshaw, 2008). In their qualitative study of African and Caribbean communities in Toronto, Gardezi and colleagues (2008) found that WLWH may face problems with male partners after an HIV diagnosis. Women “described verbal, psychological, or physical abuse, which either followed or was aggravated by disclosure of their HIV status to their partners” (Gardezi et al., 2008, p. 723). These findings are further corroborated by a systematic review on the rates, experiences, and outcomes of HIV disclosure among women which found that following disclosure to a partner, 3.5% to 14.6% of women experienced violence (Medley, Garcia-Moreno, McGill, & Maman, 2004). Similarly, a study in British Columbia found that WLWH whose serostatus was not consensually disclosed were five times more likely to experience violence (Barretto et al., 2017).

Moreover, a non-systematic literature review on the intersection of women, violence, and HIV found that violence may occur around disclosure or as a response to condom negotiation (Koenig & Moore, 2000). A more recent study that explored the experiences of intimate partner violence for WLWH following disclosure to partners found that almost all women that participated disclosed to their partners, despite fear of adverse consequences (Colombini et al., 2016). This study reports that a third of the women experienced various forms of violence after HIV disclosure, including, direct physical violence, emotional abuse, controlling behaviour, abandonment, sexual coercion, refused condom use, and financial support withdrawal (Colombini et al., 2016). Krusi and colleagues (2018) further corroborate these findings in their exploration of sexual relationship negotiation and HIV disclosure among WLWH. The authors found that disclosure of HIV status shifts power dynamics in sexual relations, and many WLWH

feared violence and rejection from partners (Krusi et al., 2018). WLWH highlighted experiences with male condom refusal as a form of gendered interpersonal violence (Krusi et al., 2018). Krusi and colleagues (2018) take a structural lens to situate these experiences as a form of structural violence of legislation that legally requires condom use but does not consider the gendered power imbalance in sexual relationships that informs condom negotiation. As such, HIV serostatus disclosure during a sexual encounter increases women's risk of partner violence and it has been established in the literature that the use of criminal law in this context does not protect women and pushes them away from social justice, safety, and gender equality.

Examined under an intersectional feminist lens, the application of criminal law in these cases ignores the negative impacts for WLWH. The current application of the criminal law has negative consequences on the lives of WLWH, including trans women, in particular those facing poverty, classism, various forms of violence, racism, disability, insecure immigration status, and the ongoing effect of colonisation (Allard, Kazatchkine and Symington 2013; CHLN, 2017). As such, the criminalization of HIV non-disclosure in Canada ignores the complexity of women's intersecting identities and disclosure, scientific advancements, and results in social injustices, further marginalization, and VAW (CHLN, 2017; Greene et al., 2019).

In summary, a large number of studies have shown the complexity of disclosure of HIV status as it relates to fear of negative outcomes such as violence, stigma, rejection, and discrimination in a criminalized context (Kennedy et al., 2015; Krusi et al., 2018). While work has been done on the intersections of HIV, women, and the law, there is a

gap in the literature on the multiple and intersecting experiences of violence against WLWH within the socio-legal context in Canada from the perspective and voices of WLWH. Importantly, this thesis project aims to contribute to this growing field of research by considering a gendered and feminist analysis of experiences of violence in the context of the criminalization of HIV non-disclosure. This analysis moves beyond the specific experiences of disclosure to focus on the experiences of violence that WLWH may experience while navigating legal, health, and social spaces within this context. Moreover, it will advance our understanding and conceptualizations of violence against WLWH by moving beyond interpersonal and direct experiences of violence to understand how socio-legal systems create and exacerbate experiences of violence in the lives of WLWH. As such, this thesis will explore how women living with HIV visually and narratively express and describe their experiences of violence in the context of the criminalization of HIV non-disclosure in Canada.

CHAPTER 3: METHODOLOGICAL APPROACH

3.1 Theoretical Framework

WATCH is a participatory community and arts-based research study developed and led by WLWH, service providers, legal experts, and academic researchers. The study was grounded in CBR principles and a feminist participatory arts based approach to studying the lived experiences of WLWH. What follows is a description of the theoretical frameworks and methodologies that have informed the analysis and exploration of violence against WLWH in the context of HIV non-disclosure criminalization in Canada.

1. Feminist Theory

Feminist theory recognizes that gender is a socially constructed category that is enacted and organized hierarchically in a patriarchal society (Caiola, Doherty, Relf & Barroso, 2014; Hesse-Biber, 2007; Hunnicutt, 2009). In this patriarchal society, that serves the interests of dominant narratives and systems, women are subjected to interlocking systems of oppression and marginalization based on their intersecting social identities (Hunnicutt, 2009). Feminist research commits to a gendered-analysis of the intersecting ways that gender-based power and inequality permeate all aspects of the social world (Belenky et al., 1986). Feminist methodologies encompass a variety of approaches to research that begin from the standpoint of women, emphasize subjective experiences and situated knowledges, and value women's voices as truth (Hesse-Biber, 2007). Integral to this research paradigm is the application of feminist theorizing of social and gendered injustices with an action-oriented goal of social change (Belenky et al., 1986; Hesse-Biber, 2007).

Feminist research originated as a response to androcentric bias in research approaches and as a challenge to the concept of objectivity (Hesse-Biber, 2007). In the 1970s and 1980s, feminist theorists challenged traditional knowledge frameworks that emphasized positivist approaches of dualism (researcher-researched binary), and the exclusion of emotion from research (Hesse-Biber, 2007; Sprague & Zimmerman, 1993). Feminist theory rejects the positivist's view that there is one single and objective reality (Campbell & Wasco, 2000; Hesse-Biber, 2007; Neuman, 1997). Instead, feminism centers on the subjective experiences of women (Campbell & Wasco, 2000; Haraway, 1988; Hesse-Biber, 2007; Neuman, 1997). Feminism recognizes that as a result of gender constructs and divisions, women see and experience the world in different ways from men (Campbell & Wasco, 2000; Neuman, 1997). Moreover, an individual's social location (gender, race, sexual orientation, etc.) influences and shapes one's reality (Campbell & Wasco, 2000; Hesse-Biber, 2007). Haraway (1988) critiqued positivist notions of objectivity in her conceptualization of feminist objectivity that "means quite simply situated knowledges" (p. 581). This concept emphasizes the role of positioning and partiality in feminist research (Haraway, 1988).

Feminist approaches to research highlight the importance of the relationship between the knower and what is known (Campbell & Wasco, 2000). In the 1970s and 1980s, feminist theorists recognized that women had been previously excluded from research (McCall, 2005). As a response to women's exclusion from traditional knowledge production methods, which are male-dominated and removed from bodily knowing, feminist research centered on women's realities (Campbell & Wasco, 2000; Hesse-Biber,

2007; Smith, 1987). As such, feminist scholarship emphasizes the importance of developing the research process from women's lived experiences as a source of legitimate knowledge and truth-seeking (Hesse-Biber, 2007). In her early work, Smith (1987) emphasized the importance of starting from women's embodied, felt, and lived experiences, and to shift traditional research processes to value individuals affected by the research. Feminist research does this by centering reciprocity in the process and honouring women's voices, emotions, and realities in the research design (Campbell & Wasco, 2000; Hesse-Biber, 2007).

2. Intersectional Feminism

History of Intersectional Feminism

In the 1980s and 1990s, informed by post-colonial, post-structural, and post-modern theorizing, feminist scholars rejected the perpetual reduction of women into one social category with shared experiences and characteristics (Hesse-Biber, 2007; McCall, 2005). While the need to value women's stories as legitimate knowledge was recognized by feminism, the question of whose stories were shared and whose experiences were included or excluded was raised (Hesse-Biber, 2007). Through the emergence of 'difference research,' feminist theorists emphasized the diversity of women's lives and rejected the concept of a universal and essential experience (Hesse-Biber, 2007). This led to an emphasis on researching difference, challenging dominant forms of knowledge production, and including the "other," voices of those traditionally excluded and in the margins of the research processes (Hesse-Biber, 2007).

Intersectional feminism emerged between the late 1980s and 1990s from the work of Black feminists that began to ask new questions that exposed dominant knowledge production and analyzed interconnections of difference (Crenshaw, 1989, 1994; Hill Collins, 1990; Hooks, 1989). This led to the critique of the use of a homogenous and essential woman category by white feminists that claimed to reflect the experiences of all women (Dill, McLaughlin & Nieves, 2007; Hesse-Biber, 2007; McCall, 2005). As such, feminists of colour rejected white feminist's inadequate one-dimensional analysis that focused exclusively on gender (Crenshaw, 1989). Though various types of feminism exist, this project will be informed by an intersectional feminist lens as theorized by feminists of colour to understanding the intersecting experiences of WLWH within a larger socio-legal and political context.

Intersectional Feminism

The term intersectionality was coined by critical legal race scholar Kimberlé Crenshaw (1989) to explicate the “multidimensionality” (p. 139) of marginalized women's lived experiences. However, its epistemological and ontological underpinnings have an extensive history within and beyond North American contexts (Hankivsky, 2014). This includes Latina, post-colonial, queer, and Indigenous scholars that have explored the complex forces shaping social reality (Hankivsky, 2014). The exploration of multiple axes of difference has also been a foundational feature in social struggles, including feminist oppositions to racism, slavery, and colonization (Dhamoon, 2011). As such, theoretical frameworks now conceptualized as intersectionality were developed

before the popularization of the concept as an analytical and political tool (Hancock, 2007).

Crenshaw's (1989) concept of intersectionality originated from her work on violence against Black women and critiques of anti-discrimination laws. In this work, Crenshaw (1989) recognized that efforts to challenge racism focused on black men and efforts to fight sexism focused on white women. In these cases, feminist theorizing of Black women's experiences reflected the "belief that sexism or racism can be meaningfully discussed without paying attention to the lives of those other than the race-, gender-, and class-privileged" (Crenshaw, 1989, p. 152). As such, Crenshaw (1989) posits that a one-dimensional lens renders the experiences of Black women invisible as they can experience discrimination in ways that are both related to and in opposition to the experiences of white women and black men. Under this lens, socially constructed categories are not additive or multiplicative (Crenshaw, 1989). Thus, the realities of Black women's lives are not simply the addition of sexism experienced by white women and the racism experienced by black men (Crenshaw, 1989). These categories intersect to create a particular social position based on mutually constituted social inequalities that create specific, intersecting, and multi-dimensional experiences (Caiola et al., 2014; Crenshaw, 1989).

Intersectional feminism explores the complex intersection between multiple and mutually reinforcing forms of oppression (Caiola et al., 2014; Crenshaw, 1989; Hankivsky et al., 2010; Nash, 2008). Ontologically, intersectionality opposes the reduction of individuals into single and one-dimensional categories (Crenshaw, 1989,

1994; Dhamoon, 2011). This lens recognizes that social categories are contextually specific, socially constructed, and grounded in history and location (Caiola et al., 2014). An intersectional theoretical framework seeks to unpack and challenge the intersection of identities within structures of oppression and discrimination (Caiola et al., 2014; Crenshaw, 1989). Patricia Hill Collins (1990) developed a “matrix of domination” paradigm that understands differences along a continuum of interlocking inequalities or various socially constructed categories. To understand a person’s lived experience, it is imperative to analyze the interconnected matrix of differences among categories (Hill Collins, 1990).

Central to an intersectional feminist theoretical grounding is the exploration of experiences shaped and maintained by hierarchal structures and processes of power (Colfer, Basnett & Ihalainen, 2018; Dhamoon, 2011; Hankivsky, 2014; Weber, 2006). Informed by Foucault’s (1991) theorizing, power is not only held by the privileged but it is ubiquitous and embedded in systems and dominant narratives (as cited in Colfer, Basnett & Ihalainen, 2018). This “creates, ranks and reinforces social categories, through for example, the social construct of “race”, the process of the racialization of groups and individuals, and enacted and experienced racism” (Colfer, Basnett & Ihalainen, 2018, p. 5). Further, power is understood as relational given that an individual can experience both power and marginalization according to the social context (Hill Collins, 1990). At the individual level, power arrangements, and processes are present in the relationships between individuals where one party exerts *power over* the other (Weber, 2006). While at the structural level, power is manifested through legislation, policies, and laws that

perpetuate power hierarchies that benefit the dominant group and as a result, marginalize subordinate groups (Weber, 2006).

As such, narratives of identity, difference, and power are not separate processes (Dhamoon, 2011; Hill Collins, 1990; Weber, 2006). Intersectional feminism connects processes of identification, differentiation, and domination as dependent on each other to function (Dhamoon, 2011). The interlocking nature of systems of oppression means that “the systems of oppression could not be accomplished without gender and racial hierarchies; imperialism could not function without class exploitation, sexism, heterosexism, and so on” (Fellows & Razack, 1998, p. 335). Dhamoon (2011) describes the concept of the matrix of meaning-making to demonstrate that processes of difference and power are enmeshed, contextual, and move across time. This concept emphasizes that individuals hold different forms of power, and as such, are all implicated in the conditions that maintain dominant social relations and structures (Dhamoon, 2011).

Intersectional research is a critical and transformative approach to knowledge production as it focuses on changing social structures (Gopaldas, 2013). This framework is consistent with the goals of feminist research to provide a more nuanced and complex understanding of identity, beyond category binaries (Nash, 2008). In opposing traditional knowledge production by centering the voices of groups with multiple social positionalities, particularly women of colour, an intersectional framework asks new questions (Weber & Fore, 2007). This frame aims to address the intersections of social categories and markers of difference and focuses on social change as a critical component of the knowledge production process (Weber & Fore, 2007).

For instance, literature demonstrates that Black women's experiences of racism intersect with other social categories and systems, such as gender, sexuality, and class (Gardezi et al., 2008; Robertson, 2007; Tharao, Massaquoi & Teclom, 2006). These intersections result in social exclusion and isolation that heightens HIV vulnerability and further exacerbates their experiences living with HIV (Gardezi et al., 2008; Robertson, 2007; Tharao, Massaquoi & Teclom, 2006). Similarly, the experiences of Indigenous women in Canada are impacted by the interaction of racism and social exclusion (PHAC, 2014). This group's vulnerability to HIV is a result of and maintained by colonization and subsequent intergenerational impacts of discrimination, poverty, homelessness, and social isolation (Kerr et al., 2008). As such, women's experiences with HIV cannot be explained by individual factors but are rather a product of a larger socio-political system.

Grounding an understanding of the experiences of WLWH in this framework recognizes how the intersection of gender, HIV status, race, and other social categories position WLWH in a social reality shaped by oppression and marginalization based on identity. As such, this frame enables the understanding and honouring of women's voices with implications for practice and policy that lead to social change. As the WATCH study engaged WLWH with various intersecting identities, this theory will inform the exploration of how the experiences of violence are shaped and maintained by the social structures in which they are situated. This theoretical frame provides a conceptual space to analyze how categories of marginality intersect at the structural and systemic level to produce a multi-axis experience (Dhamoon, 2011). As such, it provides a grounding that moves beyond interpersonal and direct forms of violence. Instead, it explores how these

multi-dimensional experiences are situated within larger social structures through policy, law, and social narratives, and interact at the intersection of different socially constructed categories.

Intersectionality and Violence against WLWH

Intersectional feminist conceptualizations of violence against women center on power, gendered social arrangements, and social systems that reinforce male domination (Hunnicuttt, 2009; Sokoloff & Dupont, 2005). In turn, violence against women is understood as a “consequence of socially constructed and culturally approved gender inequality” (Sokoloff & Dupont, 2005, p. 43). Socially constructed categories of race, gender, and class are not solely individual characteristics but “interlocking social structures that perpetuate inequality” (Sokoloff & Dupont, 2005, p. 59). As such, intersections of power, oppression, and identity shape and create the experiences, nature, and consequences of gender inequalities and violence against women (Sokoloff & Dupont, 2005). An intersectional feminist framework moves beyond individual conceptualizations of violence. This lens understands experiences of violence and control at the institutional and structural levels as demonstrated by inadequate institutional services and supports, and control and surveillance by the state which exist in ways that are racialized, gendered, and classed (Sokoloff & Dupont, 2005).

In addition to this analysis, this project’s exploration of violence against WLWH within a criminalized Canadian context is informed specifically by Crenshaw’s (1994) conceptualizations of structural and political intersectionality. Structural intersectionality explicates how the social positionality of women of colour at the intersections of gender

and race create the experience of violence and remedial policies different from the experiences of white women (Crenshaw, 1994). In her study exploring experiences at women's shelters, Crenshaw (1994) uses a structural lens to explain how the experiences of women seeking shelter extend beyond individual violence is inflicted. A structural lens centers the multidimensional forms of subordination that converge in the lives of women of colour that both create and exacerbate experiences of violence (Crenshaw, 1994). Conceptualizations of violence under this lens thus move beyond individual and single-axis understandings of VAW (Crenshaw, 1994). Instead, it focuses on the diverse structures and dimensions of class, gender, race, immigration status, and other categories that intersect to create experiences of violence in specific contexts. As such, an individual's social location and the socio-political context in which one exists need to be recognized and addressed to understand violence against women of colour (Crenshaw, 1994).

Given the socio-legal context in which WLWH experience violence, political intersectionality is another concept in which this analysis is situated. Political intersectionality refers to the politics that have neglected, marginalized, and rendered the issues of violence against women of colour invisible (Crenshaw, 1994). This is demonstrated by a lack of an understanding and visibility of Black women's intersecting social realities in politics and policy interventions (Crenshaw, 1994). This concept emphasizes that "women of color are situated within at least two subordinated groups that frequently pursue conflicting political agendas" (Crenshaw, 1994, p. 11). Exploring the experiences of violence of WLWH grounded in this framework extends the analysis of

patriarchy and gender inequality to include social structures and systems of power, criminalization, racism, heterosexism, colonialism, classism, and ableism as implicated in this process.

Intersectionality theory provides an appropriate lens for understanding and acknowledging that communities who have historically and contemporarily experienced social inequalities and oppression are disproportionately affected by HIV (PHAC, 2014). More specifically, this lens highlights the ways in which social structures, systems of oppression, and factors such as violence and HIV-related stigma and discrimination shape and maintain the experiences of WLWH (PHAC, 2014; Greene et al., 2016; Greene et al., 2019; Logie et al., 2019).

3.2 Research Approach

1. Community-Based Research

A research paradigm that aligns with the ontological and epistemological assumptions made by feminist research is a CBR framework. The WATCH Study is a qualitative, community and arts-based research study focusing on “reactions and responses to developing their knowledge of the law that criminalises HIV non-disclosure in Canada and the ways the law reproduces and reinforces HIV stigma, sexism, racism, and violence against women living with HIV” (Greene et al., 2019).

As a collaborative approach to research, CBR equitably re-distributes decision-making power and involves community members, organizational stakeholders, and community and academy-based researchers as equal partners in the research project (Casteldon, Garvin, & Huu-ay-aht First Nation, 2008; Greene et al., 2009; Greene, 2013;

Travers et al., 2013). This entails that community partners are involved in the identification of the research question, development of methodology, data collection and analysis, and knowledge translation and mobilization (Burns, Cooke & Schweidler, 2011; Cashman et al., 2008; Casteldon, Garvin, & Huu-ay-aht First Nation, 2008; Van der Meulen, 2011). This involves paying attention to ethical challenges and tensions that may arise in relationships (Banks et al., 2013). Academic partnerships fostered with communities are built on a commitment to social change and justice (Casteldon, Garvin, & Huu-ay-aht First Nation, 2008; Flicker et al., 2008; Greene et al., 2009; Greene, 2013; Travers et al., 2013). As such, CBR is a research orientation that does not see research as separate from practice and policy solutions to complex and multifaceted issues as identified by the community (Burns, Cooke & Schweidler, 2011; Casteldon, Garvin, & Huu-ay-aht First Nation, 2008; Flicker et al., 2008; Greene et al., 2009; Greene, 2013; Travers et al., 2013; Van der Meulen, 2011). As such, CBR re-defines research to be community-based, grounded on the community-identified need or action, engages them in the process and outcomes and supports action with research that leads to social transformation (Burns, Cooke & Schweidler, 2011; Flicker et al., 2008).

CBR was introduced in the 1940s as a response to the limitations of research being carried out at the time that did not protect researched communities “viewed as data plantations” with the knowledge to be collected and consumed by the academy (Ball, 2014, p.28; Casteldon, Garvin, & Huu-ay-aht First Nation, 2008). As such, CBR as both a philosophy (Casteldon, Garvin, & Huu-ay-aht First Nation, 2008) and a methodological framework emphasizes “knowledge in action through the sharing and co-creation of

knowledge across a range of stakeholders” (Greene, 2013, p. 141). This approach seeks to address social justice, exploitation, inequality, and to challenge objectivity in research which in turn unsettles traditional framings of research ethics (Banks et al., 2013; Casteldon, Garvin, & HUU-ay-aht First Nation, 2008). Casteldon and colleagues (2008) suggest that through the equitable involvement of community members in the research project, CBR seeks to build trust and draw on the community’s lived experiences and knowledge, build community capacity, and create ownership as a means of creating social justice. Through community partnerships, CBR addresses power imbalances within the researcher-community relationship as it legitimizes community knowledge and expertise (Casteldon, Garvin, & HUU-ay-aht First Nation, 2008; Greene et al., 2009; Travers et al., 2013, Van der Meulen, 2011).

As an established paradigm for conducting HIV research in Canada, a CBR framework was utilized in the WATCH study as it promotes meaningful community involvement in the research process (Greene et al., 2019). CBR principles align with feminist methodologies as this framework moves beyond only recognizing power differentials in research processes to developing mechanisms that mediate these power imbalances and challenge traditional forms of knowledge production (Greene et al., 2019). This approach is in line with an intersectional feminist framework as it centers on the experiences of women from various intersecting social positionalities. Moreover, it connects women’s experiences to the legal and structural processes that produce and exacerbate experiences of HIV-related stigma, violence against women, sexism, and racism (Greene et al., 2019).

2. Decolonizing and Indigenous Frameworks

Research occurs within a sociopolitical context, and in Canada, it has a historical and contemporary connection to colonialism for Indigenous communities (Casteldon, Garvin, & Huu-ay-aht First Nation, 2008; Snarch, 2004). A history of misuse and imbalance of power, mistrust, racism, imperialism, and lack of control, ownership, and access between Indigenous peoples and academics has permeated traditional research (Casteldon, Garvin, & Huu-ay-aht First Nation, 2008; Snarch, 2004). Barriers to participation and collaboration in the research process include distrust in academics, a lack of perceived benefit and misinterpretation of the research (McNeill et al., 2018).

CBR that is grounded in Indigenous and decolonizing frameworks challenges traditional research methods by developing culturally relevant processes with a commitment to ending injustices, inequality, and marginalization (Flicker et al., 2015). This orientation to research acknowledges that “power, trust, and ownership are intrinsically linked to one another” (Casteldon, Garvin, & Huu-ay-aht First Nation, 2008, p. 1394). To address the imbalance of power inherent in the research process, it is important that community partners have control and ownership over the research project (Casteldon, Garvin, & Huu-ay-aht First Nation, 2008). These principles were echoed by Doris Peltier and Tracey Prentice (January 27, 2020) in a presentation of their research with Indigenous WLWH that emphasized community control, power, access, and trust-building in the research process for the purpose of social change and meaningful impacts to the community.

The WATCH project was grounded in Indigenous and decolonizing principles of community-based involvement, control, and ownership of the research. A participatory community-based methodological approach encourages a meaningful relationship between the researchers and communities through the use of shared knowledge and experiences in the research design. Decolonizing frameworks can be understood as doing research in “a good way” (Ball & Janyst, 2008). Doing research in “a good way” means participation that honours Indigenous tradition and spirit (Flicker et al., 2015). This encompasses supporting research by and for Indigenous peoples which embeds their traditions and knowledge systems into the research design (Ball & Janyst, 2008; Flicker et al., 2015). Given this, the priorities and goals of the research project are determined by Indigenous peoples, culturally relevant methods are utilized, and outcomes honour Indigenous values and principles and provide benefits to their communities (Ball & Janyst, 2008).

Grounded in Indigenous and decolonizing frameworks, WATCH was grounded in two-eyed seeing, Indigenous ways of knowing, teachings and ceremonies. Moreover, in their project on Elder involvement in HIV CBR, Flicker and colleagues (2015) suggest that culturally appropriate engagement of Elders in CBR projects with Indigenous PLWH is fundamental. More specifically, Elder involvement is necessary in fostering trusting relationships and conducting research in a culturally safe way that values ceremony and Indigenous knowledge (Flicker et al., 2015). In the WATCH project, Indigenous Elders were valued and their involvement was fostered in all stages of the research project, from training on facilitating Body Mapping to the analysis and dissemination of the research

findings. Moreover, the involvement of an Elder in the Body Mapping workshops enabled connections between the art-making process and Indigenous ways of knowing, traditions and ceremonies. In these workshops, a significant aspect of facilitating women's healing and growth was through the ceremonies, connections, and support that was provided throughout the workshop by the Elder and the workshop facilitators.

3. Feminist Participatory Arts-Based Research

Traditional academic and researcher processes have been grounded on the epistemological dichotomies of generalizability, objectivity, and logic (Hesse-Biber, 2007; Skop, 2016). Arts-based research methodology was developed to challenge “limitations and oppressive features of traditional scientific research, opening spaces for experimentation of alternative approaches” (Butterwick, 2002, p. 243). Arts-based approaches do this by centering art, subjectivity, and emotion in the research design (Skop, 2016). Art offers alternative methods of communication that convey the meaning and complexity of embodied emotions, and lived experiences (Clover, 2011; Skop, 2016). Given this epistemological shift in research methodology, arts-based research adapts various forms of art as research methods to better understand social realities (Skop, 2016).

Arts-based methodologies are consistent with principles of CBR and participatory feminist research as they provide mechanisms of knowledge production that expose systems of oppression, target sites of resistance, and focus on transformative practices and interventions (Finley, 2008). This methodology is “uniquely positioned as a methodology for radical, ethical, and revolutionary research that is futuristic, socially responsible, and

useful in addressing social inequities” (Finley, 2008, p.71). Clover (2011) suggests that women have historically and contemporarily utilized the arts in innovative knowledge production, to uncover and emphasize experiences, ask questions, and find solutions. As such, feminists have taken up the arts as a critical practice of knowledge generation, learning, making sense of the social world, and challenging patriarchal narratives and conventions (Butterwick, 2002; Clover, 2011). Arts-based feminist research frameworks, recognize and challenge inequitable power and knowledge imbalances through creative ways of representing new thoughts, emotions, and embodied experiences to challenge existing discourses (Clover, 2011). Grounded in feminist research epistemology, arts-based research shifts power to the participant as it creates a space for individuals to lead the knowledge production process through alternative creations and representations of experiences (Clover, 2011).

Data was collected through an arts based methodology called Body Mapping. Body Mapping is consistent with both CBR and intersectional feminist principles and the researchers from the WATCH study who employed this methodology are committed to meaningful community participation in the research process (Greene et al., 2019). Body Mapping is a process through which individuals can challenge pre-determined definitions and identities assigned to their bodies (Gastaldo et al., 2012). Consistent with intersectional feminism, Body Maps represent emotions and embodied experiences that recognize the political, personal, social, and legal issues (Gastaldo et al., 2012). In the workshops, space is created for women to share their experiences as it relates to the larger socio-political context (Greene et al., 2019). This approach to data collection “offers both

a metaphor and means of recognizing the fluid tracings of the personal, social, geographical, political and emotional experience of journeying with illness through life” (Maclean, 2009, p. 740). In this process, thoughts and feelings that may be difficult to access through written or verbal discussion are made available through the exploration of an individual’s art and accompanying narrative (Gastaldo et al., 2012).

The WATCH study adapted this research methodology to provide a space where the strengths and experiences that WLWH bring and their valuable knowledge can be represented in visual and narrative ways to shift practices and policies that impact them. By engaging WLWH across Canada, this project moves beyond understanding the experiences of women, not just as women, but as positioned in particular ways and differing contexts. More specifically, women who participated in this study are living with the realities of HIV disclosure requirements under the *Criminal Code of Canada*. Moreover, they may be racialized, living with lower income, have a history of and/or are currently affected by colonization, incarceration, substance use, mental health challenges, precarious immigration status, and child welfare involvement. As such, this project ensured that multiple identities, bodies, and experiences were represented and centered in the knowledge production process.

CHAPTER 4: METHODS

4.1 Recruitment

Forty-eight women from Ontario (N = 16), Manitoba (N = 4), Saskatchewan (N = 14) and British Columbia (N = 14) participated in seven arts-based Body Mapping workshops. This project analyzed the data collected by the WATCH team in the Ontario workshops due to the scale and scope of the thesis project requirements and short timeline of the MSW program. Participant recruitment was facilitated by the research team comprised of local co-investigators, peer research associates (employed women living with HIV), colleagues, and partners in the community. Study and recruitment information was distributed via social media and in the community where WLWH receive support and services from HIV community-based organisations and clinics. Local peer research associates and/or the research coordinator were contacted by individuals interested in participating to receive more information about the study. Interested participants completed a screening interview to establish interest and eligibility (older than 18 years, and availability to attend a four-day workshop). Before agreeing to participate, and to better understand the objectives and research design, eligible women were provided with a FAQ document with additional information about HIV non-disclosure criminalization and arts-based research methodologies.

4.2 Data Collection

1. Body Mapping

WATCH is a community and arts-based research study that adapted Body Mapping, a form of art and narrative therapy, research method, and advocacy tool. Body

Mapping is the process of generating body maps, images of a life-size human body, using visual art techniques to depict parts of an individual's realities, their bodies, and the world in which they exist (Gastaldo et al., 2012). This involves a process of storytelling through symbols with various meanings that can only be understood in connection to the creator's narrative and experiences (Gastaldo et al., 2012). Body Mapping was created in 2002 in Cape Town, South Africa as a form of art and narrative therapy for WLWH. Body mapping was first developed as an advocacy tool that highlighted the issue of HIV/AIDS in Africa and has since evolved as a research methodology and tool for storytelling (Gastaldo et al., 2012). The Body Mapping methodology process consists of providing a space where people living with HIV can draw, colour, and paint their journeys and stories (Gastaldo et al., 2012). Moreover, this methodology encompasses drawing, painting, visualization exercises, group discussion, sharing, and reflection (Gastaldo et al., 2012). In research, the Body Maps are data themselves that can be supplemented with writing and narratives (Gastaldo et al., 2012). As a research methodology, Body Mapping provides a space for participants to represent and make sense of their stories, experiences, and emotions through drawing and selecting symbols and pictures (Gastaldo et al., 2012).

In the process of Body Mapping, trained facilitators guided participants through various exercises and each participant responded using visual art to capture their experiences on a life-sized canvas. Body Maps can be used as data in themselves or supplemented with personal narratives (Gastaldo et al., 2012). Body Maps communicate feelings and experiences to raise awareness about political, personal, social, legal, and public health issues (Gastaldo et al., 2012). Data were collected with 48 women living

with HIV at seven Body Mapping workshops that consisted of four-days in a retreat setting in each province (three in Ontario, two in Saskatchewan, and two in British Columbia). This included responding to guided visual exercises that focused on the women's understanding and experience of the law, and their participation in sharing circles at the end of each day. All workshops were facilitated by women living with HIV and WATCH research team members. Doris Peltier, an Indigenous community leader, emphasized the importance of focusing the Body Mapping guide on a strengths based approach for the women who participated. To create a safe and comfortable environment to engage in art-making and hold discussions about the criminalization of HIV non-disclosure, workshops were culturally grounded in ceremony and involved the support from an Elder or leader from the community.

This thesis project analyzed data generated from the Ontario Workshops to explore how WLWH visually and narratively express and describe their experiences of violence in the context of HIV non-disclosure criminalization in Canada. For the purpose of this thesis project, my analysis primarily drew on six art-based exercises and questions from the Body Mapping workshops. The first exercise centered on women's reflections, thoughts, and experiences related to the disclosure of HIV. In this exercise, participants were asked to draw a symbol or image that represented their experiences and feelings related to HIV disclosure. In the second art exercise I drew from, "being watched," women were asked to think of spaces where they feel they are being watched or under surveillance, and what surveillance looks like in their lives. Participants were asked to add images and depictions on any area of their Body Maps of the different ways that they

experience surveillance. The third art exercise that I focused on involved women thinking about what the criminalization of HIV non-disclosure and the law means to them. In the fourth exercise that this thesis focused on, women who participated in this study were asked to reflect on their thoughts, feelings, and experiences as they relate to exploring relationships in the context of HIV non-disclosure. Lastly, this project drew on two other exercises where women shared personal slogans and messages to the general public regarding the criminalization of HIV non-disclosure.

2. Sharing Circles

As a secondary form of data collection, after each art-making day during the four-day Body Mapping workshop, women participated in a sharing circle where they described the development of their individual Body Maps. Grounded in feminist methodologies, the sharing circles provided a space where women independently, and without interruption, decided what aspects of their Body Map and their stories they wanted to share. At the beginning of the sharing circles, the co-facilitators explained the purpose of the circles and provided direction to the women to respond to the art exercises completed. Each woman was given the time and space to share the story behind the imagery and text on their Body Map without any restrictions, such that some of the women explained their exercises in order and others chose to talk freely. This process created a safe space that honoured the woman's voice and narrative at that moment. In these discussions, women had the opportunity to share the process of self-discovery, and art-making and creation, as well as connect this visual piece to the narrative of their story. All group discussions and sessions were recorded and transcribed for further analysis.

Data for this project will come from two in-depth group discussions in the sharing circles from the Body Mapping workshops in Toronto, Ontario.

On day two of the workshops, the sharing circle group discussions followed a one-hour education session on HIV non-disclosure. The education sessions and sharing circles were a fundamental part of this CBR framework. In the recruitment and data collection stages, the team recognized that women had limited knowledge and understanding of the law. Recorded education sessions were co-facilitated by peer researcher associates and academic researchers trained by a team member with extensive legal expertise on this topic. The workshop facilitators familiarized themselves with the contents of a factsheet about women and the criminalization of HIV non-disclosure created by the Canadian HIV/AIDS Legal Network (CHLN, 2017). The education sessions provided a space for participants to ask questions and engage in discussion. Though no legal services or advice were provided, legal experts were available to respond to any inquiries raised in the discussions that the facilitators felt unable to answer.

4.3 Visual and Narrative Data Analysis

This thesis project analyzed data from the Body Maps and narratives from the sharing circles from the three Ontario workshops facilitated by the WATCH research team. This analytic process consisted of visual analysis of the Body Maps and narrative thematic analysis of the accompanying transcripts from the sharing circles at the end of each workshop day. This analysis is grounded on an intersectional feminist theoretical lens. Given the importance of this framework, it is critical to demonstrate how this lens informs the data analysis stage in the research process. Though there is a large body of

knowledge on the theoretical underpinnings of intersectionality, explicit methodological guidelines informed by this lens are limited, and as such, intersectional analyses can be completed in a myriad of ways (Bowleg, 2008). Drawing upon intersectionality theory, socially constructed categories interact and co-constitute one another to build unique social positionalities shaped by history and socio-political context (Hankivsky, 2014). As such, these intersections and effects are important to intersectional analyses (Hankivsky, 2014). This multi-level analysis of interacting factors that impact experiences lead to questions regarding how problems faced by an individual are framed and conceptualized (Hankivsky, 2014). Given this theoretical grounding, it is imperative to first define what constitutes experiences of violence as it relates to the intersecting identities of gender, HIV, race, and other categories. This conceptual framing will take into account the socio-political and structural systems that shape the lives of WLWH.

In intersectional feminist research, the task of the researcher is to “make explicit the often implicit experiences of intersectionality, even when participants do not express the connections” (Bowleg, 2008, p. 322). Grounded in this theoretical lens, micro-level issues and experiences described by individuals need to be connected and linked to larger processes co-occurring and intersecting at the socio-structural level (Hunting, 2014). Hunting (2014) suggests that an intersectional analysis that does not make these interactions explicit risks perpetuating hegemonic and individualistic representations and explanations of complex issues. In turn, this ignores the intersections of power and oppression that shapes these relations (Hunting, 2014). Thus, it will be critical to conceptualize violence against WLWH as occurring at the structural, cultural, and

personal levels (Hale & Vazquez, 2011). An analysis informed by this lens will explore the intersection of identity and the processes that shape the experiences unique to women who live with HIV-related stigma and violence.

1. Visual Analysis

Drawing on the Body Mapping analysis process described by Gastaldo and colleagues (2012, p. 18), “mapped stories should be analyzed in their integrity, which includes the process of creating it (verbatim and field notes), the body map itself, and the narratives that accompany it.” Body mapping methodology enables the representation of stories and art-based interpretations of life experiences often silenced or ignored (Gastaldo et al., 2012). As such, this project incorporated a visual analysis of the Body Maps. In the first stage of data analysis, transcripts and their accompanying Body Maps were viewed individually and summaries were created to facilitate initial processing of information, make sense of the shared stories and images created, and note emerging patterns and themes. This enabled an analysis of the individual story that accompanies the Body Map and to ensure the integrity of the individual experience.

A compositional template (see table 1 in Appendix 1), developed by the WATCH team, was utilized as a first step in the coding of narrative and visual data generated through the Body Maps. This template enabled an exploration of analytical aspects of the images and narratives that emerged on the Body Maps. More specifically, the WATCH team developed a visual analysis framework using this template that explored critical analytical aspects of each image on the Body Map. The questions posited for analyses included: which body-mapping activity the image responded to, the content of the image,

the colour(s) used, where the image was located on the body-map, including written text, and the description of the image from the WATCH participant's transcript. Using this compositional framework, an inventory of key visual and narrative data that emerged through the women's art and narratives in relation to the overarching theme of experiences of violence was created. The goal of the visual analysis was to identify key images that were occurring most frequently on women's Body Maps, relating to the theme of this project. Attention was also paid to less frequently used images to engage in analysis of the ways in which women use various forms of art to demonstrate their experiences of violence. Using the narrative data, themes for each of the frequent and reoccurring images were developed.

2. Narrative Analysis

The selection and organization of key images and accompanying narrative data from each Body Map provided a starting point for data analysis. As a second stage of data analysis, transcripts of sharing circle discussions from the Ontario workshops underwent qualitative data thematic analysis. For the narrative analysis in this project, I developed a thematic analysis template (see table 1 in Appendix 2) to combine the visual analysis with the narrative thematic analysis process grounded in an intersectional feminist lens. During this analysis stage, attention was paid to reflecting on narratives and the Body Map itself, how the stories and art process are described, and the manners in which the experiences are verbally and visually presented by the creator. Drawing on Bowleg's (2008) qualitative intersectional analysis techniques, analysis began with open coding. This involved reading the transcripts line-by-line to search for experiences of violence, power,

control, surveillance, stigma, and other emerging themes related to the research question that were not captured in the visual analysis of the Body Maps. The intersecting social identities of the women, the socio-political context, systems (law, legislation, and policies), and processes (sexism, racism, and colonization) that shape the aforementioned experiences were identified. To do this, a question asked of the data included, “is this particular excerpt telling me something about an experience of violence or power and also speak to the woman’s identity and social location?” In this way, the analysis is centered on an understanding of the intersections of social inequality as they shape, create, and maintain experiences of violence. In this stage of analysis, data were coded into emerging themes, and similarities and differences in the data were noted.

In the second stage of analysis, or axial coding, similarities, and differences between the participants’ experiences were analyzed (Bowleg, 2008). Codes created from themes and patterns that emerged from the data across Body Maps and then in the narrative analysis of transcripts were refined into more distinct codes (Bowleg, 2008). The goal of identifying similarities and differences between the participant’s experiences is to develop an understanding of experiences of violence against WLWH and how to support women in this context. Drawing on Ryan and Bernard (2003), stories and themes that were less repetitive, but equally compelling were included to highlight the range of experiences as described by the participants. Lastly, in using selective coding (Bowleg, 2008), the codes were refined further to reflect a specific aspect of intersectional experiences, such as how the experiences of violence reflect intersections of racism, sexism, and HIV-related stigma.

In developing themes, questions asked of the data included: is an experience of violence occurring or being described in this specific narrative or image on the Body map? How so? Further, to make connections between the individual participant's accounts, social locations, and broader social relations that shape the experiences of violence, questions asked included: At what level is violence occurring? Themes included direct forms of violence (interpersonal and intimate partner violence); structural and institutional forms of violence (criminalization of HIV non-disclosure, sex work, and injection drug use); and social and cultural forms of violence (HIV-related stigma and discrimination, values, norms, and attitudes related to HIV). Informed by intersectionality, evidence for experiences of violence occurring at more than one level was identified and coded. To center the role of social processes and systems, I asked myself, what sociopolitical issues are at play here that are intersecting with this woman's description of violence? For example, themes of racism, power (men over women, law over marginalized populations, etc.), economic struggles, poverty, and/or dependency, and state power (police, healthcare, and the law) were identified. The last stage of analysis consisted of identifying the important stories and themes that emerged from the visual and narrative analysis that would be shared as findings in this project. This analytical process, grounded in feminist methodology incorporated critical reflexivity and dialogue between myself and members of the WATCH team during the analysis process.

4.4. Ethical Considerations

In terms of ethical considerations during data collection, before the Body Map workshops, participants received the study information and letter of consent forms from

the research team. On the first day of the workshop, the facilitators reviewed and read both forms out loud and provided a space for women to ask questions and engage in discussion before providing written consent to participate. Ethics approval for the WATCH study was received from the research ethics boards of McMaster University, Simon Fraser University, and the Regina Qu'Appelle Health Region. Pseudonyms in reporting on the data are used throughout this paper.

This thesis project did not require formal ethics approval as the objectives of this thesis are consistent with the aims and purpose of the WATCH study. More specifically, this thesis examined the experiences of WLWH in the context of criminalization of HIV non-disclosure and the interactions with systems and relationships affected by this context. As these were some of the aims of the WATCH study, this thesis project aligns with the project goals communicated to participants. In my conversations with the McMaster Research Ethics Board (MREB) and supervisor, I explained the focus and scope of the thesis and determined that a formal application was not necessary. Instead, to gain access to the data sources aforementioned, I created a “For Information Only” form and submitted it to the MREB to add myself to the research team for the WATCH project. Once granted ethics clearance to access the data, it was shared with me by my supervisor.

1. Reflecting on Researcher Social Positionality in Data Analysis

Grounded in a feminist lens, a critical analysis of the researcher's social location and inherent biases should be a central component of the research process (Campbell & Wasco, 2000; Hesse-Biber, 2007). This framework understands that researchers are gendered subjects and in turn, their social positionality shapes their reality and thus the

research (Hesse-Biber, 2007; McCall, 2005; Neuman, 1997). Based on this lens, the researchers can promote the development of a mutual and empathetic relationship of trust by sharing reflections of their own experiences and realities (Neuman, 1997; Peltier et al., 2019). Peltier and colleagues (2019) suggest that the process of researchers acknowledging who they are and what they know, through a respectful relationship, is important in the positioning of experiences of social reality. This comes with an acknowledgment of the social and political contexts that shape realities and therefore provides a basis to understand how worldviews and experiences shape how researchers interpret and analyze the stories shared by participants (Peltier et al., 2019).

Based on this theoretical grounding, it was important for me to recognize, examine, and understand how my own social location and experiences affected my analytic work. Given this, it is important to reflect on my personal and professional experiences that have influenced my interest in this research area, as discussed in the introduction to this thesis. It is also imperative to acknowledge and recognize the different ways that these experiences and my social location impact all aspects of the research process, including the ways in which we analyze data (Hesse-Biber & Leckenby, 2004).

Though I have outlined the various experiences that have brought me to this work, there are other ethical considerations influenced by my social location as they relate to this specific project. It is worth noting that as an immigrant Latina woman, I was raised in a collective and relational culture, and as such, fostering relationships and creating deep connections with the people I work alongside is of great importance to me. In reflecting on my own values and ethics of relationship-building and research process, I felt an

ethical tension as I did not participate in the Body Map workshops. More specifically, because I was not in attendance for data collection, I did not come to know the women who participated in the Ontario workshops. As a result of this, I missed some of the contextual nuance that participatory analysis often relies on. The analytic process in this thesis project was iterative and as I moved through the analysis process, and noted emergent themes, or areas where I needed more information or context, I discussed them with my supervisor. As such, I was able to mitigate these ethical tensions by working closely with my supervisor and having reflexive discussions on the analytic process. I additionally kept a journal to reflect on my own experiences during this thesis process.

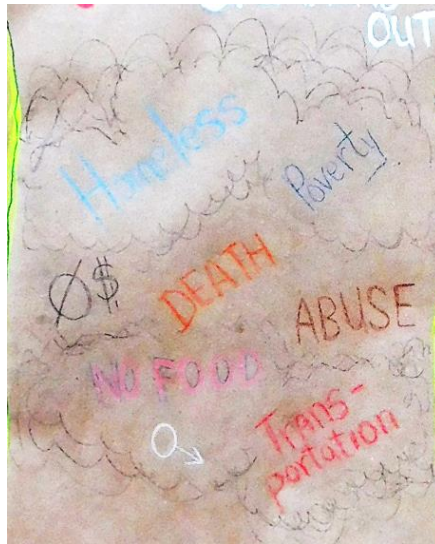
CHAPTER 5: FINDINGS

The data presented in this section includes the descriptions of violence by WLWH in the context of the criminalization of HIV non-disclosure in Canada. This project analyzed data collected in the sharing circles and Body Maps from the 19 women who participated in the three Ontario Body Mapping workshops (see table 1 in Appendix 3 for demographic characteristics). This section will begin with an introduction to the histories of violence in the lives of WLWH as narratively and visually shared by the women who participated in these workshops. Three themes emerged from this analytic process. The first theme discusses the use of the law, used to criminalize HIV non-disclosure, as a form of judicial violence against WLWH that transpires in women's lives in various ways. This is demonstrated by women's narratives and images that describe the direct physical and emotional violence, and removal of human rights by the law. The second theme explores how the law as a form of judicial violence seeps into the lives of WLWH as it subjects women to different forms of surveillance. The last theme will present the different ways women use personal slogans and messages to the general public to resist the criminalization of HIV non-disclosure.

5.1 Histories of Violence in the Lives of WLWH

Before presenting an analysis of violence against WLWH in the context of HIV non-disclosure criminalization, it is important to recognize that experiences of violence are not unfamiliar to WLWH. The majority of the women who participated in the Ontario Body Mapping workshops analyzed in this thesis narratively and visually described experiences of multiple and mutually reinforcing layers of violence and marginalization

in their lives. These include intersecting experiences of interpersonal violence and violence systemically rooted in Canadian institutions. Some of the women discussed the complexity of their experiences of violence in their lives, for example, Adelina demonstrated the intersection of interpersonal and systemic violence in her drawing of black clouds containing the words: “homeless,” “poverty,” “death,” “no food,” “abuse,” and “transportation.”



Similar to Adelina, most of the women who participated in these workshops described experiences of interpersonal and sexual violence in connection to intersecting forms of systemic violence such as, poverty, sexism, food insecurity, homophobia, and transphobia. Moreover, many of the women shared stories of violence rooted in Canadian institutions, such as experiences of racism, stigmatization, marginalization due to immigration status, and the ongoing impacts of colonization. In terms of the impacts of colonization, many of the Indigenous women shared stories and artwork connected to a loss of culture and identity growing up. For instance, the experience of loss of culture and

cultural identity is reflected in Trudy's drawing of sweet grass and feathers to represent what she is moving towards in the future. In the sharing circle she described the significance of this image when she said,

"I put the sweet grass and the feathers here intertwining because I felt like I have lost a lot of... I lost a lot of culture. I don't know my own language."



Further, women's histories of being a ward of the state and intergenerational trauma as a result of racism and colonization were shared. For example, Cheyenne reflected on the history of residential schools and child welfare involvement in three generations of her family, "my grandparents were in residential school. [...] I come from a broken home [...] I was bumped from foster home to foster home and lock-ups. [...] my kids ended up in CFS." As such, the interpersonal and systemic violence in the lives of WLWH stems from living in societies that have not eradicated processes and systems through which women continue to be subjected to violence.

5.2 The Law as a Weapon of Violence

A large number of women who participated in the Ontario workshops expressed feelings of the law used to criminalize HIV non-disclosure as an act of violence. Stories and artwork shared by the women particularly demonstrate their experiences with the law as a weapon of judicial violence against WLWH. Women narratively and visually depicted both the physical and emotional consequences of the law in their lives.

The law as a weapon of violence is demonstrated by women's experiences of racism embedded in and perpetuated by the judicial system. More specifically, stories and artwork shared demonstrate the ways in which race exacerbates women's experiences of criminalization of HIV as a form of judicial violence. For example, when talking about the criminalization of HIV non-disclosure, Zuri described the law being used to criminalize PLWH as discriminatory and racist against Black people and as a weapon of further victimization,

“I believe the rule which is being used to charge people is outdated... It's discriminative because of your colour. I mean and especially if you're a black person. [...] Already we have HIV. So we don't need another... We don't need another process of HIV disclosure. And we don't need to be victimized by the government”

This narrative demonstrates the intersections of sexism, racism, and HIV-related stigmatization as processes embedded in the criminalization of HIV that create experiences of judicial violence. Zuri demonstrates the effects of the law on her wellbeing by expressing her feelings of being victimized by the government through the law, which constitute forms of judicial, systemic, and emotional violence.

Another powerful example of how women experience the law as a form of judicial violence is demonstrated by Kia's drawing. For example, when asked to draw her understanding and experiences of the criminalization of HIV non-disclosure, Kia drew a person being hung by a noose. This drawing and narrative was specifically shared during the art exercise that asked women to draw their experiences of the criminalization of HIV non-disclosure, and as such, may be representative of Kia's feelings and experiences of criminalization. During the sharing circle, Kia described the significance of this drawing as it relates to criminalization,

“The hanging, this one is also about the criminalization, I think, too, and disclosure. This is where you feel like you’re being choked.”

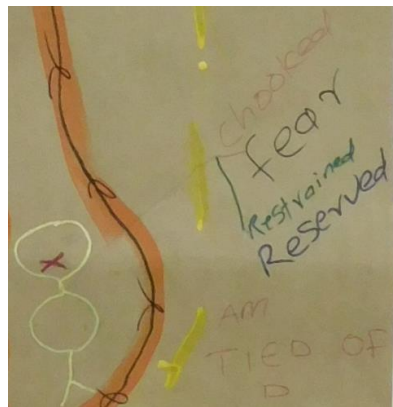


Through this narrative and image, Kia demonstrates the multiple ways in which the law used to criminalize HIV non-disclosure is an act of violence. Her image of a person hanging by a noose is connected to the specific impact of the law as an act of violence, specifically depicting murder. Kia also describes the physical feeling of “being choked,” as an act of violence by the criminalization of HIV non-disclosure. In her image, Kia makes the consequences of the law visible by depicting the felt physical and emotional violence she experienced due to the law. This analysis is based on the fact that Kia shared this artwork and narrative in the specific context of the criminalization of HIV non-disclosure. Kia’s words and image of being choked were shared specifically when she was asked to reflect on her experiences of criminalization and as such, this analysis suggests that the law may be a form of judicial violence in the lives of WLWH as demonstrated by this story and artwork.

Stories and artwork shared by other women similarly demonstrate the direct and physical impact of the law as a weapon of violence. For example, when describing her

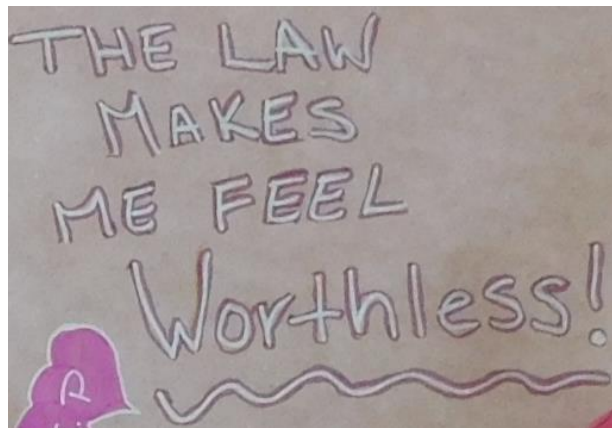
experiences of criminalization of HIV, Zendaya drew a person with a red “X” over their mouth. Zendaya reflected on her experiences exploring relationships in the context of HIV non-disclosure and described the significance of this image during the sharing circle:

“The thing is choking me. [...] Well, because of this HIV, my mouth is sealed. That’s why I put that X on my lips there [...] But you know, its fear of they will know, and my children will be...you know, people will look at them somehow. I’m restrained, I’m reserved, I’m not coming out, I’m not myself again. [...] But here, they’re choking me”



Zendaya further demonstrates how the law is a form of judicial violence that has physical and emotional consequences for WLWH. The connection of the criminalization of HIV non-disclosure and the feeling of being choked is common with Kia’s experience. In this narrative, Zendaya says “the thing is choking me,” referring to the law committing the violent act of choking. The law acts as a form of emotional violence as it results in Zendaya feeling fear, silenced, and reserved as a direct consequence of the law. This demonstrates how the law is experienced as an act of physical violence vis-à-vis placing the woman in a position where she feels choked and silencing her which results in emotional violence. Thus, the stories and artwork shared by the women demonstrate how the law is a weapon of judicial violence that takes multiple forms in the lives of WLWH.

While these narratives and artwork provide powerful examples of how the law is experienced as an act of violence, stories demonstrating the covert violence from the law also emerged from this analysis. The law as a weapon of violence against WLWH is demonstrated by the removal of women's rights by the law. This is demonstrated by women's experiences of losing human rights to freedom, feeling safe, and being silenced. Women also spoke to the impacts of this, ranging from women's feelings of worthlessness, feeling confined, and not being able to move. For example, Rita spoke to the impact of the law as a form of emotional violence in her life. When discussing her personal slogan in the sharing circle, she shared that "the law makes me feel worthless. [...] because I got pinpointed out because I have HIV."



In this description, Rita makes clear the impact that the law has on her emotional wellbeing by saying that the law causes her to feel worthless. This demonstrates the emotional impact of the law in her life, which constitutes a form of violence. Moreover, Rita connects the law with her HIV status expressing her feelings of being "pinpointed." As such, the emotional aspect of the violence experienced resulted in Rita feeling

worthless and targeted for her HIV status. This narrative demonstrates the intersection of HIV, criminalization, and the covert forms of violence enacted by the law.

The law as a weapon of violence against women is also demonstrated by the women's art and narratives that depict the law as an instrument used to remove their freedom of rights. For instance, during the sharing circle, Zendaya reflected on her drawing that represents her feelings towards HIV non-disclosure criminalization,

"You're confined in a place. You don't have your freedom. But on CP 24, here is freedom of speech, freedom of this, you can say anything. But we cannot say it. You're locked. In other words, they make it look as if there, but there are some closes that nobody is touching, nobody is talking about, that is confining people here. And HIV is one of them."



Zendaya's narrative similarly demonstrates the emotional impact of the law as a form of emotional violence in her expression of feeling confined, with no freedom, and "locked" as direct consequences of the law. Zendaya further compares the rights of people that do not live with HIV, such as freedom of speech, to those criminalized for their HIV status. This narrative demonstrates the specific ways in which the law acts as a form of emotional violence that removes women's freedom.

Another way in which the law that criminalizes HIV non-disclosure acts as a weapon of violence and removes women's rights can be demonstrated by women's stories of being silenced by the law. For example, Selena's drawing of a face that has sunglasses on with a tear coming down from the right eye and the lips covered demonstrates the experience of being silenced. When Selena shared her experiences of HIV disclosure and of being watched, she described this image and said,

"I felt... You know, it's kind of hard to decide who you disclose to. So you kind of feel like you've got to have your lips sealed most of the time and watch everything you say. [...] The same with being watched."



In this drawing and narrative, Selena connects disclosure with sealed lips and describes the consequences of this in her life. In describing her experiences of HIV disclosure, Selena highlights the ways in which living under a law that criminalizes HIV non-disclosure, women do not have the freedom of speech that may be afforded to those who do not live with HIV. Selena's experience may also illuminate the ways in which HIV-related stigma and surveillance also seep into women's lives in times of disclosure to silence them and prevent them from sharing their status. As such, experiences of HIV disclosure in this socio-legal context are connected to the removal of women's freedom of speech as Selena expresses her feelings of having to "watch everything you say."

Experiences of silence as it relates to the criminalization of HIV are further expressed by Cedella, who described her feelings of disclosure in the sharing circle:

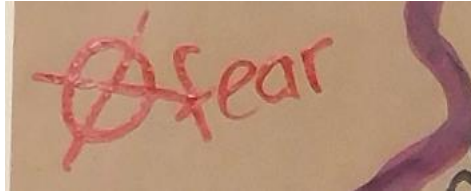
“There’s also the silence – silence of, you know, not saying anything, silence of keeping everything inside you. Which is also drives me crazy because you really don’t know how to say it or who to say it or if you should say it. So because you’re not really saying anything, and you’re keeping everything inside, you’re kind of just feeling burdened.”



In this narrative, Cedella described her experiences as a woman living with HIV of being silenced in the specific context of her experiences with the criminalization of HIV non-disclosure, suggesting that these experiences are influenced by the law used to criminalize HIV non-disclosure. Cedella also discusses the consequences this has on her emotional wellbeing. More specifically, Cedella expresses feelings of being burdened and the silencing driving her “crazy.” These experiences represent the use of the law as a form of emotional violence that removes women’s rights and silences them.

Further, the law as a weapon of violence against WLWH is also demonstrated by women’s stories of living in fear as a consequence of the criminalization of HIV non-disclosure. For example, Cedella reflected on the fear that she feels due to the criminalization of HIV non-disclosure,

“There’s also the fear – fear of the unknown and fear of, you know, what is going to happen to you. So just fear of everything because of HIV.”



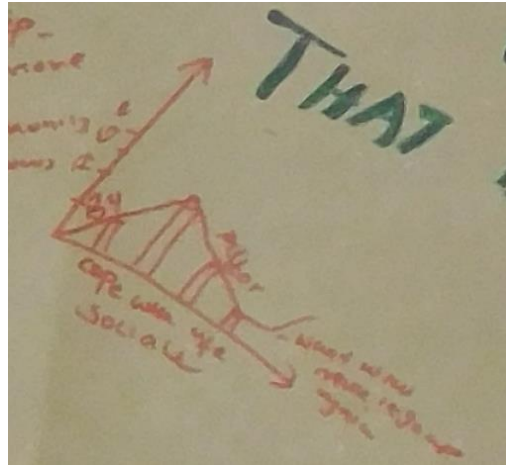
In her description of her experiences with the criminalization of HIV non-disclosure, Cedella expresses her feelings of fear. This demonstrates the impact of the law on women's emotional wellbeing. This is an example of one of the multiple ways in which the law acts as a form of violence that negates women's rights to safety. Similarly, during the sharing circle, Lulu also explored her experiences of living with HIV in a socio-legal context where HIV is criminalized and results in feelings of fear,

"My big message is right here. I do not understand the HIV law. [...] And it's like I'm just a lost little girl. Like I don't know what to do. I stay in my house. I don't go out because I'm scared. [Tearful] I need more explaining about the concept of the law."

In this narrative, Lulu describes her experiences of living in fear, feeling lost, and having her freedom removed by the law. This example further demonstrates the ways in which the law, though in covert ways, acts as a form of violence in women's lives that result in a lack of freedom and living in fear. Further, the law is difficult to understand and the barriers to accessing legal knowledge that result in a lack of knowledge of the law constitute a form of structural violence.

The experiences of isolation and fear as a consequence of living in a socio-legal context that criminalizes HIV non-disclosure are also echoed in Nala's reflection on criminalization. In the art exercise that explored experiences of criminalization, Nala drew a graph to represent her life before and after her HIV status. When describing the significance of this Nala said,

“This is graph kind of. I was like trying to compare my life when I was...before I knew my status and when I knew my status. By that time it's like I was going up, going up, until when I knew. And then I started going down, down, down, down. So my query is when will I start going up? Because with this road, you don't know what will follow you, where you'll end up to. That's why I said I don't know where I am. I don't want to engage with anybody because I fear court.”



In this narrative, the consequences of the law are specifically made when Nala expresses her fear of court due to the criminalization of HIV non-disclosure. The artwork and narrative presented by Nala demonstrates the realities of living with HIV and how the law further exacerbates women's fear of disclosure. This example further demonstrates how the law is a form of violence that results in women living in fear.

In summary, the stories of women who participated in the Ontario workshops demonstrate their experiences living with fear of rejection, shame, being mistreated, and negative consequences if they disclose to family, friends, and partners. Moreover, this analysis points to the added layer of fear, physical, and emotional violence in the lives of WLWH exacerbated by the law used to criminalize HIV non-disclosure. More specifically, the narratives and artwork shared in this theme are all representative of stories shared by the women in the specific context of the criminalization of HIV non-

disclosure. As such, WLWH live in a sociopolitical context of HIV-related stigma, discrimination, and fear in times of disclosure, and the law further exacerbates and complicates these experiences of disclosure as represented in women's voices and art.

As such, this analysis highlights the ways in which the law, used to criminalize HIV non-disclosure, may be a form of judicial violence against WLWH that transpires in women's lives in various ways. This is demonstrated by women's narratives and images that describe the direct physical and emotional violence from the law in their lives, such as feelings of being choked and hanging by a noose. The stories and artwork presented also demonstrate the use of the law as a weapon of violence in covert ways that remove women's rights. These experiences ranged from feeling worthless, burdened, and silenced, to the removal of rights to freedom, safety, and being silenced. Moreover, the law as a weapon of violence was also demonstrated to be racist, discriminatory and further victimizes Black WLWH. This is specifically demonstrated by Zuri's artwork and narrative which highlight the ways in which the law is discriminatory towards Black people and another form of victimization by the government. The experiences of judicial violence in the lives of WLWH in the context of the criminalization of HIV non-disclosure can also be seen in women's stories of surveillance.

5.3 Interface between the Law and Women's Experiences of Surveillance

The law as judicial violence seeps into the lives of WLWH in the form of surveillance. The findings presented in this theme illuminate how the law itself is a form of violence that maintains and reproduces the conditions under which WLWH experience violence and surveillance. This is demonstrated by stories and experiences shared by a

large number of women who participated in the Ontario workshops that expressed feelings of being under the surveillance of sexual partners, community, healthcare providers, police, and other systems.

An important narrative shared by Cedella demonstrates how various systems of surveillance intersect in the lives of WLWH in the context of the criminalization of HIV non-disclosure. For example, when asked to draw the places where she experienced surveillance, Cedella drew two eyes and wrote the words “neighbourhood watch” with arrows pointing down to the various systems. In the sharing circles, Cedella described this drawing:

“I think that all the persons who were watching you, they belong to a neighbourhood or they belong to one community. [...] And those persons who I think of as, you know, watching you, you’re in the spotlight, are my family, myself [...] My clinicians and immigration, the law, you know, they’re always watching you. You’re always in the spotlight. There’s a satellite up there spying on you to see what you’re doing or where you’re going. So that kind of makes you feel as though you’re limited in certain regards with going somewhere or, you know, what you can do and what you can say”



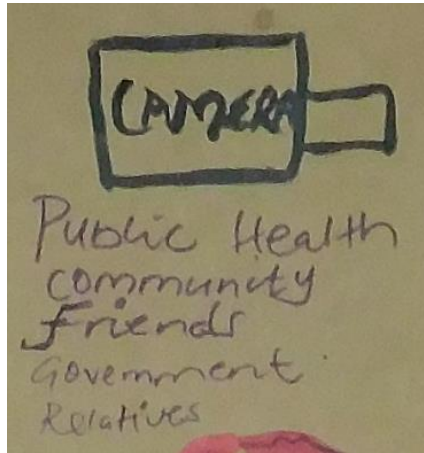
In this narrative and artwork, Cedella describes the complexity of the surveillance experienced at the intersection of living with HIV and living under criminal law. Cedella

first describes the different systems under which she experiences surveillance: herself, her family, community, clinicians, immigration, and the law. This demonstrates the specific surveillance experienced under the law and how this seeps into other aspects of her life, such as with healthcare providers and the immigration system. Moreover, Cedella points out the consequences of surveillance in her life, such as feeling watched, under the spotlight, being spied upon, and under a satellite. These experiences, in turn, limit her rights to freedom of movement and speech. These experiences are connected and intertwined with the use of the law itself as a weapon of judicial violence that results in the loss of women's rights to freedom and safety. The law acts as a weapon of violence and its impact in women's lives is demonstrated by heightened experiences of surveillance that in turn strip women of their rights and freedoms. As such, the law is a form of judicial violence that transpires in women's lives through surveillance that has consequences of invasion of privacy, emotional violence, and loss of human rights.

Similarly, Keisha drew a camera to represent her experiences of being watched.

The aforementioned experiences were echoed in Keisha's description of surveillance,

“Surveillance is this big camera here. I'm not conscious about my HIV status but I think other people are concerned. Because I normally get letters from public health, and they're telling me about my status. Because you're HIV positive, you have to do A, B, C. [...] So that means they're watching me from the whole system. And as far as I'm free, doing what, but someone is looking into the arrangements and looking at what I'm doing. [...] You're not aware but people are watching you. The government – I think is the same as the public health and the relatives. Of course they keep on watching us.”

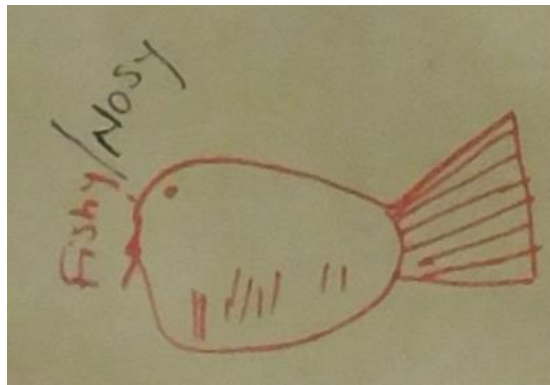


Keisha describes her experiences of being watched by public health, relatives, the government, and “the whole system.” In a similar way to Cedella, Keisha experiences surveillance from multiple systems which she connects to her HIV status. Keisha’s specific experience with public health demonstrates the ways in which the criminalization of HIV non-disclosure, public health statutes, and overall surveillance of people who live with HIV have made it possible and creates the conditions under which WLWH are under surveillance by different systems.

The experiences of being watched by different systems is also reflected in Zuri’s description of her experience with healthcare providers in the context of the criminalization of HIV non-disclosure. For instance, she drew a fish with the words “fishy/nosy” to represent these experiences and in the sharing circle shared a story of being under surveillance by her specialist,

"My specialist is very fishy. And I’m saying this because I mean last summer, I was looking good and I was feeling good, and I went to see her. And [name] was there, and she asked me, “Oh, you look so good. We have not met for some time.” And this doctor asked me, “Are you dating?” [Laughs] So I know I was being put on a hook. [...] I have encountered the same doctor who set up two of my clients by just asking the same question – “Oh, you look so good. Are you dating?” And then my client say, “Oh, yes, I’m dating. I’m seeing this man. Yeah, we use condoms,” nah-nah-hah. And then after a

few days, public health started calling this woman. “So I want you to tell me the name and address of your sexual partner.” [...] out of the fishy interaction, the doctor was able to get some information [...] so what I realize is that as much as they’re there to help us, they’re also to set us up.”



Zuri’s experiences of surveillance with her specialist and public health demonstrate how systems work together and intersect in the lives of WLWH. More specifically, the example that connects disclosure of HIV status to a sexual partner and public health demonstrates the conditions that the law creates for WLWH to be under surveillance by various systems. It is the law that criminalizes HIV non-disclosure that creates the conditions in which WLWH are under surveillance by systems, such as public health and healthcare in general.

Surveillance by Law Enforcement

Experiences of surveillance by the police as they relate to the criminalization of HIV non-disclosure were also shared by some of the women. Two of the women described interactions with the police and questioned why the police needed to know their HIV status. For instance, during the sharing circle, Zuri reflected on her experiences with medical and health services and highlighted her experiences with police and surveillance,

“The [police] were asking about medication. So why do they want to see my medication? They are police. I have not committed any crime. So I mean they were in my house like for 2 hours [...] I was thinking like if Africa was just across the street, I would have gone home then.”

This is a powerful example of surveillance by law enforcement as Zuri reflects on her interaction with the police who asked for her medication. This interaction demonstrates the surveillance of WLWH by the judicial system, as Zuri had not committed a crime, yet the police were questioning her about HIV. Moreover, this narrative demonstrates the impacts of surveillance on Zuri’s life as she mentioned that the police were in her house for 2 hours, demonstrating an invasion of privacy. It is also significant that Zuri said she would go back to Africa is she was able to in that moment. This illuminates how the Canadian system creates the conditions under which Zuri experiences surveillance and an invasion of privacy in her own home while suggesting that the Canadian law enforcement system is harsher than in her home country.

Similarly, when reflecting on her experiences with the criminalization of HIV non-disclosure, Marisa shared similar sentiments about HIV-related surveillance from the police,

"But it does anger me to a point. Like why do the police need to know my health status every time they have to question me? Why do they have to, like if I’m not bleeding, I don’t have a knife or a gun, or you know, why do I have to tell you my status? I don’t think that has anything to do with you questioning me."

In a similar way to Zuri, Marisa described the intersection of HIV status with the judicial system. In this narrative, Marisa spoke to the consequences of surveillance and invasion of privacy from the police. The experiences shared by both Zuri and Marisa demonstrate the ways in which their HIV status and their lives are under surveillance by law enforcement. The consequences of this surveillance include a loss of human rights as

both women experienced an invasion of privacy and felt that the police did not need to know about their HIV.

In summary, women discussed several experiences of surveillance by multiple systems that are connected to the socio-legal context of the criminalization of HIV non-disclosure. Surveillance of HIV status and disclosure was demonstrated by the government, immigration system, law enforcement, public health, healthcare, families, and the community. The law, as demonstrated by these stories, produces and maintains an environment and conditions under which WLWH experience surveillance and a loss of their rights and privacy.

Surveillance of Sexual Relationships

The law as a form of judicial violence further seeps into the sexual lives of WLWH as a result of the surveillance that comes with living in a criminalized context. As presented in this section, the law creates the conditions that subject women to surveillance in multiple ways. The stories and artwork shared by women also demonstrate how this surveillance transpires in their sexual relationships, constituting a form of violence in their lives. For example, sexual surveillance as a tool to remove women's rights and subject women to violence is demonstrated in Kia's story. More specifically, when drawing her experiences of HIV disclosure and being watched, Kia drew two red eyes. When describing the significance of this image during the sharing circle, Kia shared:

"It's also like you have to be cautious. You have to know, you know. It's not everybody that you can disclose to [...] I disclosed to somebody, and he was behaving so funny and he was threatening me. And for a period of time, I felt like I was being watched, and maybe any time somebody would come knocking on my door. So that's why I put those eyes there"



This experience is an example of sexual surveillance as a tool that removes sexual rights and freedoms and that subjects women to violence. This form of surveillance, in an indirect way, leads to the potential of sexual and/or interpersonal violence. In this specific example, Kia experienced interpersonal violence by being threatened as a consequence of disclosing her HIV status. She then subsequently experienced fear of being charged, a form of judicial violence. As such, this demonstrates the ways in which WLWH experience surveillance, as a result of the law, in their sexual relationships.

The experience of sexual rights taken away from women due to the fear of being charged and under surveillance also emerged in the findings. For example, when asked to draw her experiences related to disclosure of HIV, Lulu drew a blue face with a lock on the lips with the words “safety,” “trust,” “relief,” and “caution” written beside it. During the sharing circle, Lulu also described a potential experience of violence and lacking safety when disclosing to a sexual partner,

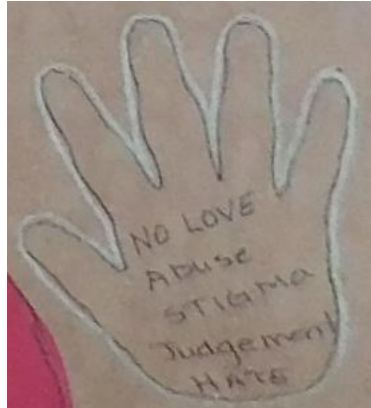
“The disclosure of HIV? Right here I put safety, trust, relief and caution. Because safety, you never know how people are going to react. Because I was actually dating this one guy, and in the beginning, he told me that... And this was way before we actually ever got like physically involved or even to the point of actually getting into the relationship, he told me that if I told him that I was sick prior to any of it, like just him and I being friends, he probably would have tried to kill me.”



This story highlights the intersections of HIV-related stigma and fear that fuels violence in times of disclosure. Further, the law further complicates this by placing women into positions where they have to disclose, which may result in further violence and unsafe conditions. As such, the criminalization of HIV non-disclosure forces women to disclose in situations that expose women to sexual surveillance and the conditions under which, women are subjected to sexual violence. This experience demonstrates the caution and lack of safety experienced by women in moments of disclosure regardless of the law; when the law puts women in positions of having to disclose, it has the potential to result in denying women of their sexual freedom.

Loss of sexual freedom connected to women's understanding and experiences of the law emerged as a critical theme in the workshops. One example is through Rita's drawing of an open-palm hand depicting experiences of isolation to avoid "abuse, stigma, judgement and hate:"

"Put 2 hands. One is for...I guess for all the abuse and judgement and everything. Like I'm trying to stop people from coming towards me. [...] It says no love, abuse, stigma, judgement, and hate."



Rita's decision to stop people from coming toward her demonstrates the surveillance in her relationships to which she subjects herself out of fear of disclosure created by the law. This experience is created and exacerbated by the law as judicial violence demonstrated in the removal of women's sexual autonomy.

Other women spoke to the direct consequences of the surveillance sustained by the criminalization of HIV non-disclosure in their sexual lives and described experiences where criminalization was another form of violence that limited their sexual autonomy and freedom. For example, Candice described the consequences of exploring relationships in the context of HIV non-disclosure criminalization:

"I don't want to disclose anymore. No more disclosing. And if I don't disclose, that means I have sealed it. I have abstained from that thing. So that's all. When we come from wherever we are coming from, that this does... Criminalization, it's forcing us... It's forcing me, not us, it has forced me to abstain."



This narrative demonstrates the direct impact of the law in Candice's sexual life. Candice's statement is powerful as she demonstrates how the criminalization of HIV, the

law, is “forcing” her to abstain from sex. This demonstrates the ways in which the law, through sexual surveillance, removes women’s rights and sexual autonomy, and causing sexual surveillance of themselves. Candice further describes the complexity of disclosing her HIV status in the context of criminalization,

“The last thing about that is difficult sex life. Because after disclosing, people are just running away. You don’t see them. Even though they cannot even agree to put on the condom and put on the rubber band so that they can. So they just run away. No more sex.”

Candice further highlights how the criminalization of HIV non-disclosure seeps into women’s sexual lives. In this narrative, Candice describes the consequences of the law on her relationships and the effect this has on her sexual life. This feeling is also reflected in Trudy’s experience of disclosing in a criminalized context, who discussed how this affected her sexual autonomy and freedom:

"Criminalization of HIV non-disclosure – I just do abstinence. So I don’t have to disclose. It just saves the trouble. No sex. I’m too scared. Too scared. What if I give it away? What if something happens – the condom breaks or whatever. There’s still risk. So I just stay abstinence. I stick to that."



In this narrative, Trudy spoke to the sexual surveillance to which she subjects herself as a result of the fear created by the criminalization of HIV non-disclosure. Trudy demonstrates how the law creates an environment where women live in fear, and in turn, removes their sexual rights and creates barriers to fulfilling sexual needs and desire.

Chenoa further makes the connection between celibacy and the criminalization of HIV non-disclosure, “Criminalization – I am celibate. Celibate. And that’s part of life.”



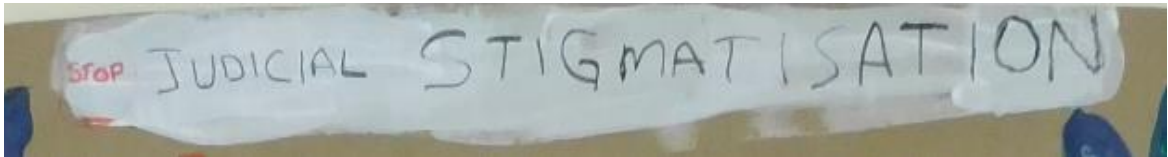
In summary, the law used to criminalize HIV non-disclosure creates the conditions under which WLWH experience sexual surveillance. This surveillance is maintained by the law, the women themselves, and their potential sexual partners. The stories and art shared by the women demonstrate the consequences of the law in their sexual lives and the subsequent removal of their sexual rights. This in turn result in a lack of sexual autonomy for WLWH.

5.4 Women's Resistance

Every Body Mapping workshop ended with two art-making exercises, creating a personal slogan and writing a message to the general public in relation to the criminalization of HIV non-disclosure. These activities provided an opportunity for women to speak their truth and reflect on the various ways that they push back against the law. It is through these personal slogans and messages that women demonstrate resistance to the law that reinforces and produces conditions of violence and surveillance.

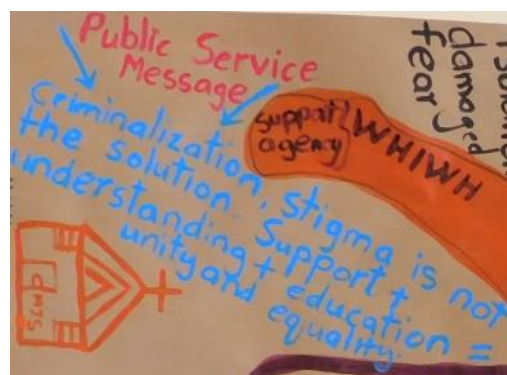
The women who participated in this project resisted the mistreatment and labelling of WLWH inherent in the criminalization of HIV non-disclosure. For example, Zendaya drew a red stop sign and wrote "stop judicial stigmatization" when asked to draw her personal slogan as it relates to the criminalization of HIV non-disclosure. When describing the importance of this image she said,

“Stop judicial stigmatization. Unfortunately, they claim they are learning. To me, they are not informed [...] and whatever view the past that is being put as law for us. So this is the judicial stigmatization, for me. It should be stopped”



This sentiment was echoed in Cedella’s message to the public regarding what should be done about the criminalization of HIV non-disclosure. When describing the image during the sharing circle, Cedella shared similar resistance towards HIV-related stigma that underpins the criminalization of HIV non-disclosure, for example she said,

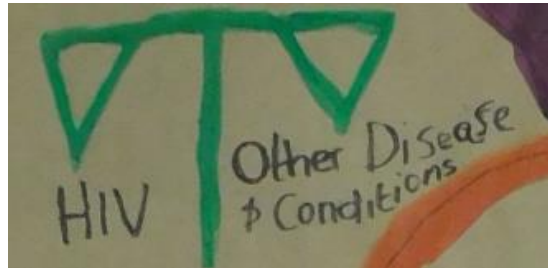
“Criminalizing persons because of their HIV or AIDS status is not... That is not going to solve anything. It’s just going to create division and anger, and the persons are going to be more afraid and persons are going to... I think they’re going to put themselves in a box because of what the law perceives HIV to be and perceives us to be, as though we have the plague and, you know, if I look on you too hard, you’re going to get something, all like that. So it’s very discriminatory. And persons just do not feel comfortable knowing if they should disclose or not. [...] there are all the twists and turns to this criminalization thing – whether you should disclose or not. So that is really one concern of mine. So stigma is not the solution.”



Cedella speaks to the stigma inherent in the law that is used to criminalize HIV non-disclosure and resists the unequal treatment of WLWH. Zuri further speaks to the discriminatory perception of HIV by the justice system in the image she drew for her

message to the public. In this image, Zuri drew a green scale of justice with “HIV” written on the left side and “other diseases and conditions” written on the right. When describing this image, Zuri speaks to the unequal treatment of WLWH by the criminalization of HIV,

“On one side, it’s the HIV, and the other side is the other diseases and conditions. So my message is that HIV should be treated, or should be balanced or treated the way the other diseases and conditions are treated. [...] I don’t know why the HIV should only be...should be the only condition or disease which should be criminalized. So I say the justice system needs to balance or equalize all the diseases, including HIV in terms of charges.”



The theme of scales of justice and unfair treatment of HIV by the criminal justice system also emerged in Priya’s body Map. This is seen in the image Priya painted when asked to draw and think about what the criminalization of HIV non-disclosure and the laws means to her. Priya drew an unbalanced scale of justice with a sad face on the base and the words “HIV law – criminalization” written over the beam. When discussing the criminalization of HIV in the sharing circle and describing the significance of the image Priya said,

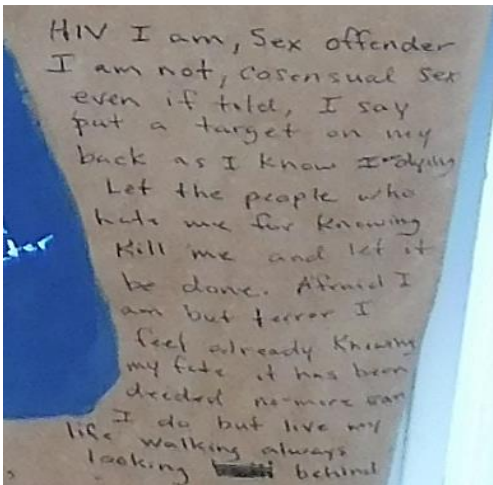
"I feel like HIV disclosure criminalization, it’s unfair for positive people. Because like it doesn’t mean like only positive has to use condom and safe sex. Everyone has to follow the safe sex"



In this narrative, Priya describes her experiences with the criminalization of HIV non-disclosure as unfair for WLWH. Importantly, Priya also resists the sexual surveillance created by the law by highlighting that every individual is responsible for safe sex practices.

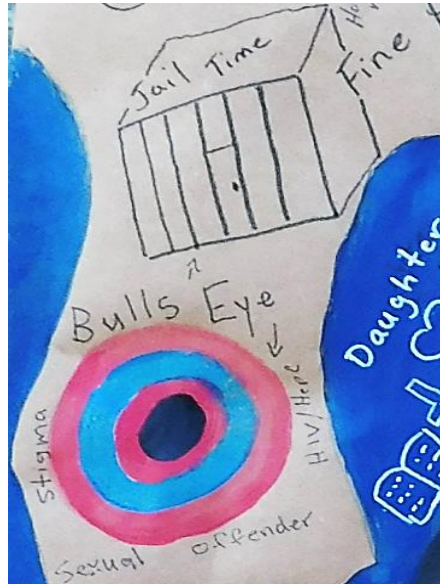
The women’s messages and slogans also demonstrate the violent language inherent in the legal language and the impact this has on women. More specifically, women’s narratives and images from the Body Maps demonstrate the power of legal language and how that power is experienced as violence. Women talked about the labels and language that have been used both within and as a result of the law, and how this has been experienced as a form of interpersonal violence. For example, the use of the label of “sexual offender” and the impacts this language has on women’s lives is reflected in Marcia’s personal slogan,

“HIV I am, sex offender I am not. Casual sex, even if told, I say put a target on my back as I know I’m dying. Let the people who hate me for knowing kill me, and let it be done. Afraid, I am not. But terror, I feel already. Knowing my fate, it has been decided no more. What can I do but live my life walking always, looking behind.”



Moreover, Marcia’s message to the public also speaks to the experience of being labelled a “sex offender” demonstrated by her drawing and description of a bull’s eye that is,

“Connected with all the jail time and everything, the years. Stigma, sexual offender, HIV – that’s back and forth between both. I’d say I just feel like a target now, knowing that what I learned today was that I could be a sex offender. And like I don’t even... I’ve never met one. I’ve never been to jail for anything like that. So for me to be classified as a sex offender, I’m like I haven’t done anything in my life except be with one person. Like my kids, I never hurt them, I never touched them. [...] So I do not see myself being someone that would do something as awful as, you know, whatever it is a sex offender does. So you know, I don’t see myself that way. I can’t classify myself in that place. So how they can do that to me is beyond me”



Marcia’s experiences of stigma and fear as she connects them to the label of “sexual predator” in the context of criminalization of HIV non-disclosure demonstrates the violence inherent in the language and labels used to criminalize WLWH. Further, the images and stories she shares demonstrate the direct impacts of being labelled a sexual offender and the treatment of PLWH by the law. Marcia’s personal slogan and message to the public demonstrate the ways in which the law is experienced and also resisted by WLWH.

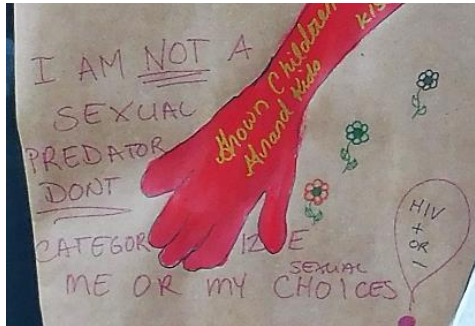
Similarly, the feelings of a lack of freedom resulting from the criminalization of HIV are reflected in Candice’s description of her goals for the future where she drew a person with chains coming off their hands. In her description of the meaning of this image, Candice visualizes and documents her freedom from criminalization,

"I’m moving forward to be free from criminalization. [...] to be free in that I’m not having any chain around my hands, I’m not taken to prison because of my disclosure. [...] I’m moving forward to... I’m looking for freedom. Because my body is not free."



In this artwork and accompanying narrative, Candice describes the direct impacts of the law as an act of violence that removes her right to freedom. She specifically describes her body as “not free” and having “chains around my hands” as a direct impact of the law. Importantly, Candice uses this artwork and story to demonstrate the ways in which she is resisting criminalization and looking for her freedom.

A striking finding that became apparent from this analysis was how women take the language of the law that criminalizes them and juxtapose themselves to separate who they are from these words. More specifically, women used the Body Map’s art exercises and sharing circles to challenge and resist the violent language and labels inherent in the law used to criminalize them. For example, Marisa drew her personal slogan and used the words “sexual predator” to resist that label: "I am not a sexual predator. Don’t categorize me or my sexual choices. HIV positive or negative."



In this narrative, Marisa demonstrates resistance to the labels used by the law that exacerbate her experiences of sexual surveillance. In saying “don’t categorize me or my sexual choices,” Marisa pushes back against a law that removes her sexual rights. In a similar way, Cedella made the distinction between living with HIV, being labelled a criminal, and being charged with aggravated sexual assault. Cedella shared her personal slogan and said:

"We're not a criminal. Not because it says that okay, well, you have HIV, or you have this or you have that. Why make us all to be criminals? And what makes it even worse is that when it says that you do not disclose then you can be charged with aggravated assault, sexual assault. It makes it seem as though you go out there and you rape someone or you beat up someone or you, you know, do something bad to someone. We should not be seen in that light. Equality should always also be with us. Not only be with those persons who are not considered as having HIV."



In this narrative, Cedella illuminates the ways that the legal language and labels used to criminalize WLWH are inherently violent and result in interpersonal experiences of violence. Cedella resists the language of being labelled a predator and criminal, and what this entails, by using her personal slogan to support equality. As such, women used

the Body Map workshops and the language used to criminalize them to challenge and resist these labels.

that violence is ubiquitous in the lives of WLWH over their lifetimes (Campbell et al., 2008; Gielen et al., 2007; Kennedy et al., 2015; Maman et al., 2000; Salamander Trust, 2014; Varcoe & Dick, 2008).

Before discussing the key findings of this thesis, it is imperative to acknowledge that experiences of violence and marginalization are not unfamiliar to the women who participated in the WATCH study and WLWH more broadly. Although the women were not directly asked about experiences of violence, they shared stories about the ways they experience various forms of violence in their daily lives. Echoing other research on violence against WLWH (Campbell et al., 2008; Gielen et al., 2007; Kennedy et al., 2015; Maman et al., 2000; Salamander Trust, 2014; Varco & Dick, 2013), the majority of the women in this study described experiences and told stories about multiple and mutually reinforcing layers of violence in their lives. These include the intersection of interpersonal violence in connection to violence from experiences of poverty, food insecurity, homelessness, sexism, and racism. Realities of violence connected to homophobia, transphobia, stigmatization, marginalization due to immigration status, and the ongoing impacts of colonization were also shared. These experiences of violence are systemically rooted in Canadian society that has failed to eradicate processes and systems through which WLWH continue to experience violence.

Importantly, findings from this thesis project confirm the extensive body of literature that covers the consequences of disclosure, such as violence and HIV-related stigma and discrimination (Colombini et al., 2016; Dodds, 2006; Feigin et al., 2013; Gagnon, 2014; Kennedy et al., 2015; Krusi et al., 2018; Siegel, Lekas & Schrimshaw,

2008). For example, in this research, the results of my analytic work go further to illuminate how the law used to criminalize HIV non-disclosure is itself another form of violence that creates the conditions under which WLWH experience violence and surveillance.

1. Criminalization of HIV and VAW: The Law as a Weapon of Judicial Violence

The first major theme that emerged from this analytic process is how the law that criminalizes HIV non-disclosure is used as a weapon of violence against WLWH. The women narratively and visually expressed the different ways that the law as a form of judicial violence contributes to a larger system and process of VAW and transpires in the lives of WLWH. The stories shared by women who participated in the Ontario workshops demonstrate the overt violence exerted by the law as a weapon of judicial violence. In their descriptions of being choked and hung by a noose when describing their experiences with the criminalization of HIV non-disclosure and the impact of this in their lives, women highlight the various direct acts of physical violence enacted by the law. The stories analyzed in this project highlight the complexity of living with HIV and the experiences that this has in women's lives, such as feelings of fear, rejection, shame, and negative experiences disclosing. This thesis further demonstrates the ways in which the law used to criminalize HIV non-disclosure intersects with women's HIV status and social locations to further complicate and exacerbate these experiences. In focusing specifically on women's artwork and stories shared in relation to questions and exercises about HIV criminalization, findings demonstrate the added layer of fear, physical, and emotional violence in the lives of WLWH exacerbated by the law. As such, findings from

this project demonstrate the ways in which the legal and sociopolitical context of HIV-related stigma, discrimination, fear in times of disclosure, and the law further exacerbate and complicate experiences of disclosure as represented through women's voices and art.

While there were strong examples that demonstrate how the law is an act of physical violence, there were also covert ways that the women described and experienced judicial violence from the law. The covert use of the law as a weapon of judicial violence is evident in women's stories that describe the emotional aspect of the violence in their lives. More specifically, women described the consequences of the emotional violence exerted by the law in their lives that has resulted in them feeling worthless and feeling confined. The findings from this project further illuminate the structural violence embedded in the law that also results in covert experiences of violence as demonstrated in women's loss of human rights at the hand of the law. The law is a form of structural violence as it removes women's rights to freedom, safety, and sexual autonomy. The law as a weapon of violence against WLWH leaves women fearing their life, feeling silenced, and forces women to make decisions about their sexual lives. As such, the findings from this project further expand the literature on experiences of violence against WLWH to illuminate how the law itself is a form of judicial violence that seeps into women's lives in intersecting ways.

2. The Criminalization of HIV Non-Disclosure & Surveillance

The criminalization of HIV non-disclosure further transpires in the lives of WLWH as it produces the conditions under which women experience heightened surveillance. It is important to note that PLWH have been subject to state-led and public

health surveillance before the non-disclosure requirement under the *Criminal Code of Canada* was implemented. The findings of this thesis project further illuminate how the criminalization of HIV non-disclosure further exacerbates and complicates this state-sanctioned surveillance in the lives of PLWH. An important theme that emerged in this thesis is that the law as judicial violence seeps in the lives of WLWH in the form of self-surveillance, sexual surveillance, and surveillance from legal, health, and social care systems. In the current socio-legal context in which HIV non-disclosure before a sexual interaction is aggressively criminalized, WLWH are monitored to ensure there is no risk of transmission posed to others. The reality that all WLWH are subjected to various forms of surveillance is consistent with a growing body of literature. For instance, Greene and colleagues (2015) have demonstrated the various ways that the criminalization of HIV has transpired in the lives of mothers living with HIV and have highlighted the constant surveillance that WLWH experience as they access and navigate social and health care systems. Moreover, pregnant women and mothers living with HIV experience heightened surveillance by services, family, and the community at large (Greene et al., 2017).

The heightened surveillance experienced by WLWH as a result of the formal criminalization of HIV non-disclosure concerning sex creates and exacerbates women's experiences of fear and loss of human rights. This finding is consistent with literature suggesting that the broad use of the criminal law against PLWH reinforces an environment of surveillance that creates feelings of uncertainty, fear, and vulnerability (Adam et al., 2012; Adam et al., 2014; O'Byrne, 2011; Patterson et al., 2015). Further, the consequences of living under the law, and the subsequent surveillance that accompanies

it, exacerbates the experiences of violence in the lives of WLWH. This finding is consistent with the literature on hyper-surveillance that defines surveillance as another form of sociopolitical structural violence and refers to the undue attention paid to one group over others in a consistent manner (James et al., 2003). The stories and artwork shared demonstrate the multiple ways that women feel under surveillance and suggest that the consequences on their personal and sexual lives are a form of violence against women. This thesis aims to understand how criminalization and surveillance impact the identities of WLWH and the choices they make as they navigate legal, health, social, and sexual spaces in their lives. These findings demonstrate how structural violence transpires in the personal and sexual lives of WLWH because of the surveillance that comes in parcel with living under the law.

The socio-legal context in which WLWH have sex in Canada exacerbates women's realities and perceptions of their sexual and personal lives under surveillance. The overall feelings of being watched and under surveillance were expressed by the women who participated in the Ontario workshops. What was most striking was the consequences that living under surveillance fueled by the criminal law had on the sexual lives and autonomy of WLWH. As mentioned previously, the law creates and maintains the conditions under which WLWH feel they are under surveillance and exacerbate violence against women as it results in a loss of sexual rights, freedom, and autonomy. It is concerning that the law not only removes women's sexual autonomy but in actuality strips away their rights and opportunities for sexual pleasure.

Though WLWH find ways to manage their experiences of surveillance through engaging in acts of celibacy and abstinence from sexual relationships, these decisions are made in a socio-legal context of sexual surveillance. This finding is consistent with a body of knowledge that suggests WLWH abstain from sexual activities to avoid the risk of HIV disclosure in sexual interactions (Rouleau, Cote & Cara, 2012; Obermeyer, Baijal & Pegurri, 2011). Moreover, Kaida and colleagues (2015) suggest that in response to the growing surveillance experienced by WLWH, women may adopt resistance and protection strategies in their sexual lives, such as avoidance of sexual relationships. As such, the findings from this thesis demonstrate the loss of women's sexual rights as a result of heightened surveillance from the law and the consequences this has on their personal and sexual is a form of violence against WLWH.

3. Women's Resistance to Judicial Violence and Surveillance

The findings from the Ontario workshops demonstrate that women are acutely aware and able to identify the particular ways that the criminalization of HIV non-disclosure affects their daily lives. In their personal slogans and messages to the public about the criminalization of HIV non-disclosure, women challenge the legal language and labels imposed on them and resist the experiences of judicial violence and surveillance produced and maintained by the law. This thesis highlights the need to listen to the voices of WLWH and the ways that they not only experience violence but resist it. In amplifying women's voices and stories, this thesis project also recognizes that women are not solely victims of violence. Instead, women can identify the impacts of the law in their lives and look for ways to keep themselves safe from judicial violence, structural violence, and

violence against women. As such, this project highlights a new conceptual framework for understanding violence against WLWH while recognizing that women are aware of and utilize various tools to resist these experiences.

Developing a Structural Conceptual Framework of Violence against WLWH

The ways in which women narratively and visually expressed experiences of violence in their lives can be better understood through a structural conceptual framework of violence against WLWH. Grounded in a structural analysis of violence, this thesis demonstrates how structural violence transpires in the lives of WLWH in the form of judicial violence that results in heightened experiences of surveillance and multiple forms of violence. The stories shared by the women show how the law used to criminalize HIV non-disclosure is a weapon of direct and indirect judicial violence against WLWH.

The analysis of the findings from this project is grounded in a feminist definition of violence as one of the elements that create and maintain an unequal social world organized by a hierarchal scale of power that affords some individuals control over others based on exploiting differences (Crenshaw, 1994). The conceptual framework of structural violence contributed to my understanding of the relationship between the criminalization of HIV non-disclosure, violence, and surveillance in the lives of WLWH. The concept of structural violence was coined by Galtung (1969) who differentiated between three types of violence: personal (or direct), cultural, and structural. In this conceptual framework, Galtung (1969) refers to the exploitation, oppression, and fragmentation demonstrated in what Farmer et al., (2006) articulate as being “disparate access to resources, political power, education, health care, and legal standing” (p. 3).

Structural violence is inherent in a sociopolitical and economic society that creates and sustains inequities based on difference and discourses that subjugate one group over another (James et al., 2003; Montesanti & Thurston, 2015). Thus, structural violence impacts groups disparately, with groups at the margins of society most affected by this form of violence that, based on social status, are denied full and equal access to legal and political protection (Galtung, 1996).

Structural violence is embedded in society and manifests itself directly, and points to the “everydayness” of violence from the systemic point of political, legal, social, historical, and economic processes (Montesanti & Thurston, 2015). Further, structural violence can be indirect as it creates conditions that increase the risk of direct and cultural forms of violence (James et al., 2003). Moreover, these indirect effects also shape gendered forms of violence for women with marginalized social locations (James et al., 2003; Montesanti & Thurston, 2015). The findings from this project corroborate this literature as they demonstrate how sexism, racism, and HIV-related stigma present in our society create and sustain the basis and normalization of violence against WLWH via HIV criminalization.

Given this conceptual grounding of violence, the findings from this project suggest that the criminalization of HIV non-disclosure is a form of structural violence against WLWH that is seen in the form of judicial violence by the law that creates and exacerbates experiences of violence and surveillance. The findings from this project demonstrate how these experiences of exacerbated violence and surveillance seep into the everyday lives of WLWH, as part of their interpersonal relationships and interactions

with legal, social and health systems. This understanding is grounded in Galtung's (1969) concept of structural violence. Importantly, this definition of structural violence includes an intersectional analysis that accounts for race, age, sexuality, and structural processes, such as the criminalization of HIV (Hale & Vazquez, 2011). The conceptual framework of structural violence highlights the ways in which social identities intersect with structural systems, such as poverty, sexism, and racism, to create and exacerbate experiences (Galtung, 1969). This analysis is presented by the Positive Women's Network in the USA (2016) that uses a structural lens to understand how the intersection of racism and poverty contributes to the manifestation of cultural and direct forms of violence against WLWH. Consequently, considering violence through a structural and macro lens enables a better understanding of the realities experienced by WLWH who "also live with the compounding effects of trauma resulting from HIV-related, gender, and racial discrimination, along with institutional violence entrenched in discriminatory practices and policies of public institutions such as the criminal justice system" (Positive Women's Network USA, 2016; p. 1). The stories and experiences of immigration to Canada, racism in the judicial system, the legacy of settler colonialism, and the ongoing generational impacts of the residential schools shared by the WLWH in this project further corroborate this body of knowledge. These experiences demonstrate how women of colour, specifically ACB and Indigenous women, are disproportionately impacted by the forms of violence that result from being criminalized.

6.2 Project Limitations

This thesis project has two methodological limitations that are connected to the CBR approach and commitments of this study. First, given the nature and timeframe of the Master of Social Work thesis program, I was unable to engage in a participatory analysis process with the co-researchers; instead, I completed the narrative and visual data analysis with the support of my supervisor. Second, because I was not in attendance at the Ontario Body Map Workshops for WATCH, I did not come to know the participants; as a result my analysis may lack some of the contextual nuance that participatory analysis often relies on. These limitations were mitigated by working closely with my supervisor and other academic research members of the WATCH study to discuss and reflect on the analytic process. Finally, it is important to recognize that the findings from this thesis are based on three of the seven workshops. Consequently, this project is only representative of the stories and artwork shared by the women who participated in Ontario. Though this section covered the main themes that emerged from the Ontario data, this analytic work is not finished and provides a glimpse into the tip of the iceberg on the experiences of violence against WLWH. Moving forward, I will be analyzing the visual and narrative data from the remaining four workshops to provide a deeper analysis of women's experiences of violence and heightened surveillance in the context of the criminalization of HIV non-disclosure.

6.3 Implications for Social Work and Future Research

The findings and conclusions of this thesis project are of importance to the field of social work research, policy, and practice as it offers important insights for

reconceptualising HIV-related stigma and violence against WLWH. This thesis contributes to research on violence against WLWH by demonstrating how violence stems from institutions that do not respond to the needs of women, and instead, further exacerbate marginalization and violence (Montesanti & Thurston, 2015). It is the intersection of social forces embedded in society that allows for judicial violence in the lives of WLWH. The findings of this project illuminate how structural violence, colonial systems vis-à-vis the criminal law, racism, sexism, and HIV-related stigma intersect and mutually reinforce each other in a criminalized context to exacerbate violence in the lives of WLWH. As previously mentioned, the findings of this project support the larger body of literature on the experiences of violence against WLWH. However, this project fills knowledge gaps as it provides a conceptual framework informed by the larger social, cultural, legal, and political context, as opposed to individual processes of violence in the lives of WLWH. As such, these findings provide both research and theoretical implications and it proposes a new conceptual framework for understanding and researching the relationship between violence, surveillance, and the law.

The overarching implication of this project is that the law used to criminalize HIV non-disclosure is rooted in stigma and structural violence, and it is used as a weapon of judicial violence against WLWH. This work moves beyond interpersonal violence against WLWH to understand the role of judicial violence, and how it is manifested both directly and indirectly in the lives of WLWH. This work further illuminates how the law reproduces and maintains the conditions under which women feel they are under surveillance and experience VAW. The significance of this work is heightened by the fact

that there is limited literature in this specific area of research that is needed to better understand and provide practical and policy solutions to end violence against WLWH. As such, this thesis argues that there is a gap in the literature, and future work should focus on this emerging conceptual framework to understanding violence against WLWH by the law. This, in turn, will improve our ability to critically analyze the root causes of violence against WLWH and HIV-related stigma and how these intersect and reinforce one another to create adverse experiences for WLWH.

In terms of this project's legal implications, this thesis centered on the subjective experiences of WLWH through an intersectional feminism lens. The findings of this work point to the need for further gendered and feminist analyses of the law used to criminalize HIV non-disclosure in future research to contribute to and further strengthen this body of work. It is important to note that since the WATCH study began, the legal context has changed in Ontario. In 2018, Jody Wilson-Raybould, Minister of Justice and attorney general of Canada, issued new directives stating that a viral load of less than 60 copies/ml is considered sufficient to remove the realistic possibility of transmission (Singh & Busby, 2019). Today, only Ontario and BC have formal policies that limit the prosecution of alleged HIV non-disclosure, with the Provincial directives differing from the Federal directives (Housefather, 2019; Singh & Busby, 2019). Ontario's Directive states that there is no possibility of transmission if an individual living with HIV have a suppressed viral load for six months, and thus, non-disclosure does not equate to criminal liability (McClelland, 2019; Singh & Busby, 2019). Though the socio-legal climate has changed, the criminalization of HIV non-disclosure remains, and this thesis questions the

relationship between the law, surveillance, and violence against WLWH that needs to be further researched.

This project proposes that a gendered analysis of the current applications of criminal law to HIV non-disclosure demonstrates that criminalization is limited in protecting women from HIV vulnerability. As demonstrated in this project, rather than protect women, criminalization creates substantial harm, and the law is an act of violence that reproduces experiences under which WLWH experience surveillance and violence. Thus, a gendered and intersectional understanding of the process, systems, and institutions that create and sustain violence against WLWH in the context of HIV criminalization is needed. More specifically, findings from this thesis project demonstrate the need for future research to focus on experiences of structural and legal violence from the perspective and subjective experiences of WLWH. Future research should explore how violence against WLWH is manifested and exacerbated by sociopolitical and legal systems that intersect with women's identities to further contribute to the analysis presented in this project. The development of this conceptual framework in the fields of social work research and practice would enable the development of more effective responses to ending violence against women living with HIV in the context of HIV criminalization.

CHAPTER 7: CONCLUSION

Grounded in an intersectional feminist theoretical framework, this thesis project explored how WLWH visually and narratively express and describe their experiences of violence in the context of the criminalization of HIV non-disclosure in Canada. Data collected from the WATCH study in the three Ontario workshops underwent visual and narrative thematic analysis. This project centered on the voices of WLWH from a gendered and intersectional feminist analysis of violence against WLWH that highlights the importance of attending to the complex and mutually reinforcing intersection between HIV, violence, and the law. The findings from this project corroborates literature on the consequences of HIV disclosure, such as violence, HIV-related stigma, rejection, discrimination, and fear. Importantly, this thesis contributes to this growing body of knowledge as stories and artwork shared by the women from Ontario illuminate the complex interaction between violence and the law. More specifically, the findings of this project illuminate the ways in which the law used to criminalize HIV non-disclosure is itself another form of violence that both creates and perpetuates the conditions under which WLWH experience surveillance and violence at interpersonal, cultural, and structural levels. As such, this thesis contributes to a growing body of literature on violence against WLWH and proposes a structural conceptual framework for understanding the complex experiences of violence in the current Canadian socio-legal context. This thesis offer important conceptualizations of violence against WLWH and thus highlights the interface of violence within the context of criminalization of HIV non-disclosure with implications on law reform and future social work research.

APPENDICES

Appendix 1: Visual Data Analysis Template

Table 1. Visual data analysis template.

Participant ID	
Potential Theme	
Identity of Creator:	
Description of image	
Corresponding Body Mapping Activity	
Colour(s):	
Spatial Organization:	
Included words:	
Description of image from transcript:	
Intersecting Identity and/or Social Processes	

Appendix 2: Narrative Thematic Analysis Template

Table 1. Narrative Thematic Analysis Template

Participant ID	Body Mapping Activity	Corresponding Visual Analysis (Image)	Quote/Excerpt	Theme	Influence of Participant's Intersecting Identity and/or Intersection of Social Processes

Appendix 3: Demographic Information

Table 1. Participant's demographic information.

Total n = 19 women	Frequency n (%)
Age (median [range])	46 [36-58]
Ethnicity	
Indigenous	9 (47%)
African/Caribbean/Black	6 (32%)
Latina	2 (11%)
South Asian	1 (5%)
Mixed Race	1 (5%)
Sexual Orientation	
Heterosexual	14 (74%)
Bisexual	3 (16%)
Lesbian	1 (5%)
Prefer not to answer	1 (5%)
Gender Identity	
Cisgender	16 (85%)
Transgender	1 (5%)
Two-spirit trans	1 (5%)
Prefer not to answer	1 (5%)
Relationship Status	
Single	6 (32%)
Common-law relationship	6 (32%)
Married	3 (16%)
Relationship, not living together	2 (10.5%)
Separated/Divorced	1 (5%)
Prefer not to answer	1 (5%)
Country of Birth	
Canada	10 (53%)
African, Caribbean, Asian Countries	7 (37%)
South America and Central America Countries	2 (10%)
Immigration Status	
Canadian citizen	13 (68%)
Landed/Permanent resident	2 (11%)
Refugee/protected person	3 (16%)
Refugee claimant/person in need of protection	1 (5%)

References

- Adam, B., Elliot, R., Corriveau, P., Travers, R., English, K. (2012). How criminalization is affecting people living with HIV in Ontario [Internet]. Retrieved from: <http://www.ohtn.on.ca/Documents/Research/B-Adam-OHTNCriminalization2012.pdf>
- Adam, B.D., Corriveau, P., Elliott, R., Globerman, J., English, K., Rourke, S. (2015). HIV disclosure as practice and public policy. *Critical Public Health*, 25(4) 386-397.
- Adam, B. D., Elliott, R., Corriveau, P., & English, K. (2014). Impacts of Criminalization on the Everyday Lives of People Living with HIV in Canada. *Sexuality Research & Social Policy*, 11(1), 39–49.
- Aidala, A., Cross, J. E., Stall, R., Harre, D. & Sumartojo, E. (2005). Housing status and HIV risk behaviors: Implications for prevention and policy. *AIDS and Behavior*, 9, 251–265.
- Allard, P., Kazatchkine, C., & Symington, A. (2013). Criminal prosecutions for HIV non-disclosure: Protecting women from infection or threatening prevention efforts? In J. Gahagan, (Ed.), *Women and HIV Prevention in Canada: Implications for Research, Policy, and Practice* (p. 195-218). Toronto, ON, Canada: Women's Press.

- Anderson, K., & Lawrence, B. (Eds.). (2003). *Strong Women Stories: Native Vision and Community Survival*. Toronto, ON, Canada: Sumach Press.
- Ball, J. (2014). On Thin Ice: Managing Risks in Community-University Research Partnerships. In Etmanski, C., Hall, B., & Dawson, T., (Eds), *Learning and Teaching Community Based Research: Linking Pedagogy to Practice* (pp. 25-44). Toronto, ON, Canada: University of Toronto Press.
- Banks, S., Armstrong, A., Carter, K., Graham, H., Hayward, P., Henry, A., Holland, T., Holmes, C., Lee, A., McNulty, A., Moore, N., Nayling, N., Stokoe, A. and Strachan, A. (2013). Everyday Ethics in Community-Based Participatory Research. *Contemporary Social Science*, 8(3), 263-277.
- Ball, J. & Janyst, P. (2008). Enacting Research Ethics in Partnerships with Indigenous Communities in Canada: “Do it in a Good Way.” *Journal of Empirical Research on Human Research Ethics*, 3 (2), 33-51.
- Barré-Sinoussi, F., Abdool Karim, S. S., Albert, J., Bekker, L. G., Beyrer, C., Cahn, P., Godfrey-Faussett, P. (2018). Expert consensus statement on the science of HIV in the context of criminal law. *Journal of the International AIDS Society*, 21(7), 1-12.
- Barretto, D., Krusi, Ranville, F., Safford, H., Pooyak, S., Braschel, M., Shoveller, J., Shannon, K. (2017). “HIV Disclosure Without Consent Linked to Increased Risk of Violence Against Women Living with HIV in Metro Vancouver, British Columbia,” *7th International Workshop on HIV & Women*, 11–12.

- Belenky, M.F., Clinchy, B.M., Goldberger, N.R., & Tarule, J.M. (1986), *Women's Ways of Knowing: The Development of Self, Voice, and Mind*. New York, NY, USA: Basic Books.
- Biesenthal, L., Sproule, L. D., & Plocica, Z. (1997). Violence against women in rural communities in Canada: Research project background. Ottawa, ON: Research and Statistics Division, Department of Justice Canada.
- Bourgeois P, Prince B, Moss A. (2004). The everyday violence of hepatitis C among young women who inject drugs in San Francisco. *Human organization*, 63(3):253–64.
- Bowleg, L. (2008). When Black + Lesbian + Woman ≠ Black Lesbian Woman: The Methodological Challenges of Qualitative and Quantitative Intersectionality Research. *Sex Roles*, 59, 312-325. DOI 10.1007/s11199-008-9400-z
- Brownridge, D. (2003). Male partner violence against Aboriginal women in Canada: An empirical analysis. *Journal of Interpersonal Violence*, 18(1), 65–83.
- Burns, C. J., Cooke, Y. D., & Schweidler, C. (2011). Participatory A Short Guide Asset Mapping to Community Based Participatory Action. *Advanced Project-Healthy City*, 1-17. Retrieved from <https://www.healthycity.org/cbpar-toolbox/>
- Burris, S., & Cameron, E. (2008). The Case against Criminalization of HIV Transmission. *JAMA - Journal of the American Medical Association*, 300 (5), 578-581.

Butterwick, S. (2002). Your Story/My Story/Our Story: Performing Interpretation in Participatory Theatre. *Alberta Journal of Educational Research*, 60(3), 240–253.

Caiola, C., Docherty, S., Relf, M., & Barroso, J. (2014). Using an Intersectional Approach to Study the Impact of Social Determinants of Health for African American Mothers Living with HIV. *ANS Advances in Nursing Science*, 37 (4), 287-298. DOI 10.1097/ANS.0000000000000004

Campbell, R., & Wasco, S. M. (2000). Feminist approaches to social science: Epistemological and methodological tenets. *American Journal of Community Psychology*, 28(6), 773–791. <https://doi.org/10.1023/A:1005159716099>

Campbell, J.C., Baty, M.L., Ghandour, R.M., Stockman, J.K., Francisco, L., Wagman, J. (2008). The Intersection of Intimate Partner Violence against Women and HIV/AIDS: A Review. *International Journal of Injury Control and Safety Promotion*, 15(4), 221-231. Doi: 10.1080/17457300802423224

Canadian HIV/AIDS Legal Network (CHLN). (2015). Consent: HIV Non-Disclosure and Sexual Assault Law. [Motion Picture]. Retrieved from <http://www.aidslaw.ca/site/consent-hiv-non-disclosure-and-sexual-assault-law/?lang=en>

Canadian HIV/AIDS Legal Network (CHLN). (February 16, 2017). “Women and the Criminalization of HIV Non-Disclosure.” Retrieved from <http://www.aidslaw.ca/site/women-and-hiv-womenand-the-criminalization-of-hiv-non-disclosure/?lang=en>

- CATIE. (2013). *The epidemiology of HIV in Canada*. Retrieved online from <http://www.catie.ca/en/fact-sheets/epidemiology/epidemiology-hiv-canada>.
- CATIE. (2020). FACT SHEET: The epidemiology of HIV in females. Retrieved from <https://www.catie.ca/fact-sheets/epidemiology/epidemiology-hiv-women>
- Cashman, S. B., Adeky, S., Allen, A. J., Corburn, J., Israel, B. A., Montañó, J. Eng, E. (2008). The power and the promise: Working with communities to analyze data, interpret findings, and get to outcomes. *American Journal of Public Health*, 98(8), 1407-1417. <https://doi.org/10.2105/AJPH.2007.113571>
- Casteldon, H., Garvin, T. and Huu-ay-aht First Nation (2008). Modifying Photovoice for Community-Based Participatory Indigenous Research. *Social Science and Medicine*, 66(6), 1393-1405.
- Cedar, P. P., Pearce, M. E., Christian, W. M., Patterson, K., Norris, K., Moniruzzaman, A., et al. (2008). The Cedar Project: Historical trauma, sexual abuse and HIV risk among young Aboriginal people who use injection and non-injection drugs in two Canadian cities. *Social Science Med*, 66 (11): 2185-94.
- Clover, D. (2011). Successes and challenges of feminist arts-based participatory methodologies with homeless/street-involved women in Victoria. *Action Research*, 9(1), 12-26.

- Colfer, C. J. P., Basnett, B. S., & Ihalainen, M. (2018). Where does the term intersectionality come from? In *Center for International Forestry Research*, 4-9. Retrieved from www.jstor.org/stable/resrep16279.6
- Crenshaw, K. (1989). Demarginalizing the intersection of race and sex: A black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics. *University of Chicago Legal Forum*, 139-167.
- Crenshaw, K. (1994). Mapping the margins: Intersectionality, identity politics, and violence against women of colour. In M. A. Fineman and R. Mykitiul (Eds.), *The Public Nature of Private Violence*, (pp. 93-120). New York, NY, USA: Routledge.
- Cohen, M. S., Y. Q. Chen, M. McCauley, T. Gamble, M. C. Hosseinipour, N. Kumarasamy, J. G. Hakim., et al. (2016). “Antiretroviral Therapy for the Prevention of HIV-1 Transmission.” *New England Journal of Medicine*, 375 (9): 830–839.
- Collins, F. (2019, January 22). *For HIV, Treatment is Prevention*. Retrieved from <https://directorsblog.nih.gov/2019/01/22/for-hiv-treatment-is-prevention/>
- Colombini, M., James, C., Ndwiga, C., Team, I., & Mayhew, S. (2016). The risks of partner violence following HIV status disclosure, and health service responses: narratives of women attending reproductive health services in Kenya. *Journal of the International AIDS Society*, 19, 1-7.

- Department of Justice Canada. (2017). *Criminal Justice System's Response to Non-Disclosure of HIV*. Retrieved from <https://www.justice.gc.ca/eng/rp-pr/other/autre/hivnd-vihnd/p5.html>
- Dhamoon, R. K. (2011). Considerations on Mainstreaming Intersectionality. *Political Research Quarterly*, 64(1), 230-243. DOI: 10.1177/1065912910379227.
- Dill, B. T., McLaughlin, A. E., & Nieves, A. D. (2007). Future Directions of Feminist Research: Intersectionality. In S. N. Hesse-Biber (Ed.), *Handbook of Feminist Research: Theory and Praxis* (pp. 629-638). Thousand Oaks, California, USA: Sage Publications Inc.
- Dodds, C. (2006). HIV-related stigma in England: Experiences of gay men and heterosexual African migrants living with HIV. *Journal of Community & Applied Social Psychology*, 16, 472–480. Doi: 10.1002/(ISSN)1099-1298
- Eisinger, R., Dieffenbach, C., & Fauci, A. (2019). HIV Viral Load and Transmissibility of HIV Infection Undetectable Equals Untransmittable. *American Medical Association*, 321 (5), 451-452.
- Farmer, P. E., Nizeye, B., Stulac, S. & Keshavjee, S. (2006) 'Structural Violence and Clinical Medicine.' *PLoS Med*, 3 (10), 24.
- Feigin, R., Sapir, Y., Patinkin, N., & Turner, D. (2013). Breaking through the silence: The experience of living with HIV-positive serostatus, and its implications on

disclosure. *Social Work in Health Care*, 52(9), 826–845.

doi:10.1080/00981389.2013.827143

Fellows, M. L., and Razack, S. (1998). The race to innocence: Confronting hierarchal relations among women. *Journal of Gender, Race and Justice*, 1 (2): 335-52.

Finley, S. (2008). Art-based inquiry-Performing revolutionary pedagogy. In: N.K. Denzin & Y.S. Lincoln (Eds.), *The SAGE Handbook of Qualitative Research* (pp. 681-694). Los Angeles, CA, USA: SAGE

Flicker, S., O'Campo, P., Monchalin, R., Thistle, J., Worthington, C., Masching, R., Guta, A., Pooyak, S., Whitebird, W. (2015). Research Done in “A Good Way”: The Importance of Indigenous Elder Involvement in HIV Community-Based Research. *American Journal of Public Health*, 105, 1149-1154.

Flicker, S., Savan, B., Kolenda, B., & Mildenberger, M. (2008). A snapshot of community-based research in Canada: Who? What? Why? How? *Health Education Research*, 23(1), 106–114. <https://doi.org/10.1093/her/cym007>

French, M. (2015). Counselling Anomie: Clashing Governmentalities of HIV Criminalization and Prevention. *Critical Public Health*, 25 (4): 427–440.

Gagnon, M. (2014, July 17). Rethinking HIV-related stigma in health care settings: A Research Brief. Ottawa, ON, Canada. Retrieved from http://www.cocqsida.com/assets/files/Research-Brief_RethinkingHIV17juillet2014.pdf

- Gallant, J. (2017, December 1). Ontario to curb prosecution of HIV non-disclosure cases. *The Toronto Star*. Retrieved from <https://www.thestar.com/news/gta/2017/12/01/ontario-will-limit-its-prosecution-of-hiv-non-disclosure-cases.html>
- Galletly, C. & Pinkerton, S.D. (2006). Conflicting Messages: How Criminal HIV Disclosure Laws Undermine Public Health Efforts to Control the Spread of HIV. *AIDS Behaviour*, 10, 451–461.
- Galtung J. (1969) Violence, peace, and peace research. *Journal of Peace Res*, 6, 167–191.
- Galtung J. (1990). Cultural violence. *Journal of peace research*. 27 (3s), 291–305.
- Gardezi, F., Calzavara, L., Husbands, W., Tharao, W., Lawson, E., Myers, T., et al. (2008) Experiences of and responses to HIV among African and Caribbean communities in Toronto, Canada. *AIDS Care*, 20 (6): 718-25.
- Gastaldo, D., Magalhães, L., Carrasco, C., and Davy, C. (2012). Body-Map Storytelling as Research: Methodological considerations for telling the stories of undocumented workers through body mapping. Retrieved from <http://www.migrationhealth.ca/undocumented-workers-ontario/body-mapping>
- Gielen, A.C., Burke, J., Mahoney, P., McDonnell, K., O'Campo, P. (2007). HIV/AIDS and Intimate Partner Violence: Intersecting Women's Health Issues in the United States. *Trauma, Violence, and Abuse*, 8(2), 178-198.

- Greene, S., Ahluwalia, A., Watson, J., Tucker, R., Rourke, S.B., Koornstra, J., Sobota, M., Monette, L., Byers, S. (2009). Between Skepticism and Empowerment: The Experiences of Peer Research Assistants in HIV/AIDS, Housing and Homelessness Community Based Research. *International Journal of Social Research Methodology*, 12(4): 361-373.
- Greene, S. (2013). Peer Research Assistantships and the Ethics of Reciprocity in Community-based Participatory Research. *Journal of Empirical Research on Human Research Ethics*. 8 (2), 141-152.
- Greene, S., Ion, A., Elston, D., Kwaramba, G., Smith, S., Loutfy, M. (2015). (M)othering with HIV: Resisting and Reconstructing Experiences of Health and Social Surveillance. In B. Hogeveen & J. Minaker (Eds.), *Criminalized Mothers, Criminalizing Motherhood* (pp.231-263). Toronto, ON, Canada: Demeter Press.
- Greene, S., Ion, A., Kwaramba, G., Smith, S., & Loutfy, M. R. (2016). “Why are you pregnant? What were you thinking?” How women navigate experiences of HIV related stigma in medical settings during pregnancy and birth. *Social Work in Health Care*, 55:2, 161-179, DOI: 10.1080/00981389.2015.1081665
- Greene, S., Ion, A., Kwarambam G., Lazarus, L., Loufty, M. (2017). Surviving Surveillance: How Pregnant Women and Mothers Living With HIV Respond to Medical and Social Surveillance. *Qualitative Health Research*, 27 (14), 2088-2099.

- Greene, S., Odhiambo, A. J., Muchenje, M., Symington, A., Cotnam, J., Dunn, K., Kaida, A. (2019). How women living with HIV react and respond to learning about Canadian law that criminalises HIV non-disclosure: “how do you prove that you told?” *Culture, Health & Sexuality*, 21(10), 1087–1102.
- Gopaldas, A. (2013). Intersectionality 101. *Journal of Public Policy and Marketing*, 32, 90-94.
- Haddad, N., Robert, A, Weeks, A., Popovic, N., Siu, W. (2019). HIV in Canada Surveillance Report, 2018. *Canada Communicable Disease Report (CCDR)*, 45-12, 1481-8541. Public Health Agency of Canada: Ottawa, ON. Retrieved from <https://www.canada.ca/en/public-health/services/reports/publications/canada-communicable-disease-report-ccdr/monthly-issue/2019-45/issue-12-december-5-2019/article-1-2018-hiv-surveillance-report.html>
- Hale, F., & Vazquez, M. (2011). Violence against women living with HIV and AIDS: a background paper. Washington DC: Development Connections, the International Community of Women Living with HIV, UN Women, 1-44. Retrieved from <https://genderandaids.unwomen.org/en/resources/2011/06/violence-againstwomen-living-with-hivaids-a-background-paper>
- Hancock, A. M. (2007). When multiplication doesn't equal quick addition: Examining intersectionality as a research paradigm. *Perspectives on Politics*, 5(1), 63-79.
- Hankivsky, O. (2014) Intersectionality 101. *The Institute for Intersectionality Research & Policy*, 1-34.

Hankivsky, O., Reid, C., Cormier, R., Varcoe, C., Clark, N., Benoit, C., et al. (2010).

Examining the promises of intersectionality for advancing women's health research. *International Journal of Equity Health*, 9(5), 1-15.

doi.org/10.1186/1475-9276-9-5

Haraway, D. (1988). Situated Knowledges: the science question in feminism and the privilege of partial perspective. *Feminist Studies*, 14(13), 575-599.

Hastings, C., Kazatchkine, C., & Mykhalovskiy, E. (2017). *HIV Criminalization in Canada: Key Trends and Patterns*. Canadian HIV/AIDS Legal Network.

Retrieved from <http://www.aidslaw.ca/site/hiv-criminalization-in-canada-key-trends-and-patterns/?lang=en>

Hesse-Biber, S. N. (2007). Feminist Research: Exploring the Interconnections of Epistemology, Methodology, and Method. In S. N. Hesse-Biber (Ed.), *Handbook of Feminist Research: Theory and Praxis* (pp. 1-26). Thousand Oaks, California, USA: Sage Publications Inc.

Hesse-Biber, S. N., & Leckenby, D. (2004). How Feminists Practice Social Research. In Hesse Biber, S.N., & Yaiser, M. (Eds.), *Feminists Perspectives on Social Research*, (pp. 209-226). New York, NY, USA: Oxford University Press.

Hill Collins, P. (1990). *Black feminist thought: Knowledge, consciousness, and the politics of empowerment*. Boston, MC, USA: Unwin Hyman.

Hooks, B. (1989). *Talking back: Thinking feminist, thinking Black*. Boston, MC, USA: South End.

Housefather, A. (2019). *Report 28: The Criminalization of HIV Non-Disclosure in Canada*: Report of the Standing Committee on Justice and Human Rights. House of Commons, 42 Parliament, 1st Session. Retrieved from <https://www.ourcommons.ca/Committees/en/JUST/StudyActivity?studyActivity=10485413>

Hunnicut, G. (2009). Varieties of Patriarchy and Violence against Women: Resurrecting “Patriarchy” as a Theoretical Tool. *Violence against Women*, 15 (5), 553-573. DOI: 10.1177/1077801208331246

Hunting, G. (2014). Intersectionality-informed Qualitative Research: A Primer. *The Institute for Intersectionality Research & Policy*, 4(2), 1-20.

James, S., Johnson, J., Raghavan, C., Lemons, T., Barakett, M., & Woolis, D. (2003). The Violent Matrix: A Study of Structural, Interpersonal, and Intrapersonal Violence among a Sample of Poor Women. *American Journal of Community Psychology*, 31 (1/2), 129-141.

Kaida, A., Carter, A., de Pokomandy, A., Patterson, S., Proulx-Boucher, K., Nohpal, A., et al. (2015). Sexual inactivity and sexual satisfaction among women living with HIV in Canada in the context of growing social, legal and public health surveillance. *Journal of the International AIDS Society*, 18 (5), 1-10.

- Kapiriri, L., Tharao, W., Muchenje, M., Masinde, K., & Ongoiba, F. (2016). ' ... They should understand why ... ' The knowledge, attitudes and impact of the HIV criminalisation law on a sample of HIV+ women living in Ontario. *Global Public Health*, 11:10, 1231-1245, DOI: 10.1080/17441692.2016.1146318
- Kennedy, C., Haberen, S., Amin, A., Baggaley, R., & Narasimhan, M. (2015). Safer disclosure of HIV serostatus for women living with HIV who experience or fear violence: a systematic review. *Journal of the International AIDS Society*, 18 (5), 1-9.
- Kerr, S., Allinott, T., Chettiar, S., Shoveller, J., Tyndall, J. (2008) Social and structural violence and power relations in mitigating HIV risk of drug-using women in survival sex work. *Social Science Med*, 66 (4): 911-921.
- Koenig, L.J., Moore, J. (2000). Women, Violence, and HIV: A Critical Evaluation with Implications for HIV Services. *Maternal Child Health Journal*, 4, 103–109.
<https://doi.org/10.1023/A:1009570204401>
- Krüsi, A., Ranville, F., Gurney, L., Lyons, T., Shoveller, J., & Shannon, K. (2018). Positive sexuality: HIV disclosure, gender, violence and the law—A qualitative study. *PLoS ONE*, 13(8).
- Kuokkanen, R. (2008). Globalization as racialized, sexualized violence: The case of indigenous women. *International Feminist Journal of Politics*, 10, 216–233

- Lawrence, B. (2003). Gender, race, and the regulation of native identity in Canada and the United States: An overview. *Hypatia*, 18, 3–31.
- LeMessurier, J., Traversy, G., Varsaneux, O., Weekes, M., Avey, M. T., Niragira, O., Rodin, R. (2018). Risk of sexual transmission of human immunodeficiency virus with antiretroviral therapy, suppressed viral load and condom use: a systematic review. *Canadian Medical Association Journal*, 190(46), E1350–E1360.
- Logie, C. H., Williams, C. C., Wang, Y., Marcus, N., Kazemi, M., Cioppa, L., Kaida, A., Webster, K., Beaver, K., de Pokomandy, A. (2019). Adapting stigma mechanism frameworks to explore complex pathways between intersectional stigma and HIV related health outcomes among women living with HIV in Canada. *Social Science and Medicine*, 232, 129-138. DOI 10.1016
- Loufty, M., Tyndall, M., Baril, J. G., Montaner, J., Kaul, R., Hankins, C. (2014). Canadian consensus statement on HIV and its transmission in the context of criminal law. *Canadian Journal of Infectious Diseases and Medical Microbiology*, 25 (3), 135-140.
- Maclean, B. (2009). Body mapping: embodying the self living with HIV/AIDS. *Canadian Medical Association Journal*, 180(7), 740-741. DOI: 10.1503/cmaj.090357
- Mahajan AP, Sayles JN, Patel VA, Remien RH, Ortiz D, Szekeres G, et al. (2008). Stigma in the HIV/AIDS epidemic: a review of the literature and recommendations for the way forward. *AIDS*, 22 (2), S67-S79. doi:10.1097/01.aids.0000327438.13291.62.

Maman, S., Campbell, J., Sweat, M., & Gielen, A. (2000). The intersections of HIV and violence: Directions for future research and interventions. *Social Science and Medicine*, 50(4), 459-478

Martin, R., & Gold, F., Murphy, W., Remple, V., Bekowitz, J., & Money, D. (2005). Drug use and risk of blood borne infections: A survey of female prisoners in British Columbia. *Canadian Journal of Public Health*, 96 (2), 97-101.

McCall, L. (2005). The Complexity of Intersectionality. *Signs*, 30(3), 1771-1800. DOI 10.1086/426800

McClelland, A. (2019). “Lock This Whore Up”: Legal Violence and Flows of Information Precipitating Personal Violence against People Criminalised for HIV Related Crimes in Canada. *European Journal of Risk Regulation*, 10(1), 132–147. <https://doi.org/10.1017/err.2019.20>

McKeown, I., Reid, S., & Orr, P. (2004). Experiences of sexual violence and relocation in the lives of HIV infected Canadian women. *International Journal of Circumpolar Health*, 63 (2), 399-404, DOI: 10.3402/ijch.v63i0.17944

McNeill LH, Reitzel LR, Escoto KH, Roberson CL, Nguyen N, Vidrine JI, Strong LL and Wetter DW (2018). Engaging Black Churches to Address Cancer Health Disparities: Project CHURCH. *Front. Public Health*, 6, 191. Doi: 10.3389/fpubh.2018.00191.

- Medley A, Garcia-Moreno C, McGill S, Maman S. (2004). Rates, barriers and outcomes of HIV serostatus disclosure among women in developing countries: implications for prevention of mother-to-child transmission programmes. *Bull World Health Organization*, 82, 299-307.
- Mehrabadi A, Craib KJP, Patterson K, Adam W, Moniruzzaman A, Ward-Burkitt B, et al. (2008). The Cedar Project: A comparison of HIV-related vulnerabilities amongst young Aboriginal women surviving drug use and sex work in two Canadian cities. *International Journal of Drug Policy*, 19 (2): 159-68.
- Montesanti, S. R., & Thurston, W. (2015). Mapping the role of structural and interpersonal violence in the lives of women: implications for public health interventions and policy. *BMC Women's Health*, 15 (100), 1-13.
- Mykhalovskiy, E. (2015). The public health implications of HIV criminalization: past, current, and future research directions. *Critical Public Health*, 25:4, 373-385.
- Nash, J. C. (2008), "Re-Thinking Intersectionality," *Feminist Review*, 89 (1), 1–15.
- Neuman, L. (1997). Chapter 4. The meanings of methodology. In Neuman, W. L. *Social Research Methods: Qualitative and Quantitative Approaches* (pp. 60–87). Boston, Mass., USA: Allyn & Bacon.
- Obermeyer CM, Baijal P, Pegurri E. (2011). Facilitating HIV Disclosure across Diverse Settings: A Review. *American Journal of Public Health*, 101(6), 1011-23.

- O’Byrne, P. (2011). The potential public health effects of a police announcement about HIV nondisclosure: a case scenario analysis. *Policy Politics and Nursing Practice*, 12(1), 55-63.
- Odhiambo, A., Muchenje, M., Greene, S., Hall, R., Kaida, A. (2020). Criminalization of HIV Non-disclosure: another mechanism of social and judicial surveillance and control of Black Women living with HIV in Canada [e-poster presentation]. 29th Annual Canadian Conference on HIV/AIDS Research. Virtual Conference. May 1-2, 2020. Available at <https://www.cahr-acrv.ca/wp-content/uploads/2020/04/SS1.03-Criminalization-of-HIV-Non-Disclosure.pdf>
- Patterson, S., Kaida, A., Nguyen, P., Dobrer, S., Ogilvie, G., Hogg, R., Kerr, T., Montaner, J., Wood, E., Milloy, MJ. (2016). Prevalence and predictors of facing a legal obligation to disclose HIV serostatus to sexual partners among people living with HIV who inject drugs in a Canadian setting: a cross-sectional analysis. *Canadian Medical Association Journal*, 4 (2), E169-E176.
- Patterson, S., Milloy, M-J., Ogilvie, G., Greene, S., Nicholson, V., Vonn, M., Hogg, R., Kaida, A. (2015). The impact of criminalization of HIV non-disclosure on the healthcare engagement of women living with HIV in Canada: a comprehensive review of the evidence. *Journal of the International AIDS Society*, 18 (20572), 1-14. <http://dx.doi.org/10.7448/IAS.18.1.20572>

- Parker R, Aggleton P. (2003). HIV and AIDS-related stigma and discrimination: a conceptual framework and implications for action. *Social science & medicine*, 57 (1), 13–24.
- Peltier, C., Manankil-Rankin, L., Paulin M., Anderson, P., Hanzlik, K. (2019). Self Location and Ethical Space in Wellness Research. *International Journal of Indigenous Health*, 14(2), 39- 53.
- Peltier, D., & Prentice, T. (January 27, 2020). Lecture 4: Collaboration and Control in CBR. [PowerPoint Slides].
- Positive Women’s Network USA. (October 20, 2016). Factsheet: Criminalization as Violence against Women Living with HIV, 1-4. Retrieved from <https://www.pwnusa.org/doa2016/factsheet-doa2016/>
- Poulin, C., Alary, M., Lambert, G., Godin, G., Landry, S., Gagnon, H, et al. (2007). Prevalence of HIV and hepatitis C virus infections among inmates of Quebec provincial prisons. *Canadian Medical Association Journal*, 177 (3), 252-260.
- Public Health Agency of Canada (PHAC). (2014). *Population-Specific HIV/AIDS Status Report: Women*. Retrieved from <https://www.canada.ca/en/public-health/services/hiv/aids/publications/population-specific-hiv-aids-status-reports/women.html>

- Prentice, T. (2005). Alarming rates of HIV/AIDS for Canada's Aboriginal women: National response long overdue. *Canadian Women's Health Network*, 8(1/2), 11-2.
- R. v. Cuerrier, [1998.] 2 S.C.R 371
- R. v. DC, [2012.] 2 S.C.R 626
- R. v. Mabior, [2012.] 2 S.C.R 584
- Razack, S. (2002). Gendered racial violence and spatialized justice: The murder of Pamela George. In S. Razack (Ed.), *Race, space, and the law: Uncapping a white settler society* (pp. 121–157). Toronto, ON, Canada: Between the Lines.
- Robertson S. (2007). *Who feels it knows: the challenges of HIV prevention for young Black women in Toronto*. Toronto: Black Coalition for AIDS Prevention.
- Rodger, A. J., V. Cambiano, T. Bruun, P. Vernazza, S. Collins, J. Van Lunzen, G. M. Corbelli., et al. (2016). Sexual Activity without Condoms and Risk of HIV Transmission in Serodifferent Couples When the HIV-Positive Partner Is Using Suppressive Antiretroviral Therapy. *Journal of the American Medical Association*, 316 (2): 171–181.
- Rouleau G, Cote, J, Cara C. (2012). Disclosure experience in a convenience sample of Quebec born women living with HIV: a phenomenological study. *BMC Women's Health*, 12 (1), 37.

Ryan, G. W., & Bernard, H. R. (2003). Techniques to Identify Themes. *Field Methods*, 15 (1), 85–109.

Saewyc, E., Skay, C., Richens, K., Reis, E., Poon, C., Murphy, A. (2006). Sexual orientation, sexual abuse, and HIV-risk behaviors among adolescents in the pacific northwest. *American Journal of Public Health*, 96 (6), 1104-1110.

Salamander Trust (2014). Building a safe house on firm ground: key findings from a global values and preferences survey regarding the sexual and reproductive health and human rights of women living with HIV. WHO, Geneva. Retrieved from <https://salamandertrust.net/resources/building-safe-house-firm-ground-report-global-survey-sexual-reproductive-health-human-rights-women-living-hiv/>

Samandari, T., N. Harris, J. C. Cleveland, D. W. Purcell, and E. McCray. (2017). Antiretroviral Drugs as the Linchpin for Prevention of HIV Infections in the United States. *American Journal of Public Health*, 107(10): 1577–1579.

Shannon K, Kerr T, Allinott S, Chettiar J, Shoveller J, Tyndall MW. (2008). Social and structural violence and power relations in mitigating HIV risk of drug-using women in survival sex work. *Social Science & Medicine*, 66(4):911–21.

Siegel, K., Lekas, H. M., & Schrimshaw, E. W. (2008). Serostatus disclosure to sexual partners by HIV-infected women before and after the advent of HAART. *Women and Health*, 41(4), 63–85.

- Singh, D., & Busby, K. (2019). Criminalizing HIV Non-Disclosure: Using Public Health to Inform Criminal Law. *Manitoba Law Journal*, 42(3), 89.
- Skop, M. (2016). The art of body mapping: A methodological guide for social work researchers. *Aotearoa New Zealand Social Work*, 28(4), 29–43.
- Smith, D.E. (1987). *The Everyday World as Problematic: A feminist sociology*. Boston, Mss., USA: Northeastern University Press.
- Snarch, B. (2004). Ownership, Control, Access and Possession: (OCAP) or Self-Determination Applied to Research: A critical analysis of contemporary First Nations Research and Some Options for First Nations Communities. *International Journal of Aboriginal Health*, 1 (1).
- Sokoloff, N. & Dupont, I. (2005). Domestic Violence at the Intersections of Race, Class, and Gender: Challenges and Contributions to Understanding Violence against Marginalized Women in Diverse Communities. *Violence against Women*, 11 (1), 38-64.
- Spittal, P., Craib, K., Wood, E., Lalibetre, M., Li, K., Tyndall, M et al. (2002). Risk factors for elevated HIV incidence rates among female injection drug users in Vancouver. *Canadian Medical Association Journal*, 166 (7), 894-890.
- Sprague, J., & Zimmerman, M. (1993). Overcoming dualisms: A feminist agenda for a sociological methodology. In P. England (Ed.), *Theory on gender/feminism on theory* (pp. 55-280). New York, NY, USA: Aldine de Gruyter.

Stanton, K. (2013). Intransigent injustice: Truth, reconciliation and the missing women inquiry in Canada. *Transitional Justice Review*, 1, 59–96.

Swiffen, A. (2015). Bio-Crime: The Criminalization of HIV in Canada. *Law & Governance* 17 (5): 1–6.

Symington, A. (2009). Criminalization confusion and concerns: the decade since the Cuerrier decision. *HIV/AIDS Policy & Law Review*, 14(1), 5–10.

Tharao E, Massaquoi N, Teclom S. (2006). Silent voices of the HIV/AIDS epidemic: African and Caribbean women in Toronto 2002-2004. Toronto, ON: Women's Health in Women's Hands Community Health Centre. Retrieved from <http://www.icad/cisd.com/pdf/CHABAC/RelatedResources/Silent-Voices-of-the-HIV-and-AIDS-Epidemic.pdf>.

Travers, R., Pyne, J., Bauer, G., Munro, L., Giambrone, B., Hammond, R., & Scanlon, K. (2013). 'Community Control' in CBPR: Challenges experienced and questions raised from the Trans PULSE Project. *Action Research*, 11(4), 403-422.

United Nations General Assembly. (2006). *Resolution adopted by the General Assembly at the Sixtieth Session: Political declaration on HIV/AIDS*. New York, United Nations.

Van der Meulen, E. (2011). Action Research with Sex Workers: Dismantling Barriers and Building Bridges. *Action Research*, 9(4), 370-384.

- Varcoe, C., & Dick, S. (2008). The Intersecting Risks of Violence and HIV for Rural Aboriginal Women in a Neo-Colonial Canadian Context. *Journal of Aboriginal Health*, 4(1), 42–52.
- Weber, L. (2006). Reconstructing the Landscape of Health Disparities Research: Promoting Dialogue and Collaboration between Feminist Intersectional and Biomedical Paradigms. In Schulz, A.J. and L. Mullings (Eds.), *Gender, Race, Class & Health* (pp. 2-59). San Francisco, CA, USA: John Wiley & Sons Inc.
- Weber, L., & Fore, M. E. (2007). Race, Ethnicity, and Health: An Intersectional Approach. In H. Vera & J. R. Feagin (Eds.), *Handbook of the Sociology of Racial and Ethnic Relations* (pp. 191-218). New York, NY, USA: Springer Science + Business Media, LLC.
- Wingood, G. M. & DiClemente, R. J. (2000). Application of the theory of gender and power to examine HIV-related exposures, risk factors, and effective interventions for women. *Health Education Behaviour*, 27 (5): 539-65.
- World Health Organization (WHO) (2013). Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence. Geneva, Switzerland. Retrieved from <https://www.who.int/reproductivehealth/publications/violence/9789241564625/en/>