

Aboriginal People and HIV/AIDS: Legal Issues

info sheet 9

This info sheet discusses barriers to access to testing for Aboriginal people, and ways to overcome them.

ACCESS TO HIV TESTING

HIV TESTING AND ABORIGINAL PEOPLE

Aboriginal people can receive HIV testing off reserve from any provincial or territorial institution or clinic that can conduct the test. In addition, a small number of testing clinics or programs specifically designed for Aboriginal people are available in a few cities such as Vancouver and Toronto.

On reserve, Aboriginal people can generally be tested for HIV at the community health centre by a community health nurse (CHN). Most reserves have a CHN and health centre, although in smaller communities the CHN may divide time between a number of communities.

ANONYMOUS TESTING

Anonymous testing is testing in which the results can be linked to the patient by a code known only by the patient.

Non-nominal testing is testing in which results can be linked to the patient by a code known by the patient and by the physician.

Nominal testing is testing in which results are linked to the patient by a personal identifier.

Anonymous testing is highly regarded as it encourages people to be tested, particularly

those most at risk for HIV; and anonymous testing facilities often offer "best practice" pre- and post-test counselling.

Although anonymous testing sites may be available in most major cities, they are inaccessible to Aboriginal people living in remote communities. In addition, some Aboriginal people may not feel comfortable using mainstream facilities; others might prefer to see a non-Aboriginal practitioner or testing site in order to increase the sense of confidentiality.

In smaller Aboriginal communities, anonymous testing may not preserve confidentiality. In such cases, it is particularly important to undertake efforts to make testing acceptable by creating a safe environment in the community through the elimination of discrimination through educational efforts, and to offer quality, culturally appropriate pre- and post-test counselling.

ACCESS TO TESTING

In many ways, Aboriginal people face greater barriers to accessible HIV testing than most other Canadians.

Barriers to testing: Barriers to testing for Aboriginal people include the following:

- An Aboriginal person may have to travel

This is one of a series of nine info sheets on Aboriginal People and HIV/AIDS: Legal Issues

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For further information please contact

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long distances at great expense to take advantage of an anonymous testing facility, or even to get tested at a local health centre by a CHN who may visit a community only once a month.

- The period between taking the test and getting the result can be longer in rural and some reserve communities and may require two expensive trips – one for the test and one for the result.
- Confidentiality concerns regarding local testing facilities and smaller communities can reduce the number of people seeking testing.
- Culturally based differences can make mainstream facilities less accessible for some Aboriginal people.
- In a few cities – Halifax, Montréal, Toronto, Winnipeg, Regina, Edmonton, and Vancouver – Aboriginal AIDS organizations are available to provide support services and testing. Many of these organizations are under severe demands for their services and lack sufficient resources to respond to the needs of all those who seek their assistance.

Access to testing and HIV/AIDS education: Educational resources that reflect the values, experiences, culture,

and languages of Aboriginal communities are imperative in overcoming fear, denial, and discrimination related to HIV/AIDS and HIV testing. HIV/AIDS education may reduce concerns about confidentiality and encourage people to seek testing.

SUMMARY

1. Barriers to HIV testing for Aboriginal people need to be removed. Aboriginal AIDS organizations and others in the Aboriginal community should be consulted to determine the best approach to improving the accessibility of HIV testing for Aboriginal people.
2. Provincial, territorial, federal, and Aboriginal government health providers should work together to develop accessible options for HIV testing, including anonymous testing. At a minimum, this would involve the establishment of anonymous HIV testing facilities in various locations in each province and territory, and a commitment to encourage and facilitate anonymous testing to the greatest extent possible, in combination with quality pre- and post-test counselling.
3. HIV/AIDS education for Aboriginal people should continue to be emphasized in order to help reduce stigmatization related to HIV testing.

The information in this series of info sheets, prepared in partnership by the Canadian HIV/AIDS Legal Network (Legal Network) and the Canadian Aboriginal AIDS Network (CAAN), is taken from three discussion papers prepared by Stefan Matiation, based on discussions with key informants working in the field of Aboriginal people and HIV/AIDS: (1) *Discrimination, HIV/AIDS and Aboriginal People*; (2) *HIV/AIDS and Aboriginal People: Problems of Jurisdiction and Funding*; and (3) *HIV Testing and Confidentiality: Issues for the Aboriginal Community*. Copies of the revised, second edition of the papers and of the info sheets are available on the Legal Network website at www.aidslaw.ca, through the Canadian HIV/AIDS Clearinghouse (tel: 613 725-3434, email: aids/sida@cpha.ca), or through CAAN (tel: 613 567-1817; fax: 613 567-4652; email: caan@storm.ca). Reproduction of this info sheet is encouraged. However, copies may not be sold, and the Legal Network and CAAN must be cited as the source of this information. For further information, contact the Legal Network (tel: 514 397-6828; fax: 514 397-8570; email: info@aidslaw.ca) or CAAN.

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