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HIV/AIDS  
in  
Prisons

2004/2005

## Aboriginal Prisoners and HIV/AIDS

*Aboriginal people are vastly overrepresented among prisoners in both federal and provincial prisons in Canada. At the same time, the HIV epidemic among Aboriginal people shows no sign of abating. All the measures described in info sheets 4-9 will help address the issues Aboriginal prisoners face in the context of HIV/AIDS, but the additional measures described in this sheet are also necessary.*

This is one of a series of 13 info sheets on  
HIV/AIDS in prisons.

1. HIV/AIDS and Hepatitis C in Prisons: The Facts
2. High-Risk Behaviours behind Bars
3. HIV Transmission in Prison
4. Prevention: Condoms
5. Prevention: Bleach
6. Prevention: Sterile Needles
7. Prevention and Treatment: Methadone
8. Care and Treatment
9. A Comprehensive Strategy
10. Aboriginal Prisoners and HIV/AIDS
11. Women Prisoners and HIV/AIDS
12. A Moral and Legal Obligation to Act
13. Essential Resources

### The Numbers

In a judgment rendered on 23 April 1999, the Supreme Court of Canada said that prison has replaced residential schools as the likely fate of all too many modern-day Aboriginal Canadians. The Court pointed out that:

- While less than three percent of the national population is Aboriginal, Aboriginal people represent 15 percent of the federal prisoner population.
- In the Prairie Region of the Correctional Service of Canada (CSC), Aboriginal people account for 64 percent of the prisoner population.
- A male treaty Indian is 25 times more likely to be incarcerated in provincial jail than a non-Native.
- A female treaty Indian is 131 times more likely to be incarcerated in provincial jail than a non-Native.
- While Aboriginal people make up only six to seven percent of the general population in Manitoba and Saskatchewan, they comprise 72 percent of the provincial jail admissions in Manitoba and 55 percent in Saskatchewan.

At the same time, available evidence suggests that Aboriginal communities are at increased risk for HIV infection. Aboriginal people are infected at a younger age than non-Aboriginal people; they are overrepresented in groups at high risk for HIV infection, in particular among injection drug users; and the high degree of movement of Aboriginal people between inner cities and rural areas may bring the risk of HIV to even the most remote Aboriginal community.

### What Must Be Done?

Aboriginal prisoners need the same preventive measures (see info sheets 4-7), and the same level of care, treatment, and support (see info sheet 8) as other prisoners.

In addition, however, there is a need for initiatives, by and for Aboriginal prisoners, that recognize their special needs and cultural values and promote opportunities for them to improve their health. In its 1994 report, the Expert Committee on AIDS and Prisons (ECAP) proposed the following initiatives:

- Development of information and prevention programs that will respond to the specific needs of Aboriginal prisoners.
- Inclusion of community and peer input into these programs.
- Increased efforts, for and by Aboriginal prisoners, their communities, and elders, with the assistance of CSC and others, to improve the health status of Aboriginal prisoners.

## ABORIGINAL PRISONERS AND HIV/AIDS

- Increased efforts to decrease the vulnerability of Aboriginal prisoners to exposure to infectious diseases, in particular HIV infection, to drug use and its harms, and to imprisonment.

The Committee made a series of recommendations:

- CSC should ensure that Aboriginal prisoners have access to traditional healers, healing ceremonies, and medicines.
- Education and prevention programs should be developed that will respond to the specific needs of Aboriginal prisoners.
- Aboriginal groups and elders/healers should be encouraged to deliver these programs.
- CSC in collaboration with Health Canada and others should fund Aboriginal groups and elders/healers to provide this education.
- Aboriginal prisoners should be encouraged and assisted in developing peer education, counseling, and support programs.
- CSC in collaboration with Health Canada and others should fund such programs.

In recent years, the Correctional Service of Canada has undertaken a variety of initiatives aimed at providing education specific to the needs of Aboriginal prisoners, and a strategy and action plan for Aboriginal people and HIV/AIDS in corrections has been developed. However, this has been a slow process, and everybody agrees that much more needs to be done.

Finally, implementing the recommendations of the Expert Committee on AIDS and Prisons and adopting strategies and actions for Aboriginal people and HIV/AIDS *in prison*, while essential, will not be enough. Various government inquiries have concluded that the justice system is failing Aboriginal people on a crushing scale. As the Supreme Court of Canada said, “[t]hese findings cry out for recognition of the magnitude and gravity of the problem, and for responses to alleviate it.” Every attempt should be made to divert Aboriginal people away from prison and toward alternatives.

### Additional Reading

JK Barlow, J Serkiz, A Fulton. *Circle of Knowledge Keepers: Training Kit for Inuit, Metis and First Nations Offenders as Peer Educators & Counsellors*. Ottawa: Canadian Aboriginal AIDS Network, 2001. National training program for Aboriginal Peer Education in prison. Prepared by the Canadian Aboriginal AIDS Network for CSC. Available at [www.linkup-connexion.ca/catalog/index.cfm?fuseaction=viewProducts&SubExpandList=&ExpandList=9](http://www.linkup-connexion.ca/catalog/index.cfm?fuseaction=viewProducts&SubExpandList=&ExpandList=9).

R Lines. *Action on HIV/AIDS in Prisons: Too Little, Too Late – A Report Card*. Montreal: Canadian HIV/AIDS Legal Network, 2002. Reviews Aboriginal HIV/AIDS programs in Canadian prisons. Available at [www.aidslaw.ca/Maincontent/issues/prisons/reportcard/toc.htm](http://www.aidslaw.ca/Maincontent/issues/prisons/reportcard/toc.htm).

*R v Gladue*, SCC, 23 April 1999, File no 26300. A must-read. Available at [www.lexum.umontreal.ca/csc-scc/en/pub/1999/vol1/html/1999scr1\\_0688.html](http://www.lexum.umontreal.ca/csc-scc/en/pub/1999/vol1/html/1999scr1_0688.html).

*Aboriginal People and HIV/AIDS: Legal Issues*. Montréal: Canadian HIV/AIDS Legal Network & Canadian Aboriginal AIDS Network, 1999. A series of info sheets on issues of discrimination, jurisdiction and funding, and testing and confidentiality. Available at [www.aidslaw.ca/Maincontent/issues/aboriginalcomm.htm](http://www.aidslaw.ca/Maincontent/issues/aboriginalcomm.htm).

Correctional Service Canada. *HIV/AIDS in Prisons: Final Report of the Expert Committee on AIDS and Prisons*. Ottawa: Minister of Supply and Services Canada, 1994. See pages 114-118 for a discussion of issues of relevance to Aboriginal offenders.

Health Canada. HIV/AIDS Epi Update: *HIV and AIDS Among Aboriginal People in Canada*. Ottawa, April 2003. Available via [www.hc-sc.gc.ca/pphb-dgspsp/publicat/epiu-aepi/](http://www.hc-sc.gc.ca/pphb-dgspsp/publicat/epiu-aepi/).

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**Third, revised and updated version, 2004.** Copies of this info sheet are available on the Network website at <http://www.aidslaw.ca/Maincontent/issues/prisons.htm> and through the Canadian HIV/AIDS Information Centre (email: [aidsida@cpha.ca](mailto:aidsida@cpha.ca)). Reproduction of the info sheet is encouraged, but copies may not be sold, and the Canadian HIV/AIDS Legal Network must be cited as the source of this information. For further information, contact the Network (tel: 514 397-6828; fax: 514 397-8570; email: [info@aidslaw.ca](mailto:info@aidslaw.ca)). **Ce feuillet d'information est également disponible en français.**

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