

"I cannot open a case because I love him": Barriers to reporting human rights violations against MSM and transgender people in South Africa.

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BACKGROUND

Human rights violations (HRVs) motivated by hatred against lesbian, gay, bisexual and transgender (LGBT) people take different forms and occur in various settings. Many cases are not reported for many various reasons and thus remain unknown to national or international authorities. Beyond Zero (BZ), a Global Fund Principal Recipient, developed a system for sub-recipients (SRs) to routinely screen, document, and report HRVs experienced by men who have sex with men (MSM) and transgender persons (TG) seeking care.

METHODS

HRVs were documented in the field on standardized forms, using standardized definitions and classification by auxiliary social workers. Data were captured anonymously on SurveyCTO. Data were aggregated and analyzed using SurveyCTO analytics.

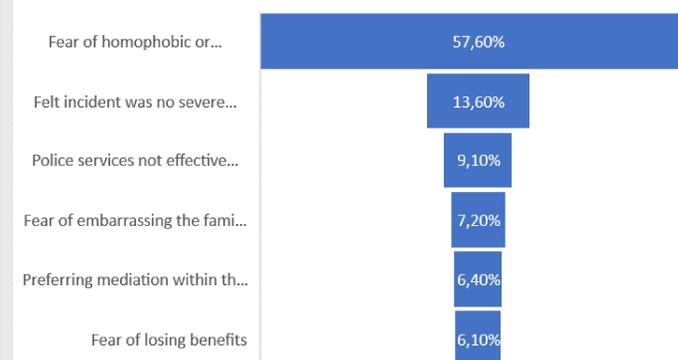
We examine reasons for non-reporting of HRVs against MSM and TG who reported HRVs between 01 December 2020 and 31 May 2021. We conducted descriptive and thematic content analyses of all data reported by SRs providing services for MSM in nine districts and TG in four districts.

RESULTS

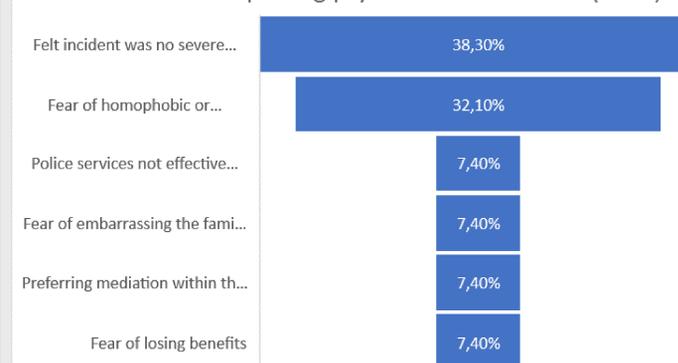
83 beneficiaries experienced physical violence. 66 (80%) incidents were not reported to the South African Police Service (SAPS) or any relevant authority (e.g., institutional heads). 57.6% did not report the incident due to fear of homophobic or transphobic violence; 13.6% felt the incident was not severe enough and 9.1% felt that SAPS were not effective enough the absence of a mechanism that would recognize the discriminatory motive of an incident. 19.7% cited other reasons such as fear about being outed and having to come out in public (fear of embarrassing the family and intimate partners), preferring mediation within the family or community, and fear of losing benefits (employment, or depended on the abuser for livelihood).

102 beneficiaries experienced psychosocial violence. 94 (92%) incidents were not reported to the authorities. 32.1% did not report the incident due to fear of homophobic or transphobic violence; 38.3% felt the incident was not severe enough and 7.4% felt that SAPS were not effective enough the absence of a mechanism that would recognize the discriminatory motive of an incident. 22.3% cited other reasons such as fear about being outed and having to come out in public (fear of embarrassing the family and intimate partners), preferring mediation within the family or community, and fear of losing benefits (employment, or depended on the abuser for livelihood).

Reasons for not reporting physical violations (n=83)



Reasons for not reporting psychosocial violations (n=94)



CONCLUSIONS

Most incidents were not reported to the authorities for action or mediation for varying reasons. There is a need to systematically screen key populations for HRVs and link them to legal or other services a trusted mediator. In addition, while the legal basis for redress is necessary, developing the capacity of community-based monitoring systems and structures for mediation is critical.

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