



CHANGE STORY 6:

LEGABIBO'S ROLE IN MONITORING ACCESS TO HEALTH CARE IN THE WAKE OF DECRIMINALISATION

INTRODUCTION

The decriminalization of same-sex sex acts in Botswana in 2019 has created an opening for LGBT people to seek healthcare services specific to their needs. Criminalisation creates an unsafe environment for LGBT people to access healthcare services. In order to form relationships between LGBT people and healthcare communities, LGBT organisers must be able to safely and effectively engage in outreach, education, and training with healthcare service providers and institutions. In the wake of decriminalisation of same-sex acts, COC partner LEGABIBO.

PROBLEM

Botswana has the third-highest HIV prevalence in the world at 20.7% (UNAIDS 2019). LGBTI people are at a higher risk of HIV transmission in Botswana due to social stigma, gender inequality, and criminalisation¹.

Research published jointly by COC Netherlands and the Southern and East African partners of COC has shown that only 20.56% of LGBT people in Botswana have disclosed their sexual orientation or gender identity (SOGI) to their healthcare providers, and 46% report discrimination from healthcare providers if they do disclose². This research was conducted shortly before the decriminalisation, and showed that the vast majority of healthcare services sought by LGBT individuals were HIV testing services, despite a rate of seeking HIV treatment of below 10%.

CHANGE

The High Court of Botswana decriminalised same-sex sex acts on 11 June 2019. LEGABIBO (Lesbians, Gays & Bisexuals of Botswana) filed an affidavit using the aforementioned research results to explain the impact of the criminalisation on LGBT mental health, experiences of violence, and access to healthcare services³. Following decriminalisation, LEGABIBO began working with the government, local clinics and the LGBT community to provide weekly sensitivity trainings to healthcare service workers. Decriminalisation allowed LEGABIBO to engage in community-led monitoring of the relationship between the LGBT community and healthcare providers, and to make connections with government health services and local healthcare workers to increase healthcare accessibility for LGBT individuals. LEGABIBO and the Ministry are ensuring that these will be sustainable by facilitating weekly discussions and engaging in needs-assessment processes.

1 "Country Progress Report: Botswana" Global Aids Monitoring 2018

2 Müller, A., Daskilewicz, K. and the Southern and East African Research Collective on Health (2019).

3 <https://aidsfonds.org/news/historic-court-case-in-botswana-on-decriminalization-of-homosexuality>

Bridging the Gaps is an international HIV programme with a focus on the health and rights for LGBT people, sex workers and people who use drugs, currently operating in fifteen countries. For more information on the programme, visit www.hivgaps.org.

BRIDGING THE GAPS
Health and rights  for key populations

CONTRIBUTION

Since the inception of Bridging the Gaps in 2011, COC has supported LEGABIBO's advocacy initiatives, including gaining registration as an official organisation which could hold the government accountable for LGBT rights. Prior to registration, COC provided funding that LEGABIBO could not obtain from government sources and supported them in capacity strengthening to engage with legislative processes. COC facilitated LEGABIBO to participate in the Universal Periodic Review of Botswana 2018, which resulted in 15 recommendations on SOGI, of which the majority were to decriminalise same-sex sex acts⁵. Botswana accepted many of the recommendations.

In 2019, the first large-scale community-led research on LGBT in Botswana was published jointly by COC and the Southern and East African partners of COC. This research was conducted by the University of Cape Town, and has been used extensively by LEGABIBO for community outreach regarding LGBT health and wellness. LEGABIBO also used this research during the court case for decriminalisation in 2019.

Photo: LEGABIBO



ANALYSIS

This change allows LGBT people in to live more freely and openly, solidifies LGBT rights in law, and creates a precedent for the wider social acceptance of sexual orientation and gender identity (SOGI). The increased connection of the community to healthcare services allows LGBT individuals to more safely seek treatment related to their SOGI, including gender-affirming care and HIV prevention and treatment.

Communication of data from the research study was key to LEGABIBO's strategy for gaining public support during the decriminalisation effort. LEGABIBO organisers created posters using data related to the discrepancies faced by LGBT individuals when seeking healthcare services or reporting instances of violence and harassment in order to express the urgent need for decriminalisation to the public. These posters were brought by LEGABIBO organisers and community members to the court during the decriminalisation case, using statistics to provide legitimacy and help win support for the case.

LOOKING AHEAD

This change process highlighted the importance of long-term strategies to improve organisational capacities to engage in legislation and the importance of data collection and research. Both have empowered LEGABIBO to meaningfully engage with the decriminalisation process and contribute to its passing. In order to ensure that LGBT individuals can safely access healthcare services that relate to their SOGI, public healthcare services and providers must have an ongoing relationship with the LGBT community which promotes mutual understanding and respect. This depends on the capacity of LGBT organisations to continuously facilitate the building and maintaining of these relationships alongside the advocacy work that is needed to ensure LGBT rights will be upheld in government.

Moving forward, LEGABIBO is working towards further linking the LGBT community to key allies to strengthen public opinion following decriminalisation, and to guarantee the safety of LGBT persons in society. In 2020, LEGABIBO plans to hold four educational sessions per month to expand outreach and increase awareness of healthcare access issues; to engage and monitor healthcare workers on a quarterly basis for improved service provision; and to win the appeal in the case for decriminalisation. The Ministry of Health and Wellness has also begun speaking with the Ministry of Defence to train police forces on LGBT sensitivity to increase trust between the LGBT community and the police.

PERSONAL STORY

Bradley Fortuin from LEGABIBO shared his perspective on the changes that have occurred since decriminalisation. Bradley expressed that before decriminalisation, many health care providers saw LGBT people as criminals, and that providing or assisting LGBT people with services would make them punishable as co-conspirators to a crime. In addition to LEGABIBO's engagements with the Ministry of Health and Wellness and the local health facilities and practitioners in sensitising the health care providers on SOGIE and the decriminalisation case, the ruling was an affirmation that health care providers need to provide inclusive services to LGBT people.

“I can now go to the clinic and without shame or fear tell the nurse or doctor that I am gay and engage in consensual same sex sexual activities and need help, which by law I am entitled [to] now.”

– Bradley Fortuin

