

15 July 2020

Oral Statement:

Southern Africa Litigation Centre (SALC)

Observer Status Index Number: 420

Contact Person: Amanda Shivamba: amandas@salc.org.za

Honourable Chairperson, honourable Commissioners, state delegates, NHRI's, civil society colleagues and all distinguished guests. All Protocols observed. The Southern African Litigation Centre wishes to address the Commission on the human rights situation for the LGBTI community in Eswatini, Zimbabwe and Malawi in light of Covid-19.

Access to Health Care

LGBTI persons regularly experience discrimination and lack of social competence when seeking health care. As a result, many avoid or delay seeking health care even in emergency situations. Moreover, due to the COVID-19 global pandemic, there is a limitation in local transport, there are long queues and an overall decrease of non-essential services, which is worsening the situation for the LGBTI community, who were already experiencing discrimination when accessing health services. This can have devastating results on the LGBTI community who may have compromised immune systems as a result of their limited access to treatment due to stigma, violence, social and economic exclusion and discrimination, thus increasing their vulnerability to the COVID-19 virus. It is fundamental that essential quality healthcare services are provided for all people, especially for the LGBTI community in countries where they are not legally recognised. Essential services must include among others: sexual and reproductive health services; management of mental health conditions, HIV/AIDS prevention, and treatment; as well as access to medicinal services for transgender people. During this trying time, attention needs to be given to mental health needs. Persons that identify as LGBTI have a high probability of experiencing mental health issue which can lead to suicide because of the discrimination suffered at home and in society in general, and as a result measures urgently need to be put in place to support those that need help, and whose conditions might be exasperated by social distancing and isolation.

Violence at Home

In eSwatini, The Rock of Hope has received several reports from LGBTI persons who allege to have been victimised in their homes. The Rock of Hope has also reported that one transgender woman, residing in the Lubombo region, has continued being a victim of abuse at home, where she has been harassed and sometimes denied bus fare to attend school, or go to the clinic when the need arise. Now that Eswatini has been placed under partial lockdown, she has made several requests to the Rock of Hope, for support as the harassment has increased. Rock of Hope continues to assist her during this time. In Zimbabwe, Trans Research Education and Training (TREAT) has received request for assistance from a trans sex worker that has been severely disenfranchised during this time, which has rendered her financially vulnerable and placed her at risk. TREAT is continuing to support her during this time.

Use of Force by the Police

Due to the nature of the current COVID_19 pandemic, we understand the need for the deployment of both the police and the military to ensure laws are adhered to. There have been continued reports of police abuses towards the LGBTI community, and it is crucial that these reports do not increase during this time.

Hate speech

Repeatedly, misinformation and hate speech continues to be exasperated towards members of the LGBTI community. We have noted an increase in hate speech as the global pandemic of COVID-19 progresses. Examples of this can be seen on different social media platforms such as Facebook and Twitter as well as in print media. For example, on 9 March, Pink News published an article whereby a homophobic Rabbi stated that 'the Corona virus outbreak is God's divine punishment for pride parades.'¹

In conclusion, the global pandemic of Covid-19 is unprecedented, and we acknowledge the different measures being taken across the globe to curb the spread of the virus so to save lives. However, during this time, we call on Governments to pay attention to the impact of such limitations and potential human rights violations occurring towards vulnerable groups such as the LGBTI community. We call on the Commission to urge states to put measures in place to effectively monitor social media platforms and to ensure those who participate in fake news and hate speech towards the LGBTI community are investigated and punished accordingly. And to ensure that the media must adopt international best practice codes of conduct against hate speech. We further call on Commission to urge States to guarantee that access to health care for the LGBTI community is accessible and to ensure that health care professionals are mindful of the needs of the LGBTI community in order to safeguard against possible stigma and discrimination so that that they are not discouraged from seeking medical attention during this critical time. Lastly, we call on the Commission to urge States to ensure that police and military act in line with laws and regulations and any abuse of power will not be tolerated and will also be investigated and attended to.

Thank you for the opportunity.

¹ Corona Virus Outbreak is God's Divine Punishment for Pride Parades, available [here](#). Accessed on 9 April 2020.