

LGBTIQ+ inclusion in national and provisional policy

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Aim:

- To what extent does South African policy and programming respond to violence and discrimination against, socio-economic exclusion of LGBTIQ+ persons?
 - ***Does national LGBTIQ+ policy filter down to provincial policy and programming?***

Situational analysis:

- Existing legislation, acts, policies, academic, grey literature
- Standard academic databases, grey literature (including LGBTIQ+ organisational reports), PMG website, government department websites, requested documentation from government departments, Gender Focal Persons, general Internet search

A note on language

- » LGBTIQ+
- » Lesbian, gay, bisexual, transgender, intersex, queer/questioning



Access to and attrition from education

- Homophobic and transphobic violence
 - Bullying, violence - also by educators
 - LB girls higher likelihood of being rape, compared to heterosexual girls
 - Educators underprepared



Access to healthcare

- Stigma, discrimination in healthcare facilities, across staff
- Unmet needs of LB women and transgender persons
 - Small-scale MSM responses; LB women HIV risk overlooked
 - Transgender persons absent, despite being “key population”



Violence and the criminal justice system

- GBV and hate crimes
- Secondary victimisation – ridicule, denial of services
- Intimate partner violence – assumptions about validity of same-sex violence



Poverty and unemployment

- Lack of local research on unemployment
- Workplace discrimination
 - Harassment, sexual violence, slurs, unfair dismissal
 - A measure of class privilege



Education policies

- CSTL: LGBTI inclusion



Health policies

- NSP for HIV, TB and STIs (2017-2022)
- SA National Sex Worker HIV plan (2016-2019)



SGBV policies

- Sexual Offences Act
- Domestic Violence Act
- National Intervention Strategy for the LGBTI Sector
- Proposed: Hate Crimes and Hate Speech Bill



Employment, workplace discrimination

- Employment Equity Act
- Labour Relations Act
- PEPUDA
- Alteration of Sex Description and Sex Status Act
- Proposed: Hate Crimes and Hate Speech Bill
- COSATU Resolution on LGBTI hate crimes



Relationship & family

- Adoption rights
- Civil Union Act
- Parental leave



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• **Robust LGBTIQ+ related policy / token inclusion?**



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• **Gender policy 'natural home'?**



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Snap-shot of LGBTIQ+ policy in Gauteng:

- Policy vacuum
 - ‘Gender’-related policy does not include ‘LGBTIQ+’
 - No LGBTIQ+ specific policies
- No LGBTIQ non-discrimination employment, workplace policy in departments, municipalities
 - LGBTIQ+ non-discrimination policy a requirement of Employment Equity Act
 - A ‘quick win’ for departments?
- Yet lack of *policy* does not translate into lack of *programming*

Gauteng Department of Social Development

- Staff and service provider sensitisation training
- Robust LGBTIQ+ representation in GDSD fora

Gauteng Department of Sport, Arts, Culture & Recreation

- Partnering with CSOs to host LGBTIQ+ events

Gauteng Department of Health

- Staff sensitisation training
- Robust LGBTIQ+ representation in structures
- Public awareness and education campaigns
- Funding LGBTIQ+ NGOs as service providers

Gauteng Department of Community Safety

- Staff sensitisation training
- LGBTIQ+ community building events

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Gauteng Department of Education

- Extensive sensitisation training on sexual and gender diversity

Gauteng Department of Economic Development

- Awareness-raising activities
- Consultation with LGBTIQ+ persons and CSOs

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Piece meal - how to ensure impact?

Departments without LGBTIQ+ programming?

- **Included in 'gender mainstreaming'**

1. Development of a provincial LGBTIQ+ strategy

- To integrate, coordinate programming across Departments;
- LGBTIQ+ policy, programming need to be held by a dedicated LGBTIQ+ desk with:
 - sufficient human and financial resources;
 - clear role description, performance indicators, monitoring mechanisms;
 - opportunity to influence development of policy & programmes;
 - close collaboration with LGBTIQ+ civil society
 - clear linkages with other provincial and local gender machinery

2. Ongoing consultation & partnerships with LGBTIQ+ CSOs

- Regular, formalised consultation between departments and diverse CSOs;
- Partner with LGBTIQ+ NGOs in service delivery to LGBTIQ+ persons.

3. LGBTIQ+ CSO representation in departmental structures

- Guidelines and accountability measures for LGBTIQ+ CSO representation in provincial government department structures - e.g. Gender Fora, local and district AIDS Councils.

4. Ongoing LGBTIQ+ sensitisation training, drawing on CSO expertise

- Sensitisation training should be ongoing, across all departments, all levels of staff;
 - Both content-based instruction, as well as values clarification

5. Integrating an intersectional focus

- LGBTIQ+ persons not homogenous: race, class, location, etc.
- Ensure representation of CSOs and CBOs focusing on particularly marginalised groups (lesbian and bisexual women, transgender persons)

6. Disaggregating statistical data in the province

- Data collection systems that disaggregate data according to sexual orientation and gender identity
- Protocol for the amendment and development of administrative documentation that is inclusive of LGBTIQ+ identities (e.g. using gender-inclusive titles)

7. Optimising opportunities offered by national programmes

- Identify opportunities for synergies between national and provincial programmes
- Implement accountability measures for active participation of provincial Departments

Thank you

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