

**Services provision is also the rights for lesbians, gays,
bisexuals, transgender, intersex, and queer people**

by

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DECLARATION

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I, Athalia Phindile Shabangu, declare that the mini dissertation titled *Services provision is also the rights for lesbians, gays, bisexuals, transgender, intersex, queer plus people* is my own work and that all of the sources which I have used or quoted have been appropriately acknowledged by means of complete references.

.....

Dr A.P. Shabangu

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ABSTRACT

There is a need for shelters for LGBTIQ+ people whose rights are violated either at home or those who are victims of crime in general. There are LGBTIQ+ people in all nine provinces of South Africa, but only one dedicated shelter provides services for them. The researcher assumes that there is discrimination against LGBTIQ+ people in terms of shelter services provision. Some of the LGBTIQ+ people get discriminated against and stigmatized because of their sexual orientation or gender identity. As such, they do not fully enjoy their universal human rights. Other LGBTIQ+ people are victimized in their homes, schools, and communities, which leads to them being vulnerable and needing safe spaces such as shelters for accommodation. According to the Department of Social Development,¹ a shelter is a residential facility providing short-term intervention in a crisis situation. Shelters are expected to provide critical services to those undergoing high levels of trauma, including a safe place to stay and psycho-social support.² The availability of shelter services is the human right of any LGBTIQ+ person. Human rights are the basic rights and freedoms that belong to every person globally, from birth until death. According to PEPUDA,³ failure to reasonably accommodate LGBTIQ+ people, or any other vulnerable groups, amount to unfair discrimination and inequality on, amongst others, the ground of gender.

Globally, regional and national instruments throughout the world deal with discrimination, which is a human rights issue. These instruments include the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights and the Bill of Rights contained in the *Constitution of the Republic of South Africa*. The Bill of Rights makes provision for the protection of the rights of every South African. This research intended to investigate shelters in Pretoria and the surrounding area that accommodates LGBTIQ+ people.

Key Words: LGBTIQ, Shelters, Human Rights, Access

¹ Department of Social Development 2013.

² Department of Social Development 2013.

³ *Promotion of Equality and Prevention of Unfair Discrimination Act 4/2000*.

LIST OF ABBREVIATIONS AND ACRONYMS

APA:	American Psychiatric Association
CEDAW:	The Committee on the Elimination of Discrimination against Women
ICCPR:	International Covenant on Civil and Political Rights
ICESCR:	International Covenant on Economic Social and Cultural Rights
LGBTIQ:	Lesbians, gays, bisexuals, transgender, intersex, and queer
OCHR:	Office of the Commissioner for Human Rights
OECD:	Organisation for Economic Co-operation and Development
PEPUDA:	Promotion of Equality and Prevention of Unfair Discrimination Act
SOGI:	Sexual Orientation or Gender Identity
UN:	United Nations
UNDHR:	Universal Declaration of Human Rights
UNDP:	United Nations Development Programme

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Chapter One

Introduction to the Study

1.1. Introduction and general orientation to the study

Lesbians, gays, bisexuals, transgender, intersex, and queer (LGBTIQ) rights are human rights. South Africa is the first African country that recognises the rights of LGBTIQ+ people as well as allowing legal marriages and adoption between same-sex couples.⁴ There is, however, still a challenge in terms of service provision, particularly shelters that accommodate the LGBTIQ+ victims of crime. Some LGBTIQ+ people get victimized in their homes, schools, and communities, which led to them being vulnerable and needing safe spaces or shelters for accommodation.⁵ Chapter two of the *Constitution of the Republic of South Africa, 1996* (hereafter the *Constitution*) contains the Bill of Rights, which makes provision for the protection of every South African's rights. Some of the important rights fundamental for LGBTIQ+ people are the rights to safety and security; equality; human dignity; privacy, and freedom of expression.⁶

There are approximately eighty shelters for victims of crime and violence in South Africa, of which only one accommodates specifically the LGBTIQ+ community. According to the Department of Social Development's (DSD) National Strategy for Sheltering Services for Victims of Crime and Violence' (2013 – 2018), a shelter is a residential facility providing short-term intervention in a crisis. Shelters are expected to provide critical services to those suffering high levels of trauma, including a safe place to stay and psycho-social support.⁷ In terms of LGBTIQ+ victims, such services are a challenge as they also get victimized in these spaces (if they access them) that are supposed to be safe for them. It causes emotional and mental stress if they are not able to access services, and that violates their rights.

⁴ Goldberg *et al.* 2013:119-124.

⁵ UNITED NATIONS 2015

https://www.ohchr.org/Documents/Issues/Discrimination/Joint_LGBTI_Statement_ENG.PDF (accessed on 24 January 2021).

⁶ *Constitution*: sec 9, 10, 12, and 16.

⁷ DSD 2013.

As mentioned, shelters are available countrywide, but for the purposes of this study, the focus was on such shelters from Pretoria and the surrounding areas. Pretoria is where the National Department of Social Development, which is where the researcher is employed, is situated.

Some LGBTIQ+ people in South Africa are violated in many ways, which means that they also are victims of crime and violence. As a result of their victimisation, some of them need shelter for safety and protection. Having only one shelter that accommodates specifically the LGBTIQ+ community raises the question whether the existing shelters that accommodate victims of crime and violence also accommodate victims from the LGBTIQ+ community. Crime and violence victims' rights are debased during their victimisation, regardless of gender, race, and age. In instances where a victim needs shelter after victimisation, such service needs to be provided to that victim regardless of his/her gender. There is only one shelter that accommodates specifically people from the LGBTIQ+ community, showing a need for more shelters for LGBTIQ+ people whose rights were violated when they were victimised.

1.2. Research problem

There are LGBTIQ+ people and communities in all nine provinces of South Africa, but there is only one dedicated shelter that provides services for them in the country. The researcher assumed that there is discrimination in terms of service provision against LGBTIQ+ people. Several international and national legal frameworks prohibit discrimination against anyone, including LGBTIQ+ people. This includes the 1984 International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the 1948 Universal Declaration of Human Rights; the 1965 International Convention on the Elimination of All Forms of Racial Discrimination; the 1979 Convention on the Elimination of All Forms of Discrimination Against Women; the International Covenant on Civil and Political Rights (ICCPR) that prohibits discrimination based on sexual orientation or gender identity; and the International Covenant on Economic Social and Cultural Rights (ICESCR) obliges states to protect the enjoyment of all other rights. The ICESCR states that no one should be discriminated against simply because he or she chooses to belong or not to belong to

a given cultural community or group or to practice or not to practice a given cultural activity. To emphasise the element of choice and the need to protect it in the context of non-discrimination, the Committee on ESCR clarifies the prohibition of coercion by a cultural majority. It reiterates that not all human beings will choose to live as 'static cultural beings' and an individual should not be forced into a particular 'cultural lifestyle' by those who choose to live as such. The Committee on the Elimination of Discrimination against Women (CEDAW) spells out that discrimination based on sex is interlinked with other factors, including sexual orientation and gender identity, and requires states to condemn all forms of discrimination, including forms not explicitly mentioned in the Convention or that may be emerging.

In terms of the national legal framework, Section 9 of the *Constitution* makes provision for the right to equality for all South Africans. Equality includes the full and equal enjoyment of all rights and freedoms. It also promotes the achievement of equality, and mandates legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination.⁸ The *Promotion of Equality and Prevention of Unfair Discrimination Act*⁹ is also relevant. This intends to give effect to Section 9, read with item 23(1) of Schedule 6, to the *Constitution*, and to prevent and prohibit unfair discrimination and harassment; to promote equality and eliminate unfair discrimination; and prevent and prohibit hate speech. The researcher believes that although there is a legal framework that promotes the rights of LGBTIQ+ people, there is still a lack of implementation and recognition of such legislations.

According to Thami Kotlolo¹⁰, there is only one shelter (as a safe space) in the country that provides dedicated services to LGBTIQ+ people. The shelter's name is "The Pride Shelter" and is based in Cape Town, Western Cape province. This shelter provides residential facilities to LGBTIQ+ people from South Africa and other African countries. According to Shabangu,¹¹ it is the Department of Social Development's (DSD) responsibility as the lead department in the Victim Empowerment Programme to co-ordinate shelter services. Also, the DSD is mandated by South Africa's Domestic

⁸ *Constitution*.

⁹ *Promotion of Equality and Prevention of Unfair Discrimination Act*.

¹⁰ Igual 2019 <https://www.mambaonline.com/2019/04/10/thami-kotlolo-announces-lgbtq-shelter-on-his-birthday/> (accessed on 22 January 2021).

¹¹ Shabangu 2018: 246.

Violence Act (DVA)¹² to provide shelter services to victims of domestic violence. Due to the high rate of crime in the country, the focus on domestic violence victims has changed, and the emphasis is on all victims of crime and violence, including LGBTIQ+ people who are victims of crime. Having one shelter in the country accommodating specifically the LGBTIQ+ people, clearly reflects violation of the right to equality for LGBTIQ+ people.

Although the DSD is responsible for providing shelter services to victims of crime in this instance, there is currently no legislation that places a direct duty on a government department to fund shelters for victims of gender-based crime.¹³ Moreover, South Africa is faced with an economic crisis that led to reductions in spending on social welfare programmes. This adds to the deprivation of the most vulnerable people, namely not being provided with safe spaces. The challenge of government departments funding shelters on its own creates a problem for the LGBTIQ+ people to get shelter accommodation when needed. The existing shelters are challenged with funding issues, and can only accommodate a specific number of victims and a specific type of victim. LGBTIQ+ people may not fit their specifications, hence there is only one shelter in the country accommodating them.

¹² *Domestic Violence Act 116/ 1998*.

¹³ Watson 2017:3.

1.3. Aim and objectives of the research study

The aim and objectives of the research were as follows:

1. To determine what type of services provision are offered by shelters in Pretoria and the surrounding areas.
2. To determine which sectors of the population are granted access to these services provision.
3. To determine whether LGBTIQ+ individuals and communities are excluded from these services provision.
4. To evaluate how services provision for the realisation of human rights, as stated in the *Constitution*, may be improved for all victims of crime.

1.4. Main research question

This study's research question was:

To what extent is the South African government providing adequate access to, and provision for, LGBTIQ+ victims of gender-based violence and crime?

1.5. Motivation of the study

The researcher has been a social worker within the Department of Social Development since 1997 and has worked as a statutory social worker for three years. She was promoted to Senior Probation Officer, which position was held until 2004. She then became a Supervisor in Statutory Services for a further three-year period. In 2007, she was appointed as a Social Work Policy Manager at the National Department of Social Development.

As a manager for the Department of Social Development's social work policy, one of her key performance areas was to develop a Departmental Gender-Based Violence Prevention Programme on lesbian, gay, bi-sexual the transgender, intersex queer plus (LGBTIQ+) people. While she was developing this programme, a number of cracks that needed to be rectified was identified, not only in the Department of Social

Development, but also in several other government departments. One of the flaws was the provision of shelter services to victims of crime from the LGBTIQ+ community. Even though there are many shelters around the country that accommodate victims of crime and violence, there is only one shelter in the country that provides dedicated services to people from the LGBTIQ+ community. This problem seems to indicate a significant shortfall in pursuing the “human rights for all” mandate as laid out in the South African *Constitution*, and the researcher wanted to explore the reason for this as well as possible ways to address this.

1.6. Brief description of the research process

This section provides a brief description of the research process. A more detailed description is presented in Chapter 3. A document analysis was used for this study to explore and investigate the shelters in Pretoria and the surrounding areas that accommodate LGBTIQ+ people. A total of five (5) shelters in Pretoria and the surrounding areas were selected to for analysis. The researcher used a plethora of documents (brochures, pamphlets, booklets, and government department’s policies) to collect data. Bowen¹⁴ suggests that documents should be assessed for their completeness. This means that researchers should know how selective or comprehensive their data is.

The researcher analysed the content of the documents gathered. She also treated the documents like respondents or informants that provide the researcher with relevant information. Data obtained from the documents were reduced into meaningful units and were coded and classified according to themes. According to Bowen,¹⁵ such analysis can provide the researcher with a means of identifying meaningful and relevant passages.

¹⁴ Bowen 2009: 31.

¹⁵ Bowen 2009:32.

The researcher's application for ethical clearance was approved. Permission was also granted by the Gauteng province's Department of Social Development to conduct the data analysis research study on shelters of Pretoria and the surrounding areas.

1.7. Definition of concepts

1.7.1. LGBTIQ+

According to the South African National AIDS Council (SANAC),¹⁶ LGBTIQ+ is an abbreviation for lesbian, gay, bisexual, transgender, intersex, and queer people who are not cisgender and heterosexual. 'LGB' refers to sexual orientations, while 'T' indicates a gender identity, 'I' a biological variant, and 'Q' is a battle between sexual orientations and gender identity. Q is a non-standard designation for gender and sexuality that does not fit into designated groups and is non-definitional. Subhrajit¹⁷ states that 'Q' stands for those who are questioning their sexual identity. LGBTIQ+ are clustered together in one acronym due to similarities in experiences of marginalization, exclusion, discrimination, and victimisation in a heteronormative and heterosexist society, to ensure equality before the law and equal protection by the law. Their communities may not belittle the possible differences between the LGBTIQ+ people and those who are assumed to be the LGBTIQ+ people. However, these people's respective issues, experiences, and needs may differ significantly and in several respects.

According to the United Nations Development Programme¹⁸, and SANAC¹⁹, a lesbian is a woman who is attracted on different levels (emotional, physical, intellectual, etc.) to, and/or has sex with, other women and identifies with this as a cultural identity. The term gay is commonly used to refer to men who are attracted on different levels (emotional, physical, intellectual, etc.) to, and/or have sex with, other men and identify with 'gay' as a cultural identity.²⁰ Bisexual refers to a person who is attracted on

¹⁶ South African National AIDS Council (SANAC) 2017: iiv.

¹⁷ Subhrajit 2014:318.

¹⁸ Beavers *et al.* 2017.

¹⁹ SANAC 2017: 3.

²⁰ Beavers *et al.* 2017:2.

different levels (e.g., emotional, physical, intellectual) to, and/or has sex with, both men and women and identifies with this as a cultural identity.²¹

In terms of transgender, the UNDP defines transgender people as persons whose gender identity (their internal sense of their gender) is different from the sex they were assigned at birth; those who wish to portray their gender identity differently from the gender assigned at birth. This includes those who feel they have to, prefer to, or choose to, whether by clothing, accessories, mannerisms, speech patterns, cosmetics, or body modification, present themselves differently from the expectations of the gender role assigned to them by birth.²² SANAC²³ informs that transgender people have a very intense experience of their gender being different from that assigned at birth. Transgender people sometimes seek some form of medical treatment to bring their body and gender identity closer into alignment. Transgender is an umbrella term that describes a wide variety of cross-gender behaviours and identities. For instance, transgender women (TGW) (male to a female) were assigned male sex at birth but identify socially as women. A transgender man (TGM) (female to male) is a person who was assigned “female” at birth but has a gender identity that is “male” or within a masculine gender identity spectrum. They include people along the continuum of hormone therapy and gender-affirming surgery. Transgender, therefore, is not a diagnostic term and does not imply a medical or psychological condition. Therefore, the transgender term does not have to be used as a noun merely because a person is not transgender. However, they may be called transgender people. It is important to understand that not all people who are considered transgender from an outsider’s perspective, in fact, identify as transgender, nor will they necessarily use this term to describe themselves. In many countries, there are indigenous terms that describe similar cross-gender identities called “TRANSIT”.²⁴

²¹ Beavers *et al.* 2017:2.

²² UN Human Rights Council 2011:132.

²³ SANAC 2017: iiv.

²⁴ Beavers *et al.* 2017:4; UN Human Rights Council 2011:132.

Intersex, according to Samelius and Wågberg,²⁵ is a general term used for various conditions in which a person is born with reproductive or sexual anatomy that does not fit the conventional definitions of being only male or only female. A person might be born appearing to be female on the outside, but having mostly male-typical anatomy on the inside, or a person may be born with mosaic genetics. Some of the person's cells have XX chromosomes, and some of them XY. A person may also be born with atypical genitals that appear to the onlooker to be in-between the usual male and female types. SANAC²⁶ and the UNDP²⁷ added that intersex people having genetic, physiological, or anatomical conditions do not conform to dominant and typical definitions of 'female' or 'male'. Their diversity in sex characteristics may lead to risks of supporting pathologizing treatment of differences among individuals, including, but not limited to, intersex individuals. Intersex people are sometimes referred to as hermaphrodites. According to Griffiths,²⁸ hermaphroditism is a genetic condition affecting individuals who have both mature ovarian and testicular tissue. Based on such individuals, there was a practice used to treat children born with both reproductive organs. The treatment for such children is called "gender corrective surgery" and was done to alter the genitals of a child to ascribe him/her to one of the two recognised biological sex belongings which is male or female. Some intersex movements fought this kind of practice as they believe that it is discriminatory, disrespectful, and often brings about physical and psychological harm. Some intersex movements regard such practice as a harmful traditional practice equal to Female Genital Mutilation (FGM). The World Health Organisation defines FGM²⁹ as all procedures that involve partial or total removal of the external female genitalia, or another injury to the female genital organs for non-medical reasons. The practise of FGM has no health benefits, but causes severe pain and has several immediate and long-term health consequences.

It should be mentioned that the intersex movement does not disapprove of all sex surgery, only of gender corrective surgery performed on infants and children. They

²⁵ Samelius & Wågberg 2005:12.

²⁶ SANAC 2017: iiv.

²⁷ Beavers et al. 2017:3.

²⁸ Griffiths 2018:131.

²⁹ World Health Organization 2015:1.

argue that such surgery should be a voluntary choice when reaching an adult age. Thus, the intersex movement believes that it is a violation of the autonomy of decision making and bodily integrity. Also, Carpenter³⁰ and Samelius and Wågberg³¹ indicate that gender corrective surgery is a violation of human rights. It leads to intersex persons being extremely marginalised. Their existence being fundamentally unknown by society is often regarded as abnormal and they therefore end up being very stigmatised and discriminated against, and their voices are hardly heard.

Lastly, queer refers to an inclusive term that refers not only to lesbian and gay people, but also to any person who feels marginalised because of her or his sexual practices, or who resists the heteronormative sex/gender/sexual identity system.³² According to the OCHR³³ queer is a term loaded with various meanings and has a long history, but currently often denotes people who do not wish to be identified with reference to traditional notions of gender and sexual orientation and eschew heterosexual, heteronormative, and gender-binary categorisations. It is also a theory that offers a critical perspective of heteronormativity.

Generally, LGBTIQ+ people are more likely to experience intolerance, discrimination, harassment, and the threat of violence in their communities due to their sexual orientation, than those that identify themselves as heterosexual. This is due to people who are homophobic and hate homosexual people.

1.7.2. Discrimination and stigmatisation

LGBTIQ+ people are often stigmatised and faced with homophobic and transphobic discrimination, and the fear of being rejected by family, relatives, friends, and society at large due to their sexual orientation or gender identity (SOGI). According to Bailey, Vasey, Diamond, Breedlove, Vilain and Epprecht,³⁴ sexual orientation refers to the sex of those to whom one is sexually and romantically attracted. Sexual orientation

³⁰ Carpenter 2016:75.

³¹ Samelius & Wågberg 2005:81.

³² Beavers et al. 2017:3.

³³ UN Human Rights Council 2011:132.

³⁴ Bailey *et al* 2016:47.

categories normally have included attraction to members of one's own sex such as gay men or lesbians; attraction to members of the other sex that is heterosexuals; and attraction to members of both sexes, which is called bisexual. Gender identity, on the other hand, refers to one's sense of oneself as male, female, or something else. Gender identity resides in individuals and is influenced by societal structures, cultural expectations, and personal interactions and developments.³⁵ According to the UNDP,³⁶ a person's gender identity may or may not correspond with her or his sex assigned at birth. There are also societal changes with regards to gender identity. Some societies currently recognise and support the conceptualisation of gender identity as influenced by both environmental and biological factors. Societies understand that individuals may not identify themselves as either male or female, but as transsexual or as another transgender person.³⁷

Historically, LGBTIQ+ people are faced with stigma, discrimination, and violence. Despite constitutional protection, they continue to experience social barriers that prevent them from accessing equitable services.³⁸ These social barriers have been proven to affect the overall well-being of LGBTIQ+ people significantly³⁹. Studies conducted in Europe and the United States found that people who identify as LGBTIQ+ have significantly higher rates of depression, suicide, and anxiety disorders than their heterosexual matched peers, because of their social exclusion, discrimination, and prejudice.⁴⁰ This higher prevalence of mental disorders among LGBTIQ+ people, according to researchers, is caused by a stressful social environment that has been created by stigma, prejudice, and discrimination and what Meyer⁴¹ calls "minority stress".

Furthermore, LGBTIQ+ people also experience problems when accessing shelter services, as they are either not properly treated by the shelter officials or other shelter

³⁵ American Psychiatric Association (APA) 2013; Beavers *et al.* 2017.

³⁶ Beavers *et al.* 2017:2.

³⁷ APA 2013.

³⁸ Müller 2016:196.

³⁹ Muller 2016:196.

⁴⁰ Meyer 2003:676; Mayer *et al.* 2008:990.

⁴¹ Meyer 2003:376.

users. When using a toilet, other shelter users follow them to check whether they sit on the toilet seats or stand whilst using the toilet. Others argue with shelter officials refusing to share the same toilet with people from the LGBTIQ+ community.⁴²

The issue of discrimination regarding toilet usage by LGBTIQ+ people was experienced by one intersex person who had a conversation with the researcher. That person informed that she was discriminated against in one of the South African Correctional Centres when she was incarcerated. She informed me that she was placed in female cells. Although she looked like a male, her identity document reflected that she was a female. Being in female cells, when she went to the bathroom/toilet, she noticed that other inmates followed her to check whether she will enter the male or female toilet. She also indicated that some inmates would even check (peep) whether she sits on the toilet seat or stand when urinating.⁴³

Furthermore, Subhrajit⁴⁴ alluded that LGBTIQ+ people experience stigma and discrimination across their life spans, and are targets of sexual and physical assault, harassment, and hate crimes. Stigmatisation denies LGBTIQ+ people equal access to key social goods, such as employment, health care, education, and housing. It also marginalises them in society and makes them one of the vulnerable groups that are at risk of becoming socially excluded.⁴⁵ Furthermore, stigmatisation may stem from various quarters of society, including the mainstream population, faith-based organisations, the family, and significantly, from public service employees. In this instance, they may get stigmatised by shelter staff if accommodated in shelters or by the government that does not ensure that there are shelters for them for their safety and protection.

⁴² Department of Justice and Constitutional Development 2013.

⁴³ Conversation between Shabangu and MaZ, 2017.

⁴⁴ Subhrajit 2014:321.

⁴⁵ SANAC, 2017.

1.7.3. Violence against LGBTIQ people

According to the OCHR,⁴⁶ there is a high degree of cruelty and brutality committed against LGBTIQ+ people, which is classified as hate-motivated violence. Because of such hate violence, LGBTIQ+ people are prone to die as a result of such violence. Some community members may attack some LGBTIQ+ people, which makes them vulnerable. Such attacks often occur in public places and include attacks on LGBTIQ+ spaces, including clubs. These attacks may also occur in the street when gay, bisexual, or lesbian couples just hold hands as a sign of affection for each other. As a result, several such attacks result in the death and murder of an LGBTIQ+ person. In South Africa, for example, violation of LGBTIQ+ people often results in their death. Such a violation is called corrective rape. This type of violation stems from the prevalence of South Africa's crime, where it is used to describe rape perpetrated by straight men against lesbian women to “correct” or “cure” their sexual orientation. Corrective rape has claimed many lives of victims in South Africa and around the world.⁴⁷

Even though some LGBTIQ+ people are accepted and respected in their families, many others will hide their sexual orientation from their family members because they fear bad or violent repercussions. The United Nations and others have documented widespread physical and psychological violence against LGBTIQ+ people in all regions—including murder, assault, kidnapping, rape, sexual violence, as well as torture and ill-treatment at institutional and other settings. LGBTIQ+ youth and lesbian, bisexual, transgender women, specifically, are at risk of physical, psychological, and sexual violence in family and community settings. They often face violence and discrimination when seeking refuge from persecution and in humanitarian emergencies.⁴⁸

Divan, Cortez, Smelyanskaya and Keatley⁴⁹ indicate that families often reject the LGBTIQ+ person who expresses his or her gender identity from an early age. They

⁴⁶ UN Human Rights Council 2011: 52.

⁴⁷ Koraan & Geduld, 2015:15.

⁴⁸ UNAIDS, 2015:2.

⁴⁹ Divan *et al.* 2016:2.

get cast out from their homes and end up being homeless and not having any place to live in. Such people become desperate and in need of a space for protection and safety. At the same time, those who express their gender identities later in life often face rejection by mainstream society and social service institutions, including shelters. Shelters, social service institutions such as health facilities and other hostile environments, fail to understand the LGBTIQ+ person's needs. Divan *et al.*⁵⁰ report that such institutions are ill-equipped and thus fail to offer the LGBTIQ+ person sensitive health and social services. Furthermore, Divan *et al.*⁵¹ state that providing equal access to housing, education, public facilities, and employment opportunities, and developing and implementing anti-discrimination laws and policies that protect LGBTIQ+ people, including guaranteeing their safety and security, are essential to ensure that they are treated as equal human beings.

1.7.4. Service provision

Services refer to the action of helping or doing work for someone. To understand the concept of service provision, the concept of service delivery, which is similar to service provision, is defined. According to Lovelock and Wright,⁵² service delivery refers to the actual delivery of services and products to the customer or clients. It can be any contact with the public administration during which customers, citizens (beneficiaries), residents, or enterprises seek or provide data, handle their affairs or fulfil their responsibilities and duties. Services, therefore, should be delivered in an effective, predictable, reliable, and customer-friendly manner.⁵³ Ordanini and Parasuraman⁵⁴ state that public service organisations such as private sector organisations are also compelled to engage in the service delivery innovation process because they are accountable to the public or citizens of a nation. Therefore, service provision in this research study refers to the services that need to be delivered to beneficiaries—in this instance, the LGBTIQ+ people.

⁵⁰ Divan *et al.* 2016:2.

⁵¹ Divan *et al.* 2016:4.

⁵² Lovelock & Wright 1999.

⁵³ Organisation for Economic Co-operation and Development (OECD) 2017.

⁵⁴ Ordanini & Parasuraman 2011.

1.7.5. Gender and equality

According to the UNDP,⁵⁵ the term gender refers to the social attributes and opportunities associated with being male and female and the relationships between women and men and girls and boys and the relations between women and those between men. Such attributes, opportunities, and relationships are socially constructed and are learned through socialisation processes. They are context and time-specific and changeable. Gender also determines what is expected, allowed, and valued in a woman or a man in a given environment. However, in most societies, there are differences and inequalities between women and men in responsibilities assigned, activities undertaken, access to and control over resources, and decision-making opportunities. Gender is part of the broader socio-cultural context.

Regarding equality, Smith⁵⁶ informs that it consistently requires that all persons who are in the same situation be accorded the same treatment and that people should not be treated differently because of subjective characteristics such as religion, race, or gender.

In South Africa, gender inequality exists between women and men and in respect of LGBTIQ+ people. Although there are constitutional and legislative protections, serious violations of the rights to life and dignity of the LGBTIQ+ community frequently occur in South Africa. Internationally, Regional (African) and National Human Rights Laws are relevant.

Therefore, gender equality can be thought of in a 'formal' or 'substantive' sense. Formal gender equality refers to laws and policies that appear gender-neutral by treating everyone the same. Such laws and policies may, in fact, cement existing gender inequalities since they do not seek to change an unequal status quo.⁵⁷ Structural or systemic inequalities are, in other words, unequal structures, hierarchies, and power relationships that underlie our society and economy and are prejudicial

⁵⁵ Beavers *et al.* 2017:2.

⁵⁶ Smith 2014:611.

⁵⁷ SAHRC, 2017:9.

against women and persons based on their SOGI; they are therefore left unaddressed. The Constitutional Court has stated that, although our constitutional order's long-term goal is the equal treatment when insisting upon equal treatment in established inequality, it may result in the entrenchment of that inequality. Therefore, there should be formal equality which will be useful in cases of direct discrimination based on gender or gender identity.⁵⁸

The Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR) are international legal frameworks that contain several provisions on both equality and non-discrimination. In this discussion the researcher does not discuss all of them as they are discussed in Chapter 2, but focuses on the ICCPR. South Africa has committed to uphold these standards. Article 2(1) of the ICCPR sets out the principle of non-discrimination and states that each State Party to the present Covenant undertakes to respect and to ensure all individuals within its territory and subject to its jurisdiction the rights recognised in the present Covenant, without distinction of any kind such as race, colour, sex, language, religion, political or another opinion, national or social origin, property, birth or another status. Article 26 of the ICCPR sets out the principle of equality and of states that "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law". In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any grounds, such as race, colour, sex, language, religion, political or another opinion, national or social origin, property, birth, or another status.⁵⁹

Former Chief Justice Langa⁶⁰ indicated that, in cases of inequality based on gender, the State and the community must take positive measures and possibly incur additional hardship or expense to allow all people to participate and enjoy all their rights equally. The State also needs to ensure that the society and other institutions do not relegate people to their margins because they do not or cannot conform to certain social norms. In this instance, the State needs to ensure that there are specific

⁵⁸ Smith, 2014:611.

⁵⁹ Sauer & Podhora 2013:139.

⁶⁰ Currie & De Waal 2013:251.

and dedicated shelters, including strengthening the existing ones to accommodate LGBTIQ+ people to avoid relegating them.

The UNDP⁶¹ indicates that government ministers need to have sensitive and sensible approaches to LGBTIQ+ issues. That can boost the international recognition of their political careers as politicians and help them to show leadership. They also provide a guide of questions to be asked to different ministries and government departments regarding LGBTIQ+ people. Questions to be asked directed to the Department of Social Development are as follows:

- Is there a mandate for LGBTIQ+ awareness training for staff who work in child welfare and juvenile justice issues?
- Is there an inclusive, non-discriminatory policy that explicitly commits addressing the needs of LGBTIQ+ youth, such as mental and physical health issues, substance abuse, risky sexual behaviour, and livelihood opportunities?
- Does the Department allocate funds to developmental, preventive, and intervention programmes involving or led by LGBTIQ+ youth?
- Is there an estimate of the incidence and prevalence of homelessness among LGBTIQ+ youth?
- Is there dedicated shelter space and housing for LGBTIQ+ youth?⁶²

The above questions asked by the UNDP indicate that the issue of LGBTIQ+ is universal. Shelter space is included in the questions and indicates a common problem of accommodation for the LGBTIQ+ person, which needs to be addressed.

1.8. Structure of the dissertation

Following the introductory chapter, the rest of this dissertation is divided into four chapters, the content of each which is summarised in this section.

⁶¹ Beavers *et al.* 2017:26.

⁶² Beavers *et al.* 2017:31.

The second chapter lays out a literature review and selected conceptual framework. This chapter is structured around the existing legislative frameworks that address the rights of LGBTIQ+ people from Pretoria and the surrounding areas.

The third chapter explains the rationale behind the selected research methodology and methods used during the research period that effectively answered the research question.

The fourth chapter elucidates the research analyses and findings, highlighting the problems and reasons for these in terms of current policy and operational procedures in the social development sector of South Africa.

The final chapter summarises the conclusions and offers recommendations for future research.

1.9. Conclusion

This chapter provided an introduction to the research topic and presented a multifaceted outline of the study's background and overview. In South Africa, there is a severe lack of shelter services provision for LGBTIQ+ people and communities. A brief outline of the research process was discussed in the light of the research question. The second chapter follows with a detailed evaluation of relevant literature that guided the researcher in determining the primary points of contention with regards to LGBTIQ+ needs in the social development sector.

CHAPTER TWO

LITERATURE REVIEW AND CONCEPTUAL FRAMEWORK

2.1. Introduction

Several international instruments have been developed to deal with the issue of discrimination worldwide. The Constitution of the Republic of South Africa makes the strongest provisions for human rights in the world. Chapter two of the *Constitution* stresses that every South African has the right to be protected and not be discriminated against based on the grounds of their sex, gender, and colour. However, LGBTIQ+ people are some of the people who experience discrimination every day of their lives. This chapter provides a detailed literature review of the research problem and the conceptual framework into which the study fits. The chapter also presents a discussion of the literature reviewed to establish a theoretical basis for addressing the study's research problem. The literature review enabled the researcher to engage with the existing body of knowledge and theories to gain a conceptual understanding of the shelters in Pretoria and the surrounding areas that accommodate LGBTIQ+ people. The type of services provided by shelters around Pretoria were explored to ascertain the extent to which the LGBTIQ+ people are provided access to or are excluded from the existing shelters. By exploring the literature, the researcher used the three pillars of positive psychology and the minority stress model as theoretical basis for this study. This chapter starts with an exploration of the legislative framework supporting the protection of human rights for LGBTIQ+ people.

2.2. Legal framework for the rights of LGBTIQ+ people

For the purpose of this research, some of the international and national legislative frameworks that focus on the rights of LGBTIQ+ people are discussed below.

2.2.1. International legal framework

CEDAW, as mentioned in Chapter 1, is one of the international instruments that seek to address the problem of gender-based discrimination. Some of the international human rights legal frameworks include the European Convention on Human Rights;

the International Covenant for Civil and Political Rights; the European Union Charter for Fundamental Rights; the Universal Declaration of Human Rights; the International Covenant on Economic, Social and Cultural Rights; the UN Convention on Elimination of All Forms of Discrimination against Women; and the UN Convention on the Rights of the Child. These international human rights standards guarantee, amongst others, the respect of three freedoms (expression, association and assembly) irrespective of a person's sexual orientation or gender identity. LGBTIQ+ people are free to express their views, organise assemblies and register organisations that focus on issues that concern their sexual orientation and/or gender identity. The freedom of expression is protected in Article 19 of the Universal Declaration of Human Rights and Article 19 of the International Covenant on Civil and Political Rights. The European Convention on Human Rights ensures the protection of the right to freedom of expression in Article 10 and the European Union Charter for Fundamental Rights enshrines it in Article 11. Freedom of association and assembly are protected in Article 20 of the Universal Declaration of Human Rights and Articles 21 and 22 of the International Covenant for Civil and Political Rights. Provisions guaranteeing these freedoms are also found in other international instruments. In Europe, the right to freedom of assembly and association is enshrined in the European Convention on Human Rights (Article 11) and the European Union Charter for Fundamental Rights (Article 12).⁶³

According to Leigh, Altan and Long,⁶⁴ the European Union (EU) has been active in promoting equal rights for LGBTIQ+ people. In 1993, the European Parliament issued a resolution on 'Equal rights for homosexuals and lesbians in the European Community' after the Committee on Civil Liberty's Roth Report. The resolution provided, inter alia, de-criminalisation of and equal age of consent for homosexual acts, equal social benefits, anti-discrimination laws, access to marriage (or equivalent legal framework), and equal adoption rights. The EU also has developed a body of equality directives, including the Framework Directive 2000/78/EC on Equal Treatment in Employment in 2000, which has given LGBTIQ+ people legal rights against discrimination in the employment sector. However, outside the employment area,

⁶³ UN Human Rights Council 2011:71.

⁶⁴ Leigh *et al.* 2012:22.

including access to goods, education and health, there were few binding legal tools at EU level to tackle discrimination against LGBTIQ+ people.

Leigh, Altan and Long⁶⁵, further indicate that implementing the existing rights seemed to be problematic. Although there was a requirement to set up equality bodies under the Gender Recast Directive 2006/54/EC, which should protect transsexual people who have undergone gender reassignment from discrimination in employment, there was no EU requirement for designating equality bodies to deal with cases of discrimination based on gender identity in other areas or to tackle discrimination based on sexual orientation. However, the equality bodies aimed to provide independent help to victims, including helping victims of discrimination on access to justice. This indicated a gap that shows that discrimination against LGBTIQ+ victims is still not addressed even though there are legal tools available.

The EU then proposed an anti-discrimination directive on implementing the principle of equal treatment of people irrespective of religion or belief, disability, age or sexual orientation (antidiscrimination Horizontal Directive). It would extend the protection of LGBTIQ+ people against discrimination to areas other than employment, which, in this instance, includes shelters for accommodation.

Article 3 of the proposed directive prohibits discrimination based on religion or belief, disability, age or sexual orientation in both the public and private sectors in:

- social protection, including social security and health care;
- social advantages;
- education; and
- access to and supply of goods and services which are available to the public, including housing.

⁶⁵ Leight et al. 2012:22.

What is also important is Article 12, which provides for the designation of bodies to promote equal treatment and tackle discrimination based on religion or belief, disability, age or sexual orientation.⁶⁶

2.2.2. African legal framework

The concerns for human rights are as old as humanity. African peoples, like other societies, have struggled with human rights issues. As such, the traditional concepts of African human rights can be drawn to personal rights such as privacy, freedom of expression, right to participate freely in the government of one's country, either directly or through freely chosen representatives, right to access land, women's roles, and access to justice. African human rights existed during pre-colonial Africa. Although it was not written down, its notion and concepts were reckoned in the family, kinship, and the community.⁶⁷ In this part of the chapter, the researcher discusses human rights' universality as one of the legal frameworks for human rights.

The Universal Declaration of Human Rights (UDHR, 1948) articulates the concept of universality in its preamble, although it is not a treaty and didn't impose any legal obligations. However, the UDHR was supplemented with two binding treaties, the ICCPR and the ICESCR.⁶⁸ In terms of sexual orientation and gender identity rights, the philosophical views on universality and LGBTIQ+ perspective are often pure and universalism of human rights, resulting in total equality between humans. Human rights are obtained by the fact that one is human. There is no other requirement than being born as a human for obtaining human rights. One is or is not a human, equals to one has or has not human rights. Therefore, the equality of all human beings should reflect in all individuals' right to protection against discrimination.

Moreover, the core of human rights is that every human is born with rights. In that, humans have inherited these rights due to them belonging to the human race. By

⁶⁶ Leigh *et al.* 2012:22.

⁶⁷ Chowdhury & Bhuiyan 2010:5.

⁶⁸ Karlsson, 2016:10; Mutua, 2002.

existing as a human being, people have the same universal rights that belong to them.⁶⁹

According to Karlsson, regarding LGBTIQ+ people,⁷⁰ they must be seen as equal to any other human being considering the statement that human rights are universal. Historically, LGBTIQ+ people have often been subjected to non-sanctioned discrimination and violence. Heterosexual people predominantly conduct such behaviour, and they regard LGBTIQ+ people as less human. Furthermore, such behaviour of the dominating (heterosexuals) group is not exclusive to discrimination against LGBTIQ+ and other vulnerable groups, such as groups subjected to racism and women subjected to gender discrimination.⁷¹

When it comes to human rights, universality is supposed to mean equality and inclusion of all. The human rights instruments and treaties of today describe universalism in that kind of wording. Hence, the universality idea roots are traced back to ancient history, but has little to do with how many of us see universality today. Although many societies have made significant strides in human rights advocacy, LGBTIQ+ rights struggle to find universal acceptance.

2.2.3. South African legal framework

South Africa is globally celebrated for its progressive and transformative democracy affirmed by the 1996 *Constitution* founded on human dignity, the achievement of equality and the advancement of human rights and freedoms. In relation to violence and discrimination based on sexual orientation and gender identity-based violence and discrimination, South Africa's *Constitution* is said to be the first in the world to prohibit discrimination on the basis of sexual orientation expressly. South Africa boasts a comprehensive and "liberal" policy framework for promoting equality and social justice, with ample protection for LGBTIQ+ people.⁷² However, LGBTIQ+ people, like

⁶⁹ Karlsson, 2016:13.

⁷⁰ Karlsson 2016:13.

⁷¹ Karlsson, 2016:13.

⁷² *Constitution*.

others who have important rights to life, liberty, equality, health, privacy, speech, and expression, continually face denial of these fundamental rights. They are rejected because of their gender identity and sexual orientation. Such is realised in terms of shelter services provision for the LGBTIQ+ people in Pretoria and the surrounding areas. The extent to which the LGBTIQ+ people are accessing or excluded by the existing shelters is discussed below.

2.3. Access to shelter, the right to equality and protection of the LGBTIQ+ human rights

A shelter is a place that provides people with temporary protection from danger or crisis situations. According to Watson and Lopez⁷³ shelters offer accommodation of between three and six months. However, if there are exceptional circumstances, an extension of accommodation may be granted. Although shelters sometimes extend the stay of their residence, in this instance, victims of crime and violence, it is not an option that they usually implement as doing so may be financially unachievable. Under this heading, the challenges of access to shelter, the right to equality and protection of the LGBTIQ+ people's human rights are discussed.

2.3.1. Challenges of access to shelter

LGBTIQ+ people globally face a number of problems. One of the problems is access to shelter services when in need. Based on their sexual orientation and gender identity, the LGBTIQ+ people are victimised in their homes, schools, churches, workplace and communities at large. This is confirmed in Shabangu⁷⁴ who alludes that violence against the LGBTIQ+ person begins at home, in the classrooms and halls of schools, at the workplace, and in the streets. As such, the LBGTIQ+ person runs away from home, or is thrown out by their families, leading them to be vulnerable and in need of a shelter or safe space. As such, some of the LGBTIQ+ people become homeless and live on the streets due to the lack of shelters and services that meet their specific needs.

⁷³ Watson & Lopez 2017:18.

⁷⁴ Shabangu 2018:125.

There are no shelters in South Africa that specifically accommodates LGBTIQ+ people. As mentioned in Chapter 1, there is only one shelter called The Pride Shelter in Cape Town. This shelter provides residential facilities to LGBTIQ+ people from South Africa and other African countries. According to The Pride Shelter's organisational profile, it primarily provides short-term accommodation and meals (breakfast and dinner) to its residents along with psycho-social support in the form of individual and group counselling sessions facilitated by trained counsellors or by intern student counsellors. Having one shelter for LGBTIQ+ people in South Africa is a challenge. There are LGBTIQ+ people in all nine Provinces of South Africa. The LGBTIQ+ people are violated almost daily as is the case with gender-based violence. Without comparing the two, it should be noted that violence is violence and should be treated at that level. In instances where a victim of gender-based violence from the heterosexual group and another from the LGBTIQ+ group both need shelter as a result of the violation, shelters, for example, may immediately accommodate the victim from the heterosexual group rather than the one from the LGBTIQ+ group. Such action is an indication of discrimination against the LGBTIQ+ person.⁷⁵ Most domestic violence shelters do not accept LGBTIQ+ people. It also alludes to the fact that there has been a lack of an inclusive plan for long-term shelter for LGBTIQ+ people, including those with AIDS. It is also noted that these people, based on their vulnerability of lacking economic support, often engage in drug use and risky sexual behaviours, ending up with mental health disorders.⁷⁶

Research conducted by the Commission for Gender Equality (CGE) on the state of shelters in South Africa indicated that there is no standardised approach to accommodate and assist survivors who belong to the LGBTIQ+ community. Most of the shelters sampled in this research indicated that they do not discriminate against LGBTIA+ people. However, if a transwoman requests admittance to the shelter and issues her ID (on the assumption that there had been no name or gender change), she would be denied admission based on her sex. Besides, the researched shelter indicates that, to date, they have never encountered a person from the LGBTIQ+

⁷⁵ Subhrajit 2014:321.

⁷⁶ Subhrajit 2014:321.

community seeking admission to the shelter. On the other hand, one of the shelters in the Northern Cape Province specifically pointed out that they do not admit persons from the LGBTIQ+ community.⁷⁷

With all the hindrances, barriers, and challenges the LGBTIQ+ people face, it becomes difficult for them to find and receive competently and affirming services. Organisations, such as shelters and individual therapists, including shelter staff, are not always LGBTIQ+ friendly, and some staff members may not even be aware of their heterosexism. Staff can be judgmental toward LGBTIQ people's sexuality or be uninformed about LGBTIQ+ resources and rights.⁷⁸ Many professionals, including the shelter staff members, do not accept or are not trained, to work with LGBTIQ+ people. These providers may be hostile, discriminatory, or simply unaware that LGBTIQ+ people have human rights. As such, shelter officials often fail to protect the rights of the LGBTIQ+ person. Currently, shelter rules, together with prejudice and hostile treatment by the staff and fellow service users (shelter occupants), can create unwelcome environments for LGBTIQ+ people who cannot advocate for themselves. Therefore, shelters need to ensure that they have rules that accommodate LGBTIQ+ people and that do not violate their rights.⁷⁹ In instances where shelters fail to protect the rights of the LGBTIQ+ person, they will be violating their rights, including the right to equality.

Shelters for victims of violence and crime, including government departments who fail to provide accommodation to LGBTIQ+ people, violate their right to equality for LGBTIQ+ people. LGBTIQ+ people who need shelter services and are refused such services, can complain to court regarding the shelter violating their rights to equality. According to the South African Human Rights Commission, in a case where a complaint is laid regarding violation of the right to equality, Government (courts) should prove that there was no pejorative or unfair treatment of the LGBTIQ+ person compared to the heterosexual person in getting shelter services s.⁸⁰ The LGBTIQ+

⁷⁷ The Commission for Gender Equality 2019:131.

⁷⁸ Subhrajit 2014: 324.

⁷⁹ Subhrajit 2014: 324.

⁸⁰ SAHRC, 2017:12

person needs to keep/show evidence that there was discrimination, pejorative and unfair treatment in service provision between them and the heterosexual victims.⁸¹

As much as complainants need to provide evidence about the discrimination and the unfair treatment in service provision, the court also has a responsibility to prove that there was no violation of the right to equality. The discrimination that occurred was fair. In that regard, if the government fails to prove that the discrimination was fair, then the LGBTIQ+ person will succeed in his/her case in court that the shelter/government has violated his or her right to equality. This is why it is important to keep evidence of discrimination and judgemental treatment.

Therefore, it will be ideal for shelters to have programmes as well as to offer services that will be supportive of LGBTIQ+ people without discriminating against them. Such programmes should be welcoming victims to the shelter environment, including not restricting LGBTIQ+ people and recognising their human rights.

2.3.2. Right to equality

International and national structures and bodies are responsible for promoting equality. These are created by statute to promote equality and combat discrimination at the member state level. These structures are usually established under non-discrimination legislation and should carry out their functions independent of all stakeholders, including the state. These national structures have a broad diversity for promoting equality across the member states. As such, this diversity is evident particularly in the legal structure of the bodies, in the range of grounds that they cover, in the nature of the functions and powers accorded to the bodies and the scale of operations of the bodies. Some of these structures are known as national equality bodies. Others are ombudsmen or national human rights institutions.⁸² There are two detailed types of national structures for promoting equality. These are quasi-judicial type bodies and promotional type bodies. Quasi-judicial type bodies operate mainly to

⁸¹ Commissioner for Human Rights 2011b.

⁸² Council of Europe 2011b <https://www.coe.int/en/web/commissioner/opinions> (accessed on 25 January 2021).

investigate, hear or mediate, and make findings concerning discrimination claims. Promotional type bodies predominantly operate to provide assistance to individuals experiencing discrimination and implement a broader range of awareness-raising initiatives, survey work and activities supporting good practice. There are instances where you find characteristics of both types in these national structures.⁸³ These national structures have great potential for dealing with complaints on the grounds of sexual orientation and gender identity and promoting the enjoyment of human rights by LGBTIQ+ people. It is therefore crucial that the national structures promote and raise awareness of their services to enhance services to LGBTIQ+ communities as well as among themselves as national structures.

2.3.3. Protection of the LGBTIQ+ people's human rights

Sauer and Podhora⁸⁴ indicate that the vulnerability of LGBTIQ+ people has been demonstrated by LGBTIQ+ organisations, international human rights organisations and research bodies such as Human Rights Watch (HRW) and Amnesty International. LGBTIQ+ behaviour was criminalised in countries such as Saudi Arabia; Yemen, Qatar; Brunei; Mauritania, etc. and was punishable by death. In some instances, they were denied the right to get together and to freedom of expression. For example, they were barred from enjoying equal rights to marriage and founding a family; they were subjected to torture and violence and were even in danger of being killed through family and street violence or by state authorities.⁸⁵

Such societal marginalisation left the LGBTIQ+ person vulnerable to societal exclusion, poverty and all forms of discrimination that needed human rights protectors' interventions. International soft laws exist, such as declarations, recommendations, protocols and resolutions that play a role and express international agreement on standards of human rights protection.⁸⁶ An example of such is reflected in Article 26 of the International Covenant on Civil and Political Rights (1966), which states that the

⁸³ Council of Europe 2011b <https://www.coe.int/en/web/commissioner/opinions> (accessed on 25 January 2021).

⁸⁴ Sauer & Podhora 2013: 139.

⁸⁵ Itaborahy & ILGA 2012.

⁸⁶ Sauer & Chebout 2011.

law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

In addition, the United Nations (UN) agreed on the resolution on Human Rights, Sexual Orientation and Gender Identity, which was passed by the UN's Human Rights Council. A resolution was adopted to bring specific focus to human rights violations on LGBTIQ+ people and affirm the Impact Assessment and Project Appraisal of the universality, interdependence, indivisibility and interrelatedness of human rights'.⁸⁷ All UN member states were called upon to focus on SOGI aspects and the rights of LGBTIQ+ people in their efforts toward universal human rights protection. Mention should be made that the Yogyakarta Principles is one of the human rights obligations concerning LGBTIQ+ people under existing human rights conventions and laws. The Yogyakarta Principles were designed to map the way forward for the UN, regional bodies, national governments and other actors, such as human rights institutions, non-governmental organisations and private companies, to ensure the universal reach of human rights protection for LGBTIQ+ people.⁸⁸

2.4. Theoretical and conceptual framework

Hoy and Adams⁸⁹ refer to a theory as an explanation of a phenomenon (happening) or an abstract generalisation that systematically explains a relationship among given phenomena for purposes of explaining, predicting and controlling such phenomena. Most theories accepted by scientists have been repeatedly tested by experiments and can be used to make predictions about natural phenomena. This study employed two theories, which are positive psychology and the minority stress model. These models are discussed in detail below.

⁸⁷ UN Human Rights Council 2011:1.

⁸⁸ Sauer & Podhora 2013: 140; Karlsson 2015.

⁸⁹ Hoy & Adams 2015.

2.4.1. Positive psychology

According to Lomas and Hefferon,⁹⁰ positive psychology is the science and practice of improving wellbeing. Positive psychology theory is selected in this study as a guide to describing the shelters in Pretoria and the surrounding areas that accommodate the LGBTIQ+ people, explore the type of services they provide, and the extent to which the LGBTIQ+ people have access or are excluded by the existing shelters. A central theory of positive psychology is recognising the importance of complementary, alternative perspectives on the human experience that depathologize individuals' experiences, beliefs, and actions while helping them focus on their strengths. As explained in the literature review, LGBTIQ+ people experience enduring stigma and discrimination. Stigmatisation denies them equal access to key social goods such as housing/shelter. Research indicates that the existing shelters in the country, including Pretoria, mainly accommodate violence and crime victims from a heterosexual grouping. Using the three pillars of the Positive Psychology Minority Stress Theory, namely determining which areas are positive subjective experiences, character strengths, or positive social institutions, assisted in understanding how shelters can be inclusive in the services they provide to the LGBTIQ+ people.⁹¹

2.4.1.1. Three Pillars of Positive Psychology

For the sake of this study, shelters can be regarded as **positive subjective experiences**. They operate according to policies and guidelines. Not all shelters provide inclusive services, and that can be attributed to a variety of reasons. The existing shelters, as mentioned above, accommodate victims of violence and crime. Although some shelters around Pretoria accommodate homeless victims and those from the LGBTIQ+ community, not all of them accommodate LGBTIQ+ people. In using positive subjective experiences, shelters should stop excluding marginalised groups, especially the LGBTIQ+ person. Shelters need to recognise and respect LGBTIQ+ people's rights as they also have human rights. In cases where they lack information, training, which should include gender mainstreaming, needs to be provided to shelter staff.

⁹⁰ Lomas *et al.* 2015:7.

⁹¹ Vaughan & Rodriguez 2014: 335–347.

The exclusion of the LGBTIQ+ person in shelter services provision can lead to a number of negative psychological results such as mental illness. **Character strengths** such as hope as a coping mechanism, can neutralise the negative impacts and create a positive subjective experience of resilience and foster positive mental health.⁹² Hope is important as a coping mechanism for vulnerable populations. Individuals who have suffered repeated setbacks, like some LGBTIQ+ people, must fight their current circumstances to maintain confidence that goals can be attained. Individuals with higher levels of hope are more likely to see stressors as challenges rather than threats. Therefore, shelters need to develop strategies or guidelines and programmes that will be inclusive of the LGBTIQ+ people's needs.

Positive social institutions can develop individual-level strengths for LGBTIQ+ people. Vaughan and Rodriguez⁹³ identify physical and social institutions that can bear particular relevance for training and practice to affirm LGBTIQ+ people. These social institutions include policies or practices and didactic opportunities within training programmes. Using positive social institutions, shelters should have and implement guidelines and programmes that demonstrate respect for human rights and understanding of LGBTIQ+ people. To support more LGBTIQ+ affirming policies, shelters can use their professional expertise in shelter services provision to promote awareness of services to LGBTIQ+ people. They need to be trained and empowered about international and national laws that impact LGBTIQ+ people's lives and engage these laws in their advocacy programmes⁹⁴.

2.4.1.2. Minority Stress Theory

Lick, Durso and Johnson⁹⁵ describe minority stress theory as one of the greatest prominent conceptual models explaining health and health disparities among LGBTIQ+ communities. Invented by Meyer,⁹⁶ the theory looks at factors associated

⁹² Herrick *et al.* 2014:18.

⁹³ Vaughan & Rodriguez 2014:3.

⁹⁴ Vaughan & Rodriguez 2014:4

⁹⁵ Lick *et al.* 2013: 521.

⁹⁶ Meyer 2003.

with various stressors and coping mechanisms and their resulting negative or positive outcomes. Meyer⁹⁷ suggests that the model describes stress processes, including experiences of prejudice, expectations of rejection, hiding, concealing, internalised homophobia and ameliorative coping processes. The theory proposes that minority individuals, including LGBTIQ+ people, have to constantly adapt to stressors such as homophobia or sexual stigma from the environment in which they find themselves, which causes significant stress, which ultimately affects physical and mental health outcomes. Rodriguez⁹⁸ and Meyer⁹⁹ indicate the importance of considering the stressors experienced by minority groups because they are likely to be subject to these conflicts because of dominant cultures, social structures, and norms that do not fit minority groups like the LGBTIQ+ community. Society becomes a stressor because dominant negative perceptions towards LGBTIQ+ people often conflict, negate and nullify minority cultures. Such difficulties may occur at an institutional level or individual level. One way or the other all these factors inherent in this model affect how the LGBTIQ+ people access shelter services provision. This study is particularly interested in exploring shelter services provision in Pretoria and the surrounding areas that accommodate the LGBTIQ+ people, the type of services they provide, and the extent to which the LGBTIQ+ people are accessing or are excluded by the existing shelters.

Also, the foundation of minority stress rests upon three main assumptions. In the first instance, the theory assumes that stressors are unique to minority groups and not experienced by non-stigmatised populations. In other words, minority stress is additive to general stressors that are experienced by all people. Secondly, these stressors are chronic and related to social and cultural structures. Relatively stable social structures such as laws and social policies are often the source of stress for minority persons in addition to personal events and, according to Meyer,¹⁰⁰ may lead to mental and physical health problems. Thirdly, minority stress is socially based, meaning that it stems from social/structural forces, such as social processes, institutions, and structures rather than personal events or conditions that ultimately create these

⁹⁷ Meyer 2003:679.

⁹⁸ Rodriguez 2016:14.

⁹⁹ Meyer 2003:675.

¹⁰⁰ Meyer 2003:676.

barriers to social lives for LGBTIQ+ people.¹⁰¹ Meyer argues that the concept of social stress discussed here is actually an extension of stress theory because it considers factors within the environment and beyond personal life events. Therefore, social stress might be expected to have a strong impact on the lives of LGBTIQ+ people who are in need of shelters as safe spaces. Shelters therefore should be aware of the social stress they are causing to LGBTIQ+ people when they exclude them from service provision and shelter services.

2.5. Conclusion

This literature study aimed to determine current knowledge to establish a concrete conceptual framework for the study and explore related concepts and ideas such as shelter services provision for the LGBTIQ+ people. The literature review highlighted social and other barriers faced by the LGBTIQ person in being able to access shelter services. The literature study showed that shelter services provision for LGBTIQ+ people is a challenge as not all shelters in Pretoria and the surrounding areas accommodate LGBTIQ+ people. Shelter services provision for LGBTIQ+ people has barriers that include access and other factors that violate their human rights. These can be further reduced to include structural issues, such as policies, laws and programmes, and individual characteristics that prevent LGBTIQ+ people from accessing shelter services provision and ultimately increase their vulnerability due to the stigma and discrimination they experience.

¹⁰¹ Meyer 2003:676.

CHAPTER 3

RESEARCH METHODOLOGY

3.1. Introduction

In the previous chapter, the international and national legal frameworks on the rights of LGBTIQ+ people, and the theoretical and conceptual frameworks for this study were outlined. The Three Pillars of Positive Psychology was also reflected upon. This chapter illustrates the method used in this study to explore the extent to which the South African government provides adequate access to, and provisions for, LGBTIQ+ victims of gender-based violence and crime. A thorough description of the research methodology is provided in this section.

3.2. Research design

According to Babbie and Mouton,¹⁰² research design is a plan, blueprint, or structural framework which details how a researcher intends to conduct a research study to solve a particular research problem. By contrast, Welman, Kruger, and Mitchell¹⁰³ characterise research design as the plan according to which qualitative researchers secure participants' participation in their studies and collect information from them. In the case of this study, the research design was descriptive. Descriptive research is aimed at casting light on current issues or problems through a process of data collection that enables them to describe the situation more completely than was possible without employing this method. According to Lambert and Lambert,¹⁰⁴ qualitative descriptive studies tend to draw from naturalistic inquiry, which purports a commitment to studying something in its natural state to the extent possible within the context of the research arena. Descriptive research is aimed at casting light on current issues or problems through a process of data collection that enables them to describe the situation more completely than was possible without employing this method. Furthermore, although it is not a grounded theory, a qualitative descriptive study may

¹⁰² Babbie & Mouton 2007:74.

¹⁰³ Welman *et al.* 2005: 52.

¹⁰⁴ Lambert & Lambert 2012: 255.

have grounded theory overtones because it uses constant comparative analysis when examining the data. It also does not produce a theory from the data that were generated.¹⁰⁵

3.3. Methods

The researcher used a qualitative research method where document analysis was used for this study. Bretschneider, Cirilli, Jones, Lynch and Wilson¹⁰⁶ state that document analysis is a systematic collection, documentation, analysis, interpretation, and organisation of data as a data collection method in research. Harvey¹⁰⁷ states that document analysis refers to documents that have been produced before, and independently, of the research inquiry and have been subsequently used by the researcher. Forman and Damschroder¹⁰⁸ indicate that qualitative content analysis and thematic analysis are classified under the qualitative descriptive design. They are sets of techniques used to analyse textual data and elucidate themes. The strength of document analysis, or document collection, is that it allows the qualitative researcher to access first-hand information from the text producer directly. The document provides information on issues that cannot readily be addressed through other methods; they can check the validity of information deriving from other methods. They can contribute to a different level of analysis from other methods.¹⁰⁹ Documents may include any extant published or unpublished written material, including books, articles, newspapers, posters, legal or religious documents, court transcripts, parliamentary proceedings, census records, land deeds, wills, poems, songs, static advertisements, letters, inscriptions on a gravestone, minutes of meetings, notes, memoirs, sermons, political speeches, PowerPoint presentations, social media posts, and electronic blogs. For this research brochures, pamphlets, booklets, and website information regarding shelter accommodation for the LGBTIQ+ people around Pretoria were analysed. According to Bowen,¹¹⁰ analysing documents incorporates coding content into themes similar to how focus group or interview transcripts are analysed. The

¹⁰⁵ Lambert & Lambert 2012: 255.

¹⁰⁶ Bretschneider *et al.* 2017:4.

¹⁰⁷ Harvey 2012 <https://www.qualityresearchinternational.com/methodology/RRW1pt1Introduction.php> (accessed on 25 January 2021).

¹⁰⁸ Forman & Damschroder 2008: 41).

¹⁰⁹ Bryman, 2003:150.

¹¹⁰ Bowen 2009.

researcher interpreted documents to give a voice and meaning around the issue of shelter services for LGBTIQ+ people.¹¹¹

The researcher was able to obtain most of the documents collected for this dissertation. Although some organisations delayed submitting their documents, the researcher eventually received the information needed. According to the Gauteng province's shelters resource director, there are seven shelters in Pretoria and the surrounding area that accommodate victims of violence and crime. Rebafenyi is one of them. This shelter did not submit their information even though a number of follow-up requests were made. The researcher checked their website, but it does not provide information on who they are and what services they are rendering. The Salvation Army Beth Sham Shelter is another shelter that did not respond to the request after a formal communication was sent to them. The researcher used the context of web-based resources which made documents readily available and easy to access, store, and share. The researcher accessed the document for this shelter via the website.

3.3.1. Research instruments

As alluded above, the researcher used data analyses. O'Leary¹¹² outlines eight (8) steps to be used during the planning process of document and all textual analyses. These include:

- Create a list of texts to explore (e.g., population, samples, respondents, participants).
- Consider how texts will be accessed with attention to linguistic or cultural barriers.
- Acknowledge and address biases.
- Develop appropriate skills for research.
- Consider strategies for ensuring credibility.
- Know the data one is searching for.

¹¹¹ Bowen 20009.

¹¹² O'Leary 2014:371.

- Consider ethical issues (e.g., confidential documents).
- Have a backup plan.

The researcher used these steps in the process of document analysis to ensure reliable results.

3.3.2. Data collection

The data collection process started when the researcher started negotiating access to the study site with the relevant gatekeepers to build rapport. The researcher in this study was inspired by Creswell's data collection model, which was adapted by Cronjé¹¹³ and is presented in Figure 3.1 below. Site selection for the study was informed by the fact that the researcher was responsible for developing the LGBTIQ+ programmes. She identified several cracks in the system that needed to be rectified by the Department of Social Development and various other government departments. One of the flaws was providing shelter services to victims of crime from the LGBTIQ+ community. Based on her work in the field of victim empowerment and advocacy for the human rights of the LGBTIQ+ people, the researcher became interested in the study topic and therefore initiated this study. Although the researcher could easily access information on shelters within the National Department of Social Development database, she followed procedures to gain access and permission to conduct the study and started to build rapport. All other permissions from university authorities were sought before conducting this study. The model is presented in a cyclical diagram assuming that the research was a rather linear process.

¹¹³ Cronjé 2011:103.

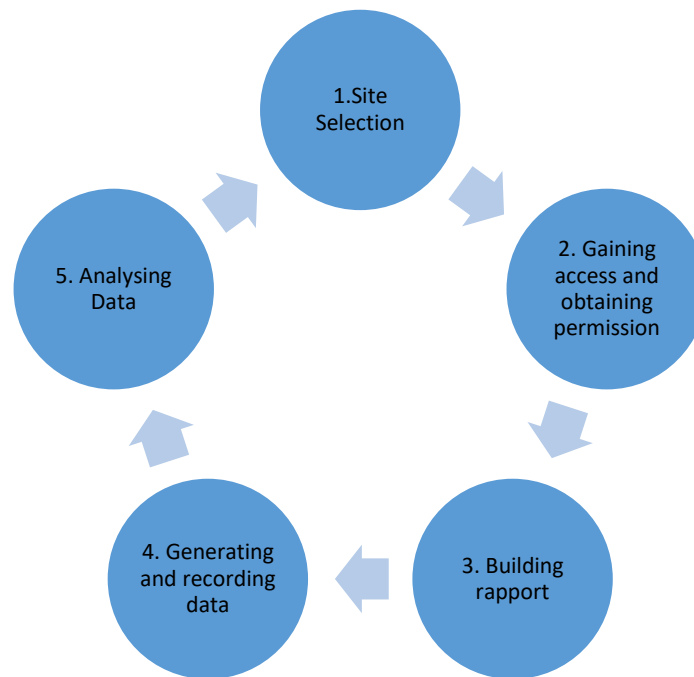


Figure 3.1.: Data collection cycle

Source: Adapted from Creswell¹¹⁴, cited in Cronjé.¹¹⁵

However, when collecting data, the researcher used a plethora of texts from the different documents (brochures, pamphlets, booklets, and government department's policies). Bowen¹¹⁶ suggests that documents should be assessed for their completeness. This means that researchers should know how selective or comprehensive their data is. O'Leary¹¹⁷ suggests the following steps for data collection which the researcher followed as a guide:

- Gather relevant texts.
- Develop an organisation and management scheme.
- Make copies of the originals for annotation.
- Assess the authenticity of documents.
- Explore the document's agenda, biases.

¹¹⁴ Creswell 2007:118.

¹¹⁵ Cronjé 2011.

¹¹⁶ Bowen 2009: 31.

¹¹⁷ O'Leary 2014:371.

- Explore background information (e.g., tone, style, purpose).
- Ask questions about the document (e.g., who produced it? Why? When? Type of data?).
- Explore content.

3.3.3. Data analysis

According to Creswell,¹¹⁸ one of the challenging tasks for qualitative researchers is analysing text data. This is further exacerbated by decisions on representing the data in tables, matrices, and narrative forms. Unlike quantitative research, where the investigator collects the data, then analyses the information, and finally writes the report, the qualitative research process is not linear.¹¹⁹

Data analysis means organising and interrogating data in a way that allows a researcher or an analyst to see patterns, identify themes, discover relationships, develop explanations, make interpretations, mount critiques, or generate propositions or theories. It involves synthesis, evaluation, categorisation, hypothesising, comparison, and pattern finding. It is a way of processing data to communicate what has been learned to the audience. Alternatively, data analysis can be defined as a systematic search for meaning or a search for patterns in data, looking for recurrent behaviours, objects, phrases, or ideas. It allows the researcher to move from the description of events and social setting to a more general interpretation of data. It involves examining, sorting, categorising, evaluating, comparing, synthesising, and contemplating the coded data and reviewing the raw data and recorded data. *Qualitative data analysis*, in particular, can be regarded as the process of systematically searching for meaning from data. In this study, data was digitally transcribed into a Microsoft® Word document, which was read and analysed to understand and identify patterns of meanings. When a researcher is interested in using an entire data set to identify underlying themes presented through the data, constant comparison can be undertaken deductively (e.g., identifying codes prior to

¹¹⁸ Creswell 2007:147.

¹¹⁹ Creswell 2014:194.

analysis and then looking for themes in the data), inductively (codes emerging from the data) or abductively (codes emerging iteratively).

The central task during data analysis is to identify common themes. The stages of data analysis include:

1. Identifying statements that relate to the topic;
2. Separating relevant from irrelevant information in the interview and then break the relevant information into small segments (e.g., phrases or sentences) that each reflects a single, specific thought; and
3. Constructing a composite, whereby you use the various meanings identified to develop overall descriptions of the phenomenon as people typically experience it.

In this study, the three steps to qualitative data analysis, namely data reduction, data display, and conclusion drawing and verification were followed in the data analysis. The researcher used inductive analysis, which means that categories, themes, and patterns came from the data. Early on, the researcher developed a system of coding and categorisation. There are two ways to categorise narrative data: (1) using current categories and (2) using emergent categories. With *current categories*, you start with a list of themes or categories in advance and then search the data for these topics. For example, you can start with concepts that you want to know about or start with topics from the research literature. These themes provide direction for what you look for in the data. You identify these *before* you categorise data and search the data for a text that matches these themes. With *emergent categories*, rather than using preconceived themes or categories, you read through the text and find themes or issues that recur in the data. These become your categories. They may be ideas or concepts that you had not thought about before. This approach allows categories to *emerge* from the data. Categories are defined *after* you have read and worked with the data. In this study, the researcher used the present categories approach.

Data analysis in qualitative research has four major problems, namely (i) reducing the data, (ii) structuring the data, (iii) anticipatory data reduction, and (iv) detextualising data. These are described in detail below.

(i) Reducing the data: Phenomenological research generates much data through field notes, documents, and interview transcripts. The challenge is how to condense it into meaningful information. One solution can be to use codes to summarise the data. For this study codes were used to reduce the data into manageable information.

(ii) Structuring data: The manner in which data is collected may not be suitable for analysis. To address this challenge, the researcher may use a developed theoretical framework. The collected data is then fitted into the theoretical framework.¹²⁰ The framework would give a structure and a prior specification of the categories into which the data can be fitted. However, the researcher continues to test this existing structure against the emerging trends, patterns, and themes from the data collection to enhance and adapt it.

(iii) Anticipatory data reduction: This can happen when the researcher has developed a theoretical framework or structure through which some data can be ignored. However, anticipatory data reduction is not encouraged in phenomenological research as it restricts a deep understanding of the phenomenon being investigated and limits the collection of rich data. In this study, anticipatory data reduction was not done.

(iv) Detextualizing the data: Most data in phenomenological research is collected in the form of extended text. This makes its analysis and presentation to different audiences difficult. The data can be converted into diagrams and illustrations for analysis and presentation purposes to address this challenge.

¹²⁰ Singh and Gulwani, 2012.

In this study, data analysis emphasised creating categories, groups, clusters, and themes deriving from the documents and then identifying the patterns and relationships between them. The data analysis was an ongoing, emerging, and iterative process from the first document analysis to completing the document analysis sessions. Data analysis commenced by reading and re-reading all the documents several times. Codes, categories, themes, and dimensions were linked using data categories;¹²¹ such that data was expanded, transformed, and then reconceptualised.

The continuous process of data analysis claimed by the Grounded Theory strategies of analysis of data was followed. These strategies include open coding, axial coding, and selective coding as follows:

Open coding attempts to tease out codes and categories from data by going through the data line by line.

Axial coding is searching and identifying specific data parts to make connections between themes, categories, and codes.

Selective coding—selecting the main sub-categories, main categories, and finally, main research themes related to the research sub-categories.

Saldaña¹²² illustrates how a researcher may proceed from vast quantities of information to identify the patterns and codes that would further help a researcher recognise categories and sub-categories, which may ultimately translate into themes and theory from the research conducted (see Figure 3.2). Figure 3.2 illustrates the step-by-step process from data (e.g., interview transcripts, documents) being coded (with sub-codes as necessary), then the codes being combined into groups with similar attributes (i.e., axial coding); these groups are called categories, which may also have sub-categories. The categories are combined into themes, which are then further abstracted into theories, assertions, or theoretical propositions.

¹²¹ Yin, 2011.

¹²² Saldaña 2015:14.

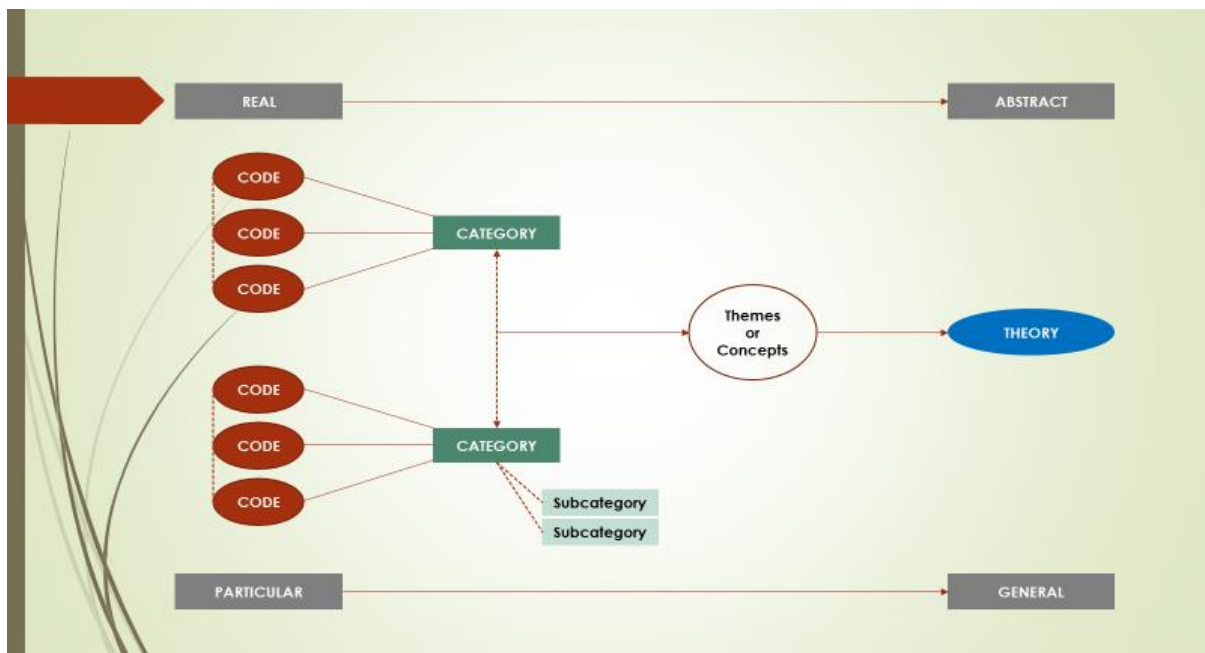


Figure 3.2.: Streamlined codes-to-theory model for qualitative enquiry

Source: Adapted from Saldaña¹²³

Yin¹²⁴ highlights a 5-phased data analysis cycle used by the researcher to interrogate and interpret data (see Figure 3.3). This entailed the following phases: **first**, compile database phase by selecting relevant documents; **second**, disassemble data phase which involved breaking down compiled data into fragments; **third**, reassemble data phase which involved the reconstitution and reorganization of disassembled fragments of data into different groupings, sequences, subjects, patterns, and headings, as was applicable; **fourth**, interpret data phase which involved the creation of narratives and explanations; and **fifth**, concluding phase containing the inferences and conclusions drawn from the entire study.

¹²³ Saldaña 2015:14.

¹²⁴ Yin 2011:178.

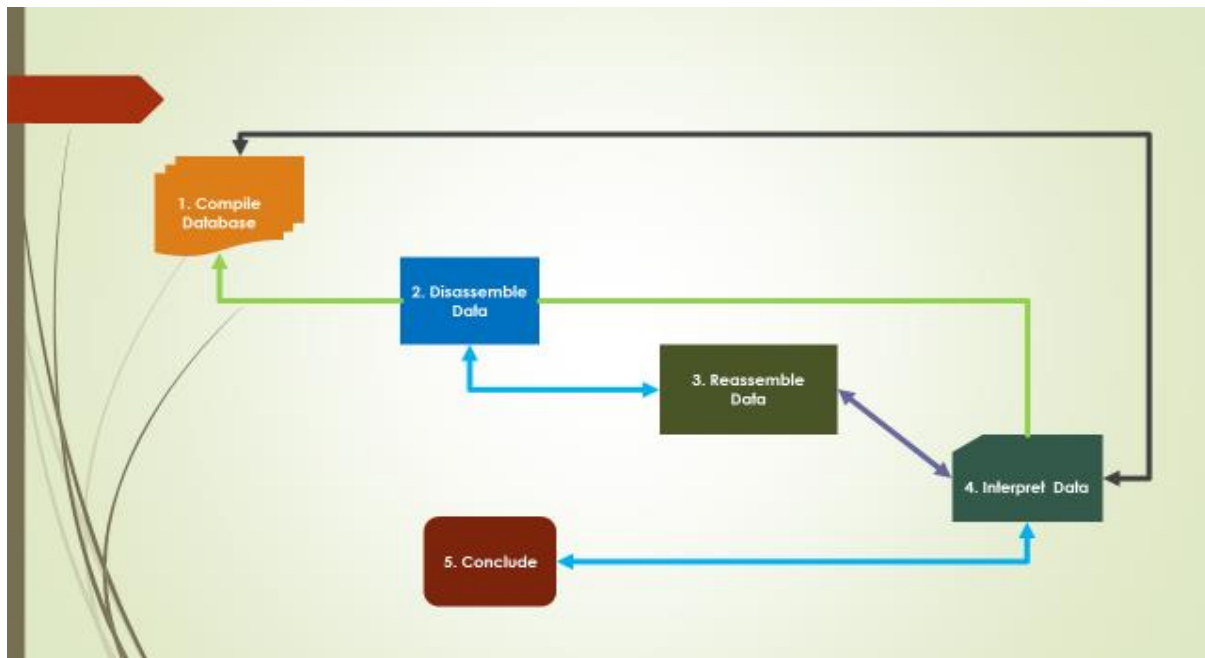


Figure 3.3.: Five-phased data analysis cycle

Source: Adapted Yin¹²⁵

The evolution of the conceptual label and their descriptions is arbitrary since some concepts are discarded, and others retained. This analysis goes through its iterative process in developing a proposition or a theory. In the case of studies, once concepts are generated, they need to be checked for applicability across cases. This study meant taking labels or concepts generated from one document with a case (i.e., shelter) and introducing them to another case to see if they can be identified. The final stage was reviewing the concept descriptions and tying these into the existing literature. Thus, concepts were used to support and explain concept discovery products and further inform the concept description stage in the explanation building process. The key points were marked with a series of codes from the data collected or documents, which were extracted from the transcripts. These codes were grouped into similar concepts to make the data more workable. From these concepts, categories were formed, which were the basis for creating a proposition or explanation building. This qualitative data analysis included both document and content analysis; and thematic analysis, as explained next.

¹²⁵ Yin 2011:178.

(a) Document analysis

Document analysis is a systematic procedure for reviewing or evaluating documents. Like other analytical methods in qualitative research, document analysis requires that data be examined and interpreted to elicit meaning, gain understanding, and develop empirical knowledge. Documents contain text (words and sentences) and images that have been recorded without a researcher's intervention. Document analysis yields data that is excerpts, quotations, or entire passages that are then organised into major categories and themes specifically through content analysis. Documents helped the researcher answer the research questions by uncovering meaning, developing understanding, and discovering insights relevant to the research problem.

Document analysis involved skimming (superficial examination), reading (a thorough examination of the documents), and interpretation. This iterative process combined elements of content analysis and thematic analysis. Content analysis is the process of organising information into categories related to the research questions. Thematic analysis is a form of pattern recognition within the data, with emerging themes becoming the categories for analysis. The process involved a careful, more focused re-reading and review of the data. The researcher took a closer look at the documents and performed coding and category construction, based on the data's characteristics, to uncover themes pertinent to the phenomenon of rights for LGBTIQ+ people. The researcher was concerned about the quality of the documents and the evidence they contained, given the study's purpose and design. In the process, the researcher strove for objectivity and sensitivity and maintained a balance between both. In brief, the following data analysis steps were taken:

- Obtaining documents from the sampled shelters and organising of details about a particular shelter as a case.
- Categorising of data and cluster it into meaningful groups.
- Interpretation of single instances or occurrences.
- Identification of patterns that is, identifying underlying themes characterising the case (shelter) more broadly.

- Synthesis and generalisation: An overall portrait of the case was constructed, with a conclusion and implication beyond the case.
- The researcher looked for convergence from a triangulated study: separate pieces of data pointing to the same conclusion.

(b) Content analysis

Content analysis is essentially a coding operation, transforming raw data into a standardised, quantitative form. Therefore, it included isolating and understanding LGBTIQ+ issues (like mental and physical health issues, substance abuse, risky sexual behaviour, and livelihood opportunities). Classical content analysis is similar to constant comparison analysis and is used frequently in qualitative research. The main difference is that instead of creating themes, the researcher counts the number of times each code is used. This type of analysis is helpful to use when there are many codes. It can identify which codes are most used and might be the most important concepts for the interviewee. Typically, the codes are produced deductively, and then can be either included as descriptive information about the data, can be analysed using quantitative procedures, or both. Classical content analysis was used throughout the research process. The content analysis tool's main advantage is that it is a comfortable self-taught analysis technique and can be completed quickly. However, this technique's major limitation is that recorded communication can stifle the analysis for it is sometimes difficult to get a valid measure of certain variables in content analysis—hence, triangulation was done to reduce this risk—and it does not yield complex themes, inter-relationships or in-depth insights.

(c) Thematic analysis

This study also used thematic analysis because the researcher focused on searching through the documents for themes and patterns, where data coding was of particular importance. This kind of data analysis correlates with the Ground Theory research technique, which was explained above, which advocates searching for themes and patterns to build a theory or a new theoretical proposition. Data analysis was carried out simultaneously with data collection, which enabled the researcher to focus and shape the study as it progressed, by continually reflecting on the data, thereby making

the study more relevant and profound than if one viewed data analysis as a distinct step to be completed after data collection. The researcher searched for common patterns and themes in the documents and updated the emergent themes at the end of each session.

(d) Generating themes and patterns

After completing the process of reading the documents, categories, themes, and patterns were generated, which could even be coded to create frequency distributions (if it was necessary). This process involved identifying salient themes, recurring ideas, and patterns. This was further analysed by classifying the information into groups reflecting various meanings of the studied phenomenon. Common themes were carefully identified, along with trends. The researcher further noted common expressions used in the documents in relation to the research problem and research questions. The last step of data analysis involved searching for alternative explanations. The final focus was on identifying common themes that should be considered in addressing issues related to victims of crime and violence, but most specifically the LGBTIQ+ community. In summary, the various stages of data analysis were as follows:

Stage	Purpose
<i>Codes</i>	Identifying anchors that allow the key points of the data to be gathered.
<i>Concepts</i>	Collections of codes of similar content that allows the data to be grouped into a concept.
<i>Categories</i>	Broad groups of similar concepts that are used to generate a proposition or theory.
<i>Proposition</i>	A collection of categories that detail the subject of the research.

Figure 3.4 gives a graphic representation of the whole data analysis process. Each label of a concept represents a node linking together the transcript incidents, although

the initial nodes may not exist at the same level within the abstraction hierarchy. As the level of abstraction/generalisation increases from codes, concepts, and categories, the core concepts begin to emerge.

Levels of abstraction

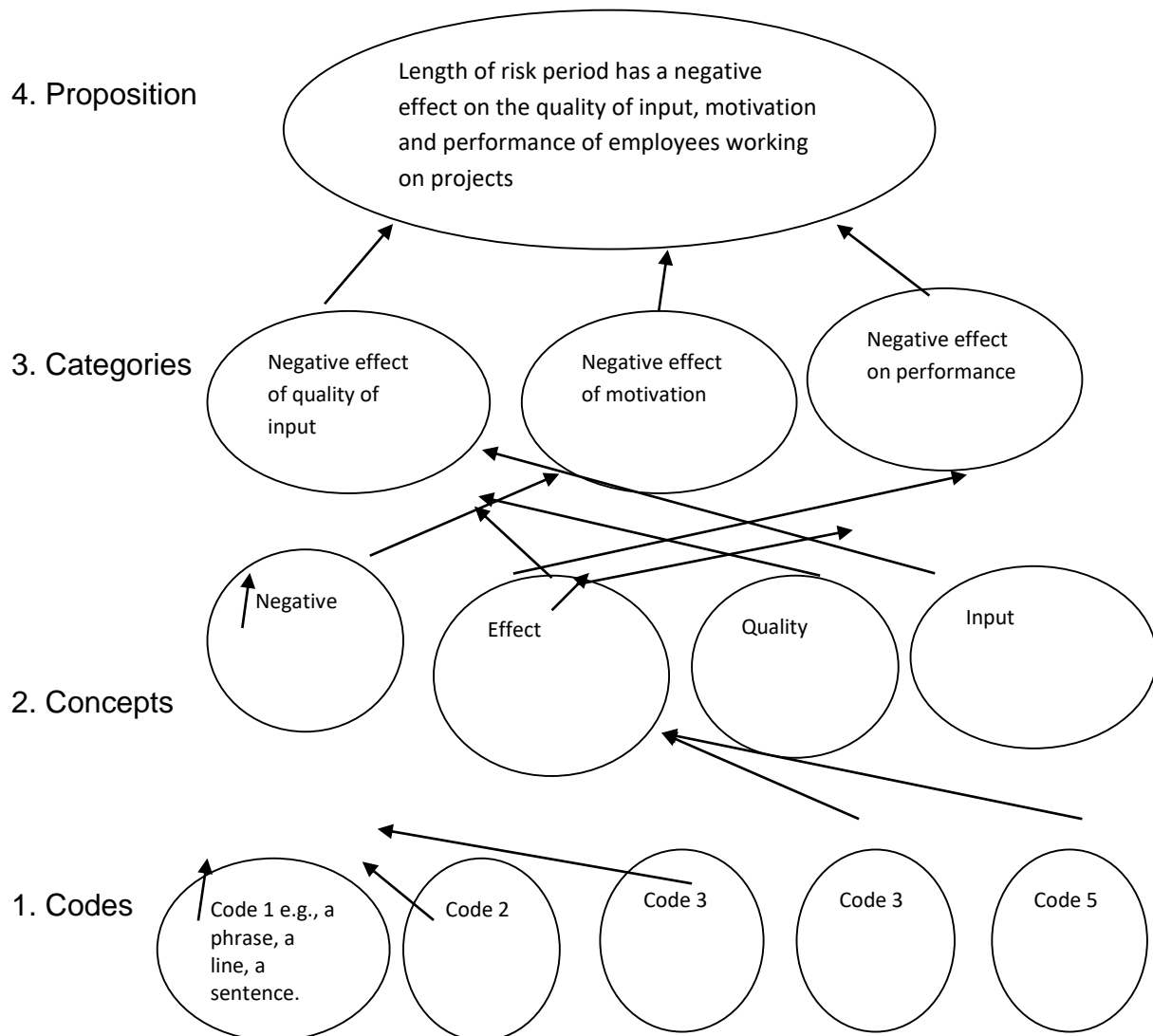


Figure 3.4: Development of analysis structure from the levels of abstraction or generalisation stages (Concept discovery)

Source: Adapted from Saldaña ¹²⁶

¹²⁶ Saldaña 2015:14.

Inherent within the concept discovery and labelling is the concept definition and elaboration of theory (i.e., the 'explanation building' element of the analysis). The practical approach of this is to group the transcript incidents together and form a common theme. The evolution of the conceptual label and their descriptions is arbitrary since some concepts are discarded, and others retained. This analysis goes through its iterative process in developing a proposition or a theory. In the case of studies, once concepts are generated, they need to be checked for applicability across cases. In this study, as usual, this meant taking labels or concepts generated from one document associated with a case (i.e., a shelter) and introducing them to another case to see if they can be identified with. The final stage was reviewing the concept descriptions and tying these into the existing literature. Thus, concepts were used to support and explain concept discovery products and further inform the concept description stage in the explanation building process.

The key points were marked with a series of codes from the data collected, which were extracted from the documents. These codes were grouped into similar concepts to make the data more workable. From these concepts, categories were formed, which were the basis for creating a proposition or explanation building in a narrative.

3.3.4. Validity of the study

According to Heale and Twycross,¹²⁷ validity is defined as the extent to which a concept is accurately measured in a qualitative study. Thus, one of the strengths of qualitative research is validity. It is based on the principle of determining whether the findings are accurate from both the researcher and the participants' standpoint¹²⁸ through the application of various strategies. It is a goal rather than a product and should not be taken for granted. Validity in qualitative research assigns meaning to the events and not to the data.¹²⁹ The fundamental principles of validity in qualitative research are credibility, transferability, dependability, and confirmability. Leung¹³⁰

¹²⁷ Heale & Twycross 2015:66

¹²⁸ Creswell 2014:201.

¹²⁹ Cohen *et al.* 2011:181.

¹³⁰ Leung 2015:324.

mentioned the five types of validity in qualitative data: descriptive, interpretive, theoretical, generalisable, and evaluative.

Descriptive validity refers to the truth of the events which is not twisted. The researcher used brochures, pamphlets, and posters that describe the researched shelters and could not be twisted. For interpretive validity, the researcher understood the significance, interpretations, conditions, and purpose of the documents' activities analysed. In terms of theoretical validity, the researcher narrated theory building within the research process and explained its relation to the phenomenon. Generalisable validity (generalisability) refers to the commonalities within a specific group, community, or situation (internal validity), and within the broader community, or other situations (external validity). Coming to this type of validity, the researcher checked for commonalities from the documents analysed. For evaluative validity, the researcher looked for bias and patterns between the findings and the literature.¹³¹ For example, in terms of biases, she realised a gap in terms of access to shelters for the LGBTIQ+ people and assumed an emic perspective and wanted to describe the extent to which the South African government provides access to shelter services to LGBTIQ+ victims of gender-based violence and crime. Being an employee of the National Department of Social Development, responsible for the registration of shelter organisations and funding some of them to a certain extent, the researcher had to continually reflect on her own bias and used the documents analysed to maintain an objective view of what was reflected.

3.3.5. Researcher reflexivity

According to Lane and Roberts,¹³² reflexivity is an attitude of attending systematically to the context of knowledge construction, especially to the researcher's effect, at every step of the research process. It is also a goal-oriented action to improve practice. It is a continual process of engaging with and articulating the researcher's place and the

¹³¹ Teddlie & Tashakkori, 2009:24.

¹³² Lane & Roberts 2018:6.

context of the research. Reflexivity also involves challenging and articulating social and cultural influences and dynamics that affect this context.¹³³

For this study, the researcher submitted a research proposal with the ethical clearance application, which, amongst others, outlined the ethical considerations she would consider during the fieldwork. The General/Human Research Ethics Committee (GHREC) of the University of Free State approved the proposal (see Annexure A).

After approval by the GHREC, the researcher continued to make contact with gatekeepers and other stakeholders. The researcher submitted a letter to the Gauteng Department of Social Development, informing them about the study (see annexure B). They were also requested to inform the shelter organisations to be researched about the study and requested them to respond to the researcher with information required. The researcher also sent emails directly to the shelter organisations requesting their pamphlets, brochures, booklets, and posters. Follow-up telephone calls and emails were made to the Gauteng Department of Social Development and the shelter organisations.

3.3.6. Ethical statement

The researcher used document analysis for data collection, therefore this method had few ethical considerations. However, the researcher informed the organisations that their documents will be interpreted as part of the study. This assisted preventing the organisations to object to the interpreted data from their document. If more information were required, follow-up requests regarding the document analysed could be done as the organisations were informed about this study. The relevant organisations could be contacted and asked for their consent.

¹³³ Barrett *et al.* 2020:9-12.

3.3.7. Conclusion

This chapter provided a detailed description of how the research process unfolded to answer the research question. A justification of the research approach (qualitative research) was presented together with arguments on using the detailed data-generating tools (documents). The following two chapters present detailed accounts of the generated data and present the researcher's interpretation thereof.

CHAPTER 4

RESEARCH ANALYSIS AND FINDINGS

4.1. Introduction

In the previous chapter, the rationale behind the selected research methodology and methods used during the research period that were deemed most effective to answer the research question, were outlined. Secondary data from the literature and shelters' documents, hence document analysis, was done in this study. This chapter elucidates the research analysis and findings, highlighting the problems and reasons for these in terms of the current policies and operational procedures in the social development sector of South Africa.

This study was done in Pretoria in the Gauteng province. As mentioned in Chapter 3, there are seven shelters in Pretoria and the surrounding areas that accommodate violence and crime victims. The Rebafenyi shelter did not submit their information even though several requests were made; hence, only five shelters' documents were analysed. Even though the Salvation Army Beth Sham Shelter did not respond to the researcher's request to submit their information after a formal communication was sent to them, their web-based resources was used to access the required document for the study. The researcher was particularly interested in exploring shelter services provision in Pretoria and the surrounding areas that accommodate LGBTIQ+ people; the type of services they provide, and the extent to which LGBTIQ + people have access to or are excluded by the existing shelters.

This chapter consists of five sections. After the introduction, Section 2 provides the organisational details, Section 3 presents the type of services provided by shelters in Pretoria and the surrounding areas, and Section 4 the sectors of the population granted access to these provisions. Finally, Section 5 concludes this chapter.

4.2. Organisational details

A sample of five organisations in Pretoria and surrounding areas were used in this study. These were: Mali Martin Polokegong Centre, Mercy House, Potter's House, Youth for Survival, and Beth Sham Salvation Army. Their organisational details are as follows.

4.2.1. Mali Martin Polokegong Centre

Mali Martin is a German lady who convinced her husband to open a care centre for women in each country his business (Semikron) operated. Polokegong is a Sotho name, meaning place of safety. It operates in the Tshwane District east of Pretoria, which is the former Kungwini-Metsweding district, rendering services to surrounding communities. The organisation has offices in Bronkhorstspuit, Enkangala, Cullinan and Sokhulumi.

For the purpose of this study, the researcher does not dwell on the organisational details, such as organisational resources, policies and the staff component; instead the focus is mainly on the services the organisation provides, which is the focus of the study.

Mali Martin Polokegong Centre is a safe haven centre (shelter) that provides safety, emergency, and temporary accommodation to women and children who have been exposed to violence and need guidance, support, and information in the process of healing. The shelter is fully functioning, and the quality of services being rendered continues to improve. All facets of this centre are closely monitored to ensure that their clients receive the much-needed intervention. Their goal/vision is to have a community without domestic violence where each home is a safe haven for families to live and develop to its full potential.

The organisation is committed to adhering to the rights of victims as described in the South African victim's charter, namely

- The right to be treated with respect and dignity.
- The right to offer information.
- The right to receive information.
- The right to legal advice.
- The right to protection.
- The right to compensation.

The organisation renders services to victims of crime and violence, including families in the community.

4.2.2. Mercy House

Mercy House is a shelter established by Catherine McAuley. She established it due to her deep concern about sisters who were sick and dying in poverty; for those sisters at risk in society; and for those who had spiritual needs. Inspired by her reverence for people and her insight into the role of women in South Africa, she thus decided to open a shelter for women victims of domestic violence and their young children. As mentioned in the above centre, the researcher focused on the services the organisation provides, which is the focus of the study. This applies to all other organisations discussed below.

The goal/vision of Mercy House is “walking with homeless, traumatized women as they rediscover their self-worth and find their place in society”. The objectives of this organisation are:

- To provide shelter and basic comforts of life to survivors of domestic violence and their young children to survivors of human trafficking and LGBTIQ+.
- To ensure the women receive adequate professional care according to their needs.
- To enable family reconstruction when this is feasible.
- To empower women towards financial independence through income-generating skills.

- To ensure a happy, violence-free environment for children while attending to their needs.
- To provide shelter and basic comforts of life to survivors of domestic violence and their young children to survivors of human trafficking and LGBTIQ+.

The Mercy House also has the Bophelo Project. The goal or vision is “Promoting a greater understanding of domestic violence, human trafficking, and HIV/AIDS and extending compassion towards sufferers and their families”. The objectives are:

- To promote awareness and give education concerning domestic violence, human trafficking and HIV/AIDS.
- To offer counselling and therapeutic support to sufferers and their significant others.
- To promote awareness and give education concerning domestic violence, human trafficking and HIV/AIDS.

4.2.3. Potter’s House

The Potter’s House was established in 1993 as a shelter for abused and destitute women. In the beginning, it accommodated 17 women and their children, but since 2002 The Potter’s House has been hosted by Yeast City Housing in a bigger facility. The Potter’s House can accommodate 24 women at a time with their children, caring for about 100 women and 50 children per year. Potter’s House offers them transitional accommodation.

The goal/vision of Potter’s House is “each person can make a difference”. This organisation’s objective is to offer a holistic service to address the needs of women in crisis in Tshwane; strengthen and support them; intervene in crises through transitional accommodation; and work towards economic empowerment. Potter’s House has an outreach programme, Drop-In Centres, and a transitional residential facility. It offers a baby care service and advocacy on women’s issues.

4.2.4. Youth for Survival

The organisation's goal/vision is "Sweeping away poverty and violence against women and children." Youth for Survival have four pillars:

1. Social programmes – Anti-teenager pregnancy
2. Entrepreneurship – Business generation, incubation.
3. Advice centre – information and referral.
4. Skills development – Life, business and trade skills.

Their initiatives are:

1. Tshwane one-stop, safe house – a safe house for abused women.
2. Home based care programme – for grannies.
3. Victim empowerment programme – police stations.
4. Amazing home programme – for girls above 18 years of age from foster care grant.
5. SGQAMI Lerato Nkamba Foundation – bursaries for children.
6. The Prodigal Child Programme – Halfway House for parolees and ex-inmates.

4.2.5. Beth Sham Salvation Army

This organisation's goal/vision is "See a God-raised, Spirit-filled Army for the 21st century—convinced of our calling, moving forward together". Their services involve putting right those wrongs found in communities such as deprivation of food and water, lack of shelter, inadequate access to education, the sale of pornography, and the exploitation of women and children for sexual purposes.

4.3 Type of services provision offered by shelters in Pretoria and the surrounding areas

4.3.1. Provision of basic needs such as food, clothing, toiletries and health services

This type of service is provided by only two (2) of the five (5) shelters in Pretoria and the surrounding areas, namely Mali Martin Polokegong Centre and Beth Sham Salvation Army.

4.3.2. Protection and safety in a friendly but enclosed environment where women and children can settle down and come to terms with their situation

This type of service is provided by only one (1) of the five (5) shelters in Pretoria and the surrounding areas, namely Mali Martin Polokegong Centre.

4.3.3. Counselling, support, advice and help services are rendered to any member of a family who might be in a risky situation

This type of service is provided by only two (2) of the five (5) shelters in Pretoria and the surrounding areas, namely Mali Martin Polokegong Centre and Mercy House. Mercy House offers counselling by trained counsellors to individuals not in residence. People are also helped to get ID documents and social grants).

4.3.4. Assisting, encouraging and empowering women to focus on their future, whether this involves starting a new life elsewhere, returning to the relationship or reunification with family members

This type of service is provided by only one (1) of the five (5) shelters in Pretoria and the surrounding areas, namely Mali Martin Polokegong Centre.

4.3.5. Educating and informing the public and voluntary bodies regarding all forms of violence including partnerships with relevant entities to ensure that victims have access to holistic services

This type of service is provided by only two (2) of the five (5) shelters in Pretoria and the surrounding areas, namely Mali Martin Polokegong Centre Women and Mercy

House. Mali Martin Polokegong Centre also offers women and children different developmental programmes, including HIV/AIDS, parental guidance, skills training activities, and poverty alleviation. Mercy House offers skills training which includes: pattern-drafting; machine and hand sewing; fabric painting; knitting; crocheting; cooking and baking; hairstyling; typing; computer literacy; gardening; child care education, etc.; life skills programmes of communications skills; conflict management; drawing up a CV; budgeting; team building; healthy diets; self-assessment, etc.

4.3.6. Assisting individuals who have been abusive towards their partners or ex-partners, ensuring that they change their behaviour and develop respect towards their partners

This type of service is provided by only one (1) shelter, namely Mali Martin Polokegong Centre.

4.3.7. Ensuring good networking to provide efficient and effective service and referrals to an appropriate organisation

Only two (2) shelters provide this type of service, namely Mali Martin Polokegong Centre and Banner Design for Youth for Christ (Information & referral).

In South Africa, the LGBTIQ+ people are faced with stigma, discrimination, and violence. Despite constitutional protection, they continue to experience social barriers that prevent them from accessing equitable services that significantly affect their overall well-being.¹³⁴ The LGBTIQ+ people also experience problems when accessing shelter services (e.g., when using a toilet) as they are not properly treated by either the shelter officials or other shelter users.¹³⁵ Based on their sexual orientation and gender identity, the LGBTIQ+ people get victimised in their homes, which causes them to become homeless and live on the streets due to a lack of shelters and services that meet their specific needs. With all the hindrances, barriers, and challenges the LGBTIQ+ people face, it becomes difficult for them to find and receive competently and affirming services.

¹³⁴ Muller 2016:196.

¹³⁵ Subhrajit 2014:321.

In South Africa, there is a severe lack of shelter services provision for LGBTIQ+ people and communities. The literature tells us that shelter services provision for LGBTIQ+ people is a challenge as not all shelters in Pretoria and surrounding areas accommodate LGBTIQ+ people. Shelter services provision for LGBTIQ+ people have barriers that include access and other factors that violate their human rights. In South Africa, gender and inequality also reflect on LGBTIQ+ people. Although constitutional and legislative protection exist, serious violations of the rights to life and dignity of the LGBTIQ+ community frequently occur in South Africa, particularly in the shelters that accommodate the LGBTIQ+ victims of crime. LGBTIQ+ people get victimized in their homes, schools, churches, workplace, and communities, which leads to their vulnerability and need for safe spaces or shelters for accommodation.¹³⁶

Out of approximately eighty shelters for victims of crime and violence in South Africa, only one accommodates specifically the LGBTIQ+ community,¹³⁷ and it is based in Cape Town. For the LGBTIQ+ victims, critical services to those undergoing high levels of trauma, including a safe place to stay and psycho-social support services, are challenges as they are also victimized in such spaces. This causes emotional and mental stress of not being able to access services which in turn violate their rights. One shelter that accommodates specifically persons from the LGBTIQ+ community is not enough; more shelters are needed for LGBTIQ+ people whose rights are violated when they are victimised.

According to Shabangu,¹³⁸ the Department of Social Development (DSD) is responsible for the Victim Empowerment Programme to co-ordinate shelter services, and is mandated by South Africa's *Domestic Violence Act*¹³⁹ to provide shelter services to victims of domestic violence, including LGBTIQ+ people. As mentioned in Chapter 1 and in subsequent discussions, having one shelter in the country, accommodating specifically LGBTIQ+ people (possibly partly due to existing shelters having funding problems) reflects as a violation of the right to equality of LGBTIQ+

¹³⁶ UNAIDS, 2015:2.

¹³⁷ Kotlolo 2019:1.

¹³⁸ Shabangu 2018: 246.

¹³⁹ *Domestic Violence Act*

people. This indicates a significant shortfall in pursuing the “human rights for all” mandate as laid out in the South African *Constitution*.

Shelters do not understand LGBTIQ+ people’s needs; they are ill-equipped and thus fail to offer LGBTIQ+ people sensitive health and social services; to provide equal access to housing, education, public facilities, and employment opportunities; and to develop and implement anti-discrimination laws and policies that protect LGBTIQ+ people, including guaranteeing their safety and security, which are essential to ensure that they are treated as equal human beings.¹⁴⁰ Just like the private sector organisations, according to Ordanini and Parasuraman,¹⁴¹ public service organisations are also compelled to engage in the service delivery innovation process, because they are accountable to the public or citizens of a nation.

Shelters and individual therapists are not always LGBTIQ+ friendly; they tend to be hostile, discriminatory, or simply unaware that LGBTIQ+ people have human rights. The service providers can create unwelcoming environments for LGBTIQ+ people who are unable to advocate for themselves. Shelters must ensure that they have rules that accommodate LGBTIQ+ people and do not violate their rights.¹⁴² Shelters should have programmes and offer services that are supportive of LGBTIQ+ people without discriminating against them.

4.4. Sectors of the population that are granted access to these provisions

The sectors of the population that are granted access to these provisions are as follows:

1. Victims of crime and violence, including families in the community but mostly women and children by Mali Martin Polokegong Centre.

¹⁴⁰ Divan *et al.*, 2016:4

¹⁴¹ Ordanini & Parasuraman 2011.

¹⁴² Subhrajit 2014: 324.

2. Survivors of domestic violence and their young children to survivors of human trafficking and LGBTIQ+ – including homeless, traumatised women by MERCY HOUSE.
3. Schools, churches, women's groups, counselling by trained counsellors with the BOPHELO PROJECT.
4. Women in crisis in Tshwane – Potter's House (with the Outreach programme, drop-in centres, transitional residential facility, baby care service and advocacy on women's issues).
5. Women and children – the youth by Youth for Survival. Social Programmes (include anti-teenage pregnancy and awareness campaign); entrepreneurship (include business generations and incubation); advice centre (i.e., information and referral); and skill development (i.e., life, business and trade skills).
6. Communities – by Beth Sham Salvation Army. The organisation tries to put right those wrongs found in communities, such as deprivation of food and water; lack of shelter; inadequate access to education; the sale of pornography; and the exploitation of women and children for sexual purposes.

It is only the Mercy House that caters specifically to LGBTIQ+ individuals and communities in Pretoria in the Tshwane district; otherwise, the other organisations cater to all the different population groups, including LGBTIQ+ people.

4.5. Evaluation of how provisions for the realisation of human rights, as stated in the *Constitution*, may be improved for all victims of crime

LGBTIQ+ people experience stigma and discrimination, denying them equal access to key social goods such as housing/shelter. The existing shelters in the country mainly accommodate victims of violence and crime from the heterosexual grouping; not all shelters accommodate LGBTIQ+ people. Even though the South African *Constitution* emphasises non-discrimination and equality for all and several international and national legal frameworks exist that prohibit discrimination against them, LGBTIQ+ people continue to face many barriers to adequate shelter services and health care. LGBTIQ+ people are targets of sexual and physical assault, harassment, and hate

crimes.¹⁴³ They are affected by discrimination, ignorance, poverty, prejudice, fear, and inequality based on their gender, which has infringed their human rights and dignity. According to PEPUA¹⁴⁴, failure to reasonably accommodate vulnerable groups such as the LGBTIQ+ people amounts to unfair discrimination.

Like other people, many LGBTIQ+ people need services, including social services, medical care, and basic access to employment and housing. However, LGBTIQ+ people face many barriers to adequate shelter services and health care, including discrimination, ignorance, poverty, prejudice, and fear. They continue to endure the harsh realities of gender discrimination and inequality, which has infringed on their human rights and dignity. Although the *Constitution* emphasises non-discrimination and equality for all, the LGBTIQ+ people remain the victims of discrimination and inequality. In South Africa, there is a severe lack of shelter services provision for LGBTIQ+ people and communities.

Because of their gender identity and sexual orientation, LGBTIQ+ people, like others, continually face denial of fundamental rights to life; for example, they are denied access to shelter services when they need them. The LGBTIQ+ people get victimized in their homes, schools, churches, workplace, in the streets, and communities at large.¹⁴⁵ Hence, the LGBTIQ+ people sometimes run away from their homes and become homeless and live on the streets due to a lack of shelters. Others are thrown out by their families, making them vulnerable and in need of a shelter or safe space.

Shelters and individual therapists may be hostile, discriminatory, or simply unaware that LGBTIQ+ people have human rights, and often fail to protect the rights of the LGBTIQ+ people. Shelter rules can also create unwelcome environments for LGBTIQ+ people who cannot advocate for themselves, and society can traumatise them, because dominant negative perceptions towards LGBTIQ+ people often conflict, negate, and nullify minority cultures. Shelters must ensure that they have rules that

¹⁴³ Muller 2016:196; Subhrajit 2014:321.

¹⁴⁴ *Promotion of Equality and Prevention of Unfair Discrimination Act*

¹⁴⁵ Shabangu 2018:125.

accommodate the LGBTIQ+ people without violating their rights.¹⁴⁶ If a shelter fails to protect the rights of the LGBTIQ+ people, it would be violating their rights to life, and LGBTIQ+ people can take shelters to court for violating their rights to equality.

Therefore, it is necessary for shelters to have programmes and offer services that will be supportive to the LGBTIQ+ people without discriminating against them, and to promote and raise awareness on their services to enhance LGBTIQ+ communities among themselves as national structures. Shelters should stop excluding LGBTIQ+ people and should recognise and respect their human rights. The shelter staff must be trained properly to deal with the issues concerning LGBTIQ+ people.

4.6. Conclusion

Shelter services provision for LGBTIQ+ people is a challenge as not all shelters in Pretoria and surrounding areas accommodate LGBTIQ+ people. The vulnerability of the LGBTIQ+ people due to stigma and discrimination of shelter services provided for them (i.e., the barriers that include access and other factors that violates their human rights) can be reduced by having appropriate policies, laws, and programmes in place that would enhance their access to shelters.

¹⁴⁶ Subhrajit 2014: 324.

CHAPTER 5

CONCLUSION AND RECOMMENDATIONS

5.1. Introduction

Chapter 4 presented and discussed the findings. This chapter concludes the study and provides recommendations. After the introduction, Section 5.2 presents the conclusion and Section 5.4, the recommendations.

5.2. Conclusions

This section presents the conclusions of the study. The limitations of the study are also discussed at the end of the section. The research objectives of this study were as follows:

- To determine what type of service provisions are offered by shelters in Pretoria and surrounding areas.
- To determine which sectors of the population are granted access to these provisions.
- To determine whether LGBTIQ+ individuals and communities are excluded from these provisions.
- To evaluate how provisions for the realisation of human rights, as stated in the *Constitution*, may be improved for all victims of crime.

Hence, the conclusions are given in terms of showing how these secondary objectives were achieved as follows:

Objective One

To determine what type of services provision are offered by shelters in Pretoria and the surrounding areas.

The types of service provisions offered by shelters in Pretoria and surrounding areas are as follows:

- Provision of basic needs like food, clothing, toiletries, and health services.
- Protection and safety in a friendly but enclosed environment where women and children can settle down and come to terms with their situation.
- Counselling, support, advice, and help services are rendered to any family member who might be in a risky situation.
- Assisting, encouraging, and empowering women to focus on their future, whether this involves starting a new life elsewhere, returning to the relationship, or reunification with family members.
- Educate and inform the public and voluntary bodies regarding all forms of violence, including partnerships with relevant entities to ensure that victims have access to holistic services.
- Assisting individuals who have been abusive towards their partners or ex-partners, ensuring that they change their behaviour and develop respect towards their partners.
- Ensuring good networking to provide efficient and effective services and referrals to appropriate organisations.

Objective Two

To determine which sectors of the population are granted access to these provisions.

The sectors of the population that are granted access to these provisions are as follows:

1. Victims of crime and violence, including families in the community but mostly women and children by Mali Martin Polokegong Centre.

2. Survivors of domestic violence and their young children to survivors of human trafficking and LGBTIQ+ – including homeless, traumatized women by MERCY HOUSE.
3. Schools, churches, women's groups, counselling by trained counsellors with the BOPHELO PROJECT.
4. Women in crisis in Tshwane – Potter's House (with the outreach programme, drop-in centres, transitional residential facility, baby care service and advocacy on women's issues).
5. Women and children – the youth by Youth for Survival. Social programmes (include anti-teenage pregnancy and awareness campaign); entrepreneurship (include business generations and incubation); advice centre (i.e., information and referral); and skill development (i.e., life, business and trade skills).
6. Communities – by Beth Sham Salvation Army. The organisation tries to put right those wrongs found in communities, such as deprivation of food and water, lack of shelter, inadequate access to education, the sale of pornography, and the exploitation of women and children for sexual purposes).

Objective Three

To determine whether LGBTIQ+ individuals and communities are excluded from these provisions.

Only the Mercy House caters specifically for LGBTIQ+ people and communities in Pretoria, Tshwane Municipality; otherwise, the other organisations cater to all the different population groups, including LGBTIQ+ people.

Objective Four

To evaluate how provisions for the realisation of human rights, as stated in the *Constitution*, may be improved for all victims of crime.

There are approximately eighty shelters for victims of crime and violence in South Africa, of which the only one accommodates specifically the LGBTIQ+ community. Shelters are expected to provide critical services to those undergoing high levels of

trauma, including a safe place to stay and psycho-social support.¹⁴⁷ For the LGBTIQ+ victims, such services are a challenge as they are also victimized in such spaces (if they access them) of which such spaces are supposed to be safe for them. This causes emotional and mental trauma of not being able to access services, and that violates their human rights. There is only one shelter that accommodates specifically persons from the LGBTIQ+ community, showing a need for more shelters for LGBTIQ+ people whose rights are violated when they are victimised. This indicates a shortfall in pursuing the “human rights for all” mandate as laid out in the South African *Constitution*.

These social barriers affect the overall well-being of LGBTIQ+ people.¹⁴⁸ Stigmatisation denies LGBTIQ+ people equal access to key social goods, such as employment, health care, education, and housing. Still, it also marginalises them in society and makes them one of the vulnerable groups risk of becoming socially excluded.¹⁴⁹ Shelters and social service institutions, such as health facilities and other hostile environments, fail to understand the LGBTIQ+ people’s needs, and according to Divan, Cortez, Smelyanskaya and Keatley,¹⁵⁰ such institutions are ill-equipped, thus failing to offer the LGBTIQ+ people sensitive health and social services.

The exclusion of the LGBTIQ+ person in shelter services provision can lead to a number of negative psychological results such as mental illness. Character strengths such as hope as a coping mechanism can neutralise the negative impacts and create a positive subjective experience of resilience and foster positive mental health.¹⁵¹ LGBTIQ+ people must fight their current circumstances to maintain confidence that goals can be attained. People with higher levels of hope are more likely to see stressors as challenges rather than threats. Therefore, shelters need to develop strategies or guidelines and programmes that will be inclusive of the LGBTIQ+ people’s needs.

¹⁴⁷ Department of Social Development 2013.

¹⁴⁸ Muller 2016:196.

¹⁴⁹ SANAC, 2017.

¹⁵⁰ Divan *et al.* 2016:2

¹⁵¹ Herrick *et al.* 2014:18.

Positive social institutions can develop individual-level strengths for LGBTIQ+ people,¹⁵² including policies or practices and didactic opportunities within training programmes. Shelters should have and implement guidelines and programmes that demonstrate respect for human rights and understanding for LGBTIQ+ people. To support more LGBTIQ+ affirming policies, shelters can use their professional expertise in shelter services provisions to promote awareness of the services they offer to LGBTIQ+ people. Shelter staff also need to be trained and empowered about international and national laws that impact the lives of LGBTIQ+ people and engage these laws in their advocacy programmes.¹⁵³

5.3. Limitation of the study

In this study, the researcher used only the documents obtained from shelters and secondary data from the relevant and current literature and she did not collect primary data. This, in itself, denied her an opportunity to collect in-depth information and obtain new insights or knowledge on the issues of LGBTIQ+ people. This limitation, thus, caused the researcher not to use rich and detailed information in this study, which could have added to the validity and reliability of the study and made her not come up with better recommendations for enhancing the realisation of human rights for LGBTIQ+ people, as stated in the *Constitution* of South Africa.

5.4. Recommendations

LGBTIQ+ people need services, including social services, medical care, and basic access to employment and housing, just like other people. They face many barriers to adequate shelter services and health care, including discrimination, ignorance, poverty, prejudice, and fear, and continue to endure the harsh realities of discrimination and inequality based on their gender, which has infringed their human rights and dignity. The following are recommendations intended to address the challenges of adequate shelter services provision for the LGBTIQ+ victims of gender-based violence and crime by the South African government:

¹⁵² Vaughan & Rodriguez 2014:3.

¹⁵³ Vaughan & Rodriguez 2014:4.

1. Shelters should ensure that they have rules that accommodate LGBTIQ+ people and do not violate their rights, otherwise, if they fail to protect the rights of LGBTIQ+ people, they will be violating their rights, including the right to equality. Shelters should stop excluding marginalised groups, especially LGBTIQ+ people and shelters must recognise and respect LGBTIQ+ rights as they constitute human rights.
2. Shelters must have programmes and offer services that will support LGBTIQ+ people without discriminating against them. Such programmes should be welcoming in the shelter environment, including not restricting LGBTIQ+ people and recognising their human rights.
3. The government, including national structures, should promote and raise awareness of their services to enhance LGBTIQ+ communities and individuals as national structures. Shelters can use their professional expertise in shelter services provision to promote awareness of the services they offer to LGBTIQ+ people.
4. The shelter staff must be trained properly to deal with the issues concerning the LGBTIQ+ person. They also need to be trained and empowered about international and national laws that impact the lives of LGBTIQ+ people and engage these laws in their advocacy programmes.
5. Shelters should develop strategies or guidelines and programmes that will be inclusive of the LGBTIQ+ people's needs.
6. Shelters should develop individual-level strengths for LGBTIQ+ people, including policies or practices and didactic opportunities within training programmes. Shelters should have and implement guidelines and programmes that demonstrate respect for human rights and understanding for LGBTIQ+ people. Shelters should develop individual-level strengths for LGBTIQ+ people, including policies or practices and didactic opportunities within training programmes. Shelters should have and implement guidelines and programmes that demonstrate respect for human rights and understanding for LGBTIQ+ people.

5.5. Recommendations for further studies

Further studies should involve in-depth interviews with key informants from the shelters such as managers of the shelters and other stakeholders, including LGBTIQ+ people themselves.

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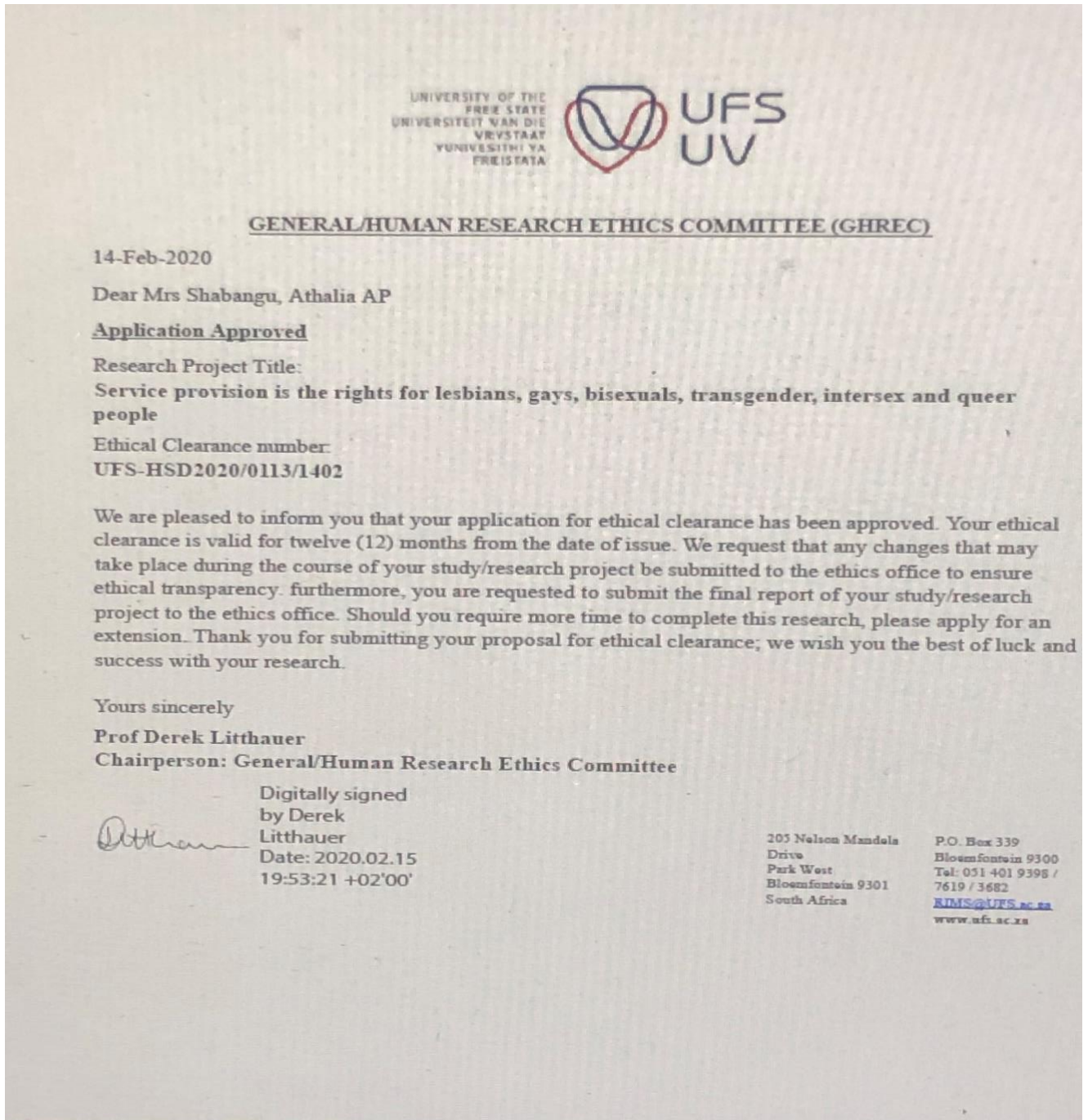
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Domestic Violence Act 116 of 1998

Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (Equality Act)

APPENDICES

Appendix A: Letter from the General/Human Research Ethics Committee



Appendix B: Letter to the Shelter Organisations requesting for their participation



REQUEST FOR INFORMATION FOR RESEARCH PURPOSES

Dear Colleague(s)

My name is Athalia Shabangu, a social work manager in service of the National Department of Social Development in Pretoria. I am a part-time Masters' student in the faculty of Law, (Centre for Human Rights) at the University of Free State. In fulfilment of requirements for the Master's Degree in Human Rights, I have to conduct research and submit a mini dissertation. I have subsequently decided to focus on the following research topic:

Services provision is the rights for lesbians, gays, bisexuals, transgender, intersex, and queer people.

The research will be conducted mainly in Pretoria and the surrounding areas. In order to complete the study, the researcher will do document analysis research in which documents are accessible on the website as well as in your organizational profiles. However, the researcher feels that it is important to include your inputs in the study so that information that may have been omitted in the available documents is incorporated. This will avoid misrepresentation of your organization.

You are thus requested to provide your Pamphlet/ Brochure/Flyer that indicates the services in which your shelter organization is rendering, and the type of victims you accommodate in your shelter.

Thank you for your cooperation.

Kind regards

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