

Men who have sex with men-sex workers and law enforcers in Mombasa: Is sexual and gender based violence an issue?

M. Syengo¹, J. Okal^{2,3}, N. Kingola¹, C. Khavetsa¹ A. Gathumbi⁴, S. Mall¹,
M. Temmerman⁵

¹ International Centre for Reproductive Health, Mombasa, Kenya

² Population Council, Nairobi, Kenya

³ Ghent University, Ghent, Belgium

⁴ Open Society Initiative, Nairobi, Kenya

⁵ International Centre for Reproductive Health, Ghent University, Belgium



INTRODUCTION

- Sexual and gender based violence (SGBV) is a global phenomenon, cutting across class, race, age & sexual orientation
- SGBV has been documented in Serbia among sex workers and law enforcers (Rhodes *et al*, 2008)
- SGBV against men has been demonstrated as a potential risk factor of HIV transmission among MSM and in the general population in the SA (Jewkes *et al*, 2006)
- Little is known on SGBV, MSM-SW and their relationship with law enforcers in Mombasa



BACKGROUND

- SGBV aimed at MSM in Mombasa was reported by UN during 2010
- National and municipal by-laws in Mombasa are specifically used against sex workers
- In Mombasa, homophobic violence directed at MSM-SW by law enforcement agents has been mentioned repeatedly by survivors of SGBV (*facing violence DVD*)



OBJECTIVES

- To examine the relationship between MSM-SW and law enforcers in Mombasa including:
 - ❖ Perceived relationship of MSM-SW with law enforcers
 - ❖ MSM-SW experiences of SGBV, stigma, discrimination
 - ❖ Health seeking behaviour of MSM-SW influenced by *SGBV*
- To explore the spectrum SGBV directed at MSM – sex workers



METHODS

- Study period: July 2009
- Study design: rapid assessment methodology
 - 2 focus group discussions with 8 and 9 participants
 - grouping according to sexual orientation and workplace
 - age: 17- 26 years
- Participant recruitment: purposive sampling
- Ethical approval: Kenyatta National Hospital Ethics



KEY FINDINGS

- Human rights violations by law enforcers were common among MSM-SW
- Reported violations included:
 - being forced to have unprotected receptive anal intercourse
 - physical assaults
 - arbitrary detainment secondary to untrue charges
 - theft and verbal abuse
- Delayed health seeking behaviour of MSM-SW after acts of sexual violence for fear of discrimination



Sexual coercion and unsafe sex

- *“Police have a mentality where they think sex from men is safe. If you tell him that you will infect him with HIV he will ask, “how do men infect each other with HIV?” are you teaching me to have sex or I have told you what I want? That is why sometimes we are at high risk not because we want it to be so; because circumstances force us to be in such situation”.*

FGD, 21 years

- *“The police have taken us as people who are not important but sex objects they can use you any time they want and you can do nothing. If you think am joking ask the others, they will tell if you can tell a police officer to use a condom”.*

FGD, 24 years



Physical assaults

“I was arrested and taken to court, while in court I jumped bail giving my under age as an excuse, police really hated that; the second time they arrested me they took me to the police station and beat me and locked me up in their cells. After beating me they came back and told the others”, that “I have brought you a sex worker, do whatever you want with him”.

FGD, 17years

“Just to add, there is one policemen whose name I won’t mention. This one has no friends with anyone, he will arrest you, beat you and tell you ‘that I will arrest you every day until you stop this habits’, he really beats very badly”

FGD, 20 years



Sexual harassment, theft and verbal abuse

- *“To say the truth, I normally work a round Baroda, general post office and Casablanca; once your arrested by police they call you “Mume Malaya”.*

They will search you from top down, remove your clothes, take your money and cell phone, insert their fingers and do all sorts of things. They really harass you”.

FGD18 years

- *“On my part, I have been caught by police, he took me for night rounds with his male colleagues and also took my cell phone and gave me back my SIM card and told me to go away. Imagine, I was with him and others, yet he still took my phone”*

FGD 25 years



Arbitrary detainment to untrue charges

- *“Police will arrest you and ask are you a sex worker”? “Then of course you will refuse and say no”, its when trouble begins, they take you around and insist you give them the animal. If you refuse they tell you, we will go round with you until morning and charge you with loitering and drunkenness, so you are forced to give them the animal.”*

FGD 22 years

- *There was a day I met a Mzungu client, the police arrested both of us in town, my client bought his way out with 5,000 shillings. However, they still arrested me accusing me of wanting to steal from the Mzungu and took me to court. There I defended myself and was released by the magistrate.*

FGD 26 years



Health seeking behavior after SGBV

- *“Some times its very difficult to go for treatment, because explaining to service providers in government hospital that you have a problem at the back they will find it surprising. Most of the time you don’t go you just buy drugs or go to KEMRI, there you will be treated well”.*

(FGD 22 years)

If you go to the government hospital and you say you have a problem at the back (anus) they get surprised and ask, “you are feeling pain at the back what have you done?” Yet at KEMRI, they understand us and know sex work is our work”.

(FGD 19years)



Coping strategies employed by MSM-SW to avoid imprisonment or physical violence

- Agree to have unprotected receptive anal sex
- Offer routine sexual favors or money to police
- Pay “ground taxes” to police to avoid being arrested for loitering
- Avoid seeking legal action against perpetrators (law enforcers as well as others) of violent acts



CONCLUSIONS

- SGBV directed at MSM-SW by law enforcers in Mombasa was reported
- SGBV is not only a human rights violation but also a potential risk factor in HIV transmission (general population and in most at risk populations)
- Homophobic rape and unprotected sexual episodes put both police officers and MSM-SW at risk of HIV acquisition
- MSM-SW are facing a double threat of sexual and gender based violence from the community and law enforcers in Mombasa



RECOMMENDATIONS

- Findings of this study will be disseminated to the relevant authorities to initiate a change of attitude of the law enforcement towards MSM-SW
- Future public health interventions directed at MSM-SW should address SGBV and relationship with law enforcers



ACKNOWLEDGEMENTS

- MSM-SW Study participants
- Provincial Medical Officer Coast Province
- Open Society Initiative-Kenya
- APHIA II Coast Province
- MSM ICRHK Peer Educators
- Project Steering Committee ICRHK



THANK YOU



ICRH