

Information for community-based organisations: How to support complainants

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Community-based organisations (CBOs), non-governmental organisations (NGOs), support groups, paralegals, families and friends have an important role to play in supporting healthcare users to make complaints.

People who are vulnerable to human rights abuses may need specific kinds of support to make sure they are able to complain and to do this in a way that is safe.

How should complainants be supported?

- Supporting healthcare users to use complaints processes is a way to advance access to justice and accountability in the healthcare system.
- Healthcare users may not be able to access some complaints processes without help. Support from organisations and other people can also ensure that a complaint is taken seriously.
- Being supported can empower healthcare users who are vulnerable to being victimised if they complain alone.
- Complaint processes do not always work fairly and transparently. CBOs can help to monitor these processes when supporting complainants, and can identify and demand changes to make sure the systems themselves are fair and accountable.
- By supporting complaints, organisations working on healthcare issues can identify problems in the healthcare system, and work with complainants and communities to resolve these problems, to improve laws and policies, and to improve healthcare services.

How can we identify vulnerability?

With issues like HIV and sexual orientation, **vulnerability** results from a number of factors in a person's life that reduces their ability to claim their legal and human rights.

Social, cultural, political, legal and economic factors that make people vulnerable may include:

- Personal factors like a lack of knowledge on how to protect themselves.
- The quality of health and other services, and access to them, may be limited because of distance, cost and other factors.
- Unequal opportunities, unemployment and poverty.
- Harsh laws, and social and cultural practices, beliefs and attitudes that stigmatise and disempower people, and act as barriers to essential HIV prevention messages.¹²

These same factors may make it difficult for people to access healthcare services or to access justice when they are mistreated or discriminated against.

12 UNAIDS "UNAIDS Terminology Guidelines" (2015), available at: http://www.unaids.org/sites/default/files/media_asset/2015_terminology_guidelines_en.pdf.

Because every community is different, it may be important for CBOs to ask communities about who is vulnerable and how best your organisation can be a support.



For example:

Examples of vulnerabilities when making a complaint

Where people live and their socio-economic status

- People with little money and who live in rural areas often have few places where they can access healthcare and medicines. Healthcare users may be scared that, if they complain about a particular nurse or doctor, they will stop giving them treatment.
- It can be expensive and difficult to access complaint processes that are far, or that need money to be able to make a complaint, for example: to make phone calls or to make copies of medical records.

Sexual orientation and gender identity

- LGBT people may be worried about having their sexual orientation or gender identity made public if they complain about poor services or discrimination.
- LGBT people may be at risk of violence if their status is made public.
- LGBT people can be more vulnerable to being refused health services or being discriminated against, for example: their right to equality, dignity and privacy not being respected.

Disability

- People with disabilities may not be able to access information about complaints processes or to be able to make a complaint in the way that is expected, for example: to write it down.
- People with mental disabilities might need support in their decision-making to access healthcare and to access justice when their rights are violated.

Factors linked to HIV

- People living with HIV may be scared that their HIV-status is made public or disclosed to the community if they complain about discrimination.
- People living with HIV may fear that their healthcare provider will stop giving them medicines if they complain about treatment or services.

Sex workers

- Sex workers are vulnerable to police abuse, violence and arrest. They may fear accessing health services or laying charges with the police.
- Sex workers may be worried about community members, families or friends finding out about their work or about customers finding out about their health status if they make a healthcare complaint.

People who use drugs

- People who use drugs may be fearful of being reported to the police or being arrested if they make a complaint.
- People who use drugs may be fearful of being denied healthcare treatment and services if they complain.
- Some community-based organisations and community members may not want to support people who use drugs to complain, leaving them without necessary support structures.
- People who use drugs are often perceived by people in authority as lacking credibility when they complain.

Women and girls

- Social and cultural beliefs and practices can make it difficult for women and girls to complain. They may risk being isolated socially or economically, or risk violence from their intimate partners or spouses.
- Pregnant women may be fearful of being denied services that they need to deliver their babies safely if they make a complaint.

Undocumented migrants

- Foreign citizens who don't have visas or the right documents to live or work in your country, may risk being identified by the authorities, or being arrested or deported if they make a public complaint.

Young people and children

- Social and cultural beliefs and practices can make it difficult for younger people to complain.
- Children may need support in their decision-making.

Prisoners

- Sentenced or awaiting-trial prisoners may be victimised if they complain about healthcare services.
- Men who have sex with men (MSM) in prison may not receive the healthcare services they need, for example: access to condoms or treatment for STIs. This may be because of the attitudes of prison staff or healthcare workers, or the prisoner's own sense of stigma around having sex with men.

How can we support a complainant?

Information

Healthcare users can be supported by sharing information about what their rights are, and where and how they complain.

Advice

Helpful advice from a community-based organisation or human rights body can be very important when healthcare users are upset about something that happened to them. CBOs can support these healthcare users by advising what can be done and what their options are for making a complaint.

Safety measures

CBOs have a very important role to play in helping healthcare users to complain safely. CBOs can assess a healthcare user's vulnerability, and give advice and assist with making sure they can complain safely.

For more, see *How can we identify vulnerability* on page 27 and *Safety and privacy* on page 21.

Complaining with someone or on someone's behalf

A healthcare user may face risks if they complain in their own name. CBOs might be able to make a complaint together with the healthcare user or complain on their behalf.

**Note:**

- If the complaint is made on behalf of somebody else, mention this in the complaint.
- You should also mention that you have permission from the person on whose behalf you are making the complaint.
- If they have not given you permission to use their name, you should say that the person behind the complaint wishes to remain anonymous.
- Be careful to verify information before filing a complaint on someone else's behalf. Making false allegations against someone in public can expose you to legal action.

Access to services

CBOs can make sure that healthcare users can continue to access healthcare and other services safely after they complain.

**For example:**

- Accompany a healthcare user to access services and collect medication if they are scared.
- Connect healthcare users with service providers who are trusted or who are known to provide services to people without discrimination, for example: for LGBT people and sex workers.
- Assist with transport to access alternative healthcare providers or medical supplies.

Addressing a complaint on a systemic level

CBOs can also help address problems on a **systemic** level – in other words, to tackle healthcare problems affecting the health system more widely.

**For example:**

- Do research to gather information about problems happening widely in the health system.
- Put pressure on government to make changes to laws, policies or procedures.
- Refer large-scale complaints to human rights commissions.

Social support

CBOs can offer important emotional and social support to healthcare users during the complaint process, for example: giving counselling after a traumatic experience.

Safety in numbers

When dealing with very sensitive complaints or vulnerable complainants, people and individual organisations can be put at risk. CBOs can offer support by standing with complainants.

It may also be important for CBOs themselves as activists to build coalitions with other organisations to stand together when making a complaint. This can also help show that issues that affect the human rights of a few people have important social and health impacts on the broader community.