The country we want to live in

Hate crimes and homophobia in the lives of black lesbian South Africans

Nonhlanhla Mkhize, Jane Bennett, Vasu Reddy, Relebohile Moletsane

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...the number of black lesbians who have been murdered has increased. Silence on this matter is not an option in the country we want to live in.

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Foreword

I was deeply honoured when I was asked to write a foreword to this critical and obviously long-overdue work. I am also deeply sad that so many years after our country's liberation, with the most advanced Constitution in the world, we are still having discussions about the increasing violence against women, particularly lesbians, and attempting to find strategies to address and remedy this situation.

We live in a misogynist society – in a world that uses tradition, culture, religion and all other accepted 'reasoning' to justify prejudice and the need for power. Women, whatever their station in life, are second-class citizens who will remain vulnerable until this status quo can be changed.

I am very fortunate to come from a family of very strong, independent women. I grew up with my mother, my grandmother, my sister and many aunts and great-aunts, who all taught my sister and me about resilience and self-sufficiency. But I also remember being very confused by the endless ambiguities around issues of gender relations.

My grandmother would tell me to go to school so I could stand up for myself and not depend on a man, but then in the same breath tell me to be a lady so I could net the perfect man to take care of me one day. Obviously, from my little experience, I already knew this was never going to happen.

But even with the ambiguity, my grandmother has always been the first real activist in my life. There was a large open field with overgrown grass next to my home, and I must have been about six years old the first time my grandmother ran outside to investigate a screaming female voice coming from the bushes. She ran out, screaming 'Hey!' at the top of her voice. Two men came out of the bushes, rounded the corner and disappeared. My gran found the terrified woman, a little bruised, clothes torn, but otherwise okay, and brought her into the house. She spent the night on the couch, fed, warm, and no questions asked. There were a few more women after that, all of them rescued by my gran.

When I asked her why she did this, she told me the story of a neighbour's mother from down the street. One night, long before I was born, a woman was heard crying and screaming at the top of her voice. All the neighbours recognised her as Michael's* wife, which meant that Michael was beating her up – again. This was very familiar, and so no one intervened. The screaming and crying continued until her voice was so hoarse it was a croak, and still no one got involved. My gran says that around sunrise, the next-door neighbour went to investigate.

Michael was passed out fully clothed on his bed. His wife lay bloody and dead on the kitchen floor. And so my grandmother vowed never to allow a scream of help to go unanswered again.

The screams do not stop. Once in a while women are heard screaming for help, and my grandmother is now too old to run out with an axe in hand. There is no help.

The irony is that my grandmother was always furious at my mother for carrying a weapon, and daring to defend herself whenever harassed by a man. She would say to me: 'Always respect a man, no matter what he does. God is a man, and that means a man should be revered as a God.' This is how she grew up, how it's always been, and how it will always be.

I remember the first time I was threatened and nearly attacked in my home. The men were adamant that they had every right to teach me a lesson for daring to come out as a lesbian and demand equal rights. There were at least 10 men, but my grandmother walked out with her iron rod and stopped them before they even entered the yard; only she and God know how she managed that. I remember how helpless I felt, knowing that there was nowhere to turn for help, even if I managed to get away. From my experience, the police were not going to help. They didn't help when Tshidi was brutally assaulted by her mother and stepfather. They didn't help Palesa either. Or the countless other lesbians who have been harassed, threatened and/or attacked. They were certainly not going to help me.

But this was 1990, and even though we were going through all sorts of transitions and could taste the freedom, we were still living in an oppressive system governed by archaic and oppressive laws. Then, all many of us could hope for was that our activism would bear fruit; that after liberation we would be recognised at last as equal citizens with equal rights in our country.

So we were ecstatic when our first president, Nelson Mandela, in his inaugural speech mentioned that no one should be discriminated against on the basis of their sexuality. That was more than we could have hoped for. But to be the first country to be afforded constitutional protection was an even bigger feat. However, for some

reason, 'our' freedom also signalled the freedom of men to treat women even more badly than before. I heard a group of men at the 1994 presidential inauguration saying that now that they had a black president, they were free to do whatever they wanted with 'their' women.

This brought home one very simple and very important fact: that until women are recognised as equal members of society, lesbians will continue to struggle for the freedom to live their lives without harassment and discrimination.

It is also telling that in a country that has a history of gross violations of human rights, a hate crimes Bill has not yet been finalised.

The country I want to live in is one that recognises my rights to live my life free of threats, discrimination, harassment, violence and fear. The country I want to live in is one that will do whatever is possible to not only ensure my rights, but to protect these rights and prosecute those who attempt to infringe on them.

I applaud the Human Sciences Research Council for not only recognising the intricate links between the different forms of gender-related violence but for also having the foresight to host this Roundtable discussion within the 16 Days of Activism international campaign. I applaud this book. It is a valuable resource and I hope that government bodies, non-governmental organisations and groups, as well as individuals who are committed to eradicating all forms of gender violence in all spheres of society will use it.

Beverley Palesa Ditsie
Writer, Filmmaker, Activist

**Michael – not his real name.*

Preface

The 16 Days of Activism: No Violence against Women is an annual campaign marked by many activities around the world to raise awareness of and end gender-based violence in communities. The 16 Days campaign is being used to create a global movement to raise awareness, to address policy and legal issues, to campaign for the protection of survivors of violence and to call for the elimination of all forms of gender violence. The day that marks the start of the campaign, 25 November, was declared International Day of no Violence against Women at the first Feminist Encuentro for Latin America and the Caribbean held in Bogota, Colombia, in 1981.

25 November was chosen to commemorate the death of the Mirabal sisters in 1960 under the dictatorship of Rafael Trujillo in the Dominican Republic.[1] The day was officially recognised by the United Nations in 1999 as the International Day for the Elimination of Violence against Women. The purpose of the campaign is to generate increased awareness about violence directed at women and children, how it manifests itself in our society and the negative impact it has on the development of these vulnerable groups. In South Africa, the campaign has added violence against children as a concern for activism and, as such, it is known as the 16 Days of Activism for no Violence against Women and Children.

To commemorate the annual campaign in 2006 the Human Sciences Research Council (HSRC) hosted a roundtable discussion to highlight violence against lesbians as a gender-based violence issue that warrants attention within this campaign. Given the campaign's general heteronormative focus, the motivation was to demonstrate why lesbian and gay issues are gendered issues, and indeed human rights concerns. Despite South African constitutional protections founded on the principles of equality, human dignity and freedom, discrimination remains in the Bill of Rights, and violence based on gender and sexual orientation, and against lesbian, gay, bisexual and/or transgendered youth, teenagers and adults in the country remains rampant.

While violence against women (and in particular girl children) is visible and a number of interventions are in place in community-based organisations and NGOs nationally, evidence from research and media reports suggests that violence against people whose sexualities may be described as marginal has not been adequately addressed in terms of interventions. Notably, lesbians (and in particular black lesbians) are the subject of much violence in township and some urban settings. Violence against black lesbians, precipitated by culturally sanctioned homophobia and hate speech, often results in physical, mental and emotional harm inflicted on such women (mostly by men). Consequently, these women and children face problems of, among others, disempowerment, stigma, rejection, ignorance and isolation. Explanations for the continuing marginalisation of lesbians (and gay men) in communities range from the perception that homosexuality is un-African, to beliefs that gays and lesbians cannot be afforded the same constitutional protections and rights provided to the rest of society (such as the right to marry), the perception and attitude that homosexuality should be criminalised, and religious and cultural intolerance emanating from varied notions of what is correct or proper gender behaviour and what is not. This is in spite of the current legal climate in South Africa where the Constitution guarantees protection of all citizens, including gays and lesbians.

The country we want to live in: Hate crimes and homophobia in the lives of black lesbian South Africans (hereafter referred to as *The country we want to live in*) in essence provides a reflection of a 2006 roundtable conversation that discussed, took stock of, addressed policy, and identified strategies towards eliminating violence against lesbians. Additionally, the report offers insights into the socio-political context of South Africa and the language and vocabulary used to speak about these issues, and reflects views expressed by some of the participants featured in this historic conversation. The report does not, however, offer a detailed analysis of the state of affairs concerning lesbian lives in South Africa, nor does it speak on behalf of lesbians. Rather, in these pages are meanings related to the issues as they are interpreted through the lens of the Roundtable. Interspersed in the text are references to the critical literature, news reports, popular articles and statements made by some participants that align the issues to ongoing discussions. We address some of the activism surrounding the campaign to end violence against lesbians, and offer some recommendations that we recognise to be important for ongoing policy and advocacy development.

Acknowledgements

This report would not have been possible without the essential and gracious support of many individuals and institutions. Firstly, without the financial support of the Foundation for Human Rights (FHR), the Roundtable on which this report is based would not have taken place. The FHR funded a number of organisations during the 16 Days of Activism campaign in 2006, and the HSRC's Gender and Development Unit at that stage received funding for the campaign that we jointly hosted with the Durban Lesbian and Gay Community and Health Centre. Special mention must be made of Evashnee Naidoo for leading the development of a hate crimes flyer for this campaign. Secondly, all the participants at the Roundtable – civil society members, members from government, activists, community leaders, researchers and academics – contributed tremendous and refreshing insights into the proceedings during the one-day discussions. Within the HSRC, a number of support staff (Annette Gerber and Ella Mathobela) assisted with the organisation of this event, which generated much media coverage and discussion.

In drafting the report, both the Durban Lesbian and Gay Community and Health Centre and the University of Cape Town's African Gender Institute were key partners – the HSRC appreciates this kind of partnership. The authors also wish to thank professors Claudia Mitchell (McGill University, Canada) and Thenjiwe Meyiwa (ex University of KwaZulu-Natal, now Walter Sisulu University) who reviewed the report and made constructive comments that have helped to shape the current version. Thanks also to Lisa Vetten and Steve Letseke for providing additional information requested by the authors, and to Tsitsi Chakauya-Ngwenya for technical help with the manuscript. At the HSRC Press, we express thanks to the commissioning editor, Roshan Cader, and to our editorial project manager, Samantha Hoaeane.

Abbreviations

ANC	African National Congress
BTM	Behind the Mask
FEW	Forum for the Empowerment of Women
FHR	Foundation for Human Rights
GALA	Gay and Lesbian Memory in Action
HSRC	Human Sciences Research Council
ICT	Information and communication technologies
LGBTI	Lesbian, gay, bisexual, transgender, intersex
NGO	Non-governmental organisation
POWA	People Opposing Women Abuse
TAC	Treatment Action Campaign
TIC	The Inner Circle
TRC	Truth and Reconciliation Commission

Part I

Context and History

What if loving another woman was celebrated
with songs and dance around rich African flames
where tales of my people are told
(Triangle Project 2006: 55)

'No matter what transpires in court, we are going to eliminate lesbians and gays' (translated from Zulu), directed by young men outside the court in Delmas, where those who had murdered lesbian soccer player Eudy Simelane were tried and sentenced on 13 February 2009.[2]

We need to begin to talk about the fact that we have rights over our bodies in our sexuality. Is this the freedom we were fighting for? Is this the country we want to live in?[3]

Context and socio-political background

In early December 2006, a few days before International Human Rights Day, the then Gender and Development Unit (later part of the Policy Analysis and Capacity Enhancement Research Programme) of the HSRC hosted a roundtable seminar entitled 'Gender-based Violence, Black Lesbians, Hate Speech and Homophobia'. The Roundtable took place in the context of a number of critical engagements with the meaning of citizenship in South Africa, and was sponsored by the FHR. Placed within the 16 Days of Activism for no Violence against Women and Children of 2006, where activists had a specific set of demands, which included fast-tracking the passage of the Sexual Offences Bill, working much harder on the design and rollout of a national anti-rape strategy for public participation, and the need for much more training of prosecutors, magistrates and police officers, the seminar was clearly an opportunity to contribute to a nationwide dialogue on what it would take to create a country in which gender-based violence was a dying phenomenon. While this report is shaped by the proceedings of the Roundtable, it is important to contextualise the discussion in order to highlight the strategic importance of the event and to place the Roundtable within the trajectory of activism that followed. In addition to the rich dialogue and discussion, the report also references popular and scholarly literature on the subject of violence against lesbians that is not bound to the 2006 discussion. This is deliberate on our part because writing in 2010 of an event that took place four years ago requires an ongoing engagement with the immediate past and the unfolding events of the present context for meaningful understanding of what the future can bring.

Violence against women in South Africa

The 16 Days of Activism for no Violence against Women and Children campaign was initiated in 1990 by Latin American NGOs, as part of a global commitment to tackling violence against women, especially sexual violence. In African contexts, there has been an enormous amount of work done in the past 18 years, where questions of women's rights to state protection from economic, cultural, social and intimate violence have been put on the table. The range of actors here has encompassed parliamentarians, international human rights organisations, national and local NGOs and individual activists, with critical shifts in matters of legal reform and public advocacy.

In South Africa, the decade post-1994 witnessed legal reform around the right to termination of pregnancy; the protection of women from discrimination on the basis of gender, sex, race and sexual orientation; the recognition of domestic violence as an issue warranting special attention; and substantial re-engagement with the meaning of

sexual offences. At the same time, public discourses on the meaning of gender equality have been effective, at a superficial level, in the promotion of women's leadership, especially in terms of supporting women's access to state office at diverse levels.

A number of researchers (e.g. Gouws 2005) have noted that overt moves towards transforming the quality of life for women in South Africa have made little or no impact in terms of security. Between 2003 and 2008, the number of reported rapes in South Africa increased rather than decreased and, based on the National Institute for Crime Prevention and Rehabilitation of Offenders' premise that only one in 20 rapes is reported, the guesstimate of 2006 rapes could be read as some 494 000. While it is not useful to work with such guesstimates in order to develop policies or plan effective interventions, it remains possible to suggest that the combination of domestic violence, rape, sexual assault, child sexual attack, witchcraft harassment and murders, sexual harassment, and intimate femicide creates a deeply insecure environment for South African girls and women.

Debate on the quantification of violence against women has raged for the past seven years (stimulated by state response to journalist Charlene Smith's powerful demand, after her own rape in 2002, for better provision of security and services to those who reported rape). Quantification is difficult: crime statistics, released annually, have categories for rape, sexual assault, and child sexual abuse, but do not categorise rape in domestic violence separately. In addition, many studies have shown that women seeking medical help for rape rarely report it (see, for example, Vetten 1997). NGOs that work with women and girls who have suffered rape and sexual abuse also report that most of their clients are loathe to make formal complaints, even against known rapists. As Simidele Dosekun (2007) suggests, the combination of confusing statistics, escalating public misogyny (such as that displayed recently at taxi ranks where women wearing short skirts were attacked), and widespread media dissemination of assaults on women, girls and babies creates a climate of terror for all women, regardless of the actual environments in which they live. Dosekun does not suggest that there is no actual difference in the vulnerabilities of South African women (she is clear that class is a powerful indicator of access to better security). Her point is simply that fear of sexual assault stalks the imagination of many South African women, and is based on realities of direct experience, indirect engagement with violence encountered by women and girls in their lives, media reports of sexual assaults as a daily feature, and the advocacy of diverse campaigns and organisations which, inadvertently, remind all South African women of their possible victimhood (e.g. 'One woman is raped every 26 seconds' – a slogan on the website of Rape Crisis Cape Town).

Activism on violence against women: Connections with issues of homophobia

The demand for security for South African women, and for the eradication of a climate in which violence against women is 'normal' (Bennett 2005), has been a very strong thread of South African feminist activisms since before 1994. National participation in a specially South African 16 Days of Activism campaign began in 2002, and was seen as a powerful opportunity to galvanise state attention and resources in the struggle to contain and address the daily violence experienced by women. Since 2003, the FHR contributed by funding organisations participating in the campaign, which ran from 16 November to 10 December. It is important to note that this alliance concretised a political and theoretical framework for strategies on violence against women. An approach to violence against women rooted in the idea that fundamental human rights (as protected in the South African Bill of Rights) are violated when a woman is abused is a powerful route towards prioritising efforts to address the scourge. This is particularly true when such efforts are placed alongside questions of the rights of HIV-positive people, refugees and migrants, the homeless, children orphaned by AIDS or other disasters, and people living on the edge of subsistence (without water, electricity or adequate housing).

An overarching political umbrella of human rights, focused on the state's commitment to guarantee human rights to its people, is strategically important, helping to design links between constituency-based claims for justice and to create a resilient political culture of engagement with contemporary legal rights rather than with historical entitlements. Of course, in a context like South Africa's where the need for redress against the legacy – and continuation – of colonial and apartheid-based injustices is urgent, the question of history cannot be ignored. For some, a human rights approach is not always strong enough to manage certain contemporary debates. It is, however, an approach grounded in legal approaches to discrimination and in constitutional rights recognition. To address violence against women through a human rights umbrella dovetails well with the legal reform work and advocacy currently under way in South Africa.

While the connection between the need to address violence against women and the power of analysis of such violence as part and parcel of human rights violations had been in political play for activists since before 2000, the demand to engage homophobia as a key zone of violence against women within the 16 Days of Activism campaigns in 2006 was new. Although many lesbian women have been sterling activists within historical and contemporary activism against the sexual and domestic

violence suffered by women and children, theoretical connections between the ways in which violent ideologies (misogyny, racism, homophobia, xenophobia, and so on) knit opportunities for 'legitimate' assault together have been thin on the ground. This is not always because activists fail to draw these connections; early 1980s work in Rape Crisis Durban shows clear understandings of the interconnectedness between one kind of social violence and others. In post-1994 activism challenging violence against women, however, there has been a marked split between those working on lesbian, gay, bisexual, transgender, intersex (LGBTI) rights and those working on violence against women. The reasons for this are complex and saddening, but one of the results is that it was not until 2003, with the formation of the Forum for the Empowerment of Women (FEW) as an NGO specifically dedicated towards work with black lesbians in marginalised environments, that public activism connecting homophobia with violence against women began to emerge with targeted initiatives.

Initiatives such as the FEW's 'The Rose Has Thorns', an advocacy and support intervention, in 2003–04 had already made an activist connection between rape, race and sexual identity. These initiatives have argued that black lesbians in poor urban neighbourhoods, such as Alexandra, live under daily threat of sexual violence as a direct result of their sexual identity. Until the 16 Days of Activism campaign in 2006, however, public advocacy around violence against women barely acknowledged homophobia, let alone drew on the experiences of black lesbians as part of their understanding of the meaning of violence against women. The 2006 seminar on homophobia, hate crimes and discrimination against black lesbians was thus one of a number of 2006 events that transformed the public 'face' of what was meant by violence against women. The engagement with homophobia and questions of race (or 'culture') as direct and powerful drivers within the forces animating violence against women is long overdue, and essential in the understanding of what kind of nation South Africans have created since 1994.

South African citizenship?

The recognition of violence against women as an advocacy platform that overtly includes issues of homophobia is one reason to celebrate and highlight the discussions and debates of the 2006 Roundtable. There are, however, other critical discussions that have been energised by an analysis of black lesbians' experiences of hate crimes, violence and homophobia. Since 1994, the notion of 'citizenship' has been central to political debate in South Africa, and questions of rights, exclusions and inclusions, and 'equality before the law', have been fundamentally connected to the meaning of a 'new' form of citizenship for the majority of people living in the country.

Political activisms around a number of issues have battled the state in terms of what citizenship entails. The Treatment Action Campaign's (TAC's) legal activism against the state between 2000 and 2006 was premised on the rights held by all South Africans under the Constitution to protection from discrimination, and the notion of 'citizenship rights' has undergirded struggles for land, electricity, access to healthcare, and housing. LGBTI activism has similarly argued for access to (for example) the right to marry or to adopt children under the umbrella of equal access to citizenship. The following broad points illustrate how citizenship is understood and defined:

- It constitutes a contested term in legal and political discussions, but broad definitions would suggest that citizenship is both a status and a practice/form of agency.
- In terms of status, it refers to a relationship between the individual and the state and between individual citizens regulated through rights.
- In terms of a practice/form of agency, the term encompasses ideas about rights to participation within social processes (governance, cultural, economic, social).
- Historically, within western political ideas about citizens, a citizen has been imagined as an ungendered, disembodied, abstract unit.

For South Africans, citizenship under colonialism and apartheid was mainly a history of exclusions of many people through racial categorisation, and through the colonisation/organisation of land and labour. Since political democratisation in 1994, the definition of citizenship has altered radically for South Africans – thus the claiming of citizenship (through claims to rights, resources, identities) emerges in a context of people deeply divided by historical social relationships (Van Zyl 2005); a person's rights are not unitary, they are negotiated and balanced in relation to other people's rights, set against a backdrop of struggles for economic/political dominance.

The post-apartheid state is currently actively engaged in promoting national identity based on allegiance to constitutional principles and adherence to a culture of rights – access to citizenship involves affinities to political rights and membership of cultural understandings such as ubuntu (responsibility to community). It is possible, therefore, to see citizenship as a process of negotiating relationship to juridical status (legal identities and processes); responsibilities/obligations; participative power: positive rights (promotion of participation in governance) and negative rights (freedom from discrimination); and entitlement rights (qualification for access to services and resources).

Feminist theoreticians also invoke notions of 'belonging': the dimension of citizenship that resonates with the emotional – a feeling of belonging that transcends

issues of membership, rights and duties. This involves a sense of the emotions that such membership evokes, carrying along with them prospects for negotiation, kinship, solidarity and vulnerability to the kinds of psychological impacts that involve identification and security (or, conversely, alienation and misery). 'Belonging' is a construction that 'only becomes visible when threatened' (Van Zyl 2005 in Gouws 2005: 145).

From this (rather oversimplified) introduction to the definitional politics of citizenship (a contested concept within feminist circles because of its connections to nationalism), it is possible to note that sexualities intersect with access to citizenship at numerous levels.

Firstly, at the most fundamental level, social organisation of people through gender norms as 'men' and/or 'women' structures, through heterosexuality, all forms of kinship alliance recognised as the basis from which communities are constituted. The politics of reproductive norms, conventions on marriage, religious and legal approaches to what constitutes legitimate sexual practice (so that, for example, 'sex' between an adult and a child is illegitimate in most cultures, although what defines 'a child' is of course contestable), among others, weave a relationship between citizenship and sexualities that is all-encompassing.

Secondly, when it comes to thinking about the way in which sexualities are lived and experienced, it is clear that dynamics of violence or exploitation can be part and parcel of sexual activity. Such dynamics create a category of 'second-class' citizens whose personal (sometimes professional) lives are dominated by what they experience within their sexual lives. This can involve broad questions of gender-based violence, including the marginalisation of sex workers. Gender norms tend to impact heavily on the dynamics, and thus the connection between sexuality and citizenship at this level becomes one of discrimination.

Thirdly, because heterosexuality is such a deeply rooted cultural norm, those who are not heterosexual may experience gross levels of alienation from citizenship: legal, social, cultural and religious. This is a complex area, but one in which connections between sexuality and citizenship are stark. Those identified as 'not heterosexual' are actively denied legitimacy in dramatically discriminatory ways in contexts that are defined and define themselves according to 'culture' and 'tradition'.

There are many more connections to be made; suffice to say that they point to gendered zones of policy in which there is much volatility when it comes to debate, whether at state or individual level. It is possible to argue that tracking such debate is a powerful way of reading a political context, and to suggest that far from being 'the progressive' African state (as we are often thought of because of our Constitution's

position on gender, sex and sexual orientation), South Africa is deeply involved in aggressive, and sometimes arch-conservative, contestation about what is 'normal' in terms of masculinity, femininity and sexual culture (see Roberts & Reddy 2008). The experiences of black lesbians interrogate South Africa's politics of citizenship in a way that demands immediate attention.

Notes on 2006

The year 2006 was a very particular year in the history of South Africa and its engagement with questions of citizenship, gender, sexuality and violence. In May of that year, the then-suspended deputy president, Jacob Zuma, was acquitted of the charges of rape laid against him by a 31-year-old woman he knew. 'Khwezi', the name given to the complainant by the activist groups that gave her case public support, identified herself as lesbian. Public discourse between January and May of that year was saturated with debates emerging from the process of the trial. Questions about the meaning of rape, cultural norms on heterosexual intimacy, the reasons a woman might lay formal complaints of sexual assault, and what respect for a complainant's rights means in the process of a public trial became volatile terrain for activism and discussion. In the course of the trial and its aftermath, the misogyny of many of those who supported Zuma became overt in their public scorn and degradation of the complainant. A collective of feminist organisations based in Gauteng (such as People Opposing Women Abuse [POWA], Tshwaraneng, and the FEW) banded together as the One-in-Nine campaign, with a specific commitment to supporting 'Khwezi' publicly as a survivor of rape. In their public demonstrations and internet/media-focused advocacy work, 'Khwezi's' lesbian identity did not take particular precedence on the platform of concerns about socio-political injustices on which the campaign focused. However, the campaign was driven largely by activists who had strong experience of the links between sexual violence, homophobia and the challenges faced by poor black women. And such experience had already catalysed outrage from the LGBTI movement earlier in 2006 (4 February) when Zoliswa Nkonyana, an 18-year-old lesbian woman living at the time in Khayelitsha, Cape Town, was murdered by a group of young men who were explicit about their desire to kill her because she was a lesbian. It was clear that the murder constituted hate crime. In the second Africa Conference on Sexual Health and Rights that year in Nairobi, Fikile Vilakazi of the Coalition of African Lesbians spoke of Nkonyana's murder as one in an escalating number of hate crimes directed at black lesbians and gay men, and Cary Johnson (then of the International Gay and Lesbian Human Rights Commission)

concurred: 'If governments respect human rights, then the rights of gay persons and lesbians must be incorporated in the wider human rights framework.'[4]

2006 was also the year in which the Civil Union Bill was under public scrutiny, and in the wide array of opinions about the legitimacy of marriage between people of the same sex there was ample opportunity for the expression of deep-rooted homophobia from myriad sectors of society. The passage of the Bill was tortured, and homophobic public opinion around the legitimacy of same-sex marriage was offered relatively unfettered through newspapers, radios, magazines and television shows. While the Bill was passed, this was a direct result of the fact that African National Congress (ANC) parliamentary members were instructed to support the Bill on constitutional grounds. It was the opinion of many analysts that had all parliamentarians been allowed to vote according to their conscience, the Bill would not have been passed (De Vos & Barnard 2007).

Presenting the Roundtable

The Roundtable that formed the catalyst for this publication thus took place at the end of a year in which the politics of gender and sexuality in South Africa were increasingly recognised as the site of multiple forms of disenfranchisement. This made a mockery of the idea that South African citizens enjoyed equal opportunities offered by strong constitutional protections against any form of discrimination and simultaneously challenged South African activists to claim their rights to freedom of choice in sexual and reproductive matters.

A final point on the socio-political context for the Roundtable concerned activism. Since 2003 and earlier, some activists had been spearheading a focus on the lives of black lesbians living in working-class and poor neighbourhoods. To illustrate, in 2003 Zanele Muholi, then of the FEW in Gauteng, and Donna Smith, also of FEW, began a campaign called 'The Rose Has Thorns' in which they both researched the stories of black lesbian women, mostly in Alexandra, and provided ongoing legal and social support to those who had been raped and assaulted. The campaign also demanded that other activist NGOs take on board advocacy for women whose lives were being made unbearable by a daily combination of homophobia, misogyny and lack of material resources. By the end of 2006, with the ongoing work of the One-in-Nine campaign, FEW, OUT LGBT Well-being, the Durban Lesbian and Gay Community and Health Centre, POWA and the Lesbian and Gay Equality Project, the issue of the danger in which black lesbians were living throughout South Africa had become foregrounded in a number of LGBTI and other organisations. The Roundtable participants were largely drawn from this constituency and their debates

thus reveal some of the most contemporary activist-led ideas on the intersections between race, class, gender and sexuality in the country. While the overarching emphasis of the discussion was on questions of violation and violence, the energy and complexity of the debates – driven for the most part by different 'black lesbians' – bears witness to the vibrancy, strength and courage of those undertaking the struggle to confront homophobia and gender-based violence, both at a theoretically strategic level and within the nitty-gritty of their daily lives.

The broad objectives of the Roundtable on which this report is primarily focused were to both strengthen activist solidarity through discussion and debate on issues of violation surrounding black lesbian lives, and to clarify strategies for engaging the climate of hostility. While such a climate, of course, may target people such as 'black lesbians', it was recognised by all at the Roundtable as having implications for the quality of all South Africans' lives. The explicit commitment to a focus on black lesbian experiences of violation was thus a recognition of exactly how vulnerable women living outside heterosexual norms for relationship, desire and family formation are to gross socio-cultural brutality, and of the ways in which South African realities of race and class drive such brutalities towards some women rather than others. At the same time, it is critical to honour a broad-based commitment to the fact that categorisations of identity are constructs, and that while they may be deployed strategically in the name of a focus on a particular set of injustices and towards political activism, these categorisations serve the interests of a society built on hierarchised divisions. In addition, they are often unsatisfactory 'homes' for those to whom they are thought to refer, creating strange separations, hidden narratives and political confusion. Below, questions of language and terminology are addressed directly in order to both clarify the need for a focus on a constituency boundaried by the term 'black lesbian' and acknowledge the discursive and political challenges of doing this.

Language and vocabulary

It is a well-established fact that different violent ideologies deploy language as a key tool for the dehumanisation of people constructed as 'other' or 'different' (Foster et al. 2005). Within South Africa, the history of racism is saturated with terminologies designed to denigrate people, and the construction of race itself deploys antagonistic colour terms ('white' versus 'black') with all the symbolic weight of western mythologies around connections between 'whiteness' and purity, and between 'blackness' and evil. Homophobia similarly draws on a wide range of terms to describe people who are sexually drawn to those of their own gender to disgrace and humiliate

them, and to attack anyone whose gender identification is unconventional. Thus, for example, the terms 'moffie' or '*isitabane*' are used to police schoolboys (the majority of whom would choose heterosexuality as a life orientation) whose masculinities are 'questionable'. Similarly, 'dyke' can be as easily used with a heterosexual woman who is disliked as with someone identifying as a lesbian.

Alongside an array of stigmatising names, lesbians and gay men are simultaneously woven into a network of 'myths' concerning their promiscuity, their violations of children, their perversion, their sinfulness, their sickness and their mental ill health (Reddy 2002). While at an activist level it is always possible to transform negative names (such as 'dyke') into slogans of pride, or to challenge absurd 'myths', it is nonetheless true that the weight of homophobic stigma and prejudice is so strong in many South African environments that even to be termed 'lesbian' or 'gay' is sufficient inducement for (verbal or physical) attack.

One of the implications of this is that it is necessary to contextualise this report's use of the term 'black lesbian', and to discuss both the choice to do this and the potential challenges.

The report's language

The terms 'lesbian' and 'black'

To accept that it is necessary to focus on the ways in which black lesbians in South Africa are currently overt targets of social, cultural and political violence means accepting that 'black lesbians' can be spoken of collectively. Clearly, this is an absurdity. As Zethu Matebeni (2008) suggests, the term 'lesbian' can encompass a very wide range of people. Questions of self-identification, modes of family creation, sexual desire and practices and other concerns challenge the notion that 'lesbian' usefully describes a relation to sexuality. In addition, the term – in its northern roots – explicitly segregates 'lesbians' from two other constituencies: 'men' and 'heterosexual people'. The politics of this segregation were grounded in several political needs:

- the need to surface the heterosexism of women active against patriarchal and/or imperial norms, and to claim space for discussion of the experiences and rights of women who choose other women as sexual and life partners;
- the need to recognise that queer northern activism, powerfully driven by gay, white men, could not acknowledge the terrain through which lesbian women fought for rights and recognition; and
- the historical reality that social proscriptions against same-sex desire and relationships have never succeeded in eliminating these desires and that

> women, while always caught within the heterosexual norms of the day, have fought hard to find ways to love and have relationships with other women.

In South Africa, the term 'lesbian' cannot be automatically separated either from questions of masculinity or from issues of heterosexuality. Even if one is ready to accept, as (so far) many activists in the area have done, that the term can be incorporated into political organisation and advocacy, the fact is that it constitutes an 'imposition' over most South Africans' linguistic descriptors for sexual and reproductive identities. On the one hand there are derogatory terms, such as '*Nongayindoda*' in isiZulu, which stigmatise women thought to be living beyond accepted heterosexual norms of dress, behaviour or desire. On the other hand, there are no widely accepted, positive, non-colonial terms for a celebrated and chosen, non-conventional sexual identity. In addition, many lesbian women have children and long to have children and have past or ongoing social relationships with men. A clear separation between the politics of reproduction and the politics of alternative sexual identity is not useful when it comes to deep understandings of lesbians' daily experiences. And lastly, the question of 'lesbian masculinity' is taken up with vigour in the negotiation of several South Africans with their preferences for self-recognition, sexual orientation and gender identification. The western assumptions from the 1970s and 1980s that lesbian identities fundamentally eschewed masculinities are not always useful in South Africa (more recent western work, such as Judith Halberstam's [1998], does explore lesbian engagement with masculinities).

If the term 'lesbian' is too simple to be deployed without anxiety, the term 'black' is even more so. The post-apartheid political dispensation in South Africa committed the country to building a nation free of racism and of the kinds of material and political consequences for life where identities are categorised through reference to 'race'. 'Black' was never one of the official apartheid categorisations, although it was, of course, widely used within popular and political racist discourse to refer in derogatory ways to people of a wide variety of backgrounds identified as 'non-European'. During the growth of anti-apartheid movements, the term 'black' was claimed as a term of unity against apartheid systems and ideologies, first explicitly by the Black Consciousness Movement (where 'black' referred collectively to people who were not of 'coloured', 'Indian', 'Afrikaans' or 'English' descent) and later by people working with the underground ANC and the United Democratic Front. Here, 'black' was deployed as a term of revolutionary solidarity across all apartheid race categories, except 'white'. Post-1994, the term 'black' struggled, along with other racial terms, to negotiate the contradictory pulls of a so-called 'non-racial' democracy.

On the one hand, it was important to deconstruct all legal and social barriers to the economic and political freedom of all who had been constricted through the apartheid categories of 'African', 'Indian' and 'coloured'. This entailed a cultural rejection of racial terms as a way of imaging people's backgrounds, potential or rights. At the same time, the legacies of race-based legislation and realities meant that certain constituencies needed to be targeted for particular developmental focus – thus, the growth of black economic empowerment, the explicit injunctions of employment equity provisions around people who were 'black', and the upsurge of a vibrant and dynamic youth culture deeply engaged in post-independence 'blackness' as a source of pride and identity. Increasingly, this 'blackness' excluded any notion of reference to people historically (or still) identified as 'Indian' or 'coloured'. Tussling with post-democracy's meanings for the term 'African' for power (meanings more continental than national), 'black' has come to signify South Africans once categorised as 'African' by the apartheid state.

The word 'black' functions as an electric and complex thread within the energies of South Africa, and wrestles with class, ethnicity, apartheid experience, and ancestry. Given this, 'black' could designate a wide array of constituencies: politicians at the helm of governmental authority; the majority of people living in poverty, in both rural and urban environments; young 'born-frees' with middle-class access to resources but powerfully alienated from 'white' identity; people still rooted in the identities as political activists they crafted during the 1980s; and others.

This report deploys the term 'black' in recognition of two critical realities. The first is that this is a term of definition used by many of the most insightful and active people working against homophobic violence in townships, cities, rural areas and other locations in the country. Where organisations such as the FEW and the Durban Lesbian and Gay Community and Health Centre are concerned, the people with whom they work who have experienced diverse forms of violation are 'black'. Their 'blackness' encompasses a wealth of issues: language, educational experiences, the stories of their families under apartheid, their class, their ancestries and connection with ethnicities rooted in South African land long before colonialism. There are many diversities here, but as a collective – despite the fact that avenues towards middle-class location have marginally improved since 1994 – 'black people' inhabit the least well-resourced neighbourhoods, wield the least political power as individuals or families, and are vulnerable to the most intensive levels of social assault (gang warfare, street violence, burglary, domestic insecurity).

Secondly, 'black' is a useful term in describing the realities of lesbian lives in South Africa. The term suggests that race (and, by extension, class) plays a critical role in the experiences of lesbians. While it would be both absurd and counterfactual to suggest that lesbians racialised as white, for example, do not experience homophobia, gender-based violence or hate speech, it is simultaneously true that dominant cultures of 'safe space' for lesbian women tend to exclude all but well-resourced women, the majority of whom are white. Thus, clubs and bars in the 'Pink District' of Cape Town are frequented mostly by white people; academic conferences in which lesbian imaginations, politics and ideas are explored are attended by many more white people than by those racialised in other ways. White lesbians – as a group (not as individuals) – tend to feel 'safer' in their sexual orientation than lesbians of any other racial categorisation in South Africa. 'Black' as a term is attuned to this generalisation and, while not blind to the overarching consequences of homophobia and gender-based violence for all South African lesbians, can be very powerful in emphasising the ongoing life of apartheid cultures, despite the formal dismantling of apartheid legislation.

A serious challenge arises, however, in the imperative to take black lesbians' experiences of violation to the heart of questions about citizenship and rights. Given that black people, women and lesbians remain 'second-class citizens' in terms of actual access to resources, security and status, creating knowledge about black lesbians' experiences and theorisations of violence against them risks moving 'black lesbians' from a discursive terrain of invisibility and marginalisation to one in which 'they' are recognised only as 'special victims'. In exactly the same way that 'black South Africans' became globally identified in the international press of the 1970s as the arch-victims of apartheid, helpless and struggling in the face of the racist machine, and, as a result, damaging notions of black South Africans as politically astute and capable, as philosophers, poets, strategists, artists, dreamers, intellectuals and (even) 'ordinary people', so foregrounding the violations against 'black lesbians' as serious infractions against their human rights as South African citizens could imperil knowledge of their versatilities, diversities, creativities and unique identities as individuals. This is an issue that needs to be kept under activist surveillance. While black lesbians do indeed face very particular climates of hostility and violence, this climate cannot be seen to define their identities or to predict their experiences of life and living.

The terms 'hate speech', 'gender-based violence' and 'homophobia'

Given the range of violences on the table for the seminar's debates, it was important to name different forms of abuse in order to develop activist strategies and to engage easily with human rights focused initiatives already under way in the country. In the course of a single attack, a lesbian survivor may well face simultaneously verbal abuse about killing her, rape, and overt spoken justification for attacking her because of her sexual identity (Muholi 2004a). Clearly, all three forms of violence can, and do, coexist in moments of assault, and their cumulative effect is trauma, injury, terror and pain. It is, however, useful to be clear about what each term denotes so that the contours and histories of each violence can be traced.

Hate speech

'Hate speech' is perhaps the least familiar term in the triangle of violences (given South Africa's history, this is odd). Although debates on what constitutes hate speech rage in the United States of America, where the right to free speech is juxtaposed against the hope of curtailing incitement to abuse of constituencies 'othered' by political tension (such as lesbians and gays, Muslims, those of Arab descent, immigrants, and so on), it was only in 2004 that South Africa drafted the Prohibition of Hate Speech Bill. The Ad Hoc Joint Committee on Promotion of Equality and Prevention of Unfair Discrimination Bill, in its report to Parliament on 21 January 2000, adopted a resolution in which the Minister for Justice and Constitutional Development was requested to give consideration to the following:

- tabling legislation in Parliament that deals with the criminalisation of hate speech; such measures must be consistent with section 16 of the Constitution and the Convention on the Elimination of All Forms of Racial Discrimination. In addition, such legislation, needless to say, will also be required to create offences relating to hate speech;
- taking any other measures that may be necessary to give effect to the Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women, to the extent that these have not been dealt with in this or other relevant legislation.

In presenting the Draft Bill for discussion, it was noted that the objectives of the Promotion of Equality and Prevention of Unfair Discrimination Act (No. 4 of 2000) are, among others, to provide for measures to facilitate the eradication of unfair discrimination, hate speech and harassment, particularly on the grounds of race,

gender and disability. Section 10 of the Act specifically prohibits hate speech. The Convention on the Elimination of All Forms of Racial Discrimination, to which South Africa is a signatory, requires parties to declare the dissemination of ideas based on racial superiority or hatred a punishable offence. Hate speech was defined as public advocacy of hatred that is based on race, ethnicity, gender or religion against any other person or group of persons that could, in the circumstances, reasonably be construed to demonstrate an intention to:

> (a) be hurtful; (b) be harmful or to incite harm; (c) intimidate or threaten; (d) promote or propagate racial, ethnic, gender or religious superiority; (e) incite imminent violence; (f) cause or perpetuate systemic disadvantage; (g) undermine human dignity; or (h) adversely affect the equal enjoyment of any person's or group of person's rights and freedoms in a serious manner.

Although there was some discussion about this Bill in 2004, it has never been developed towards ratification. The connection between 'hate speech' and 'hate crime' is complex. While in popular vocabulary the idea of a hate crime is attached to the notion of criminality motivated by bias, where the target is seen to be a member of a particular social group against whom the criminal is violently biased, the question of which biases may form the basis of hate crime remains under discussion worldwide (see Herek & Berrill 1992). In the United States, the 1999 National Crime Victim Survey states:

> A hate crime is a criminal offence. In the United States federal prosecution is possible for hate crimes committed on the basis of a person's race, colour, religion, or nation origin when engaging in a federally protected activity. (United States Department of Justice 1999)

Measures to add perceived gender, gender identity, sexual orientation and disability to the list have been proposed, but failed. In South Africa, especially following the waves of violent xenophobia in the country during the first half of 2008, there have been calls for criminalising assaults on 'foreigners' as hate crimes. And the terminology of hate crime is regularly used in LGBTI reportage of targeted assaults, rapes and murders of lesbian, transgendered and gay people (see Lesbian and Gay Equality Project 2009).

Gender-based violence

The term 'gender-based violence' has been in regular circulation since the mid-1990s, when it replaced the phrase 'violence against women' as the preferred term for the kinds of violence suffered by women, it was theorised, on account of

their gendered status within different contexts. Gender, as a political dynamic, thus became foregrounded as a force that organised 'women' into positions of vulnerability (through marriage, ideological notions of 'belonging' to men in terms of customary norms, and/or through options for access to labour and resources). The control of sexuality was understood to be part and parcel of the deployment of gender against women, and thus a term like 'gender-based violence' came to encompass a vast range of potential violations: rape, domestic assault, abduction, trafficking, forced prostitution, incest, sexual harassment, beating, murder of wives and sexual partners, and so on.

As Tina Sideris (2000) and others (e.g. Muthien 2000) have pointed out, the term 'gender-based violence' could be extended beyond the purview of assaults typically borne by women and girls. In climates of militarism where men are gendered to encourage themselves and one another to fight and kill with relative impunity (under the banner of legitimating armies), it would be possible to imagine their physical and psychological mutilations as a form of 'gender-based violence'. Sasha Gear (2009), in studies of carceral rape in South Africa, also notes that the term 'gender-based violence' describes the feminisation of some prisoners through rape.

It is debate on the meaning of gender itself which leads to such discussions on the range of violences that can be ascribed to the power of gender as a political dynamic. For the purpose of this report, gender-based violence has been construed fairly narrowly to refer to the range of abuses more conventionally described as 'violence against women', abuses which seek to humiliate, injure and control through the direct and violent use of 'physicalised masculinity'.

Homophobia

The term 'homophobia' is largely attributed to the late 1960s work of George Weinberg (1972) to describe heterosexuals' fear of being in close quarters with homosexuals, as well as homosexuals' own 'self-loathing'. Since then the use of the term has shifted and evolved, suggesting that the problem of homophobia is not to be found in homosexuals themselves, but is rather located in society's and individuals' negative reactions to homosexuality. In other words, homophobia differs from commonly held meanings of 'phobia', where fears are rooted in individual experience, in that it is rooted in socially and culturally learned prejudices. In its current usage, the term is also linked to extreme forms of violence (see Fone 2000) that can manifest in what was earlier termed a 'hate crime' (stemming from an offender's discriminatory use of violence to enforce a hierarchy, or as the result of hatred arising from stereotypical views of their victim). But central to homophobia,

it seems, is its underlying meaning of *anti*-homosexuality, suggesting that it is shaped by broad social and institutional forces instead of simply being a question of individual attitudes and prejudice.

Glenn de Swardt, who was a manager at the Triangle Project (LGBT organisation) in Cape Town for many years, believes that the use of the term 'homophobia' for the description of hatred directed specifically at people identifying themselves as gay or lesbian is inaccurate. He prefers the term 'homo-prejudice', which allies itself with an idea of bias and discrimination, rather than one which, like 'arachnophobia', associates itself with radical and irrational fear. There are debates to be had here, but this report uses 'homophobia' to describe an approach to lesbian and gay people that is predicated upon a heteronormative epistemology, a way of understanding the world that assumes that heterosexuality is 'natural', 'normal' and 'the only given' form of sexuality within social organisation. Such an epistemology foregrounds the 'natural' sexual and cultural liaison between men and women, and identifies any shift away from this as deviant, unnatural and perverse. Heteronormativity is pervasive in South Africa, and homophobia can be seen as the range of attitudes and beliefs that are promulgated, in many different shapes, where heteronormativity is challenged.

Homophobia is understood here as an intrinsically violent mindset in itself, but it may not lead to direct action against people who are lesbian and gay; homophobic activity can find expression through a vast array of 'benign' articulations: jokes, caricatures (think of 'Basil' on the regular Cape Talk morning show at 95.4 KFM), assumptions about lesbians' or gay men's dress or behaviours, exclusions, teasing, sensationalisations of sexual activity (especially lesbian activity), the conflation of lesbian and gay identity with ideas about their sexual desire, and so on. In this report, homophobia denotes overt demonisation of lesbian and gay people, organisations and spaces, but it should be understood that 'benign' homophobia – which does not lead to direct assault – nonetheless contributes to the climate of 'disgust' strangling lesbian and gay people's breath.

Triangulating assault: Hate speech, gender-based violence and homophobia

It is important to note that this report does not constitute an attempt to quantify the experiences of black lesbians through different forms of violence, identified separately as 'hate speech', 'gender-based violence' and 'homophobia'. To create such a report would entail sophisticated research methodologies, and a very solid grasp of the realities of many black lesbians' lives, in which barely a day passes without an encounter with the fear of gender-based violence and without the possibility of

engaging with homophobia. Homophobia is ubiquitous within the South African environment, and while within a 24-hour cycle it may be possible to quantify a lesbian's encounter with certain forms of homophobia (hate speech might be one of these), it is impossible to quantify the culture of heteronormativities through which she creates her own route to independent survival.

It is possible (as will be included in this report) to comment on reported murders of black lesbians, but it is by no means certain that murders and assaults that become part of the public record are the only ones that occur. This is even truer of sexual assault, of homophobic assaults with knives, stones or guns, and of instances of hate speech. For every school child attacked as an '*isitabane*' who complains, it is possible (given OUT LGBT Well-being's research) to imagine thousands of others.

Quantification of the violence experienced by black lesbians is important in order to motivate for policy changes (such as the passage of hate speech or hate crimes legislation), to integrate the resource needs of survivors into budgets, and to challenge conventional notions about who gets attacked, where and why. Quantification, however, overlooks the multilayered effects of complex climates of violence, especially where experience of many different forms of assault amounts to cumulative trauma, and where identification as a member of a stigmatised group renders both oneself and one's closest friends, lovers, political allies and social acquaintances permanently vulnerable to violence. This is more akin to life within a war zone than to living within an environment in which different forms of assault can be easily separated from one another, and occur infrequently, at the hands of somewhat predictable assailants. Although this report does include material that identifies specific instances of hate speech, or of 'curative rape' because of sexual identity, the goal is to unpack the language and strategic implications of engagement with such violence rather than to describe attacks instance by instance.

The delimitations of this report

The report is designed to bring the debates of the Roundtable to a wider audience. Thus, the heart of the document will focus on the Roundtable itself, presenting with as much accuracy as possible the tenor of the discussions and debates. Although the report covers certain sections of the Roundtable, such as the opening moments, in the form of summarising a speaker's input, most of the Roundtable discussions are thematised (rather than summarised session by session) because key themes recurred throughout the day, building in complexity as the discussion progressed. The report

does not, therefore, seek to report on who said what verbatim, but to respect that the Roundtable day constituted a collective critical experience that deserves synthesis as a powerful set of ideas and insights rather than as a transcript.

At the same time, as noted, the seminar took place within a context, and the report will cover certain aspects of this context in greater detail after presenting the work of the seminar day itself. The report concludes with some of the recommendations made by those within the Roundtable discussions as well as those emerging from research and activist work relevant to those discussions.

A wide range of documents has been consulted in the collation of the report, including the full-length transcript of the seminar proceedings and the presentations of some of those who gave input during the day. The reference list presents material consulted for the report and the additional resources provide additional information that refer to issues covered in this report.

Part II

Perspective and Profile

What if streets were named after those that lived their lives to its fullest
What if their names were printed on the finest yacht
And lit up bright as everyone watched
(Triangle Project 2006: 55)

Roundtable seminar

The Roundtable in December 2006 – Gender-based Violence, Black Lesbians, Hate Speech and Homophobia – was motivated by the need to open up the 16 Days of Activism for no Violence against Women and Children campaign to the recognition that black lesbians, especially those living in poor neighbourhoods, are vulnerable to multiple forms of such violence (but are rarely foregrounded as a constituency in the campaign's activism). While there are always risks in singling out a particular group of people as targets of gender-based violence (such as feeding into stereotypes of that group or diluting the importance of a holistic political strategy against the violence), the past decade has seen a powerful upsurge of black lesbian political activism, whose research and advocacy work has put the diverse experiences of black lesbians at the forefront of what it means to imagine the actualisation of rights and equality within South Africa.

The scale of gender-based violence in South Africa affects the daily lives of black lesbians in very much the same way as it affects the lives of all South African women. Put bluntly, both the actual prevalence of domestic violence, rape, sexual assault, sexual harassment, intimate femicide, incest and child sexual abuse (all common forms of gender-based violence in South Africa), and the discursive power of an environment in which such violation is frequent, contribute to a climate of fear and to the fact that many South African women have both direct and indirect experience of some form of gender-based violence (see also Bennett 2005). As discussed, research has shown that women living in poorer neighbourhoods, with less access to home security, public safety and fewer financial options for moving away from abusive family members or partners, are more vulnerable to gender-based violence than those with stronger access to resources, mobility and security. While this in no way suggests that assault against a well-resourced woman is in any way less traumatic and violent than against a poorer woman, it does mean than collectively poorer women face more gender-based violence in their homes, streets and workplaces. In South Africa, such class differences still often translate into experiences structured through race. As Moffett (2007) points out, rape and sexual assault are most frequent where environmental infrastructures (such as secure streets, adequate electricity, strong policing services and safe housing) are inadequate or lacking, and this automatically places poor black women at the forefront of the danger of sexual attack. Black lesbian women, especially those living in poor neighbourhoods, are as vulnerable to sexual assault, interpellation into gang warfare as rape victims, sexual harassment, childhood sexual abuse, and witchcraft accusations as the heterosexual women living around them.

At the same time, as will be discussed, by December 2006, work done by radical feminist and black lesbian-led organisations attested to a very specific form of sexual attack, 'curative rape'. This form of violation is perpetrated with the explicit intention of 'curing' the lesbian of her love for other women (Muholi 2004a). Although many heterosexual survivors of rape attest to the stated intentions of their assailants as punitive (they have done something wrong, and thus 'deserve' rape) (Moffett 2007), survivors of 'curative rape' make it clear that their attackers were interested both in humiliating and punishing them for their choice of sexual identity and lifestyle and in 'transforming' them – by coercion – into heterosexual women (see also Reddy et al. 2007).

Black lesbians are thus positioned as doubly vulnerable to gender-based violence. As women, they inhabit a South African reality in which all women are vulnerable to diverse forms of sexual attack, and black women who are poor are surrounded by more opportunities for men to attack them than women who are better resourced (and thus, often, white). As lesbians in homophobic contexts and cultures in which sexual violence is a popular weapon, they are at the knife-edge of community rejection, and vulnerable to local 'policing' through physical and sexual assault.

As discussed in Part 1 of this report, central to the recognition of these realities has been the work of the FEW, POWA, the Lesbian and Gay Equality Project, and OUT LGBT Well-being. The Roundtable brought together the voices of some of those most active in the research and advocacy, and also included voices of those experienced in a number of related areas and from different organisations. Although textual records of black lesbian experiences, and the analysis of these experiences, are critical to the ongoing political struggle for rights and justice, it is simultaneously the memory of voices-in-conversation that can undergird strong strategic choices. This report thus places the Roundtable discussions at the heart of ongoing work, and the next sections present summaries of the core issues raised and debated in each session of the day.

Opening thoughts

> Having emerged from an absolute dictatorship based on race and difference, we are learning to live with difference in the democratic project. Such difference, be it across race, class, diversity, gender, sexual orientation, is to be seen as a value in the new democratic order and it is into this space that we need to bring all the other differences that were suppressed either through stereotypes of our societies or the belief systems of societies. Flowing from the above is a growing liberalisation of both social and legal attitudes towards sex and sexuality.

> Yet while legal instruments seem to be in place, we have seen increasing cultural bias that denies certain marginal groupings, such as homosexuals, their right to exist, develop an identity and to practise their sexualities. We also witnessed the growing secularisation of sex and by this I mean that our sexualities are increasingly being stripped of the religious significance that highlights procreation to a recognition that our sexuality assigns meaning in relation to our individuality. (Professor Fikile Mazibuko)

Professor Mazibuko, then deputy vice-chancellor at the University of KwaZulu-Natal (now vice-chancellor of the University of Zululand), and Nonhlanhla Mkhize, director of the Durban Lesbian and Gay Community and Health Centre, framed the environment for the Roundtable discussion by emphasising the contradictions of living in contemporary South Africa. While progressive legislation, such as the constitutional protections against discrimination, may be in place and the language of rights part of new left social movements (such as that of the TAC), living as a black lesbian means confronting a catastrophic gap between discursive realities of equality and legislative freedom and daily fear. In this regard, Mkhize remarked:

> I would like to, as a black lesbian, be able to be proud in my own township. I may be a human rights defender, but I know I'm not the only one who's very scared to walk proudly in my community as who I am and what I am.

Mazibuko pointed out that while strategic directions for confronting gender-based violence have been debated and discussed since 1994, such discussion has ignored the testimonies of black lesbians. She noted that despite frequent political rhetoric around state capacity to implement change, she herself did not believe that capacity was the main challenge:

> It does not help the development of a democratic citizenship when some of our public leaders articulate their own brand of violence in the form of hate speech to dis-identify black homosexuals…when our Constitution was drawn up we all knew that the right, equality, dignity and respect enshrined in our Constitution also included the equal protection of sexual orientations, not just heterosexuality, but also homosexuality. Since 1993 we have witnessed the decriminalisation of sodomy, the extension of benefit to same-sex couples, the right to adopt and many other material benefits that accrued to all homosexuals through the utilisation of legal instruments that recognised developing freedoms for lesbians and gays. Such freedoms suggest that the state recognises that homosexuality is not simply a behavioural practice, but an identity of a sector of our society. The recognition of such rights has met with

> much opposition, notably from some of the leaders within our communities who probably give the impression that they wish to set certain sectors of society apart from the rest of the nation.

From the outset of the Roundtable, then, contemporary violence against black lesbians was positioned as perpetrated both by public leaders (some within the state itself) and by people living immediately within black lesbians' private and community environments. Such a framework makes it dramatically clear that the kinds of violence to which black lesbians are vulnerable constitute the very fabric of day-to-day living, including state-based voices, widespread and media-fuelled opinions, and encounters with myriad people as part and parcel of ordinary life. This idea puts resonance into the concept of 'human rights', thinking of violation against black lesbians not as a single thread of legal or religious hostility but as a relation to the 'human being' as holistic, someone who works, travels from one place to another, has a home, friends and family, has social and community connections, has dreams, aspirations, strengths and ideas. The panels and discussions following Mazibuko's opening presentation both expanded understanding of the marginalisation faced by lesbian and gay people in South Africa, and began to outline current and future responses to it.

Bearing witness

The panel immediately after Mazibuko's input included Fikile Vilakazi from OUT LGBT Well-being in Pretoria (now president of the Coalition of African Lesbians), Nonhlanhla Mkhize, and Thuli Madi from Behind the Mask (BTM) based in Johannesburg. Vilakazi opened with this fundamental challenge:

> South Africa as a society in our view is still a very homophobic society. Same sex and gender relationships are still viewed as abnormal and I think the keynote has articulated that very clearly. They [gay people] are still viewed as an abomination and that is all based on issues of religion, culture and tradition. That is still our biggest challenge.

Given this, and the fact that nothing called 'a hate crime' forms part of any official statistics collected by the state, the Human Rights Commission, or other bodies responsible for monitoring violence, it is difficult to state in quantitative terms the way in which South African homophobia translates into actual acts against lesbian, gay and transgendered people. This is not the only difficulty. The issue of naming violation, as an essential platform to personal sanity, political advocacy, and strategic alliance building, is fraught with the potential to re-violate.

As Donna Smith (of FEW) and others stated, the violation of black lesbians had never been a priority within activism against social injustice, gender-based violence or homophobia in the work of the various NGOs and state actors who had committed themselves to making the promises of the Constitution realities after 1996. In 2002, FEW committed its activism to uncovering and addressing the kinds of experiences of rape, assault, terror and harassment that poorly resourced black lesbians were encountering in Alexandra (and some other locations). At the time, FEW was not the only NGO with a radical agenda around what it might mean to tackle social violence, but it was the only one to identify black lesbian women as a constituency (despite its diversities) marginalised by the discourses and activisms of other civil society organisations. One of the things this meant was finding the courage not simply to work as concrete advocates for and supporters of friends and strangers who had been badly hurt, but also to begin the work of 'telling public stories' about humiliation, physical and psychological pain, and betrayal. As Mary Hames, director of the Gender Equity Unit of the University of the Western Cape, pointed out:

> I think the most difficult thing to share in a public audience is your own life experiences and I think we must be careful, sensitive about issues like this, because I believe even [in] an audience like this, there's a lot of voyeurs just looking into other people's pain.

Hames's point is extremely important. Firstly (as Thuli Madi and others remarked), media interest in the violation of black lesbians is motivated as much by the 'sensationalist' aspect of the crime (rape happens so frequently that only 'interesting' rapes are likely to be covered by the media) as by any genuine concern for the woman concerned or for her family and friends. In a context in which part of homophobia involves the overt sexualisation of lesbians for heterosexual men's consumption, and one in which violence is both glorified and exoticised by vast swathes of media discourse (including music television, advertisements, 'soft' pornography, and sensation-driven daily newspapers), public discourse on the violence meted out against black lesbians runs the risk of being simply 'the scandal of the day', a source, as Hames suggests, of voyeurism rather than outrage.

Secondly, as many cultural analysts have pointed out, maintaining the cultural status quo of a powerful oppression often involves the construction and circulation of stereotypes that seek to describe people in simplistic, monotonal ways. If diverse black lesbians' experiences of pain and violence get circulated within public space as one story, so that 'black South African lesbians' come to be talked of (by researchers, politicians, activists) simply as raped victims with HIV, unable to walk down their

own streets, what happens to the truth of their vitalities, creativities, individuality, complexities, and – indeed – lives? There are – as any rape survivor or HIV-positive person knows – deep costs to self-identification within a stigmatising narrative. How is it possible to make public a personal tale of violation without becoming prey to skilful discursive interests way outside the control of any one voice?

Thirdly, as stated in the presentation of Busi Sigasa of FEW, personal narratives of violation are simultaneously narratives of anger. As Robert Hamblin, the vice-chair of the Board of GenderDynamiX, and others noted, anger about injustice is a vital resource for honest and effective strategy. Simultaneously, however, the pain and anger caused by autobiographical and others' stories of violence make great demands on activists' hearts and energies. The work of 'bearing witness' and of 'hearing witness' is a political act in itself but can feel, to those who engage in it with deep integrity, exhausting – and, in the face of yet another story, even 'pointless'. At one point, Wendy Isaak (of POWA) put it like this: 'I also take note of what Fikile is saying that we've been talking about these stories forever and if one goes back to them, what kinds of action can we take?'

These three issues remind one that the work of 'bearing witness' is daunting, and fraught with the possibility of recreating damage for those at the heart of the violations under scrutiny. At the same time, silence is not an option.

Genres of witnessing

Within the 2006 16 Days of Activism, the Roundtable constituted a strong statement of the need to focus on the kinds of violence black South African lesbians were facing. As noted in the introductory section, this was celebrated as a 'first' by several of those present. Although the conceptual connections being forged around the table were not new to many of the participants, the fact that the HSRC was hosting a roundtable on the issues and attempting to include some of the most well-known and well-informed activists in the discussion, as part of a strategy to transform the range of the 16 Days of Activism's prioritisations, was acknowledged as important. The Roundtable also took place within a context of some five years of disciplined activism around the issues of homophobia, hate crimes and hate speech, and gender-based violence affecting lesbian, gay and transgendered people in South Africa. This activism had been undertaken on numerous fronts – by key organisations, individuals and alliances, and through a series of events: research, the design and dissemination of educational materials, campaigns, court-focused advocacy and action, ICT-based advocacy, and participation in literally hundreds of activist forums.

The work of 'witnessing' in activism against violence is extremely complicated. South Africans have a long history of discussion of what it entails to 'come forward' as someone who has directly or indirectly experienced human rights violation. The 1996–98 Truth and Reconciliation Commission (TRC) process was fraught with debate on the meaning of 'bearing witness' and questions about the vulnerability of witnesses, the impact of confrontation with those who admitted perpetration of violence, and the vexatious question of attempting to 'match' an act of testimony with any notion of 'justice'. Fiona Ross's (2003) work on women's testimony at the TRC emphasises that people gendered as women very rarely bore witness to any form of sexual abuse as part of the apartheid regime's arsenal of brutalities. This observation complements decades of work on the experiences of rape survivors, both in South Africa and beyond, who report what has happened to them. Overwhelmingly, rape survivors' voices are stigmatised as implausible, and their narratives used to explain their own responsibility for the rape (Gqola 2006b; Moffett 2007).

Between 1999 and 2006, the question of stigma and the meaning of naming oneself as a member of a 'stigmatised' constituency surfaced most powerfully around the question of HIV-positivity. In 1998, Gugu Dlamini, who lived in Kwamaneza, near KwaMashu in KwaZulu-Natal, was beaten to death after she publicly testified to her HIV-positive status. The vulnerability of HIV-positive people to harassment, cruelty and stigmatisation if their status is public has haunted all interventions around the transmission of the virus and the need to get treatment to those living with HIV. Although the TAC and other organisations have done powerful work in attempting to 'reverse' the negativity associated with bearing witness to the experience of living with HIV (the TAC activist 'HIV-Positive' T-shirts can be seen at every rally that seeks to galvanise state attention to the need to support HIV-positive people), naming oneself as HIV-positive remains deeply difficult. At one level, the difficulty must be respected as part of the personal challenge of confronting challenging and frightening realities about health and well-being. At another, the difficulties are political, and should be analysed as a critical facet of the brutalities of South Africans' contemporary engagements with the rights of citizenship.

As suggested earlier, the woman who then names herself as a lesbian, within environments in which the politics of stigmatisation and hate have become an integral part of 'addressing' diversity, is placing herself into known and terrible danger. This has an effect on the genres of witnessing that are most strategic, and upon choices as to how and where to create alliances, public political interventions, and how to frame the need to address injustice and violation. There is a clear need to document and comment upon the process in greater depth, but for the purposes

of this report it is only possible to describe four different genres of 'witnessing' undergirding the voices at the Roundtable.

Writing and research

By 2007, there was a growing corpus of material on the violence confronting black lesbian, gay and transgender South Africans. Much of this has been designed and disseminated by LGBTI organisations, and two of the Roundtable participations spoke about particularly important studies.

Research on LGBTI people's experiences of discrimination, violence and hate crimes

Fikile Vilakazi of OUT LGBT Well-being spoke of a critical research study (OUT LGBT Well-being & Unisa Centre for Applied Psychology 2007) developed over five years, which explored lesbian, gay and transgendered people's day-to-day experiences of discrimination, violence and hate crimes in a deeply homophobic country. The study began in 2002 with a focus on Gauteng, and was then replicated in the Western Cape and KwaZulu-Natal. Overall, the project gathered information from 487 people and made an effort to be representative in terms of gender, race, class and age. The study highlighted a number of issues.

The initial aim was to assess the needs and experiences of LGBTI people in Gauteng in relation to well-being, a concept that includes accessing health services, dealing with the criminal justice system and day-to-day experiences within communities, homes, churches, schools and so on. The study was the first of its kind, and was conceptualised as a study that could begin to capture experiences of well-being at a very broad level. The study did not concentrate on black lesbian women, but provides a valuable framework to deeper work on specific constituencies.

What OUT LGBT Well-being found in terms of prevalence of experiences of discrimination was that about 37 per cent of the people interviewed reported having experienced hate speech; 16 per cent had encountered direct physical assault, 8 per cent being sexual assault and rape; and 11 per cent had experienced domestic violence. In schools, the research found that hate crimes were widely experienced; these were more prevalent for men than for women, with the exception of sexual abuse and rape, which were experienced at similar rates for both men and women. Within interviewees' reports on experiences at school, hate speech (from threats of murder to speech designed to humiliate and denigrate) was identified by 56 per cent, and physical assault was identified by 30 per cent as something they had experienced (some of them regularly). Sexual assault and rape were named by 13 per cent of

interviewees, and bullying and negative jokes came up as regular occurrences for 74 per cent of interviewees.

Experiences of hate crime in the workplace revealed that hate speech is prevalent there, and that 20 per cent of interviewees had experienced physical assault at work. This included instances of sexual abuse and rape, where both men and women (5 per cent) told stories of this kind of assault. While both lesbians and gay men reported ongoing discrimination and regular encounters with different kinds of violence, data did suggest that black lesbians and gay people reported higher levels of attacks against their well-being, and that transgendered people, of all race and class groups, as a group experienced higher levels of increasing violence than either lesbians or gay people as a group. The sample of transgendered people was fairly low and the issue deserves more research, but this suggests the growing intolerance in society of those considered to be 'gender-deviant'.

Stories of lesbian and gay people living with HIV

GALA (Gay and Lesbian Memory in Action) presented a study undertaken over several years. As the Gay and Lesbian Archive, the organisational brief is to document and record life experiences and histories. The archive's material is rich, and includes information from diverse lesbians and gay men with a focus, in the past five years, on listening to stories of lesbian and gay people living with HIV (some of them having contracted HIV through rape). The Roundtable presentation opened with a discussion of the difficulty of interviewing people who may be peers, friends or acquaintances, and whose life stories may well invoke knowledge and memories of trauma in the interviewer. The cumulative work of listening to life stories of violation, terror, traumatic events and anger led to GALA's suspension of the project for six months, in an effort to come to terms with what the researchers had heard. GALA (through Ruth Morgan) also commented on the anxieties generated around 'taking' the stories. While popular opinion holds that retelling one's life story may be cathartic or helpful, as Ruth pointed out, it can just as easily effect a retraumatisation. The collection of life stories has, however, been drawn upon to develop narratives on gender-based violence and homophobia in multiple forms, such as comic books and resource manuals for life orientation teachers (see Bloch & Martin 2005). The material includes heartbreaking stories of humiliation, rejection and violation from young gay and lesbian South Africans, and GALA has poured energy into transforming these stories into practical tools for the education of the public.

These were the two studies specifically presented during the Roundtable proceedings, and both functioned as a way of offering a backdrop to the focus on black lesbians' experiences of violence. Although neither study specifically focused on black lesbians, both bear witness to a deeply entrenched national homophobia, lived out in daily encounters with educational establishments, community streets, homes, police, hospitals, public transport, and social environments (clubs, bars, malls, shebeens, places of entertainment). Quantification of such homophobia is useful for certain kinds of policy research (such as that which asks questions about the kinds of services that need to be put in place to address the effects of particular acts of violence: rape, harassment, murder and other forms of attack), or for NGO strategies to develop programmes designed to offer support to survivors. Quantification, however, cannot begin to describe the levels of trauma described by Busi Sigasa (of the FEW) in her presentation. Speaking from a position of personal testimony around living as an HIV-positive black lesbian (her status a result of rape), she asked about the meaning of democracy:

- Is this the 12 years of delivery and equality?
- Did our mothers and fathers back in the days take bullets for this?
- The days of the late Hector Peterson, Steve Biko, Tsietsi Mashinini (to name but a few): Did they all take bullets for this type of freedom?

For Sigasa, the question here is not one about personal trauma, or the costs of the courage it takes to fight not only for one's own life but for the lives of all black lesbians living in 'a sick and one-sided democracy'. The question strikes beyond and through the meaning of personal testimony to illuminate issues of citizenship in a country that for 12 years (in 2006) has prided itself on its transition to democracy. The connection between the 'personal' trauma occasioned by diverse forms of violation and the 'political' trauma of living in a country where the right to live without experiencing daily and egregious discrimination and fear is a flimsy rhetoric unmatched by any reality, was named throughout the Roundtable proceedings as tantamount to assault. Fikile Vilakazi expressed it in the following way:

> I think I'm struggling to ask this question but I think the question for me is, whose body in sexuality are we dealing with here, and I'm asking the question from a point of anger, because it seems to me that is where the struggle is. That is what the struggle is about, you know. It's about the fact that I am not allowed to make decisions about how I want to use my body and how I want to express my sexuality, and I need to be violated on the basis of that and I'm very, very angry and I'm thinking what…I mean, I don't know, but I don't know whether we're going to help each other by discussing and talking. We need action. Something

> needs to happen and I think we are talking about people's lives here. People are dying, people are being assaulted on a daily basis and I think it's not fair to want to always come in these kinds of sessions and just talk about these experiences and do nothing about them and I'm not saying it to anybody, but I'm just expressing anger that here, that it is about bodies and I think that is where the struggle is. We need to begin to talk about the fact that we have right over our bodies in our sexuality. Is this the freedom we were fighting for? Is this the country we want to live in?

There are several studies on the experiences of black lesbians that echo this call to re-engage in the meaning of political struggle, taking black lesbians' experiences as an index of the actual state of national democracy. The most prolific author here is Zanele Muholi, of FEW, who wrote the first academic piece on the rape of black lesbians, in Alexandra, in 2004. In *Out There Everywhere in Alexandra* and 'Being inside/outside', Muholi (2004a, 2004b) presents the findings of research she and FEW undertook during 2003 on the experiences of friends and strangers who were black and lesbian and who had been raped as a direct result of their sexual orientation. The pieces are theoretically powerful in their focus on the threat women's sexuality poses both to the state and to men (and women) who cannot tolerate women's sexual independence of choice.

Similar points about the disjuncture between state and social rhetoric about gender equality and access to rights, and the environmental brutality of the climate in which black lesbians survive, are made by other writers, both published and unpublished: for example, Hewat and Arndt (2002) write as students; within NGOs other than OUT LGBT Well-being, FEW and GALA, Wendy Isaak (2003, 2005) writes from within POWA, and the Triangle Project in Cape Town undertook research on lesbians' health that illuminated the high levels of stress and fear experienced by all lesbians in the study, but particularly by black lesbians. International NGOs such as Human Rights Watch and the International Gay and Lesbian Human Rights Commission (2003) have documented victimisation of gays and lesbians, particularly those who are poor and black (see Long 2003). Other academics, both from within South Africa (see Potgieter 2006; Reid & Dirsuweit 2002; Sanger & Clowes 2006) and beyond, address homophobic violence in South Africa, often with a focus on black lesbians. In 'Gender-based violence: The lesbian and gay experience', Evashnee Naidoo and Nonhlanhla Mkhize (2005), contributing a combination of activist, theoretical and research-based insights, make a powerful case for the reorientation of any definition of 'rights' as being grounded in accurate analysis of black lesbian experience with rape and sexual assault (often a route towards HIV transmission into their lives).

What is interesting here is that, on the whole, the work of bringing the violation of black lesbians to the forefront of debate on the meaning of democracy or citizenship has been undertaken by feminists based as activists within the networks of NGOs working against gender-based violence and, simultaneously, engaging in radical research and advocacy around the injustices faced by lesbian (and sometimes gay) people, especially poorer people. *Agenda*, a feminist journal, has published the most material, and black lesbians themselves, based in cutting-edge NGO development, have spearheaded much of the research and documentation into the specificities of black lesbians' life realities within contemporary discourses on rights and equalities. This fact carries triple-edged impact. First, the connections between researchers and the experiences illuminated by writing and advocacy strengthen the integrity and insights of the writing itself. Second, they also make the work of documentation extremely difficult because the experiences are complex and often traumatic, and third, they increase the vulnerability of the writers and activists themselves.

At the same time, the need to concentrate on the degree of violation encountered by black lesbians, in order to effect political change, means that the category 'black lesbian' risks becoming synonymous with a certain form of victimisation. Given that homophobia, like other systems of ideologically based oppression, is quick to deploy categories of identification in ways that narrow and amputate the humanity of those it seeks to 'other', there are, as already noted, dangers in allowing the public imagination to encounter black lesbian women as any kind of homogeneous group (especially as a group of raped, HIV-positive 'victims'). 'Giving voice' from within a marginalised subjectivity is fraught with danger.

Testimony and media

One of the first speakers during the Roundtable day was Thuli Madi from BTM, an organisation dedicated to information building and sharing, largely through ICTs, on LGBTI issues throughout the continent. She began by alerting the audience to the complexities of 'giving voice' when the media is the chosen vehicle for public speech:

> What I would like to share with you today is that as much as media gives voice to people, marginalised people as well, more often than not it is this very same media that reduces gay and lesbian people to the margins of entertainment media, playing, colourful and flamboyant characters or dangerous psychopaths.

Commercial interests, as Madi pointed out, encourage sensationalism ('Gay Man Eats Crocodile' is the title of a manual developed by BTM to train journalists on responsible LBGTI reporting), and deliberately draw on stereotypes of exoticism,

violence and sex to promote public interest. These realities do not disappear when the media is confronted by the need to report on hate crimes, including murder, targeted at lesbians (the emergence of black lesbians' rapes and murders into the public and legal 'eye' is discussed later in this report). Madi drew on media coverage of the murder of Zoliswa Nkonyana, which showed named images of Nkonyana's friends as part of a story about her death. As Madi explained, outrage suffused the LGBTI activist community because offering the names and pictures of young women known to be 'Zoliswa's friends' constituted a direct invitation to those who had murdered Zoliswa because of her lesbian identity to find new victims. As an activist and someone at the heart of attempts to manage the grief and distress caused both by the murder and by the *Sunday Times* coverage, Madi concluded:

> So it's very painful; what the *Sunday Times* did by outing Zoliswa's friends was really insensitive and irresponsible and these are the very same people all media, the same media house that is supposed to abide by journalism ethics, and I don't even want to mention what those girls went through after their names were published in the *Sunday Times*.

Precisely because of the complexities of using mainstream media as a route towards challenging homophobia, LGBTI activists are particularly concerned about the need to develop their own avenues of information. Although access to ICTs remains difficult in many parts of South Africa, websites have become one of the most powerful resources for building knowledge about LGBTI issues and for creating networks of solidarity in confronting the impact of specific hate crimes. This is particularly important given the 'double-edged sword' of media publicity. An episode of *Carte Blanche* aired on 27 July 2007 (after the murders of Sizakele Sigasa and Salome Massoa)[5] gave an opportunity for others (still alive) after homophobic hate crime to testify to their abuse, but some of those who appeared on the show did not feel that it would be possible to return home after having done so:

> Thsidi: I have a feeling that the people who did this are still around looking for us – her friends and lesbians…
>
> Tumi: Who's next? I may be in the line of getting killed at any time. I am freaked out. I have been quite vocal about gay issues. But now I'm very, very scared. I'm not going home tonight, after this.[6]

One area of media that is very powerful in the display and dissemination of homophobia is the radio. Throughout 2006, especially during debate on the passage of the Civil Union Bill, talk shows were regularly hosted by dozens of radio stations – experts (often religious ministers or imams) were asked to explain their rejection

of same-sex marriage and the public was invited to phone in with feedback and comments. Many of these comments were blatantly hate speech. Testimony to this is regular (both in newsprint and radio), but radio is a particularly difficult area in which to work. Where public opinion is semi-anonymous (callers often identify themselves by one name only) and, via radio, voices are often inclined to behave as though they were 'speaking without acknowledgement of a personal audience', this frequently gives rise to hate speech, much of it drawing upon biblical or Qur'anic texts for support. Many LGBTI activists have engaged with radio programming, which Nonhlanhla Mkhize described in the Roundtable seminar as a regular but challenging part of their work: 'going into a room of sharks you can't even see'.

Other ways in which LGBTI voices have engaged with the media, under conditions much more favourable than radio or mainstream television, to provide accurate representations of their analyses of rights and their experiences of violence, have been through the creation of digital stories (through Women's Net and OUT LGBT Well-being and, more recently, GenderDynamiX) and short documentaries exploring lesbian lives in South Africa (through the Out in Africa Film Festival). Funeka Soldaat's life story became the focus of a documentary screened at the Out in Africa Festival in 2006, and the narrative included the iconic activist's experiences of rape and habitual violence as well as her experiences of activism, marriage, celebrations and spirituality. Lovesina Kavuma produced *Rape for Who I Am* in 2005, a short film examining hate crimes against black lesbians, and Zanele Muholi's photography has consistently demanded the re-visioning of black lesbian sexuality and power. What is witnessed here goes beyond 'testimony' on the experiences of homophobia and violence; such work takes the issue of representation of black women's bodies beyond the position of 'victimhood', issues addressed by Muholi (2004b) in an *Agenda* article.

Organisational strategies: Witnessing from the ground

One of the most powerful forms of bearing witness to the extent of violence in black gay and lesbian lives arises from the day-to-day programming of NGOs. In her opening comments at the Roundtable, Nonhlanhla Mkhize, of the Durban Lesbian and Gay Community and Health Centre, made it clear that improving the quality of black lesbians' lives, especially in townships, was a daily part of the centre's programming and included counselling, educational workshops with teachers, and a wide range of community outreach activities. Counselling clearly offers opportunities for people to recount and try to address myriad issues (all of which are exacerbated

by homophobia, and many of which include assault or attempted assault). Most LGBTI organisations include counselling as part of their essential services, and an ICT-based organisation such as BTM keeps careful and public track of homophobic rapes, murders and assaults reported throughout Africa. Nasreen Hussein presented the work of The Inner Circle (TIC) at the Roundtable, and the holistic approach of that NGO complements the vision of others such as the Durban Lesbian and Gay Community and Health Centre, although TIC is not an advocacy organisation:

> The Inner Circle is not an advocacy group, but rather focuses on re-education and awareness through our services…The TIC's aim is to re-educate, create awareness and lend support on issues of religion and sexuality. The organisation's concentration is twofold: the queer individual and the faith-based community that he or she comes from. Presently our primary focus is on the Muslim community, because 95 per cent of our membership is Muslim, but we do accept other faiths and many other faith-based individuals come and attend our services as well. For the sexually diverse individual, groups and communities The Inner Circle provides social, spiritual and psychological support through our strategically designed programmes and services, which we're going to run throughout the year. For the broader community The Inner Circle focuses on re-education and awareness as a means to strategically fight homophobia. By re-education we refer to the research we have conducted over the past 10 years on the scriptural rendition of the story on Sodom and Gomorrah and how this situation is unrelated to sexual orientation, but rather related to male to male rape and the abuse of sexual power. In relation to hate speech, the organisation, although now known to the community, has not been directly exposed to hate speech. However, some of our members have been subjected to this and we address these issues through counselling and helping the client to not personalise the hate speech as well. On the other hand, we also address the origin of the hate speech by educating the community through our workshops and family counselling. Just in terms of the programmes and activities that we do offer in terms of public education training. We offer workshops on Islam and sexuality to organisations, families, members and clients and, as our members requested, they would like some information on basic Islam. We have our weekly hoco, which is a study circle. We have an annual international retreat and in the next year it's going to be in April. We have quarterly newsletters, which we will be publishing and we would like to publish booklets like information on Islam and sexuality as well. We have just

> updated our website. We have a helpline and telephone counselling service also. The workshops in the Health Department will be focusing on life skill sessions and will be covering various topics, from self-awareness to assertiveness skills and to the new skills that people might need, like transgender awareness. It depends on what the needs are as well. We offer complementary health services. We have leisure groups as well, such as arts and crafts, and this will be to adults, as well as children of queer parents.

There is an enormous amount of work described here, and much of it involves direct outreach to a wide array of people. The choice to work within a spiritual framework is named as a powerful strategy to combat homophobia and to ensure that lesbian and gay youth have a 'safe space' to go. This kind of work creates 'witnessing' at a grassroots level, where a sense of the climate of violence and homophobia surrounding lesbian and gay lives becomes part and parcel of the work environment, not as a shock but as the terrain of engagement itself.

Throughout the Roundtable, speakers from different organisations bore witness to the kinds of stories about assault, fear and stigma they encountered from those who came through their doors seeking help, or from those they met in the course of running workshops or community events. The Roundtable did not seek to create a catalogue of these voices, and although all organisations create their own databases for evaluation and documentation purposes, there has been no effort (to date) to attempt an amalgamation of the kinds of experiences of homophobia, rape, insult and attack brought through NGO doors daily. What matters for this report is that those present at the Roundtable, from their organisational platforms, were clear about the fact that they were representing others' experiences of sexual and physical assault, daily fear, and family and community homophobia. Such 'others' are not NGO directors, researchers, counsellors or activists. They are simply South African women (and men) whose human rights are violated frequently as a result of homophobia. As Mary Hames of the Gender Equity Unit of the University of the Western Cape put it:

> Living as a young black lesbian in this country can be a nightmare; even though there are many parts of your life which are your own business and may be working well (like your studies or whatever), you are aware always that nothing will protect you if they come at you; your university will do nothing, your state will do nothing, your family may do nothing.

Bearing witness to violence

The Roundtable discussions, described by participant Vasu Reddy as a form of 'political rally', illuminated many different genres of 'evidence' on the experiences of gender-based violence, homophobia and hate speech towards black lesbians. Individual testimony, quantified data from research, the issues upon which direct service programmes were focused, engagement with media (both as a source of homophobia and as a resource through which to tackle violence against LGBTI people) and writing all contributed to the profile participants built of the hostility facing black lesbians, especially those living in townships and poorer areas.

A final form of witnessing that deserves space arises from the legal activism built around the murders and rapes of young black women, where their sexual identity was an explicit part of perpetrators' motivations for assaulting them. There have been a number of cases of such violence where LGBTI organisations and some others have played a powerful role in illuminating the issue of hate lying beneath the women's deaths. This genre of 'witnessing' deserves its own section.

Part III

Current and Future Prospects

Would my expressions of love and female affection
be the colours of my African Nation

Or would I still find a brand new reason
to hold myself bound from the greatest love I've found
(Triangle Project 2006: 56)

Legally focused campaigning

Over the past four years, a number of cases concerning the rapes and murders of black lesbians have come to the forefront of public advocacy against injustice. It is critical to say that these cases are not the only ones in which women (of all racial groups) have been murdered (the rates of intimate femicide in South Africa are high; see Mathews et al. 2004), and black and coloured women bear the brunt of domestic violences, which include sexual and gross physical assault. HIV-positivity has been implicated as a cause for assault (see Auerbach et al. 2005; Campbell & Sefl 2004). In 2005, Lorna Mlosana was raped and then murdered in Gugulethu, Cape Town, with HIV-positivity being cited as part of her assailants' motivation to kill her. The number of reported rape cases per year has already been addressed, and in many cases of rape, assailants do give 'reasons' for the attack – these include punishment for behaviour or attitude, the need to assert authority, and the assertion of 'rights'. It would be possible to argue that many rapes are accompanied by a 'punitive' or semi-'curative' discourse – the survivor will be a better-behaved woman and/or give the perpetrator more respect or sexual attention after the assault. The notion that the rape will transform the sexual identity of the survivor (as well as 'punish' her for being lesbian) is, however, only recently overt in the experiences of black lesbians who have been sexually attacked and/or threatened. (This is not to say that men and boys of all racial groups who rape white lesbian women might not have similar motivations; this remains to be explored.) In addition, the targeting of a woman simply *because* she is lesbian (or transgendered, as the OUT LGBT Well-being research suggests) is akin to the politics of war, in which women of particular nationalities, religions or ethnicities are raped simply because they are seen as *enemies* or the *women of enemies*. The witnessing of LGBTI activists and researchers leaves no doubt that black lesbian women are being assaulted as a result of their sexual identification (or perceived gender/sexual identity) and their bodies thus become the ground on which the volatile and frequently vicious gender/sexuality wars of contemporary South Africa are fought out (Gqola 2006a).

The overwhelmingly hostile climate surrounding black lesbians is not, in fact, a legal one. With the exception of a law expressly targeting hate speech and hate crime, there is a battery of legislation that seems to offer black lesbians protection under the law:

- the Constitution and the Bill of Rights expressly forbid discrimination on the basis of sex, gender, race and sexual orientation;
- the Equality and Prevention of Discrimination Act of 1998;
- the Sexual Offences Act of 2006;

- the Domestic Violence Act of 1998;
- the legalised rights of lesbian women to adoption as parents, to the extension of partner benefits, and to marriage (through the Civil Union Act of 2006).

While each of these legal protections represents a step towards a culture of human rights, and in all cases represents also the results of extremely hard-won battles (and none of them is without debate on the range and shape of the definitions and processes described), it remains the case that South African black lesbians are very vulnerable to attack at every level of society. Wendy Isaak of POWA describes the situation as follows:

> Women are not a homogenous group and in the context of violence against women the elision of difference is problematic. Fundamentally, the violence that many women face is based on other dimensions of their identities such as race, class and sexual orientation…Multiple identity-based discrimination and violence which result in severe vulnerability, exclusion and invisibility must be a critical consideration in post-apartheid South Africa; particularly in considering the duty of the state to protect women from violence and to further respect and promote rights entrenched in our Constitution.[7]

Specific cases

In the past three years, there have been more than 10 cases of rape and murder of a young black lesbian where there seems no doubt about Isaak's point that identity-based discrimination has led to outrageous acts of hatred and violence. Briefly, these are some of the known reported cases:

- Zoliswa Nkonyana, Khayelitsha, Cape Town, 18 years old, murdered on 4 February 2006;
- Madoe Mafubedu, raped and stabbed to death, April 2007;
- Sizakele Sigasa, Meadowlands, Soweto, 34 years old, raped, tortured and murdered, 7 July 2007;
- Salome Massoa, Meadowlands, Soweto, 23 years old, raped, tortured and murdered, 7 July 2007;
- Thokozane Qwabe, Ezakheni, Ladysmith, KwaZulu-Natal, 23 years old, stoned and murdered, 22 July 2007;
- Eudy Simelane, Kwa-Thema township near Springs, 31 years old, raped and murdered, 28 April 2008;
- Khanyiswa (Lhoyie) Hani, New Brighton, Port Elizabeth, 25 years old, stabbed and murdered, 26 May 2008;

- Daisy Dube, Yeoville, Johannesburg, in her 20s, shot and murdered, 2 June 2008;
- Sibongile Mphelo, Strand, Cape Town, 21 years old, raped, shot and vagina cut off, murdered, 20 June 2008;
- Girly 'S'Gelane' Nkosi, 37 years old, Kwa-Thema township near Johannesburg, stabbed and murdered, 22 June 2009.

None of the activist organisations (FEW, POWA, the Lesbian and Gay Equality Project, the Durban Lesbian and Gay Community and Health Centre) or campaign collectives (the Joint Working Group, the One-in-Nine Campaign, the Seven-Seven-Seven Campaign) taking primary responsibility for the organisation of targeted, and persistent, advocacy about the need to hold the courts and the state accountable for the crimes suffered by these women believes that only a few black lesbians were the targets of such hate crimes between 2006 and 2008. In public campaigns, the list of victims is longer and includes Simangele Nhlapo (whose two-year-old daughter was murdered alongside her), Fanny Ann Eddy (of Sierra Leone), Gugu Dlamini and Lorna Mlosana, Busisiwe Sigasa (who contracted HIV through rape and died in early 2007) and many given simply as first names. The research that followed OUT LGBT Well-being's efforts to quantify lesbian and gay people's experiences of victimisation, carried out by the Durban Lesbian and Gay Community and Health Centre in 2005, makes it clear that black lesbian women are experiencing sexual assault as a result of their sexual identity and that the vast majority of these go unreported. Funeka Soldaat's presentation at the Roundtable puts colour into this reality:

> It happens in Khayelitsha, but most of the lesbians in Khayelitsha they never survived. Even today it is still [inaudible] because of the hate crimes, but today again is just to remember some of those lesbians that have never survived. In 2001 a woman in [inaudible], she was young, a secretary of SAFA [South African Football Association], the women's footballing association and she was raped by a cousin, brother in her room. That was in 2001 and in 2005 she passed away because of HIV and AIDS. She was also the executive of Siyazenzela [an organisation made up of queer individuals who felt racially or sexually discriminated against] and it was then we decided we have to form the Women in Action. It was really never nice and then in February 2006…people are aware [of] the issue of Zoliswa [Nkonyana]. It was in each and every paper in Khayelitsha, but the one thing that was so frustrating to me is that the people who also drove that woman to that edge, they were the same people who were

> on TV, the family that was saying that Zoliswa is the woman that they love so much. She was sexually abused in the house for a long time and the mother has to protect what happens, but when you saw them on TV when they were talking and I couldn't believe. It was so as a painful thing, but she died. If people are listening to the story of Zoliswa, there was a friend that she was with her and I heard sometime they've tried and taken the woman somewhere. You know, I was not sure of that story, but the one thing that I know, in October the woman who was travelling with Zoliswa, she's also a lesbian; she was stabbed at the back, also in the neck. She was going at home in October this year, not another year. These are the things that happened in my little township that's called Khayelitsha. And also on the 25th of November, that was the beginning of the 16 Days of Activism and then I was at home, I get a call early in the morning at about 04h00. A woman in the location called Nganene, also in Cape Town, she was stabbed with a girlfriend in the house and she have to leave the area where she's staying, but now she's staying with her parents and then really it shows exactly what's really, really happening and it's just the physical things that happen.

Murder is a crime difficult to 'hide' from the eyes of the law, but given the ferocity of homophobia throughout South Africa, the high tolerance for physical assault and violence as a means of addressing conflict within homes and communities, and the difficulty (given the inadequacy of police resources and training) of identifying the perpetrators of homicides, it is highly likely that there are more murders than reported attributable to homophobic hate crimes (murders of gay men and lesbian women).

Of the cases mentioned above (and there are others), only one has reached a partial judicial conclusion: that of Eudy Simelane. In all the other cases, while perpetrators have been identified, the process of bringing the cases to trial has been prolonged by the kinds of delays, non-appearances of crucial court actors, incomplete presentation of evidence, and complications that regularly beset the South African justice system. Without presentation of the detail of each case and its process, it is not possible to begin to explain the relative speed of Eudy Simelane's case. The process to judgment took only 18 months: the sentencing of one perpetrator (five are alleged to have colluded in the rape and murder); one was acquitted in October 2008; Thato Petrus Mphiti was sentenced to 32 years imprisonment (but the judge did not accept that the rape and murder were motivated by homophobia); and, in 2009, a third man was also sentenced to life imprisonment while two 'accomplices'

were acquitted. It is possible that Simelane's public profile as a national team (Banyana Banyana) soccer player (and perhaps the committed activism of the multiple NGOs attending the trial in Delmas between 11 and 13 February 2009) played a role in the relative speed of reaching a sentence. The first man convicted, Thato Petrus Mphiti, was sentenced to 32 years for multiple crimes, which was seen as 'acceptable' by some activists. The weight of the sentence was, however, completely offset by Judge Mavundla's finding that Eudy Simelane's sexual orientation had 'no significance to her killing'. Given that the three remaining co-accused knew Simelane, and that her sexual orientation was a fairly well-known facet of her status as a soccer player, this finding was disturbing. Phumi Mtetwa of the Lesbian and Gay Equality Project writes that 'activists hope that this aspect (of homophobia) will be more prominent in the case against the other three'.[8]

Within South Africa, there is a long and brutal tradition of the use of excessive violence to control 'the other'. The apartheid government's security forces were masters in this field, and in the years preceding 1994 a range of other parties also engaged in public acts of intensive fear-mongering and egregious physical assault (necklacing; the Cape Town-based acts of the 'witdoeke';[9] the murderous clashes between Inkatha Freedom Party and ANC supporters in KwaZulu-Natal during the late 1980s and early 1990s). Territories currently under gang control (including prisons), many domestic spaces and the gigantic businesses based on the sale and acquisition of drugs all rely on the normalisation of excessive brutality to systemise their 'ways of being'. In 2007, South Africa saw an upsurge in targeted brutality towards people identified as 'foreigners', and for the first time in public discourse the attacks, thefts, insults, threats and murders of people from the Democratic Republic of Congo, Malawi, Zimbabwe, Mozambique, Somalia and other African contexts were named as 'hate crimes'. These are crimes based on the identification of people as members of a particular group, stigmatised and 'othered' as such, and where mass permission may be granted to annihilate, destroy or maim people in the name of 'renormalising' community. There seems no doubt that the murders of the women referred to above were hate crimes and, as importantly, that they were hate crimes committed primarily by men, often in groups or pairs. However, in the murder of Lorna Mlosana because of her HIV status, women encouraged the attackers (Orford 2006), and some personal narratives of rape and assault suffered by black lesbians include mothers, aunts and female 'friends' as complicit perpetrators. The actual rapes and murder are, however, committed by men.

There has been intensive engagement with legally focused activism around black lesbians' experiences of gender-based violence, hate crime and homophobia. Marches

and petitions have been taken to police stations (such as FEW's 2007 march to the Meadowlands police station; the continual activist surveillance of court trials; the November 2008 One-in-Nine project march in Cape Town at the Association for Women's Rights in Development Conference; the march in August 2009 in Cape Town, organised by the Triangle Project, around the ongoing postponement of the Zoliswa Nkonyana trial), activists have banded together to attend trials, to support the family members of the deceased and raped, to demonstrate when delays occurred in due process, and to publicise the dates, processes and outcomes of each stage of each case. This is enormously taxing work, especially given the homophobic climate of the courts, where community supporters of the perpetrators are present and aggressively threaten the lives of the activists. It is also a very powerful form of 'witnessing': in the amplification of the death of each black lesbian, through publicising the details of her murder and insisting on the uniqueness and importance of her life, the meaning of 'black lesbians' as essential citizens and vital 'watchdogs' over the realities of 'democracy' is created and recreated.

Conclusions and recommendations: A way forward?

At the Roundtable, the dominant calls for action were wide ranging, covering concrete work around policy change to the demand for South Africans to re-imagine the meaning of citizenship so that lesbians, gay men and transgendered people were offered unequivocal access to security, rights, dignity and the opportunity to live their lives free of hatred, stigma and fear. The Roundtable identified specific strategies, including:

- the need to pressurise for the progress of a Hate Crimes Bill, so that violence against lesbians, gay people and transgendered people clearly motivated by hatred of sexual and gender differences could be prosecuted as hate crimes;
- the need to continue to monitor all cases brought forward in which LGBTI people were the victims of murder, assault, sexual violence and harassment. It was advocated that this monitoring, although time consuming and draining, was critical activist work, and deserved both funding and recognition as core facets of LGBTI organising;
- the need to create alliances with other human rights organisations. This was identified as a core strategic thread. It was recognised that LGBTI organisations are stretched thinly across a very wide range of challenges, and that the fundamental issues facing lesbian, gay and transgendered people are not – at their core – different from those confronting HIV-positive people,

those suffering from racism and other forms of systemic discrimination, refugees in South Africa, and disabled people;

- the need to strengthen the voice of black leadership within the LGBTI movement, and ensure that public activism and advocacy is driven by the experiences of those at the rock face of homophobia, poverty, sexism and racism. It was recognised that while there would always be differences of perspective between different organisations and different individuals (and that debate was healthy), in a climate of hostility it was critical to heal rifts where they opened up, make efforts to address difficult questions, and ensure that LGBTI activists 'walked their talk';
- the need to document the experiences of LGBTI people in South Africa (and, indeed, elsewhere on the continent). This was mentioned frequently, with the work of particular organisations (such as OUT LGBT Well-being) singled out for commendation. It was also felt strongly by some that documentation and research needed to be directly 'owned' by those whose stories were at the core of the research, and that capacity-building programmes around writing, photo documentation, digital storytelling and research were a key concern.

The HSRC was thanked for organising the Roundtable, and it was recommended that such a roundtable become a regular event within the HSRC's work, marking the 16 Days of Activism annually. The meeting also proposed that other organisations (especially feminist organisations) needed to be pushed to pick up the issue of homophobia and violence against lesbians as part of their campaigns throughout the year, but especially during the 16 Days of Activism.

A final point to be made about the spirit and the passion of the Roundtable discussion is that all participants recognised the toll taken on people's lives by the struggle against hate crimes suffered by black lesbians. While not a single voice suggested being ready to 'give up the fight', people spoke openly of exhaustion, despair, grief and rage. Everyone recognised the fact that activists experience a very wide range of emotional and physical challenges, and that psychological assault or trauma is part and parcel of fighting for a world in which friends, lovers, political sisters (and brothers) and co-workers are *not* the targets of hate crime. This recognition needs to be accompanied by strategies too – strategies to sustain the struggle, but simultaneously strategies to allow people time and resources to heal from the exhaustion, to reflect on achievements, and to celebrate their lives and visions as powerful signs of 'a new South Africa'.

Since the Roundtable of 2006, murders of black lesbians in particular have increased, in spite of visible media coverage and advocacy responding to the crimes. In these recommendations we address some further implications for research, practice and policy. We categorise these according to recommendations directed towards the state and its institutions; NGOs; and donors, international agencies and organisations.

Recommendations for the state and its institutions

The state and its institutions should:

- publicly condemn all forms of violence and issue public statements condemning violence targeted at lesbians and gays by affirming constitutional and legal protections related to equality, including non-discrimination based on sexual orientation, gender identity and HIV status. Such an affirmation should include the reiteration of social justice and human rights protections for all groups;
- provide safeguards by ensuring that all personnel and relevant officials are adequately and appropriately *trained* in protecting LGBTI people from violence. Specific training should be provided to ensure that such crimes are appropriately identified and adequately investigated, that perpetrators are brought to justice, and that adequate redress and reparation are provided to victims and their families;
- ensure that discrimination, hostility or violence against LGBTI people is prohibited and prevented at all costs in accordance with South African law and the international standards prohibiting advocacy of hatred and anti-discrimination;
- protect and support LGBTI human rights defenders;
- ensure that courts do not contribute to unnecessary postponements when prosecuting convicted criminals and that there is swift progress in the trial;
- ensure that the criminal justice system is sensitive to the nature of crimes and does not subject victims to secondary victimisation. Courts should condemn equally all hate crimes based on sexual orientation and gender identity;
- ensure that current legal remedies are available to individuals whose privacy has been infringed or who experience discrimination and harassment based on sexual orientation. This might call for a review of legislative intent so that no unintended consequences befall sexual orientation as a class;
- reform the law system so that the criminal justice system is fully equipped to deal with crimes of hatred by speeding up development of a Hate Crimes Bill;
- convene a working group on crimes against lesbians that could be led by the Ministry of Women and Children in partnership with the South African Human Rights Commission, the Commission on Gender Equality and relevant civil society organisations to develop and facilitate appropriate policy;

- ensure that the education system and all policies are attuned to the spirit and tenor of gender equality by recognising that violence against lesbians is a gender issue. Gender as a status category should be included in the state's monitoring and evaluation of its performance.

Recommendations for non-governmental organisations

Non-governmental organisations should:

- continue to document and raise visibility about such crimes by placing citizenship as a factor to overcome the divisions of race, class and sexuality;
- challenge stigma, denial, discrimination and prejudice by addressing the values of social justice rather than simply addressing identity politics;
- identify and mobilise shared values across social, political, cultural and religious belief systems and engage society in a dialogue that places sexual and gender justice at the centre of the conversation;
- lobby the state, donors and international agencies to mobilise resources to address the crimes;
- form better alliances and sites of collaboration for pursuing broader social justice by expanding work on sexuality issues that link up with economic justice;
- link to the 2006 Yogyakarta Principles, a declaration of sexual and gender rights, which includes 'the right to an adequate standard of living, including adequate food, safe drinking water, adequate sanitation and clothing, and to the continuous improvement of living conditions, without discrimination on the basis of sexual orientation or gender identity' (World Association for Sexual Health 2008);
- link advocacy on sexuality to human rights and development frameworks in order to shape multilateral action on poverty by placing sexual justice firmly on the agenda.

Recommendations for donors, international agencies and organisations

Donors, international agencies and organisations should:

- condemn instances of gender-based violence directed at lesbians;
- support the development of organisations among the LGBTI sector by strengthening the capacity of these organisations to advocate for protection of rights;
- support programmes that promote training and research into gender-based violence that help to better understand and reduce violence against LGBTIs. Such programmes should be led by LGBTI organisations in partnership with women's organisations and higher education and training and/or research organisations;

- lobby government to fast-track cases;
- support the development of the leadership of advocacy groups at the national and regional levels to form long-lasting coalitions and build strategic alliances.

The above recommendations only become meaningful when they are translated into action by all actors in this process. Since the Roundtable of 2006, much has changed in South Africa. The country has smoothly transitioned into its sixteenth year of democracy (a new administration is in place), our Constitution is intact, but the lived and material lives of the majority of South Africans are still shaped by poverty, unemployment, disease and crime, including hate crime. Gender-based violence sadly remains a tangible experience for many women. Evidence suggests that since 2006, the number of black lesbians who have been murdered has increased. Silence on this matter is therefore not an option in the country we want to live in.

Notes

1 The Mirabal sisters were political dissidents who opposed Trujillo's dictatorship. Three of the four sisters were subsequently assassinated under his orders.
2 Phumi Mtetwa, Lesbian and Gay Equality Project, www.oia.co.za.
3 Fikile Vilakazi, Roundtable seminar, December 2006.
4 ANC webpage reporting, 4 June 2006, www.anc.gov.za, accessed 10 November 2008.
5 Sizakele Sigasa and Salome Massoa were lesbian activists who were murdered in July 2007 because of their sexual orientation and involvement in the LGBTI community in Soweto, Johannesburg.
6 *Carte Blanche* transcript, 27 July 2007, 'Black lesbians'.
7 From AfricaFiles, speech delivered on National Women's Day, 2007.
8 See www.oia/news/eudy-simelane.
9 Vigilantes known as witdoeke (white-cloths) for the white headbands they wore for identification. They were 'unofficially' supported by the apartheid government and its security forces.

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Additional resources

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Gender and Women's Studies for Africa's Transformation, www.gwsafrica.org

Gender Based Violence Prevention Network, www.preventgbvafrica.org

Global Forum for Health, www.globalforumhealth.org

Interagency Gender Working Group, www.igwg.org

RADAR (Rural AIDS and Development Action Research Programme), www.wits.ac.za/radar

Reproductive Health Outlook, www.rho.org

Sexual Violence Research Institute, www.svri.org

TVEP (Thohoyandou Victim Empowerment Programme), www.usaid.gov/missions/sa/success1.2.html

UNFPA, www.unfpa.org

UNICEF, www.unicef.org

UNIFEM, www.unifem.org

UN Millennium Development Goals, www.un.org/millenniumgoals

Violence against Women Online Resources, www.vam.umn.edu

Organisations

BTM: Behind the Mask is a communication initiative around LGBTI rights and affairs in Africa. (http://www.mask.org.za)

CAL: The Coalition of African Lesbians is a network of organisations committed to African lesbian equality and visibility. (http://www.cal.org.za)

Durban Lesbian and Gay Community and Health Centre: The Centre (a project of the KwaZulu-Natal Coalition for Gay and Lesbian Equality) offers a safe and secure space for the lesbian, gay, bisexual and transgender communities of Durban and KwaZulu-Natal. It offers health, personal and legal counselling; runs interest and support groups; does outreach/mainstreaming community training; produces materials; and engages in networks and coalition building. (http://www.gaycentre.org.za)

FEW: The Forum for the Empowerment of Women is a national, non-profit organisation based in Johannesburg, which aims to articulate, advance, protect and promote the rights of black lesbian, bisexual and transgender women. (http://www.few.org.za)

GALA: Gay and Lesbian Memory in Action mobilises memory by documenting and popularising the lives and histories of LGBTI South Africans. (http://www.gala.co.za)

GenderDynamiX: GenderDynamiX is a human rights organisation promoting freedom of expression of gender identity and advocating for the rights of transgender, transsexual and gender non-conforming people. (http://www.genderdynamix.co.za)

LGEP: The Lesbian and Gay Equality Project is a non-profit NGO that works towards achieving full legal and social equality for lesbian and gay people in South Africa. (http://www.equality.org.za)

TIC: The Inner Circle was established by a concerned group of Muslims in 1996 to educate, provide social and support groups, and create awareness about homophobia in Muslim communities. (http://www.theinnercircle.org.za)

JWG: The Joint Working Group is a national network of LGBTI-focused organisations in South Africa. The JWG represents the organised LGBTI sector, and speaks and acts in the interest of diverse constituencies. (http://www.jwg.org.za)

OUT LGBT Well-being: Based in Pretoria, the organisation is dedicated to the building of healthy, empowered LGBTI communities in South Africa. (http://www.out.org.za)

POWA: People Opposing Women Abuse is a multi-skilled service provider that contributes towards the eradication of violence against women in society, in order to enhance women's quality of life. (http://www.powa.co.za)

The Triangle Project: This is an LGBTI service provider based in Cape Town, providing services to communities in Cape Town and the Western Cape. (http://www.triangle.org.za)

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