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# OVERCOMING BARRIERS: Strategies for supporting LGBTQI human rights across the South African and UK contexts



## *Overcoming Barriers: Strategies for supporting LGBTQI human rights across South African and UK contexts (a workshop given at the HSRC, 21 February 2013)*

This workshop provided space for the constructive discussion of LGBTQI human rights issues, enabling people from a range of backgrounds to combine insights. We looked at the obstacles facing us and at strategies for addressing them. The focus was on the Southern African situation but there were many themes that are common to both countries. For information about the UK situation, please see <http://research.ncl.ac.uk>, [www.pfc.org.uk/](http://www.pfc.org.uk/) and <http://www.stonewall.org.uk/>.

### **STRUCTURAL CONSTRAINTS**

The LGBTQI human rights situation is set in the context of 'structural constraints' (the limitations imposed by inequalities of money, and other forces such as race and class). The group tackling 'structural constraints' reported a wide range of challenges which include:

- The lack of (wider) transformation in society post '94 means that it is difficult to overcome homophobia because of a general lack of access to justice and fairness
- There is an implementation gap - the Human Rights framework and the policies are there but they are ineffectual
- Class affects access to resources - poverty makes it harder to claim rights
- The Traditional Courts Bill is problematic because of support for patriarchal gender roles
- There is a lack of capacity (training, competence) around LGBTQI issues amongst some service providers such as health practitioners, and a lack of commitment amongst some service providers for example schools. Service provider gatekeepers/senior figures such as head teachers can block access to services and to rights claims as well as stigmatising service providers who support LGBTQI rights

government to find ways to tackle gender-based inequalities and we discussed the possibility of special courts to deal with gender and sexuality-based hate crimes as one way to help this. Other strategies are:

- Cross-sector work with other rights lobbies (around issues such as social justice)
- Awareness raising about the legislative protection - for service users and providers
- Training for service providers including about the emotional aspects of LGBTQI related work
- Consultation and work with the affected communities
- Training for service providers and teachers in addressing homophobia and transphobia
- Avoiding a 'deficit' approach to LGBTQI rights work (avoiding the idea that this is a damaged section of the population, and looking for empowering ways to work)

### **ISSUE OF FAITH AND TRADITION**

Issues of faith and tradition intersect with other structural issues such as class and race. We discussed black churches as tending to be intolerant of homosexuality whilst white churches are more accommodating, and middle class people as tending to be more accepting than working classes. Within the Christian faith, hate crimes (including 'corrective' rape of lesbians) are being justified using the Bible, with priests using their own interpretations of scripture and being very influential especially in rural areas. We discussed negativity towards LGBTQI people amongst Traditional leaders and community leaders, who have a lot of power within their communities. We also discussed Traditional healers and the ways in which indigenous same-sex sexualities are forgotten about. Gender norms - traditional ideas about how men and women should be - are also an area of difficulty because people who break these are stigmatised.

We identified some strategies to take things forwards. Some of these involve the government and state machinery; in particular there is a need for the

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A number of strategies were identified to help bring about change:

- A sensitization of government and policy-makers which can then be moved via policies into the realm of faith (in particular to priests and Traditional healers)
- Work within the different churches (including peer education programmes) to spread understanding and tackle homophobia
- Work with the Commission of Traditional Healers to raise awareness and address homophobia
- A reclaiming of the tradition of African same-sex sexualities
- Finding commonalities and spreading positivity and love around 'difference'; the importance of Ubuntu and of ideas of the Rainbow Nation
- A need to break gender role norms and support gender role diversity
- A need for interfaith alliances to support LGBTQI human rights

## DIFFICULTIES WITH RIGID SEXUAL ORIENTATION AND GENDER CATEGORISATION

We discussed the very influential and rigid expectations about gender in South Africa - the expectations that men should be 'real men' who marry women and have children and that women should be mothers. These rigid expectations cause difficulties for LGBTQI people, particularly those LGBTQI people who strongly contradict expectations about appearance or role, meaning for example that lesbians are sometimes referred to as 'boys'. We talked about the difficulties with the categories MSM and WSW - these are shallow labels which focus on sex acts and can be very restrictive. On the other hand, these labels can also be educative, providing a means to talk about acts and identities. We also talked about the way in which intersexuality is more pronounced in a South African context than in the UK (and elsewhere in the West); there are resistances at an international level to taking on board the implications of intersexuality as an aspect of biological gender variance and these resistances need to be tackled.



## OUR ROLES

We discussed roles we can play to support the LGBTQI human rights agenda - activists, allies (including family members and friends), authority figures, policy makers, and academics:

- Activists have a role in raising awareness and insisting on the prioritisation of interventions to ensure protection of LGBTQI people and in educating wider society, as well as forging alliances with other groups. There are risks for activists in the emotional burden of this work, potential for burnout, physical danger and risk of stigmatisation and isolation
- Allies have a role in supporting their LGBTQI family members and friends and in helping protect them.
- Authority figures generally have a role in supporting LGBTQI human rights policies - at present they sometimes undermine or contradict them. There is a need for more robust and effective consultation of LGBTQI people by government officials
- Policy makers have roles in ensuring the protection of LGBTQI people against hate crime, discrimination, victimization and marginalization. There are major challenges - and a tendency for issues to be addressed hastily and in a reactive way, due to many competing policy priorities. There is a need for sustained, informed, increased interventions. There is also a need to move to specific focused provisions with the needs of the LGBTQI constituency in mind
- Academics need to focus on applied research which informs policy, to support LGBTQI empowerment through knowledge production, to engage in education and to inform practice. There is also a need for academics to be involved in creating spaces where activists, laypeople, students, policy makers and others can interact in addressing LGBTQI human rights.

