

An exploration of Hate Crime and Homophobia in Pietermaritzburg, KwaZulu-Natal



A research report commissioned by the
Gay and Lesbian Network

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*Refer to Appendix 1 for a full list of members of the Joint Working Group

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Prelude...Stories from Pietermaritzburg

I was with my girlfriend and was attacked by two guys.

Lesbian, 27 years*

I was travelling with a friend and we were kicked out of the taxi because my friend was a gay guy – we were in the middle of nowhere. Homosexual, 23 years*

My close friend was raped for being a lesbian. Two guys were insulting us and threatened to rape us too.

Femme Lesbian, 20 years*

I was walking downtown with my friend and a taxi driver shouted at us. Homosexual, 18 years*

We don't walk in certain places because we know they will shout at us and call us names...especially if we are walking with someone who they know is gay.

Lesbian, 26 years*

I don't feel like a South African. Homosexual, 24 years*

*These are terms used by the participants themselves in defining their sexual identity. It is acknowledged that the use of these terms is culturally and historically loaded and that debate exists with regard to the use of these terms.

Section 1: Introduction - Setting the Scene

1.1. Background to the Study

This report presents key findings of a research study commissioned by the Gay and Lesbian Network (GLN) in Pietermaritzburg, KwaZulu-Natal, South Africa. The GLN is a non-profit organisation that was established in 2003 in response to the lack of psycho-social support services for the lesbian, gay, bisexual, transgender and intersex (LGBTI)¹ community in Pietermaritzburg.

The vision and mission of the GLN are as follows:

Vision

To create a non-discriminatory, supportive and accepting environment in which the LGBTI community is uplifted and developed.

Mission

The Gay & Lesbian Network will ensure the optimum commitment and services for the upliftment and recognition of the LGBTI community through creative programmes that foster Equality, Tolerance, Respect and Acceptance.

This study signals a response to events that have occurred in national and local contexts:

i). It is in response to incidents of hate crime that have been reported in South Africa over the last decade. These mainly include xenophobic and homophobic acts. In particular, a number of homophobic incidents, primarily targeting black lesbian women, received significant media coverage and lobbying from various non-government organisations (NGOs) that highlighted the insidious reality of this crime. In particular, the abhorrent murders of Zoliswa Nkonyana in 2006, of Sizakele Sigasa, Salome Massoa and Thokozane Qwabe in 2007 and that of Banyana Banyana captain, Eudy Simelane in 2008 resulted in significant advocacy and campaigning under the auspices of the Joint Working Group² (JWG) that sought to draw attention to homophobia in South Africa and to bring about justice and legislative reform.

¹ Throughout this report, unless quoting from others sources, the acronym LGBTI is used in accordance with the constituencies served by the GLN. However, it is acknowledged that not all issues relating to sexual orientation may be applicable to intersex persons. Based on self-reports of sexual orientation, there were no intersex participants in this study.

ii). It is also in response to recent and direct experiences of homophobic incidents by the GLN itself. Aside from offering support services to members of the LGBTI community in Pietermaritzburg who reported being victims of various forms of hate crime and to supporting the campaigns of the JWG, through for example, court attendance in the murder trial of Thokozane Qwabe; the organisation has had to contend with the reality of societal prejudice. Members reported that a lesbian woman from Pietermaritzburg was murdered. It was suspected that her sexual orientation was the motive for the basis.

In 2008, three banners advertising the 2008 Mr and Mrs Gay pageant (refer to cover photo), erected in three different locations in Pietermaritzburg, were defaced. This suggests the existence of widespread feelings of prejudice and discrimination in Pietermaritzburg and that homophobia is not unique to particular cultural, racial or socio-economic groups.

In yet another incident, a local artist from Sobantu explicitly excluded members of the LGBTI community from attending his exhibitions and shows. The poster advertising the event contained the word '*Ngezitabane*' translated into English to mean '*no gays*'. (Refer to Figure 2 on page 10). The artist apologised after the matter was reported to the South African Human Rights Commission (SAHRC).

The focus group and depth interviews have revealed numerous other incidents of exposure to acts of prejudice, some more explicit than others. There is recognition within the LGBTI community of the dire need to challenge these forms of prejudice to bring about social transformation in Pietermaritzburg.

² The Joint Working Group (JWG) is a national network of LGBTI-focused organisations in South Africa. It acts as a representative of the organised LGBTI sector, and advocates in the interest of the relevant constituencies. Visit www.jwg.org.za for more information.



Figure 1: Poster by local artist prohibiting members of the LGBTI community from attending the events.

The Prelude contains selected excerpts from the depth interviews and focus group discussions conducted with members of the GLN. It highlights daily experiences of members of the GLN which ranges from verbal abuse to threats of physical harm to actual rape. The inclusion of these excerpts at the outset of this report illustrates the personalised format adopted in this report. The intentions of this report are twofold: aside from reporting on the key findings of this study, it also intends to give a voice to the GLN community in Pietermaritzburg; to articulate their personal experiences and challenges. In this way, it is hoped that *their* experiences are considered with the same gravity as more high-profile cases that have received extensive media coverage. Viewed within this paradigm, hate crime no longer exits *out there* but is also *happening here now*. It brings into focus all incidents, whether rape, murder, threats to physical harm and verbal insults, which are reflective of a culture of intolerance and discrimination.

It is hoped that this report will extend beyond a clinical report of the study conducted to also serve as a starting point in the formulation of relevant needs-based interventions and programmes which are guided by the goals of the GLN:

- The mental, emotional and physical well-being of all LGBTI people;
- Society's attitudes are changed such that safe social space for the LGBTI people is broadened;

- To sensitise and create an awareness that helps change the attitudes of the larger society to create an integrated safe space for all LGBTI people;
- Effective marketing and mainstreaming of the LGBTI community through networking and use of the media

With the above in mind, the format and reporting style of this document has been designed to facilitate ease of reading of the key findings of this study, so that it becomes a document that is accessible to a broader readership.

1.2 Aims of the Study

This study aimed to achieve the following:

- To obtain an overview of salient issues contained in international and local literature including media reports and web reports, within the ambit of hate crime and homophobia. Whilst this study is focused on the incidence of homophobia in Pietermaritzburg, hate crime and homophobia are phenomena that occur world-wide. A review of literature allows for comparisons of commonalities and differences in contexts, developments and trends.
- To explore current understanding, perceptions and attitudes about hate crime and homophobia within the LGBTI community and the general community, including organisations that are involved in the provision of relevant services. This approach is based on the premise that complex and multi-dimensional phenomena such as hate crime and homophobia necessitates an approach that considers the inter-relationship and intersection of various systems and the need to employ multiple levels of analyses in exploring and documenting issues. Information about homophobic incidents tends to be based on victim reports. Without wanting to deflect attention away from the LGBTI community and the victims themselves, a more complete understanding of the nature of homophobia necessitates engaging with (potential) perpetrators as well. The questionnaire survey therefore aimed to gauge an insight into community levels of understanding, attitudes and perceptions about homophobia and why it happens. This might provide useful, albeit limited, information about how perpetrators think and might point to possible avenues for future interventions in Pietermaritzburg.

- To document the experiences and challenges faced by the LGBTI community in Pietermaritzburg.
- To identify current gaps in programmes and training interventions that may be addressed in the future. For this reason, service providers were also interviewed, particularly from the government and NGO sectors.
- To make recommendations that will serve as a catalyst for dialogue among stakeholders and that will contribute to the formation of collaborative initiatives and partnerships in the formulation and implementation of appropriate needs-based and relevant interventions; enabling positive transformation at individual, organisational and societal levels.

1.3 Research Questions

Based on the afore-stated aims, the following questions guide this study:

Why are hate crimes, and in particular, homophobic hate crimes, committed in a society that embraces principles of equality, respect and liberation?

The South African Constitution and particularly, Chapter 2, The Bill of Rights, make no allowances for any form of hate crime. Yet these crimes occur in our society. What factors, at macro and micro levels, allow for this contradictory scenario?

- What is the nature of our society that advances the continuation of such practices?

Are there broad cultural and social trends that exist in South Africa that might be contributing to the perpetuation of discriminatory acts against certain (minority) groups such as the LGBTI community?

- Why are black lesbian women the primary targets of homophobic attacks?

Based on media reports and anecdotal accounts published via NGOs, most victims are black lesbian women. Is this trend a simple reflection of the demographic composition of the general population or are other

factors, such as the physical appearance of individuals, or the levels of disclosure and ‘outness’, or cultural factors pertinent in these cases?

- What can be done to prevent these crimes in the future?

There are many existing programmes that seek to address various aspects of hate crime. How effective are these programmes? Are there ways to strengthen current initiatives?

Section 2: Defining and Contextualising Hate Crime and Homophobia

2.1. Defining Hate Crime and Homophobia

Hate crime, also termed *bias crime*, refers to a crime against a person, property or organisation, motivated in whole or in part, by feelings of prejudice (American Psychological Association, 1998). Prejudice may be defined as the possession of negative attitudes, beliefs or emotions that have the potential to influence discriminatory or hostile behaviours toward individuals or groups due to group membership or perceived group membership (Cahill, 2000). Common sources of prejudice arise from perceived or real differences in race, ethnicity, nationality, religion, gender, sexual orientation and disability.

Homophobia refers specifically to acts of prejudice that are motivated by the sexual orientation of individuals and groups. Griffin (1998) argues that the term ‘homophobia’ is limiting: as a psychological construct, it locates prejudice within an individual and detracts from the social and historical dimensions of the problem of prejudice. Although prejudice involves individual perceptions, evaluations and actions, it is regarded as originating in group processes (Brown, 2010) and is established through stereotypical and reductionist perspectives that generalise whole groups (Cullingford, 2000). The term *homonegativity* is considered by some to convey a more accurate reflection of the underlying processes contained in sexual bias hate crimes.

Perry (2001) provides an eloquent analysis of the nature of hate crime. She writes:

Hate crime...is an assault against all members of stigmatized and marginalized communities...it is embedded in the structural and cultural context with which groups interact...it is a socially situated, dynamic process involving context and actors, structure and agency (p.1).

Also implied in the definition of hate crime are the concepts of perceived group superiority and perceived threat. Hate crimes are committed by individuals who identify with a particular group (*ingroup*) that they perceive to be superior to other groups, based on categories such as race, ethnicity, religion, gender, sexual orientation and disability. Extending the first assertion, perpetrators perceive a threat to the survival, identity, normative practices and existing status quo of their group. Hate crime practices are structural concepts and therefore incidents of hate crime and homophobia do not target individuals alone, but are directed to all members of a minority and/or stigmatised group (Griffin, 1998); the consequences of which extend to society as a whole. Examples of acts of hate crime include, but are not limited to, vandalism, verbal abuse, physical assault, murder and rape. Unique to South Africa is the concept and act of 'corrective rape'³ which involves the rape of a lesbian woman by a heterosexual man in order to correct and change the sexual orientation of a lesbian woman.

Hate crime and homophobia are not new concepts and are not unique to any one society. The Amnesty International (2001) report contains accounts of severe forms of homophobia across the globe from Europe to Africa to the Americas. Despite different political and cultural contexts, intolerance of LGBTI persons and high levels of prejudice are common denominators in these countries as illustrated in the case of Norah, a lesbian activist from Uganda; a country which criminalises same-sex relationships.

I was kept in a small filthy room with bats in the ceiling. I was by myself in that room for about five hours, then three men came in and started interrogating me. These men were so cruel and intimidating, it was unbearable...I was also beaten, abused both sexually and physically. My clothes were ripped off. Nasty remarks were made that I should just be punished for denying men what is rightfully theirs, and that who do I think I am to do what the president feels to be wrong. They even suggested that they should show me what I am missing by taking turns on me.

Amnesty International, 2001, p. 2

³ The issue of 'corrective rape' is discussed in more detail later on.

Problems with Definition and Legal Implications

Hate crime constitutes a criminal offense motivated by feelings of prejudice based on perceived group membership. However, consensus regarding the categories of prejudice or bias does not necessarily exist, even in countries where hate crime is recognised as a separate criminal offense. For example, hate crime is recognised as a federal offense in the United States. Prior to 2009, discrepancies existed among individual US states when determining categories of bias applicable to relevant jurisdictions, with some states not including the category of sexual orientation bias. It was only after the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (abbreviated to the Matthew Shepard Act) was passed in 2009 that the federal definition was amended to include gender, gender identity and sexual orientation (Human Rights Campaign, 2009).

In South Africa, although homophobia is accepted as constituting a form of hate crime; there exists no separate and specific criminal category through which a victim can seek recourse and restitution. Thus any form of hate crime has to be charged as a criminal act according to the nature of the crime, i.e. assault, murder, rape, etc (T. Chetty, personal communication, September 13, 2010). It may be argued that this lack of definitional clarity impedes efforts to prosecute less explicit forms of homophobia, such as verbal assault, which might be considered unimportant or trivial or be more difficult to prove in a court of law. The difficulty of proving personal injury in such circumstances also reflects the subjective component of hate crime. Discrepancies in personal opinions and subjective experiences of what constitutes hate crime may create further gaps that allow the perpetuation of such acts. A recent ruling in a Johannesburg High Court in March 2010 making it illegal and unconstitutional to say or publish the anti-apartheid song “Dubul’iBhunu” or “shoot the boer” and the subsequent reports of the African National Congress Youth League’s (ANCYL) intention to appeal this ban reflects both the difficulties in defining hate crimes of a verbal nature and the subjective processes involved, especially in the absence of relevant legislation.

What these limitations in definitions also highlight is the consequent lack of statistical data on hate crime and homophobia and the problem of inaccurate reporting of prevalence and incidence rates. Distinguishing between prevalence and incidence has important implications for effective interventions and programmes.

Prevalence and Incidence

Each year the Federal Bureau of Investigation (FBI) in the US publishes statistics of all crimes, including hate crimes. Information is presented according to the type of hate crime, victim profiles, offender profiles, location type, and hate crime by jurisdiction. For example, it reported that of the 7,780 single-bias incidents reported in

2008, 16,7% stemmed from sexual-orientation bias. Further analyses provide more detailed sub-categorisation of the type of sexual-orientation bias hate crimes committed:

- 58.6% were motivated by anti-male homosexual bias.
- 25.7% were motivated by anti-homosexual bias.
- 12.0% were motivated by anti-female homosexual bias.
- 2.0% were motivated by anti-heterosexual bias.
- 1.7% was motivated by anti-bisexual bias.
- (Federal Bureau of Investigation, 2008)

Clear legislative definitions for categories of hate crime and the differentiation of various types of bias facilitates the recording of substantive statistical data of this nature. The publication of such statistics is important not only because social science research data concerning prevalence and consequences of sexual orientation bias hate crimes are limited (Herek, Gillis, Cogan & Glunt, 1997) but also because, and perhaps more importantly, it enables interventions that are aligned to current trends; it allows for appropriate allocation of resources and it provides a tangible basis on which to measure and monitor the effectiveness of programmes.

In South Africa, the absence of a separate criminal category for hate crimes severely curtails efforts to establish similar statistical evidence of hate crime and homophobia. There are no officially published statistics indicating the number of hate crimes committed within any specified periods, let alone the number of hate crimes motivated by homophobia. Current reports regarding prevalence rates of homophobia in particular, tend to be based on anecdotal accounts by victims published informally (usually on websites) by non-government organisations and media coverage of relevant court cases. The lack of statistical information implies that an important and necessary dimension in the planning of effective programmes is missing. Interventions are likely to be too broad and not needs-specific. Another important implication of informal publications is that circulation is often limited to a small pool of recipients, usually NGOs and their affiliates, including government partners. In this way information about homophobic incidents may not necessarily reach the mainstream public. For example, current public knowledge about high profile cases such those of Eudy Simelane and Thokozane Qwabe owe much to NGO advocacy and media reports as opposed to government interventions. In a similar vein, academic scholarship and research does not usually target mainstream society.

Accessing a 'Hidden' Population

The problem of accurate reporting is further compounded when the incidents reported on involve a 'hidden' or clandestine population (Platzer & James, 1997). Many LGBTI⁴ persons are not 'out' publically or are 'out' in certain contexts. Coming 'out' refers to the process of disclosing one's sexual orientation either partially or fully, within various spheres including the LGBTI community, family, work, and the general community. For example, a member of the LGBTI community might disclose his/her sexual orientation in social groups but not at work. There are various reasons why members of the LGBTI community choose not to disclose their sexual orientation. One of the more pertinent reasons however, is the lack of a supportive environment or fear of losing existing support systems (Aulivola, 2004), both at societal and organisational levels. It is therefore likely that the number of actual cases of homophobia is much higher than that which is reported, either officially or unofficially.

2.2. The South African Context

In recent years there has been increasing social and legal recognition of lesbian, gay, bisexual, trans⁵- and intersex (LGBTI) persons, both in South Africa and internationally (Graziano, 2004). For example the Domestic Violence Act makes an explicit statement of protection for victims of abuse within same sex relationships (Government Gazette, 1998). South Africa also became the first African country and the fifth country internationally to legalise same-sex marriages when the Civil Unions Bill was enacted in November 2006 (Government Gazette, 2006). Croucher (2002) asserts that "South Africa's democratic transition provided a political opportunity structure amenable to gay mobilisation" (p. 315). She maintains that the discourse of democracy and equality created the discursive space in which the LGBTI community could actively challenge forms of discrimination and oppression that were not in accordance with the Constitution of the country. Opportunities were also created for the establishment of working relationships with non-government organisations such as the Commission on Gender Equality (CGE) and the Human Rights Commission (HRC).

⁴ Intersex people may be heterosexual or gay / lesbian / bisexual. However, depending on the degree of male / female external physical features, they may be perceived to be gay, lesbian or bisexual and may be subjected to forms of hate crime as a result.

⁵ 'Trans-' is an umbrella term used to refer to various sub-categories of gender identity in which there is a disparity between the gender identified with and the biological sex of the person and therefore implies the use of gender normative constructs (Sanger, 2008).

Despite these efforts at a macro level to address the inequities of the past, South Africa remains a country fraught with high levels of discrimination and oppression on a micro level. The translation of macro policies into practices at a micro level through the implementation of appropriate interventions is often protracted and at times non-

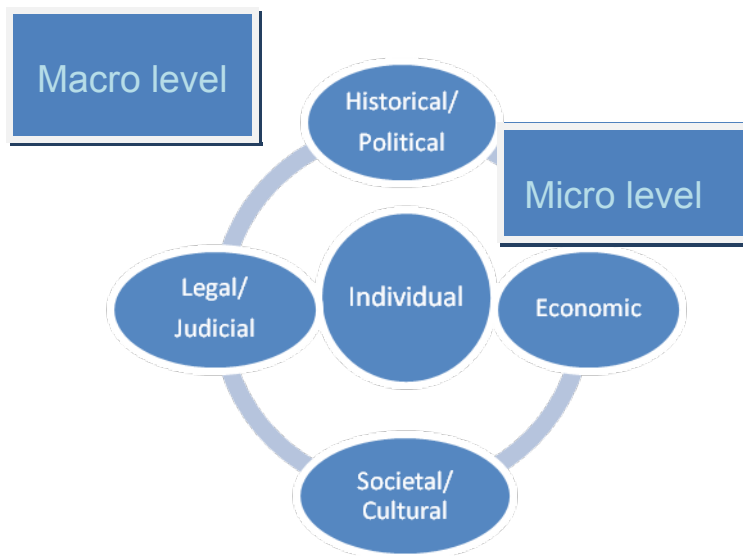


Fig: An ecosystemic representation depicting the various contexts that impact on an individual on micro and macro levels.

The Historical and Political Contexts

Hate crimes are not new occurrences in South Africa. The political system of apartheid legitimised the practice of discrimination, oppression and hate crimes based on race. One of the primary functions of The Truth and Reconciliation Commission (TRC) was to document apartheid human rights abuses and to give victims and abusers a platform to engage with these abuses in an effort to bring about some form of closure (Posel & Simpson, 2002). The sheer scale of the TRC bears testimony to the extent of apartheid human rights abuses. It is understandable that the TRC's focus on acts of racial prejudice and the symbolic purging that it afforded was necessary to enable movement to a new political system. However, it may be argued that in highlighting race, other practices of discrimination, such as homophobia, have become further marginalised. This might convey the false impression that homophobia is a less significant and less serious form of discrimination than racism for example. In fact, when introducing the topic of hate crime to persons that I interviewed during this study, most persons listed xenophobia first as a hate crime before considering other forms of hate crime. A review of media reports in South Africa indicates a higher coverage of incidents of xenophobia than

homophobia, although this might also be influenced by the under-reporting of homophobic incidents. In addition academic analyses of post-apartheid South Africa tend to focus on the issue of inequality by employing the race-class intersection. Although feminist scholars advocated for the need to include issues of gender inequality "...into the 'race-class' theoretical mix, ...concerns with gender seldom encompassed issues of sex and sexuality" (Posel, 2003, p. 2). Yet it may be argued that issues of sex and sexuality are inextricably linked to issues of race and class and to a large extent, this intersection determines the quality of life and access to support services of LGBTI people.

Other less explicit forms of marginalisation also exist within the political and historical contexts. While the African Renaissance plan for redress included a focus on social issues and groups such as poverty, women and children (Mbeki, 1998), it failed to explicitly include other minority groups, including the LGBTI community. In fact it may be argued that South Africa's continued political and economic relations with African countries that criminalise same-sex relationships may be viewed as sanctioning such judicial practices. Other examples of a lack of support include when Arts and Culture Minister Lulu Xingwana walked out of an exhibition by Zanele Muholi, depicting the lives of lesbian women (Cooper, 2010). Muholi believed that such actions perpetuate hate crimes.

Thus although legislative changes that advance LGBTI rights have been effected, there appears to be a lack of corresponding shifts in resource allocation, conceptual thinking and policy development to promote actual changes at a micro level.

The Economic Context

South Africa is unique in that it contains both first and third world features due to its gross socio-economic disparities. Black people as a whole are still the poorest racial group and a large percentage still lives in semi-rural to rural areas. This makes accessing support services and social resources problematic. Current homophobic trends suggest that black lesbian women, especially those that are 'out', are most likely to be targets of homophobic acts. High levels of unemployment and lack of access to information and support services hinder efforts to seek judicial recourse in cases of homophobic victimisation.

The Legislative and Judicial Contexts

Although recent Constitutional amendments seek to uphold the rights and dignity of members of the LGBTI community, full acceptance of the LGBTI community is not necessarily indicated. The absence of a separate category for the prosecution of hate

crimes contributes to the creation of enabling conditions for hate crime and homophobic acts to prevail.

Subtle inconsistencies reveal that heteronormative practices are further entrenched and that same-sex relationships seem to exist on the periphery of society as opposed to forming an integral part of mainstream society. For example instead of amending the existing Marriage Act to include same-sex partners, the Civil Union Act was enacted as a separate act. Yet the very same conditions and responsibilities are applicable to both acts. Equality Courts illustrate the same point. Without a doubt Equality Courts serve an important function by providing a channel to deal with cases that are of a sexual bias nature. For example the case of the woman from Umlazi who was stripped off her clothes because she wore trousers, was pursued through the Equality Court. However, once again, Equality Courts seem to exist on the periphery of the mainstream criminal justice system, conveying the impression that these are secondary or 'minority' issues. The limited allocation of State resources towards the efficient functioning of Equality Courts translates into poor service delivery and difficulties in accessing these services. These factors often result in cases being abandoned by victims due to prolonged delays within the justice system to effect prosecutions and a failure to ensure protective measures for victims (SAHRC, 2006). If victims do pursue cases via the mainstream criminal justice system, the sexual bias nature of crimes are often dismissed (as in the murder of Eudy Simelane in which the judge stated that her sexual orientation had no relevance to the case) and criminal laws fall short of taking into account unique features of crimes motivated by a sexual bias.

Bonthuys (2006) highlights other subtle ways in which the law maintains double standards. She argues that in the case of *Jordan v. S.* 2002(6) SA 642 (CC) the constitutionality of the Sexual Offences Act was questioned wherein the behaviour of sex workers is criminalised, but not their clients. She shows how the discourses of male and female sexuality contained in the majority and minority judgements reflect stereotypical constructions of feminine sexuality. She argues that the *Jordan* judgement serves to reaffirm existing stereotypes and contributes to socio-economic disparities.

The Social and Cultural Contexts

South Africa remains a homophobic, heterosexist society where, across cultures, homosexuality is pathologised, and where cultural discourses such as the notion that 'homosexuality is not African' continue to play themselves out. [Henderson & Shefer, 2008, p. 2]

Societal and cultural intolerance of relationships and behaviours that defy gender normative standards create conditions that are conducive for incidents of homophobic hate crimes. Homophobic acts are justified as an act of 'correction' as in the case of corrective rape. The practice of 'corrective rape' illustrates both the

patriarchal nature of society as well as the medical model framework of conceptualising of same-sex relationships, wherein same-sex relationships are regarded as a pathology that can be cured. Furthermore, homosexuality is often viewed in African cultures as a disease originating from western and European societies. The patriarchal practices of our society seem to reinforce such intolerance as indicated in the following excerpt from an article that appeared in the *Cape Argus* reporting on the trial of a man accused of raping a lesbian woman due to homophobia (Women’sNet, 2010).

The rape was motivated by homophobia – he repeatedly told her “You are not a man; you think you are, but I am going to show you, you are a woman.”

2.3. Research in Homophobia

There is a burgeoning body of international scholarship, mainly originating from Western Europe and the United States, which explores various dimensions of hate crime and homophobia; although they are often reported on as a secondary focus as part of larger studies. In one study, Balsam & Szymanski (2005) examine the role of minority stress in lesbian and bisexual women’s relationships and found that internalised homophobia was associated with lower relationship quality and domestic violence in a sample of 272 women. Indeed higher levels of psychological distress have been associated with homophobic hate crimes (Herek, Gillis & Cogan, 1999). In a study comprising a sample of 2259 lesbians, gay men and bisexuals living in and around Sacramento, California, Herek, et al, (1999) revealed that lesbians and gay men who had experienced hate crimes reported significantly more symptoms of depression, post-traumatic stress, anxiety and anger than persons who had experienced nonbiased forms of crimes.

Comparatively, research in homophobia is very scant in South Africa. Nonetheless the existing literature seems to reveal similar key trends to those indicated in international contexts, although it is acknowledged that unique features exist in the South African milieu. The changes brought about by the political transition and accompanying new legislation have attracted increased academic interest in LGBTI issues, with many postgraduate research studies being conducted in related areas. Other research projects tend to be commissioned and conducted by NGOs in collaboration with special university-based units. The focus of the research is usually determined by needs identified within the LGBTI community.

Perhaps the most comprehensive research undertaking thus far in South Africa has been the projects commissioned by the Joint Working Group in response to the need for research on the LGBT community. Projects undertaken in part by OUT LGBT Well-being, Triangle Project and the UNIISA Centre for Applied Psychology (UCAP)

investigated levels of empowerment among LGBT people in Gauteng (2002-2004) (Wells & Polder, 2007), KwaZulu-Natal (2004-2005) and the Western Cape (2005-2006) (Rich, 2007). The study explored various aspects of LGBT people, including levels of discrimination experienced. Similar trends were found across provinces and homophobia was reported to be the most frequently cited reason for incidents of victimisation. Participants generally felt that their rights were not upheld despite progressive Constitutional changes.

In another study conducted by Wells (n.d)) again under the auspices of the OUT LGBT Well-being, the prevalence, consequences and the impact of gender on homophobic hate crimes were investigated. Hate speech was reported as the most common form of homophobic victimisation, with males reporting a higher level of verbal abuse than females while at school. Furthermore, those persons who outwardly embraced opposite sex gender roles reported experiencing higher levels of hate speech.

Other unpublished reports of research studies may be accessed through websites of member organisations of the JWG.

Section 3: The Research Study - What's Happening Out There?

The key findings of this study are presented in this section. It does this by considering the broader scope of issues relevant to the LGBTI community, as they relate to the incidence of homophobia.

3.1. Methodology

This study and report is not concerned with the prevalence of hate crime per se, given the severe limitations of reporting on a hidden population and the absence of appropriate measures within the justice system to measure such occurrences. Instead, this study is concerned with the experiences and levels of understanding of hate crime and homophobia in Pietermaritzburg among three core groups: the LGBTI community (experiences, attitudes, perceptions, level of knowledge), the general public (level of knowledge and understanding, perceptions and attitudes) and the service providers (type and quality of existing services, perceptions and attitudes, gaps for future interventions).

Quantitative and qualitative methodologies of data collection were employed, although data analysis leaned towards the qualitative.

Ethical Issues

The sensitive nature of the issues that were explored as well as the fact that the participants were accessed from a 'hidden' population (Platzer & James, 1997) posed ethical and methodological issues throughout the research process. Every effort was made to ensure that the study adhered to current ethical codes relating to social science research.

Ethical Codes

The foremost and overarching ethical considerations that guided this study and that encapsulate the principles of autonomy, respect, dignity, nonmaleficence, beneficence and justice (Wassenaar, 2006) were the prevention of further discrimination, stigmatisation and harm to an already stigmatised and marginalised group and the application of the results of this study in a manner that will benefit the participants and the LGBTI population generally.

Informed Consent

Informed consent was obtained prior to participation in the focus group. Information regarding the aims and purpose of the study was made available to participants. The voluntary nature of participation was emphasised and participants were assured that non-participation or termination of participation at any stage of the study would not compromise existing relationships with the GLN. Informed consent was not obtained for the anonymous questionnaires. Contact details of the researcher and the telephone number of the GLN Helpline were included at the end of the questionnaire to enable the accessing of further information and/or support should it be required.

Confidentiality and Anonymity

Confidentiality and anonymity are critical issues to consider with regard to protection when working with participants that have been drawn from 'hidden' populations (Platzer & James, 1997). All focus group participants were reminded of the

confidential nature of group discussions. Focus group discussions and depth interviews were audio taped. Tapes were stored in a locked cabinet and access was restricted to the researcher alone. No personal identifying information such as names was recorded on transcripts.

Participants

The LGBTI Community

Convenience sampling and snowball sampling was used to access participants for the focus group and the depth interviews. This was done primarily through the GLN. A local night club that had been used by the GLN in the past and that was often frequented by members of the LGBTI community was also initially considered as an entry point to access participants. However, this night club is no longer in existence and there are currently no other social spaces that is available to the LGBTI community.

The General Public

A study conducted in the Los Angeles area in the US, revealed that only 5% of the 1,459 reported cases of hate crime were committed by members of organised hate groups. Most hate crimes were committed by younger members of the general public, whose behaviours seem to be motivated by personal prejudice (American Psychological Association, 1998). In light of this finding, it was considered prudent to include the experiences and attitudes of the general public as well.

The general community was accessed via two libraries in Pietermaritzburg. The location of these libraries and the age group of the populations it served were factors that influenced this decision. The services of the GLN are accessed primarily by youth and young adults. In addition, general trends based on media reports of high-profile cases suggest that perpetrators are young men. It was therefore considered appropriate to target similar age groups within the general population. Both these libraries are used by persons in the broad age category adolescents – young adults.

Government Departments / NGOs / Private Companies

Non-government organisations, including those belonging to the Joint Working Group, were contacted either telephonically and/or electronically and face-to-face, telephonic or electronic interviews were conducted with relevant personnel who responded and who were willing to participate in this study. In addition, local NGOs and government departments that provide relevant services in the areas of education, safety and health were also contacted and the same process ensued.

Data Collection

Hate crime, as a complex, multifaceted issue, requires multiple approaches to data collection and analyses. The LGBTI community was targeted via the GLN. Methodologies employed in data collection included an anonymous questionnaire survey, a focus group, and depth interviews with members. Semi-structured interviews with the Director of the GLN and other personnel were also conducted.

The general public was targeted via an anonymous questionnaire survey. The same questionnaire was administered to both groups i.e. LGBTI community and the general public. Modifications were not made to the questionnaire as this presupposes the existence of a heterosexual and homogenous public sector. It is envisaged that a percentage of the ‘public’ sector will include gay men and lesbian women who are not publicly out or who do not form part of the registered membership of the GLN. In fact, 7,5% of ‘public’ respondents reported being either gay, lesbian or bisexual.

Various local and national government organisations and community organisations were accessed to obtain an understanding of existing programmes and support services; and to obtain an understanding of the challenges currently identified by these organisations. Participants were also asked to make recommendations for future interventions, based on their experiences thus far.

Anonymous Self-Administered Questionnaire Survey

A total of 134 completed questionnaires were received, of which 13 were discarded due to inadequate information. Percentages are rounded off to the nearest 10.

Distribution per Sexual Orientation

LGBTI	Heterosexual
34%	66%

Forty of the 121 respondents reported being lesbian or gay. Only 1 person reported being bisexual and there were no persons who reported being intersex. It is likely that a higher rate of participation and a more representative sample would have been obtained if questionnaires were distributed at the night club as originally planned.

Attendance at social events organised by the GLN is always high and the said night club had enjoyed many patrons from the LGBTI community. Many of the respondents from the LGBTI group completed questionnaires because they knew others who had also participated in this study.

Distribution per Age

<20 years	20-30 years	>30 years
46%	53%	1%

Mean age = 21 years

It is not surprising that most of the participants belonged to the 20-30 year age category, considering the location of distribution points of the questionnaires.

Distribution per Gender

Females	Males
69%	31%

Distribution per Race

Black	Indian	White	Coloured
98%	1%	1%	0%

There was very little representation from racial groups other than Black. Perhaps the lack of participation from other racial groups may be understood within the broad history of racial oppression, in which hate crime is associated with particular race

groups and becomes salient issues for groups most likely to experience forms of hate crime.

Distribution per Occupation

Scholar	Student	Employed	Unemployed
18%	18%	17%	47%

These figures should be interpreted with caution as many university-based respondents indicated 'unemployed' instead of 'student'. Notwithstanding that, there are high levels of unemployment among the GLN membership which has a direct bearing on the kinds of services that are accessed.

Focus Group and Depth Interviews

A focus group with 12 members of the GLN was conducted. Initially a focus group of a maximum of 6-8 participants was planned, but due to logistical issues, two focus groups were collapsed into one. Focus groups, as a feminist methodology, is considered an appropriate means of empowering participants by transferring power to participants in the form of a less hierarchical structure of social interaction in which participants are able to engage with each other and reflect on diverging perspectives (Pini, 2002; Wilkinson, 1998). All participants knew each other and most were friends. This had benefits and disadvantages: participants were relatively comfortable to engage in free discussions, although very private or sensitive issues may have been avoided due to the small friendship circle. In addition, issues of power and hierarchical structures within groups that existed external to the focus group session may have unfolded within the focus group, with some participants dominating discussions.

In addition depth interviews with 6 participants were conducted over the period of this study. Two of these participants also participated in the focus group discussions. Depth interviews allowed for the probing of sensitive issues which might have not been discussed in the focus group.

Semi-Structured Interviews

A total of 35 organisations (NGOs, NPOs, government departments and private companies) were approached for interviews, of which 27 responded positively. These included Pietermaritzburg-based organisations as well as those based nationally.

Data Analysis

Methods of analyses were both quantitative (limited to descriptive analyses) and qualitative (mainly discourse analysis and identification of central themes). All focus group discussions and depth interviews were audio-taped. After careful reading of transcripts, responses were coded into themes.

3.2. Results and Discussion

The 'Results' section is broken into 3 sections:

1. The LGBTI community and the Gay & Lesbian Network
2. The General Community and the LGBTI community – a comparative analysis of questionnaire responses
3. Service Providers (Government/NGO)

To facilitate ease of reading and a more coherent approach, the 'discussion' and 'results' sections are integrated into one.

The LGBTI Community and the Gay & Lesbian Network

Results are based on questionnaire responses, semi-structured interviews with staff, depth interviews and focus group discussions.

What Exactly is a Hate Crime?

Although there was a higher level of understanding about what constitutes hate crime in comparison to the general community in the questionnaire responses (discussed in more detail later on), there ensued considerable debate in the focus group

discussions. There was consensus that hate crime was based on feelings of prejudice and discrimination. However, defining exactly which acts were hate crimes was problematic. Some participants felt that verbal abuse were not really hate crimes because people are often insulted without there being underlying feelings of prejudice. Participants eventually agreed that all types of abuse, whether verbal or non-verbal that were directed to persons because of some underlying prejudice, constituted forms of hate crime. Several factors might contribute to discrepancies in understanding. These include the lack of separate judicial categories and legal definitions which serve as markers and guidelines to recognise and categorise forms of hate crime and homophobia; as well as media focus on high profile cases which involve explicit forms of hate crime such as murder and rape. Exposure to these forms of hate crimes might lead to limited associations of examples of hate crimes.

Another important factor was the subjective component of experiences of homophobic incidents. Participants reported varying levels of distress in response to homophobic attacks of a similar nature. For example, verbal attacks were considered to be not as serious as assault by some, although others felt that all forms of hate crime were equally serious, by virtue of the fact that they were motivated by feelings of prejudice.

In addition, the reported frequency of homophobic acts of a verbal nature such as insults seemed to have had the effect of de-sensitising participants to the actual experience. In other words, participants reported that they have come to expect and accept that insults from the general community will form part of usual occurrences in their lives, especially in certain parts of the city. This might have the effect of discouraging actions that challenge discriminatory behaviours and in this sense, contributes to the continuation of discriminatory practices against the LGBTI community.

Types of Homophobic Victimisation

The most common form of homophobic incidents reported by participants who had experienced some form of victimisation due to their sexual orientation was verbal abuse, followed by intimidation. This is similar to trends reported in previous studies (Wells, 2003; Triangle Project & UCAP, 2006). The frequency of verbal abuse is also indicative of the discourse used in society. Disparaging terms such as 'moffie' and 'fag' form part of usual discourse which contributes to the feelings of powerlessness and inferiority experienced by minority groups.

Furthermore, certain trends were observed between the type of homophobic victimisation and sub-groups within the LGBTI population. However, contrary to previous reports (Nel & Judge, 2008) more lesbian women than gay men reported

being verbally abused. More gay men reported being assaulted and intimidated. Of the women who did report being physically assaulted or intimidated, most were either publicly 'out', suspected of being a lesbian, or were more masculine in their physical appearance and mannerisms.

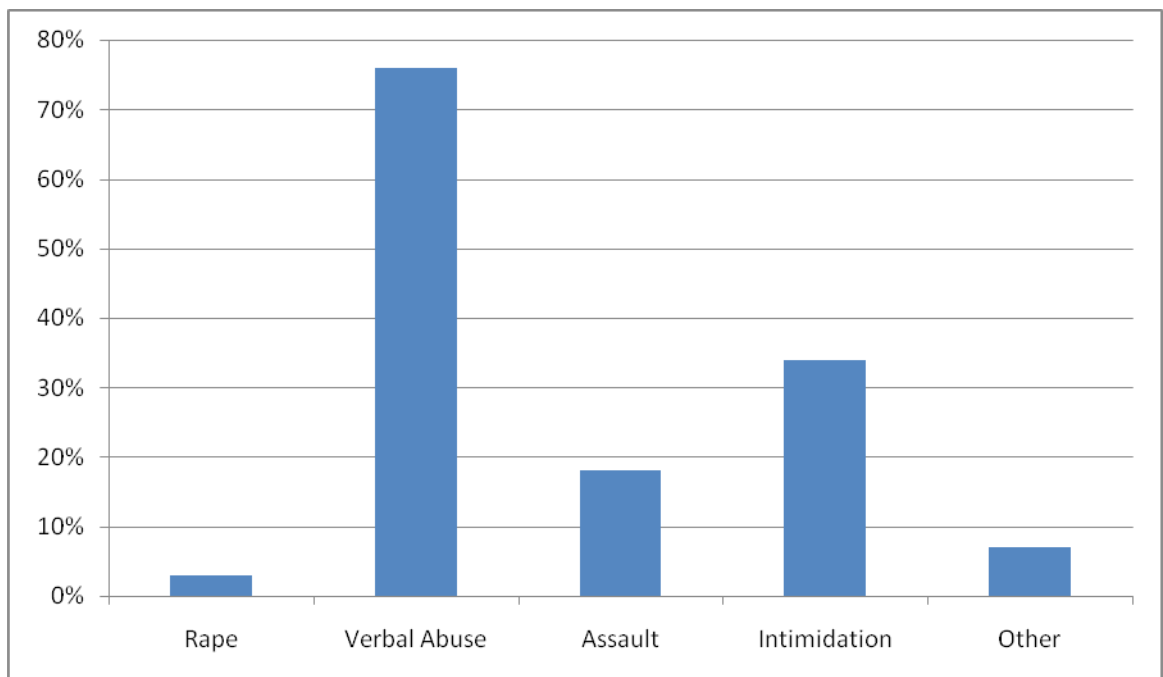


Table 1: Types of Homophobic Victimisation

Physical markers, such as appearance, dress and gait that openly negate traditional and stereotypical gender roles, act to increase the visibility of persons who contravene social norms, thereby making them easier targets for homophobic attacks (Herek & Greene, 1994). It is possible that gay men are subjected to more physical forms of homophobic attacks because it involves an element of masculinity which is associated with power and physical prowess.

It has also been observed that the type of hate crime perpetrated appears to be a function of the target group. Gays and lesbians, who are perceived to be a moral and

sexual threat, are more likely to be subjected to physical assault (Glaser, Dixit, & Green, 2002).

Homophobic 'Hot Spots'

A higher number of homophobic incidents were reported in certain areas in Pietermaritzburg. These included the taxi ranks within the city and suburbs; as well as township suburbs and non-urban (semi-rural) areas in the outskirts of the city. One of the reasons suggested for this was the higher number of people who frequented those areas as well as the fact that more 'older generation' persons lived in the township suburbs. It was felt that feelings of prejudice and lack of understanding of the LGBTI community were major obstacles in these areas. Herek, Gillis & Cogan (1999) argue that community support might not always be forthcoming as sexual identity as 'gay', 'lesbian' or 'bisexual' often develops external to and in opposition to family and community structures. A report by Vetten & Dladla (2000) reveal that lesbians living in the Johannesburg area considered it safer to live in central Johannesburg than in the townships which were regarded as risky for persons in same-sex relationships.

Media reports of crimes against lesbian women in South Africa indicate that the perpetrators tend to be young, Black men. This suggests that while the older members of a community might be resistant to the idea of same-sex relationships, it is the younger generation that actually act upon these feelings. The APA (1998) reported that many acts of homophobia were committed by young people whose underlying feelings of prejudice were 'fuelled' by alcohol and other substance use. The use of alcohol and other substances might therefore also be a factor to consider, especially if one considers that some of the high profile hate crime cases reported in South Africa occurred shortly after leaving a tavern.

Given that these 'hot spots' were identified by predominantly Black participants, it would be interesting to conduct further research with other race groups in Pietermaritzburg to identify if there are 'hot spots' unique to racial / cultural groups.

High Levels of Mistrust of Government Officials

There are high levels of mistrust of government service providers, especially relating to the South African Police Services. The excerpt below highlights the feelings of mistrust, frustration and lack of support from government agencies.

Assume you want to open a case and you ask someone to quote us the Act – you know your rights, but people who are superior to you...they try to block your rights in order for you to access your rights. They even say that you think you know more – when you are trying to practice your rights. [F07]

The above excerpt reveals many themes and powerfully highlights the apparent contradictions between macro policies and practices at a micro level. There is a sense of uncooperativeness on the part of civil servants, who are also considered to be active agents in upholding discriminatory acts.

A Sense of Powerlessness and Helplessness

Furthermore a sense of powerlessness and helplessness seems to prevail by being subjected to those who are 'superior' and in positions of power. This is coupled with a sense of being falsely misunderstood as being arrogant: "you think you know more", i.e. the actions of the lesbian woman are seen to be defiant and challenging of authority and the law. The futility of efforts to seek justice is captured in the phrase: "It was a waste of time. They didn't give us a case number."

These themes are further reinforced in the following excerpt:

I tried to open a case when a policeman opened his pants and showed me his dick. When we get to the police station and we try to open a case, they say we must wait. I waited for 30 minutes...then they said they'll call a superior and then another policeman came and they asked me what happened and I told them. "Your colleague showed me his dick", and he said, "What's wrong with that?" They said I mustn't report it at that police station and that I must go to another police station. But I wanted to open the case here so that I could report it to that Gender Aids whatever... what (asks for name from other members) ...that Gender Aids... so they said we must wait. We waited...we waited...we waited. Finally a woman police officer came and

she helped us. It was around August last year, so she helped us because it was woman's month.

[AS: What was the outcome of this?]

It was a waste of time. They didn't give us a case number. [F03]

Secondary Victimisation

Several pertinent issues are raised in this account. Firstly, it reveals the existence of institutional homophobia and secondary victimisation within institutions that should be providing a service to victims. Not only does the victim have to go through the experience of actual hate crime which is being reported, but has to also endure similar feelings of prejudice from the very support structures that are in place to assist in these cases. Homophobia serves to 'disempower' victims from seeking support from legal, health and police systems (Potoczniak, 2003 cited in Eaton et al, 2008).

Delays within the System

The issue of time delays were raised on multiple levels in this study. For example, delays in the judicial system which hinder efforts to prosecute perpetrators were mentioned by several NGOs and are illustrated in several media reports that track the lethargic progress of relevant cases. In this extract, delays seem to be used as a strategy to discourage victims from seeking some form of justice. The repetition of the phrases "We must wait" and "We waited" reveals the high levels of frustration and hopelessness. The website of The Joint Working Group has a good summary of incidents of homophobic hate crimes thus far and also tracks the progress and delays in relevant cases.

Access to Information (About Procedures and Relevant Organisations)

Access to information is again raised as a theme and seems to be used as a deterrent to reporting and pursuing of the case. The case itself seems to be treated lightly, as if not worthy of a criminal charge. The sense of hopelessness and futility is again evident as she got nowhere with the case. Even the assistance from the

woman officer is viewed with suspicion as she only helped because it was woman's month.

Another important gap is the lack of full information. The 'victim' knew what she wanted to do but she was not quite sure about the full name of the organisation. These 'gaps' in information and understanding may create loopholes which could be exploited by persons who are unwilling to assist due to feelings of prejudice.

Dworkin & Yi, 2003(cited in Henderson & Shefer, 2008) argue that victims often do not take appropriate action such as report a case "...due to fear of disclosure, lack of responsiveness and knowledge that the authorities are often the perpetrators of violence (p.2).

A Sense of Public Denial

For members of the LGBTI community, being in a relationship with a person of the same-sex is not regarded as an unnatural process. Many members of the LGBTI community view the lack of public acceptance as a sense of denial of the practice of homosexuality which has been occurring for a long time, such as the following excerpt indicates:

People, they don't acknowledge that this homosexual thing...it's as old as mountains. F05

This sense of public denial points to the invisibility of the LGBTI community as a marginalised group in society.

Threat to Culture and Survival

In African culture, you have to have children for a certain tribe to expand and get greater. If you don't have children, how are you going to help the warriors? F11

Participants in the focus group showed an understanding of how a perceived cultural threat, linked to previous historical contexts and practices, might be a contributing factor to homophobic incidents. Same-sex relationships are seen as preventing the continuation of the Black race and cultural practices. A threat to existing culture is perhaps one of the more salient issues to consider in determining underlying motives. A study by Glaser, Dixit & Green (2002) examined the extent to which white racists would advocate interracial violence in response to economic and cultural

threats. Based on responses to semi-structured interviews, the results indicated that participants were more threatened by cultural factors (interracial marriage, Blacks moving into White areas) than by economic factors (job competition).

Limited Options and Resources

Members of the LGBTI often experience prejudice in less direct ways as highlighted in the following excerpt.

My girlfriend and I, we wanted to live together. At first it was not too difficult to find a place... we got this room in town. The landlady, I think she thought it was fine, we were just two women friends sharing a space; but then later I think she knew we were more than that...you know, that we were a couple, maybe she saw us together holding hands ... I don't know. Anyway, she started acting strange and became unfriendly. Then she wanted us out, just like that...we had no place to go to. [D03]

The above extract reflects the lack of societal support and the existence of prejudice. Other participants also reported having to leave family homes because of resistance to their sexual orientation. A reported area of concern is the lack of places of safety in Pietermaritzburg that LGBTI persons who have become 'homeless' because of societal and familial rejection may access.

Corrective Rape and Hegemonic Masculinity

Many lesbian participants mentioned being victims of rape, were threatened with rape or knew of other women who were raped. Perry (2001) argues that "...hate crime is a mechanism of power intended to sustain somewhat precarious hierarchies, through violence and threats of violence (p.1.). Viewed from this perspective, homophobia may be argued to be a form of social control. Gontek (2007) adds further that the process of political reconstruction entails transformations of gender hierarchies and traditional gender constructions. The consequent 'insecurities' that arise from these changes increases the potential for violence. Lesbian women who challenge normative attributes of masculinity through their dress code, behaviour and

appearance become easily identified targets for corrective rape. Swarr & Nagar (2003) describe how many Sowetan lesbian women embrace masculine ‘butch’ identities to assert their masculinities. Many of these women have relationships with straight women who are bisexual and engage in activities traditionally associated with masculinity such as playing soccer and smoking.

Religion / Spirituality and Same-Sex Relationships

Many participants spoke about a close relationship with God and about being active members of their particular congregations. It was interesting to note that in the context of a church / religion, participants were accepted as part of a congregation and not as outsiders or threats to society or culture. Swarr & Nagar (2003) argue that religious spaces have to be understood in the context of the supportive roles that they played during the Apartheid era. They provided avenues for information, networking and emotional support. In talking about the lives of two lesbian women from Soweto, they state:

Unlike many places where religion is associated with homophobic repression, this church serves as a political and social space for Sowetan lesbians to articulate an ideology sensitive to their cultures and sexuality (p.506).

In Pietermaritzburg, the KwaZulu-Natal Christian Council (KZNCC) and the Pietermaritzburg Agency for Christian Social Awareness (PACSA) have undertaken considerable work in the area of xenophobia. In addition the Ladysmith, KZN clergy were very supportive in the Thokozane Qwabe case. This signals a possible entry point into communities in the fight against homophobia as community members may be more amenable to changes that are advocated via religious institutions.

Risky Behaviours

Some participants felt that although society’s perceptions of gays and lesbians as ‘drunks’ and promiscuous people’ are unfounded; they did feel that at times, they put themselves at risk to incidents of hate crime by frequenting places that also served more conservative patrons from the community. However, at present there are no social spaces that cater exclusively or primarily for the LGBTI community. Eaton et al (2008) argue that lesbian women, as a vulnerable group, are more prone to alcohol and substance abuse due to the stress of societal homophobia.

The General Community and the LGBTI Community – A Comparative Analysis

Results are derived from responses provided in the anonymous questionnaires completed by the general community and members of the LGBTI community. Discussions from the focus group and depth interviews are also considered where applicable.

Definition of Hate Crime

More than half of the general community possessed an inaccurate or incomplete understanding of hate crime and homophobia. Two central errors were that hate crime was associated with crime generally; as the following response indicates: “I understand it is an extreme hate of crime”; or that the definition was restricted to the LGBTI community only: “It is hate against homosexuals.” In comparison, 73% of the LGBTI population showed an adequate level of understanding of what constitutes hate crime. This included an understanding that hate crime may be motivated by factors other than sexual orientation and may include race and ethnicity for example.

A closer examination of the differences in the levels of understanding between the general community and the LGBTI population revealed the following:

72% of incorrect responses from the general community population were from scholars.

60% of the respondents from the LGBTI population had attended either a workshop or a short course on homophobia.

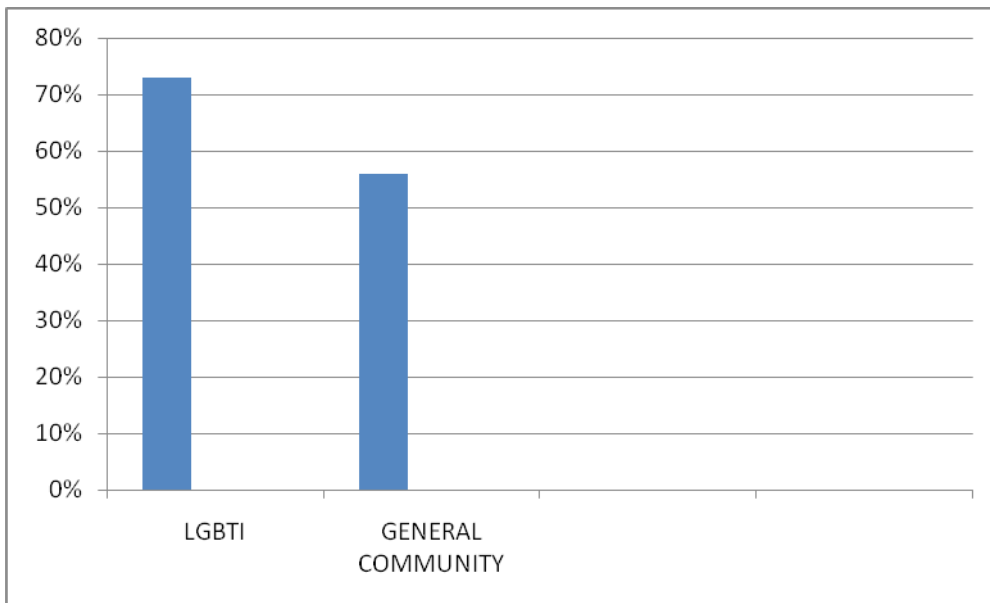


Table 2: Accuracy of Definition

This suggests that the LGBTI community may have more access to information about hate crime and homophobia than the general population. It may also be assumed that members of the LGBTI community are more motivated to access information about hate crime and homophobia because it is considered a pertinent issue in their lives.

Individuals and Groups Most Likely to be Victims of Hate Crime and Homophobia

The LGBTI community were identified as the most likely victims of hate crimes by most of the respondents.* Within the LGBTI community itself, members whose outward appearance contravened socially accepted norms, such as drag queens and women who dressed in masculine attire, were more likely to be victims of hate crimes. Media reports of lesbian women victims in South Africa tend to support this profile. Women who are perceived as strong and challenging to heteronormative patriarchal roles appear to pose a threat to social stability. Women in sport are often categorised in this way even though they may not be lesbian (Griffin, 1998).

15% of the respondents identified race as a basis for hate crimes and stated that Africans and Coloureds were most likely to be victims of hate crime.

* Responses from respondents that had a grossly inaccurate understanding of hate crime and homophobia also identified groups associated with crime generally as the

targets of hate crime. These included government officials involved in fraud and ‘rich people’.

The main reasons provided for incidents of hate crime were:

Lack of education about the LGBTI community:

Negative perceptions and stereotypical thinking about the LGBTI community. For example sexual promiscuity and behaviours such as frequent partying, smoking and heavy drinking were associated with the LGBTI community. As one respondent stated:

Lesbians and gays are usually victims of homophobia because they may be viewed as deviants, sinners and people who do not respect culture.

Lack of acceptance of LGBTI persons by the general community:

This lack of acceptance is fuelled in part by the negative stereotypes held about the LGBTI community.

The LGBTI / HIV/AIDS Myth and Homophobia

The issue of HIV/AIDS was listed by 45% of the general public as reasons for why the LGBTI community was discriminated against. There seems to be a perception that many members of the LGBTI community are promiscuous and are therefore HIV positive. HIV/AIDS is associated with a greater degree of stigma than other illnesses such as cancer, herpes and drug use (Crawford, 1996, cited in Luchetta, 1999). The origins of this association seem to be the idea that HIV/AIDS is a ‘gay’ or ‘lesbian’ illness (Petros et al, 2006). Stigma is a relational construct in which the stigmatised person is labelled as being deviant from societal norms. Furthermore, the stigmatised person is viewed as being responsible for and deserving of this negative label, even in the absence of supporting evidence (Luchetta, 1999). LGBTI members are likely to be subjected to isolation and rejection due to being stigmatised and labelled. One participant (a homosexual with a strong feminine identity) in the depth interviews who

worked in a local clinic, commented that there were instances when members of the public who accessed services at the clinic, refused to be served by him because they feared that he was HIV positive due to his sexual orientation. This bothered him because he felt that he possessed the necessary competence to effectively execute his duties at the clinic. However, he was uncertain on how to deal with this issue of public resistance because he felt that management would also not be empathetic to his plight.

Access to Support Services

The general community reported not knowing where to go to if they required access to information or supports services related to incidents of hate crime. About 5% of these respondents stated that they would go to the South African Police Services for assistance.

87.80% of LGBTI members on the other hand, stated that they knew of organisations that they would go to. About 44% of LGBTI members also mentioned turning to other members of the LGBTI community for support. Just fewer than 5% reported that they would not access any services at all, because they have not yet disclosed their sexual status, and were therefore not likely to be victims of any hate crimes.

Non Government and Government Service Providers

What follows is a summary of key issues raised by non-government and government service providers. Input was obtained through semi-structured interviews and electronic communication with representatives of various NGOs and governmental organisations. Given the sensitivity of the issues discussed and considering the overall aim of this study, the names of individuals and organisations are not indicated.

Difficulty in Reporting Cases

It is very difficult to report on the incidence or prevalence of hate crimes generally and homophobia specifically because there are no mechanisms in place, such as legal definitions and categories, with which to measure the rate at which these crimes are committed. Any incidents of 'hate crime' are currently recorded with reference to the nature of the crime, i.e. as physical assault, rape, murder, etc and charged

accordingly. It is therefore difficult to distinguish between corrective rape and criminal rape or murder as a form of hate crime.

Many government departments use the Labour Relations Act (66 of 1995) to deal with cases of sexual harassment which are treated as misconduct.

Lack of Statistics

Following from the above, there were no officially reported cases at any of the hospitals or police stations in Pietermaritzburg of homophobia or incidents that appeared to be motivated by the sexual orientation of an individual. However, some non-government organisations did report that there were cases of individuals, who had disclosed that they were gay or lesbian and who had accessed services such as counselling services and VCT due to rape, either recently or in the past.

Delays within the Judicial System

Delays within the judicial system frustrate efforts to bring about justice for victims and their families. Cases are often postponed and receive very little media coverage. The case of Zoliswa Nkonyana which has spanned over four years is an appropriate example. The case of Thokozani Qwabe, a lesbian who was raped and murdered in Ladysmith in 2007 is still underway.

Need for Collaborative Efforts

Representatives from both non-government organisations and government organisations agreed that there is a need to work collaboratively with the LGBTI community in addressing issues and pledged their willingness to engage in such processes in the future, if already not established.

NGO Funding

The role of NGOs is an important one in the South African context. However, post democracy has seen a shift in the roles of NGOs from organisations rallying against apartheid to organisations rallying for social issues at an internal level. Some respondents felt that international funders have decreased funding to NGOs because the fight against apartheid is over. Many organisations have to delay projects or abandon parts of projects due to limited budgets. Furthermore, some respondents felt that there exists an element of competitiveness among NGOs, especially since

they 'compete' for funding from similar funders. This has the effect of compromising certain efforts as not all NGOs are on board in all initiatives.

3.3. Limitations of the Study

Sample Size and Sampling Bias

The size of the sample for the anonymous self-administered questionnaire may be considered small. Furthermore, the selection of locations for the distribution of questionnaires may have been biased towards certain racial and socio-economic groups. In fact not all race groups were represented in the sample, making it difficult to generalise findings to the wider population. It might have proved useful to compare respondents across race groups, to investigate differences in cultural influences, levels of tolerance and support.

The points of questionnaire distribution were also located in urban areas. Although participants from rural areas were not explicitly targeted, many users at the public library and members of the GLN itself reside in the semi-rural areas surrounding Pietermaritzburg, and therefore the sample might have contained participants from rural areas. Nonetheless it might have been interesting to compare 'urban' and 'rural' attitudes and perceptions in a more systematic manner.

The Level of 'Outness'

All participants in the focus group and the majority of participants who completed the anonymous questionnaire from the LGBTI community were either 'out' or partially 'out'. How 'out' LGBTI people are and how representative 'out' LGBTI persons are of the whole LGBTI population is questionable (Platzer & James, 1997).

Language

All interviews and focus group discussions were conducted in English and the questionnaire was administered in English. This potentially excludes participants who are not proficient in English or those with low literacy levels. The language used may have served as a deterrent to participation.

The Sensitive Nature of the Issues Investigated and Social Desirability

Issues of sexuality and sexual orientation are considered sensitive issues, especially in relation to homophobia and hate crime (Henderson & Shefer, 2003). It is possible that respondents, especially those whose identities were known to the researcher, provided responses that presented them in a socially desirable manner. Such responses may have been provided to reflect positively on departments and on themselves. In this sense, the validity of the results may be questionable.

3.4. A Time to Reflect

No research project, no matter how big or small, is complete without a moment to reflect on the processes involved during such a project. A reiterative and critical approach was adopted throughout the process and I feel compelled to note a couple of issues that stood out for me.

Firstly, I was pleasantly surprised at the number of non-government organisations in existence that have as their central focus, LGBTI issues. I entered into this study with the naive impression that all NGOs in this category would be very willing to share their experiences and opinions with me. However, many NGOs were unresponsive and I thought this a pity as it was an opportunity to further contribute to a salient issue within the LGBTO community.

Secondly, when I engaged with organisations that belonged to the general public sector, there were moments when I felt that I had to tread with trepidation. Indeed, there were some individuals who asked more questions of me than the information they offered. For example, one gentleman from a legal firm that specialised in criminal law asked the following: “I have no problem with the issue [i.e. homophobia] but would like to know why you wish to interview *me*⁶ in this respect”. The scepticism with which the issue of homophobia is viewed may be reflective of feelings of prejudice and the possibility of such feelings being revealed. On many occasions I found myself having to reassure persons about the confidential and anonymous nature of the report format. Perhaps on a more personal note, these encounters have provided me with a glimpse of what it is like to be subjected to scrutiny based

⁶ Speaker’s emphasis.

on feelings of discrimination and prejudice.

Section 4: Where to From Here? A Way Forward

4.1. Conclusion

To address the research questions posed at the beginning of this report:

Why are forms of hate crime committed in a society that embraces principles of equality, respect and liberation?

South Africa is in a state of flux and transition, resulting in high levels of contradictions. Whilst the transition to a democratic society has resulted in greater legal recognition and greater visibility of the LGBTI community, there still exist other forms of intolerance and prejudice on various levels that perpetuate forms of hate crime.

What is the nature of our society that advances the continuation of such practices?

Although South Africa has been described as a 'Rainbow Nation' which recognises the racial and cultural diversity of its people, it seems that society as a whole is still largely conservative and dismissing of minority groups that are not at the forefront of mainstream issues and agendas.

Why are black lesbian women the primary targets of homophobic attacks?

This trend seems to be influenced by political, cultural and socio-economic factors. Homophobic attacks on black lesbian women unfold in a context that is still largely patriarchal and has high rates of gender-based violence. Moffet (2006) argues that "...in post-apartheid, democratic South Africa, sexual violence has become a socially endorsed punitive project for maintaining patriarchal order (p. 129). Lesbian women, especially those who adopt more masculine attire and behaviours tend to pose a challenge to existing patriarchal structures at familial and community levels. Homophobic acts towards these women may be viewed as a reflection of the resistance towards changing gender constructions and alternative gender permutations.

Furthermore the socio-economic disparities as a result of the Apartheid system limit access to essential resources to marginalised and vulnerable groups. This places Black lesbian women at particular risk for hate crimes (Gontek, 2007). Swarr & Nagar (2003) argue that a direct relationship exists between homophobic attacks and socio-economic status. Black women from lower socio-economic groups are forced to use public transport and live in areas that increase their vulnerability.

What can be done to prevent these crimes in the future?

There is a need for continued efforts to address the issue of hate crime and homophobia. Some suggestions are put forth in the following section.

4.2. Recommendations

Recommendations include those made by participants from the various target groups.

A Need for Educative Programmes

'Education' was quoted by 84% of respondents as the key to future interventions. Three target groups were identified and interventions should be designed to meet the specific needs of each target group:

- The LGBTI Community: Many LGBTI participants felt that they did lacked adequate coping strategies to deal with forms of harassment and homophobia that they experience on a daily basis. Their responses reflect feelings of fear, anger and a sense of loneliness and betrayal by the present government. The ability of government institutions to render effective and supportive services is viewed with suspicion and mistrust. There is therefore a need to develop programmes and avenues that empower the LGBTI community to deal with incidents of hate crime. Furthermore, access to information on procedures to follow, options available and lists of relevant organisations need to be widened to target more persons in the greater Pietermaritzburg area.

- Scholars / Young Adults: Interventions listed included workshops and curriculum content that explore the areas of diversity so as to foster greater accommodation and understanding of social variance. The school environment can be unsupportive of the LGBTI youth who may be subjected to homophobic incidents perpetrated by both peers and educators. In a study investigating the coming out process of 18 gay and lesbian youth, Butler & Astbury (n.d.) report high levels of discrimination, isolation and rejection experienced by LGBTI youth. This may led to feelings of low self esteem and depression. Ryan & Rivers (2003) report on high levels of homophobic victimisation of youth in the USA and the UK, particularly in schools and in communities.
- Community: The study reveals a poor understanding of hate crime and homophobia coupled with high levels of prejudice among the general community. Community members also require access to further information about the issues of hate crime and homophobia. Forums need to be established to facilitate constructive engagement with community members wherein existing perceptions may be discussed and challenged in a manner that aids social transformation.

Increase Visibility of the LGBTI Issues through Further Research and Advocacy

Democratic transformation has served to decrease the stigma associated with the LGBTI community. However, society remains a predominantly heterosexist society. There is a need to increase the visibility of the LGBTI community through further research projects that explore LGBTI issues. For example research may be conducted to identify predictor variables (Glaser, Dixit, & Green, 2002) and explore trends per geographical area and race. Such research is likely to generate useful information to plan appropriate needs-based interventions.

Of all the crimes against lesbian women, only two have resulted in convictions thus far. In addition, in the case of Eudy Simelane, the judge dismissed any link between her sexual orientation and her death, in effect dismissing that it was a homophobic hate crime. Advocacy needs to be maintained and strengthened to challenge such practices.

Identification of Strategic Points of Entry / Key Persons

It will be strategically beneficial to identify persons in positions of power within organisations and/ or influential people at grass roots level, to assist the GLN in its efforts to challenge homophobia in Pietermaritzburg. Such persons may facilitate easier entry points into communities and can also offer input and guidance in determining the specific needs of groups. For example a Department of Education (DoE) official provided a favourable report of a recent collaborative initiative between the relevant DoE directorate and the GLN. This involved conducting workshops on heterosexism at schools. She reported that these workshops provided a context within which young people could talk about these issues. However, she also reported that some members of the community (parents in particular) felt that members of the GLN were too forceful in their approach and were attempting to ‘convert’ their children to ‘gays’ and ‘lesbians’ and therefore expressed reluctance to continue with similar workshops. This example illustrates how the negotiation of entry points is a crucial consideration.

Multi-level Collaborative Initiatives

The fight against hate crimes and homophobia in South Africa is gaining momentum. Numerous initiatives (research, advocacy, and support at grass roots level) currently exist. Examples include the 07-07-07 campaign, The Pink Closet Campaign at the University of Cape Town and the ‘Justice for Zoliswa’ campaign. However, many initiatives are carried out in isolation or with few partners, despite having similar aims, target groups and funders. The changing roles played by NGOs and NPOs in pre and post apartheid eras need to be considered in the context of historical shifts within the South African political system. In light of the limited resources such as funding available to NGOs, it would prove prudent for NGOs, especially those working within the LGBTI sector, to form closer working relationships with each other.

There is also a need for a more integrated, collaborative, inter-sectoral approach involving the broad networking of government departments, private organisations and NGOs. Systemic, multi-levelled and multi-dimensional approaches are necessitated which considers the social, political, historical, cultural and legislative/judicial terrain and ideologies in South Africa.

Harnessing Resources: The Role of the Media and NGOs

Strong working partnerships need to be developed between the media and NGOs, especially those within the LGBTI movement. The media and NGOs

have an instrumental role to play in drawing attention to the area of hate crime and homophobia, especially in contexts such as South Africa, where relevant legislation is lacking or may be inadequate. Jacobs and Henry (1996) argue that advocacy groups may be effective in mobilising state resources and public support, by focusing public attention on the forms of crime that their membership is subjected to. In South Africa, NPOs and NGOs play a pivotal role in the consolidating democratic processes (Heinrich, 2001) through their endeavours to address the social and economic gaps that government initiatives have failed to fill. More specifically, LGBTI NGOs and the LGBTI movement as a whole are an effective litmus test to measure South Africa's full democratic transition and true progression (Croucher, 2002).

The media too has an important role to play, through the dissemination of information to the public. How much of attention or lack thereof accorded to a particular incident has the power to influence the course of public action and behaviours and legal reformations. In the US, sexual orientation bias, as a distinct category of hate crime, was introduced in numerous states, including Wyoming, subsequent to the 1998 murder of Matthew Shepard, a 21-year-old University of Wyoming student who was beaten and left tied to a fence to die. The perpetrators claimed that they were driven to an uncontrollable rage following sexual advances from Shepard. Both perpetrators received life sentences and the case generated an unparalleled amount of attention to the issue of homophobia. Intense advocacy campaigns resulted in the institution of new hate crime laws or amendments to existing hate crime laws in most states. In 2009 the Mathew Shepard Act was passed which resulted in amendments to existing federal laws to include sexual orientation bias in its national definition of hate crime. In South Africa however, whilst there have been incidents similar to the Wyoming case, and despite increased advocacy from various spheres, there have been no significant changes in laws.

The partially clothed body of Eudy Simelane, former star of South Africa's acclaimed Banyana Banyana national female football squad, was found in a creek in a park in Kwa Thema, on the outskirts of Johannesburg.

Simelane had been gang-raped and brutally beaten before being stabbed 25 times in the face, chest and legs. As well as being one of South Africa's best-known female footballers, Simelane was a voracious equality rights campaigners and one of the first women to live openly as a lesbian in Kwa Thema.

March 12, 2009 *The Guardian*

A Need to Develop Statistical Records / Establish a Central Data Bank

There are no officially reported cases of hate crime and homophobia in Pietermaritzburg, although there have been incidents of xenophobia. This is reflective of the difficulties in reporting incidents as opposed to the absence of such incidents. The Gay and Lesbian Archives (GALA) aims to maintain a national record and data bank of material relating to the LGBTI community in South Africa. In similar vein, it would prove useful if the GLN were to establish a similar data bank, which prioritises incidents and initiatives within the Pietermaritzburg area. The collection of such information would add credibility and would provide tangible evidence of the prevalence of hate crime and homophobia in Pietermaritzburg.

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Appendix 1: List of Joint Working Group Members

ACTIVATE Wits

Behind the Mask

Durban Lesbian and Gay Community and Health Centre

Forum for the Empowerment of Women (FEW)

Gay & Lesbian Network

Gay and Lesbian Memory in Action (GALA)

Gender DynamiX

Glorious Light Metropolitan Community Church

Good Hope Metropolitan Community Church

Hope and Unity Metropolitan Community Church

Jewish OutLook

Out in Africa Gay and Lesbian Film Festival

OUT LGBT Well-being

Rainbow UCT

South African Youth Liberating Organisation (SAYLO)

The Inner Circle

The Lesbian and Gay Equality Project (LGEP)

Triangle Project

UNISA Centre for Applied Psychology

XX/Y Flame

Further contact details and information may be accessed via www.jwg.org.za