

# Addressing high-levels of gender-based violence and violence against LGBTI individuals in Soweto



## Introduction

On the 26<sup>th</sup> of February and 26<sup>th</sup> of March, SALO held two community dialogues on “How can Government address the extraordinarily high-levels of gender-based violence in general, and violence against LGBTI individuals in particular, that persist in Soweto?”. The keynote speakers for the two dialogues were Liam MacGabhann, Ambassador of Ireland, and Hon. John Jeffrey, Deputy Minister of Justice and Constitutional Development respectively. The aim of these dialogues was to engage with community members to create a community-based approach in tackling the problem of gender-based violence (GBV), violence against lesbians and members of the LGBTI community in Soweto (and the rest of South Africa.) Both engagements were constructive and robust while recognising the deeply entrenched issues of the violence as well as the difficulty in implementing protections that are enshrined in the constitution. The concept of these dialogues came to fruition with the rising violence against LGBTI people in Soweto, particularly against a lesbian activist named Lerato Tambai Moloji who was raped and murdered in Naledi, Soweto in 2017.

## Key Issues Raised

### The effects of GBV and LGBTI violence

In the opening remarks of the first dialogue in Naledi, it was noted that violence does not just affect victims or survivors, but their families, friends, loved-ones and their communities as well. Public attitude surveys have indicated that personal biases toward LGBTI people remain rife<sup>1</sup>. Violence against LGBTI people can be linked to biases in terms of sexual orientation, as well as being part of a systematic domination over said people. These violent incidents are not based on the victims'/survivors' acts or decisions, but rather on their gender identities. Such actions remove their voices and their ability to speak out. This can have detrimental consequences on a person's mental health as they feel that they must conform to gender norms for safety purposes thus disempowering their own identity.

The issue of 'corrective rape'<sup>2</sup> is another serious consequence of homophobic attitudes towards lesbian women and gay men. 'Corrective rape' disproportionately affects lesbian women and girls where perpetrators seek to 'cure' the women of 'sinful' and 'un-African' behaviour. While reporting rape itself is known to be deeply traumatic, LGBTI people face additional issues that can have lasting effects: police may not be adequately trained to report hate crimes, so cases are not registered correctly; families are sometimes unaware of the crime, as the survivor may be fearful of revealing their sexuality; families can also push the survivor to *not* report, out of fear of embarrassment in the community. These are just some of the issues LGBTI persons can face after suffering violent attacks due to their gender.

South Africa is experiencing an epidemic of GBV, particularly in rural communities. South African Police Services (SAPS) 2016 statistics report that between 2008 and 2015, 432834 sexual offences were reported across the country. This figure is seen to underestimate the true population-level incidence of sexual violence and rape due to under-reporting by survivors. Having similarities to issues faced by the LGBTI community, some women face being ostracised by families and/or communities when reporting rape which can exacerbate psychological trauma, depression and anxiety. Underreporting of rape/sexual violence can stem from an unwillingness of the survivor to go through the justice system, as she is aware of the lengthy and traumatic process. Women report on the lack of protection or empathy within the justice system, which is seen to have prevailing patriarchal gender norms<sup>3</sup>.

The effects on sex workers is also relevant due to their lack of protections under the law. Women sex workers are regularly sexually assaulted, with one in three saying police have assaulted them. The issue becomes further problematic for lesbian women who are forced into sex work due to being rejected by their families, and so have no money or support.

### Underlying causes of violence and attitudes towards LGBTI persons and women

During the first meeting at Naledi, a member of the ANCYL stated that as a country, "we must acknowledge that there is a problem before one can begin to tackle the issue". GBV and violence against LGBTI persons are not new phenomena, but rather part of entrenched and systematic problems that have become normalised and sometimes part of accepted cultural practices.

*"The incidence of rape in South Africa is higher than in other countries and is driven by a violent political history, as well as structural and gender inequality" – RAPSSA report: (2017)*

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<sup>1</sup> Research Initiative of the Love Not Hate Campaign – survey conducted by OUT LGBTI Well-being in 2016

<sup>2</sup> 'Corrective rape' can be defined as sexual assault on LGBTI persons as a mean of rectifying their sexual orientation or gender identity

<sup>3</sup> *Rape Adjudication and Prosecution Study in South Africa (RAPSSA) report* (<http://www.mrc.ac.za/sites/default/files/files/2017-10-30/RAPSSAreport.pdf>) on the issue of patriarchal systems and how they 'fuel non-disclosure by victims'. Rape Crisis Cape Town Trust show distrust of justice system due to similar patriarchal issues and lack of empathy, belief and protection for survivors(<https://rapecrisis.org.za/rape-in-south-africa/>). Similar attitudes are seen in Rape Crisis centres in Europe and USA.

While the above comes from the 2017 RAPSSA report, participants were saying something very similar during our dialogues. The Deputy President of the Congress of South African Students (COSAS) stated at our first dialogue;

*“...we must look at what causes people to have this hatred and violence towards others. Is it because of ignorance? How do we break this stigma? One of the first steps we have to take is to de-colonise our minds...We are a diverse country. Our culture does not go about saying how we accommodate the LGBTI community. In fact, it is our culture that suppressed the LGBTI community”*

The speaker eloquently identifies some of the underlying problems that cause the violence. Looking at homosexuality, some groups such as the Congress of Traditional Leaders of South Africa deem it to be ‘un-African’, and this group is seen by some as a prevalent source of homophobic prejudice in South Africa. The notion that homosexuality is ‘un-African’ has been used to argue against social acceptance of LGBTI persons<sup>4</sup>. This notion is difficult to reconcile, however, as non-heterosexist gender roles existed in certain African cultures pre-dating colonial influence. The Deputy President of COSAS therefore strikes an important note when she suggests that cultural influences on LGBTI persons originate from colonial norms and practices. She and others noted that we can help to stop the killings by educating people to the “importance of care, compassion and that violence is not the answer”.

As well as being rooted in culture, participants in the dialogues noted how religious views incited hate and how certain churches see LGBTI people as deviant, unnatural and contrary to traditions. Such issues are not unique to the African continent as stated by Irish Ambassador, Liam MacGabhann. He noted how Ireland for most of the 20<sup>th</sup> century was a very conservative Catholic state, with homosexuality and gay rights banned.

Population-based research with men found that between 28-37% of adult South African men disclosed having committed rape. Over half of them did so while they were teenagers, and half of the men who admitted to having raped, did so more than once. Negative male attitudes towards women can form from toxic masculinity originating, from societal and family issues. Men, women and children are often caught in cycles of abuse that cross generations. Men can conform to negative gender norms, and feel they are entitled to sex; or they themselves have been abused when they were children. Similarly, women can also conform to negative gender norms. For example, some women feel that they cannot say “no” to sex, due to their perceived subservience to men and the wills of men. Children in South Africa witness physical and emotional abuse regularly, causing deep trauma with possible de-sensitisation to sexual violence by the time they reach their teenage years. A traditional leader at the meeting noted the issue of gender roles, particularly amongst men, making them susceptible to violent tendencies due to the issues raised above.



**Main speaker- Deputy Minister John Jeffery addressing the 26<sup>th</sup> March 2018 community meeting held in Jabavu, Soweto**

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<sup>4</sup> Cited from research article in Journal of Homosexuality – *An Exploration of Public Attitudes Towards LGBTI Rights in the Gauteng City-Region of South Africa*

## Recommendations

### Educational and life skills reform – Life orientation and consent

During both dialogues, the issue of education and community outreach was consistently raised. The South African constitution is one of the finest constitutions in the world and is based on the principle of values as noted by Irish Ambassador, Liam MacGabhann, and LGBTI activist and Senior SALO Associate, Rebone Tau. These values that assert that no one should be discriminated against based on their gender or sex, should be included in the Life Orientation curriculum within SA schools. A Church leader noted during our second dialogue that as a nation, we are either embarrassed or too scared to talk about sex, so our children grow up without efficient awareness. Research shows that comprehensive sexuality education has positive effects on young people and their attitudes towards sex, gender, consent, STIs, un-intended pregnancies, GBV and gender inequality. Therefore, the current Life Orientation programme should be re-evaluated and brought in line with scientific and evidence-informed educational research performed by UNESCO<sup>5</sup>.

### ‘Crime prevention’ over ‘crime fighting’

When the Hate Crimes and Hate Speech Bill comes to pass, this will be an opportunity for the South African government to analyse what works in preventing violence against LGBTI persons. Participants noted in our dialogues that the police force are not adequately trained to deal with this particular kind of violence. Although LGBTI sensitivity training had been provided to Gauteng police forces earlier this year, such training must remain consistent and tie in with the Hate Crimes and Hate Speech Bill.

Research shows that increasing the number of police officers does not directly result in improved policing outcomes. Leading up to 2012, increasing the number of police officers did not seem to have had an impact on reducing serious violent crimes<sup>6</sup>. With quality sacrificed over quantity, the South African government needs to focus on improving policing standards through more community policing and outreach, as well as having better response and support services such as rehabilitative programmes for juveniles who are violent, and counsellor support for survivors of violence. It is vital to have proactive measures that treat survivors and perpetrators to increase chances of rehabilitation, and prevent recidivism for the latter.

In line with the resolution adopted at the ANC’s December 2017 conference, the government should consider de-criminalising sex work, so that workers can have more legal protections as well as be able to access essential health care. In our dialogues it was noted that the continuing criminalisation and subsequent violent intimidation of sex-workers pushes them further underground, therefore increasing the likeliness of dangerous practices. De-criminalisation, while providing structural support, has been shown to result in decreases in STIs, particularly HIV, and an overall decrease in the risks faced by sex workers<sup>7</sup>.

### Strengthening partnership and cooperation in research

A national comprehensive study on sexual abuse and violence in South Africa is needed. This should be a cooperative venture between government and civil society to gauge South African experiences, beliefs and attitudes concerning sexual violence. The report should also include LGBTI people, so that a stronger understanding of attitudes towards violence, such as ‘corrective rape’, can be established. The report should aim to identify barriers to accessing law enforcement, health and therapeutic services for survivors and their families. Barriers to accessing psychological care were noted in our dialogues as well as the need for further research and community-based engagements.

### Improve economic and income equality

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<sup>5</sup> *International technical guidance on sexuality education* – UNESCO report as part of UN Education 2030 plan

<sup>6</sup> Increasing recruitment found to have no impact on violent crime – Analysis completed by D Bruce in Implications of en masses recruitment for the South African Police Services in *South African Crime Quarterly* in 2013

<sup>7</sup> Cited from 2009 report ‘The Impact of Decriminalisation on the Number of Sex Workers in New Zealand’. *Journal of Social Policy*. Study showed largely positive effects on workers after sex-work was de-criminalised

Poverty and unemployment have been shown to increase levels of violent crime. In many cases, men who are unemployed can sometimes lash-out violently and sexually at their partners due to these circumstances. A Church leader raised this issue at our second dialogue, and spoke of how the economic issues facing this country have made people angry. If young people, particularly men, feel that they have a stake in society, they will be more likely to resist violent or criminal behaviour. Strengthening the financial circumstances of impoverished families can occur through microfinancing or employment outreach programmes, specifically in townships. Such programmes should train participants on the issue of gender norms and the importance of empowering women, so that they know that they can also choose to work. The World Health Organisation advocates such initiatives in their violence prevention programmes.

## Community Dialogue Speakers

Miss Sonjalo Dlothando – Deputy President of Congress of South African Students

Hon. John Jeffrey – Deputy Minister for Justice and Constitutional Development

Liam MacGabhann – Ambassador of Ireland

Miss Rebone Tau – Senior SALO Associate

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*The analysis and recommendations included in this Policy Brief do not necessarily reflect the view of SALO or any of the donors or conference participants, but rather draw upon the major strands of discussion put forward at the event. Participants neither reviewed nor approved this document. The contents of the report are the sole responsibility of SALO, and can under no circumstances be regarded as reflecting the position of the donors who provided financial assistance for this policy dialogue session.*

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