

Deepening Human Rights in South Africa through youth activism on Gender-based Violence, LGBTI, Xenophobia, Racism and Hate Speech



Executive Summary

The Southern African Liaison Office (SALO) together with the Embassy of Ireland hosted a community outreach programme on deepening human rights activism in South African communities. The main aim of the outreach was to generate a sense of the context of human rights challenges faced in communities. Understanding the socio-economic context of human rights challenges gives greater insight and clarity into human rights violations. This policy brief presents a framework for bringing together stakeholders, particularly the youth, to participate in the crafting legal frameworks of criminalizing human rights violations.

Introduction

Human rights are universal because everyone possesses the same rights, regardless of where they live, their gender or race, their religious, cultural or ethnic group. Therefore, it is important to confront human rights violations. Human rights violations include; xenophobia, hate speech and hate crime, gender-based violence – particularly women and girls, rape, domestic violence, and hate crimes against the LGBTI community.

In 1994, South Africa emerged from a long history in which race, ethnicity and culture were used as the basis for the imposition of a divided, unequal and hierarchical society that violated the human rights of the majority of the population. While society has overcome the deep political schisms of the past, social challenges however, still persist. The relationship between history and human rights therefore cannot be fully understood without acknowledging the intersectionality of these dynamics and their effect on perceptions around human rights building.

The Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of the people in our country and affirms the democratic values of human dignity, equality and freedom. The state must respect, protect and fulfil the Bill of Rights as enshrined in our Constitution.

Key Issues Raised

Violence in South African communities has been linked to the unequal social structure of the South African society. Gender-based violence (GBV) is a gross human right violation, much of it is derived from gender inequality. There is a general sense that South African laws are meant to protect perpetrators instead of protecting the victims of gender-based violence. Most victims are victimized by defense lawyers, as with Cheryl Zondi in the Omotoso Rape Trial. The nature of patriarchy influences gender roles and perceptions which often breeds toxic masculinity that results in gender-based violence. Families and society are usually to blame for concealing gender-based violence and toxic masculinity.

Everyone is equal before the law and has the right to equal protection and benefit of the law. Arguably, black females are the most oppressed by the patriarchal nature of the South African society. The rights of men and women are the same. Men and women are equal. Gender-based violence can be attributed to the perception that men are more superior than women. Men tend to think they are better because they are physically stronger. This has created some expectations on the gender roles. Economic issues also play a role on human rights issues in our communities. Inequality and socio-economic issues affect how people perceive

human rights. Socio-economic issues exacerbate crimes, which in turn perpetuates human right violations. It is often women who do not have financial freedom that are victims of gender-based violence.

There has been discrimination against same-sex marriages - some government officials refuse to marry same-sex couples when the South African law allows for same-sex marriage. People who disregard same-sex marriage, and to an extent disregard the LGBTIQ community hide behind culture - this is similar to excuses made for GBV. Everyone has inherent dignity and the right to have their dignity respected and protected.

The recurrent xenophobic attacks in our societies reflect an intolerant society and the inability to live side-by-side with foreign nationals. Resorting to violence instead of raising challenges in different forums speaks to the kind of people we are, that needs to change. South African citizens need to make efforts to better understand why foreigners are here – they too are facing economic struggles. Much like the issues of hate speech and the use of derogatory word like “kaffir” need to be reported as hate speech. Instead of resorting to violence, people must trust the justice system. With the kind of history this country has, xenophobia and racism have no place in our society, The law says nobody may unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

Hate speech also covers people the LGBTI community who are discriminated based on their sexuality and the use of harmful and derogatory words towards them. Of worrying concern is the “corrective rape” that the LGBTI community faces - perpetrators must be brought to book but also rehabilitated and educated on their uninformed actions. This will require different stakeholders working with one another towards the greater goal of eliminating human rights violations – our hard-won democracy cannot be eroded by acts of intolerance. Rape culture in our society is not addressed in schools and in media platforms to educate people – rape culture is condoned by being passive to toxic masculinity.

Recommendations

- South African citizens can deepen human rights activism in many ways, as activists, advocates of human rights. Active participation is needed to resolve the issues we have in society, and we cannot leave it up to government alone.

- Our laws and law enforcement officers are part of the problem when it comes to regulating human rights violations. Accepting bribes works against victims. The Deputy Minister of Justice and Constitutional Development needs to actively monitor these issues.
- The Constitution of South Africa needs to be taught in classrooms so young people can be aware and informed of their choices.
- Young people must be actively involved in building their communities and need economically empowered, some of the problems we face can be eliminated this way.

List of Speakers

- Ms Rebhone Tau, ANCYL Activist and SALO Associate
- Ms Montle Maketa, #Not in my Name Basadi
- Mr Afrika Mkhangelwa, Youth Economic Alliance
- Deputy Minister John Jeffery, Dept. Justice and Constitutional Development

The analysis and recommendations included in this Policy Briefing 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.

About the Southern African Liaison Office:



The Southern African Liaison Office (SALO) is a South African-based not-for-profit civil society organisation which, through advocacy, dialogue, policy consensus and in-depth research and analysis, influences the current thinking and debates on foreign policy especially regarding African crises and conflicts.

SALO would like to thank: The Embassy of the Republic of Ireland for their direct support of this event and Policy Brief

