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EXECUTIVE SUMMARY

In early 2017, Triangle Project (Triangle) and the LGBTQ Victory Institute (Victory Institute) commissioned a research report into the political participation of lesbian, gay, bisexual, trans, intersex, and queer (LGBTIQ) persons in South Africa. This research report reflects the process and results of that study, conducted between April 2017 and September 2017.

This report forms part of the broader work of Triangle and the Victory Institute towards increasing the participation of LGBTIQ people in democratic processes in South Africa, and achieving equality for LGBTIQ people.

Additional elements of this work include training LGBTIQ activists and advocates who are interested in democratic processes to get more involved in formal political spaces; and civil society forums to create a platform for the exchange of knowledge, ideas, and best practice around the political participation of LGBTIQ people.

MAIN OBJECTIVE OF THE PROJECT

The project's main objective¹ was to identify the opportunities to increase the political participation of LGBTIQ people in South Africa. This included six specific objectives as shown below. Specific objective 5 was noted as the most important.

METHODOLOGIES

The research included several methodologies, including structured interviews with nine political party representatives² and six civil society leaders, case studies, an online survey of over 800 LGBTIQ persons detailing their political participation, desktop literature

research on political participation in South Africa, and political party manifesto and policy analysis.

A broad range of methodologies were pursued in order to get a deeper understanding of the opportunities for, and barriers to, increasing political participation amongst LGBTIQ persons.

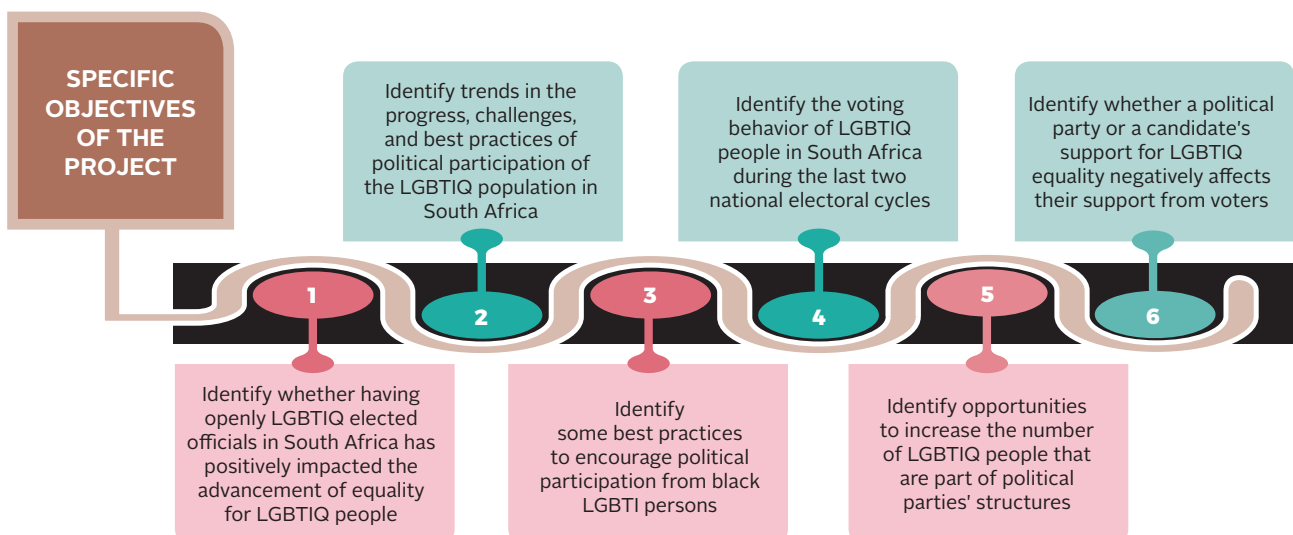
KEY FINDINGS

This report has a number of key findings that reflect both the interest of LGBTIQ persons in increased political participation, the opportunities for political parties to draw voter support through having clear and defined supportive positions on human rights for LGBTIQ persons, and openness and support for LGBTIQ persons across political parties. Some key findings from the survey in particular include:

- Voting is the most common way that respondents of the survey participated politically. The majority voted in the previous three elections. Those who did not vote primarily did not do so because they were not registered, not interested, or disillusioned. This speaks to the need for political parties to engage LGBTIQ constituencies around voter registration time to try to increase participation.
- Few respondents were members or volunteers of political parties. There is thus the opportunity for political parties to draw voter support by engaging with LGBTIQ issues, and ensuring that their party policies, manifestos, and practices are supportive of human rights for LGBTIQ persons.

¹ Triangle Project and LGBTQ Victory Institute (2016) *Terms of Reference: Best Practice Guide to Include LGBTI Issues into the Political Parties*. 30 September 2016.

² Three from the DA, one from the ANC, one from COPE, two from the EFF, and two from the EFF.



- Almost no respondents cited their sexual orientation or gender identity as the reason that they did not vote.
- LGBTIQ respondents, like South Africans surveyed in similar surveys, were most concerned with the issues of education, basic services and jobs when voting though this varied slightly by race. For white respondents leadership, basic services, and jobs were listed as the most important. For black respondents education, basic services and jobs were listed as the most important. They were also the race group most likely to indicate that LGBTIQ issues were important to them. This indicates that the black LGBTIQ community is interested in parties' stance on these issues when going to the polls.
- Less than half of respondents had any contact with their local government representatives, indicating an opportunity for more political participation at this level. There is the need for political education on the opportunities for engagement including the Integrated Development Plan (IDP) processes, and the use of gender and youth desks to report concerns. In addition, awareness raising on ward and local municipality meetings and processes would be a useful way for local government to increase LGBTIQ participation at this level.
- Most participants did not feel that political parties were performing well with regards to LGBTIQ issues, and a significant number were not sure of the party's performance, perhaps speaking to a lack of awareness of political party decisions and performance.
- Despite low levels of interaction with local government, when respondents were asked whether they would like to participate further in politics, 45.33% indicated that they would. In addition, 58.29% of respondents felt that more representation of LGBTIQ politicians within parties would mean that their needs would be addressed better. This points to an opportunity for political parties to encourage LGBTIQ members within their parties to take up leadership positions, in order to encourage party support by LGBTIQ voters.

Interviews with civil society and political parties reflected the changing political landscape of South Africa in the post-democratic period. There was a sense amongst civil society respondents that political parties were an important source of political power, and thus a necessary stakeholder in the advancement of human rights for LGBTIQ persons. However, as the full report shows, amongst civil society leaders there was also a sense of ambivalence regarding the willingness of political parties to take a clear stand in support of human rights for LGBTIQ persons. However,

respondents felt that these engagements could be beneficial, and noted a number of best practice recommendations for political participation, which are noted in full in this report. In addition to this, civil society respondents identified a need for strengthening the LGBTIQ sector in South Africa to ensure more meaningful political participation that is inclusive and representative.

Political party respondents expressed clear support of human rights for LGBTIQ persons during the interviews conducted for this research. However, few parties had developed explicit policies or dedicated structures to address LGBTIQ issues, or encourage the participation of LGBTIQ individuals. Although some noted that more could be done, other respondents argued that segregating human rights for LGBTIQ persons from other human rights concerns could result in stigma. Parties differed in their assessment of whether increasing the number of LGBTIQ representatives within their parties would increase or decrease their voter support, but even those who suggested that it could result in a decrease attributed this to societal conservatism rather than a lack of party support for human rights for LGBTIQ persons. Based on these interviews a number of best practice recommendations for political parties have been included in this report.

LGBTIQ South Africans make up a constituency that could assist political parties in securing a significant number of seats at election time. Part of ensuring that LGBTIQ persons participate politically, and support political parties in South Africa requires activity on behalf of political parties to show their willingness and enthusiasm to promote human rights for LGBTIQ persons.

Despite significant legislative progress since 1994³, LGBTIQ persons continue to face barriers to political participation including discriminatory attitudes, fear of violence, and disinterest in political opportunities. These can all be addressed through sustained activism on the part of political representatives, both within their parties and within society.

Overall the study indicates a willingness to participate on the part of LGBTIQ South Africans as well as a support for this participation from political parties and civil society. The Best Practice section points to some steps that can be followed to begin this journey, the first step of which should be ensuring that all LGBTIQ persons are aware of and supported in their human rights.

In early 2017, Triangle Project (Triangle) and the LGBTQ Victory Institute (Victory Institute) commissioned a research report into the political participation of lesbian, gay, bisexual, trans, intersex, and queer (LGBTIQ) persons in South Africa. This research report reflects the process and results of that study, conducted between April 2017 and September 2017.

This report forms part of the broader work of Triangle and the Victory Institute towards increasing the participation of LGBTIQ people in democratic processes in South Africa, and achieving equality for LGBTIQ people.

Additional elements of this work include training LGBTIQ activists and advocates who are interested in democratic processes to get more involved in formal political spaces; and civil society forums to create a platform for the exchange of knowledge, ideas, and best practice around the political participation of LGBTIQ people.

The project's main objective³ was to identify the opportunities to increase the political participation of LGBTIQ people in South Africa. This included six specific objectives, namely to identify:

1. Whether having openly LGBTIQ elected officials in South Africa has positively impacted the advancement of equality for LGBTIQ people.
2. Trends in the progress, challenges, and best practices of political participation of the LGBTIQ population in South Africa.
3. Some best practices to encourage political participation from black LGBTI persons.
4. The voting behavior of LGBTIQ people in South Africa during the last two national electoral cycles.
5. Opportunities to increase the number of LGBTIQ people that are part of political parties' structures.
6. Whether a political party or a candidate's support for LGBTIQ equality negatively affects their support from voters.

This report seeks to address these questions and provide recommendations that aim to increase LGBTIQ political participations for LGBTIQ persons interested in political participation, civil society, and political parties.

³ Triangle Project and LGBTQ Victory Institute (2016) *Terms of Reference: Best Practice Guide to Include LGBTI Issues into the Political Parties*. 30 September 2016.

2.1 METHODOLOGY

The research project involved both primary and secondary research. Secondary research included a desktop literature review of materials identified by Triangle and the Victory Institute, as well as other secondary research materials related to political participation in South Africa; political party manifestos; media commentary on LGBTIQ issues and political participation; and voting trends.

Primary research took the form of structured interviews, as well as a research survey of self-identified LGBTIQ South Africans during June and July 2017. The survey solicited a total of 826 complete responses, and 50 incomplete responses.

Two interviews were conducted with openly-LGBTIQ officials. The first, with Honourable Zakhele Mbhele, MP, in April 2017 focussed on the opportunities and barriers for promoting LGBTIQ issues as an elected representative. The second, with Roberto Quintas, a ward councillor, formed part of the structured interviews with elected officials on broader political receptiveness to LGBTIQ concerns. Where relevant their comments have been included in the political party analysis section of this document.

Next, a set of six interviews was conducted with representatives of civil society. The interviews used open-ended questions to solicit information on the barriers and opportunities to LGBTIQ political participation since the first democratic elections in 1994. Interview candidates were selected via purposive sampling, with the aim of selecting a sample of respondents with a history of activism in the sector.

Thirdly, a set of nine interviews was conducted with representatives of political parties that have had significant representation in government since 1994 (this included the interview with Mbhele and Quintas). Significant effort was made to secure two respondents per political party, but as the limitations section notes, this was not possible.

The research survey included a selection of closed and open questions, and was posted online between 15 June and 16 July 2017. The overall purpose of the survey was to seek the opinion of self-identified

LGBTIQ people on their voting behavior, as well as the barriers to, and opportunities for, their political participation in South Africa.

2.2 LIMITATIONS

First, the process of securing interviews with representatives of political parties was difficult and was affected by the political context of South Africa, as well as the political cycle. The parliamentary calendar – for example, during the months of May to July – is extremely full with budget debates, youth-month activities, and sittings of the house. This made it difficult for elected officials to make time for the interviews.

In addition to these annual political cycles, the political context in early 2017 also involved a number of scheduled events. The ruling party policy conference, as well as the South African Communist Party policy conference both took place during July 2017, affecting the availability of officials for an interview. In early August 2017, the 8th No Confidence Vote in the President took place, which meant that many politicians were heavily involved in lobbying around this vote, and did not have additional time for interviews or work outside of their political work.

Many political party representatives who were contacted via email for an interview simply never responded. Others who had committed to interviews became unavailable due to party work. Despite these limitations, eight structured interviews with political party representatives took place between May and September 2017, and the comments from Mbhele are included in the political party section to supplement this.

Second, the majority of interviews were conducted with officials at a national level. Ideally, more interviews at a local and provincial level would have enhanced the findings for participation at this level. However, as noted above, this was a challenge as a result of the schedules of representatives and their availability to respond.

Third, after the survey had been posted online, a respondent notified the research team that there was no option for respondents to select other forms of postgraduate study such as degrees or diplomas. Although this was noted early on, it was decided not to amend the question, as more than 300 hundred responses had already been received with the question in its current form. Whilst this might not change the findings overall, it would be more representative to allow respondents to accurately reflect their level of qualification.

As discussed in the survey findings, the demographics of the survey respondents differed from the South African averages in terms of race and education levels. This could be attributed to the particular platforms that were used to distribute the survey, or to the selection of an online survey rather than a face-to-face or paper survey for example. Despite these demographic differences, the political participation levels and issues of concern indicated in survey respondents was not dissimilar to the results of previous studies that engaged a broader population group. In addition, where relevant, a breakdown of the results by race group is included in this report to reflect any differences.

3.1 THE SOUTH AFRICAN POLITICAL LANDSCAPE 1994 – 2017: AN OVERVIEW

South Africa held its first democratic national elections in 1994. Photographs from the elections are iconic, showing the long lines of people who queued up to make their mark. 19.5 million voters arrived to vote on 27 April 1994,¹ now marked as Freedom Day in the South African calendar.

South Africa held its first democratic national elections in 1994. Photographs from the elections are iconic, showing the long lines of people who queued up to make their mark. 19.5 million voters arrived to vote on 27 April 1994⁴, now marked as Freedom Day in the South African calendar.

These elections were groundbreaking in many ways. For black South Africans, it was their first opportunity to vote in their lifetime⁵. The elections marked the transition from centuries of colonial – and later, Apartheid – oppression of the majority of the South African population. Similarly, for many women in South Africa it was their first opportunity to vote. Nineteen political parties registered to contest the first democratic elections.⁶

South Africa is a multi-party democracy. The proportional representative (PR) voting systems means that only those parties with the highest

percentages of votes are able to secure seats in the South African Parliament, and the ruling party governs the appointed officials in the executive branch of power. Of interest is the fact that research indicates that the list PR system is more favourable to increasing the representation of women and minority candidates within government.⁷

In 1994, the African National Congress (ANC) won elections with 62.65% of the vote and increased this percentage over the next two elections in 1999 (66.35%) and 2004 (69.69%). Over the fourth and fifth national democratic elections, the ANC's support decreased to 65.9% (2009) and 62.15 % (2014).⁸

Table 1 on the next page provides a snapshot of political party representation over the five national elections since 1994. The table helps to give an indication of who the major political role players in South Africa have been since 1994. As the table shows, several political parties have been represented in parliament since the first democratic elections, and many smaller parties have emerged and merged over the past five electoral terms. An 'X' in this table represents that this particular party did not contest in the national elections. An 'O' represents that they did contest, but did not secure any seats.

⁴ IEC (2017a).

⁵ During Apartheid only white South Africans were permitted to vote. Black, coloured, Indian, and other South Africans who were not white did not have the opportunity to vote.

⁶ South African History Online (2014).

⁷ Reynolds, A (2013).

⁸ IEC (2017b).



Voters waiting to make their mark in South Africa's first democratic elections, 27 April 1994

TABLE 1: PROPORTION OF THE VOTE IN EACH ELECTION SINCE 1994 (%) AND NUMBER OF SEATS IN PARLIAMENT⁹

PARTY	1994	1999	2004	2009	2014
AFRICAN NATIONAL CONGRESS (ANC)	62.65% (252 seats)	66.35% (266 seats)	69.69% (279 seats)	65.9% (264 seats)	62.15% (249 seats)
NATIONAL PARTY / NEW NATIONAL PARTY	20.39% (82 seats)	6.87% (28 seats)	1.65% (7 seats)	ANC	ANC
INKATHA FREEDOM PARTY	10.54% (43 seats)	8.58% (34 seats)	6.97% (28 seats)	4.55% (18 seats)	2.4% (10 seats)
FREEDOM FRONT / FREEDOM FRONT PLUS	2.17% (9 seats)	0.8% (3 seats)	0.89% (4 seats)	0.83% (4 seats)	0.9% (4 seats)
DEMOCRATIC PARTY / DEMOCRATIC ALLIANCE	1.73% (7 seats)	9.56% (38 seats)	12.37% (50 seats)	16.6% (67 seats)	22.23% (89 seats)
PAN AFRICANIST CONGRESS	1.25% (5 seats)	0.71% (3 seats)	0.73% (3 seats)	0.27% (1 seat)	0.21% (1 seat)
AFRICAN CHRISTIAN DEMOCRATIC PARTY	0.45% (2 seats)	1.43% (6 seats)	1.65% (7 seats)	0.81% (3 seats)	0.57% (3 seats)
UNITED DEMOCRATIC MOVEMENT	X	3.42% (14 seats)	2.28% (9 seats)	0.85% (4 seats)	1% (4 seats)
UNITED CHRISTIAN DEMOCRATIC PARTY	X	0.78% (3 seats)	0.75% (3 seats)	0.37% (2 seats)	0
FEDERAL ALLIANCE	X	0.54% (2 seats)	X	FF+	FF+
MINORITY FRONT	0	0.3% (1 seat)	0.35% (2 seats)	0.25% (1 seat)	X
AFRIKANER EENHEIDSBEWEGING	X	0.29% (1 seat)	FF+	FF+	FF+
AZANIAN PEOPLE'S ORGANISATION	X	0.17% (1 seat)	0.25% (1 seat)	0.22% (1 seat)	0
INDEPENDENT DEMOCRATS	X	X	1.73% (7 seats)	0.92% (4 seats)	DA
CONGRESS OF THE PEOPLE	X	X	X	7.42% (30 seats)	0.67% (3 seats)
AFRICAN PEOPLE'S CONVENTION	X	X	X	0.2% (1 seat)	0.17% (1 seat)
ECONOMIC FREEDOM FIGHTERS	X	X	X	X	6.35% (25 seats)
NATIONAL FREEDOM PARTY	X	X	X	X	1.57% (6 seats)
AFRICAN INDEPENDENT CONGRESS	X	X	X	X	0.53% (3 seats)
AGANG	X	X	X	X	0.28% (2 seats)

⁹The National Party became the new National Party in 1999, and later merged with the Democratic Party to form the Democratic Alliance. The FF+ represents the coalition between the FF and the Afrikaner Eeinheidsbeweging. In 2007, the Federal Alliance also joined the FF+. The Democratic Party merged with a number of other parties to become the Democratic Alliance

As of the 2014 elections, the parties with the most seats in Parliament are thus the ANC (249 seats), the DA (89 seats), and the EFF (25 seats), making up over 90% of the seats in Parliament.

In addition to the shifting representation of parties, the percentage of the population who has voted since 1994 has also changed. In the first elections, 19,533,498 voters voted in the national elections, many of whom were unregistered.¹⁰ In the 2014 elections, 73% of registered voters voted, with 25,388,082 voters making their mark that year. Estimates suggest that around 73 percent of eligible voters registered to vote in the most recent local government elections.¹¹ The bulk of those who are unregistered (some 9 million South Africans) are youth, with 16 percent of 18 – 19 year-olds, 46 percent of 20 – 29 year-olds, and 18 percent of 30 – 39 year-olds not registered.¹²

This affects the number of votes that are needed to secure a seat in Parliament. On average, a political party needs between 30,000 and 50,000 votes to secure a seat in parliament depending on voter turnout.¹³ Research by the Other Foundation and the Human Sciences Research Council (2015) indicated that there were an estimated 530,000 adults in South Africa who identified as either homosexual, bisexual, or gender non-conforming in some way.¹⁴ If these two figures are considered together, the votes of the LGBTIQ population in South Africa could assist a party to secure an additional ten to 17 seats, depending on voter turnout. Thus, the LGBTIQ population of South Africa is a significant electoral group that, as this research paper will indicate, has been underestimated and under-engaged by political parties to date.

It is important to note, however, that the reality for many South Africans is more complex than simply having one particular identity category that represents them. South Africans face differing challenges and opportunities based on a number of factors including their race, class, gender, sexual orientation, geographic location, and health status. Intersectionality, or "the ways in which institutional power structures such as race, class, gender, and sexuality simultaneously structure social relations,"¹⁵ is therefore an important lens to consider both the political participation of LGBTIQ individuals, as well as the ways in which it could be useful for political parties to seek the participation of these individuals.

3.2 TRANSFORMATION WITHIN THE SOUTH AFRICAN GOVERNMENT

Globally over the past two decades there has been a movement towards increasing the representation of women in governments, as well as to increasing the representation of ethnic and other minorities, with the aim of enhancing democratic goals.

The assumption has been that increasing the representation of these groups will increase the extent to which issues that affect their lives are considered within government spaces, to keep these issues on the agenda, and to give government responses to women's concerns legitimacy.¹⁶

However, until recently, little attention has been paid to increasing the representation of sexual and gender minorities.¹⁷ For Reynolds (2013), given the context of homophobia globally and the use of homophobia and transphobia in election campaigns, the "need to represent the community at risk becomes more pressing".¹⁸ One could argue that given the significant homophobia and transphobia in Africa, this is even more the case for countries on the continent, like South Africa.

Diversity in the South African government is encouraged by both national and regional agreements. The Constitution provides every citizen with the right to run for political office, and prohibits discrimination on the grounds of race, gender, sex, sexual orientation and a number of other categories.¹⁹ In addition, South Africa is a signatory to the Southern African Development Community (SADC) Protocol on Gender and Development (2008), which requires a 50% representation of women in political leadership, however no branch of government has an equal gender representation as of 2017. At a local government level, the Local Government Municipal Structures Act (Act 117 of 1998) requires that political parties seek to ensure that 50% of the candidates on the party list are women, and that men and women candidates are equally distributed throughout the party list. The only other target for the representation of vulnerable and marginal groups in government is the 2% target for people with disabilities as per the 1995 White Paper on Transformation of the Public Service. The original deadline for the achievement of this target was 2005, but this has been extended several times.²⁰

¹⁰ IEC (2017c) and South African Broadcasting Corporation (2014). In the first democratic election registration was not required in order to give the maximum number of South Africans an opportunity to vote.

¹¹ Nicolson, G (2016).

¹² Ibid.

¹³ South African Government News Agency (2014).

¹⁴ The Other Foundation and HSRC (2015).

¹⁵ IMeyer, D (2008).

¹⁶ Reynolds, A (2013).

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ The Constitution of the Republic of South Africa (1996).

²⁰ Werksman Attorneys (2012).

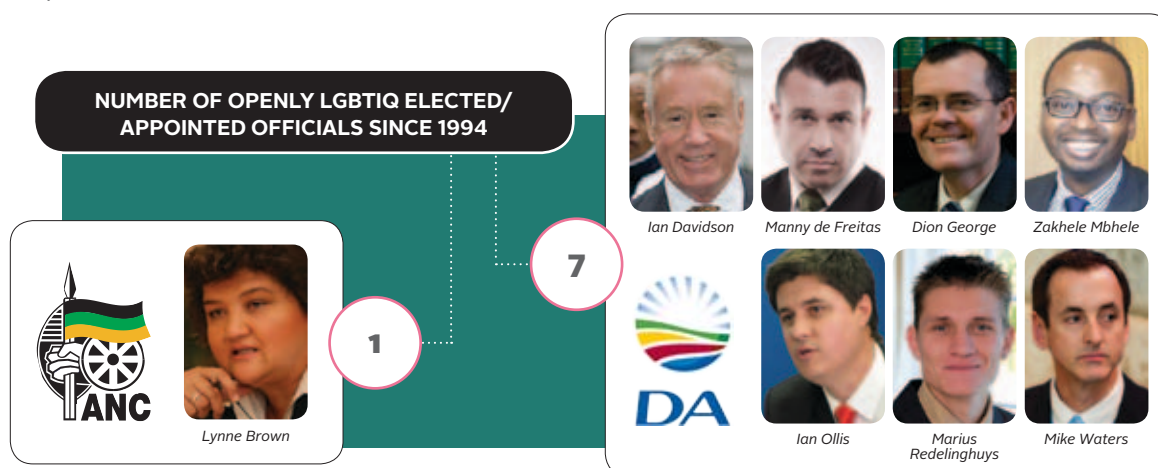
Although South Africa has not passed legislation requiring quotas in political party representation, many parties have opted for voluntary gender quotas in their party lists, effectively promoting women's representation and leadership at a national level. As a result of the activism of civil society, the women's movement, anti-apartheid activists, and political formations, political parties have actively sought to incorporate the interests of groups who had historically been underrepresented in government since 1994.

Whilst it seems as though progress in relation to gender transformation has slowed in recent years, it is worth noting the significant positive impact of lobbying from civil society and the women's movement to encourage and advocate for women's representation. As Hassim notes, "the women's movement participated in shaping the design of the national machinery for women, a set of institutions inside and around the state that would create the mechanisms to articulate women's particular policy interests and hold the state accountable to its broad commitment to gender equality."²¹ This was undertaken through engagement across parties, using multiple strategies.

The 1994 elections results increased government's representativeness, both in terms of race and gender. Of the first democratically elected parliament 27.7% were female.²² Since 1994 South Africa has been a global leader in terms of the representation of women in Parliament. As of September 2017, the South African Parliament is ranked 10th in the world with 42.1% of women represented in the National Assembly and 35.2% in the National Council of Provinces.²³ However, progress in terms of increasing women's representation at a provincial and local level has not been as effective. As of July 2017, only two of nine premiers²⁴ were female, and only 38% of municipal mayors, and 39% of municipal councillors were female.²⁵

An analysis of openly LGBTIQ elected or appointed officials since 1994 reveals that only eight openly LGBTIQ officials have been represented in national parliament.²⁶ Members listed are: Mike Waters (elected 1999), Ian Ollis (elected 2009), Zakhele Mbhele (elected 2014), Ian Davidson (elected 1999), Manny de Freitas (elected 2009), Dion George (elected 2008), Lynne Brown (elected 2014) and Marius Redelinghuys (elected 2014).²⁷ South Africa elected the first gay member of parliament (MP) in 1999, and its first black gay MP (the first black gay MP in the world) in 2014.²⁸ All of these officials were out at the time of election.²⁹ The majority (seven) are members of the DA, of whom six are white gay cisgender males. In the current cabinet, Lynne Brown is the only openly LGBTIQ minister. She is the first openly lesbian woman to be appointed to the executive branch of government.

Thus, despite legislative and regional commitments to gender equality and transformation of the public service, the representation of women and LGBTIQ persons is low. This is not abnormal – of 96 nations analyzed, only 151 LGBT MPs were elected to national assemblies between 1976 and 2011.³⁰ However South Africa's historical position as a champion for gender equality on the continent means that minimum standards should not be promoted as the goal. In Reynolds 2013 analysis, the data indicated, "the number and presence of LGBT MPs are consistently associated with enhanced national gay rights."³¹ This is both a matter of increasing the visibility of LGBTIQ persons as an interest group, and affecting the decision making of other heterosexual colleagues in a way that advances equality and human rights for LGBTIQ persons.³² South African representatives such as those listed above thus could have a significant influence on the acceptance of and promotion of human rights for LGBTIQ persons.³³



²¹ Hassim, S (date not stated).

²² South African Government (2016).

²³ IPU (2017).

²⁴ South African Government (2017).

²⁵ Statistics South Africa (2016).

²⁶ Reynolds, A (2016).

²⁷ Lynne Brown is a member of the ANC, whereas all other representatives in this list are from the Democratic Alliance.

²⁸ Feder, J (2014).

²⁹ Reynolds, A (2016).

³⁰ Reynolds, A (2013).

³¹ Ibid. Page 2.

³² Reynolds, A (2013).

³³ All are from the Democratic Alliance with the exception of Brown.

3.3 LGBTIQ MILESTONES SINCE 1994 AND SOUTH AFRICA'S COMMITMENT TO HUMAN RIGHTS FOR LGBTIQ PERSONS

Since 1994 South Africa has made a number of progressive legislative commitments to human rights for LGBTIQ persons, both through the development of national legislation, and through the ratification of international and regional treaties that commit to non-discrimination on the grounds of either sexual orientation or gender identity (SOGI). These are detailed briefly below.

3.3.1 NATIONAL LEGISLATION

Significant laws include:

- ***The Constitution of the Republic of South Africa***
The Bill of Rights includes the right to equality, and the prevention of discrimination on the grounds of gender, sex, and sexual orientation.³⁴
- ***The Domestic Violence Act (Act 116 of 1998)***
The Domestic Violence act includes same-sex relationships under the definition of domestic relationships, and thus provides for legal protection from domestic violence under the Act.
- ***The Promotion of Equality and Prevention of Unfair Discrimination Act (Act 4 of 2000) (PEPUDA)***
PEPUDA prohibits discrimination on the basis of gender, however a shortcoming is the exclusion of 'sexual orientation' as a category on which discrimination occurs. PEPUDA only makes a provision for the protection from harassment on the grounds of sexual orientation, and not from discrimination.³⁵
- ***The Alteration of Sex Description and Sex Status Act (Act 49 of 2003)***
This Act provides legislative recognition of the separation between biological sex, gender identity, and sexual orientation. The Act allows for application to the Department of Home Affairs for a change of sex description on birth records. The following people are able to make this application:

People who have undergone surgical or medical sex reassignment; People whose sexual characteristics have evolved naturally; and Intersex people.³⁶

- ***The Civil Union Act (Act 17 of 2006)***
Provides for same-sex marriages and provides individuals within civil unions the same rights as those under the Marriage Act. Each Department of Home Affairs office is required to have at least one marriage officer to perform same-sex marriages.³⁷ However, the Act does allow for marriage officers to object on the grounds of conscience, religion and belief to solemnizing a civil union, if they write to the Minister of Home Affairs. In such cases the Department must deploy an alternate marriage officer to perform the service.³⁸ According to the Minister of Home Affairs, between 2009 and 2011, 2 137 applications were received for civil union, and none were denied.³⁹

- ***The Criminal Law (Sexual Offences and Related Matters) Act (Act 32 of 2007)***
Before the Sexual Offences and Related Matters Act was passed, South African legislation included higher ages of consent for homosexual sexual activity. The Sexual Offences Act and Amendment Act set uniform ages of consent and repealed previous legislation that limited protections against sexual offences for homosexual individuals.⁴⁰

In addition to these laws, South Africa has also introduced policy level changes since they acknowledged same-sex relationships through allowing for same-sex adoption, allowing for same-sex couples to add one another to their medical aids, affirmative action in the defence force, and policies around the specific health needs of LGBTIQ persons.⁴¹ As the interview section of this paper makes clear, these policy changes were often the result of sustained activism and litigation by civil society in order to bring government policy in line with constitutional commitments.

However, Breen and Nel (2011) suggest that the existing legal framework is not sufficient to address the realities of LGBTIQ persons in South Africa, in particular in relation to violence and homophobic hate crimes.⁴² Draft legislation on this issue is currently before Parliament. Although some research suggests that this violence is best considered in relation to the high levels of violence and gender based violence in South Africa,⁴³ it is clear that the presence of legislation supporting human rights for LGBTIQ persons has not necessarily translated into a lived reality that allows for the enjoyment of those rights.

³⁴ The Constitution of the Republic of South Africa (1996).

³⁵ The Protection of Equality and Prevention of Unfair Discrimination Act (Act 4 of 2000).

³⁶ The Alteration of Sex Description and Sex Status Act (Act 49 of 2003)

³⁷ Internal Question NW2465E.

³⁸ Ibid. Civil Union Act 17 of 2006, Section 6.

³⁹ Internal Question NW917E.

⁴⁰ The Criminal Law Sexual Offences and Related Matters Act 32 of 2007.

⁴¹ Astraea Lesbian Foundation for Justice (2015).

⁴² Breen, D and Nel, J (2011).

⁴³ The Other Foundation and the HSRC (2015).

3.3.2 REGIONAL AND INTERNATIONAL COMMITMENTS

Since 1994 South Africa has also signed, ratified and endorsed a number of regional and international commitments to human rights for LGBTIQ persons, including:

- ***The African Charter on Human and People's Rights (African Charter) (1981)***

The African Charter is ratified by all African Union States. The Charter grants rights to all individuals (including the right to life, to be equal before the law, to respect of the dignity, liberty and security of the person, to have his cause heard, freedom of conscience, etc.) and Article 2 specifies that these rights cannot be limited based on any category of discrimination.⁴⁴ In 2006 the African Commission on Human and People's Rights interpreted the 'other' status in Article 2 to include sexual orientation.⁴⁵ South Africa signed and ratified the treaty in 1996.

- ***The African Union Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (The Maputo Protocol) (2003)***⁴⁶

The Maputo Protocol defines 'discrimination against women' as "any distinction, exclusion or restriction, or any differential treatment based on sex and whose objectives or effects compromise or destroy the recognition, enjoyment or the exercise by women, regardless of their marital status, of human rights and fundamental freedoms in all spheres of life" and commits all State parties to combatting discrimination against women through all appropriate measures.⁴⁷ These measures should therefore apply to women and girls who are LGBTIQ. South Africa signed and ratified the protocol in 2004.

- ***The United Nations International Covenant on Civil and Political Rights (ICCPR) (1966)***⁴⁸

The ICCPR further makes clear that all persons should be equal before the law and the Human Rights Committee suggested that State parties should "guarantee equal rights to all individuals, as established in the Covenant, regardless of their sexual orientation."⁴⁹ South Africa signed the Covenant in 1994, and ratified it in 2008.

- ***The United Nations General Assembly Resolution 17/19: Human Rights, Sexual Orientation and Gender Identity***⁵⁰

This resolution committed to requesting the UN High Commissioner for Human Rights to Commission a study (to be finalised by December

2011) that detailed discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, as well as how human rights laws could be used to end this discrimination and violence. This resolution was led by South Africa.

- ***The Ekurhuleni Declaration on Practical Solutions on Ending Violence and Discrimination Against Persons based on Sexual Orientation and Gender Identity and Expression (The Ekurhuleni Declaration)***⁵¹

The Ekurhuleni Declaration was signed by National Human Rights Institutions, civil society organisations, and collectives from across the African continent in March 2016 at the First Regional African Seminar on Finding Practical Solutions for Addressing Violence and Discrimination Based on Sexual Orientation, Gender Identity and Expression in Johannesburg. It identified and provided recommended actions in seven areas of focus including: The Role of State and Non-State Actors in Addressing Violence and Discrimination; Changing Perceptions and Creating Awareness; Violence and Discrimination in Educational Institutions and Settings; Economic Justice; Health and Psychosocial Support; Victimisation in the Criminal Justice System and in Border Control Systems; Legal Support for Survivors of Violence and Discrimination and Their Families; and The Need for Accurate Data on the Incidence of Violence and Discrimination based on Sexual Orientation, Gender Identity and Expression. The declaration calls on African states and government, International and African regional bodies, and the media to promote better conditions to promote and support freedom from violence and discrimination. Although this declaration is not binding, it remains an important benchmark in the development of international norms and standards for the promotion of human rights for LGBTIQ persons.

However, South Africa's performance on a regional and international stage has not necessarily been consistent with its national, regional, and international commitments. For example, in 2016 South Africa aligned itself with the African Bloc and abstained from a vote that would create the post of an independent expert to work on SOGI.⁵² While South Africa later voted in support of the expert, its uncertain position made many uncomfortable.

⁴⁴ The African Union (1981).

⁴⁵ Yaw Ako (2010).

⁴⁶ The African Union (2003).

⁴⁷ The African Union (2003).

⁴⁸ The United Nations (1966).

⁵⁰ United Nations General Assembly (2011).

⁵¹ Centre for Human Rights (2016).

⁵² Nepaul, V (2016).

3.3.3 POLITICAL PARTY COMMITMENTS TO LGBTIQ EQUALITY

For the purposes of this research paper, five political parties that had significant representation over the past two national elections were selected for analysis. These were the African National Congress (ANC), the Democratic Alliance (DA), the Economic Freedom

Fighters (EFF), the Inkatha Freedom Party (IFP) and the Congress of the People (COPE). This section considers their constitutions and their elections manifestos for the 2014 and 2016 elections.

AFRICAN NATIONAL CONGRESS (ANC)



The ANC was founded in 1912. In its Constitution (2012) there is a commitment to gender and affirmative action, including the equal representation of women and a 50 percent quota in this regard.⁵³ In addition, the Constitution establishes the Women's League to take forward women's equality within the party. However, no mention is made of sexual or gender minorities. The ANC Constitution commits members to a united, non-racist, non-sexist, democratic South Africa and commits the organisation to combatting chauvinism and any other forms of discrimination.⁵⁴ Sexism and chauvinism are acts of misconduct within the ANC.⁵⁵ The 2014 National Election Manifesto of the ANC notes

that the ANC has "20 years of championing the struggle for gender equality" however the section of the document that describes this refers only to women's rights, and not specifically to SOGI rights.⁵⁶ In addition, the manifesto notes a commitment to transforming the security forces and judiciary to reflect the "gender character" of South Africa.⁵⁷ In terms of addressing gender inequality the ANC makes a commitment to improving employment equity, but no mention is made of addressing discrimination on the grounds of SOGI.⁵⁸ No mention is made of LGBTIQ persons in the manifesto. Similarly, the 2016 Local Government Elections Manifesto commits to advancing women's struggles, but not to gender equality.⁵⁹

DEMOCRATIC ALLIANCE (DA)



The Democratic Alliance was founded in 2000. In its Constitution, it specifies that a member will be guilty of misconduct when found to have discriminated against someone on a number of grounds including their gender or sexual orientation.⁶⁰ Complaints linked to such discrimination can be referred to the DA Mediation Panel, and where the complainant is not happy with the findings of this panel, they can be referred upwards within the party.⁶¹ The DA's 2014 Election Manifesto states that one of the party's values is a society for all, where "every individual enjoys equal rights and access to opportunities regardless of race, ethnicity, or gender"

and where action is taken to address the "social and economic legacy of apartheid."⁶² The manifesto also includes a section on "Supporting the vulnerable and getting people into jobs" however this section does not include specific SOGI targets. No mention is made of LGBTIQ persons in the manifesto. The DA 2016 Local Government Election Manifesto does not make reference to gender, or LGBTIQ issues.⁶³

It should be noted that the DA website does include specific mention of LGBTIQ persons in its 'get involved' section.⁶⁴ The page makes a clear statement of support for the human rights of LGBTIQ persons, and directs users to a Facebook page for LGBTIQ DA supporters.

⁵³ The African National Congress (2012) *Constitution of the ANC*. Rule 6.

⁵⁴ The African National Congress (2012) *Constitution of the ANC*. Rule 3 and Rule 5.

⁵⁵ Ibid. Section 25.

⁵⁶ African National Congress (2014) Page 13.

⁵⁷ Ibid. Page 26.

⁵⁸ Ibid. Page 26.

⁵⁹ African National Congress (2016).

⁶⁰ Democratic Alliance (2015).

⁶¹ Democratic Alliance (2015).Section 2.5.4.12.

⁶² Democratic Alliance (2014a). Page 8.

⁶³ Democratic Alliance (2016).

⁶⁴ Democratic Alliance (2017).



CONGRESS OF THE PEOPLE (COPE)

The Congress of the People (COPE) was formed in 2008. COPE's Constitution was revised in 2015, and includes a commitment to promoting inclusivity and increasing gender representation, including commitments that when elections of office bearers take place, the principle of gender equality must be given due regard, and there must be equal gender representation in the leadership of COPE.⁶⁵ It also lists the duties of COPE members including a duty to "prevent all forms of intolerance, especially racism, tribalism, sexism, religious and political intolerance, or any other form of discrimination or chauvinism."⁶⁶ It highlights the need for equality before the law.

The COPE manifesto does not make mention of gender equality targets, however it does speak to creating conditions for a better world, including that a COPE government would "continue to ensure that our country plays its role as a force for progressive change for a stronger South Africa, better Africa, and more humane world based on a human rights culture."⁶⁷ The manifesto speaks to lifting rural women out of poverty via mentoring, support, and micro loans.⁶⁸ COPE's 2016 Local Government Election Manifesto commits the party to its vision of gender equality, but despite suggesting that each ward should have a desk to deal with the rights of vulnerable groups it doesn't mention LGBTIQ persons amongst these groups.⁶⁹



ECONOMIC FREEDOM FIGHTERS (EFF)

The Economic Freedom Fighters (EFF) was founded in 2013. In its founding 2014 Constitution it commits to opposing "the oppression of women and all other gendered persons."⁷⁰

The 2014 Election Manifesto of the EFF notes that 20 years after democracy "black women still suffer triple oppression and exploitation on

the basis of their gender, race and class" and that "women and children are still subject to violent crimes, particularly rape." However, it does not specifically mention LGBTIQ issues. Similarly the 2016 Local Government Elections Manifesto does not specifically mention gender equality or LGBTIQ issues.⁷¹



INKATHA FREEDOM PARTY (IFP)

The Inkatha Freedom Party was formed in 1975. In its most recent Constitution the IFP does not make mention of gender, but does note that the aims of the party are to eliminate "all forms of discrimination based on race, origin, sex, colour or creed."⁷² In addition, the Constitution of the IFP notes that the challenges that South Africa faces "will only be won if all South Africans join hands to free all the people from the slavery of poverty, ignorance, and social and cultural segregation,

while respecting their individual and collective rights."⁷³

The IFP 2014 Election Manifesto does not mention gender, however it speaks to including women in community development programmes, rewarding businesses for employing women and differently abled persons,⁷⁴ and recognition of the leadership role that women play.⁷⁵ It doesn't mention SOGI rights. Similarly, the 2016 Local Government Elections Manifesto does not mention LGBTIQ issues, or gender equality.⁷⁶

TABLE 2: SUMMARY OF PARTY COMMITMENTS TO HUMAN RIGHTS FOR LGBTIQ PERSONS

LGBTIQ ISSUES	ANC	COPE	DA	EFF	IFP
Mention of LGBTIQ issues in Constitution	Commitments to non-sexism, however no explicit mention of LGBTIQ persons.	Discourages intolerance including sexism, and highlights equality before the law, but no mention of LGBTIQ issues.	Founding documents prohibit discrimination on the grounds of sexual orientation.	Founding manifesto commits to ending discrimination against women and 'all other gendered persons'.	Mentions sex discrimination, but not explicitly sexual orientation or gender.
Mention of LGBTIQ issues in election manifestos	No	Commits South Africa to gender equality, but doesn't explicitly mention LGBTIQ issues.	No, but mentioned on website.	No	No

⁶⁵ Congress of the People (2015).

⁶⁶ Ibid. Page 25.

⁶⁷ Congress of the People (2014). Page 21.

⁶⁸ Ibid. Page 11.

⁶⁹ Congress of the People (2016).

⁷⁰ The Economic Freedom Fighters (2014). Section 2.7.

⁷¹ The Economic Freedom Fighters (2016).

⁷² Inkatha Freedom Party (2012). Point 6.

⁷³ Inkatha Freedom Party (2012). Point 15.

⁷⁴ Inkatha Freedom Party (2014).

⁷⁵ Ibid.

⁷⁶ The Inkatha Freedom Party (2016).

4.1 SURVEY

The research team developed a set of questions aimed at investigating LGBTIQ South Africans' political participation in the most recent elections, as well as their political values and behavior. The survey was live for one month, between 15 June and 16 July 2017. This survey was shared via several mediums including Grindr, the Triangle Project Facebook page via Facebook⁷⁷, and directly with interested parties via email.

Wufoo is an online survey tool, which allows for results to be captured per question, even if users do not complete the entire survey. A total of 1,425 starts were made on the survey, however a significant number of these were left blank. The data was cleaned to remove blank entries, entries where the respondents were younger than 18, and entries where the respondents were heterosexual and cisgender. Following this cleaning process, the data included 826 complete entries and additional incomplete entries. The analysis thus considered these 876 entries.

The majority of respondents (56.51%, n=495) were referred to the survey via Grindr, with Facebook Ads (21.80%, n=191) and the Triangle Facebook page (12.21%, n=107) being the second and third most common referral sources. Other referral sources that were noted included the emails from either Triangle Project, or the LGBTQ Victory Institute (n=10), the LGBTQ Victory Institute website (n=4), friends (n=34), Instagram (n=10), internet searches (n=7), as well as several others (n=12).

There are five models that are normally used to consider voting behaviour, each of which have bearing on the participation of South Africans in elections, and each of which commonly overlaps with some or all others.⁷⁸ Explaining voting behaviour is thus complex and complicated, particularly in South Africa where intersectional issues exist to motivate party support or disillusionment.

The Sociological Model is based on social determinants rather than attitudes, where social characteristics (for example sexual orientation or gender identity) determine behaviour, and group membership is important. Second, the Party Identification Model suggests that long-term loyalty and a sense of identity

with a party will influence voting behaviour, and cannot easily be modified. Third, the Michigan Model suggests long-term patterns of partisanship, where family voting patterns and socialization has a major impact on who you vote for. Fourth, the Media or Dominant Ideal Model suggests that the role of the media plays an important role in influencing public perceptions and that voters exposed to media around parties or politicians can change their positions in relation to an ideal ideological perspective of who they want to represent them. Finally, the Rational Choice model suggests that voters make their decisions based on findings after assessing the parties based on personal self-interest, considering the costs of voting alongside the benefits⁷⁹ Each of the questions in the survey was able to reveal an element of how LGBTIQ constituents make their voting decisions, and how their behaviour is affected by contemporary personal and political concerns.

4.1.1 DEMOGRAPHICS

The majority of respondents (96.46%, n=845) identified as South African citizens. An equal number of respondents were between 18 and 25 (n=286, 32.85%) and between 26 and 35 (n=286, 32.85%). In addition, 17.01% were between 36 and 45 (n=149) and a further 12.10% (n=106) were between 46 and 55. Only one respondent was older than 85, one was between 76 and 85, and 47 were between 56 and 75. The majority (94.41%, n=827) did not have a disability.

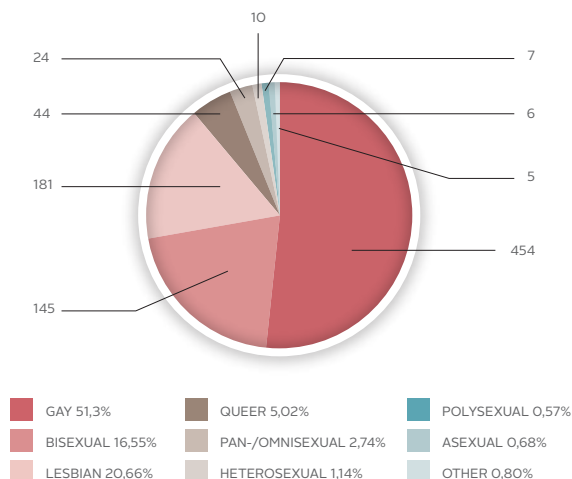
The majority of respondents who participated in the survey self-identified as gay (51.82%, n=454). This is in all likelihood attributable to the circulation of the survey on Grindr, the world's largest gay social network app. In addition 20.66% (n=181) identified as lesbian, 16.55% (n=145) as bisexual. The responses to the question on gender identity solicited a number of responses that related to sexual orientation, pointing to the need to include definitions in any further versions of the survey. The majority of respondents identified as queer (23.17%, n=203), cis woman (17.69%, n=155), or cis man (24.66%, n=214).

⁷⁷ Triangle Project used ads targeted towards people who select 'woman' as their gender and were over 18 years of age on Facebook.

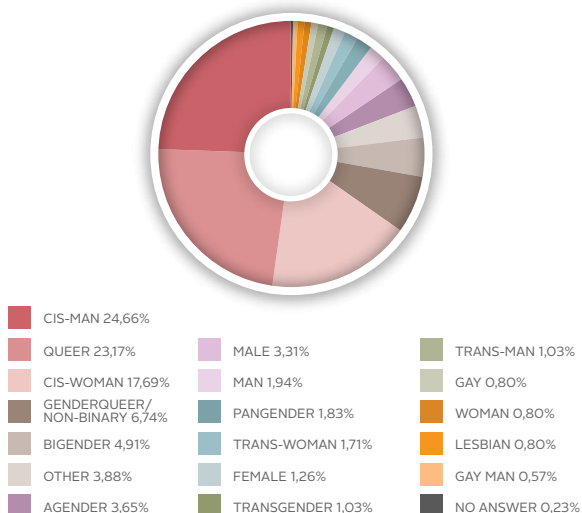
⁷⁸ Weise, C (2011).

⁷⁹ Weise, C (2011).

SELF-REPORTED SEXUAL ORIENTATION OF SURVEY RESPONDENTS



SELF-REPORTED GENDER IDENTITY OF SURVEY RESPONDENTS



Education levels

The survey respondents differed from South African averages in several respects. In terms of education levels, the majority of respondents had either an undergraduate (38.01%, n=333) or a postgraduate degree (33.11%, n=290), with an additional 26.26% in possession of a matric (n=230). A further 22 respondents had some high school, and one respondent had completed primary school. It should be noted that the survey lacked an option for a diploma or other post-school qualification, and this should be included in future studies. According to the 2016 Community Survey, it is significantly more likely for South Africans to have some primary school, or some secondary school, than it is for them to have no schooling or a bachelor's degree.⁸⁰ Of the 37,856,669 people

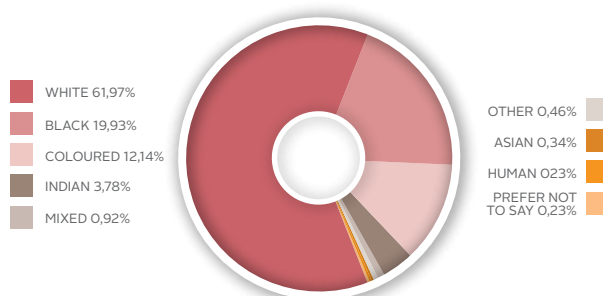
⁸⁰ Statistics South Africa (2016a). Page 43.

⁸¹ Ibid.

surveyed in the 2016 community survey, 59.34% had completed primary education as their highest educational attainment, 31.40% had completed secondary education, and only 3.26% had a post-graduate degree.⁸¹

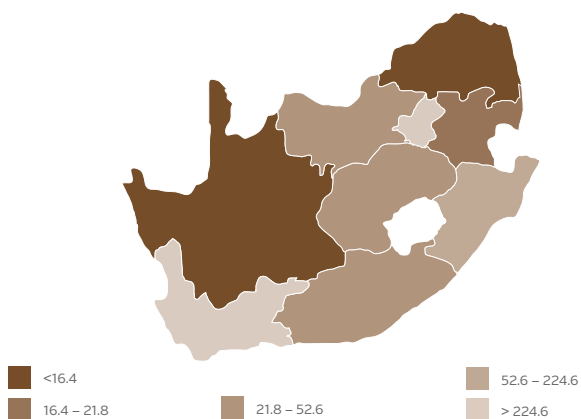
Race category

In terms of the race demographics in South Africa, 80.66% are Black African, 8.75% are coloured, 2.57% are Indian/Asian, and 8.12% are white.⁸² However, the survey respondents for this particular study were predominantly white, (n=541, 61.76%), with 19.86% (n=174) respondents identifying as black, and a further 12.10% (n=106) identifying as coloured, and only 4.11% (n=36) identifying as either Asian or Indian. The race of respondents is detailed in the graph below.



Geographic location

Respondents came from all provinces in South Africa, with the majority coming from Gauteng (37.33%, n=327) and the Western Cape (38.01%, n=333).



According to the World Bank (2016) 65.3% of South Africans live in urban areas, and 34.71% live in rural areas as of 2015.⁸³ Survey respondents were similarly predominantly from urban areas (city, town, or suburb) (83.33%, n=730), with 10.50% (n=92) coming from peri-urban areas (areas immediately surrounding a city or town), and a further 4.22% (n=37) coming from rural (countryside/agricultural) areas. Other respondents did not provide information on their area of residence.

⁸² Ibid. Page 21.

⁸³ World Bank (2016) Urban Population (% Total).

4.1.2 PARTY CLOSENESS AND MEMBERSHIP

Although LGBTIQ persons are geographically and ethnically dispersed, research indicates that they do tend to vote for parties that indicate support for LGBTIQ issues and human rights.⁸⁴

Data from the South African Social Attitudes Survey (SASAS) (2015) found 52% of South Africans felt closest to the ANC, 13% felt closest to the DA, and 5% indicated that they felt closest to the EFF.⁸⁵ In contrast to the SASAS survey, the majority reported that they felt closest to the DA (58.68%, n=514). One fifth (20.21%, n=177) reported that they did not feel close to any party, and three other respondents indicated that they weren't sure. Equal numbers of respondents (8.22%, n=72 per party) said they felt close to the ANC and EFF. Other parties mentioned were the Freedom Front Plus (n=10), UDM (n=9), IFP (n=4), Agang (n=4), the PAC (n=3), the Cape Party (n=3), the SACP (n=2), COPE, (n=2), and Iqela Lentsango (n=1).

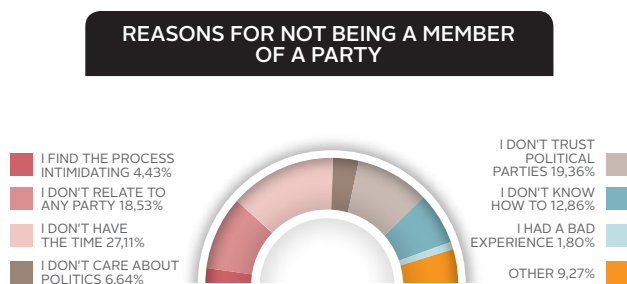
However, when these figures are considered by race group, a slightly different picture emerges, as can be seen from the table below.

As the table indicates, respondents who self-identified as black were most likely to feel closest to the ANC, whereas White respondents were most likely to feel closest to the DA. The DA was the only political party to have respondents from all race categories indicating a feeling of closeness with them.

Respondents were also asked whether they held any party membership, and the significant majority (87.21%, n=764) indicated that they did not. A total of 52 (5.94%) respondents indicated that they were paying

members, and a further 17 (1.94%) indicated that they were paying members and volunteers. In addition, 43 (4.91%) indicated that they volunteered for a party.

Respondents were asked in the optional section of the questionnaire to give reasons why they were or were not members or volunteers of political parties. A total of 588 respondents gave reasons for this question. Of these, 56 (9.52%) were members or volunteers of political parties.



Of the remaining 532 respondents who indicated that they were not members or volunteers, the most common reasons provided for not being a member were 'I don't have time' (n=196), 'I don't trust political parties' (n=140), and 'I don't relate to any political party / there is no party that represents me' (n=134). Most respondents gave just one reason for not being involved, however respondents were able to state more than one reason. In addition, 93 respondents indicated that they did not know how to become a member or volunteer. A further, 13 respondents indicated that they were not currently members or volunteers because of a previous negative experience with being a member or volunteer. Additional responses included 'I don't care about politics / I'm not interested' (n=48), and 'I find the process intimidating' (n=32).

TABLE 3: NUMBER OF RESPONDENTS WHO FELT CLOSE TO EACH PARTY, BY SELF-IDENTIFIED RACE CATEGORY

RACE	AGANG	ANC	COPE	DA	EFF	FF+	IFP	PAC	SACP	UDM	NONE	OTHER
AFRICAN (3)	0	0	0	2	0	0	0	0	0	1	0	0
ASIAN (3)	0	0	0	3	0	0	0	0	0	0	0	0
BLACK (174)	2	50	0	33	38	1	1	3	0	3	43	0
COLOURED (106)	0	10	0	59	4	0	0	0	0	0	32	1
INDIAN (33)	0	3	0	16	4	0	0	0	0	1	9	0
MIXED (8)	0	0	0	4	1	0	0	0	0	0	3	0
WHITE (541)	2	8	2	394	24	9	3	0	2	4	88	5
OTHER (8)	0	1	0	2	1	0	0	0	0	0	4	0

⁸⁴ Reynolds, A (2013).

⁸⁵ Struwig, J, Gordon, S and Roberts, B (2017).OO.

Those who were members or volunteers were invited to give all the reasons why they were members or volunteers. Of these respondents the most common reasons given were 'the party's values align with my values' (n=61), and the party's positive stance on LGBTIQ human rights (n=29) or the party's LGBTIQ representatives (n=20). A total of 24 respondents listed 'other' as their reason. Other reasons provided included having been involved with an organisation during school / university (n=13), a party advert or campaign (n=7), a colleague or neighbour got me involved (n=4), it is a requirement of my employment (n=3), a family member or friend got me involved (n=2), and an NGO / NPO / CSO got me involved (n=1). Most respondents gave just one reason for being involved, although they did have the option of giving more than one reason.

4.1.3 ELECTORAL PARTICIPATION

The HSRC national survey of public opinion – conducted following the 2004 elections – found that the majority of respondents held voting as important, with 86% indicating that they would vote in the next national elections, and 81% in the next local government elections.⁸⁶

In addition, results indicated that respondents who were more satisfied with democracy were more likely to vote, and the more dissatisfied respondents were with factors such as costs of getting to the voting station, queue times, and voting times, the less likely they were to vote.⁸⁷ In addition, results showed that urban informal respondents would be more encouraged to vote if the queues were shorter and the polling stations closer to them, whereas rural respondents⁸⁸ said they would be encouraged to vote if they felt it would make a difference, and if they understood why it was important.⁸⁹

The results of the LGBTIQ political participation survey in relation to voting are detailed below, indicating that

the majority of respondents voted in the previous three elections. One of the most common reasons for not voting across all three elections was a lack of registration. In 2013/14 the Independent Electoral Commission found that nine out of ten voters surveyed found it easy to register, with the registration process taking around 12 minutes.⁹⁰ More details are provided as follows.

2014 NATIONAL ELECTIONS

Just over three quarters (78.24%, n=687) of the 876 respondents who answered the survey had voted in the 2014 national elections. A total of 58 (6.62%) were too young to vote, and three respondents said they would prefer not to say whether they voted. In addition, 14.61% (n=128) said they had not voted. Of those who provided responses to the question on who they had voted for (n=681), responses included:

- 518 (76.06%) reported that they had voted for the DA;
- 78 (11.45%) reported that they had voted for the ANC;
- 41 (6.02%) said they had voted for the EFF;
- 11 (1.62%) said they had voted for Agang;
- 9 (1.32%) said they had voted for COPE;
- 8 (1.17%) said they had voted for the FF+;
- 2 (0.29%) said they had voted for the AIC; and
- 2 (0.29%) said they had voted for the APC.

In addition, the ACDP, Dagga Party, Green Party, KGM⁹¹, NFP, WASP, and UDM each had one respondent who reported voting for them. Three respondents indicated that they preferred not to say which party they had voted for. One respondent indicated that they had spoiled their ballot on purpose and one respondent did not give an answer.

Not all respondents provided both their race and the party they voted for in the 2014 national elections. However, of those who did, Table 4 below shows the results that were reported.

TABLE 4: REPORTED 2014 NATIONAL ELECTIONS VOTE BY SELF-IDENTIFIED RACE CATEGORY

RACE	AGANG	ANC	COPE	DA	EFF	FF+	IFP	UDM	OTHER
AFRICAN (3)	0	0	0	2	1	0	0	0	0
BLACK (119)	4	54	1	28	27	0	0	3	2
COLOURED (73)	0	11	1	57	2	0	0	0	2
INDIAN (23)	0	2	1	18	1	0	0	1	0
MIXED (8)	2	2	0	4	0	0	0	0	0
WHITE (456)	5	8	6	408	9	8	0	6	6

⁸⁶ HSRC (2005). Page 13.

⁸⁷ Ibid. Page 14.

⁸⁸ The HSRC uses the term "tribal areas".

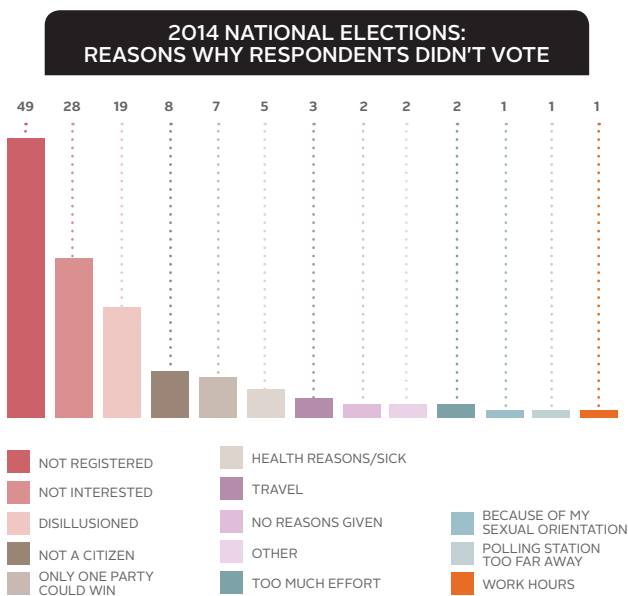
⁸⁹ Ibid. Page 15.

⁹⁰ The Independent Electoral Commission (2014).

⁹¹ The Kingdom Governance Movement.

Table 4 indicates that respondents who identified as black were more likely than other race categories to have voted for the ANC, whereas those who were white, Indian, mixed, coloured, or 'African' were more likely to have indicated that they voted for the DA.

Of those who said that they hadn't voted (n=128), a variety of reasons were provided. The most common reasons provided were not being registered (38.28%, n=49), and not being interested (21.88%, n=28). Only one respondent noted that they had not voted because of their sexual orientation and / or gender identity. The full list of reasons provided for not voting are detailed in the graph below.



2014 PROVINCIAL ELECTIONS

The 2014 Provincial Elections took place at the same date and time as the 2014 National Elections. However, slightly fewer respondents indicated that they had voted in the Provincial Elections than those who reported that they voted in the National Elections.

More than three quarters (77.51%, n=679) of respondents indicated that they had voted in the 2014 Provincial Elections. In addition, 55 (6.28%) indicated that they were too young to vote, and a further three respondents indicated that they would prefer not to say if they had voted or not. A total of 139 (15.87%) of respondents indicated that they did not vote. Of those who said they had voted (n=682):

- 538 (78.89%) voted DA;
- 67 (9.82%) voted ANC;
- 43 (6.30%) voted EFF;
- 9 (1.32%) voted FF+;
- 7 voted UDM;
- 6 voted COPE; and
- 5 voted Agang.

Three respondents indicated that they would prefer not to say, and one respondent indicated that they had spoiled their ballot on purpose. The ACDP, IFP, and KGM got one vote each.

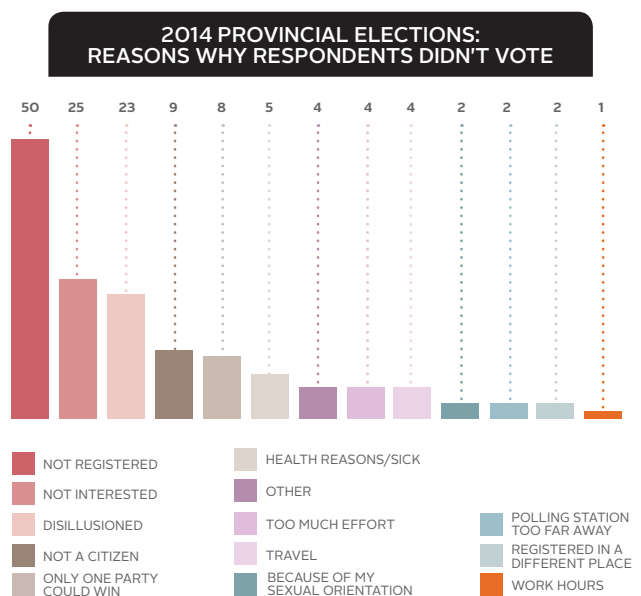
A total of 676 respondents provided their race category as well as their voting choice in the 2014 provincial elections. The table below indicates the findings when analysing the results in this way.

TABLE 5: 2014 PROVINCIAL ELECTIONS VOTE BY SELF-IDENTIFIED RACE CATEGORY

RACE	AGANG	ANC	COPE	DA	EFF	FF+	IFP	UDM	OTHER
AFRICAN (3)	0	0	0	2	1	0	0	0	0
BLACK (119)	3	45	1	34	26	1	0	4	1
COL- OURED (73)	0	11	2	59	1	0	0	0	0
INDIAN (23)	0	3	0	16	2	0	0	1	0
MIXED (8)	0	2	0	6	0	0	0	0	0
WHITE (456)	2	5	3	420	12	8	1	2	2

The results of this analysis show that respondents who identified as black were most likely to have reported that they voted for the ANC, then DA, then EFF. However, respondents from all other race categories were most likely to have voted for the DA.

Of those respondents who gave reasons for not voting (n=139) the most common reasons were not registered (35.97% n=50), not interested (17.99%, n=25), or disillusioned (16.55%, n=23). Two respondents reported that they did not vote because of their sexual orientation and / or gender identity. The full list of reasons for not voting is detailed in the graph below.



2016 LOCAL GOVERNMENT ELECTIONS

A total of 496 respondents gave details on whether they had voted in the 2016 Local Government Elections. Of these, almost all (86.01%, n=427) said that they had voted, three were too young to vote, and three did not give a response. Only 63 (12.70%) said that they did not vote. Of those who indicated who they had voted for (n=425), the following responses were noted:

- 29 (6.82%) voted ANC;
- 340 (80%) voted DA;
- 33 (7.76%) voted EFF;
- 7 (1.65%) voted FF+; and
- 2 (0.47%) voted UDM.

In addition, the Cape Party, COPE and the IFP got one vote each. One respondent said they were not sure, and two reported that they would prefer not to say. One indicated that they had spoiled their ballot, and six gave their specific representative's name. Three respondents reported 'Other'.

A total of 415 respondents gave both their race and a response to which party they voted for in the 2016 local government elections. The table below indicates the findings in this regard.

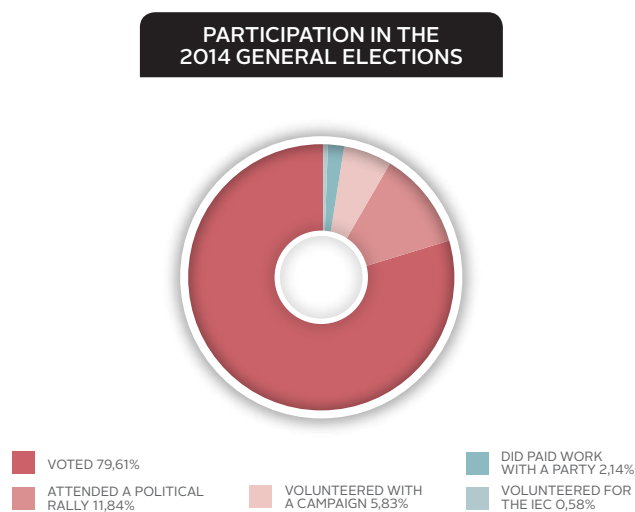
In addition, the Cape Party, COPE and the IFP got one vote each. One respondent said they were not sure, and two reported that they would prefer not to say. One indicated that they had spoiled their ballot, and six gave their specific representative's name. Three respondents reported 'Other'.

A total of 415 respondents gave both their race and a response to which party they voted for in the 2016 local government elections. The table below indicates the findings in this regard.

Almost equal numbers of respondents who self-identified as black indicated that they would vote for the ANC or DA. In other race categories, most respondents indicated that they would vote for the DA.

Of those who said they did not vote (n=63), 54 did not give any reason (85.71%). Two did not vote because they were registered in a different area. Four did not vote because they were travelling at the time. Additional responses were 'disillusioned' (n=1), 'health reasons/ sick' (n=1), and 'work reasons' (n=1).

A total of 609 respondents answered questions relating to how they participated politically during the previous elections. The majority (67.32%, n=410) noted that they had voted in the elections. Others noted that they had attended a political rally or meeting (n=61), volunteered with a campaign (n=30), done paid work with a party (n=11), or volunteered for the Independent Electoral Commission (n=3). This is illustrated in the graph below.



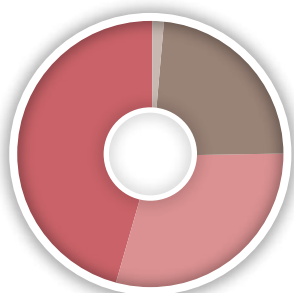
Respondents were given options to indicate all the ways they had participated politically in the last elections, with 49 reporting that they had participated in two ways, seven respondents reporting that they had participated in three ways, and five respondents reporting that they had participated in four ways. However, 28.08% (n=171) reported that they did not participate at all.

TABLE 6: 2016 LOCAL GOVERNMENT ELECTIONS BY SELF-IDENTIFIED RACE CATEGORY

RACE	ANC	COPE	DA	EFF	FF+	IFP	UDM	OTHER	CANDIDATE'S NAME
AFRICAN (3)	0	0	2	1	0	0	0	0	0
BLACK (52)	19	0	18	13	0	0	2	0	0
COLOURED (43)	3	0	36	4	0	0	0	0	0
INDIAN (11)	1	0	8	2	0	0	0	0	0
MIXED (6)	0	0	4	1	0	0	0	0	1
WHITE (300)	4	1	272	11	7	1	0	1	3

In the optional section of the survey respondents were asked whether they would participate more often if they were given the chance. A total of 591 respondents answered this question. Of these 269 (45.52%) responded 'Yes', 137 (23.18%) responded 'No', and 176 (29.78%) responded that they were 'Unsure'. A further nine respondents indicated 'other' as their response to this question. This is represented in the graph below.

WOULD YOU PARTICIPATE MORE IF YOU GOT THE CHANCE?



OTHER 1,53% NO 23,26% UNSURE 29,88% YES 45,33%

These results could indicate political interest amongst LGBTIQ persons that is slightly higher than that of survey of broader groups of South Africans. For example, results from the 2005 HSRC national survey of public opinion conducted after the 2004 elections indicated that the majority of respondents were not members of political parties, had a low attendance ratio of local government political participation opportunities (such as councilor meetings, and marches), or national government imbizos.⁹²

A comparison of the figures on willingness to participate by self-identified race category is provided in the table below. The table shows that across race groups LGBTIQ respondents indicated a willingness to participate more in politics. In particular, 56.57% of black respondents, 53.73% of coloured respondents, 72.22% of Indian respondents and 41% of White respondents indicated willingness to participate more in politics.

TABLE 7: WILLINGNESS TO PARTICIPATE MORE IN POLITICS BY SELF-REPORTED RACE CATEGORY

RACE	YES	NO	UNSURE
AFRICAN (3)	2	1	0
ASIAN (1)	1	0	0
BLACK (99)	56	14	29
COLOURED (67)	36	13	18
INDIAN (18)	13	3	2
MIXED (6)	2	3	1
WHITE (383)	157	102	124

4.1.4 VOTING ISSUES

Respondents were given an opportunity to rank the issues that were important to them in order of most important, second most important, and third most important. The assumption was linked to need to consider the intersectional position of LGBTIQ persons within South Africa, whereby a person's SOGI may not be the most important way that the person identifies their priorities in a complex socio-economic context.⁹³ Overall, respondents reported that education, basic services, and jobs were the most important issues when voting. Race was the least significant issue for respondents. The full rankings of responses are detailed in the table below.

TABLE 8: ISSUES MOST IMPORTANT TO LGBTIQ VOTERS WHEN VOTING

ISSUE	MOST IMPORTANT	2nd MOST IMPORTANT	3rd MOST IMPORTANT	TOTAL
EDUCATION	214	161	113	488
BASIC SERVICES	159	159	149	467
JOBS	113	174	144	431
CRIME AND SECURITY	98	144	143	385
LEADERSHIP	162	67	76	305
LGBTIQ ISSUES	67	79	121	267
HEALTH	22	61	73	156
RACE	10	15	41	66
OTHER	31	16	16	63

These results indicate similarities between survey respondents and other South Africans surveyed regarding issues that concern them when voting. A 2014 Mxit Poll that surveyed 1600 young South Africans indicated that jobs, education, and basic services were the top issues that affected young voters when they were voting.⁹⁴

When race was used to analyse which issues were recorded as most important, there are slight differences between groups. Table 9 on the next page indicates the most important issues as broken down by self-identified race category.

The table shows that black, coloured, Indian, mixed, and African respondents were most likely to rank education as the most important issue, whereas white ranked leadership as most important, and Asian respondents ranked crime and security as the most important issue when voting.

⁹² HSRC (2005).

⁹³ HIVOS (2014b).

⁹⁴ Massiah, A (2014).

TABLE 9: ISSUES MOST IMPORTANT TO LGBTIQ VOTERS WHEN VOTING BY SELF-IDENTIFIED RACE CATEGORY

RACE	BASIC SERVICES	CRIME AND SECURITY	EDUCATION	HEALTH	JOBS	LEADERSHIP	LGBTIQ ISSUES	OTHER	RACE
AFRICAN (3)	1	0	2	0	0	0	0	0	0
ASIAN (3)	0	3	0	0	0	0	0	0	0
BLACK (174)	24	11	54	6	29	21	17	5	7
COLOURED (106)	13	9	32	2	15	18	15	1	1
INDIAN (33)	8	3	10	1	5	5	0	1	0
MIXED (8)	0	0	5	1	1	1	0	0	0
WHITE (541)	112	72	108	12	63	115	34	23	2

Interestingly, 9.77% of black respondents, 14.15% of coloured respondents, and 6.28% of white respondents ranked LGBTIQ issues as the most important issue they considered when voting. This indicates that parties have an opportunity to increase their overt support for these issues, and for human rights for LGBTIQ persons, and that this could result in more support from the LGBTIQ voting electorate.

Where respondents selected 'Other' they were provided with an opportunity to give details. Other issues noted were economic policies/strategies/justice (n=9), environmental policy/issues (n=3), corruption (n=3), party values (n=3), poverty (n=3), land reform and restitution (n=2), and social justice (n=2). Good governance, Afrikaner pride, anti-discrimination, change, Constitutional values, equality, intersectional issues, the size of the opposition, small business growth for non-white South Africans, and socio-economic transformation were also noted by one respondent each. In addition, one respondent reported that they were an anarchist, and thus did not vote on this basis.

When respondents were asked to indicate whether the candidates or the party was more important to them when voting the majority of the 875 respondents who gave an answer, indicated that the political party was the most important (n=543; 62.06%), and 188 (21.49%) reported that the candidate was the most important. A small percentage (6.06%, n=53) indicated that they do not vote, and 91 (10.4%) indicated that there was something else more important to them, or that they couldn't say whether the candidate or the party was most important. When asked to give reasons for their answers a wide diversity of responses was received. A total of 815 respondents who provided their response to this question also provided a self-identified race category. These responses are considered in the Table 10 opposite.

The results indicate that across race categories the political party was more important to respondents than the candidate.

TABLE 10: CANDIDATE AND POLITICAL PARTY CONSIDERATIONS BY SELF-IDENTIFIED RACE CATEGORY

RACE	THE CANDIDATE	THE POLITICAL PARTY	SOMETHING ELSE / CAN'T SAY
AFRICAN (3)	1	1	1
ASIAN (1)	0	1	0
BLACK (153)	47	82	24
COLOURED (95)	26	64	5
INDIAN (29)	7	19	3
MIXED (8)	0	7	1
WHITE (526)	104	365	57

For those who didn't vote, examples of responses indicated disillusionment with the political situation, that some respondents were too young to vote or register, or weren't interested, were anarchist, or felt that LGBTIQ issues would not be important to politicians. Specific responses include the following:

"All political parties seem to have their own agendas, none of which seem to be for the good of the people."

"I don't vote because these politicians when they get on top they forget about the people who voted for them and only enrich themselves. The second thing is that issues facing the LGBTIQ+ community are not attended to by our politicians so it is useless to vote for any of them."

"None of the leaders want to be leaders. They are all power hungry."

"RSA politics is shit."

For those who indicated that something else was more important than the party or candidate, or couldn't say which was more important, the reasons for their responses included disillusionment, a feeling, a consideration of both the candidate and the party, a consideration of which parties were addressing

issues of importance to the respondent, the party or candidate's perceived integrity at the time of the elections, the party or candidate's perceived values at the time of elections, and the issues that required attention at the time of the election. There was a balance between personal opinions on the party / candidate, as well as the use of voting as a strategic political tool. Specific responses included:

"ANC-led government remains silent when LGBTI people are marginalized on the rest of the continent. ANC only pays lip service to LGBTI persons when it politically suits them, and abstained from important votes on LGBTI protections in the UN. (The) ANC-led government has gained a reputation for stagnation and corruption.. The EFF has been the most vocal about LGBTI rights, but I do not trust the motives of their leader."

"I look for accountability, integrity and the focus on uniting people rather than segregating us according to race, gender, religion and any other difference for that matter. I am a South African and everything else is secondary to that. I look for a party that is closest to my personal ideals for a better and more accepting South African future that breaks down barriers that keeps individuals in silos (sic)."

"In local government the candidate is most important as they are a direct representative, whereas on national level the purpose is to support a strong enough party."

"I need to feel that my vote means something for the future of the country. Sometimes that means voting strategically rather than for a particular candidate or party."

For those who indicated that the candidate was the most important factor, responses indicated differing opinions on the political influence of candidates within political parties. For example, one respondent noted *"a bad candidate is worse than the party."* Another responded *"a good party could have a bad candidate"* and a third responded *"a good candidate can at least try to change the direction of their political party."* Similarly, one respondent reported their perception that candidates are reflective of party values, and that this is important to consider.

"The candidate, though mandated by his political party, is supposed to represent the best interests of the Country and the people. If I see that a candidate as an individual, has the desire and intent to move the country in a positive direction, one that will benefit the majority, but also avoid an infringement on the rights of minorities, then that candidate is worth voting for."

Others focused on the candidate's perceived integrity and performance. Responses included *"I want someone who is going to represent us," "how reliable is the*

person, his background as a politician," "I want to see their track record – do they follow through on their promises, do they have integrity," and "I look for integrity, honesty and vision." Similarly, comments around refusing to vote for corrupt candidates, or those who don't deliver was considered important. One participant reflected on the fact that ultimately, it is the candidate who represents interests, noting that *"he or she will be the one making submissions during the parliament sessions and will vote on our behalf on national policy making."*

Others indicated that voting based on a candidate was a matter of personal expediency and the availability of information. For example, one respondent noted that the lack of information about party policies made it easier to evaluate the candidates and base a voting decision on that evaluation alone.

"It's hard not to be influenced by the candidate, even though they don't represent everything about the party. I also always have great difficulty getting information about various parties' policies. Usually the most you can find on the Internet is a mission statement, and sometimes not even that."

Similarly, another noted that they compared the candidates' perceived values with their own in order to make a decision.

"If a party has influential people that align with my values and who seem trustworthy, even though I may not agree with some points of the party's manifesto, I will still support them."

Only two respondents noted that the candidate's position on LGBTIQ issues was important to them.

For those who reported that the political party was more important to them than the candidate, respondents noted that it was easier to monitor the party's historical performance on LGBTIQ issues than it was to measure individual candidate's performance. One respondent noted that the *"politics of personality are dangerous"* and another respondent that *"Anyone can be charismatic, but that doesn't mean he has my best interest in mind."* In addition, one respondent noted:

"It is hard to really get to know a particular candidate but a political party can be held to its reputation. I can count on a party to be a cohesive unit with member being held accountable for personal actions which do not measure up to the party's agenda."

Some respondents showed a clear understanding of the political system in place in South Africa, and its limiting effects on candidate's power, noting that *"as we don't work on the constituency system it's most NB [that] the party (not an individual) represents my views, policies*

and ideologies as a whole" and another reported that the party "have the powers to deploy and withdraw cadres from government." Similarly, another respondent noted that political parties were more stable than candidates, saying "Candidates change more than party policy. Also, we don't vote directly for candidates in national elections."

Other respondents mentioned the importance of good party leadership, ensuring that South Africa remained a multi-party democracy, and the need for voters to read political party manifestos. Respondents in this category indicated mistrust of the ability of candidates to transform a party, with one respondent describing candidates as "a puppet on strings".

4.1.5 PARTY PERFORMANCE WITH REGARDS TO LGBTIQ ISSUES

The majority of the 875 respondents who answered the question (58.29%, n=510) felt that increasing the number of elected LGBTIQ officials would mean that their needs were addressed better by government. A further 29.14% (n=255) were unsure whether it would make a difference, and 12.57% disagreed that having more elected LGBTIQ officials would make a difference to the way in which their needs would be addressed.

Respondents were also asked to rank parties on how they felt they were doing with regards to LGBTIQ issues. All 876 respondents completed this question. Table 11 below provides an overview of the responses

TABLE 11: POLITICAL PARTY RANKINGS ACCORDING TO PERFORMANCE ON LGBTIQ ISSUES

PARTY	THEY'RE DOING BADLY	THEY'RE DOING OK	THEY'RE DOING GREAT	I'M NOT SURE	NO ANSWER
ACDP	454	13	3	404	2
AGANG	234	57	8	575	2
AIC	228	17	2	627	2
ANC	393	280	62	139	2
APC	227	19	7	621	2
COPE	211	135	16	513	1
DA	100	352	276	147	1
EFF	385	140	41	308	2
FF+	390	41	9	432	4
IFP	322	56	6	490	2
NFP	269	31	3	571	2
PAC	280	24	6	564	2
UDM	245	72	6	551	2

received. For each party, the response with the highest number of votes is marked in bold.

As the table indicates, opinions on political party performance in terms of LGBTIQ issues varied significantly. No party received a majority of votes for 'doing great' and in many instances respondents reported that they were unsure of political party performance on LGBTIQ issues. Only the DA received a majority of votes for 'doing ok', whereas the EFF, ANC and ACDP all received a majority of votes for 'doing badly'. The ACDP received the most number of votes for 'doing badly' and the DA received the most number of votes for 'doing ok', and for 'doing great'.

It is also worth noting the high number of 'I'm not sure' responses, which could point to a lack of awareness of political party performance in this regard. This could indicate that political parties are not sufficiently promoting their work amongst LGBTIQ voters and citizens. There is thus an opportunity for political parties to highlight the work that they are doing to promote human rights for LGBTIQ persons.

A consideration of the responses by self-identified race category indicates slight differences between respondents' opinions of parties. The tables below indicate the vote each party got for 'doing great' and 'doing badly' by race.

As Table 12 opposite shows, the DA received the least votes for 'doing badly' in terms of LGBTIQ issues by respondents to the survey, and the ACDP received the highest number of votes for 'doing badly'. Black, coloured, and white respondents gave the least 'doing badly' votes to the DA. Black, Indian, and white respondents both gave the highest number of votes for 'doing badly' to the ACDP, whereas coloured respondents gave more votes to the ANC.

Table 13 illustrates that, across race categories, the DA was the most likely party to be ranked as 'doing great'.

4.1.6 CONTACT WITH LOCAL GOVERNMENT

Respondents were asked whether they had been in contact with their local government officials, namely their municipal representative and their ward councillors.

In terms of municipal representatives, 593 respondents answered this question. Of these, 139 (23.44%) had contacted their municipal representatives, 439 (74.03%) had not, and 15 (2.53%) were unsure. When respondents had indicated that they had contacted their municipal representative, they were asked to give a response about whether the interaction was

TABLE 12: 'THEY'RE DOING BADLY': POLITICAL PARTY RANKINGS ACCORDING TO PERFORMANCE ON LGBTIQ ISSUES BY SELF-IDENTIFIED RACE CATEGORY

RACE	ACDP	AGANG	AIC	ANC	APC	COPE	DA	EFF	FF+	IFP	NFP	PAC	UDM
AFRICAN	2	2	2	2	2	2	0	0	2	2	2	2	2
ASIAN	0	0	0	3	0	0	0	2	0	0	0	0	0
BLACK	82	43	43	62	44	46	31	50	65	72	59	52	53
COLOURED	52	35	33	54	32	35	14	51	46	40	35	36	33
INDIAN	14	7	9	12	7	8	7	10	13	11	9	9	6
MIXED	5	2	6	6	3	2	3	5	6	5	3	3	3
WHITE	295	142	136	250	135	116	44	263	253	188	156	173	145
TOTAL	450	231	229	389	223	209	99	381	385	318	264	275	242

TABLE 13: 'THEY'RE DOING GREAT': POLITICAL PARTY RANKINGS ACCORDING TO PERFORMANCE ON LGBTIQ ISSUES BY SELF-IDENTIFIED RACE CATEGORY

RACE	ACDP	AGANG	AIC	ANC	APC	COPE	DA	EFF	FF+	IFP	NFP	PAC	UDM
AFRICAN	0	0	0	1	0	0	2	0	0	0	0	0	0
ASIAN	0	0	0	0	0	0	1	0	0	0	0	0	0
BLACK	0	1	1	20	5	8	36	20	3	2	1	3	3
COLOURED	2	1	0	8	0	2	41	4	0	0	0	1	0
INDIAN	0	0	0	5	0	0	9	1	0	0	0	0	0
MIXED	0	1	0	0	0	0	2	0	0	0	0	0	0
WHITE	1	4	1	27	2	6	183	16	6	4	2	2	2

positive or negative. A total of 129 respondents gave a comment on the nature of the experience, with 43.41% (n=56) describing it as 'positive', 34.11% (n=44) describing it as negative, and 22.48% (n=29) indicating that they were 'undecided'.

When asked if they had contacted their ward councilor, 604 respondents answered the question. Of these, 191 (31.62%) said they had contacted their ward councilor, 395 (65.40%) said they had not, and 18 (2.98%) were unsure whether they had. A total of 186 respondents gave feedback on the nature of their experience, with 95 (51.08%) describing it as positive, 58 (31.18%) describing it as negative, and 33 (16.84%) saying they were 'undecided'.

This level of interaction with local government is not dissimilar from that shown by other surveys. The results from the 2005 HSRC survey on public opinion also indicated that the majority of respondents were not members of political parties, had a low attendance ratio of local government political participation opportunities (such as councilor meetings, and marches), or national government imbizos.

Only 4% of respondents had attended any form of voter education workshops prior to elections.⁹⁵

Despite low levels of interaction with local government, when respondents were asked whether they would like to participate further in politics, 45.33% indicated that they would. In addition, 58.29% of respondents felt that more representation of LGBTIQ politicians within parties would mean that their needs would be addressed better. This points to an opportunity for political parties to encourage LGBTIQ members within their parties to take up leadership positions, in order to encourage party support by LGBTIQ voters.

4.1.7 SUMMARY OF SURVEY RESULTS

A number of key findings can be made from the survey results above. These include:

- Voting is the most common way that respondents of the survey participated politically. The majority

⁹⁵ HSRC (2005). Page 25).

voted in the previous three elections. Those who did not vote primarily did not do so because they were not registered, not interested, or disillusioned. This speaks to the need for political parties to engage LGBTIQ constituencies around voter registration time to try to increase participation.

- Few respondents were members or volunteers of political parties. There is thus the opportunity for political parties to draw voter support by engaging with LGBTIQ issues, and ensuring that their party policies, manifestos, and practices are supportive of human rights for LGBTIQ persons.
- Almost no respondents cited their sexual orientation or gender identity as the reason that they did not vote.
- LGBTIQ respondents, like South Africans surveyed in similar surveys, were most concerned with the issues of education, basic services and jobs when voting though this varied slightly by race. For white respondents leadership, basic services, and jobs were listed as the most important. For black respondents education, jobs and LGBTIQ issues were listed as the most important. This indicates that the black LGBTIQ community is interested in parties' stance on these issues when going to the polls.
- Less than half of respondents had any contact with their local government representatives, indicating an opportunity for more political participation at this level. There is the need for political education on the opportunities for engagement including the IDP processes, and the use of gender and youth desks to report concerns. In addition, awareness raising on ward and local municipality meetings and processes would be a useful way for local government to increase LGBTIQ participation at this level.
- Most participants did not feel that political parties were performing well with regards to LGBTIQ issues, and a significant number were not sure of the party's performance, perhaps speaking to a lack of awareness of political party decisions and performance.
- Despite low levels of interaction with local government, when respondents were asked whether they would like to participate further in politics, 45.33% indicated that they would. In addition, 58.29% of respondents felt that more representation of LGBTIQ politicians within parties would mean that their needs would be addressed better. This points to an opportunity for political parties to encourage LGBTIQ members within their parties to take up leadership positions, in order to encourage party support by LGBTIQ voters.

4.2 CIVIL SOCIETY INTERVIEWS

Between May and June 2017 six interviews were conducted with LGBTIQ leaders in civil society, and political parties.

This section provides an analysis of these interviews. The interview respondents and their affiliations are listed below.

- Chivuli Ukwimi: Programme Coordinator, HIVOS.
- Emily Craven: Former Joint Working Group Coordinator, now working for Action Aid.
- Phumi Mtetwa: Activist.
- Steve Letsike: Access Chapter 2.
- Sandile Ndelu: The Cross University Trans Collective.
- Samantha Waterhouse: The Dullah Omar Institute.

4.2.1 POSITIVE AND NEGATIVE MILESTONES FOR HUMAN RIGHTS FOR LGBTIQ PERSONS

Respondents were asked to consider the major milestones in terms of advancing human rights for LGBTIQ persons since 1994, and to identify the drivers of and barriers to advancement during that period. Their responses can be divided between positive and negative milestones.

4.2.1.1 POSITIVE MILESTONES

Legislative visibility

The majority of respondents mentioned the proliferation of legislation that promoted equality, such as the inclusion of the right to equality and prohibition of discrimination on the grounds of gender and sexual orientation in the Constitution (1996), as well as legislation around adoption, same-sex marriage, and gender descriptors. For Steve Letsike and Phumi Mtetwa, it was significant that the majority of political parties voted for the inclusion of sexual orientation within the Constitution, although individual government elected or appointed officials might have different opinions regarding this issue.⁹⁶

In the years that followed the 1994 elections, homophobic legislation from the apartheid era was also repealed – including legislation related to sodomy. Many of the legislative gains were made through litigation, such as the *National Coalition for Gay and Lesbian Equality v. Minister of Justice and Others* (1998) case around repealing laws around same-sex sexual acts.⁹⁷

⁹⁶ Mtetwa, P (2017) Skype Interview: 12 May 2017 and Letsike, S (2017) Skype interview 11 May 2017.

⁹⁷ *National Coalition for Gay and Lesbian Equality v Minister of Justice and Others* (1998).

For Sandile Ndelu, the legislative process around same sex marriages in particular “chipped away at quite a pervasive, stubborn stronghold of heteronormativity – the idea of marriage, love, family, and household and what types of these things are legitimate.”⁹⁸

In addition, the inclusion of LGBTIQ concerns in policies around HIV treatment and management were also noted as important. There was thus a sense of legislative visibility around human rights for LGBTIQ persons, as well as the legal endorsement of equality.

“I think although we reflect on those times as being slightly problematic in terms of the over focus on the legal framework and not the social, I think they still represent the moment at which it became possible to imagine full participation and full citizenship for LGBTI people.”⁹⁹

In more recent years, the establishment of the National Task Team on LGBTIQ hate crimes (the NTT) in 2011/12 was seen by Emily Craven as a milestone in government’s acknowledgement of the specific challenges that LGBTIQ persons face within communities. Although the functioning of the NTT is contentious, and has varied annually, Craven felt that its establishment was important.

Public visibility

In addition to these legislative gains respondents also noted that the increased visibility of the LGBTIQ movement within public spaces and civil society was a positive milestone.

For Mtetwa, the grounding of the LGBTIQ movement within the anti-apartheid movement prior to 1994 was instrumental in ensuring that these concerns found legislative visibility, and built the foundations for the inclusion of LGBTIQ persons in various platforms and forums. In addition, for Letsike, the visibility of LGBTIQ friendly spaces such as the annual pride marches, although contentious, have been important milestones in terms of the LGBTIQ movement.

For Ndelu, the increase of consciousness around trans issues and increased public visibility of trans persons has been a significant milestone in the past decade.¹⁰⁰

Similarly, for Craven, some of the big hate crimes cases – such as Eudy Simelane’s murder in 2008 – were able to draw media attention, as well as engagement from politicians, on an issue with which they may otherwise not have engaged.¹⁰¹

Building partnerships and relationships within and outside of the sector

“To some extent where we speak about the milestones it is also about the role of civil society organisations – particularly LGBTI organisations and their allies – in trying to hold government to account on various issues.”¹⁰²

Samantha Waterhouse argued that building partnerships within the LGBTIQ sector and with allies outside of the sector to hold government accountable was had been extremely valuable. Similarly, Mtetwa and Letsike noted that this had been successful on issues such as employment equity and the Civil Unions Bill process. For Letsike and Ukwimi, this resulted in the consideration of LGBTIQ human rights not only as a social issue, but also as a political and economic issue that could be raised across various platforms, including the health and justice sector, as well as other key government forums.¹⁰³

4.2.1.2 NEGATIVE MILESTONES

Although there has been significant legislative progress since 1994 the backlash against human rights for LGBTIQ persons, as well as the lack of a consistent South African position on LGBTIQ issues at a regional and international level were characterized as negative milestones since 1994.

The backlash

For Craven, the violent backlash to openly LGBTIQ persons was linked to the over-emphasis of legislative wins rather than social transformation. However, this violence also had the effect of raising the visibility of the need to protect human rights for LGBTIQ persons amongst the broader public.

Recent research also indicates that although the majority of South Africans believe that LGBTIQ persons should have the same human rights as everyone else, almost half believe that same sex sexual activity is ‘just plain wrong,’ and over one-third strongly agreed with statements that gay men or lesbian women were disgusting.¹⁰⁴ For Mtetwa, the recent government failure to comment publicly on the Ugandan Anti-Homosexuality Act and the delayed response in relation to homophobic hate crimes has been a negative milestone, in that it speaks to a larger crisis of the silencing of marginalised groups within South Africa.

⁹⁸ Ndelu, S (2017) In person interview: 10 May 2017.

⁹⁹ Craven, E (2017) Skype interview: 13 June 2017.

¹⁰⁰ Ndelu, S (2017).

¹⁰¹ Craven, E (2017).

¹⁰² Letsike, S (2017).

¹⁰³ Ukwimi, C (2017) Skype interview: 15 May 2017.

¹⁰⁴ The Other Foundation and the HSRC (2015).

"Dragged along, rather than propelled along"¹⁰⁵

All respondents suggested that the progress since 1994 could be largely attributed to the work of civil society, and the pressure that LGBTIQ organizations, individuals, and civil society more broadly have placed on the State to drive legislative changes. There was a sense that the State may not have acted to advance human rights, if not for this pressure.¹⁰⁶

For Letsike, Ndelu, and Craven it was important to note that although the impetus for enhanced human rights for LGBTIQ persons came from activists, these were not always grassroots activists, and were often people who were already occupying political spaces as political elites. There was thus a sense that although these representatives had played an important role in keeping LGBTIQ issues on the agenda, the representatives themselves were not 'representative' of the broader LGBTIQ community. Often these were:

*"established activists .. [who] had already been involved and were already prominent figureheads .. it wasn't an uprising of queer people. It has been elites driving issues. That raises the question of representation, and inclusivity and whose voice gets to be heard."*¹⁰⁷

Mtewa agreed, suggesting that it was not possible to consider these advances as driven by an organised LGBTIQ movement, but rather through work more broadly across societal formations. For her, this was encouraging and contributed strength to the movement by allowing LGBTIQ issues to be considered broadly.¹⁰⁸

In addition, Craven and Letsike noted the importance of allies within the State who had driven and supported civil society efforts to promote human rights for LGBTIQ persons.¹⁰⁹ Similarly, Ndelu suggests that many people consider the slow bureaucratic processes as evidence of government reluctance or unwillingness to address LGBTIQ concerns, however she noted that this might not be the case.

*"The problem with government is that it is just such a slow machine. And sometimes the willingness is there, and sometimes the doors for change are open but the machinery is just too slow."*¹¹⁰

Although there was a sense that the state had been 'dragged along by civil society there was also the acknowledgement of "individuals within the structures of the state who aren't very passionate about this work."¹¹¹

Structures such as the NTT were also noted as indicating the State's commitment to these issues.

Pockets of excellence, rather than broad state support

*"The State is not at that point where government appreciates and prioritises LGBTI issues in a holistic and structural manner. It's still really dependent on the personal relationships that you have with the person in charge of a certain government department or a certain government agency."*¹¹²

When asked to consider whether Government had been a facilitator or a barrier since 1994, responses focused on the variability of departments, challenges in implementing existing legislative commitments, as well as 'pockets of excellence' who were driving positive change, including progressive departments, and certain Ministers. This links to findings by the Astraea Lesbian Foundation for Justice (2015) who noted that many LGBTIQ persons in South Africa are at the "mercy of each individual official's prejudice and subjective interpretation of the law."¹¹³

Several interview respondents linked the work of these individuals to sustained lobbying and advocacy from civil society,¹¹⁴ where "civil society has raised the bar and raised concern."¹¹⁵ Mtetwa gave a recent example of progress in the Gauteng Province that was driven by the Premier, and attended by all six MECs, and similarly, Ukwimi noted the Department of Justice and the Deputy Minister of Justice as examples of these 'pockets of excellence'.

Waterhouse explained this pattern of uneven progress as a result of the shifting political interests within the ruling party that increasingly represented a reluctance to promote human rights for LGBTIQ persons when they are in conflict with more current government interests. She explained that,

*"during the first ten-year period (post-democracy) the imperative of the constitution was more comfortable. The ANC were more receptive to these issues, and there was more leadership around it... It is a different ANC today ... Over the last seven years at an international level we've seen reluctance and resistance, more of a reluctance though, to be visibly pro LGBTI rights."*¹¹⁶

Similarly, for Mtetwa, although there have been frequent speeches about LGBTIQ issues and interactions with LGBTIQ organisations and individuals, the changing impetus to address LGBTIQ issues is linked to shifting political will, and the lack of resource allocation towards improving the lives of LGBTIQ persons. In turn, this affects the ability of departments to adequately implement existing legislation.

¹⁰⁵ Craven, E (2017).

¹⁰⁷ Ndelu, S (2017).

¹⁰⁸ Mtetwa, P (2017).

¹⁰⁹ Letsike, S (2017) and Craven, E (2017).

¹¹⁰ Ndelu, S (2017).

¹¹¹ Craven, E (2017).

¹¹² Ukwimi, C (2017).

¹¹³ Astraea Lesbian Foundation for Justice (2015).

¹¹⁴ Ibid.

¹¹⁵ Letsike, C (2017).

¹¹⁶ Waterhouse, S (2017). In person interview: 12 May 2017.

"Laws don't just implement themselves – laws require programmes to establish them, or to integrate and recognize people regardless of their sexual orientation or gender identity (SOGI) ... In this case, ultimately we still see that the State is not doing enough to ensure that LGBTI persons, their rights, as enshrined in the constitution are lived realities. They need adequate services that affirm their rights."¹¹⁷

Explanations for this shifting political will included the State's need to balance the interests of the political majority and regional political interests, with the interests of LGBTIQ persons.

"It's got to do with the African bloc and what their stance is. SA is under pressure to vote with them, or else SA won't get the leadership roles it seeks within bodies like the AU. It's really a political game and I think in this case SA is willing, and they have shown this, to sacrifice human rights for LGBTI persons for the advancement of their own goals and gains."¹¹⁸

This suggestion is supported by research from the PEW Centre in 2013, which suggests that Africans are the least accepting of homosexuality in the world.¹¹⁹

Some respondents suggested that although Government had reached out to the LGBTIQ sector to engage on human rights for LGBTIQ persons, at times this had not been inclusive. For Mtetwa,

"They have only really been using individuals and their advice to advance LGBTI issues. So the government has created poster girls and boys, but hasn't convened broadly with LGBTI organisations, which are actually easy to contact."¹²⁰

Similarly, the failure of the State to address human rights for LGBTIQ persons outside of legislation was noted as a barrier to a more meaningful broad engagement with human rights for LGBTIQ persons.

"In as much as we have the legal framework, I think there is still a huge need for a shift in attitudes."¹²¹

Similarly, the failure of the State to address human rights for LGBTIQ persons outside of legislation was noted as a barrier to a more meaningful broad engagement with human rights for LGBTIQ persons.¹²²

"You had a period where it felt very safe for people to come out, and were really happy and excited, and were being physically and visibly open about their sexuality and gender identity and were met with

extreme violence. People realised that they weren't as safe as they thought they were..."¹²³

Although many parties supported equality and constitutional values in manifestos and policies, there was a sense that certain levels of government (for example, local government and traditional councils) were not held accountable to constitutional or party commitments to equality, whereas others (such as National Parliament) were subjected to scrutiny and required to verbally support existing commitments.

"Often in local government there is such a distance from the state in its big form, that local councilors can get away with a lot of stuff without a lot of accountability. And linked to that, in many areas, particularly rural areas, local government is not there, and it's traditional leadership that is conservative and homophobic, and is the main form of control."¹²⁴

For Mtetwa, this lack of accountability, and tacit acceptance of homophobia and transphobia, is linked to the political culture in South Africa as a whole.

"Political parties don't operate outside of the sexist machismo of society that actually creates the conditions for people not to be open or organised. So this isn't a conducive environment for LGBTI people to openly identify with the party."¹²⁵

4.2.2 LESSONS AND OPPORTUNITIES

4.2.2.1 PAST OPPORTUNITIES FOR POLITICAL PARTICIPATION

Activism around human rights for LGBTIQ persons has been possible in various ways since 1994. Both 'inside' and 'outside' strategies have allowed for the incorporation of LGBTIQ issues into broader issues, and for the identification of specific issues related to human rights for LGBTIQ persons, and putting these on the political agenda.

At times it has been strategic for the LGBTIQ community to be an ally in other social movements, or on other social issues, in order for the public to see LGBTIQ people as people who *"contribute to broader issues that affect society in general."*¹²⁶ At the same time, Ukwimi acknowledged that only engaging with LGBTIQ issues as part of broader movements carried the risk of LGBTIQ issues being subsumed under the broader issues, and rendered invisible.¹²⁷ There was

¹¹⁷ Letsike, S (2017).

¹¹⁸ Ukwimi, C (2017).

¹¹⁹ As cited in HIVOS (2014).

¹²⁰ Mtetwa, P (2017).

¹²¹ Ukwimi, C (2017).

¹²² Waterhouse, S (2017).

¹²³ Craven, E (2017).

¹²⁴ Ibid.

¹²⁵ Mtetwa, P (2017).

¹²⁶ Ukwimi, C (2017)..

¹²⁷ Ibid.

also a sense that in some of these engagements, broader movements support of specifically LGBTIQ focused events or issues had not been reciprocal.¹²⁸ The result of this is a sense of being 'used' politically by other civil society movements.

The support from particular state role-players who were open to engaging on human rights for LGBTIQ persons has played a major role. Both Craven and Mtetwa noted that without the queer political anti-apartheid activists efforts to incorporate queer rights into political structures prior to democracy, these efforts would have faced bigger barriers in the post-democratic period. For Craven,

"by the time 1994 rolled around, and in the process of the drafting of the constitution, there was a core group of people who really got queer rights and understood why it was important, and I think those people opened many spaces. Someone like Desmond Tutu for example, has opened a lot of space for queer people, that wasn't there before."

Building allies within government spaces was identified as an important strategy for enhancing LGBTIQ political participation because of the potential for opening up space for engagement, and for lobbying individuals outside of 'invited' spaces.¹²⁹

4.2.2.2 SHIFTING POLITICAL PRIORITIES AND LANDSCAPES

In more recent years, there has been a perceived shift in the openness of political officials to engage in this type of interaction, however there has also been an increase in the number of 'invited' spaces that engage with LGBTIQ issues such as legislative or departmental civil society consultations.¹³⁰ For Ndelu, however, the challenge remains that the South African activist space gives legitimacy to some civil society actors and not others. In particular, she noted that *"most engagements with the state are mediated through NGOs, and only certain NGO are seen as credible by the state."*¹³¹ This highlights the importance of network building, and communication between organisations in the LGBTIQ sector, as a strategy for contemporary political participation.

Respondents indicated a perception that, at a government level both before and after the Zuma administration, the LGBTIQ sector no longer "have the allies or friends in government that we once did."¹³² There is thus a need for the LGBTIQ sector to rebuild or create new relationships with state

representatives who can promote and drive human rights for LGBTIQ persons within government.

At the same time, many respondents identified that this process of engaging at a politically elite level did not always sufficiently challenge societal norms, and as a result the lingering homophobia and transphobia within many communities has not been addressed. Letsike indicated that this could also partially be attributed to the limitation of resources within government and civil society to follow up on commitments that had already been made.

In addition to 'inside or formal spaces, Letsike felt that in the current political context "it is necessary to ensure that the issues of LGBTI persons are not only kept within four-walled rooms." She highlighted the importance of using the media and using protest spaces to raise LGBTIQ issues.¹³⁴ This gap between access to invited and invented spaces was highlighted by the Catholic Parliamentary Liaison Office (2016), which noted that:

"Although these formal structures for participation exist, there is an increasing gap between them – the invited spaces – and the informal, or invented, spaces that communities have created for themselves."¹³⁵

For Ndelu, one of the ways that political participation remains possible for the LGBTIQ sector is at the grassroots level, through community mobilisation. There is also the opportunity now to 'invent' more spaces, and *"a need to try and be proactive, and to proactively invite government"* to events and engagements.¹³⁶

4.2.2.3 REPRESENTATION

Of course there are limitations both to the willingness of LGBTIQ persons to participate politically, as well as to the receptiveness of government or political bodies to engage with the human rights concerns of LGBTIQ persons. One of these limitations is the challenge of representation within the LGBTIQ sector itself. For Ndelu,

"In terms of the actual queer community, 'lesbian and gay is a proxy for everyone' which isn't acceptable meaningfully, but from a strategic point of view it's not a cause to throw the baby out with the bathwater."

The view that only certain groups had been provided with space to participate was supported by Ukwimi who acknowledged that in many instances political

¹²⁸ Ibid.

¹²⁹ Mtetwa, P (2017), Letsike, S (2017), Craven, E (2017).

¹³⁰ Craven, E (2017).

¹³¹ Ndelu, S (2017).

¹³² Craven, E (2017).

¹³³ Letsike, S (2017).

¹³⁴ Ibid.

¹³⁵ Catholic Parliamentary Liaison Office (2016).

¹³⁶ Ndelu, S (2017).

participation and engagement with government was still undertaken by a select few LGBTIQ organisations, with the effect that

*"minority groups fall off the radar and fall through the cracks .. lesbian women and transgender persons get less attention. Some of them are spoken about and some of them are not spoken about."*¹³⁷

For Waterhouse, this was a matter that needed to be addressed within the LGBTIQ sector itself in order for the sector to strengthen its advocacy and political participation.

*"There is also a need for awareness that the interests within L/G/B/T/I groups are not necessarily the same .. there is a need to make spaces to tease out these issues, deliberative spaces."*¹³⁸

This view was supported by Ndelu, who again linked the challenge of representation to the unequal access to political participation opportunities as a result of the State's preference for engaging with NGOs, many of which are urban based. This echoes Hassim's analysis of the women's movement's efforts in the early 1990s, where she notes that political power brokers can affect access to political structures.¹³⁹

*"It's the elite of NGOs who get to do that. Rural people are sidelined entirely.. It can lead to some organisations monopolizing the space. That type of logic isn't always detrimental, but it can be. E.g. a meeting on rural LGBTI people hosted with only urban-based organisations. It misses the nuance."*¹⁴⁰

Waterhouse and Craven linked this lack of representation of broader groups to a matter of the socio-economic realities of both NGO funding and South African political participation. As Waterhouse notes, Waterhouse and Craven linked this lack of representation of broader groups to a matter of the socio-economic realities of both NGO funding and South African political participation. As Waterhouse notes,

*"The working class people are the ones who can't get to a march or a meeting, unless you do it after hours.. There is a need for LGBTI specific movements too. But you can only really do this in the middle class at the moment."*¹⁴¹

Similarly, the NGOs that are working to represent the interests of LGBTIQ persons also face their own resource constraints, with the effect of making it easier for bigger and better resourced NGOs

to occupy political participation spaces more easily.¹⁴² At the same time, Craven acknowledged that even bigger organisations are currently facing financial constraints, affecting the effectiveness of LGBTIQ political participation as a whole.¹⁴³

4.2.2.4 THE ROLE OF POLITICAL PARTIES AND ELECTED AND APPOINTED LGBTIQ OFFICIALS

Several respondents noted the idea of political parties seeking to legitimise their existing activities, or to create a sense of having addressed LGBTIQ concerns by means of limited consultations with selected political elites or civil society representatives. For Craven, this has translated into a lack of trust between the LGBTIQ sector and political parties and government, because of a sense that these interactions are only sought in a very shallow manner, or only on particular topics.

*"It's not enough to care about how black lesbian women die, you have to care about how black lesbians live. If you don't give a damn about that, then don't expect us to be rushing over looking for solidarity when you need us."*¹⁴⁴

Another reason for the reticence to engage with political parties is because of the linkages between the LGBTIQ sector and the gender-based violence sector in South Africa. Craven felt that this was particularly true in Gauteng, where the links between the LGBTIQ sector and the 1 in 9 campaign have resulted in a reluctance or refusal to engage with the structures of the ANC, for example.¹⁴⁵ Thus, when parties did speak out about LGBTIQ issues, they weren't seen as having credibility.

Perhaps another reason for the suspicion or lack of engagement with political parties is the sense from LGBTIQ activists that elected LGBTIQ officials have not been active in lobbying for the sector's interests. For Mtetwa, it is not enough for a party to suggest that they support human rights for LGBTIQ persons in principle. There must be an equal effort from the parties to promote and support the representation of LGBTIQ people within the parties themselves. For her,

*"The working class people are the ones who can't get to a march or a meeting, unless you do it after hours.. There is a need for LGBTI specific movements too. But you can only really do this in the middle class at the moment."*¹⁴⁶

Craven provided an example of this difference between surface-level support and real understanding of the

¹³⁷ Ukwimi, C (2017).

¹³⁸ Waterhouse, S (2017).

¹³⁹ Hassim, S (year not stated).

¹⁴⁰ Ndelu, S (2017).

¹⁴¹ Waterhouse, S (2017).

¹⁴² Craven, E (2017).

¹⁴³ Ibid.

¹⁴⁴ Ibid.

¹⁴⁵ Craven, E (2017).

¹⁴⁶ Mtetwa, P (2017).

LGBTIQ sector issues. She referenced a meeting in Johannesburg made up of predominantly working-class black lesbians.

"this one white guy stood up and said I'm the DA MP for blah blah blah, and I'm representing the interests of gay interests in Parliament. And everyone just laughed and he didn't understand how these black women didn't feel the slightest bit represented by this man who had probably only visited a township on a tour. As though they could separate out their gayness from every other aspect of their identity and then say 'sure, you represent me.' He was deeply offended that people didn't feel represented by him."

For civil society respondents, there was a clear sense of the separation between the lives of LGBTIQ people, and the middle-class political elites who claimed to represent them. In addition, Ukwimi argued that members of the LGBTIQ community felt that there hadn't been any or much benefit in having elected and appointed openly LGBTIQ public representatives because they had not been activists for a LGBTIQ agenda.¹⁴⁷ In fact, none of the respondents felt that the elected LGBTIQ officials in South African government had made a significant impact on advancing LGBTIQ rights. Ukwimi suggested that perhaps this was because

"some of things they do are closed-door advocacy efforts. Some of the things they are pushing for or doing may never come out in the papers or the open."¹⁴⁸

Research from the LGBTIQ Victory Institute (2016) supports this idea of 'behind the scenes' advocacy. It indicates that increased representation of LGBTIQ lawmakers made it more difficult for anti-LGBTIQ legislation to be introduced and passed,¹⁴⁹ and that even the presence of a small number of LGBTIQ lawmakers can positively impact their straight colleagues' likelihood of supporting legislation promoting LGBTIQ equality.¹⁵⁰

In addition, Waterhouse noted that there was perhaps still a situation where it wasn't necessarily

"safe for certain officials. Many aren't out. [This is for] the same reason why those who are out aren't threatening. It's the same politics as a woman in a man's world. You have to work harder."

Whilst elected LGBTIQ officials may not be perceived to have translated into direct legislative or policy gains in contemporary South Africa, it does hold symbolic value as a sign of tolerance and support for human rights for LGBTIQ persons, and in that it normalizes the presence of LGBTIQ persons within government spaces. This is supported by research that suggests that

the more interaction people have with LGBTIQ persons, the more likely they are to have positive perceptions of LGBTIQ persons.¹⁵¹ For Craven the impact of LGBTIQ elected representatives may not have,

"been very profound or led to major shifts, but I certainly think it hasn't had any negative impact... I still think that you'd much rather have those people than not right? You wouldn't want to have a situation where you couldn't point out a single queer government minister or parliamentarian.. Having prominent figures who you know are gay but it's not that big a deal does matter in that sense."¹⁵²

Craven also expressed sympathy for LGBTIQ officials who did not want their political position to be entirely equated with their sexuality. However, she noted that there was also the possibility that the absence of discourse around LGBTIQ issues from these officials "can send a message that one should keep quiet about this stuff, or hide it. In that sense maybe there is something problematic about it."¹⁵³

Others respondents were far more critical, expecting an activist approach from LGBTIQ officials. Mtetwa explained,

"I am skeptical about this celebration [of LGBTIQ officials], because I haven't heard these public officials speak openly about LGBTIQ issues and people in the space that they are in. So it's good that there are lesbians and gays, but I want to know what is their agenda in relation to the lives of LGBTIQ people. Ask Zak [Mbhele], ask Lynne [Brown], ask Ian Ollis."¹⁵⁴

For Letsike, the population of out LGBTIQ public officials was so small, it was almost invisible in terms of its role and impact.¹⁵⁵

There was thus a split amongst respondents in terms of the expectations of LGBTIQ elected and appointed officials. Some, like Letsike and Waterhouse, felt that given the size of the population represented in government, and the challenging work environment of government, it was unreasonable to expect these officials to have a significant impact. Others, like Craven and Ukwimi, felt that the symbolic value of having LGBTIQ persons in government remained valuable, even when their action around LGBTIQ issues may not be visible. For Mtetwa and Ndelu, for these officials to make meaningful change there was a need not only to elect LGBTIQ persons to office, but also to ensure that LGBTIQ activists were promoted within political party structures and thus that activists could continue into government positions.

¹⁴⁷ Ukwimi, C (2017) and Ndelu, S (2017).

¹⁴⁸ Ukwimi, C (2017).

¹⁴⁹ LGBTIQ Victory Institute (2016a).

¹⁵⁰ LGBTIQ Victory Institute (2016b).

¹⁵¹ The Other Foundation and HSRC (2015).

¹⁵² Craven, E (2017).

¹⁵³ Craven, E (2017).

¹⁵⁴ Mtetwa, P (2017).

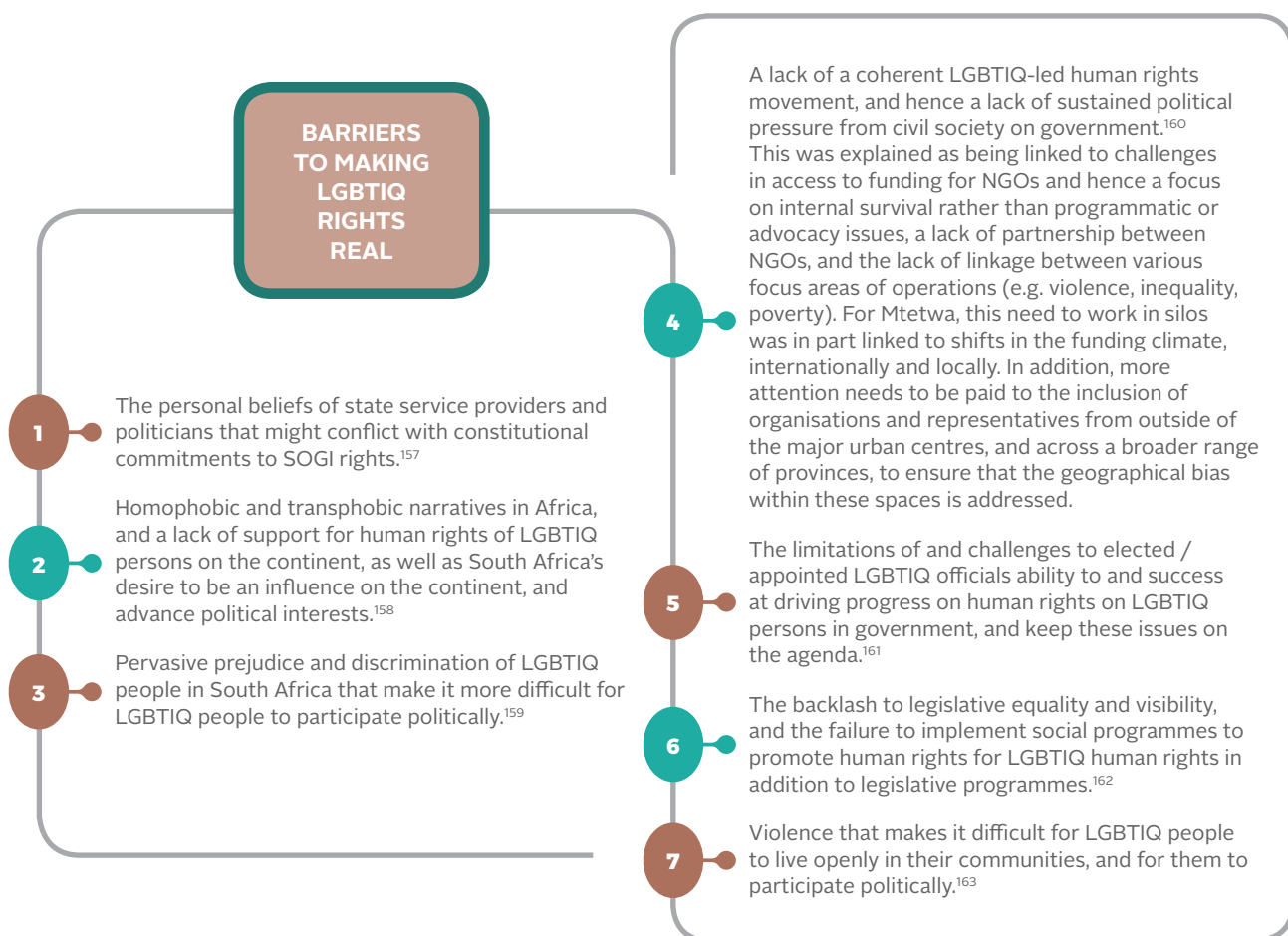
¹⁵⁵ Letsike, S (2017).

Of course, this requires that political parties be safe spaces for LGBTIQ persons that encourage their representation, and that LGBTIQ individuals are interested in taking up these spaces. Civil society respondents were asked how they felt political parties could better encourage and facilitate political participation.

4.2.2.5 BARRIERS TO MAKING LEGISLATIVE PROVISIONS A LIVED REALITY

"If a person has to choose between becoming politically active and putting them and their family's lives at risks then of course they're not going to do it – why would they? No matter how committed people are, and how much they want to engage, they're going to ensure their family's safety first and foremost."¹⁵⁶

Respondents made clear that barriers continued to exist for making legislative provisions to protect human rights for LGBTIQ persons a lived reality. Some of these are listed in the diagram below.



4.2.2.6 FOCUS & STRATEGY

The experience of the civil society respondents provided a useful analysis of some of the opportunities and barriers to political participation in South Africa. Some respondents felt that the current political context within South Africa was ideal for more sustained activism around human rights for LGBTIQ persons, both because the gains that have already been made need to be defended¹⁶⁴ and because several other movements within South Africa have been successful in recent years because of their commitment to building movements that included multiple strategies for activism.¹⁶⁵

For Letsike, "there is a bigger goal than seeing the result of one specific matter. It's about how you fully integrate the LGBTI socio-economic issues" and thus participation opportunities should be used to engage as broad a sample of stakeholders as possible.

In addition, respondents suggested that there was a need to engage around human rights for LGBTIQ persons, not only during public forums and spaces, but also in the more personal and private moments.

¹⁵⁶ Craven, E (2017).

¹⁵⁷ Letsike, S (2017).

¹⁵⁸ Letsike, S (2017) and Ukwimi, C (2017).

¹⁵⁹ Letsike, S (2017).

¹⁶⁰ Craven, E (2017) and Mtetwa, P (2017).

¹⁶¹ Mtetwa, P (2017).

¹⁶² Craven, E (2017).

¹⁶³ Ibid.

¹⁶⁴ Mtetwa, P (2017).

¹⁶⁵ Waterhouse, S (2017).

In some instances, the government requirement of having a public or party position prohibited them from challenging the status quo publicly, however, for Letsike, one-on-one lobbying within these spaces (for example during meals at the conference, or after the event, or in specific forums on the matter) was important for building real understanding of the issues, and created the potential for change.¹⁶⁶

For Waterhouse, being pragmatic was important in any form of political participation, whether it was 'invited' or 'invented'. There was a need to be realistic about what Government can and cannot offer, and to focus on spaces that were strategic.¹⁶⁷ Similarly, Craven and Ndelu felt that certain invited spaces were often opportunities for 'rubber stamping' or were 'compromising', rather than opportunities for meaningful engagement.¹⁶⁸ However, both argued that this did not necessarily require that LGBTIQ activists should avoid invited spaces entirely, but rather that they should remain critical within these spaces, and use them to their advantage.¹⁶⁹ For Ndelu, this meant that some invited spaces were worth attending simply for relationship building within the sector, and for Craven, sometimes it was necessary to attend these less meaningful invited spaces in order to ensure that over the long term you were still able to engage with relevant state role-players. In both cases, this requires that organisations or individuals consider a balance between long- and short-term interests.

Reference was made to the need for the LGBTIQ sector to remain focused on its needs and not to avoid the radical demands that must be made for true equality to be promoted. For Ndelu, the fact that NGOs dominate spaces for engagement could be problematic, because of the reliance on donor and state funding, and hence the sense that it was not effective to be radical. This was also echoed by Craven, who argued that the historical strategy of avoiding radical strategies within 'invited' spaces had not necessarily benefited the LGBTIQ sector. She explained,

"It privileges a very particular form of gayness that is unthreatening to heteronormative people ... If that tactic been really successful at winning massive victories for us then you could argue that it made sense even though it was exclusionary, but the fact is that I don't think it has.. I think if you win victories by trying to be as inoffensive as possible, you might win a short-term victory but there might be a long term cost... I think it has created further marginalisation within LGBTI communities where you have further discrimination and violence against people who are seen as perceived to be too offensive, or too scary."¹⁷⁰

Ndelu also felt that the strategy of prioritising legislative processes, or national opportunities, was happening at the expense of local government engagements, which often had a more immediate impact on the lived realities of LGBTIQ persons.

"For example, local government has an Integrated Development Plan (IDP). At an activist level, that's where things happen – it's like their constitution at that level. Most people don't even know that document exists. Grassroots level work is not being done. Strategic decisions are being made that says it's better to have an all encompassing policy or national legislation than a highly functioning local municipality or a bylaw."¹⁷¹

Mtewa felt that it would be useful for government to convene a meeting with all South African LGBTIQ organisations to discuss their areas of work, what has been working and not working, and to identify common bottlenecks. For her, this would be an opportunity for government to also consider its own performance across departments, to "ask us what we think can be done", and to provide feedback on how the State feels it has been responding to LGBTIQ human rights issues.¹⁷² In addition, she noted a need for more political education within the LGBTIQ sector, to improve the impact of advocacy.¹⁷³

Based on their own experiences, respondents provided suggestions of how best to use each type of space, as well the need to strengthen the LGBTIQ sector as a whole, to improve the meaningfulness, and impact of future activism. These are included in the Best Practice section of this report.

4.2.2.7 THE CHALLENGES TO POLITICAL PARTICIPATION

Although political participation has clear benefits for the LGBTIQ sector, including raising these issues with the decision makers who can affect change, and ensuring that awareness is granted to human rights for LGBTIQ persons as a broader socio-economic issue, there are also challenges to political participation for the LGBTIQ sector.

For organisations based outside of the urban centres of Cape Town and Johannesburg, and even for smaller organisations within those cities, attending invited spaces and remaining politically savvy requires financial and human capacity to which not all organisations have access.¹⁷⁴

¹⁶⁶ Letsike, S (2017).

¹⁶⁷ Waterhouse, S (2017).

¹⁶⁸ Ndelu, S (2017) and Craven, E (2017).

¹⁶⁹ Ibid.

¹⁷⁰ Craven, E (2017).

¹⁷¹ Ndelu, S (2017).

¹⁷² Mtewa, P (2017).

¹⁷³ Ibid.

¹⁷⁴ Letsike, S (2017).

In addition, political engagements can be extremely time consuming, and the openness and effectiveness of communication from various points of government is not standardized. For Waterhouse, this means budgeting time in advocacy strategies for 'wasted time', i.e. the meeting that you were invited to that didn't happen, or the failure of the state to communicate that a particular committee meeting was cancelled.¹⁷⁵

Opportunities for political participation are heavily affected by political cycles and priorities, so whilst an issue may remain on the LGBTIQ sector calendar for a year, it may only find space within 'invited' political spaces over a shorter period.¹⁷⁶

In many instances, organisations representing LGBTIQ interests have engaged in political participation opportunities without having established collective positions within the sector, with the effect that organisations that are competing for financial resources may also end up competing for government interest as a resource. As a result, the assumption is that these representatives reflect shared priorities within the sector when this is not necessarily the case. For Waterhouse, this can be addressed by caucusing as the sector before hand (or even before the meeting at the venue) and ensuring that *"the people sitting in the space need to be committed to the collective and to the mandate holding and communication, and to the issue."*¹⁷⁷

It is also important to be aware that the agendas in 'invited' spaces are set beforehand, which again points to the need for the LGBTIQ sector to be organized and try to take a collective position so that at all times a clear message is reinforced.¹⁷⁸ Ndelu agrees, noting that opportunities *"when you feel like you're going to be exploited or are a token, or when you feel that the premise of it is problematic politically"* should be avoided, or attended and disrupted.¹⁷⁹

For Ukwimi, participating in government spaces and the effect of building collective agreements in these spaces often has the effect of sacrificing some concerns in order to make progress.¹⁸⁰ This highlights the need for both political education in communities, and a clear communication path between those sitting as representatives in political spaces, and the grassroots. Without this understanding of the processes and the decisions that were made *"people may think that you have been co-opted."*¹⁸¹

Ndelu notes that engagements in political spaces also often have the effect of tempering the radical

nature of activism, as organisations are afraid of using radical strategies (for example protest) lest they be excluded from these spaces in the future. Where radical strategies feel necessary, or where organisations are *too outspoken they'll alienate you from spaces, or ignore your contributions. You get branded a 'trouble-maker'!"*¹⁸²

4.2.2.8 BUILDING A MOVEMENT FOR LGBTIQ POLITICAL PARTICIPATION: LIMITATIONS AND OPPORTUNITIES

Several respondents noted that a significant change between the early years of democratic activism in the late 1990s and the contemporary situation was the lack of solidarity and a political movement within the LGBTIQ sector. Explanations provided for these shifts included complacency and a lack of funding for broader political activism.

*"we got the anti-discrimination clause, and we got marriage equality, and people felt like we got what we wanted. But people still need to galvanize around other issues that are emerging. Because once we got those wins the movement just fizzled out. I think before there was that drive. We scored some big wins and then we just became complacent."*¹⁸³

For Ndelu, this type of movement needed to be built from the grassroots level upwards.

*"There is no LGBTI community. There is no core. There isn't a shared sense of interest. There is just so much fragmentation. That's why it's important to go back to the grassroots to formulate our demands."*¹⁸⁴

For Letsike, addressing the fragmentation within the LGBTIQ sector is essential to ensuring that political participation is effective and sustainable, and to rebuilding a LGBTIQ movement.¹⁸⁵ A necessary element of addressing this fragmentation is adapting the work of the LGBTIQ sector to the changing political climate and context, and by promoting strong leadership within the sector.

For Ukwimi, building up an LGBTIQ movement also required confidence building within the LGBTIQ sector, and political education linked to raising awareness of political participation opportunities and the importance thereof.

"We need a culture and mindset shift, where LGBTI people begin to start appreciating just how important it is for us to participate in politics. Just like women, we talk women's participation in politics"

¹⁷⁵ Waterhouse, S (2017).

¹⁷⁶ Ibid.

¹⁷⁸ Ibid.

¹⁷⁹ Ndelu, S (2017).

¹⁸⁰ Ukwimi, C (2017).

¹⁸¹ Ibid.

¹⁸² Ndelu, S (2017).

¹⁸³ Ukwimi, C (2017).

¹⁸⁴ Ndelu, S (2017).

¹⁸⁵ Letsike, S (2017).

if we want women's issues on the agenda, women need to be at the table. I think that just needs to be adopted by LGBTI activists and organisations as well. We need to move from giving a list of demands and waiting for politicians to act ... we can't continue just playing the outside game. We need to play the inside game."

Ukwimi noted that the funding needs of many organisations had necessitated a move towards focusing on particular projects or programs rather than political participation or broader advocacy.¹⁸⁶ Where organisations didn't have funding for the purposes of mobilization or movement building, this prevented their ability from pursuing those activities. Similarly, Craven noted that the withdrawal of major funders in the last decade had negatively affected the LGBTIQ sector's cohesiveness.

*".. solidarity was our biggest strength. You had a movement of organisations who were doing their own things but acting and thinking collectively. It really fell apart with the funding crisis."*¹⁸⁷

This challenge to the solidarity of the LGBTIQ sector because of the shortage of resources negatively affected the ability of organisations to work collectively, and the survival of some organisations.¹⁸⁸ The competition for sector resources has

*"allowed too much opportunity for some very conservative gay rights activism to take place. Particularly where individuals can self-fund themselves as the 'representatives' of communities in certain spaces where people in those are just fighting to survive. It has opened the space for big people to make claims to represent other people."*¹⁸⁹

For Letsike, this pointed to the need for organisations and the sector,

"come together to identify at least one agenda to work on... LGBTI organisations need to take stock of how LGBTI activism has happened over the years, and analyze the current discourse on activism, and the nature and scope of the movement in the 21st century."

Positively, Waterhouse noted increased public awareness of human rights for LGBTIQ persons. The fact that LGBTIQ issues had become *"an embedded issue"* meant that there was space for and attention drawn to mobilizing LGBTIQ persons, and building the sector.¹⁹⁰ However, there was a need to raise the issues of the *"race class and gendered divisions within the sector,"* not necessarily to try to solve them, but

rather to name them and give them respect to move forward.¹⁹¹ The assumption that LGBTIQ organisations would always have a 'core position' or something that is universally agreed on does not sufficiently take into account diversity within the sector, and the intersectional challenges that different activists and organisations are facing. Addressing these issues within the sector, even if that simply means raising them and making sure that they are not forgotten, is a crucial step towards rebuilding unity and a more collective and conscious effort.

4.2.2.9 SUMMARY OF CIVIL SOCIETY INTERVIEW FINDINGS

A number of key findings emerges from the civil society interviews that point to the opportunities for increased political participation of LGBTIQ persons, as well as some of the challenges that must be addressed to facilitate this participation in the future. These include:

- There have been a significant number of legislative milestones to advance human rights for LGBTIQ persons since 1994, but these were often driven by civil society activism, rather than government proactivity. This increased public and legislative visibility, and was linked to strong partnerships and networking within the LGBTIQ sector, and between the LGBTIQ sector and other sectors (e.g. women's lobby).
- These quick legislative advances were not accompanied by a broader social awareness-raising project. There has been a backlash against human rights for LGBTIQ persons, which resulted in the experience of violence and stigma for LGBTIQ persons.
- Certain levels of government are experienced as more progressive than others, with concerns raised over the local government level. It was noted that more activism and engagement is needed at this level.
- A number of barriers to advancing human rights for LGBTIQ persons were identified including homophobia, transphobia, and conservatism amongst state service providers and on the African continent; pervasive prejudice that makes it more difficult for LGBTIQ persons to participate politically; the lack of a coherent LGBTIQ movement; violence; and the limited ability or willingness of elected LGBTIQ persons to drive human rights for LGBTIQ persons at a political level.
- Inside and outside strategies are required in order to advance human rights for LGBTIQ persons, and the use of both invited and invented spaces is required.
- Civil society respondents perceived a shifting of the political landscape and political priorities. On the one hand there had been an increased number

¹⁸⁶ Ukwimi, C (2017).

¹⁸⁷ Craven, E (2017).

¹⁸⁸ Ukwimi, C (2017).

¹⁸⁹ Ibid.

¹⁹⁰ Waterhouse, S (2017).

¹⁹¹ Ibid.

of invited / formal efforts to address human rights for LGBTIQ persons, but these had not necessarily been inclusive. In addition, there was often limited follow up on commitments made. At the same time there was a perception that the government had not maintained a clear policy position on the regional and international stage.

- Most engagements with the LGBTIQ sector had an urban bias, and there was a need for a more inclusive approach both from the State and from within the sector.
- Respondents felt that LGBTIQ elected / appointed officials had an important symbolic value in terms of promoting the representation of LGBTIQ persons, however they felt that there was a need for more sustained activism and advocacy for human rights for LGBTIQ persons by these officials.
- In terms of increasing the political participation of LGBTIQ persons, respondents identified the need for strengthening the sector, being pragmatic in invited spaces, identifying space for LGBTIQ activism within existing broader social movements, and making use of all levels of government (not just the national level).
- Respondents identified that political participation can have downsides (being co-opted, or rubber-stamping) however there was a sense that these downsides could be mitigated through partnering, planning, and understanding political cycles.
- A need to strengthen and rebuild the sector was identified. Suggestions for doing this included caucusing and working collectively, and addressing the race, class, gender, and power dynamics within the sector. The competition for funding was noted as a barrier to more collective work.

4.3 POLITICAL PARTIES' PERSPECTIVES ON LGBTIQ POLITICAL PARTICIPATION

Nine interviews were conducted with representatives from five political parties between June and September 2017.

The aim of the interviews was to assess political party openness to LGBTIQ political participation, the role of elected and appointed officials, the barriers to access for LGBTIQ persons, and the opportunities for political participation going forward. The interview respondents and their political parties are listed below:

- ANC: Jackson Mthembu,
- COPE: Deirdre Carter,
- DA: Denise Robinson, Roberto Quintas, and Zakhele Mbhele,
- EFF: Collin Mkhonza and Veronica Mente; and
- IFP: Liezel Van der Merwe, and Professor Christian Msimang.

4.3.1 FRAMING LGBTIQ ISSUES WITHIN POLITICAL PARTIES

None of the political parties considered had a separate or standalone policy related to the promotion of human rights for LGBTIQ persons, however all parties expressed the sense that they were addressing this issue, either through engagement with vulnerable groups, or by promoting constitutional values. Jackson Mthembu is the ANC Parliamentary Chief Whip. He was the former National Spokesperson for the ANC, and former Minister of Transport for Mpumalanga. He has been involved in politics since the 1970s. Mthembu stated that this push for LGBTIQ equality was something that had been part of the ANC anti-apartheid struggle for many years, hence the inclusion of these rights in the Constitution.

"That constitution came in the main with the ANC, having pushed very, very sincerely and forcefully for these rights that all of us enjoy now... even during struggle days, some of our comrades were gays and lesbians who were with us in the struggle and who fought for the liberation of the people of our country. And in that liberation struggle, they included the liberation of people who were gays and lesbians to live a life of their own without any fear from any body without any fear from government, or any political party."¹⁹²

Denise Robinson is a member of the National Parliament, the DA Shadow Minister for women and the head

¹⁹² Mthembu, J (2017).

of the DA Women's Network (DAWN). She has been a political representative in various formats since 1998. For Robinson, the main interface for promoting access to political spaces for vulnerable groups is the DA Women's Network (DAWN), which has the responsibility of reaching out to communities via outreach, campaigns, and lobbying.¹⁹³ For Robinson, whose work specifically focuses on promoting women's rights within the DA, efforts had been made to promote the rights of LGBTIQ by speaking about women's rights within a human rights framework, and the implication that these rights cut across groups regardless of sexuality. For her, continuing to support other vulnerable groups, for example, sex workers, remains important, and is indicative of the DA's willingness to support human rights.

Roberto Miguel Quintas is a DA Ward Councillor in Hout Bay and has been involved in politics since 2011. For Quintas, direct action has been necessary to promote the rights of LGBTIQ persons and other vulnerable groups within his constituency. He explains:

*"The aim is to engage with potential people, people who want to get involved. We have had positive feedback and feel we are the only political party to reach out to LGBTI people distinctly and who value their inputs. Within my own ward, we do have trans people in Hout Bay, one trans person spoke to me about facilitating a workshop with the community. I wasn't able to attend because I was out of the country but made sure the meeting had a city-owned space to use and that there were people working in Hout Bay involved in the programme."*¹⁹⁴

For Quintas, the inclusion of LGBTIQ persons requires making a specific space, and valuing the inputs of the LGBTIQ community.

Veronica Mente is an EFF Member of Parliament. She has been involved in politics since she was a student in the Congress of South African Students. Mente also linked the promotion of human rights for LGBTIQ persons to a broader promotion of the rights of vulnerable groups.¹⁹⁵

*"we always cluster everything together. Like me, I deal with the LGBTIQ community, I deal with the AIDS advocacy. So we cluster everything together."*¹⁹⁶

Collin Mkhonza is the EFF Commissar for Youth Development, Women and Disability Affairs. He has been a political representative for the EFF since 2014. For Mkhonza, this framing of LGBTIQ issues as only a 'vulnerable groups' issue is not sufficient. He notes that within the EFF, they are attempting to address

gender issues in an intersectional way. He commented, *"Part of the challenge is that when we say gender issues, we think women, and we forget other groups. They fall between the cracks. People are still focused on women and men. It's part of the challenge that we see women instead of gender.. [as the central command team of the EFF] we had to address patriarchal issues, and teach ourselves not to be patriarchal and learn to try and understand. As a white female, you're very privileged even though you're a woman. As a black woman you have a double strike. As a lesbian black woman you have a triple strike.. It is part of the broad problematic culture in politics. Gender issues affect people who are not necessarily women."*¹⁹⁷

Robinson notes that sometimes the work of political parties in promoting the rights of vulnerable groups takes place behind the scenes. Where LGBTIQ issues are not addressed explicitly, this includes the risk of rendering these concerns invisible to policy makers and public officials.¹⁹⁸ In the same way that hate crimes are message crimes to communities, statements by political leaders and the inclusion of human rights for LGBTIQ persons into party policies provides the opportunity to send a message of support to the LGBTIQ community. The ANC also did not have specific structural or policy interventions specifically aimed at promoting human rights for LGBTIQ persons, however Mthembu explained that:

"Though we might not have structural interventions as a party, in our existing structures we have given access to LGBTI communities to come and address us .. [we are] coming from an orientation that says every South African has a right to be who they are. That is a fundamental starting point for us as the ANC."

Mente explained that since EFF had only recently been formed, they did not have dedicated structures. However, she argued that introducing separate policies or structures could contribute to more stigma, rather than more inclusivity. She also noted:

*"As a party for now as we are a very new party so we haven't advanced to a level of having all these different structures, like a youth structure, a women's structure. We only have the mother body and the student structures. But within the two structures that are existing right now in the EFF we don't have a problem with anyone who is joining. However we do not have a separate desk, or a separate component, but deals with that society. Because we don't really see the need of separating them. They are us, we are them. Why should they feel the need of being separate?"*¹⁹⁹

¹⁹³ Robinson, D (2017).

¹⁹⁴ Quintas, R (2017).

¹⁹⁵ Mente, V (2017).

¹⁹⁶ Ibid.

¹⁹⁷ Robinson, D (2017).

¹⁹⁸ Quintas, R (2017).

¹⁹⁹ Mente, V (2017).

Robinson added that the recent rise in incidents of homophobic and transphobic hate crimes had brought the need to prioritize these issues into focus. She explains that as the DA they *"have always pushed for [LGBTIQ human rights], and this push has been enhanced by the urgency of corrective rape."*

Despite this commitment, there is currently no official policy for promoting the human rights of vulnerable groups or LGBTIQ persons. Robinson notes that there is room for improvement, because :

"the party does often focus on the main portfolios (justice, police, health, education) at the expense of others (e.g. women). I have an uphill battle all the time to suggest that we need to put women's issues and vulnerable groups at the centre. Often these issues take second place. Perhaps we need to meet and try to formulate something official, as we're not as good as we should be." ²⁰⁰

This is supported by a statement from Zakhele Mbhele, DA Shadow Minister for Police and Member of Parliament. Mbhele indicates that there are a significant number of issues that must be considered by MPs, and that issues of vulnerable groups can sometimes be limited. Although limited by his membership of a Portfolio Committee with a dedicated focus, it is clear that Mbhele has tried to raise concerns related to LGBTIQ persons and other vulnerable groups. He notes that the busy schedule of the Committee, which must consider *"a litany of other issues,"* is restrictive in terms of ensuring that the police prioritise LGBTIQ issues.²⁰¹ He further noted that Members experienced "sympathy fatigue" when statements regarding violence against vulnerable groups, including LGBTIQ persons, were raised repeatedly in the plenary of Parliament, and that this could reduce the interest of Members in engaging with human rights for LGBTIQ persons.²⁰²

Research by the Other Foundation and the HSRC (2015) found that 51 percent of South Africans believed that gay people should have the same human rights as all other citizens, despite the fact that 72 percent of South Africans feel that same-sex sexual activity is 'morally wrong'.²⁰³ Between 2012 and 2015 there was a tenfold increase in the number of South Africans who strongly agree that same-sex marriage should be allowed. According to Reynolds (2013) the higher the societal acceptance of sexual diversity, the more likely it is for gay candidates to be selected or elected. ²⁰⁴ This is reflected in the increasing number of LGBTIQ representatives elected to Parliament in 2014. It is also reflected in Mente's assessment of the treatment of LGBTIQ members of the EFF. She explains:

"Many of the LGBTI community people in our branches, we see them every day. However, like I said, we don't have this isolated desk or component, so we haven't heard a discrimination case reported. But as and when we have rallies, activities of the organisation, we mingle together with no problem. We mingle together with no problem. Everyone is comfortable with each other ..." ²⁰⁵

However, Robinson noted the party focus on main portfolios as well as religious conservatism, and general conservatism amongst South African voters, as the key barriers to doing more to promote human rights for LGBTIQ persons, and addressing LGBTIQ issues.²⁰⁶ When asked whether she felt that the DA voters would be supportive of the DA taking on a campaign in relation to human rights for LGBTIQ persons, she responded *"I think I would question that, because of societal, religious, and conservative views."* ²⁰⁷

Robinson is correct in that the majority of South Africans are religious, with 85 percent of adults reporting that they belonged to a religion in 2015.²⁰⁸ However, recent research indicated that 'moderately religious' South Africans were the most tolerant of gay and lesbian people, and that highly religious people were less likely than the general population of South Africans to keep away from gay and lesbian people.²⁰⁹ This mirrors the research from the Other Foundation mentioned above that suggests that South Africans are, in the majority, committed to the principle of equality. This sentiment is echoed by Quintas, who works at the local government level for the DA where:

"as a gay man and a public rep, the DA is without a doubt is the most cognisant of the needs of gay men and women in South Africa.. There is a space for a greater scope of awareness in the more conservative parts of the party whether informal settlements or rural areas. The vast majority of our support base is fully on board with the challenges and the ethos of the party about openness and opportunity. They support the challenge of full integration whether on race, sexual orientation etc. There is always room for improvements." ²¹⁰

Mthembu echoed the sentiments that people were becoming increasingly open to LGBTIQ political figures and leaders, stating that:

"There are many South Africans who have woken up to the reality that there are gays and lesbians born as gays and lesbians. And that this is not taboo. It has not created a culture of shock in the community of South Africa. These are some of the good things." ²¹¹

²⁰⁰ Robinson, D (2017).

²⁰¹ Mbhele, Z (2017).

²⁰² Ibid.

²⁰³ The Other Foundation and the HSRC (2015).

²⁰⁴ Reynolds, A (2013).

²⁰⁵ Mente, V (2017).

²⁰⁶ Robinson, D (2017).

²⁰⁷ Ibid.

²⁰⁸ The Other Foundation and the HSRC (2015).

²⁰⁹ Ibid.

²¹⁰ Quintas, R (2017).

²¹¹ Mthembu, J (2017).

Mkhonza felt that although conservatism was a challenge within South Africa, it was the duty of political parties to be more progressive and promote LGBTIQ issues.

*"The only challenge is that people have a negative view towards people who are different from them. That's a challenge. It goes to the society that we exist in. If we are going to be a revolutionary movement, we need to make sure that all people are welcome. We need to inform how the future should look."*²¹²

Mkhonza felt that having more LGBTIQ leaders within the EFF could improve the EFF's voter support. This is supported by the findings of the survey discussed in the earlier sections of this paper.

*"Whether you are LGBTI and come in to represent the party, I don't think it will negatively affect our voters, or it will drop. I think it could increase. We are very different to other political parties so people wouldn't be surprised."*²¹³

This was echoed by Mente who agreed that the EFF was supportive of LGBTIQ members of the party, and would encourage them to run for positions.

*"We don't have a problem of saying no you can only join us when we have a gay structure or such. Join as a member, when you are a member you are treated as a member of the organisation. If you want to contest a certain level of leadership, contest. Join, if you want to contest as a national leader, contest. It's up to you and the people that know you. If your constituency loves you, they will elect you. We don't have a problem. We don't have a separate space for you."*²¹⁴

Deidre Carter is the Deputy Secretary General of COPE and a member of the National Assembly. She has been a political representative for 8 years. For Carter, LGBTIQ issues must be framed within a Constitutional perspective and in support of the values and principles that underpin the Constitution. For Carter, this commitment and the lack of complaints about LGBTIQ discrimination mean that COPE is sensitive to the needs of LGBTIQ persons, despite the fact that, like other parties, COPE

*"has no specific policy or campaign of promoting any specific grouping of persons to join the party, nor is the party aware of any barriers that act as a hindrance to any group of persons wishing to join the party."*²¹⁵

Liesel Van der Merwe is the Parliamentary Caucus Whip for the IFP and has been a political representative

since 2012. Van der Merwe, commented that the IFP's involvement in drafting the Constitution and their *"insistence on the inclusion of a Bill of Rights ensured that everyone receives protection from unfair discrimination."*²¹⁶

In addition, Van der Merwe notes that the use of relevant channels including the media and community meetings to speak about the human rights of vulnerable groups has helped to *"create accessibility for vulnerable groups and to find opportunities to build partnerships."*²¹⁷ Van der Merwe also noted the importance of speaking out about the rights of vulnerable groups, and the fact that the IFP tabled the issue of homophobic rapes with the South African Human Rights Commission, and that pushed for extending the granting of permanent residents to same sex life partners when the leader of the party, Prince Buthelezi, was Minister of Home Affairs in the first decade of democracy.²¹⁸ Van der Merwe states:

*"We believe that choosing an alternative lifestyle should not prevent anyone from accessing services or being afforded human rights. We embrace all South Africans, recognising that we all have a valuable contribution to make. We seek to empower individuals and groups to make that contribution in the interests of South Africa.. we believe in self-help and self-reliance as we want to help people become participants.."*²¹⁹

For Van der Merwe, the IFP structure is also conducive to promoting accessibility for any interest groups because of the branches at a community level, and representatives at all levels of government are required to engage communities. She also noted that debate, when open and respectful, is encouraged in all IFP meetings, providing space to raise issues.²²⁰

For Mente, the support for LGBTIQ members came from the party's founding documents,

"...each person who joins the party says that they will succumb to the policy framework and policy guide, and our policy guide is anti-xenophobic and anti-homophobic. So you cannot say if someone is gay and you are sensitive they can't stand in your branch, then there is a problem with you. Because our policy and our founding manifesto is anti-homophobic. We even have a clause in our founding manifesto, a whole paragraph²²¹, dedicated to the LGBTIQ community and how people must stop treating other people like they belong in another sphere of this planet.. the moment you discriminate against a gay, a lesbian, and transgender that's

²¹² Mkhonza, C (2017).

²¹³ Mkhonza, C (2017).

²¹⁴ Mente, V (2017).

²¹⁵ Carter, D (2017).

²¹⁶ Van der Merwe, L (2017).

²¹⁷ Ibid.

²¹⁸ Ibid.

²¹⁹ Ibid.

²²⁰ Ibid.

²²¹ The manifesto includes one line committing the EFF to fight for the rights of women and all other gendered persons.

*transgression in the organisation. You will have transgressed. You cannot discriminate against another human being in South Africa who wants to join the party on the basis of their sexual orientation, or their health status. You cannot do that.”*²²²

She also added that those who discriminated against LGBTIQ persons within the EFF would be dealt with through disciplinary processes.

4.3.2 LGBTIQ POLITICAL LEADERS

Yet policies do not always translate to a reality that feels open. When Quintas was asked whether he ever hesitated to run as a gay man, he felt that the precedent set by previous LGBTIQ leaders had cleared a space for him, pointing to the need for continued support of existing LGBTIQ political leaders, and the need for an increase in the representation of the LGBTIQ community. He notes,

*“The previous councillor [but one] before me was gay. The party itself, we aren’t a party for racists or homophobes. As a DA candidate, I felt safe in that framework and felt no reason to hide. People who are making their mark for the DA should not have an issue.”*²²³

Interview respondents were asked whether it was safe within their parties for representatives to be open about their sexual orientation and gender identity. All responses indicated that party representatives felt that this was very much the case. As the ruling party, the ANC has only had one openly out LGBTIQ elected official since 1994, however Mthembu argued that there were many more who were not openly out. When asked if it was safe, Mthembu responded,

*“Definitely. Why not? In fact, how different are those communities in respect to the other communities? They’re not. They are wonderful patriotic South Africans. Some of the people who I was in the struggle with were people who were LGBTI. They fought for this freedom as well. Why would they not stand as public representatives of the ANC? It would be a terrible act of discrimination if my party were not to allow someone who was LGBTI to stand as a public representative.”*²²⁴

When questioned why there were so few out members of the ANC if it was safe to be LGBTIQ within the party, Mthembu responded perhaps there remained a need to address the internal culture of the party.

*“Maybe we should look at it as a party. Are we open enough? Even though we’ve come with the constitution that promotes sexual orientation, and a past and foundation of building a non-sexist South Africa, but can we say that at a party level have we come up with programs that also promote LGBTIQ persons? It’s something as a party that we must also look at.”*²²⁵

As noted in the literature review, the majority of South Africa's elected LGBTIQ officials have been elected through the DA. However, whether this is due to an internal culture of inclusivity or external support was not clear. Robinson explained that sometimes parties could be supportive of LGBTIQ leaders internally, without necessarily taking on campaigns externally to promote LGBTIQ leadership.²²⁶ For Quintas, this meant that there was a need to emphasise LGBTIQ needs across branch levels, and not only in the urban centres. He compared the work of this to the focus on women in the DA Women's Network (DAWN) and the DA Youth (DAY).

*“We have DAWN [Democratic Alliance Women's Network] and DAY [Democratic Alliance Youth]. We have an auxiliary function with the LGBTI, we should incorporate that into the branch structures, making sure that there is something in the city but also in the Karoo. Ensuring that we are growing a crop of leaders like DAWN and DAY [does].”*²²⁷

For Mbhele, there is also a balance between professional achievements and the need to promote himself as an LGBTIQ representative. He explained,

*“I don’t want to just become known as the gay MP. I want to be known as a good MP, effective, articulate, on the ball .. me being gay is something I want to forefront when it’s useful and I can leverage around particular issues. But it comes down to, I don’t want to be typecast, but at the same time I’m not trying to hide anything, or to downplay anything.”*²²⁸

In contrast, the EFF does not currently have any openly LGBTIQ elected officials. For Mkhonza, the fact that there weren't any that were openly out was not reflective of a lack of party support.

*“We wouldn’t question anyone’s leadership because he or she is gay or lesbian. We need to agree on a point that leadership has nothing to do with gender or sexuality. We care about your output, and how you do your tasks.”*²²⁹

Mente agreed with this analysis, stating that all members of the EFF were provided with equal space to participate within the party.

²²² Mente, V (2017).

²²³ Quintas, R (2017).

²²⁴ Mthembu, J (2017).

²²⁵ Ibid.

²²⁶ Robinson, D (2017).

²²⁸ Mbhele, Z (2017).

²²⁹ Mkhonza, C (2017).

*"If you're a fighter and I'm a fighter, and you are gay or lesbian, at the very same platform – if it's a women's event or a branch meeting – you've got the right: speak. You want to speak on rights, go ahead. Feel free to voice whatever you want to voice at a space that suits you within the organisation."*²³⁰

Similarly, Van der Merwe indicated that whilst she couldn't think of any particular representative within the IFP who was driving LGBTIQ issues as their key focus, all of their public representatives:

*"work to advance human rights for all. We don't see some as more deserving than others. Wherever there is unfair discrimination, our representatives speak up."*²³¹

Van der Merwe felt that it is "absolutely" safe for members of the IFP to be open about their SOGI, and linked this to the IFP Constitution, which states that:

*"an advanced culture of human rights protection must be developed to redress not only old and well-known forms of abuse, but also to prevent new forms of abuse of the people.. the self-identification of individuals within a particular social and cultural milieu is essential to their identity as South Africans.. culture, religion, morality, and societal organisation belong to the people and shall never become a business of government."*²³²

For Van der Merwe, where colleagues elected not to be openly out, it was linked to societal rather than party reasons. This was supported by the interview with Professor Christian Themba Msimang, an IFP Member of Parliament on the Justice Portfolio Committee and the Deputy Secretary General of the Party. He explained that IFP members who were not openly out should feel safe to come out within the party, or to join the IFP.

*"They should not be worried. The world does not know enough about these people, if one has a member (we probably do have members) we don't do a witchhunt, it will help us save politics from different perspectives. They are there and the constitution and we can know more about them and protect their rights."*²³³

Although it was not possible to find any information on openly LGBTIQ political representatives in COPE, Carter noted that:

"We have had members of the LGBTI community who have held senior positions in the party and who have with other members of the party promoted the rights of LGBTI persons. We have had members of the LGBTI community.. who have been on our

*candidate lists at all levels. It would be contra to the values of COPE for LGBTI members to be discriminated against in any manner."*²³⁴

Mkhonza noted a difference between the levels of awareness around human rights for LGBTIQ persons at the top party structures, and within the branches, and the need for the EFF to work within its branches to address persistent homophobia and discriminatory attitudes.

*"The leadership on the top is very sensitive. What's problematic is that people who join the party come with their own conservative or patriarchal background. We have to teach them that these views are wrong. Things around religion and too, sometimes it comes with some views that we have to talk about. We need to conscientise. We need to look out at things, and how can we share the manifesto and constitution of the EFF. So we say to people if you join, you need to uphold these. The organisation requires that you abide by the constitution."*²³⁵

Similarly Mthembu noted that there remained work to be done in ensuring that sensitivity to LGBTIQ human rights was raised within party structures and within society as a whole, however he felt optimistic that those who were not in support of LGBTIQ issues were in the minority.

*"There are some people at a religious level that still need to be schooled. There are some that I sit with even in Parliament who still need to be schooled. They are not above the constitution of the country. They might not believe in LGBTI communities or same sex marriages, but the parties and people who think like that are minorities .. This is a victory, that there are only minority parties that think like that."*²³⁶

Political parties are ultimately made up of individual members, and this desire to try to raise awareness within the party, and to stand up for any member of the party who was subjected to discrimination, was mentioned by Van der Merwe, who said:

*"It is the nature of politics that parties tend to attract members who identify with their stated beliefs. That being said, we are aware that individuals who personally discriminate against members of the LGBTI community do become involved in politics, and some vote for the IFP just as they might vote for the ANC, DA, EFF or any other political party. Thus the IFP does not tolerate discriminatory practices or sentiments by our members or office bearers, and we will stand up for any member who finds themselves a victim of discrimination."*²³⁷

²³⁰ Mente, V (2017).

²³¹ Van der Merwe, L (2017).

²³² Ibid.

²³³ Msimang, C (2017).

²³⁴ Carter, D (2017).

²³⁵ Mkhonza, C (2017).

²³⁶ Mthembu, J (2017).

²³⁷ Van der Merwe, L (2017).

4.3.3 ATTEMPTS AT ENGAGEMENTS: LOBBYING FOR HUMAN RIGHTS FOR LGBTIQ PERSONS AND POLITICAL PARTICIPATION

Despite challenges in levels of awareness of human rights for LGBTIQ people at the lower levels of the EFF structure, both Mente and Mkhonza felt that it was "very safe" for EFF officials to come out within the party. For Mkhonza, this was linked to the party's ideals of gender equality. He expressed hopefulness that more LGBTIQ persons would become involved with the EFF, saying that:

*"People within the EFF have accepted that women have a leadership position. People might say she's arrogant, but it's not because she's a woman. It's a leadership. This is just an example of women. But the same could apply to LGBTI leaders. We hope that more LGBTI persons come up through our party to come and stand as leaders, but at the moment we don't have many."*²³⁸

At present, all members of the EFF who join are required to take an oath to abide by the party's constitution, and the themes contained in the constitution are expanded upon in branch meetings and discussed as a form of political education. The EFF holds community meetings to assess interest in their party, and to raise awareness of the party's ethos prior to establishing a branch. There is thus an emphasis on working within communities and ensuring that their sensitivity is raised. When asked whether these branch meetings and community meetings were an opportunity for LGBTIQ organisations to engage on human rights for LGBTIQ persons, Mkhonza explained that:

*"At a branch level it's difficult to do that. But at the level of the region it might be good to do that. We could invite somebody, and give them a platform for a few minutes. In my experience it hasn't yet been done, but in any case there is room. We should invite people. It's a chance to interact. Gives an opportunity for sharing."*²³⁹

For Mkhonza, there was also a need to promote LGBTIQ leadership through community sensitisation, and engaging with patriarchy and homophobia within communities, however he noted that to date the EFF had not yet done enough to address these challenges.²⁴⁰ Mente added that there was a desire amongst the EFF members to increase their knowledge, and that there was a desk at Parliament that any person could contact to raise issues.

Robinson felt that the best way to incorporate LGBTIQ issues within the party and promote LGBTIQ leadership:

"wouldn't be on a sexuality basis, it would be around how the major issues affect LGBTI persons, e.g. corruption, justice, and policing."

All interview respondents mentioned the trend of lower political participation nationally, and globally, and suggested that any absence of LGBTIQ political participation would be linked to this broader trend. Robinson said she had perceived societal reluctance towards political participation in recent years, possibly linked to recent corruption scandals within the ruling party.²⁴¹ Similarly, Van der Merwe noted that:

"The crisis of weak leadership in South Africa has led to many becoming disillusioned and despondent. I think some South Africans no longer feel that their participation is respected, or that it makes any real difference to solving the problems our country faces."

Similarly, Mkhonza listed voter apathy as a challenge, however reflected that in the 2016 Local Government Elections the higher voter turnout was positive.²⁴² However, he also explained that party loyalty was a challenge because for many voters, they would rather not vote than change parties.²⁴³ He further noted that violence against vulnerable groups might discourage some voters from showing up to the polls.²⁴⁴

Robinson also noted that efforts to reach out to LGBTIQ groups within communities had been met with hesitation, and that the success of these interventions had been hampered by infighting within the LGBTIQ sector. She explained that:

*"We have had challenges with NGOs not accepting the invitations from political parties. They don't want to come to anything official because they're seen as supporting the DA. It has been more on an individual basis .. there were people who worked with the DA to try and lobby for these issues, but then of course, because of infighting within the group, that came to the end. They felt that they were being used by the political party, or that they had their own political ambition, I'm not sure which."*²⁴⁵

For this reason, Robinson indicated that within the DA internal activism had been a more effective strategy, including sharing information and strategising within the party on the issues of vulnerable groups.²⁴⁶ Mkhonza also reflected on the importance of conscientising party staff and office bearers as a tool to ensuring that the party is able to approach SOGI issues in an informed way.²⁴⁷ In addition, he felt that in order to address

²³⁸ Mkhonza, C (2017).

²³⁹ Ibid.

²⁴⁰ Ibid.

²⁴¹ Robinson, D (2017).

²⁴² Mkhonza, C (2017).

²⁴³ Ibid.

²⁴⁴ Ibid.

²⁴⁵ Robinson, D (2017).

²⁴⁶ Ibid.

²⁴⁷ Mkhonza, C (2017).

gender imbalances in issues and party representation there was a need to acknowledge prevailing socio-economic realities for South Africans, and to try to address these in party practice and procedure by making equal room for all members to talk.²⁴⁸

When questioned about how addressing these issues would link to the increased representation of LGBTIQ people within the EFF, Mkhonza noted that there was a need for both LGBTIQ individuals and the EFF to address the issue through behaviour change.

*"At the moment I don't see LGBTI people have made the EFF their potential home politically. The EFF is of the opinion that we need LGBTI people and they have a home in the EFF. [We need] .. positive discrimination to encourage more people from those backgrounds to be more upfront and more inclusive. What happens is that these people go into social movements that are around gender-based issues .. the other thing is that deliberately all our structures should have someone who is thinking of gender. It should be a portfolio in every structure, national and provincial. Those people should advocate for gender."*²⁴⁹

Mente added to this by suggesting that perhaps during the 2014 elections voters were unsure of the EFF, however there had been a change following their participation in Parliament.

*"After we'd been in Parliament and people have seen what we can do, they started trusting us. Then the turnout during local government became much better. Because now we are tested, we have formal structures. They see what we can do, they see how we reach out to people, they see how we protect the country and they see how we protect the sovereignty of this country and the dignity of the South Africans as a whole. They are slowly getting to understanding who this EFF is."*²⁵⁰

For Mkhonza, the limit to increased advocacy around promoting human rights for LGBTIQ persons, and to increasing their representation within the EFF, was the fact that the party is still new, and is in the process of building the structures and the party as a whole. At the same time, he recognised that this was in fact an opportunity to include LGBTIQ persons within the party framework early on.

*"The constitution of the EFF specifically talks about being against discrimination on the basis of sexual orientation.²⁵¹ We are charged with growing the organisation and so we need to be on the look out and encourage them to, and let them come to the ranks."*²⁵²

For the IFP this recruitment or campaigning amongst LGBTIQ constituents faces that same challenge of resources that they face when reaching out to society broadly.

*"It is difficult for us to have the necessary reach to get our message into all communities, as we simply don't have the funding that other parties enjoy. We rely predominantly on membership fees and our main support base is predominantly poor."*²⁵³

For Msimang, parties were not always sure how to create a context that would feel welcoming for LGBTIQ persons when they weren't aware of any openly LGBTIQ persons within their community or members. He explained:

*"[It is] very difficult for the party to know how to create that atmosphere because they don't know people are gay to begin with. It is a bit of a Catch 22."*²⁵⁴

This could create a context where those parties without any elected LGBTIQ representatives struggle to attract LGBTIQ members, thus creating a cycle of a lack of representation. It speaks to the importance for parties of articulating a clear message in support of human rights for LGBTIQ persons, in order to attract LGBTIQ members. According to Van der Merwe, the IFP works to overcome this challenge by building long-term partnerships with like-minded organisations, and thus is open to building relationships.

In addition to promoting Constitutional values, Carter made reference to the use of Parliamentary Questions as an avenue to keep LGBTIQ issues on the political agenda. In particular she noted that COPE is currently addressing the challenge that only 117 of the 409 Home Affairs offices nationwide will welcome Gay or Lesbian couples who would like to get married under the Civil Union Act, and that COPE is working towards legislation to repeal Section 6 of the Civil Unions Act.²⁵⁵

For Mthembu, the challenge of increasing political representation and political participation was a challenge that was occurring globally due to a lack of faith in political parties. He explained, that for many people political participation was weighed up against individual needs.

"When people participate in these political programs and parties, are their needs being addressed? All of them? Whether they are day-to-day bread and butter issues, or not, [they ask] do these parties that come into office, do they implement those wonderful promises that they have made? Unfortunately if politics in the majority of cases just becomes empty

²⁴⁸ Ibid.

²⁴⁹ Mkhonza, C (2017).

²⁵⁰ Mente, V (2017).

²⁵¹ This is not noted in the version of the Constitution available on the EFF website.

²⁵² Ibid.

²⁵³ Van der Merwe, L (2017).

²⁵⁴ Msimang, C (2017).

²⁵⁵ Carter, D (2017). See also Parliamentary Question 1090 (2017) to the Minister of Home Affairs.

*sloganeering we might lose many people in political campaigns and political work. We might find that many people might feel like maybe let's do something else, instead of being in political corridors."*²⁵⁶

He added that despite a lack of interest in political participation in South Africa, the ANC and he personally felt that:

*"Every one of us, whether we belong to the LGBTI community, whether we belong to the women of South Africa, whether we belong to the men or the youth, all of us have a contribution to make. As long as we take advantage of all the possibility and opportunities that are there."*²⁵⁷

Mente supported this suggestion, encouraging LGBTIQ persons to take advantage of elections, and support the EFF.

*"LGBTI people vote – the LGBTIQ community vote. They must come and join the EFF. They must feel free."*²⁵⁸

4.3.4 SUMMARY OF POLITICAL PARTY INTERVIEWS

The political party interviews revealed party openness to engage with LGBTIQ issues at face value, despite a lack of overt policy to promote human rights for LGBTIQ issues specifically. Some of the key messages that came from the political party representatives included:

- Parties reflected that the introduction of such policies or deliberate engagements by parties could be of benefit;
- Some parties felt that it would be more effective to mainstream concerns regarding human rights for

LGBTIQ persons across existing policies rather than create standalone LGBTIQ policies, in the same way that many parties consider the impact of policies on women or the youth for example;

- All parties were aware that they were located within communities of voters who might be more conservative than their political party values, and that this required sensitization both within the party, and with the communities in which they worked.
- All parties indicated openness to engaging with LGBTIQ organisations and individuals using various political platforms. This indicates the opportunity for LGBTIQ organisations to reach out to political parties around such opportunities such as ward meetings, branch meetings, and party imbizos²⁵⁹, to ensure that these issues are raised and addressed;
- Parties indicated support for their LGBTIQ members and officials, whether these members were openly out or not. It was noted that the existence of previous LGBTIQ leaders made current LGBTIQ leaders feel more confident, because a precedent had been set. This points to the need to promote and support LGBTIQ leaders.
- Some representatives emphasised the need to incorporate LGBTIQ concerns across branch structures to promote better awareness and understanding of these issues, and to ensure that both urban and rural branches promoted human rights for LGBTIQ persons.
- Where parties do not have any LGBTIQ members this prevents them from electing an LGBTIQ leaders. At the same time, not having any openly LGBTIQ leaders can prevent parties from attracting LGBTIQ members. This speaks to the importance for parties of articulating a clear message in support of human rights for LGBTIQ persons, in order to attract LGBTIQ members.

²⁵⁶ Mthembu, J (2017).

²⁵⁷ Ibid.

²⁵⁸ Mente, V (2017).

²⁵⁹ An imbizo is a gathering of people, for example a community meeting focussing on a particular topic.

Throughout the interviews with civil society respondents and political parties, opportunities were provided for them to make recommendations on how existing opportunities for political participation could be best used and maximized, as well as how new opportunities could be created.

In many instances, for civil society actors, a distinction was made between spaces that organisations or individuals were invited to ('invited spaces' or 'inside strategies') and those that were created outside of government processes ('invented spaces' or 'outside

strategies'). All respondents felt that there was a need to use both kinds of spaces, as well as a third space for strengthening the LGBTIQ sector internally.

The tables on the following pages summarise these suggestions. These suggestions are expanded upon in more detail in two separate best practice documents – one for civil society and activists, and one for political parties.

In this document, Table 14, 15 and 16 speak specifically to civil society best practice, whereas Table 17 and 18 speak to political party best practice.

TABLE 14: USING INVITED SPACES TO MAXIMIZE IMPACT

INVITED SPACES WHERE GOVERNMENT INVITES CIVIL SOCIETY OR INDIVIDUALS TO PARTICIPATE	
BUILD RELATIONSHIPS	Provides an opportunity to build relationships in government with those willing to make a difference. ²⁶⁰ Don't wait for an invitation, reach out. ²⁶¹
SHOW UP	Getting your name/your organisation's name onto the mind of the government/politicians is important. You won't have a voice if you're not there. ²⁶²
YOUR APPROACH MATTERS	It's important to go to these spaces with a willingness to engage, ²⁶³ but there is also a need to know what your bottom line is. ²⁶⁴
USE THE INVITED SPACES to build your own networks and solidarity	Often these spaces provide an opportunity for organisations and individuals to network and build relationships. ²⁶⁵
DON'T BE APOLOGETIC about what you're asking for	Organisations should not compromise to make government feel more comfortable. ²⁶⁶ Sometimes more radical action (e.g. a protest in these spaces) might be more effective. ²⁶⁷ Go to the table, be critical, and don't assume that they will take everything you say into account.
SEND REPRESENTATIVES who will represent the broader group	Representatives in invited spaces should be aware that they are not just there to represent their own organisation, but should be thinking of the entire sector, and encouraging government to be more inclusive. ²⁶⁹ This requires relationship building within the LGBTIQ sector, ²⁷⁰ and for these representatives to caucus before meetings. ²⁷¹
BE SUPPORTIVE of LGBTIQ politicians and party representatives	The trend has been to consider those who enter these spaces as sell-outs, when they should be seen as partners. Build relationships with LGBTIQ political representatives and support them. ²⁷²
BE HUMBLE AND PRAGMATIC	Don't assume that everyone understands the issue, and at the same time don't assume that everyone is 'an idiot'. Create a context of information sharing and honesty. ²⁷³

²⁶⁰ Mtetwa, P (2017).

²⁶³ Ibid.

²⁶⁶ Craven, E (2017).

²⁶⁹ Craven, E (2017).

²⁷² Ukwimi, C (2017).

²⁶¹ Letsike, S (2017).

²⁶⁴ Waterhouse, S (2017).

²⁶⁷ Ndelu, S (2017).

²⁷⁰ Ibid.

²⁷³ Waterhouse, S (2017).

²⁶² Mtetwa, P (2017).

²⁶⁵ Ndelu, S (2017).

²⁶⁸ Waterhouse, S (2017).

²⁷¹ Waterhouse, S (2017).

TABLE 15: USING INVENTED SPACES TO PROMOTE HUMAN RIGHTS FOR LGBTIQ PERSONS

INVENTED SPACES SPACES THAT CIVIL SOCIETY CREATES OUTSIDE OF GOVERNMENT SPACES, SUCH AS MARCHES, MEETINGS AND FORUMS	
KEEP THE PRESSURE ON	Help to keep the public aware of what you're doing, so that pressure on government comes from other partners too. Don't mitigate what you're saying because you've been at a government meeting. Use inside and outside strategies. ²⁷⁴
PRACTICE RADICAL EQUALITY	Shift the decision making power back to the people who are affected by the decisions. ²⁷⁵ Don't just have a bunch of people at a protest because you need the numbers. Make sure people are informed and actively involved in the issue.
BE CLEAR in communication, and use all avenues	In any campaign the communications capacity must include an understanding of different audiences. Work through the media and new media, utilizing new media strategically. ²⁷⁶
KNOW YOUR ISSUE AND YOUR STAKEHOLDERS	Map all stakeholders to make sure you reach everyone who can be involved/should be involved. Include political parties in this mapping, to see how your work can link to theirs. ²⁷⁷
TAKE THE ISSUE INTO COMMUNITIES and build the movement from the ground up	Organisations should not compromise to make government feel more. Actually take the issue into the communities and into community spaces to ensure that people support or are at least aware of why these issues are important. ²⁷⁸
CONSIDER the best level of government / best avenue for action	When you're thinking about which level of government to interact with you have to ask what the issue is, where the power point is (i.e. national, provincial or local). For example, if the issue is access to justice you'll be looking at national and local, or gay marriage (national), or school (all three). ²⁷⁹
INVITE POLITICAL PARTIES TO YOUR EVENTS/ENGAGEMENTS	Many decisions are made at a party level, before they even get to formal government processes. Keep political representatives aware of LGBTIQ issues, and informed. ²⁸⁰ Share knowledge brochures, pamphlets and links with members to empower them. ²⁷²
CONSIDER TAKING UP MEMBERSHIP OF A POLITICAL PARTY	Use your membership to influence the discussions, and raise human rights for LGBTIQ persons within these spaces where it is safe to do so. ²⁸¹

²⁷⁴ Waterhouse, S (2017).

²⁷⁵ Craven, E (2017).

²⁷⁶ Waterhouse, S (2017).

²⁷⁷ Ibid.

²⁷⁸ Ibid.

²⁷⁹ Ibid).

²⁸⁰ Letsike, S (2017).

²⁸¹ Ibid.

TABLE 16: BUILDING STRENGTH IN THE LGBTIQ SECTOR

BUILDING THE SECTOR FOR SUSTAINABILITY	
THINK LONG TERM	All actions in both invited and invented spaces should take into account the best way to defend gains, and should be strategic. ²⁸² In addition, there is a need to preserve the open spaces that have been gained, for further advancement. ²⁸³
ACCEPT DIFFERENCE	Not all members / parts of a coalition are going to agree. But it is best to address these disagreements honestly and frankly within the movement or coalition, so that the focus is on the goal. ²⁸⁴
ADDRESS INTERNAL POWER DYNAMICS	Name and challenge the power dynamics within an alliance. If people are speaking 'on behalf of' other organisations, then those organisations should have a say in what is being said. Representatives should commit to representing.
ALLOW FOR FLEXIBLE STRATEGIES AND DOCUMENT PROGRESS / CHALLENGES	Map all stakeholders to make sure you reach everyone who can. What works at one level of government (i.e. national), might not work at another (i.e. provincial or local). The same strategies might not even work across departments, or provinces, or municipalities. So there is a need to show up, be noticed, and to examine which strategies might work. ²⁸⁵
BUILD SAFE SPACES for activism around human rights for LGBTIQ persons	Building community partnerships: In some communities activism around human rights for LGBTIQ persons remains dangerous. Work on building partnerships with community organisations, including religious organisations where necessary, to create a sense of solidarity. ²⁸⁶
BUILD CAPACITY within the sector, and between sectors	There is the need to build educational elements into any campaign so that the number of people who can speak on the issue is expanded. ²⁸⁷ This could include running political schools within LGBTIQ NGOs or CSOs. ²⁸⁸
DIVISIONS WITHIN CIVIL SOCIETY DISADVANTAGE CIVIL SOCIETY	Work should be dedicated to building alliances, coalitions and movements. ²⁸⁹ Invite representatives from broader movements (e.g. health, social justice, education etc.) to your meetings so that they take up LGBTIQ issues in their platforms. ²⁹⁰
ENGAGE MORE REGULARLY WITH POLITICAL PROCESSES	Stay 'on the ball' politically, aware of shifting politics and leadership of political parties. ²⁹¹ This will help with strengthening the sector, and convincing government and political parties that the LGBTIQ sector is a constituency they should be thinking of. Engage with officials in political parties who can be allies and become paid up members. ²⁹²

²⁸² Mtetwa, P (2017).

²⁸³ Ibid.

²⁸⁴ Waterhouse, S (2017).

²⁸⁵ Ibid.

²⁸⁶ Ibid.

²⁸⁷ Ibid.

²⁸⁹ Mtetwa, P (2017).

²⁹⁰ Waterhouse, S (2017).

²⁹¹ Ibid.

²⁹² Ukwimi, C (2017).

TABLE 17: INTERNAL POLITICAL PARTY STRATEGIES TO PROMOTE LGBTIQ INVOLVEMENT

PROMOTING PARTY ACCESSIBILITY AND SUPPORT FOR LGBTIQ PERSONS	
Introduce a deliberate policy to encourage LGBTIQ persons' participation, ²⁹³ or mainstream LGBTIQ interests throughout existing policy ²⁹⁴ and promote LGBTIQ leaders.	<p>When LGBTIQ issues are not considered independently of the issues of vulnerable groups gaps can develop. All policies should consider their impact on LGBTIQ persons, and a specific policy on LGBTIQ issues will indicate to LGBTIQ voters that your party cares about and will promote their needs.</p> <p>Promoting LGBTIQ leaders gives credibility to your party when speaking on these issues.</p>
Incorporating respect for human rights for LGBTIQ persons in party manifestos and constitutions. ²⁹⁵	<p>Making over statements of support will make it clear to LGBTIQ persons that your party supports their human rights, and will support them.</p> <p>Manifestos should explicitly mention LGBTIQ persons as an interest group and constituency. One way to do this is to invite LGBTIQ organisations to do sensitivity training with your organisation, so that you can incorporate these perspectives.</p>
When considering a 'gender balance' in party structures, parties should take into account the need to be inclusive of gender diversity. ²⁹⁶	<p>Most mentions of 'gender' within political party structures actually relate to cisgender women.</p> <p>This ignores the experience of LGBTIQ persons, and can lead to marginalisation. To be more inclusive, representation targets should take into account the need to represent diverse sexual orientations and genders.</p>
Invite LGBTIQ constituents and interest groups to make presentations to the party.	<p>This will ensure that your policies and strategies to support constitutional values and LGBTIQ persons are suitable to address the needs of LGBTIQ persons in your constituencies and in the country more broadly.</p> <p>This can help the party to appeal to LGBTIQ voters, thus helping them to promote LGBTIQ leaders.</p>
Pursue political education of party members.	<p>It is not safe to assume that all members of a party are equally aware of human rights for LGBTIQ persons. Hold regular discussions within all levels of the party to promote awareness for these rights, and the challenges LGBTIQ persons face.</p>
Hold party members who discriminate accountable. ²⁹⁷	<p>There is the perception that at some levels of government it is safe to be homophobic or transphobic.</p> <p>This perception should be addressed through holding party leaders and office bearers accountable at all levels, and ensuring that the public is made aware that your party takes these matters seriously.</p>

²⁹³ Letsike, S (2017).

²⁹⁴ Robinson, D (2017).

²⁹⁵ Ibid.

²⁹⁶ Ukwimi, C (2017).

²⁹⁷ Ukwimi, C (2017).

TABLE 18: HOW POLITICAL PARTIES CAN PROMOTE LGBTIQ POLITICAL PARTICIPATION THROUGH EXTERNAL ACTIVITY

PROMOTING PARTY ACCESSIBILITY AND SUPPORT FOR LGBTIQ PERSONS	
<p>Make statements to support LGBTIQ persons at all levels (community, local government, provincial and national level).²⁹⁸</p>	<p>Statements of support are important in making your party accessible to LGBTIQ persons, and raising awareness of the opportunities for political participation.</p>
<p>Be an ally to LGBTIQ organisations: for example attend events hosted by LGBTIQ organisations, be part of marches against homophobia or transphobia.²⁹⁹</p>	<p>Showing solidarity via attending LGBTIQ events is a good way to build working relationships with the LGBTIQ community, and to increase their awareness of your political party.</p>
<p>Promote community openness and accessibility.³⁰⁰</p>	<p>The best way to approach political parties to engage on LGBTIQ issues is not always clear for outsiders. Parties should make these channels clear on their websites, and branch communications. Parties should also invite specific feedback and input on human rights for LGBTIQ persons.</p>
<p>Host events on commemorative days.</p>	<p>Political parties often have events on Youth Day and Women's Day. There are a number of opportunities to hold similar events during Pride month – for example, an LGBTIQ Parliament, an Imbizo or a march. This sends a signal to your constituents that human rights for LGBTIQ persons are a party priority.</p>
<p>Within your constituencies address the barriers that LGBTIQ persons face in participating politically.</p>	<p>Engage with service providers, community members, religious organisations, and civic organisations within your community to ensure that they are supportive of and informed about human rights for LGBTIQ persons.</p>

²⁹⁸ Craven, E (2017).

²⁹⁹ Ndelu, S (2017).

³⁰⁰ Letsike, S and Ndelu, S (2017).

As indicated earlier in this paper, LGBTIQ South Africans make up a constituency that could assist political parties in securing a significant number of seats at election time.

Part of ensuring that LGBTIQ persons participate politically, and support political parties in South Africa requires activity on behalf of political parties to show their willingness and enthusiasm to promote human rights for LGBTIQ persons.

Despite significant legislative progress since 1994, LGBTIQ persons continue to face barriers to political participation including discriminatory attitudes, fear of violence, and disinterest in political opportunities. These can all be addressed through sustained activism on the part of political representatives, both within their parties and within society.

Findings from the survey results indicate that LGBTIQ persons are voting, and that at present respondents felt most close to the DA. This could be linked to concerns around the current political context of corruption, as raised by opposition party members, and it could be linked to the fact that the DA is the political party with the majority of openly out elected LGBTIQ officials. Despite feelings of party closeness, most respondents were not members or volunteers of political parties, and did not regularly contact their local government officials.

LGBTIQ persons indicated that like most South Africans, they were most concerned with issues of education, basic services, and jobs when voting, and yet few political party policies actively mainstream LGBTIQ interests through their policies. Black South Africans were more likely than other race groups to rank LGBTIQ issues as important when voting. There is a need for all political parties to consider how they are reaching out to LGBTIQ communities, and whether this has been effective. Given that most respondents did not feel that parties were performing well, there is significant opportunity for improvement and action in this regard.

Civil society interviews revealed that significant milestones to LGBTIQ equality require protection in contemporary South Africa. One significant feature of this protection is the necessity of building a strong LGBTIQ sector that is responsive to the needs of partners, and its constituents, and that is more representative of a broader group of LGBTIQ South Africans. Rebuilding the sector, and developing consensus on particular issues and goals between organisations could translate into better LGBTIQ political participation at an individual level.

Overall the study indicates a willingness to participate on the part of LGBTIQ South Africans as well as a support for this participation from political parties and civil society. The Best Practice section points to some steps that can be followed to begin this journey, the first step of which should be ensuring that all LGBTIQ persons are aware of and supported in their human rights.

The legislative groundwork for promoting access to human rights for LGBTIQ persons has been done. There are now significant opportunities to increase the political participation of LGBTIQ persons in South Africa to promote the actualization of human rights and equality for all.

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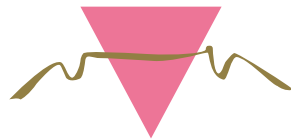
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