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Binaries and Boxes

In conversation with Dr Mzikazi Nduna

Africa Rights Talk is a [Centre for Human Rights](#) podcast series exploring human rights through conversations with academics, practitioners and activists. The Africa Rights Talk series is hosted by [Tatenda Musinahama](#). Each episode offers insight into the African human rights system and the state of human rights in Africa, and globally.

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Thiruna: Welcome to this episode of the Africa Rights Talk podcast. Today we'll be having a special episode focusing on LGBTIQ+ rights in Africa. My name is Thiruna Naidoo and I work with the [SOGIESC Unit](#) at the [Centre for Human Rights](#). Today we will be interviewing Professor Mzikazi Nduna who is an esteemed South African with affiliations to a variety of academic and civil organizations, movements and initiatives. Dr Nduna is an author, educator, a researcher, a trainer and a scholar with a strong ethic of community engagement with science. She has 25 years of work experience that spans teaching in two public high schools, peer education and training in various communities in South Africa. Welcome Dr. Mzikazi.

Dr Nduna: Thank you Thiruna, thank you very much for having me here.

Thiruna: So I have a few questions for you today and I would like to start by asking if you could please, kindly introduce yourself and tell us about your work in the LGBTIQ+ rights sector.

Dr Nduna: Thank you for that introduction. I guess with between 70 and 100 publications, depending on what publication output matters to you, I consider myself to be an author and most of my scholarly outputs are in the field of sexual reproductive health and rights. So of course this gives away, I hope so, it gives away the fact that my work is in the contested space of sex and sexuality including sexual

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expression. I do work around gender, gender identity and the ways in which we express our felt identities. I am also a teacher, an educator, a lecturer, a trainer, a facilitator whichever you prefer. My career as a knowledge transferrer started with high school teaching then I moved to training and facilitation in the civil society space and now I'm a lecturer. And again, I guess because gender and sexual expression is a constant throughout our lives so one does not stop doing one thing. So, I don't stop teaching and then I become the other, or I don't stop being a researcher then I become a community activist. So I find myself sharing knowledge with adolescents which is what I did when I was a teacher but I continue to do it now with young people at university level but also with older people. So when you work on a subject that is as constant across a lifespan as sexuality, one cannot escape learning about diversity and the continuum that we observe in humans. So it is my curiosity from this observation that introduced me to the work around the queer community or what we sometimes refer to as sexual minorities or the LGBTI+ community. So I hope that introduction helps our listeners.

Thiruna: In your in your response you touched on your work with sexuality and sexual expression. So I wanted to know if you could give us a better understanding of what is human sexuality and what do we mean when we use the phrase the gender binary?

Dr Nduna: So, Thiruna, sexuality can mean a few different things depending on the context. So it can refer to a field or study, for example, the field of human sexuality which is where I sometimes teach. But also, the term can be used to refer to ways in which we express who we are. We are all sexual beings whether we choose to express that in particular gendered ways or out of the box of the binary of men, women, male, female, cis, heterosexual or homosexual. We also choose to explore our romantic inclinations to people that we are emotionally and intellectually attracted to. We may engage in sex or not, but also we choose when we engage in things, that is, who we want to engage in sex with, when and for what reason.

Again I use the word choose very carefully and I would like our listeners to understand that many people on the African continent and elsewhere, do not have the right to choose when, how, where and with whom they would like to have a romantic relationship with and or a sexual relationship with, and I try to separate the two because they do not always go together. This is because as a society, we deny the dynamic and fluid and diverse and variant sexualities or ways of expressing our sexualities that exists out of there. So what people are introduced to in our communities is a simplified version of what the world looks like and it's not a true version of what the world looks like.

We introduce people to what we call the binaries which is a form of understanding the gender as if we had two genders, we had men and women. A form of understanding the biological characteristics at birth which is sex, as if we only have male and female, as a form of understanding how we want to express our love which can be cisgender which means if you are born female you will then express your gender as a woman if you are born male you will express your

gender as a man or in terms of sexual orientation. If you express yourself with an opposite sex then we call you straight or if you express yourself with the same sex then we'll call you homosexual. So these are the binaries that we talk about. So I think that is what is important for us to think that there is more than these binaries. There is more than male/female, there's intersex people, there's more than men/women, there's gender non-conforming or transgender people there's more than just people who identify as cis- heterosexual or transgender there's fluidity there's more to sexual orientation than what we sometimes think which is there's a straight person and there's a homosexual person. So there are people, bisexual people for example don't fit in that binary, so where would you put bisexual people? So, it's very important that we think beyond the binaries that we were introduced to.

Thiruna: How should we start rethinking sexuality and gender identity and expression in a manner that respects and observes human rights? Because as you've touched on your on in your response, there are many parts in our continent where people do not have access to the type of environment that allows for the expression of their sexual orientation or their gender identity.

Dr Nduna: Yes you are right, so um I think that we need to do a number of things. One of the things that I feel we need to do, is to understand and accept or to promote an understanding and acceptance that there are more colours than the primary colours that you know we were introduced to at kindergarten, I want to use that analogy for this conversation. So we need to increase our awareness of the variance of colours and as we grow the capacity to learn as human beings, we then grow the capacity to appreciate the nuances in colours. With this I mean, we need to acknowledge that all human beings have the capacity to learn about gender and sexual orientation diversity. We block these opportunities sometimes by having long discussions about whether comprehensive sexuality education is needed. At a school where the two boys who live with me go, early this week we received a letter that asked us to give consent to our children sitting in a session that's going to teach about sex and sexuality this is high school. So why do we do that? We don't send letters to parents to ask them whether we should teach children physics, math, Zulu or English but when it comes to teaching about sexuality we undermine the capacity of the learners to learn about this. And yet, as human beings grow so does their capacity to learn. So, I think it's very important that we introduce these conversations in our churches, in our schools and our families so that we all have exposure to more information and increase our knowledge.

We need to normalise the idea that gender is a continuum and yes, you may have been taught that colours only come in red, yellow and blue when you are small because those are the primary colours that you were introduced to at kindergarten, but hey, the society will frown upon you when you vehemently hold on to the fact that maroon is red because maroon is not red, mustard is not yellow and navy is not blue. This is because at a certain point you have seen, you have read, you have heard about the other variants and you are stubbornly denying the existence of the diversity and variety to serve your own narrow-mindedness and this is what people who argue against homosexuality, against transgender,

against bisexuality, against all the different forms of sexual expression and orientation that are out there do. They become narrow-minded they stick to what they were taught so they say, and to what they know even against evidence that is presented to them. So when you remain blinded to the reality around you and you try to convince yourself and the world around you that we are all in kindergarten all that we know is yellow, blue and red, then you are wrong because we know, we observe, we live with people around us in your family, in your circle of friends, in your classroom, in your lecture hall, in your community, in your soccer club everywhere we go we'll always know of people whose gender expression is slightly different or whose sexual orientation is different but we deny the existence of that community and that's what we need to stop doing.

Thiruna: To what extent do human rights norms enforce gender binaries and essentialise the discourse on gender issues?

Dr Nduna: That's a very important question. It's important because you are raising a question about human rights norms and when we talk about human rights we always believe that we are talking about an environment that is allowing and every individual has rights. And then in this space you are right, there are norms that are formed in this space. Unfortunately, space exists in a particular context and in a context where these gender binaries are enforced through culture, religion and education and all these other sectors in our society. So what I find is that it's really disappointing when we observe human rights activists promoting the men and or women's rights for this and for that, and assume that that men are the same. So this notion promotes injustice and exclusion and we see it quite a lot even in documents about human rights. I'll give you an example, you know South Africa ratified an important and political advocacy document called the [Maputo Protocol \(Protocol to the African Charter on Human and People's Rights on the rights of Women in Africa\)](#). And we did this as without raising an issue about the fact that the entire document, the Maputo Protocol does not, not once mention the word transgender women. Not once does it mention the word bisexual women. The entire protocol is mute on lesbian women, intersex women or gender non-conforming women. You can just use the tool 'find' in that protocol and type these words. Nothing will pop up. So the ratification of this protocol of course is a continental thing and other countries ratified it but particularly for us in South Africa, it's concerning because South Africa considers itself to be a progressive state. We have a constitution that recognises sex and sexual orientation and gender diversity but then we do not use that position to assert our commitment to the destabilisation of gender binaries. Yes we raised some reservations to the protocol but none of these reservations is about the fact that the protocol does not expressly commit to advocate for all women in their diversity. So that is why you know this revered protocol is mute about same-sex relations for women, what this means for marriage, what same-sex relations mean for inheritance and for widowhood. These are articles that are discussed in the protocol but there is no discussion of these articles around widowhood, inheritance and marriage for lesbian women or bisexual women for example. The protocol is mute on hate crimes against queer women. The protocol does not say nothing about discrimination of women in the education and labour sector on the basis of their gender identity and sexual orientation. So I think there are about 24

articles in the Maputo Protocol and none of these articles, not even article one, which contains definitions and addresses how the provisions that are in the protocol should be understood and implemented for different women. So this is because instruments such as this even though they come from what we consider to be a human rights space they construe women as female bodied cis- gender heterosexual human beings and this is really disappointing.

Thiruna: Touching on that, how should human rights activists expand conversations on gender-based violence to start to include the LGBTIQ+ community?

Dr Nduna: So you're right with that observation. I mean I'm making an assumption from your question Thiruna that you've observed how the work around gender-based violence again refers to men and women all the time and refers to men and women as if they are the only two genders that exist male/female or two sexes that exist. And when we talk about intimate partner violence, which is part of gender-based violence, we usually talk about our girlfriends and boyfriends and about husbands and wives. So the space around gender-based violence also has not recognised the LGBTIQ+ community. So I think human rights activists in that space first need to understand that lesbian, gay bisexual, transgender, intersex, queer, asexual and others they are all part of the discourse of gender, they are about gender. So a lesbian is a female bodied person with the same sex sexual orientation and when they are raped they are not raped because this particular one lesbian did something to invite rape from this particular naughty boy. No. They are raped because there is an ideology in our society that feeds the idea that it is wrong to be a lesbian and so violating a lesbian woman in those ways is a way of contesting a same-sex sexual orientation so we need human rights activities in the GBV space to recognise that. And once they recognise that, they will also contribute and take seriously issues of hate crimes against women for example. Also in our society, we find that even in some sex intimate relationships there is modelling that happens. this relationship sometimes model the idea of Romeo and Juliet and this is problematic because people in same-sex relationships also try to emulate these binaries of you know a feminine and masculine partner in their relationship. So with all of the expectations the gender roles and the associations of feminine and masculine, then this gives expressions to intimate partner violence in same-sex relationships. And because human rights activists in the gender-based violence space don't quite work in this space, they don't recognise that intimate partner violence extends to these relationships as well. And that is why a lot of it is still considered in the context of heterosexual relationships and yet partner chastisement which happens in heterosexual relationships, also happens in same-sex relationships as well. I really would like to advocate that human rights activists in the gender based violence space need to be mindful of the gendered aspects of these relationships all the time.

Thiruna: Can we expand our understanding of sexism as an ideology, to shift it from looking at biological sex and rather gender identity, in order to create links between gender-based violence activism that is intersectional in its focus to include women and other marginalised genders or groups including members of the LGBTIQ+ community?

Dr Nduna: So for quite a while, we have understood the problem that we are facing as women and the problems that we are facing in relation to what I'm going to call sexual minorities as issues about sex and sexism. At face value they did appear to be above it but we should remember that these are about gender and gender identity and gender identity in relation to the roles that are expected of people with a particular gender identity. So you are right I completely agree with you that we need to expand our understanding of sexism which is the discrimination on the basis of sex to consider that in fact, people get discriminated upon on the basis of not assuming the appropriate gender roles for their sex identity. so when um a gay person is discriminated against, it is not because they are male remember, it is because the people who discriminate and have prejudice against the gay person, consider the gay person to have transgressed in terms of what they expect a man to be like to look like, to dress like, to behave like and to have sex with. So it is the gender actually so we need to think beyond the actual, you know sex and sexism because that is very limiting.

It is important as a start for us to understand sexism, but it's limiting because what we need to look at the gender roles and the expectations for these gender roles. And yes of course, these come from the link that we make as a society between gender which is how we perform who we are, to sex which is who we are. So, we need to expand that because if we expand that then we will be able to look everywhere in all sectors, in all areas of our lives and we will be able to look at how women and the LGBTIQ+ community are marginalised and will be able to find ways to reverse that if we look at this as a gender issue.

Thiruna: Thank you so much. Are there any concluding remarks that you'd like to make?

Dr Nduna: Well, just to thank you, thank you to the [University of Pretoria](#), Centre for Human Rights, the gender unit (SOGIESC) for the interview and thank you for contacting me. I wish the SOGIESC Unit all the best in the work that they do and I hope that our listeners will find this podcast valuable and of course they can contact us for more information.

Thiruna: Thank you thank you so much for your time today and for joining us to share your important insights and we look forward to hearing from you again.

This has been Africa Rights Talk. Join us in our other episodes as we continue to explore other human rights issues.