



**SCHOOL OF APPLIED HUMAN SCIENCES**

**Exploring the perceptions of homosexuals on the role played by the South African  
Police Service on crimes experienced by gays and lesbians in Durban**

**by**

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## ABSTRACT

*This study focused on the perceptions of homosexuals and lesbians regarding the role of the police in investigating crimes that were committed against them in Durban, KwaZulu-Natal. In particular, the study explored the experiences of gays and lesbians who had been victims of various type of crime due to their sexuality or sexual orientation. The objectives were, to explore which types of crimes were committed against gays and lesbians, to determine the reasons why homosexuals tend not to report crimes committed against them to the South African Police Service (SAPS), and to explore the perceptions of homosexuals on the efforts of the SAPS in dealing with crimes reported by gays and lesbians. To elicit data the study used a qualitative research method. A sample of 15 participants (7 gay men and 8 lesbian women) from the University of KwaZulu-Natal in Durban was purposively selected. The researcher employed in-depth interviews as the primary data collection method and the data were analysed by means of a thematic analysis process. This involved the identification of themes as they emerged from participants' responses. The findings revealed strong tendencies among communities to victimise gays and lesbians due to their sexuality. Most respondents admitted that they chose not to report such crimes to the police due to reasons such as lack of trust in the police, the fear that the police would not take their cases seriously, shame, blaming themselves for the crimes, and the fear that their families would find out that they were homosexual. The findings also showed that gay and lesbian victims who reported crimes to the police felt that the police did not take their cases seriously, as they would be asked questions that were not helpful but showed a homophobic attitude on the side of the police. The study thus recommends that the police should obtain training in order to be able to understand and deal fairly and more professionally when crime is reported by gay and lesbian victims even if they are personally, culturally or religiously against homosexuality. Laws should be establish that deal specifically with crimes that are motivated by hate or dislike of a person based on their sexuality or sexual orientation in order to address these crimes in a humane and thorough manner and within legal parameters. Furthermore, communities should be educated about homosexuality in order for them to not see it as abnormal but as a manifestation of people's right to diversity.*

**Keywords:** Gays, lesbians, LGBT, victimisation, victim, criminal justice system, South African Police Service, police, crime, homosexual, violent crimes

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## DECLARATION

I, Simangele Mkhize, student No (211541523), hereby declare that “*Exploring the perceptions of homosexuals on the role played by the South African Police Services on crimes experienced by gays and lesbians in Durban*” is my own original work and has not previously in its entirety or in part been submitted at any university for a degree. All the cited authors have been acknowledged by means of references. Some of the diagrams used in this study were adopted from other studies and cited accordingly and some were constructed by the researcher using SmartArt.

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## ACKNOWLEDGEMENT

I would like to thank God, our Heavenly Father, for being with me throughout this academic journey and for showing me the light through the darkness. My endless prayer and trust in him is what kept me going.

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Finally, I wish to thank my parents for loving me even though my goals are different from their expectations.

## **DEDICATION OF THE STUDY**

This dissertation is dedicated mainly to all the gays and lesbians who have been victims of crimes due to their sexuality/sexual orientation.

I also dedicate this dissertation to the gays and lesbians who lost their lives due to the violent crimes because of their sexuality/sexual orientation.

## ACRONYMS

CEBCP	Centre for Evidence-Based Crime Policy
CJS	Criminal Justice System
DSM	Diagnostic and Statistical Manual of Mental Disorder
FEW	Empowerment of Women
KZN	KwaZulu-Natal
LGBT	Lesbian, Gay, Bisexual, Transgender
NGO	Non-Governmental Organisation
NPA	National Prosecuting Authority
SAPS	South African Police Service
SSMPA	Same Sex Marriage Prohibition Act
TVEP	Thohoyandou Victim Empowerment Programme
UCAP	University of South Africa Centre for Applied Psychology
UKZN	University of KwaZulu-Natal

EDITOR'S LETTER

**RESEARCH SKILLS DEVELOPMENT SERVICES CC**

**DECLARATION OF LANGUAGE EDITING**

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**TO WHOM IT MAY CONCERN**

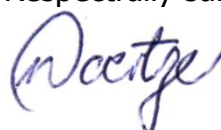
I, Nicolina D. Coertze, declare that I meticulously perused the manuscript referred to below for language editing purposes. I endeavoured, to the best of my knowledge and ability, to identify any linguistic and stylistic inaccuracies that may have been omitted during the initial editing stages by the author and her supervisor. Using the Word Tracking system, I kept track of any changes that I made and also made annotations as guidelines and recommendations to the author for additional changes and review. I declare that I adhered to the general principles that guide the work of a language editor and that I remained within my brief as had been agreed with the author of the manuscript.

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**17/12/2003**



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## CHAPTER ONE

### GENERAL ORIENTATION

#### 1.1 Introduction

This study explored on the experiences of people of a gay and lesbian sexual orientation and explored the nature of crimes committed against them and how the police tended to respond to the reporting of such crimes. The study was conducted among volunteers studying at the Howard campus of the University of KwaZulu-Natal (UKZN). Data were collected from purposively sampled gay and lesbian students who had experienced crime due to their sexual orientation. The aim of the study was to explain in what manner SAPS officials responded when violent crimes were committed against homosexuals in Durban, South Africa, and to explore LGBT person's perceptions regarding these attitudes.

It is undeniable that prejudice against homosexual people persists in many countries of the world and that crimes are committed against them in retaliation for their sexual orientation. In some countries, homosexuality is criminalised and punishable by law. Duncan (2017) reported a year ago that same-sex relationships were criminalised in 72 countries and that sexual relationships between women were outlawed in 45 countries. Patel (2017) states that in countries such as Iran, Yemen, Sudan, and Nigeria, homosexuality is still punished with the death penalty. South Africa is one of the few countries where the law forbids discrimination based on gender and sexual orientation. However, even though South Africa legalised same-sex marriages in 2006, crimes are persistently committed against gay, lesbian, bisexual and transgender people by those who regard themselves as 'straight'. Tajudien (2010:1) asserts that our society essentially recognises only two distinct gender roles, namely the masculine and the feminine roles, and argues that this is why there is still discrimination against homosexual people. This implies that people are blinded by these traditional roles of being either male or female, and that they are deeply and sometimes violently intolerant of people who cross this divide.

South Africa has laws that are enshrined to protect people and forbids discrimination on the grounds of sexual orientation. This means that every human being is entitled to these rights, whether they are members of a minority or majority group. However, even though South African laws explicitly forbids discrimination based on gender and sexual orientation, homosexuals still live in fear of discrimination Out LGBT Well-being (2016). Moreover, Out LGBT Well-being (2016) asserts that when law enforcers are requested to respond to violations of these acts, the criminal justice system is slow in dealing with such cases.



It was against this backdrop that the current study explored the perceptions of homosexual people on how the police dealt with crimes committed against them. The ultimate aim of this study was to report the experiences of gay and lesbian people concerning how the police responded to the cases of violence that they reported.

## **1.2 Background to the study**

The following discussion will dwell on international and South African perspectives on violence against gays and lesbians. The information that will be presented will elucidate the origin of this societal malice and will illuminate how police members tend to respond to acts of crime experienced by gays and lesbians. A broad international perspective on this subject is first provided, and a discussion of this phenomenon in the South African context.

### **1.2.1 International perspectives on violence against gay and lesbian people**

Homosexuality has a history of illegality in most countries worldwide due to a number of reasons. One notion is that the Christian Bible, in Leviticus 20:13, condemns homosexuals to death. Lee (2015) states that, in the Western world, homosexuality was savagely punished during certain periods. The author further states that in Christendom, when there were accusations that someone was homosexual they would be condemned to torture and death by fire (Lee, 2015). This author states that one of the last legal mass executions of homosexuals took place in the Dutch Republic in 1730. Fejes (2008) asserts that after decades of being stigmatised as deviants, outcasts and criminals, lesbian women and gay men became accepted only in 1977 in America as being part of mainstream society. However, even though homosexuality has persistently been viewed as a sinful act in many countries where it was criminalised, some countries acknowledged their rights, decriminalised homosexuality, and legalised same-sex marriages. O'Brien (2009: 771) provides the table of the list of countries and the years they legalised same-sex marriage, see Table 1 below.

**Table 1: Countries that legally allow same-sex marriage and the year it was legalised**

<b>Country</b>	<b>Year legalised</b>
<b>The Netherlands</b>	2000
<b>Belgium</b>	2003
<b>Canada</b>	2005
<b>Spain</b>	2005
<b>South Africa</b>	2006
<b>Norway</b>	2008

<b>Sweden</b>	2009
<b>Iceland</b>	2010
<b>Portugal</b>	2010
<b>Argentina</b>	2010
<b>Denmark</b>	2012
<b>Uruguay</b>	2013
<b>New Zealand</b>	2013
<b>France</b>	2013
<b>Brazil</b>	2013
<b>England and Wales</b>	2013
<b>Scotland</b>	2014
<b>Luxembourg</b>	2014
<b>Finland</b>	2015
<b>Ireland</b>	2015
<b>Greenland</b>	2015
<b>United States</b>	2015
<b>Colombia</b>	2016
<b>Germany</b>	2017
<b>Malta</b>	2017
<b>Australia</b>	2017

Source: Donnelly and Scimecca (2017)

The above table depicts the countries where same-sex marriage has been legalised and the years in which it was legalised. However, there are countries that still criminalise homosexuality. According to Zane (2018), 73 countries, including Asian and African countries, as well as sub-natural jurisdictions have gay criminalisation laws. In countries such as Jamaica, homosexuality has been illegal for years and it is still illegal. According to Human Rights First (2014), in countries such as Jamaica homosexuality was punishable for of up to 10 years of imprisonment. Clearly, in countries where homosexuality is still a crime, homosexuals cannot report any crime against them as being homosexual is a crime.

Nardi et al., 1994, cited in Debra (2003: 8) state that in the 1950s, homosexuality was viewed as psychopathological; this was formalised in the United States (US), and homosexuality viewed as ‘sociopathic disorders’, accompanied by antisocial and criminal behaviour. This

means that homosexuality was both punishable under the Sodomy law and seen as a sickness and a mental disorder.

## **1.2.2 Homosexuality in South Africa: A brief historical overview**

### ***1.2.2.1 Traditional African Perspectives***

South Africa officially condoned homosexuality in the post-apartheid era, but deeply-rooted attitudes of homophobia and intolerance of homosexuality also existed among people. For example, the supporters of the late Winnie Mandela, carried banners of protest written: “Homosex is not a Black culture” during her assault trial in 1991 (Rudwick, 2011: 94). To this day, people who live in townships and black living spaces and who desire same-sex partners are known as *isitabane* or *ungqingili*, and they are often mistakenly seen as hermaphrodites (McLean & Ngcobo, 1995, cited in Rudwick, 2010). Such hurtful names—and others such as *faggot* and *moffie* (an Afrikaans word that is used to refer in a derogatory manner to a gay man or a man who has feminine tendencies) —are used often by people in black societies to refer to homosexuals.

Even though it is believed that homosexuality has always existed in Africa, most Africans still believe that it is un-African. Parrinder (1980, cited in Dlamini, 2006) suggests that homosexuality has always existed in black societies as well as in African tradition. Swidler (2013, cited in Dlamini, 2006) concurs by stating that homosexuality has always been part of African culture, cosmology and spirituality. However, leaders such as King Goodwill Zwelithini of the Zulus disagreed. Rudwick (2011: 93) states that King Goodwill Zwelithini reportedly uttered that “this new [homosexual] behaviour is quickly becoming a threat in our nation because it encourages people not to have proper families that have children”. Dlamini (2006) affirm this, stating that the Zulu monarch described homosexuality as un-Zulu at the 2005 annual reed dance. The idea that homosexuality is un-African is still perpetuated in South African communities, particularly in black communities, and this is a major reason that crimes against gays and lesbians have continued almost unabated and that the police, who may be homophobic themselves, do not deal with these crimes effectively.

### ***1.2.2.2 Colonialism and apartheid***

The maltreatment and violation of the rights of homosexuals is not new in South Africa, as was alluded to in the previous section. South Africa has a horror history of homosexuals’ experiences, such as discrimination against them and their persecution. Discrimination of homosexuals in South Africa is rooted not only in traditional African perceptions that reject

homosexuality, but in colonialism and the laws of the apartheid regime as well. Homosexuality was viewed as unnatural and it was criminalised by the Sodomy law which saw homosexual acts as a crime, and the Sexual Offences Act 24 of 1957 in the years of apartheid. Van Vollenhoven and Els (2013:263) report that, South Africa had the law of sodomy. Police were authorized to arrest, any suspect of sodomy and/ or kill the suspect if they resist arrest (Reid & Dirsuweit, 2002). Homosexuality was seen as not only a sin, but also as a sickness.

Polders, Nel, Kruger and Wells (2008: 674) state that, during the apartheid regime, homosexuality was illegal in South Africa. According to Wells and Polders (2006: 20) gay and lesbian people were deprived of some of the laws when they had experienced violent crimes. Ilyayambwa, (2012: 51) states that during apartheid there was no law that protected homosexuals. This author further states that due to the fact that gays and lesbians' sexual orientation was different from the expectations of the norm, the law left them out. Hollings, Muholi, Pedercini and Rosen (2010) state that there were laws that criminalised homosexuality and inter-racial sexual relationships during apartheid. Therefore, even though LGBTI people were exposed to homophobic crimes, it was a challenge for them to report such incidences because being homosexual was a crime and they were thus excluded from various human rights provisions. Griffin (1993, cited in Mthembu, 2014) agrees with this view by stating that gays and lesbians were rejected and victimised and were not allowed to exercise the law. Thus historically, gays and lesbians were denied many of their fundamental rights and left unprotected from homophobic crimes.

### ***1.2.2.3 Decriminalising homosexuality***

According to Davis and Snyman (2005: 243) in 1994, South Africa provided constitutional protection based on sexual orientation. Since 1994, South African citizens who had previously been disadvantaged have been able to enjoy their basic rights due to significant human rights influences and changed laws. Moreover, the Foundation for Human Rights (2014: 2) states that in 2006 South Africa granted official recognition of same-sex marriages through the Civil Union Act No. 17 of 2000. There are other laws that followed which prohibit discrimination based on sexual orientation and promote equality. These include:

- The Labour Relations Act No. 66 of 1995;
- The Employment Equity Act No. 55 of 1998;
- The Medical Schemes Act No. 131 of 1998;
- The Domestic Violence Act No. 116 of 1998;

- The Refugees Act No. 130 of 1998;
- The Rental Housing Act No. 50 of 1999; and
- The Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000.

These laws include provisions pertaining to domestic relationships and same-sex relationships. With a proliferation of such protective laws it seems inarguable that homosexuals will be safe and that their rights will be respected irrespective of their sexual identity. However, even though these laws have been passed, there is a proliferation of evidence that discrimination against homosexual people still occurs and that violent crimes are persistently committed against homosexual people purely due to their sexual orientation. The researcher opines that despite that fact that all these laws as listed above are supposed to protect the rights of homosexuals, they continue to be treated unfairly and are discriminated against at various levels, even more so by the people who are supposed to protect them, such as law enforcers. The country has statutes that seek to protect homosexuals against victimisation and crime, but the first agents of the law tend to be the ones who discriminate against rather than protect them. Pather (2016) asserts that even the South African Police Service (SAPS) discriminates against gay and lesbian people and thus discrimination of gay men and lesbian women still lingers as a societal evil. The powerful laws that are supposed to protect homosexuals should be implemented in a manner that curbs crime and increases the reporting of crime because homosexual victims should trust that they will be protected and that the cases they report will be dealt with promptly and efficiently. But this is not the case, because it is often law enforcers themselves who are the perpetrators of crimes against gays and lesbians.

### **1.3 Statement of the Problem**

Even though the country has advanced laws that forbid the maltreatment of based on sexual orientation and that promote equality, the cases involving crimes directed to gays and lesbians in South Africa such as assault and rape still continue. Moreover, the lack of conviction of perpetrators still seems an issue and challenges in the way in which the police handle cases that involve homosexuals persist. For example, Rall (2017) reported that a Durban gay man had been raped and when the victim went to the police to report the case, a police officer tapped his fingers on the desk in a dismissive attitude. Rall (2017) further reports that the victim believed that the attitude of the police may be the reason why a number of crimes go unreported, including crimes such as same-sex rape. Pushparagavan (2017) asserts that regardless of all the positive advances in legislation, homophobia and discrimination still linger in South Africa. For instance, Fihlani (2011, cited in Pushparagavan, 2017) states that from 1998 to 2011 there

were 31 reported cases of lesbian murders but there were only two convictions. Furthermore, Fihlani (2011) reports that some of these cases include that of a 24 year old lesbian who was raped and murdered in KwaThema township near Johannesburg. The author further states that there are more than 10 cases of rape or gang rape in Cape Town alone (Fihlani, 2011). Based on the implications of the above information, the researcher devised a table to summarise a few recent cases of violence perpetrated against homosexuals. The rationale behind including these cases is to illustrate how wide the problem of victimisation is that is experienced by gays and lesbians.

**Table 2: Cases of gay and lesbian victims and the lack of successful prosecutions**

<b>Name &amp; date</b>	<b>Location</b>	<b>Nature of offence</b>	<b>Result of the case</b>	<b>Source</b>
<b>Nonki Smous (28) April 2017</b>	Maokeng Township (Free State)	Burnt to death	Three men were arrested for murder; thereafter, two were released while one man remained in custody.	Igual (2017)
<b>Sally (24) February 2017</b>	Sunnyside (Pretoria)	Bashed with a cricket bat and beaten by six men.	Case was reported but no response was forthcoming from the police.	DeBarros (2017)
<b>Nonkululeko and Nokuthula Mthembu November 2016</b>	KwaNgcolosi (Kwazulu-Natal)	Attacked while they were sleeping and evicted because of being lesbian	Case believed to be unconstitutional and couple urged to pursue the matter in the local traditional court.	Khoza (2016)
<b>Tshifhiwa Ramurunzi (21) April 2016</b>	Thohoyandou (Limpopo)	Beaten and stabbed, almost killed.	When reported to the police, the victim was arrested. His prosecution status is unknown.	Igual (2016a)

<b>Ibanathi Ngcobo (23)</b>  <b>June 2015</b>	Durban (KwaZulu-Natal)	Was assaulted outside the club when the bouncers were watching. It is reported that he was assaulted for his sexual orientation. With accompanying words saying they will teach him a lesson and words such as “ <i>faggot</i> ” and “ <i>stabani</i> ” were used during the attack.	The victim was promised to be in touch with the officer but No results were reported thereafter.	Igual (2015)
<b>Lesbian couple (Names withheld)</b>  <b>October 2014</b>	Nkomazi (Mpumalanga)	Lesbian couple gang raped in their house in front of their seven-year-old daughter.	Police refused to investigate the case; thus secondary victimisation was perpetrated by the police.	Igual (2016b)

Source: Compiled by author – sources acknowledged

The table above summarises reported cases of crime experienced by gays and lesbians and their successful prosecution or the lack of arrests. These cases involved violent crimes that were directed at gays and lesbians due to their sexual orientation. These crimes included rape, assault and murder. The Love Not Hate campaign mentioned that there is the lack of progress in dealing with the killers of lesbians. A case of a lesbian who was murdered remained unresolved, as the news report was entitled, “*Another lesbian murder ignored*”. Igual (2016a) reported that the gay man had been beaten and stabbed and when he reported the perpetrators, he was the one who was arrested instead. Such incidences allow one to pose the question whether the criminal justice system is dealing effectively with cases of violence experienced by gays and lesbians due to their sexual orientation. Therefore, this research investigation sought to explore the role of the police in terms of how they deal with crimes associated with gay and lesbian victims. The focus was on listening to the voices of gay people and to hear first-hand what they experienced and what their perceptions of the police in Durban were. It was deemed vital to obtain empirical data of this phenomenon as Statistics South Africa (StatsSA) does not reflect

cases of attacks on homosexual persons per se. To achieve this goal, the researcher developed objectives as well as research questions.

#### **1.4 Objectives of the Study**

The objectives that were formulated were to:

- Explore the nature and extent of the crimes committed against gays and lesbians in Durban;
- Determine the reasons why homosexuals refrain from reporting attacks on them to the SAPS in Durban;
- Explore the perceptions of homosexuals on the efforts of the SAPS in dealing with crimes reported by gays and lesbians in Durban.

#### **1.5 Research Questions**

The research questions that this study required to answer were:

- What are the types of crimes that are committed against gays and lesbians in Durban?
- What are the reasons why homosexual people do not report attacks on them to the SAPS in Durban?
- What are the perceptions of homosexuals on the efforts that the SAPS exert when crimes are reported to them by gay and lesbian victims in Durban?

#### **1.6 Motivation for the Study**

The researcher opines that even though South Africa may have been the first country to liberate homosexual people by allowing same-sex relationships and prohibiting discrimination against them, it is a travesty that they are still victims of violent and hate-driven crimes simply because their sexual orientation diverges from the norm. Some are assaulted, raped, kicked out of their communities or fired from their jobs because of their sexuality, and some are even murdered. The fact that the perpetrators of these crimes often go scot free seems a travesty of justice and this study thus sought to understand why the police does not play a more active role in bringing the perpetrators to book. South Africa is known to have one of the most advanced constitutions



among democratic societies, and the legislative framework that prohibits these crimes is extensive. However, crimes against homosexual people continue unabated. Not much literature could be traced on this topic, specifically on the role of the police in Durban. The studies that could be traced focused predominantly on the number of crimes perpetrated against lesbians, gays, bisexuals and transgender (LGBT) people, and none specifically focused on the manner in which the CJS responds to the crimes committed against these members of society. This was thus identified as a gap in scholarly knowledge which the study sought to fill.

In general, studies have shown that gay and lesbian victims experience challenges when they attempt to report attacks on them to the police and, according to Out LGBT Well-being (2016), a number of homosexual people faced secondary victimisation when they reported acts of crime to the police. One challenge is that they fear that the police will not take them seriously. For this reason the objectives of the study included the objective to explore the reasons that prevented gays and lesbians from reporting their experiences of violence to the police.

Most studies that were conducted into this phenomenon embarked on a quantitative research approach as they attempted to quantify the extent of the problem that homosexual people face. However, this study focused on a qualitative research design so as to offer a detailed account of the experiences and views of gays and lesbians on the role of the police in dealing with their plight as victims of crime. Few studies were conducted in KwaZulu-Natal, with the majority focusing on Gauteng and the Western Cape. It was thus deemed appropriate to diversify the knowledge on crime against gays and lesbians by conducting the investigation in Durban in KZN. The Out LGBT Well-being organisation also conducted a quantitative study in 2016 on hate crimes against LGBT people in South Africa. Therefore, the current study diverted the focus on gaining detailed understanding of this phenomenon by giving gay and lesbian people a room to openly and frankly express their experiences within their respective communities and with the police without being limited or intimidated. This study thus deliberately employed the views of gays and lesbians who were living their lives openly and who had experienced a variety of mental and physical attacks simply because of their sexual orientation.

### **1.7 Significance of the Study**

- Crime against homosexual people is still continuing in South Africa and little research has been done in this field. Thus, this research did not focus on the number of crimes experienced by gay and lesbian people, but allowed homosexuals to voice their opinions

and narrate their experiences. By allowing gay and lesbian people to voice their fears, needs and concerns, they may inspire other people in their communities to stand up and be counted. This may be a small movement at first, but the inspiration that may flow from the positivity of the participants may soon become a wave that washes inspiration and hope over their counterparts.

- By allowing homosexual people to raise their voices, the authentic data that were obtained contributed to the validity of the findings which, in turn, generated recommendations that should be heeded by SAPS and government policy makers in devising regulations that will guide professional police approaches that will acknowledge homosexual people's constitutional rights at all times and under all circumstances. This may be achieved by publishing excerpts from this dissertation in academic and police journals and by attending and delivering papers at workshops and during awareness campaigns.
- The findings may thus also drive community awareness campaigns and will inform homosexual people of their rights. This will, in turn, reduce crime and encourage communities as well as gay and lesbian people to work collaboratively with the police in matters that affect their well-being.
- Once disseminated (for example, by means of published articles and workshops), the findings will generate improved police attitudes in the sense that they will understand how homosexual victims feel, which in turn will result in more effective police investigations into criminal acts aimed at homosexual people.

## **1.8 Definition of Concepts**

The following section presents definitions of concepts that are integral to the study. A conceptual definition as well as operational definitions are provided.

### **1.8.1 Sex, gender and sexuality**

In order to understand the key terms that are used in the discourse, namely homosexuality, gays and lesbians, it is significant to first understand the definitions of sex, gender and sexuality. According to Wehmeier (2005: 1339) "sex is the state of being male or female". Gender on the other hand is being male and female in relation to class where one gender is masculine and the other is feminine (Wehmeier, 2005). For instance, a girl is given dolls and pink clothes that society assumes define a girl. On the other hand, a boy is given toys such as cars and is expected to play soccer or go out with other boys. Failing to do so, a boy might be referred to as a 'sissy'

and a girl who engages in activities that are generally associated with boys may be called a 'tomboy'.

In this study, the terms sex, gender and sexuality are therefore defined as follows:

Sex is defined as the biological identification of a person as a male or a female at birth. Gender is defined as a socially constructed state of being male or female, which are conditions that are particularly based on social and cultural roles based on gender (i.e., male or female roles). Lastly, sexuality is defined as the nature of the sexual feelings a person experiences.

### **1.8.2 Homosexuality**

For West (2008:10) homosexuality refers to erotic attraction towards a person of the same sex. Ilyayambwa (2012:50) gives a similar definition by defining homosexuality as the sexual desire, or the way a person responds to a member of the same sex. According to Aldrich and Wotherspoon (2002), the term homosexuality was invented by Karl Maria Kertbeny. Fone (2000, cited in Mthembu, 2014:3) asserts that the terms used to refer to different homosexuals include 'gay men' and 'lesbians' 'bisexual', 'transgendered' and 'transsexual' persons; in short LGBTI. Therefore, in light of the definition of homosexuality, sexual orientations refers to how one is sexually and romantically attracted to other people. This can be heterosexual, homosexual and bisexual people.

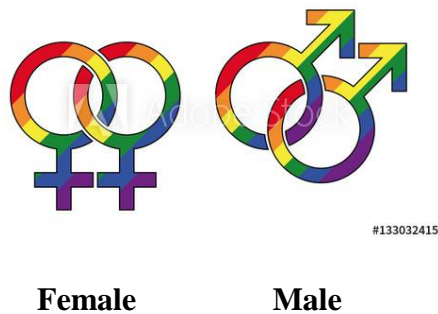
This study defined homosexuality as the strong feelings a person experiences of sexual, physical and emotional attraction towards another person of the same sex. This implies that men have such feelings for other men and women have such feelings for other women. These women and men are referred to as gays and lesbians, which are terms that will be defined in the following section.

### **1.8.3 Gay and lesbian people**

Wehmeier (2000: 736) defines a lesbian as a woman who has sexual attraction to other women. Kort (2004) echoes this definition by stating that a lesbian is a woman with emotional, romantic, and erotic attraction to other women.

For Wehmeier (2000: 532) gay refers to people, particularly men who have sexual attraction towards other people of the same sex. According to Kort (2004) gay refers to a man who is romantically, erotically and sexually attracted to other men and thus form relationships with other men.

In light of the above definitions, this discourse will use the concept ‘gay’ to refer to males who are attracted to other males and ‘lesbian’ to mean females who are attracted to other females.



**Figure 1: Symbols that refer to lesbian and gay relationships.**

Source: Furian (n.d.)

The above figure presents the symbols that are used to refer to lesbian (female) and gay (male) relationships.

#### **1.8.4 Homophobia**

Homophobia is a fear of and hostility towards homosexual people. This fear, or repulsion, is often expressed verbally and at times violently (Moore & Rosenthal, 1993). Homophobia is defined as the hatred of gay or homosexual people or their lifestyle or culture and the behaviour based on this hatred (American Heritage Dictionary, 1992, cited in Dynes, 2014:19). Another definition provided by Hobbs and Rice (2013: 205) is that homophobia is a bias belief that homosexual people are sinful, immoral, sick, and inferior to heterosexuals. Homophobia begins with the belief the gender roles that have been placed by society on girls and boys should not be violated. If people do not conform to society’s norms and rules, they are seen as deviant and therefore receive insults and are punished.

In this study, the researcher defined homophobia as the hatred and intolerance of homosexual people which may result in discriminating against them or perpetrating violence against them. Homophobia is generally experienced by those homosexual people who are living their lives openly. However, homosexuality is still viewed as un-African in many African countries as well as by some traditionalist people in South Africa. Therefore, homosexuals are likely experience crimes such as rape, being beaten and sometimes murdered as a result of their sexual orientation. This is due to the fact that some societies are ruled by heteronormativity, which is discussed in the following section.

### **1.8.5 Heteronormativity**

Heteronormativity is looking at gender as a binary category and belief that sexual attraction should only be directed at the oppositional gender (Hofsatter & Wollmann, 2011:1). The authors further state that non-heterosexual structures of desire are associated with homosexuals, bisexuals or are marginalised as deviating from the heterosexual norm (Hofsatter & Wollmann, 2011).

In this study, the researcher defined the term heteronormativity as the common belief in societies that there are only two genders, namely male and female, and that sexual attraction should occur only between people of the opposite gender. For this reason, homosexuality is seen as abnormal and unnatural, and crimes of hate ('hate crimes') are often committed against such people because 'straight' people dislike and are intolerant of their sexual orientation. The concept of hate crime is defined below.

### **1.8.6 Hate crime**

Hate crime is defined as the crimes committed to express prejudice against people because of their group (Davis & Snyman, 2005:241). According to Herek, Gillis and Cogan (1999:1) hate crimes refer to the harm or intimidation of people who are part of a minority group in relation to their race, ethnicity, sexual orientation, religion through criminal actions. Davis and Snyman (2005) are concerned that the South African Constitution and other laws may not be enough to protect victims of hate crimes as there is no specific legislation that deals specifically with hate crimes. There is still no provision in the law when the police have to deal with such crimes or the victims themselves, as there is no legislation that deals specifically with hate crimes in South Africa. Therefore, in this study, the concept of hate crime will not be referred to. However, the concept was defined because it appears frequently in the literature. Furthermore, according to the literature, hate crimes also occur in relation to sexual orientation, which relates to hate crimes against homosexual people. In this report, the preferred terms are "violent crimes" or "crimes committed against gays and lesbians due to their sexual orientation".

This study defined hate crime as the crimes that are motivated by homophobia or hatred of gay and lesbian people. Such crimes can manifest verbally or physically against the targeted victims. Moreover, the researcher refrained from using the term hate crime due to the fact that crimes motivated by hate are still categorised under other crimes that are also experienced by majority groups. These crimes include 'corrective' rape, assault, hate speech, discrimination,

and sexual harassment. These are defined and further explained in the literature review (see Chapter Two).

### **1.8.7 Sexual harassment**

Sexual harassment is another type of crime that homosexuals experience, particularly by women who are lesbian. According to O'Sullivan and Naylor (2006), it is asserted that sexual harassment refers to unfair discriminating someone in relation to their sex, gender or sexual orientation. This may also include asking personal questions about a person's sexual or social life, or displaying sexually suggestive visuals (Women's Watch, n.d.).

In this study sexual harassment was defined as the actions that are used to harass or discriminate against an individual in relation to their sexual orientation. These actions may include verbal and non-verbal forms of harassment.

### **1.8.8 Discrimination**

According to the Wehmeier (2005) discrimination refers to the act of treating other people or other groups less fairly than others based on age, race, sex, and sexuality. Albertyn (2015) echoes a similar definition by stating that discrimination refers to the unfair treatment persons from other categories based on sex, gender or race.

In this study, the researcher defined discrimination as a form of unfair treatment based on sexual orientation in places like churches and universities and by people such as the police, and it is any form of intolerance based on the targeted person's sexual orientation. Even though there is no criminal charge for discrimination, the researcher categorises this as a type of crime with reference to the Constitution of the Republic of South Africa No. 108 of 1996 Section 9(4). This section states that "no person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3)" (Constitution of the Republic of South Africa, Act No. 108 of 1996: 6). Subsection (3) of the Constitution states that "the state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth" (Constitution of the Republic of South Africa, Act No. 108 of 1996: 6). Therefore, the researcher viewed discrimination as one of the crimes that gays and lesbians usually experience.

### **1.8.9 The Criminal Justice System**

Reid (2012:5) states that the Criminal Justice System (CJS) includes different role players who prevent crimes, detect, sentence, punish, and provide parole and probation. The CJS is different from country to country. According to the National Prosecuting Authority (NPA) (2008:5), the South African CJS comprises six main parts:

- The police service
- The prosecution service
- Presiding officer/the judiciary
- The Department of Justice
- The prison system
- Probation officer/social worker

In this study, when referring to the CJS the emphasis is on the South African Police Service (SAPS) to which gays and lesbians report their cases. Therefore, the focus of the study is on the police and how they deal with crimes experienced and reported by gays and lesbians. The study used the terms SAPS and police interchangeably.

In the following section, it is imperative for the researcher in this chapter to provide a synopsis of the research methods used for the purpose of conducting this study. Much detailed discussion of these methods will be discussed in chapter 4.

### **1.9 Research methods (See chapter 4)**

The study used a qualitative research design. This method was used to elicit rich data about the experiences and views of homosexuals pertaining to the role played by police officers who should investigate reported incidences of abuse and assault against them. Many studies that investigated the experiences of homosexuals were quantitative in nature as they focused on the extent of these people's experiences of violence. However, the current study focused on the elucidation of qualitative data to obtain a deeper knowledge of gay and lesbian people's perceptions and experiences of violence, and the role that the police played in dealing with their complaints when they reported violent crimes to them.

#### **1.9.1 Research design**

The study employed an exploratory research design. This approach assisted the researcher in opening the door for participants to provide extensive and rich information about their experiences of police support. This approach thus allowed the researcher to enquire in detail

about their experiences and perceptions on the police and the role police officers played in handling the cases of victimisation that they reported to them.

### **1.9.2 Sampling**

The researcher did not collect data from the entire population of gays and lesbians in the Durban area, but purposively selected a sample of people who would have knowledge about the topic and who would agree to participate in the study. Thus, the results of this research may not be regarded as representative of the larger gay and lesbian population, and neither may the findings be generalised to the larger population because the sample size was too small (Sibanyoni 2018:125).

The total sampling size was fifteen (15) participants comprising representatives of both the gay and the lesbian communities in Durban. Seven gay and eight lesbian participants ultimately participated in the study. These 15 homosexual participants had to satisfy the following demographical conditions: they had to be homosexual (i.e., be either gay or lesbian), and be between the ages of 20-35. Racial and socio-economic criteria did not apply in the selection of the sample. The participants were identified and selected with the clear intention that they had to be knowledgeable about the research topic; i.e., they had to have had experiences of physical and emotional violence which they reported to the police. The exact nature of the violence experienced by the victims was not an inclusion criterion.

In terms of selecting the research participants, the researcher used a non-probability sampling technique. Zikmund & Babin (2007) state that non-probability sampling is based on the researcher's judgement of choosing the sample of which the participants of the population are unknown. Under non-probability sampling, the researcher used the purposive sampling technique.

When sampling these 15 participants, the researcher approached a gay and lesbian society operating on the UKZN Howard campus. The UKZN LGBT Forum chairperson was approached to assist her in terms of introducing the study to other Forum members to ask if any were keen to participate. The responses were to be given directly and privately to the researcher for confidentiality purposes. Due to some challenges in terms of locating participants who would be willing to participate, the researcher then approached each potential person and explained that their participation would be confidential and voluntary. The researcher used snowball sampling to approach five participants. The 15 participants who had been approached were keen to participate in the study. The participants of this study were asked to select a venue for the interview where they would be comfortable because some said they



would not be comfortable being interviewed in the LGBT offices. Some were interviewed in their residences. Prior to the interviews, the researcher explained the purpose of the study and reiterated the importance of confidentiality. Each participant signed the informed consent form after they had read it. The participants gave permission to be recorded, but some were not comfortable with this request. However, they were assured that the data and recordings would be stored safely and securely for only five years, after which they would be destroyed. They were also shown the letter of appointment of a psychologist who would assist them in case they became traumatised and required assistance.

### **1.9.3 Data collection**

The study used in-depth interviews as the crucial data collection tool. The reason for this approach was to gain in-depth data based on the participants' narratives of their experiences pertaining to the research topic. The researcher conducted a face-to-face interview with each of the participants, which allowed them to respond beyond the questions they were asked and to freely express their views without fear of coercion or repercussions. The interview sessions took from 30-60 minutes, depending on the responses given by the participants. The open-ended questions in the interview schedule thus allowed the participants to dwell reflectively on the topic under discussion.

### **1.9.4 Data analysis**

According to Terre Blanche, Durrheim and Painter (2006) data collection and data analysis in qualitative research should occur interdependently. Moreover, after the completing the data collection process, the analysis should not be delayed. The data of this study were analysed thematically. When analysing the data, the researcher focused on the following stages:

**Familiarisation and immersion:** The researcher familiarised herself with the data by listening to the recordings of the interviews over and over. After listening to the recordings the researcher then transcribed and translated some of the words that were used in isiZulu into English. Lastly, the researcher made notes of the important points.

**Inducing themes:** Terre Blanche et al. (2006) refer to this technique as the "bottom-up approach where we move from the general to the specific". In this process, the researcher created and organised the themes that emerged from the data.

**Coding:** According to Terre Blanche et al. (2006), coding involves marking different sections of the data as being relevant to one or more of the themes. Therefore, the researcher took sections and marked them by using symbols.

Elaboration: The researcher looked closely at the coded themes to see if they fitted together by grouping them and creating subthemes where possible.

Interpreting and checking: This last stage of the analysing data was interpreting and checking. During this phase the researcher reviewed all the data on gays' and lesbians' experiences with the police and how they viewed the service the police rendered. This was linked with the literature, the theoretical framework as well as the objectives of the study.

### **1.9.5 Limitations of the study**

The study was not only limited to the gay and lesbian community in Durban, but was also limited to participants that could only be identified by a relatively exclusive organisation for LGBTI people that functions on the UKZN Howard Collage campus. This limitation means that only academic students were interviewed, and not representatives of the general population that comprised people of all walks of life.

The researcher experienced challenges in her attempts to obtain ethical clearance in time from the UKZN Ethics Committee which caused delays in the study. The researcher applied for clearance and received an email on 16 October 2017 stating that it had not been approved and that rectifications needed to be made. The researcher submitted the corrections on 15 November 2017. After the corrections had been made, there were delays from the Ethics Committee. The researcher contacted them by telephone and they mentioned that it would be sent to reviewers and then returned to the researcher. More corrections needed to be made and the researcher sent these back to the committee on 15 February 2018.

During the interviews, some of the participants did not respond freely and openly to the questions. Moreover, two participants agreed to be interviewed but declined to be recorded. Copious notes thus had to be taken during these two interviews. When the two respondents were reluctant to speak about their experiences in the initial stages of the interviews with them, they were again reassured of the confidentiality agreement. Both became more comfortable and contributed somewhat more meaningfully to the data procurement process, especially after probing questions had been asked. However, their contributions remained limited to an extent, which was a pity as more in-depth responses could have contributed to corroborating and augmenting the statements of the other thirteen participants. It must be noted that their reluctance to open up demonstrated the sensitive nature of the study, and particularly the fear and reticence that homosexual people experience when they are confronted with the reality of their sexual orientation. The researcher thus remained compassionate and sensitive to their needs throughout the interviews.

Although the study design did not exclude any participants on the grounds of ethnicity, the composition of the body of students of the UKZN meant that the voices that were listened to in this study predominantly represented the black ethnic group. Only one Coloured and one Indian participant could be included. Although this was not a limitation per se, future studies may explore the experiences of all ethnic groups of the gay and lesbian communities for comparative purposes.

The LGBT community includes not only gay and lesbian people, but people with other sexual orientations as well. However, the study was limited to gay and lesbian participants.

A final limitation was that no police officials were included as participants in the study. This was a deliberate omission as the voices of members of the LGBTI community were prioritised. However, it is acknowledge that a balanced view contributes to the validity and trustworthiness of data and that, because police officers’ perceptions of their role in terms of the topic under study were not elicited, the data could be skewed to some extent. This omission should be addressed in future studies that should include the perceptions of police officers for comparative purposes.

Some challenges were experienced in the execution of this study. However, the researcher was able to find solutions in order for the study to be successful. These are listed in the next section.

### **1.9.5.1 Challenges experienced in the execution of the study**

All post-graduate students experience normal problems such a limited finances, transport issues, difficulties in obtaining gatekeepers’ letters, and participants who first agree and then decline to participate in a study, particularly if the topic under investigation may traumatise respondents. This study was no exception, and efforts to address the very sensitive topic of this study was fraught with challenges beyond the normal. These challenges are briefly listed and discussed in Table 3 below.

**Table 3: Challenges and the solutions that were found to addressed them**

Limitations of the study	Solutions
Initially the sample would comprise of victims that the Gay and Lesbian Community Health Care Centre dealt with. This was not achieved because the manager of this organisation declined to assist with the identification of potential participants	The sample was obtained from the University of KwaZulu-Natal (UKZN) Howard campus where there is also an organisation on campus that deals with issues faced by homosexual students (i.e., the UKZN LGBT Forum).

<p>and mentioned that they had conducted a similar study and that they could not release the names of potential participants because they feared retaliation. The researcher visited the organisation several times, but had to wait for a very long time until she ultimately met with the manager who then did not agree to support the study. Therefore, a gatekeeper's letter was not granted by this organisation.</p>	
<p>The researcher experienced challenges in terms of obtaining ethical clearance from the UKZN Ethics Committee, which caused delays.</p>	<p>This time was utilised by engaging secondary data through an extensive literature survey and review.</p>
<p>After the ethical clearance had been granted, the researcher intended to obtain participants from the UKZN LGBT Forum. However, challenges were experienced during the data collection process. Identifying all 15 participants from the UKZN LGBTI forum at the same time, as the researcher had anticipated, was not possible.</p>	<p>The snowball sampling technique was employed; i.e., every willing participant was asked to introduce her to other gays and lesbians who could possibly be willing to participate in the study. In this manner an adequate sample was obtained for a study of this nature.</p>
<p>During the interviews, some of the participants were aloof and were not really open in their responses. Two who had agreed to be interviewed refused to be recorded. This was discussed under limitations in the previous section.</p>	<p>The researcher tried to probe without moving beyond the focus of the study. Also, the researcher meticulously wrote down the points that were mentioned by the participants who had declined to be recorded.</p>

Language barrier: The interviews were conducted in English, but some participants preferred to respond in IsiZulu. When the researcher was transcribing and analysing the data, there were some difficulties in translating words that were in strong IsiZulu idiom and not available in direct translations in English. In some instances the participants used vulgar words.	Participants were allowed to revert to IsiZulu to express themselves comprehensively and meaningfully. The researcher is proficient in both languages and was able to translate all IsiZulu comments into English without compromising meaning. Vulgar words were simply censored.
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Source: Author

The table above indicates the experiences of the researcher in the process of completing the study. These challenges were overcome and the study could be brought to fruition. Due to the sensitive nature of the study, ethical issues had to be considered and adhered to rigorously, which will be discussed in a later section.

It must be noted that, regardless of the challenges being experienced, the researcher was able to collect in-depth and rich data and to interpret and discuss the findings. Based on the findings, the researcher believes the study will contribute to the pool of knowledge in the fields of homosexuality and human rights.

### 1.10 Structure of the Dissertation

This study comprised seven chapters:

**Chapter one:** Introduces the study and provides a brief overview of the intent and rationale of this study. It does so by presenting a general introduction and providing a brief motivation for conducting this study. This chapter defines relevant concepts to enhance the reader's understanding of the topic under investigation. The background in relation to the topic is also presented. Furthermore, this chapter elucidates the aims and objectives of this study and lists the limitations and challenges that were experienced. It further discusses the ethical considerations that were rigorously adhered to in the execution of the study. An overview of the structure of the dissertation is presented, followed by a brief conclusion.

**Chapter two:** This chapter offers the literature review. It includes an introduction to the literature that was reviewed, with particular reference to earlier studies that were conducted on a similar topic. A brief conceptualisation of homosexuality is presented. Considering the fact

that not much literature was available on the topic under research, the review process included journal and newspaper articles as well as academic books.

**Chapter three:** This chapter provides the theoretical framework that underpinned the study. It elucidates the two theories that are referred to throughout this report, namely the constructionism theory and the broken windows theory. The discourse is studded with references to these two theories and how they are linked to the findings.

**Chapter four:** This chapter explains the methodology and discusses the primary data collection approach. The ethical considerations that were rigidly adhered to are also referred to in this chapter.

**Chapter five:** In this chapter, the data are presented, analysed and interpreted. Reference is made to the themes and subthemes that emerged from the data and each theme is explored and discussed in detail.

**Chapter six:** The findings are integrated, discussed in detail, and compared to the findings of earlier studies.

**Chapter seven:** This chapter concludes the dissertation and offers some recommendations based on the findings of the study. It also provides suggestions for further research into the experiences of homosexual people and the role of the police in protecting their rights.

## **1.11 Conclusion**

This chapter introduced the study by looking at the background of the investigation. It further outlined the statement of the problem and discussed the significance of the study. The objectives of the study as well as the research questions were outlined. Furthermore, brief reference was made to the methodology and a chapter outline summarised the focus of each chapter. The limitations and challenges that were experienced in the execution of the study were also explained. The following chapter presents the literature review and illuminates the findings of earlier studies on topics that were related to the one under investigation.

## CHAPTER TWO

### LITERATURE REVIEW

#### 2.1 Introduction

The literature that was reviewed is discussed in this chapter, with particular reference to the relevance of other studies' findings to the aims and objectives of the current study. The review revealed that discrimination and crime against homosexual people persist for no other reason than their 'different' sexual orientation. Regardless of South Africa's advanced Constitution in terms of human rights, statistics and information provided by other studies clearly indicate that incidences of homophobic violence occur unabatedly in South Africa. To illustrate this point, literature that illuminated the experiences of homosexual people as well as the responses of the police was explored, and comparisons were also drawn with information regarding this topic from countries abroad.

Immediately before and post-1994, laws that prohibited discrimination against any person or group and that promote equality were and have been promulgated in South Africa. However, regardless of this legal framework, it is clear that gays and lesbians are still experiencing emotional and physical maltreatment at the hands society and that violent crimes are often committed against them. A study conducted by the Out LGBT Well-being (2016) organisation found that only three quantitative studies had been conducted to explore this phenomenon. The first study was conducted in 2003 and is entitled: 'The levels of empowerment amongst gays and lesbians in Gauteng, KwaZulu-Natal and the Western Cape provinces'. A similar study was conducted in 2010 in the North West province and the third, which was conducted by the Out LGBT Well-being in 2016, measured levels of discrimination against LGBT people in South Africa.

The fact that some homosexuals live their lives openly increases the risk of victimisation as some individuals and communities in South Africa do not approve of homosexuality. This may include experiences such as verbal abuse, threats, assault or 'corrective' rape. Breen and Nel (2011) state that homosexual people are commonly discriminated against through crimes committed against them due to their sexual orientation. Breen and Nel (2011) further state that homosexuals have been the targets of vicious violent attacks and that lesbians, or women perceived to be lesbian, are targeted for murder or 'corrective' rapes in which a victim is chosen based on her real or perceived identity.

The purpose of the literature review is to look at the types of violent crimes that gays and lesbian are exposed to in South Africa. The review will also compare the situation in South Africa with that in other countries, and lastly it explore South African laws pertaining to homosexuality, which are laws that essentially address human rights. Even though the main focus of the study is on gays and lesbians, the review also takes a brief look at the situation of bisexual, transgender and intersex or LGBTI, people.

The ensuing discussion pertains to the types of crimes that gays and lesbians are exposed to.

## **2.2 Types of Crimes that Target Gay and Lesbian People**

Even though the study focused specifically on gays and lesbians, the literature includes other sexualities such as bisexual transgender and intersex people. The discussion pertaining to the literature review thus includes references to the entire spectrum of LGBTIs. The literature revealed that homosexual people comprise minority groups that are at risk of experiencing violence, discrimination and prejudice because of their sexual orientation. Breen and Nel (2011) argue that homosexual people are stigmatised for their perceived sexual and/or gender ‘deviance’, which is why they are rejected by the so-called ‘straight’ members of society and being discriminated against. Nel and Judge (2008) state that homophobia is still predominant in the South African society. Mutambara (2015) agrees, stating that some people in South Africa still view being gay or lesbian is a sickness, a sin, and some even believe it is un-African. Due to homophobia, gays and lesbians who declare their sexual orientation openly are exposed to various types of crimes that are motivated by hate and intolerance of their sexuality. These types of crimes are explained in the following discussion.

### **2.2.1 ‘Corrective’ rape**

Studies by Graham and Kiguwa (2005) reveal that lesbian women experience more violence than heterosexual women. Lesbian women are raped with the intention of changing them into heterosexual women. This is referred to as ‘corrective’ rape. The word ‘corrective’ appears in inverted commas because of the fact that in this dissertation it shows that there is nothing ‘corrective’ about raping a woman or any person. ‘Corrective’ rape is also known as ‘curative’ rape. It can be argued that ‘corrective’ rape can be imposed on anyone: women, men and children. However, for the purpose of this research, ‘corrective’ rape is used to refer to incidents of the rape of lesbians by men. Hlongwane (2016) asserts that ‘corrective’ rape is a prevalent practice in South Africa but that it has not received much attention in scholarly investigations. In defining ‘corrective’ rape, Gontek (2009) states that lesbian women, particularly butch



[masculine] lesbian women, are prone to rape to demonstrate that, as women, they are subjected to the power of men over their lives. Nel & Judge (2008:24) provide a similar definition by stating that 'corrective' rape is a bias notion that a lesbian woman can be raped to 'make her straight'. According to Amnesty International (n.d.), some men believe that 'curative' or 'corrective' rape, will make the victim 'cured from being a lesbian' once they have. The commonality among these definitions is that this type of rape is used as a way to 'cure' lesbian women from their homosexual orientation. The concept of 'corrective' rape emerged in the early twenties in South Africa (Wilson, 2017).

Reid and Dirsuweit (2002) assert that this type of rape is quite common in the townships of South Africa, particularly because the traditional African perception of the abhorrence of homosexuality persists among many modern African people. This point could be confirmed as most reported cases of the rape of lesbians originated in townships that are predominantly populated by black residents. This suggests that lesbians of the black ethnic group are most at risk of being raped or gang raped because of their sexuality, and these attacks sometimes result in the murder of these women. The reason for this phenomenon may be embedded in the strict apartheid laws that criminalised homosexuality and the suggestion that their influence may persist to this day. However, African people's abhorrence of apartheid and its laws may suggest that the phenomenon may be explained by traditionally rigid and intolerant African perceptions of homosexuality, and that it is traditional African views rather than apartheid laws that may account for the intolerance of lesbianism among black males.

The literature revealed that 'corrective' rape had not been addressed or paid specific attention by the police and the CJS. Hlongwane (2016:9) argues that the problem of highlighting acts of 'corrective' rape is that it is not dealt with in isolation but is looked at as the broader category of rape as a crime. Van der Schyff (2015:1) also states that 'corrective' rape is discussed under the larger rape discourse, which generally addresses this category of violence as a sub-section of the crimes of violence that are perpetrated against persons because of their sexual orientation. This means that statistics reveal no category of 'corrective' rape, but that these acts are included under rape in general. However, 'corrective' rape still occurs in various townships and, according to anecdotal information that was obtained, some reported cases have not been dealt with by the CJS to this day. Lesbians from urban townships are mostly affected by 'corrective' rape, and Van der Schyff (2015:10) reports that 'corrective' rape cases are escalating. Clearly, 'corrective' rape is a real and present danger to the lesbian women of the country, and so too is the secondary victimisation that they experience after the assault (Phiri, 2011:16), arguably when the police treat their complaints with disdain.

According to Nel and Judge (2008:24), the Forum for the Empowerment of Women (FEW) found that black lesbians, particularly in townships are increasingly targeted of ‘corrective’ rape as they are believed to be challenging the gender norms. The study further reports that 46 black women were interviewed and it was found that 41% had experienced rape, 9% had survived attempted rape, 37% had experienced assault, and 17% [had been] abused verbally (Nel & Judge, 2008:24). These findings suggest that being a woman and a lesbian is difficult in many communities, because crimes against them persist for various reasons. If these crimes are not dealt with according to the laws that protect the human rights of all people, it means that the perpetrators will continue to victimise lesbians.

Moffett (2007, cited in van der Schyff, 2015) found that survivors of ‘corrective’ rape felt that the perpetrator aim was to humiliate and punish them for how they chose to express their sexual identity, and that these men tried by coercion to change them into becoming ‘straight’ heterosexual women. This suggests that even though some people may take the blame for being raped, survivors of ‘corrective’ rape feel that this is different for them and that they are raped just for being who they are. Some may even fear to live their lives openly because of the perpetuation of this reason for rape. Strudwick (2014) reports that a lesbian woman was raped and beaten to unconsciousness by a group of men when she was on her way back after a football practice. According to the author the victim remembered the words said to her before she became unconscious; and the words included ‘fixing’ her into becoming a ‘real woman’. Most survivors of ‘corrective’ rape stated that their attackers had used words to this effect. Strudwick (2014) interviewed men in Pietermaritzburg who admitted to ‘corrective’ rape. These men made the following statements:

*“If we want to finish lesbians and gays they must be forcefully raped.”* When making the comment, this man grinned when looking into the camera.

*“They must be raped so that their gay and lesbian behaviour can come out.”*

The belief of ‘correcting’ people because of their sexuality still lingers and needs to be dealt with by the police and organisations in order to curb and prevent this crime. Corrective rape is often perpetrated by gang members from the same township. Reid and Dirsuweit (2002) argue that when a group of boys suspect an individual of being a lesbian, she often becomes a target for gang rape. According to Hlongwane (2016), the Joint Working Group (JWG) undertook research which aimed to explore the prevalence, consequences and contributing factors to hate crimes in the Gauteng Province, and their investigation included ‘corrective’ rape. This

investigation found that school learners were also experiencing homophobic victimisation such as sexual abuse by other learners, and that it was more prevalent among boys than girls.

Strudwick (2014) reported a case of a lesbian who was raped and reported the case to the police and when she made her statement, the police officers started laughing when she mentioned the rape that was most recent. This suggests that if the police do not take homosexual people's plight seriously, the rape and sexual abuse of lesbians will continue because of perpetrators' nefarious purpose to 'correct' their sexual orientation. Strudwick (2014) suggests that it is rare that victims of 'corrective' rape survive, and it is the current researcher's contention that the fact that their murderers are seldom brought to book suggests that this practice will continue unabated.

Even though the issue of 'corrective' rape is usually associated with lesbian women to 'cure' their sexual orientation, it can be argued that gays are also victims of sexual abuse due to their sexual orientation. Homosexuals are at risk of sexual abuse by perpetrators who believe that the victim's sexual orientation is cured and corrected through rape (Phamodi, 2011, cited in Wilson, 2017:11). This means that sexual abuse not only focuses on lesbian women, but also on other homosexuals such as gays and gender non-conforming persons.

The information cited above confirms that 'corrective' rape is still a major issue that needs to be addressed by the police and the criminal justice at large. It was therefore deemed important to understand how the police respond to such cases and to determine if these cases, when reported, are dealt with appropriately and whether homosexual victims believe that the police are doing their job in reducing this type of crime against them.

### **2.2.2 Murder**

Homosexuals persistently become murder victims because of their sexual orientation, and the murder of most lesbians is connected with 'corrective' rape and assault. The fact that homosexual people become victims of murder causes fear among many homosexuals as well as their families. Recent cases of murder include the case of Nonki Smous, an acknowledged lesbian who was burnt to death in April 2017 (Iguar, 2017). The LGBTI community subsequently marched to the local police station to demand a proper investigation and one person was arrested (Radebe, 2017). Another lesbian, Lerato Tambai Moloji, was stoned to death in May 2017 and her body was found half naked (Wesi, 2017). The suspects in this crime, two men, were apprehended and appeared in court, but the case was postponed in July of 2017. At the time of the current investigation, the case against them had not been concluded.

A study that was conducted by Out LGBT Well-being (2016) revealed that, out of the 313 people surveyed in KwaZulu-Natal, 38 respondents knew of someone who had been murdered because of being LGBT, whereas 62 were not aware of this. The study found that 41% of respondents knew of someone who had been murdered because of their sexual orientation (Out LGBT Well-being, 2016). Judge (2015:155) reported that a lesbian by the name of Nontsikelelo Tyatyeka, was murdered in September in 2014 after refusing to have sex with a man. Other earlier cases of assault on homosexuals that led to their death were also reported. For instance, Judge (2015) reported that Nkonyana, 19, was assaulted by a group of men which led to death after leaving a shebeen.

It is inarguable that the killing of people based on their sexual orientation is still a major issue that affects homosexuals in South Africa. Homosexuals that are murdered based on their sexual orientation are those that are living their lives openly, and the community then becomes aware of which members are gay or lesbian. Gays and lesbians that are open about their sexuality in their communities are usually targeted by 'straight' members due to the fact that communities still loathe the idea of homosexuality.

### **2.2.3 Assault**

Homosexuals also experience assault because of their sexual orientation. According to Milton (1996), assault occurs when a person or persons apply unlawful and international force to another person. Assault can be physical or verbal. Homosexuals usually experience both verbal and physical assault not only from members of their communities, but also from persons who work in clinics, hospital, Home Affairs, and even from SAPS officers. Assault, 'corrective' rape and the murder of homosexuals, particularly lesbians, go hand in hand. Most reported cases usually include rape, assault and brutal murder. For example, *The Big debate: Is homosexuality un-African?*, (2013) reported that Millicent Gaika, who had been subjected to a brutal sexual attack in May 2012, had experienced the ordeal known as 'corrective' rape perpetrated by a gang of youths who claimed they intend to convert their victims to heterosexuality. In this researcher's view, it is a travesty of justice that these attacks occur despite South Africa's laws that are aimed at protecting gay people.

Assault is a form of crime that is usually directed to homosexuals because of homophobia. Human Rights First (2014) states that openly gay and lesbian people, and even human rights advocates of LGBTI individuals, are targeted across as they are visible. There are some survivors of assault based on homophobia such as Tshifhiwa Ramurunzi, a gay man who was beaten and stabbed because of wearing clothes that are socially identified to be that of a woman

(Iguar, 2016a). Another case is that of Deric Mazibuko, who was assaulted with the intent of doing him grievous bodily harm (Stop Hate Crime Booklet, 2013).

However, regardless of this country's extensive laws on human rights, there are large numbers of people who still believe that homosexuals should be punished by being beaten, raped or killed in order for them to change their 'behaviour'. Iguar (2016c) reported that the Gauteng City Regional Observatory Quality of Life Survey found that 14% of the province's citizens argued that it was acceptable to be violent to gay and lesbian people. Iguar (2016c) states that the statistics based on this survey show that people believe that violence against homosexuals is more acceptable than xenophobic violence against foreigners. For example, according to 14% of the respondents, violence on gay and lesbian people was acceptable, 3% said that it was acceptable to physically attack foreigners and make them leave, and 2% agreed that it was acceptable for a man to hit or beat his partner (Iguar, 2016c). Although the response rates in agreement of violence were relatively low, it may be argued that any response rate that condones violence is unacceptable, as this means that a number of people in this democratic society still believe that homosexuals should be exposed to violence even though they are protected by law. Moreover, this also suggests that there may be many cases of assault on homosexuals, but that some may not be reported to the SAPS.

#### **2.2.4 Discrimination**

There are strong suggestions in the literature that homosexuals are exposed to discrimination in different contexts such as in their communities, by service providers and in the manner that the police treat them and their cases. Even though the right to non-discrimination on the basis of sexual orientation is stated in the Constitution of this country (Constitution of the Republic of South Africa, 1996); homosexual people still continue to face discrimination and victimisation due to their sexual orientation and/or gender identity (Stop Hate Crime Booklet, 2013). For instance, Amnesty international (n.d.) reports that in Gauteng province, 7.6% of gay black men and 8.4% of black lesbians were refused medical treatment due to their sexual orientation. In 2008, gay students were escorted out of their residences by a group of heterosexual males at the University of Zululand (Jagessar & Msibi, 2015). A similar incident was reported by Ngubane (2017), in which a gay student was kicked out of class because of being gay and expressing himself by having braids. The report further states that the victim said that his teacher had told him that she could not teach a gay student. This demonstrates that there is still discrimination based on sexuality or sexual orientation.

DeBarros (2016) states that a group known as Troubling Research conducted a study which found that more than half of the population live in fear of experiencing discrimination based on their sexual orientation or gender identity. The typical foundation of discrimination against homosexuals begins in the church, as most faiths preach about norms and moral behaviour which excludes homosexuality on the basis that the Bible and other religious writings such as the Quran regard it as a sin. According to the Human Rights Watch (2011:22) pastors and other church leaders influence societies in ways that can directly impact lesbian and transgender people in the church in a negative way. For this reason, the level of discrimination of gays and lesbians increases as its rejection has been normalised, and this causes fear among many homosexuals.

### **2.2.5 Hate speech**

Hate speech is another type of crime that gays and lesbians experience because of their sexuality. According to Breen and Nel (2011), hate speech often includes harassment, slurring, name-calling and other forms of verbal abuse. In some cases, hate speech may be accompanied by an attack on the targeted individual or group. “A vast majority of openly LGBT persons have experienced some form of intentional victimisation such as verbal abuse, threats, being chased or followed, or being spat on” (Breen & Nel, 2011: 36). This suggests that gays and lesbians who are living openly about their sexuality experience hate speech from people in communities who do not approve of their so-called abhorrent life style of homosexuality.

Based on the information that was elicited by the literature review on the various types of crimes that gays and lesbians may be exposed to, it was imperative to determine whether gay and lesbian victims tend to report these crimes to the police or not. The literature was therefore perused for information on this phenomenon and is provided in the following paragraph.

### **2.3 Crimes that LGBT People Tend to Report to the Police**

LGBT people are exposed to a variety of crimes due to their sexual orientation, but despite the severity of these crimes some victims choose not report the incident to the police. One reason for this is that they fear stigmatisation and secondary victimisation should their sexuality and sexual orientation become known to the police (Wertheimer, 1990, cited in Theron & Bezuidenhout, 1995). Mahapa (2012) agrees with this view, by stating that one of the reasons that LGBT victims refrain from reporting crimes is that they have given up hope on the criminal justice system. This may suggest that the effectiveness of the police when dealing with cases reported by gay and lesbian victims is lacking.

Davies (2013) states that harassment, insults and intimidation are the most common crimes committed against LGBT people. This comment is based on the research that was commissioned by the equality group, Stonewall, which found that 8 out of 10 victims reported these crimes. According to an article entitled *South Africa: No arrests in lesbian murder case* (2011), "police and other South African officials fail to acknowledge that members of the LGBT community are raped, beaten, and killed simply because of how they look or identify, and they are attacked by men who then walk freely, boasting of their exploits". The article further reports that person called Nathan was cited in the article and argued that if the police and other state officials did not act swiftly, "...it will only be a matter of time before they have to account for their failure to the family and friends of the next lesbian who is beaten and killed in Kwa-Thema". Human Rights Watch (2011) asserts that the negative experiences that lesbians and transgender men have with police creates an overwhelming lack of faith in law enforcement and in the criminal justice system as a whole. Homosexuals tend not to report assault cases to the police for different reasons. One reason is that they believe that it might not be taken seriously by the police or the victim might believe that the attack was not as serious as being raped or murdered. Moreover, failure by the police to deal effectively with cases of anti-gay motivated crimes may discourage the survivors of similar crimes from reporting the attacks, and this in turn leads to the escalation of such crimes. According to Anguita (2011:493), the prejudiced attitude of many police officers towards homosexual people leads to under-reporting of crimes against homosexuals. Furthermore, it is stated that survivors feel the police might not take them seriously and they thus fear the officers might humiliate them (Anguita, 2011). The fear of being maltreated by the police or not being taken seriously thus results in the underreporting of cases.

Wilson (2017:12) asserts that criminal justice and law enforcement officials instil the fear in victims that they may also experience secondary victimisation when they endeavour to enter the criminal justice system.

Out LGBT Well-being (2016) reports that it is clear that confidence in the justice system is low. This survey depicted that 91% of those who were surveyed in Kwazulu-Natal had not report the assault to the police. Hlongwane (2016) states that statistics provided by the SAPS show that there was a decline in the number of reported rape cases from 2014 and 2015; however, the author argues that this slight decline could mean two things; that is, it could be that the way in which the society and the CJS understand the seriousness of this offence has improved, or it could mean that the state of the CJS has declined in such a way that victims increasingly refrain from reporting rape incidences. Initially, the researcher was of the opinion

that gay and lesbian victims refrained from reporting rape to the police due to a lack of trust. However, this assumption was tested in the study as it was possible that there could be other reasons for this lack of reporting as well.

The research conducted by Out LGBT Well-being (2016) found that some homosexual victims did not report the crimes to the police. “Considering that 6% had been sexually abused or raped, and many more had endured physical abuse, it was disconcerting that 88% had not reported any of the incidents perpetrated against them” (Out LGBT Well-being, 2016). The reasons for this lack of reporting included the fear that the police may not respond seriously to the cases reported by gay and lesbian victims, or that the police were homophobic themselves (Out LGBT Well-being, 2016).

The many questions that were raised by the literature review strengthened the researcher’s curiosity and concern regarding the reasons why homosexuals refrain from reporting the crimes that they experience. Should the crimes be reported, statistics that are published regularly will expose the extent of the problem, and this will serve as a strong indication to authorities and communities that the situation of gays and lesbians is dire and that they are in crisis. For example, a participant in a research interview was quoted as stating: “If you are afraid to tell your mother you're a lesbian, how can you tell your story to a male policeman?” (Reid & Dirsuweit, 2002:106). This means that some LGBT people not only fear the attitude of the police, but of their families and communities as well. Thus some lesbians and gays may not report abuse because they are afraid that if they report that they were raped because they are lesbian or gay their families could find out about their sexuality. Therefore, one of the study objectives was to look at the reasons why some homosexuals do not report crimes to the police.

### **2.3.1 The role of the police when cases are reported by gays and lesbians**

Wilson (2017:12) argues that the way in which the CJS deals with the cases of LGBT victims show that there is the violation and contradiction of South African laws on homophobia and human rights conventions. Lewin, Williams and Thomas (2013) state that South African activists have stressed on the failures of the CJS to bring perpetrators of hate crimes to justice and that victims, who are expected to be placed in a place where they can recover from the trauma of the attack, are often denied this right. However, even if victims are housed in ‘places of safety’, Phiri (2011:12) questions the sanctuary accorded to victims in these places. According to Out LGBT Well being (2016), Lerato Phalakatshele stated: “The criminal justice system is slow to react and justice is not seen to be done”. This comment explains to an extent the low reporting rates of crimes committed against gays and lesbians. If the crimes that are



reported by homosexual people are not taken seriously by the police and there is no arrest or prosecution, homosexual victims will mistrust the police and they will refrain from reporting any acts of abuse. Thus perpetrators will see this as an opportunity to victimise homosexual people because they do so with impunity.

The literature review exposed the fact that some police officials were implicated in the abuse of gays and lesbians. For example, Human Rights Watch (2011:48) states that the way in which the police respond to lesbians and gays sometimes indicates inefficiency, corruption, inaction, and even complicity with perpetrators". Jagessar and Msibi (2015) also argue that, while the South African Constitution protects the right to sexual orientation, such protection has not been enjoyed in schools and higher education institutions, as is the case in general society (Mkhize, Bennett, & Moletsane, 2012).

A member of the Forum for the Empowerment of Women (FEW), Donna Smith, made the following statement: "The violation of black lesbians had never been a priority within activism against social injustice, gender-based violence or homophobia in the work of the various NGO and state actors who had committed themselves to making the promises of the Constitution a reality after 1996" (Mkhize et al., 2012). Thus, the way in which gay and lesbian people are attacked shows that the SAPS is still failing to prevent violence against the population at large (Human Rights Watch, 2011).

Thomas (2013:7) cites an example of a lesbian who was raped and makes the following statement:

"[It is] clear how homophobia intensifies the trauma of rape: through widely held ideas about lesbians 'asking for it' through their openly transgressive behaviour; by the negligence and sometimes outright disdain of the police and criminal justice system; and through the ongoing forms of discrimination endured in the aftermath of the assault."

Thomas (2013) asserts that the victim referred to above did not understand the reason why the offender was released after a short period. Moreover, the victim related after he was released he continued abusing the victim and that when she reported again there was no action taken. This means that the legal system failed to assist the victim and this caused the victim to become more traumatised and to feel more fear because she did not feel safe.

Mahapa (2012:18) states that the stigmatisation of the LGBT lifestyle has also caused in them not to be able to fully access the criminal justice system adequately. An Action Aid report revealed that a number of cases involving 'corrective' rape had not been documented because of the lack of a separate avenue to address this persisting crime (Hlongwane, 2016). Out LGBT

Well-being (2016) reports that 21% of the respondents in their survey said the responses of the police were helpful, 28% said that they were somewhat helpful and 51% said that the police were not helpful at all. This lesbian activist organisation said that police and judges need to be trained to take the crimes committed against gay South Africans more seriously (Baldauf, 2011). *The big debate: is homosexuality un-African?* (2013) reported that over the preceding thirteen years at least 31 South African lesbians had been murdered in homophobic attacks and that, of these, only two cases had been brought to court and only one person had been convicted. These data confirm that gays and lesbians face violence and discrimination despite the rights of all citizens that are entrenched in the South African Constitution.

Spokesperson for Sonke Gender Justice Network expressed concerns that violence against gay and lesbian people were a shame on all South Africans who pride themselves in having the best constitution in the world (Judge 2015: 181). This supports the argument that there are laws in South Africa that prohibit the discrimination of people due to sexual orientation, but that they are still experiencing abuse and victimisation. In 2016, Out LGBT Well-being (2016) reported that of the small percentage who had reported incidents of abuse to the police, only 15% had resulted in a court case; whereas 7 % were waiting for a court date; the other 7% were too afraid to go to court; 25% had not gone to court as they believed the offender would get off anyway; and for 47% offender not found thus court date not set. Based on these shocking statistics, the current study intended to investigate the reasons for such poor response rates by the CJS by eliciting data from gay and lesbian participants to determine what they believed the challenges were, if any.

As far back as 2012, Mahapa (2012) stated that an improvement in the way in which the CJS is handling cases of LGBT victims is crucial in order for them to be able to access services and justice was realised and to avert homophobic crimes. It was argued at the time that if the CJS acted appropriately and dealt efficiently with the cases reported to the police, it might increase the rate of reported cases and thus reduce the victimisation of homosexuals. In essence, this argument suggests that the services by the police, who are the first to hear of the cases of gay and lesbian victims, should be improved.

The following information was obtained from the literature to determine whether earlier studies could confirm whether the police responded efficiently or not to reported cases of violence against gays and lesbians.

### **2.3.2 The efficiency or inefficiency of the police in handling the cases of LGBT people**

Considering that homosexual rights are also human rights, cases reported by homosexual victims ought to be treated in the same manner and with the same urgency as the cases reported by heterosexual citizens. However, according to a study conducted by Mahapa (2012), 83% of the participants had experienced homophobia from police officers while a mere 23% received appropriate treatment when reporting homophobic victimisation. This suggests that challenges are experienced by homosexual victims when they report homophobic victimisation to the police. Mahapa (2012:44) states:

“According to the guidelines, the police should treat victims with respect when taking statements and investigating cases; [the] police should provide them with information about their cases and the criminal justice system and [should] refer the victims to further support systems in their communities; but there is tension between the LGBTs’ needs and those of the system designed to help them.”

Nell and Shapiro (2011) argue that black gay and lesbian people have little faith in the CJS because, in some instances, the police mocked them and often did not bother to open dockets. Interviewed by the News reporters, a lesbian stated: “Some policemen in the township mock you saying: ‘How can you be raped by a man if you are not attracted to them?’” (Fihlani, 2011 cited in Pushparagavan, 2017). The interviewees for news reports also stated that police officials would ask humiliating questions such as: “What did it feel like?” (United Kingdom Home Office, 2017). Such humiliating reactions by the police may be a reason for the under-reporting crime against homosexual people.

According to The National Framework (2012, cited in Hlongwane, 2016:58), it is a common allegation that victims of sexual offences “...are not treated with the dignity they deserve and this leads to secondary victimisation and discourages other victims from reporting [abuse]”. Breen and Nel (2011) state that on a study conducted 62% LGBT survivors of hate crimes did not report crimes to the police while the other 33% reported but the police seemed ‘not interested’ in dealing with their cases. In another study, a small but notable number of the LGBT respondents (8%) remarked that their cases had been left pending and that some of the dockets had gone missing (Mahapa, 2012:56). Such inefficiency undermines the image of the police, as the manner in which police officials respond to the cases reported by victims, especially by gays or lesbians, has a great impact on the level of reporting. If a case is handled well by police officials, the message will spread and subsequent victims may trust the police. However, this is often not the case. Judge (2008) asserts that the police officers sometimes use oppressive and humiliating language when dealing with the cases reported by homosexuals

often ask homophobic and insensitive questions thus making the victim feel uncomfortable and this may lead to underreporting. Nell and Shapiro (2011) report that a number of young lesbians who were interviewed in their study recounted cases of gang rape but seldom reported these cases because they feared the manner in which the police would respond. Clearly, unwillingness among LGBT people to report crimes opens a door for perpetrators to commit more crimes without the fear of being arrested, and this puts the lives of gays and lesbians in danger.

Human Rights Watch (2011:48) cites the example of Nomuula (pseudonym) who opened a case with the police in Kagiso after being raped by a person she knew; however the offender was released a few months after and threatened to kill the victim. Furthermore, Human Rights Watch (2011) reports that the victim registered the case and when she called for the follow up they told her that the case did not exist.

Davies (2013) reports that a study found that more than three-quarters of LGBT victims did not report the crimes to the police because they feared that the police might not take them seriously. This shows the immense lack of trust of gays and lesbians on the police and the criminal justice at large.

Some studies quoted the comments made by homosexuals based on the responses of the police when they (homosexuals) reported their cases:

*“If I was raped, rather than tell the police, I would tell my cousins for revenge. It’s useless to go to the police. I know of other incidents against lesbians and the police don’t do anything”* (Human Rights Watch, 2011)

*It’s useless to go to the police. I know of other incidents against lesbians and the police don’t do anything”* (Human Rights Watch, 2011).

*“I saw the guy after that [the rape]. A week later I heard he had raped another girl”* (Human Rights Watch, 2011).

These responses demonstrate that some homosexuals who were victims of crime lost faith in the police and the criminal justice system as a whole. Therefore, claims by SAPS reports or statistics that crimes against LGBT people are decreasing may not be realistic because victims may no longer report these crimes.

The secondary victimisation that gays and lesbians experience when reporting crimes to the police is thus a point that needs attention. The following section focuses on the concept of secondary victimisation.

## 2.4 Secondary Victimization

LGBTI people often do not report because the victims fear they might experience further discrimination (Stop Hate Crime Booklet, 2013). This is referred to as secondary victimisation. Phiri (2011:12) defines secondary victimisation as “the negative reception of a victim by his or her community and the social agencies put in place to assist victims of a crime (such reception at times being due to his or her membership to a particular group of society)”. Davis and Snyman (2005) argue that homosexual victims who report hate crimes may encounter secondary victimisation or what is known as ‘victim blaming’ during their interaction with the police or other officials in the CJS. This may lead to the victims being re-traumatised and, as a consequence, they may not report another incident when it happens. Phiri (2011) argues that secondary victimisation occurs more in South Africa than it should.

When reporting crimes to the police, victims expect support. However, this is usually not the case because some of the victims are not taken seriously. According to Manzi (2014), “We need to name and shame organs or departments of the state which humiliate LGBTIs, like some members from the health department, members of the SAPS and some members of the Department of Home Affairs”. How the police handle the cases reported by homosexuals may either build or break the trust of homosexual people in the police. Another type of secondary victimisation is when victims experience assault by the police when they report crimes. Igual (2016a) reports that a gay man was nearly killed in a violent hate crime, only to be arrested by the police when he attempted to report his attacker. This may be referred to as secondary victimisation.

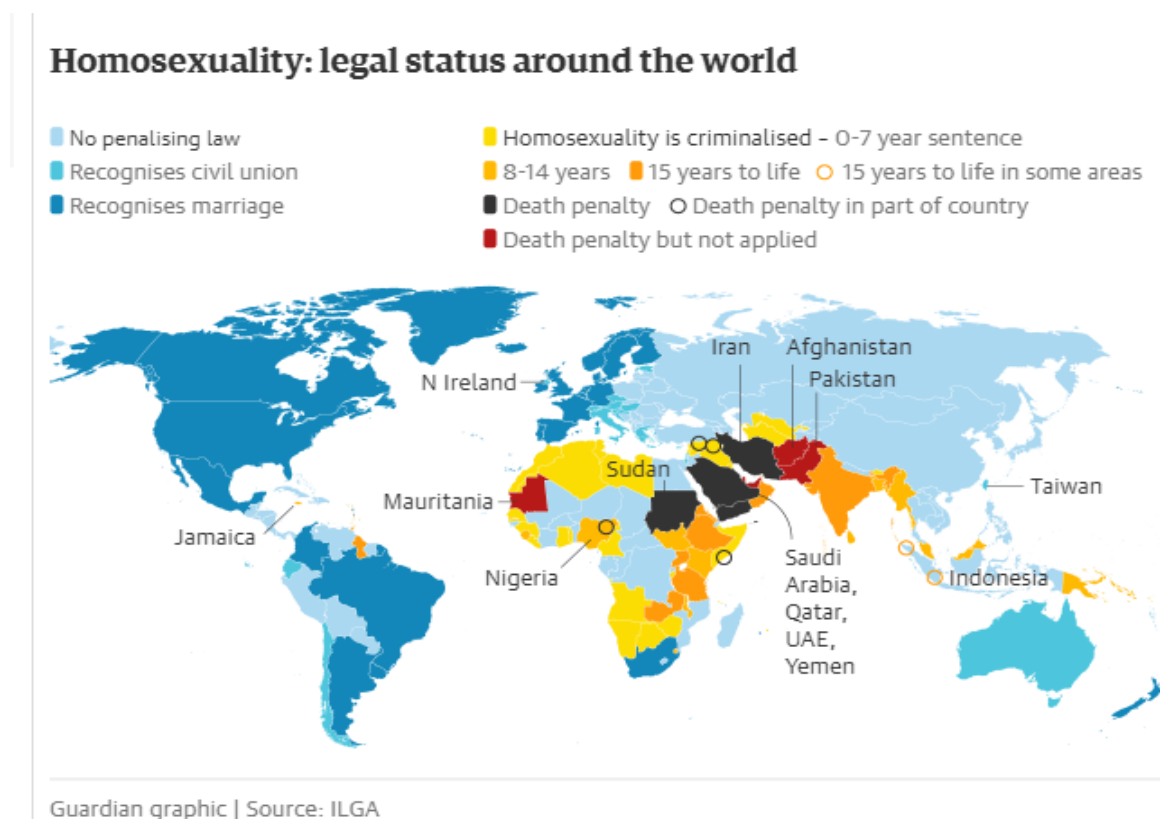
Victims of crime always require support from different structures, which include the police system, family, friends, and the community at large. However, this is not always the case. Secondary victimisation may also include how the community at large responds to the case of the victimisation of a gay or lesbian person. Family, friends and even strangers sometimes take the side of the attacker, arguing that the victim deserved what happened to him or her (Phiri, 2011). According to Breen and Nel (2011:34), victims can experience secondary victimisation by the lack of support from the community members and have the support the accused instead. This may greatly impact the victim and may lead to unwillingness to report the case because of victim-blaming and the lack of support.

## 2.5 Laws Pertaining to Homosexuality

The following section illuminates the laws pertaining to homosexuality. International as well as South African laws are put under a lens. Some countries have laws that prohibit homosexuality whereas some countries allow same-sex marriages.

### 2.5.1 A global perspective on laws pertaining to homosexuality

Homosexuality is still a controversial issue in many countries, and most countries still criminalise homosexuality whereas some have laws that allow same-sex marriages. The United States of America (USA) one of the countries where homosexuals are free to live their lives as there now are laws that protect them. Netherlands and South Africa too, decriminalised gender variations, but the way in which South Africa responds to hate crimes based on sexual orientation show inadequacy (Schippers, 1997 cited in Mahapa, 2012). Duncan (2017) provides a map that depicts countries that criminalise homosexuality and those that allow homosexuality.



**Figure 2: Map depicting the legal status of homosexuality around the world**

Source: Duncan (2017).

According to Duncan (2017), even though there are countries that have legalised homosexuality, 72 countries still criminalise homosexuality and countries that punish homosexuality with the death penalty include Saudi Arabia, Iran and Yemen.

In looking at South Africa and countries such as the USA, it can be said that homosexual people are supposed to be free to love whomever they please, as these countries have laws that protect homosexuals and allow same-sex marriages. However, it is reported that many homosexuals in these countries still experience violence and some are brutally murdered because of their sexual orientation.

The punishment of homosexuality in some countries is severe. For instance, in Jamaica, people who are homosexual are denied access to basic rights and services. According to the Human Rights First, 2014 the punishment for homosexuality in Jamaica is up to 10 years of imprisonment with hard labour for those convicted under Article 76 of the Offences against the Person Act. Of the 72 countries that prohibit homosexuality, 38 are in Africa.

### **2.5.2 Countries that prohibit homosexuality in Africa**

Whereas South Africa has legalised same-sex marriages, there are other African countries that still criminalise homosexuality and where it is punishable by law. Kordunsky (2013) states that of the 38 nations in Africa that criminalise homosexuality. Three of these countries have recently adopted harsh anti-gay laws; and they include Cameroon, Uganda and Burundi. *The big debate: is homosexuality un-African?* (2013) reports that 13 African countries permit homosexuality by law, but in the remaining 38 African nations being gay is a crime, and in three countries it is punishable by the death penalty. It is argued that nowhere is the debate more polarised than in Uganda. According to Amnesty International (n.d.) since 2005 Cameroon has recorded 51 cases of same-sex conduct. Which shows that homosexuality is not only unaccepted but seen as a criminal offence to some of the countries.

The researcher selected four countries (Table 4 below) that criminalise homosexuality with serious punishment.

**Table 4: Four African countries that criminalise and punish homosexuality**

Country	Same-sex relationships	Law on same-sex marriage	Punishment
Uganda	Not legal	Not legal	Imprisonment 14 years and life. (ILGA, 2016)
Nigeria	Not legal	Not legal	Severe punishment ranging from 10 to 14 years in prison (Human Rights Watch, 2016)
Botswana	Not legal	Not legal	Imprisonment up to 14 years (ILGA, 2016)
Zimbabwe	Not legal	Not legal	Imprisonment up to 14 years (ILGA, 2016)

Source: Author

The above table presents a summary of countries in Africa where homosexuality is illegal. In some of the above-mentioned countries, homosexuals are imprisoned for years. In comparison, it may be argued that South Africa has made progress in terms of protecting homosexuals through legislation. According to Amnesty International (n.d.) in 2002 South Africa allowed joint adoption by same-sex couples, in 2004, the law on legal gender recognition was introduced and in 2006 the law on same-sex marriage was introduced.

There are still a number of African countries that prohibit homosexuality. In contrast, South Africa is seen as a democratic country where homosexuals feel safe when compared to other countries in Africa. Knight and Wilson (2016) state that on in 2014 the President of Uganda, Museveni, signed an anti-homosexual Act which criminalises the promotion of homosexuality and requires citizens report to the authorities if they suspect someone for being homosexual. In South Africa it is different, because homosexual people have rights and are free to marry their same-sex partners. However, it has been argued that homosexual people still experience major violent crimes. Kutsch (2013) argues that even though South Africa is open to homosexuality there have been a number of hate crime trends.

In contrast, South Africa has progressed to giving homosexual people the freedom of being in same-sex relationships, promoting homosexuality as well as marrying each other. However, the challenge is that homophobia still exists and cases of the victimisation of gays and lesbians



are still not dealt with appropriately by the CJS. In 2012 there were seven cases of murder of people in relation to their sexual orientation (Amnesty International, n.d.). South Africa has laws that protect people in same-sex relationships and condones homosexual individuals; however, reports of police misconduct and reluctance to respond to crimes experienced by homosexuals persist.

### **2.5.3 Laws that protect homosexuality in South Africa**

South Africa was the first country in Africa to legalise same-sex marriages. It took a step further by passing other laws that forbid discrimination based on sexual orientation and gender identity as well as laws that promote equality. According to Section 9(1) of the Constitution of the Republic of South Africa Act No. 108 of 1996 (Constitution of the Republic of South Africa, 1996:5) everyone is equal before the law and has the right to equal protection and benefit of the law. Breen and Nel (2011) mention the South African laws that deal with discrimination, which include the Equality Act, the Promotion of Equality and Prevention of Unfair Discrimination Act, as well as Section 9 of the Constitution. However, they argue that none of these laws deal with hate crimes in isolation.

Other laws that were passed in prohibition of all forms of discrimination include the following:

- **The Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000:**

The factors that are prohibited on the grounds of unfair discrimination are:

“...race, gender, sex, pregnancy, marital status, ethnic or social origin colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.”

- **The Domestic Violence Act No. 116 of 1998:**

“Domestic relationship is a relationship between a complainant and a respondent in which (a) they are or were married to each other, including marriage according to any law, custom or religion; (b) they (whether they are of the same or opposite sex) live or lived together in a relationship in the nature of marriage, although they are not, or were not, married to each other, or are not able to be married to each other.”

- **The Civil Union Act No. 17 of 2006:**

This Act allows heterosexual and same-sex couples to enter into a fully recognised civil union by stating that the Family law dispensation as it existed after the commencement

of the Constitution did not provide for same-sex couples to enjoy the status and the benefits coupled with the responsibilities that marriage accords to opposite sex couples.

All these laws were passed in order to prevent discrimination of minority groups (homosexuals in this case). However, many cases based on hate crimes and discrimination against gays and lesbians have been reported. For example, according to DeBarros (2016), Happy Phaleng from the Khula Youth Network expressed doubt about these laws' impact as he stated:

*“Discrimination is experienced in everyday life and I don't know if this will stop it. They pass these bills but implementation is the problem.”*

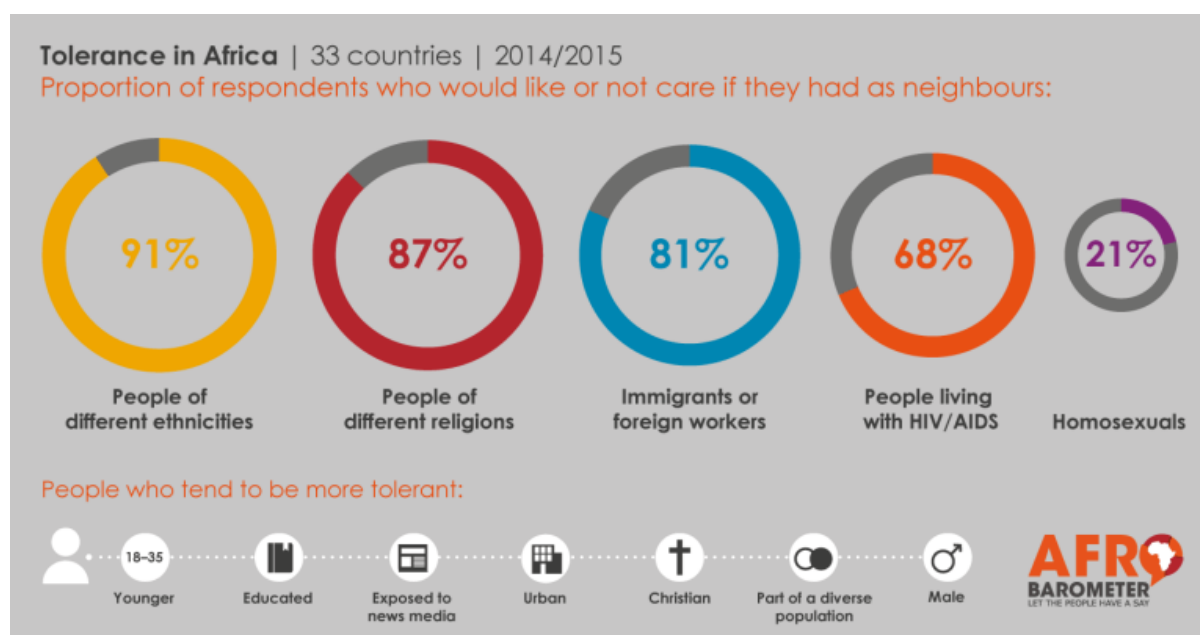
Therefore, even though there are these laws in South Africa, the question is whether they are implemented effectively or not.

This literature review has highlighted the difference between South Africa and other African countries and the fact that South Africa is far ahead in its efforts to acknowledge the rights of LGBT communities is commendable. However, it can be argued that the issue of homophobia still occurs in many countries, if not all. It was shown that some countries have laws that are meant to protect homosexuals, such as South Africa. In contrast, there are also countries that still criminalise homosexuality. Therefore, the following discussion is on the laws in other countries based on homosexuality as well as crimes against them.

## **2.6. The Notion that Homosexuality is ‘Un-African’**

Various African countries that still criminalise homosexuality such as Zimbabwe, Malawi and Uganda agree by arguing that homosexuality was introduced by the West (Mkasi, 2013: 1). It can be argued that what triggers most of the crimes directed at homosexual people could be churches and patriarchal societies that believe that sexual relationships should only be between a man and a woman and that a man is more powerful than a woman. In Africa, homosexuality is still viewed as a lifestyle that is learnt and not natural and thus un-African. Macauley (2004, cited in Mutambara, 2015) argues that homosexuality in an Africa is mystifying because it is viewed as taboo. Owen (2016) reports that when a former President of the United States of America visited Kenya after same-sex marriages had been legalised in the USA, he was warned by the Kenyan President not to push homosexual rights and “other dirty things” onto African countries. In issuing his warning, he joined other African political leaders and religious figures who denounced homosexuality as a dangerous and corrupt Western import. Kenya and other African countries still have a strong belief that homosexuality is taboo and a Western import. With the notion that homosexuality is un-African, there is little tolerance of homosexuality in

African countries. The figure below illustrates the level of intolerance of homosexuality in Africa:



**Figure 3: Illustration of African intolerance of homosexuality**

Source: *Africa's most and least homophobic countries* (2016).

The above figure illustrates that, among factors such as ethnicity, religion, immigrants and people living with HIV/AIDS, homosexuality has the smallest percentage of tolerance among these social group in African countries. *Africa's most and least homophobic countries* (2016) asserts Africa is intolerant mostly towards homosexuals than any other groups.

In a study that was undertaken by *the big debate: is homosexuality un-African?* (2013) among African people about how they felt about homosexuality, the respondents mentioned the following:

*“It is a sin you can’t have sex with another man, this is really contrary to God.”*

*“I’m also against homosexuality because it’s totally against our culture.”*

*“Life imprisonment [for homosexuality] is a fair punishment.”*

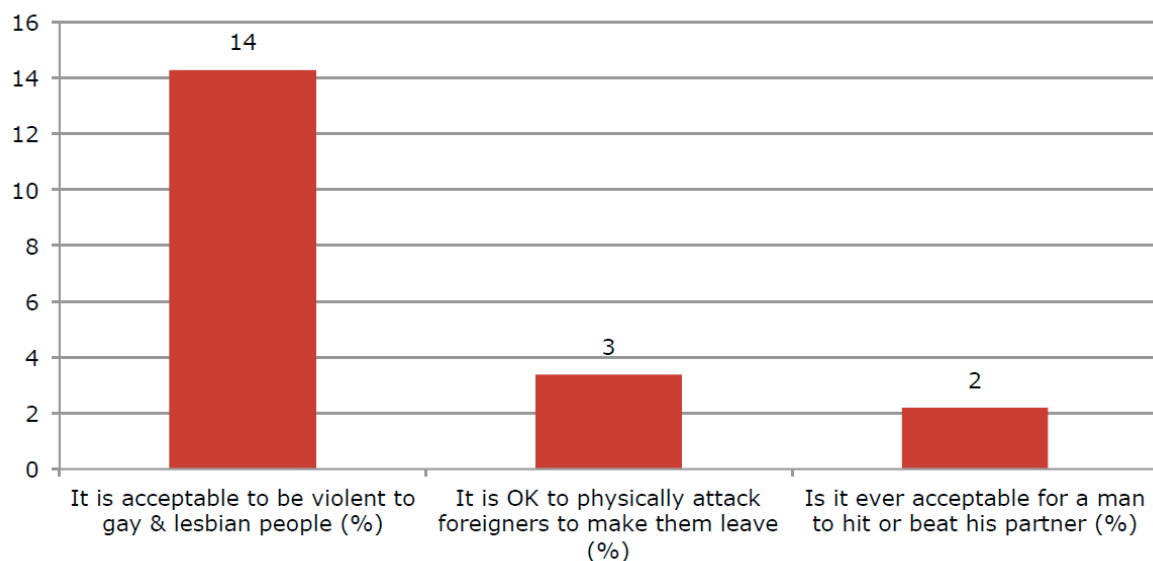
It is argued that attitudes such as those displayed in the comments will not curb crimes against homosexual people, and LGBT people will thus continue to live in fear instead of living freely and openly Africa. A number of leaders such as a member of parliament in Uganda, David

Bahati and Botswana’s former president, Festus Mogae, attended the Big Debate on “Is Homosexuality un-African?” in 2013. Some of their arguments included the following:

*“It is un-African because it is inconsistent with the African values of procreation of a belief in a continuity of family and clan... We are Christians and we view homosexuality as a sin, period” (Bahati).*

*“Homosexuality is un-African, first of all because even though it is something that is human, it’s not something that we have promoted, you know something that in Africa naturally is seen as something deviant. People have the natural instincts but over centuries even though we have had bisexuals over the years over the centuries they’ve not come out. It’s not something we are used to” (Sadhika).*

Even in South Africa where laws have legalised homosexuality, victimisation such as assault, ‘corrective’ rape and the murder of lesbian and gay people occur because of the belief that homosexuality is not African and should thus be punished. The following figure depicts the rates of people who condoned violence.



**Figure 4: Belief in violence under certain circumstances**

Source: DeBarros (2016).

The graph above indicates that 14% of the respondents in a study believed that it is acceptable to be violent against homosexual people (DeBarros, 2016). Although this percentage is relatively low, these people may instigate and increase acts of crime against homosexuals. The fact that there are still people in society who believe that violence against homosexual people is justified shows that the police and the CJS will face challenges in curbing violence against

the LGBT community. Even leaders of countries in Africa made statements confirming that they were against homosexuality. Some of these statements that might have incited violence against gays and lesbians are discussed in the following section.

### **2.6.1 African leaders' 'anti-gay' statements**

There are a number of leaders who have made statements that are anti-gay. Some of these statements were made by the former president of South Africa, Jacob Zuma, who said: “when I was growing up, *unqingili* (a gay person) would not have stood in front of me. I would knock him out” (Hawker, 2015). Zuma later apologised for his comment. Another anti-gay statement was made by Reverend Kenneth Meshoe of the ACDP who openly and emphatically opposed gay marriages on public platforms in Parliament and opposed Archbishop Desmond Tutu. He said that he would refuse to enter a “homophobic heaven” or serve a “homophobic God” and stated: “We ask Archbishop Tutu not to confuse people who respect the scriptures, and advised him to keep his unbelief to himself if he does not believe in the teaching of the Holy Bible” (Hawker, 2015). Another anti-gay comment was made by the Zulu King, King Goodwill Zwelithini, who said: “Traditionally, there were no people who engaged in same-sex relationships. There was nothing like that and if you do it, you must know that you are rotten”. The King later stated that he was quoted incorrectly due to poor translation. Other leaders in Africa who made anti-gay statements include former President Mugabe, who said: “[i]f dogs and pigs don't do it, why must human beings? Can human beings be human beings if they do worse [things] than pigs?” (Hoad, *African Intimacies*, 2007 cited in Fortuin, 2015). When leaders make statements that are anti-gay, it may not be easy for other people in the country to be less homophobic towards homosexual people as they might believe that homosexual people therefore need to be punished. Such expressions by leaders may thus negatively impact the safety of homosexual people.

### **2.7 The Impact of Victimisation on Gays and Lesbians**

Homosexual victims may suffer trauma after experiencing any type of crime. As a result, many live in fear, not knowing what might happen to them next, especially if they feel that they are not protected. Not only does this happen, but many still live ‘in the closet’ because of the fear of victimisation.

It can be argued that homosexual people already face a challenge as they fear disclosing their sexuality. It is argued that the victimisation of homosexual people has a great impact on them. This could be an individual and societal impact as well as leading to secondary victimisation.

According to Davis and Snyman (2005:249), a South African Constitutional judge stated the following:

“The manner in which discrimination is experienced on grounds of race or sex or religion or disability varies considerably. There is a difference in difference. The commonality that unites them all is the injury to dignity imposed upon people as a consequence of their belonging to certain groups” (Amnesty International, n.d.:vii).

Due to the impact of victimisation, victims may also suffer from internalised oppression. Hegarty and Almqvist (2005:16) define oppression as “the unjust or cruel exercise of authority or power and is closely linked to discrimination”. Therefore, internalised oppression begins where the minority groups or oppressed people start to believe what is being said by their oppressors to be true (Hegarty & Almqvist, 2005:16).

Marks (1999: 25) expressed this deep hurt as follows:

“Once oppression has been internalised, little force is needed to keep us submissive. We harbour inside ourselves the pain and the memories, the fears and the confusions, the negative self-images and the low expectations, turning them into weapons with which to re-injure ourselves, every day of our lives.”

Due to internalised oppression, it may not be easy for some of the victims of crime to report the abuse because they might feel that what happened to them happened for a reason because they are not accepted. Some may even fear to come out and live their sexualities openly because of this fear and internalised oppression. It can be argued that some crimes against LGBT people may go unreported because of the internalised oppression that homosexual people suffer from. Communities tend to be silent and not show support to the victim (Eliason, 1996:92, cited in Davis & Snyman, 2005). It can also be argued that if the police are not showing any interest in dealing with the cases reported by homosexual victims, or if there is no proper follow-up on the reported cases resulting in the case being dropped or not updating the victim about it, it may also lead to them being sceptical to report the crimes, or not to report them at all. This could be the reason, according to Out LGBT Well-being, 2016), that 88% of the respondents had not reported any of the incidents perpetrated against them. Furthermore, Davis and Snyman (2005) argue that the individual of a targeted group may be left feeling isolated, vulnerable, unprotected and intimidated. But the victim’s larger community may also experience fear, distrust and renewed conflicts may occur, resulting in further polarisation and or destabilisation.

## **2.8 The Need for Hate Crime Legislation in South Africa**

In terms of dealing with crimes experienced by minority groups in South Africa, there is no specific law that deals with such crimes, often referred to as hate crimes. Convicting a person of a hate crime requires evidence of this hatred or hostility based on the victim's protected characteristic. Mahapa (2012:9) asserts that some legal definitions relating to hate crimes require proof that the offense was motivated by hatred of the person or group to which a person belongs in. In dealing with the case, the CJS does not take into consideration the hate reasoning behind the crime.

Hlongwane (2016) asserts that even though the country appears fully equipped in resources by having six departments in the CJS which were established to combat crime, the CJS is severely overburdened with high incidences of sexual offences and finds itself limited in its capacity to provide adequate protection and deter criminal conduct. As a result, the use of the concept 'hate crimes' is still unclear. Breen and Nel (2011) assert that, regardless of even though the hate crime legislation is not adopted yet in South Africa, there is still a need to further intervene and look at hate crimes accurately.

## **2.9 Conclusion**

Homosexuals in South Africa are still experiencing crimes in relation to their sexual orientation. However, the literature suggests that the rate of reporting such cases is declining because of the fact that homosexual victims have lost trust in the police and the criminal justice system. This is mainly because when they report crimes to the police, they are not taken seriously and sometimes there is no follow-up of their cases. This leaves the door wide open for perpetrators to continue victimising homosexuals with impunity.

## CHAPTER THREE

### THEORETICAL FRAMEWORK

#### 3.1 Introduction

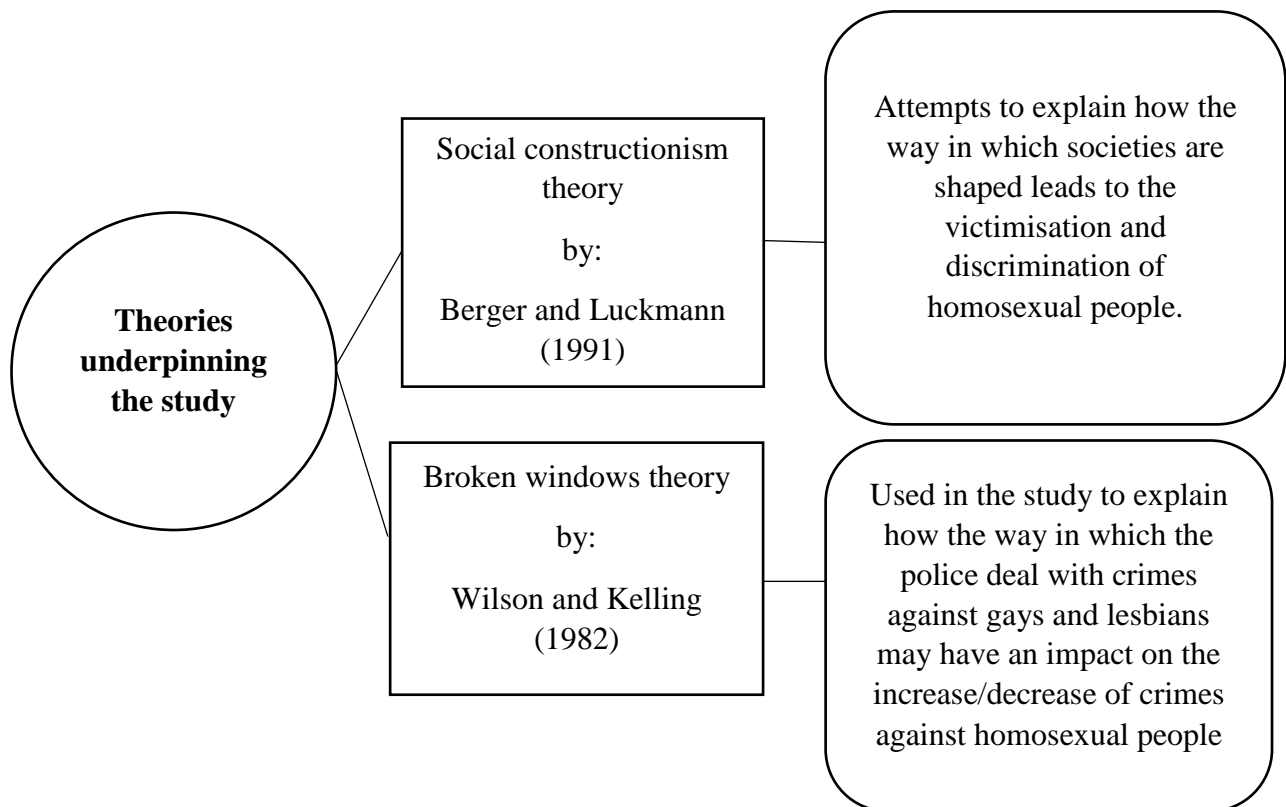
This chapter presents the theoretical framework that was linked to the study. White, Klein and Martin (2014:285) assert that theories are used to predict, interpret, formulate questions, and integrate research. This chapter presents the two theories that underpinned the study, namely the social constructionism theory as a paradigm of understanding gender and sexuality; and the broken windows theory which explains the relationship between disorder, crime and fear. Bezuidenhout (2011:124) asserts that theories “help bring order to our lives because they expand our knowledge of the world around us and suggest systematic solutions to problems with which we are repeatedly confronted”. This chapter will therefore provide a discussion of the theories used in the study as well as their relevance to this study. For the purpose of this study, it should be noted that the researcher will use the terms “gays”, “lesbians” and “homosexuals” interchangeably.

This study drew on the two mentioned social and criminological theories respectively to explain the phenomenon under investigation. The theory of social constructionism was developed by Berger and Luckmann (1991) and the broken windows theory was developed by Wilson and Kelling (1982). These theories are used in this report to explain the reasons for the crimes experienced by gays and lesbians and to understand why the police do what they do to deal with such crimes. The rationale for using these two theories was solely based on explaining the occurrence of crimes against gays and lesbians. Therefore, in the interpretation and understanding of the data, the social constructionism theory is used to illuminate the social construction of gender and sexuality and to understand how homosexuality is socially constructed in particular societies. In addition, the broken windows theory is used as a metaphor to explain the persistence of violence on homosexuals. The metaphor refers to the fact that if broken windows in a building are left unattended, more windows will be broken as no one seems to care. In the same manner, if a social phenomenon such as homophobia is not attended to, it will escalate. For the purpose of this study, the broken windows theory is used to explain that if the police is not paying much attention to the crimes that are experienced by gays and lesbians, it leaves the impression that no one cares and this opens doors for perpetrators to continue committing crimes against homosexuals.

The following discussion dwells on each theory in detail in the quest to provide insight into the lives and experiences of homosexuals and the crimes they are persistently exposed to.



### 3.1.1 Theoretical framework underpinning the study



**Figure 5: Summary of the theories that underpinned this study**

Source: Author

The researcher uses the above theories to explain the phenomenon of crimes being committed against gays and lesbians. The theories assist the researcher in explaining the sexual orientation of homosexuals and the manner in which the police tend to deal with crimes committed against homosexuals in Durban. The following discussion pertains to the social constructionism theory which attempts to explain that, due to social construction based on gender roles and identities, homosexuals are persistently victims of crime.

### 3.2 The Social Constructionism Theory

This theory was selected as a paradigm to understand the occurrence of crimes committed against gays and lesbians because of their sexual orientation.

Social constructionism was coined to come to terms with the nature of reality (Andrews, 2012). There is no single definition of social constructionism, as various authors have provided their own definitions of the theory. According to Lumen Learning (2017), social constructionism is the notion that people's understanding of reality is partially, if not entirely, socially situated. Meynert (2015:46) asserts that the social constructionism focuses on uncovering the ways

individuals and groups contribute in creating the way in which they observe social reality. Andrews (2013:39) supports this view by stating that, in trying to make sense of the social world, social constructionists view knowledge as constructed as opposed to be created. For Terre Blanche, Durrheim and Painter (2006:278), “social constructionism treats people as though their thoughts, feelings and experiences are the products of systems of meaning that exist at a social rather than an individual level”.

For the purpose of this study, the social constructionism theory is used to explain how societies view and respond to homosexuality and to understand the reasons why gays and lesbians experience crimes based on their sexuality/sexual orientation. This theory was selected as it specifically looks at the socially constructed behaviour, assumptions and attitudes of people and how these affect homosexuals in society. Therefore, homosexuality is framed by socially constructed assumptions about it. Due to these assumptions, homosexuals are likely to experience victimisation as they are seen as non-conforming to the rules of society. In order to understand the theory of social constructionism, it is important to understand the concepts that apply to it. For the purpose of this study, these concepts are sex and gender. Sex refers to the biological identity, male and female and gender is defined as “the socially learned expectations and behaviours associated with members of each sex” (Andersen & Taylor, 2007:302). There are certain roles that are assigned by society to each sex and it is said that men have their roles as men in society and women have roles as women in society.

### **3.2.1 Social construction of gender and sexuality**

“Social constructionism is a theory of knowledge that holds that characteristics typically thought to be immutable and solely biological—such as gender, race, class, ability, and sexuality—are products of human definition and interpretation shaped by cultural and historical contexts” (Subramaniam, 2010), cited in Kang, Lessard, Heston & Nordmaken, 2017:20). According to Johnson (1997), most people have a strong personal sense of what it means to be a man or a woman; a sense that affects how they think, feel, and act (Lorber & Farrell, 1991:112). Social constructionists believe that there should be a woman and a man, and that a man should not act inappropriately with another man. Lumen Learning (2017) supports the statement by saying that the strong belief that men and women are dissimilar tends to make men and women behave in a way that seems to be different. Holstein and Gubrium (2008:531) assert that, as people, “we are gendered from birth by naming, clothing, and interaction with family, teachers, peers, our identities as boys or girls, and then as men or women, are felt as, and usually explained as, a natural outcome of the appearance of our genitalia, the signs of our

biological sex”. Gendering thus starts when children are still small, and they are bought clothes if certain colours to indicate that they are boys or girls. For instance, if a child is a boy it is usually given blue clothes and toys such as cars to play with, and when he grows up, he is taught to play soccer with other boys; on the other hand, a girl child is usually given pink clothes and dolls to play with and when she grows up she is taught to behave as a girl should. She is taught to cook and wash dishes in order to be a good wife in the future. However, if the children adopt the roles of the opposite sex, they are viewed as having a problem and they are deemed ‘abnormal’—such boys are ‘sissies’ and girls are ‘tomboys’. Burr (1995:2) agrees, stating that the way people observe the world suggest that there are two distinct categories, and that is a man or a woman. For this reason people believe that women and men should behave in a certain way, and if they do not, they are viewed as not normal by society.

The current researcher opines that gays and lesbians experience crimes based on their sexual orientation due to the fact that societies believe that homosexuality is abnormal and thus unacceptable. Furthermore, homosexuals experience maltreatment by the police and many are not taken seriously when they report their cases. Some were accused, stating that it happened because of their ‘abnormal’ sexual tendency. For instance, if a gay man was beaten and he reports the incident to the police, questions such as: “Why were you beaten by men if you are also a man?” or if a lesbian was raped, she might be asked a question such as: “How can you be raped by men when you are trying to be one?” Such questions reflect an attitude that is taught by society that heterosexuality is normal and homosexuality as abnormal.

Holstein and Gubrium (2008) state that social constructionists argue that gender refers to an organising principle or social order that divides people into two major categories, which are ‘men’ and ‘women’. According to Mpuka (2017), the social construction of gender roles is based on socialisation and enculturation. In a society, females are given roles that are socially constructed as those of women, and the same applies to males who are seen as men in a society. Therefore, if a person is not complying with these socially constructed assigned roles, he or she is viewed as a deviant. For Myers (2013), social constructionists assert that gender is a consequence of the surroundings and the social values as well as circumstances that people practise. Velody and Williams (1998) argue that even though gender is defined as a distinction grounded in cultural practices, it would be significant to discuss the social construction of sex. Therefore, the roles that are established by a society are based on sex, which is a male and a female, and the roles assigned to each sex are socially constructed.

In a society where men want to be dominant, lesbians are at risk of becoming the victims of ‘corrective’ rape because men—particularly African men who still adhere to the traditional perception that women are inferior to men—may feel that lesbians want to dominate although they are ‘mere’ women. Lesbians that have a masculine build are often referred to as ‘butch’. These lesbians in particular are likely to experience victimisation because it is believed they pose a threat to men. O’Brien (2009:101) states that “numerous accounts of discrimination against butch lesbians illustrate the ways in which masculine women pose challenges to the binary gender system, as well as to men’s ownership of masculinity and the norms regulating women’s behaviour”. Furthermore, because it is expected by most societies that women should appear feminine and dainty, ‘butch’ lesbians are often harassed because their physique is masculine. In a research that was conducted in South Africa, Daisi (2014) quoted the following responses from participants:

*“If there is someone who is trying to rape those lesbians, me, I can appreciate that because you let them know that ‘you must be in a straight motion of way’. I mean, I have not attempted to rape them, but if there is some or the other guys who want to teach them they must rape them.”*

*“You must stay away from them, they are not normal people like we [are]. Because I only know that I’m a guy I must propose [to] a girl; so if they are lesbians they must... in fact, no lesbian is natural.”*

During the interviews, the participants agreed that it is acceptable to rape a lesbian. One participant stated:

*“I think that it is a good idea to do that to them... not to rape them but they are showing them.”*

The above responses demonstrate that the social construction of gender roles in societies continues and that men still believe that it is acceptable and permissible to rape lesbians because the life they lead is unnatural. This leads to the question: “What are the police doing in order to protect the victims of ‘corrective’ rape?” Rape in any form or for any purpose is rape and is illegal in South Africa, and the police are mandated to follow the law in every respect if a woman or a man reports a rape.

The belief that sex is distinctly divided between two dimensions—i.e., men and women—and that masculinity is for men and femininity is for women and that men and women should only be attracted to the opposite gender occurs not only among members of societies, but also

appears to persist in police attitudes to homosexual people. This attitude seems to affect the way in which police officers deal with crimes reported by gay and lesbian victims. For example, they reportedly tend not to take them seriously and make fun of them posing questions such as, “How can you be beaten by another man, because you are also a man?” or “How can you be raped, because you are a lesbian?” Such questions originate from traditional beliefs that persist among members of the police service that homosexuality does not exist or that their complaints cannot be taken seriously because the crime should not be considered as these people are not behaving in a natural manner. In essence, the attitude of some members of the police seem to reflect the conviction that the victims ‘got what they deserve’.

The researcher opines that, when society observes people diverting from their gender roles, they are labelled by attaching humiliating names to their character such as *stabane*, *nkonkoni*, and *moffy* (or *moffie*), and that they are persecuted and ostracised from ‘normal’ society. For this reason exclusive clubs and entertainment centres have opened their doors to gay and lesbian people, as in some clubs homosexual people are normally not welcome. This was confirmed by the participants in this study, who indicated that they were being discriminated against as they did not conform to what society has constructed as a reality; as a result they fall prey to ruthless community members who project animosity towards them. They reportedly also experience the same fate when reporting crimes against them to the police. However, due to social construction perceptions, the police fail to take their cases and/or to investigate the crimes committed against them. The way in which societies and the police treat homosexuals may also be shaped by the fact that societies constructed the perception that human beings should be either a man or a woman, and that anything outside this norm is unacceptable. This is often referred to as heteronormativity, which is a concept that is discussed below.

### **3.2.2 Social constructionism and heteronormativity**

Heteronormativity defines gender as a binary category and it only normalises sexual attraction based on the oppositional gender (Hofstatter & Wollmann, 2011). For Cornelissen and Grundlingh (2013), heteronormativity regulates sexual relationships, roles, behaviours, appearances of people, their sexuality and the relationships between a man and a woman. The social constructionism theory argues that the roles in a society are constructed and that these roles are allocated to people who deem them exclusive to a particular sex. Therefore, if a man is not executing his role by having a wife it is subjected to as abnormal, and if a woman is not executing her role by marrying a man and having children for him, this is subjected to as abnormal. Hence, being homosexual is viewed in a heteronormative society as not normal.

Most societies strongly believe in heteronormativity and for this reason homosexuals are likely to be seen as abnormal. Thus, they are exposed to crimes because of their sexual orientation and then, if they report a crime, they experience secondary victimisation from police officers because their cases as gays or lesbians are not taken seriously. Due to heteronormativity, some societies believe that it is normal to violate homosexuals. For this reason, homosexuals tend to live in fear of being victimised due to their sexual orientation and they tend to withdraw from society by establishing exclusive entertainment centres and organisations that protect their rights.

However, a number of gays and lesbians hide their sexuality so that they will be accepted and they live as heterosexuals because they want to be seen as 'normal'. Many marry and have children. According to Nduna and Mavhandu-Mudzusi (2018), in universities such as Stellenbosch University, the University of the Western Cape and the University of KwaZulu-Natal students have to 'act straight' (try to be heterosexuals) in order to be accepted. As stated by Steyn and Van Zyl (2009), heteronormativity is based on the assumption that there are only two sexes and that each has predetermined gender roles. These roles pervade all social attitudes, but "are particularly visible in family and kinship ideologies" (Naude & de Vos, 2010). Being gay and lesbian becomes a problem in many societies as it is seen as unnatural and as a deviant problem which is why, in a number of countries, homosexuality is still criminalised and punishable by law.

### **3.2.3 Social construction of homosexuality and religion**

Christianity and other religious dogmas such as Islam also play a role in the construction of homosexuality as abnormal. Mbiti (1970) argues that Africans are notoriously religious, and particularly adhere to Christianity or the Muslim faith, neither of which condones homosexuality. Nadeem (2013: 23) asserts that there is an agreement between Muslims and other religions in terms of viewing homosexuality as evil and a filthy practice. It can therefore be argued that religion also plays a major role in the rejection of homosexuality. Nkosi and Masson (2017:75) argue that many theologians cite the bible in referencing that the homosexuality is condemned. Christians base their faith on the Bible to emphasise intolerance of homosexuality and to argue that it is unnatural and a sin. One of the Bible verses that supports the condemnation of homosexuality is Leviticus 20:13: "If a man has sexual relations with a man as one does with a woman, both of them have done what is detestable. They are to be put to death; their blood will be on their own heads" (*Pacquiao makes anti-gay remark,*

*barred from 'Extra'*, 2012). The Bible and Christianity thus play a major role in the perpetration of crimes against gays and lesbians.

### **3.2.4 Assumptions about homosexuality**

Just like the social construction of gender, there is also a social construction of homosexuality. The way societies are socially constructed to focus on two gender roles means that those who are gay and lesbian experience challenges, such as the fact that a man may want to be with another man. However, this is not what society expects and such men may be seen as immoral or sinful. Burr (1995) asserts that the opposition between heterosexuals and homosexuals is covered in societies so that heterosexuality is signified as normal and natural, whereas homosexuality is usually seen as unnatural and perverted. Hepburn (2003) offers a similar argument by stating that social constructionism includes historical and cultural variables in terms of understanding the functioning of the society. For this reason, societies do not understand let alone accept gays and lesbians due to the assumptions based on homosexuality. Therefore, the researcher is of the view that homosexuals may be experiencing maltreatment because homosexuality is viewed as a socially constructed behaviour and that it is thus not natural or created.

### **3.2.5 Relevance of the social constructionism theory to the study**

The researcher opines that the way in which societies are constructed puts the lives of homosexuals at risk of being victimised and ostracised. For instance, societies believe that there should only be a man and a woman in a relationship and that men should be masculine and women should be feminine. If people behave contrary to their assigned roles as a woman or a man, they are seen as abnormal or deviant. Society believes that heterosexual relationships are normal and natural and that homosexual people are going against nature and that they should be punished for that. There are certain roles that are placed in a society which are socially constructed to define and distinguish between men and women and should be executed. Therefore, when people have this social construction they discriminate against anyone who does not conform according to the rules of each role player, because that is what society expects. Anyone who does not conform to societal expectations is thus labelled otherwise and subsequently such people experience victimisation or are discriminated against. For this reason, people believe that it is right to victimise homosexuals despite laws that condone homosexuality in South Africa and that allow homosexual marriages. Thus most homosexuals hide their sexuality because of the fear of being discriminated against and those who live their homosexual lives openly are at risk.

In addition, the researcher is of the opinion that due to the social construction of gender and sexuality gay and lesbian victims are likely to experience homophobia from the police officers. According to Fihlani (2011), there are reports of some police officers ridiculing rape victims who are homosexual. The author further states that one of the participants mentioned that the police tend to ask questions such as "how can you be raped by a man if you are not attracted to them?" They ask you to explain how the rape felt. It is humiliating." Even though there are laws that protect homosexual people it may be argued that there are still police officials who do not deal properly with the cases reported by gays and lesbians because of their own beliefs that do not believe in homosexuality. Therefore, this may make it hard for police officials to deal effectively with the cases reported by gays and lesbians. Furthermore, the maltreatment from the police officials to the gay and lesbian victims may therefore lead to the lack of reporting due to fear of not being taken seriously. Mpuka (2017) asserts that homosexuals experience harassment from members of the public and when they report to the police, the officers also ignore, insult and harass them for being homosexual. Therefore, the social construction of gender and sexuality not only exist in the communities but also exists in the SAPS affecting the way in which they deal with the cases of gay and lesbian victims.

The discourse has already referred to a number of reported cases of homosexuals who were victimised because they were seen as abnormal and should be taught a lesson. The focus was also on how the reported cases are dealt with by the police due to social construction of gender and sexuality.

The following discussion delineates the broken windows theory that explains the persistent victimisation of homosexuals through crime and illuminates why the police tend to turn a blind eye when crimes committed against gays and lesbians are reported to them.

### **3.3 The Broken Windows Theory**

The broken windows theory is a theory that is used as a metaphor to explain crime and disorder. The theory was developed through the work of two criminologists, James Wilson and George Kelling, in 1982. Clark (2013) states that the two theorists argued that the crime epidemic at the time was the inevitable result of environmental disorder. Briefly, the theory focuses on the matter of disorder (e.g., broken windows) in generating and sustaining more serious crimes (Center for Evidence-Based Crime Policy [CEBCP], 2017). According to Clark (2013), this theory argues that if a window is broken and left unrepaired, people walking by it every day in that community will conclude that no one cares and therefore no one is in charge. More windows are then broken as this act may be committed with impunity. This is a metaphor that



applies to crimes that are committed against gays and lesbians: if these crimes are ignored or not dealt with, the crimes represent the 'windows' that are broken and, because nobody fixes or mends them, breaking others is attractive—thus crimes against homosexuals are perpetuated. Wilson and Kelling (1982) state that in testing the broken windows theory, Philip Zimbardo, organized an automobile that had no license plates and had it parked with its hood up on a street in the Bronx and a comparable automobile on a street in Palo Alto, California. The authors further state that the car in the Bronx was attacked by vandals within ten minutes where it was abandoned. Children began to use the car as a playground and random destruction began. It took longer for the car in the more affluent area to be vandalised, but the same thing happened. This is simply because the cars were not taken care of and were exposed to all the kinds of vandalism which people committed with impunity.

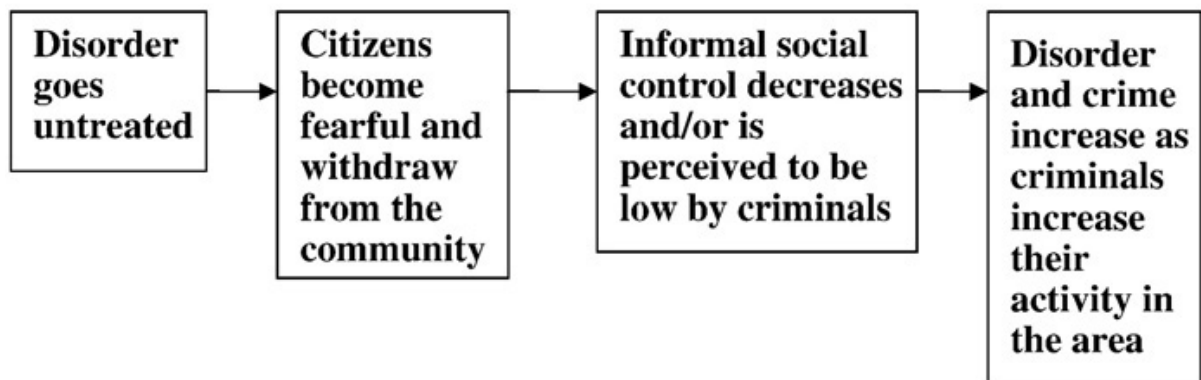
This experiment applies to the current study in the following way: The cars left in the neighbourhoods represent homosexuals in a community where there is no protection against violent crimes on gays and lesbians; the vandals and children who used the cars as a playground represent the perpetrators of crimes against gays and lesbians. This theory thus suggests that if gays and lesbians are not protected against society, they are vulnerable to various types of crime due to their sexuality/sexual orientation. Moreover, these crimes will persist—and even exacerbate—if the perpetrators are not dealt with by the police or the criminal justice system.

Furthermore, if there are unrepaired windows in a building, they represent open opportunities for everyone to do whatever they want because that place is not taken care of. Thus children play there, people discard their junk there, all the windows get broken, and even drug users frequent the abandoned building to use drugs. This property thus "...becomes fair game for people out for fun or plunder and even for people who ordinarily would not dream of doing such things and who probably consider themselves law-abiding" (Wilson & Kelling, 1982). Homosexuals are also vulnerable to crime, and if the crimes committed against them are not dealt with efficiently by the police, it means that they become more vulnerable to perpetrators and the perpetrators may victimise homosexuals without any fear of being arrested. These crimes may even escalate because the ones committed earlier were not dealt with. According to Schmallegger (2012:156), an abandoned building with broken windows leads "...to further decreases in maintenance and repair; to increased delinquency, vandalism, and crime; and to even further deterioration in safety and the physical environment—all resulting in offenders being increasingly attracted by the area's perceived vulnerability". This means that if crime is not dealt with by due legal processes, this opens doors for perpetrators to continue doing crime without the fear of being arrested.

The theory thus suggests “that if symbols of disorder are left unaddressed in a neighbourhood, then more crime problems will intensify there” (Wakefield & Fleming 2008). Thus, according to this theory, if there is “one unrepaired window”, this shows that no one cares and crime and social disorder will increase (Wing Hong Chui & Wing Lo, 2016).

The researcher is of the opinion that the reluctance of some police officers to deal with crimes reported by gays and lesbians is similar to broken windows in an abandoned building. The effect this has explains why many homosexuals who are attacked do not report these crimes because they expect their report not to be taken seriously by the police (Stop Hate Crime Booklet, 2016). This opens up more opportunities for intolerant perpetrators of hate crimes to victimise homosexuals because they feel they will do so with impunity. After having tested the broken windows theory, Albert Biderman argued that “the fear of crime was strongly related to the existence of disorderly conditions in neighbourhoods and communities (Kelling & Coles, 1997:11).

To explain the broken windows theory diagrammatically, Hinkle and Weisburd (2008) created a hypothesis using the figure below.



**Figure 6: Diagrammatical representation of the assumptions of the broken windows theory**

Source: Hinkle & Weisburd (2008:504).

The above figure summarises the broken windows theory which is a metaphor for crime and disorder in communities and indicates what happens if crime and disorder in a community are not dealt with.

Conversely, CEBCP (2017) asserts that there is no direct link between disorder and serious crime; however, it is reiterated that unchecked disorder leads to increased fear and the withdrawal of residents, which then allows more serious crimes to move in because of decreased levels of informal social control. Thus, in communities where homosexuality is still

not accepted as normal or where it is seen as unnatural, crime is likely to occur. Also, if there is no protection of gays and lesbians by the police, crime is likely to occur and escalate.

Reid (2012:97) states that the broken windows theory “refers to the belief that keeping a city’s streets and neighbourhoods clean and organised will reduce crime”. Thus, if gays and lesbians are kept safe and protected against homophobic crimes, these crimes against them will be reduced. This means that if the police assist *all* communities in preventing crime, crime levels will drop. It is therefore asserted that many crime problems will become more manageable if police officers would deal with them at neighbourhood level (Reid 2012), which is an argument that addresses the policy of community policing. This complements the argument made by Reid (2012) that police should be more involved in problem-solving approaches whereby officers become less anonymous and more integrated into the communities they patrol.

Van Dijk (1990, cited in Wing Hong Chui & Wing Lo, 2016: 338) refers to crime prevention as “the total of all policies, measures, and techniques outside the boundaries of the criminal justice system, aiming at the reduction of the various kinds of damages caused by acts defined as criminal by the state”. Therefore, if the various kinds of damages perpetrators inflict are reduced, it means the ‘windows’ within the SAPS and the CJS will be repaired.

In summary, the researcher used the broken windows assumptions in relation to the study in the following way:

- Crimes against gays and lesbians are not dealt with appropriately;
- Gays and lesbians become fearful and lack trust in the police;
- Reporting crimes to the police declines as gay and lesbian victims refrain from reporting crimes against them;
- Crimes against gays and lesbians increase as criminals perceive that they may do so with impunity.

### **3.3.1 Relevance of the broken windows theory to the study**

The researcher is of the opinion that windows are broken – i.e., if crimes are committed in society with impunity – it opens opportunities for the criminals to escalate their criminal behaviours. Likewise, if the crimes against gays and lesbians are not dealt with efficiently, it opens opportunities for perpetrators to continue committing crimes against them without the fear of being arrested. This causes homosexual people to be more fearful because they know that anything can happen to them anytime. According to the eNCA (2017), a spokesperson replied during an interview:

*“We live in fear. I am now policing myself. I can't go to any place. I can't visit a shebeen if ever I want a beer and socialise like everybody else.”*

Kelling and Cole (1997) argue that the relationship between fear and disorder is mostly ignored. The freedom that the perpetrators of hate crimes enjoy contributes to rising levels of violence. If the police are not dealing effectively with crimes against gays and lesbians, it may lead to victims not reporting crimes which will then open opportunities for perpetrators because they now commit crimes without any fear of being arrested or reported. The South African Police Service (2017) reported that 51% of lesbians and gays live in total fear in this country, and that 81% of the crimes against them was never reported”. The SAPS is expected to assist the homosexual community by working with them in order to reduce crimes against gays and lesbians. This will support victims and help them to regain trust in the police. If more crimes are reported to the police and dealt with effectively, crimes committed against homosexual people in communities in South Africa will be curbed. Crime is more likely to occur and increase where there is little or less care, cleanliness and orderliness.

There is a need for the SAPS to acknowledge the broken windows theory in order to deal with crimes experienced by homosexual people. When hate crimes are not thoroughly investigated and prosecuted, this can send a signal that the perpetrators are free to continue their activities, which may encourage others to commit similar crimes. If the perpetrators are not getting arrested, this may cause victims to lose trust in the police and thus the doors for more crimes against gays and lesbians will be opened wider.

### **3.4. Conclusion**

This chapter illuminated two relevant theories that were used to underpin this study. The first theory that was discussed was the social constructionism theory which explains how homosexuality is constructed and viewed in societies. In particular, gender roles and expectations by a society are constructed and, if one does not abide by those gender expectations, he or she is deemed abnormal. The discourse also elucidated the broken windows theory which explains that if disorder in society is left untreated, it is likely that crime will escalate.

## **CHAPTER FOUR**

### **RESEARCH METHODS**

#### **4.1 Introduction**

This chapter presents an overview of the research methods that were used in the study. The purpose of this chapter is to discuss the nature of the study, the research design, the research population, sampling and sampling procedures, the collection of data, and the data analysis process. In conclusion, the ethical considerations that guided the execution of the data collection process are discussed.

The following section discusses the nature of the study and the methods that were employed for the purpose of executing this study appropriately.

#### **4.2 Nature of the Study**

The study adopted a qualitative approach and a qualitative methodology was thus used in order to obtain in-depth responses from gay and lesbian participants enrolled at UKZN at the time of the study. The aim of the research was to explore the perceptions of homosexuals on the role played by the police when crimes committed against gay and lesbian people in Durban were reported to them. Therefore, the qualitative paradigm allowed the participants to voice their experiences as homosexuals in society, their experiences with the police when reporting crimes, as well as their perceptions of the nature of the crimes they had been exposed to. According to Sherman and Reid (1994), a study that uses a qualitative methodology produces qualitative data that are engendered by spoken or written words and observable behaviour. Qualitative research thus uses a naturalistic approach that seeks to understand phenomena in context-specific settings, which are "...real world settings [where] the researcher does not attempt to manipulate the phenomenon of interest" (Patton, 2001 cited in Golafshani, 2003:600). According to Bezuidenhout (2011), the aim of qualitative research is to gain insight into people's thoughts, attitudes, behaviour, value systems, feelings, concerns as well as their motivations. The current researcher shares the above authors' sentiments, as the qualitative approach was not only suitable, but essential for the purposes of this study.

The literature review revealed that homosexuals experience crimes in different ways and that some report those crimes whereas some choose not to report crimes. The use of the qualitative methodology was therefore a useful tool by means of which gay and lesbian participants could share their experiences of the crimes committed against them, their experiences with the police, the reasons why they did not report the crimes that had been committed against them, and their

perceptions on how the police handled their complaints. The qualitative method was also useful in allowing the participants to share information without being limited or feeling intimidated. The interview questions were open-ended, which allowed the participants to share their responses openly and frankly and the researcher to probe deeper for more insight into and understanding of the plight of homosexual people.

Furthermore, this study used the qualitative method because little attention had been paid to this methodology in earlier studies on similar topics. This study thus aimed to fill this gap, which was revealed by Out LGBT Well-being (2016) reports. These reports revealed that only three quantitative studies had been conducted in South Africa on the topic, which were referred to in an earlier section.

The quantitative studies that were conducted on crimes against gays and lesbians in South Africa focused on the extent of the experiences of crime rather than on victims' perceptions. Therefore, the researcher saw the need for a qualitative study in order to address this gap.

### **4.3 Research Design**

Research design can be defined as the process that acts as a framework or guideline to the study (Bezuidenhout, 2011). According to Steyn (2013), the research design is based on the purpose of the research, the paradigm chosen, the context in which the research is conducted, and the research techniques used to collect and analyse the data. The following discussion pertains to the design that framed the study.

#### **4.3.1 Exploratory design**

To employ an open and flexible approach, the study adopted an exploratory design. Van Wyk (2012) states that an explorative design is most appropriate in those projects that address a subject where there are high levels of uncertainty and ignorance about the subject. Exploratory research seeks to find out how people get along in the setting under question, what meanings they give to their actions, and what issues concern them (Bachman & Schutt, 2008:9). For Van Wyk (2012) the aim of exploratory research is to identify the boundaries of the environment in which the problems or opportunities of interest are likely to exist in, as well as to identify the prominent factors or variables that might be found to be of relevance to the research. In achieving the objectives of the current study, the researcher employed exploratory research among homosexual people in Durban in order to obtain more information regarding the lived experiences of gays and lesbians concerning various crimes committed against them and how the police handled their cases. This design was also used to reveal silent issues concerning the

crime cases and the lack of investigation of those cases by the police. The study employed an exploratory design to explore the following objectives:

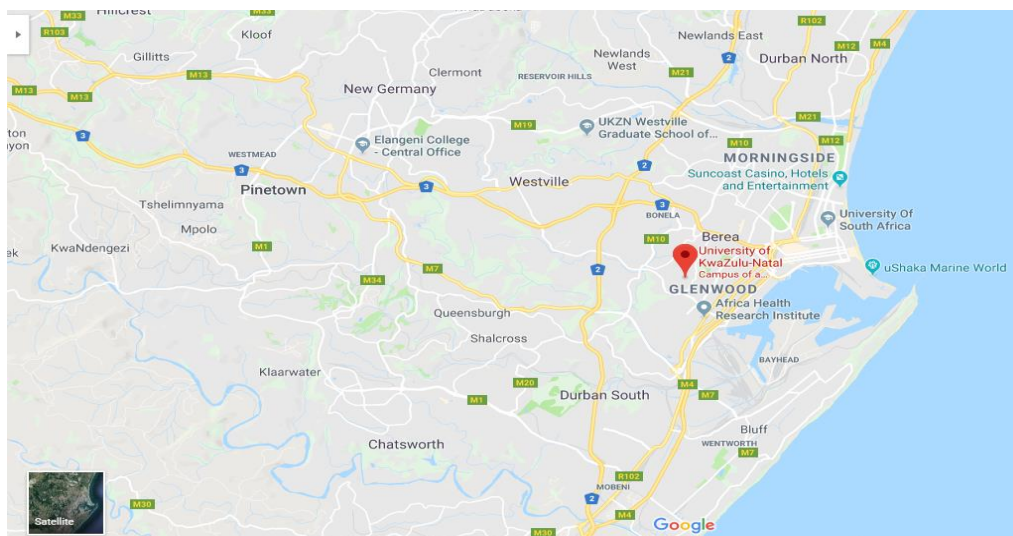
- To explore the nature and extent of the crimes committed against gays and lesbians in Durban;
- To determine the reasons why homosexuals refrain from reporting attacks on them to the SAPS in Durban;
- To explore the perceptions of homosexuals on the efforts of the SAPS in dealing with crimes reported by gays and lesbians in Durban.

#### 4.4 Spatial Delimitation

The following discussion dwells on the area where this study was conducted. The researcher will explicitly detail the area of the study, which is illustrated by the presentation of a map location of the study area.

##### 4.4.1 Profile of the University of KwaZulu-Natal

The study was conducted among volunteer gay and lesbian student participants enrolled at the University of KwaZulu-Natal Howard College. Initially the researcher planned to conduct the study among members of the Gay and Lesbian Community Health Care Centre in Durban, but unfortunately the researcher was refused access to members of this centre. A similar centre for homosexual students is located on the premises of the University of KwaZulu-Natal Howard College campus, whose chairperson allowed access to students under strict ethical conditions. The following map depicts the area of the study which was UKZN in Glenwood.



**Figure 7: Map depicting the location of UKZN Howard College in Durban**

Source: Google Maps (2018).

The above map illustrates the area of the study and the study site, which was UKZN Howard College campus. This university was re-established within a democratic context on 1 January 2004 as a result of the merger between the University of Durban-Westville and the University of Natal. The University of Durban-Westville was established in the 1960s as the University College for Indians on Salisbury Island in Durban Bay, whereas the University of Natal was founded in 1910. The merger of these two universities resulted in the formation of the UKZN in 2004. According to the University of Kwa-Zulu Natal Press Release (2018), the UKZN was named one of the top 100 universities in the Times Higher Education (THE) Young University Rankings in 2018. The UKZN has five campuses, namely: Howard campus, Pietermaritzburg campus, Edgewood campus, the Medical School campus, and Westville campus. The study focused on Howard Howard College campus. The Howard College campus is situated on the Berea and offers spectacular views of Durban. The Howard College campus currently offers a full range of degree options in the fields of Science (including Geography and Environmental disciplines), Engineering, Law, Management Studies, Humanities (including Music) and Social Sciences (including Social Work). The campus also has residences that are situated in the city of Durban and on campus as well.

The reason that the researcher conducted this study among students of this campus was that an LGBTI Forum had been established on this campus that caters for the needs of gay, lesbian, bisexual, transgender and intersex students. It was therefore an ideal opportunity to conduct this study using volunteer students as the sample because they were easily accessible and were highly knowledgeable about the topic under study.

#### **4.5 Sampling**

Bezuidenhout (2011:40) defines sampling as the selection process whereby a smaller part of the larger group is selected for research purposes. Punch (2014) states that sampling is an important tool both in qualitative and quantitative research as decisions are required not only about which people to interview or which events to observe, but also about the settings and processes. As mentioned by Sarantakos (2005), there are issues that the investigators have to consider when designing the project, such as the type and number of people who will be included in the study. Therefore, when choosing the sample and sample size that would be included in this study, the researcher considered the following questions as postulated by Sarantakos (2005). The answers to each of the questions are presented in Table 5.



**Table 5: Questions considered for the selection of the sample**

Questions considered	Responses by the researcher
<b>Will the whole population be studied?</b>	The researcher did not conduct the study among the entire student gay and lesbian population, but focused on a sample of students that were sampled on the University of KwaZulu-Natal (UKZN) Howard College campus.
<b>If sampling is preferred, which sampling procedure is most suitable?</b>	The researcher saw the need to use a non-probability, purposeful sampling method in order to choose participants based on the fact that they would meet the aim and objectives of this study. Thus the study participants were chosen because they were gay and lesbian and had been been victims of various types of abuse or crime based on their sexual orientation.
<b>How large should the sample be?</b>	Because the researcher was not just looking for a number of gays and lesbians, but people who would have adequate knowledge to address the objectives of the study, a small sample size was deemed appropriate. The participants were thus selected based on the need to obtain the inner, subjective experiences of gays and lesbians as well as their perceptions of the police. Therefore, the researcher chose 15 participants; ( 7 gay and 8 lesbian students) because they would provide solid information on their experiences and perceptions without limitation or fear of being victimised.
<b>What kind of administrative arrangements are required for the selection of the sample?</b>	The researcher contacted the LGBT Forum chairperson in order to have a meeting with an influential member of the forum. The researcher then explained the study to the LGBTI forum and asked anyone who was willing to participate to respond to her privately. The researcher also approached members individually and further explained the study and asked if they were willing to participate.
<b>How will non-response be dealt with in the study?</b>	The researcher anticipated that it would be possible to procure gay and lesbian participants from within the forum because the forum deals specifically with issues experienced by homosexuals. However, the researcher did experience non-response from some individuals. The researcher was rigidly

	<p>considerate of ethical issues and did not coerce any individual to participate. Nevertheless, the snowball sampling method was also employed whereby the researcher interviewed one individual and asked him/her to inform others who might have experienced similar issues about the study and to elicit their participation. Therefore, the researcher was able to approach these participants individually, emphasising that the study was voluntary. A sufficient number of volunteers were sampled in this manner.</p>
<p><b>Are there any issues of ethics and objectivity to be considered at this stage, and how will such requirements be met?</b></p>	<p>Before even selecting the participants, the researcher was aware of the ethical considerations that had to be adhered to. The study touched on a sensitive issue, and therefore permission to conduct the study was obtained from all gatekeepers. A psychologist's service was elicited as some participants might have experienced re-traumatisation. Participation in the study was voluntary and any participant who no longer felt comfortable had every right to withdraw without being questioned.</p>

Source: Sarantakos (2005).

The table above indicates the questions considered by the researcher before and during the study. The table also provides a summary of the reasons for choosing the type of sampling that was used in the study, the sample size as well as some ethical considerations that were adhered to.

The above discussion/answers in the table will be delineated in detail in the following discussion.

#### **4.6 Sample Size, Sampling Method and Sampling Procedure**

Dworkin (2012) asserts that, unlike in quantitative research, a qualitative sample size is usually small because qualitative research methods are often concerned with gathering an in-depth understanding of a phenomenon or meanings which are often centred on the how and why of a particular issue, process, situation, subculture, scene or set of social interactions. With Dworkin's (2012) assertion in mind, the researcher selected 15 participants (8 lesbians and 7 gays). Because this was a qualitative study, a large number of participants was not required. These 15 participants were chosen on the basis that in-depth data could be elicited from their

narratives to achieve all the objectives of the study as well as to generate new findings that would contribute to the pool of knowledge concerning the plight of homosexuals in society. Moreover, these participants were accessible on the campus and they were the main units of analysis for the study.

The participants needed to satisfy particular criteria to be included in the sample: They should...

- be gay or lesbian;
- live openly as a homosexuals;
- be enrolled as a students at the UKZN Howard campus;
- have been a victim of abuse of a crime related to homosexuality,
- be between the ages of 20-35 years.

Ethnicity or socio-economic status were disregarded as inclusion criteria. The fact that the participants needed to be students at Howard College was merely a convenience criterion, as the UKZN was not a focus of the study. However, the responses naturally reflected some data that were peculiar to university students.

In selecting these 15 participants, the researcher employed a non-probability sampling method. Under non-probability sampling, two sampling techniques were employed to select the participants, namely: purposive sampling and snowball sampling.

The purposive sampling technique procured 10 participants who agreed to take part in the study. They were located by the assistance of the UKZN forum for gay and lesbian students. Due to the elusiveness of potential participants and the fact that most members of this forum had declined to take part in the study because of its sensitive nature, snowball sampling was employed to sample the remaining 5 participants. This means that the initial 10 participants recommended and/or directed the researcher to the remaining 5 participants.

Sarantakos (2005:164) states that in purposive sampling, researchers purposely choose subjects who, in their opinion, are relevant to the project. The author further states that the choice of participants is guided by the judgement of the researcher. Purposive or judgemental sampling involves selecting elements for the sample that the researcher's judgement and prior knowledge suggest will best serve the purposes of the study and provide the best information (Sullivan, 2001:209). The researcher judged who could take part in the study based on the sample characteristics elucidated above. The rationale for choosing this sampling technique stemmed

from the notion that the participants would be able to provide rich information concerning the phenomenon under study.

Snowball sampling was employed by the researcher based on the premises stipulated by Sarantakos (2005:165) who indicates that, by using snowball sampling, the researcher chooses a few respondents using any other method, and asks them to recommend other people who will meet the criteria of the research and who might be willing to participate in the project. This technique was used on the basis that snowball sampling is appropriate when the members of a special population are difficult to locate (Rubin & Babbie, 2009). In this manner an appropriate sample size was obtained.

In terms of recruiting the participants, the researcher asked the UKZN LGBT forum to assist in identifying gay and lesbian students who had been victims of abuse and/or crime. Because the LGBT Forum works specifically among homosexual students to attend to their needs, fears and concerns, the researcher obtained assistance from this organisation to identify participants who had been victims. The researcher attended a meeting where she explained the nature and purpose of the study and asked willing volunteers to respond to her in private. During the sampling process, the researcher bore all ethical considerations for obtaining participants in mind. In order to avoid harm to anybody, participation was entirely voluntary. Anonymity and confidentiality were emphasised at every step. The researcher explained to the participants that their participation was voluntary and that they had the right to decline at any stage during the period of the study. Those who agreed to take part in the study were guaranteed that the information they provided would not be associated with them or the university and that their identities would be protected.

It should be noted at this point that even though the study explored police attitudes and behaviour, no member of the SAPS participated in the study because the focus was solely on the perceptions of gay and lesbian victims concerning the police. It is therefore acknowledged that the absence of police perceptions may have skewed the data to some extent, but this gap should be filled by future studies on a related topic. It should also be noted that, as much as this study report makes reference to LGBT persons, only gays and lesbians were included in the sample.

#### **4.7 Data Collection**

The study aim and objectives required an instrument that would capture the experiences of gays and lesbians who had been victims of crimes based on their sexuality and their perceptions of the ways in which the police handled the abuse or crimes committed against them. To achieve

this, one-on-one interviews were conducted to collect the data. Punch (2014:144) defines an interview as “a prominent data collection tool in qualitative research which is a good way of accessing people’s perceptions, meanings, definitions of situations and constructions of reality”. Conducting individual interviews was a suitable data collection method because it allowed the researcher to gain in-depth insight into the experiences of gays and lesbians concerning the crimes committed against them and their lack of trust in the police.

Conducting interviews resembles everyday conversations, although they are focused to a greater or lesser extent on the researcher’s needs for data (Bricki & Green 2007). Jones (1985, cited in Punch, 2014:144) asserts the following:

*“In order to understand other persons’ construction of reality, we would do well to ask them... and to ask them in such a way that they can tell us in their terms (rather than those imposed rigidly and a priori by ourselves) and in a depth which addresses the rich context that is the substance of their meanings.”*

With Punch’s (2014: 144) assertion in mind, the researcher wanted the participants to tell their stories and provide information in their own way and not in terms of the researcher’s requirements or perceived ideas, as that would have limited them. The participants were thus encouraged to speak openly and freely and to share their views without fear of contradiction or repercussions.

Before collecting the data, the researcher made contact with the LGBT forum to allow the interviews to be conducted in their offices. However, due to challenges in accessing the offices and the noise level there, some participants were interviewed in their rooms in residences where they felt private and comfortable. Others were interviewed in the LGBTI Forum office after office hours. During the interviews in the LGBT Forum offices, the researcher pasted a notice outside the door to ask people not to disturb. Interviews were conducted on a one-on-one basis to allow the participants to respond beyond the questions asked and they were asked to freely express their views on their own terms. The interviews were conducted in English; however, the participants were free to respond in any language that they were comfortable with. Some used both IsiZulu and English. When transcribing the narratives, the researcher translated everything into English without altering any wording. The narratives were captured as accurately as possible without influencing and/or altering the meaning, wording or expressions of the participants. Where appropriate, these narratives are presented verbatim in this study report.

Each interview took approximately 30 minutes to an hour to finish. Before each interview commenced, the researcher asked permission to tape record the conversation. All the participants except two gave consent to tape-record them. These participants' narratives were meticulously recorded in writing by making summary notes. During the interviews, most of the participants were freely expanding on the topic at hand, with the researcher directing the flow of questioning and probing for more information. The researcher remained neutral when the participants were giving their responses by not agreeing or disagreeing with what the participant said.

The participants expanded and shared their experiences and dwelled extensively on the issues that affected them when they reported the crimes committed against them to the police.

During the interviews, the researcher emphasised all ethical considerations that affected the participants.

#### **4.8 Data Analysis**

According to Terre Blanche, Durrheim and Painter (2006), data collection and data analysis in qualitative research should occur interdependently after completion of the data collection process. The data were analysed thematically. The researcher focused on the six stages as explained in the following table.

**Table 6: Thematic analysis process**

<b>Phase/Stage</b>	<b>Description of the process</b>
<b>Familiarisation and immersion</b>	The researcher familiarised and engaged herself with the data that had been collected. She also immersed herself in the data in a way that enabled her to draw conclusions. She listened to the recordings of the interviews over and over and made notes of the important points. To the interviews where participants did not consent to be recorded the researcher familiarised herself with the notes that were made during interviews.
<b>Inducing themes</b>	Terre Blanche et al. (2006) call this a “bottom-up approach where we move from general to specific”. In this process the researcher created and organised themes as they emerged from the data. Themes were induced and identified.

<b>Coding</b>	Terre Blanche et al. (2006) assert that coding entails marking different sections of the data as being instances of, or relevant to, one or more of the themes. Therefore, the researcher took sections and marked them into symbols then coded them.
<b>Elaboration</b>	The researcher looked closely to the coded themes to see which parts fitted together by grouping them and creating subthemes where possible.
<b>Interpreting and checking</b>	This was the last stage of the data analysis process. All the collected all data were analysed and evaluated according the aim and objectives of the study. The emerging information/findings was/were linked with the literature, the theoretical framework, as well as the objectives of the study.

Source: Adapted from Terre Blanche et al. (2006).

The above table summarised the data analysis process that was followed according to a thematic analysis approach. Braun and Clarke (2006) define thematic analysis as a method for identifying, analysing, and reporting patterns (themes) as they emerge from the data.

The following discussion dwells on the trustworthiness of the data.

#### **4.9 Trustworthiness**

Trustworthiness can be defined as whereby the research process can be tracked and verified by its readers (Babbie & Mouton, 2001). According to Shenton (2004) Guba proposes four criteria that he believes should be used by qualitative researchers to achieve trustworthiness. These are: credibility, transferability, dependability, and confirmability. The researcher used the criteria in the following manner to demonstrate the trustworthiness of the data:

**Credibility:** According to Shenton (2004), credibility deals with the question, “How congruent are the findings with the reality”? Babbie and Mouton (2001) state that credibility can be ensured through peer debriefing. This is why the researcher went back to the participants to give them the opportunity to reflect on their original narratives. Also, the researcher approached a peer with insight into the research to review the work of the researcher as well as the questions that were asked. So although a pilot study had not been conducted to review the interview schedule, the questions were carefully reviewed by a knowledgeable peer to ensure that they addressed the study topic appropriately, (see appendix 7).

According to Babbie and Mouton (2001), credibility is also about prolonged engagement, which is to learn the 'culture', to test for misinformation and distortions, and to build trust. The researcher had a prolonged relationship with the participants in order to build trust. This was done by attending the LGBTI Forum meetings where a number of issues were discussed as well as where she engaged in conversations with various gays and lesbians.

**Transferability:** According to Babbie and Mouton (2001:277), transferability refers to “the extent to which the findings can be applied in other contexts or with other participants”. The researcher ensured a thick description of information that acknowledged the participants as required. The time of data collection as well as the context of the data were clearly stipulated. The findings will resonate among other homosexuals who were not part of the study but who may share the same sentiments as those expressed by the participants in this study.

**Dependability:** Shenton (2004) states that Lincoln and Guba stress the ties between credibility and dependability; i.e., that a demonstration of the former goes some distance in ensuring the latter. Notes were taken during the interviews and the interview sessions were recorded in order to have full and clear information provided by the participants after the interviews. Dependability was also achieved by explaining the purpose of the data collection and data analysis processes to the participants.

**Confirmability:** Babbie and Mouton (2001:278) assert that confirmability is “the degree to which the findings of the research study were the product of the focus of the inquiry and not the biases of the researcher involved in the inquiry”. Shenton (2004) agrees with the statement that trustworthiness can be attained by ensuring that the biases of the researcher do not influence the study and that the information reflected is only that of the participants. This was achieved by submitting the draft proposal to the supervisor to review and give comments. The researcher adopted a neutral stance to this study, as during the interviews she did not influence the responses in any way. Her presence during the interviews was merely to direct the flow of questions and probe where necessary. The researcher reflected on and captured participants' responses as accurately as possible without altering any wording or views expressed. The researcher played a minimal role during the interviews by allowing the participants to take an active role and, therefore, allowed their voices to be heard.

#### **4.10 Ethical Considerations**

Some ethical considerations were already referred to earlier. To reiterate, the researcher adhered to all ethical considerations and took note that the nature of the topic was sensitive.



Considering ethical issues as a researcher is important, as the Australian Vice-Chancellors' committee cited in Sarantakos (2005:17) states:

“It is a basic assumption of institutions conducting research that their staff members are committed to high standards of professional conduct. Research workers have a duty to ensure that their work enhances a good name of the institution and the profession to which they belong.”

Therefore, the researcher adhered to the following ethical considerations when conducting this study:

#### **4.10.1 Informed consent (see appendix 5)**

In order to conduct the study, the researcher applied to the UKZN Ethics Committee for permission. To procure participants, the researcher initially asked the Durban Gay and Lesbian Community Health Care Centre to assist her; however, they were not comfortable with this request and declined. Gay and lesbian students from the UKZN Howard campus were then approached with the permission of the LGBTI forum working among them on campus, as was explained earlier. A gatekeeper's letter was applied for and was provided by the UKZN. After the presentation of the proposal, the UKZN Ethics Committee granted permission to conduct the study and the researcher was then able to collect the data on site.

Sarantakos (2005) states that informed consent entails a statement containing adequate information about the nature of the research and other aspects of the researcher-respondent relationship, which is to be carefully read by the respondent, who in turn is to return it signed to the researcher. The researcher understood the sensitivity around the issue of gay and lesbian victims and therefore understood that some participants would not be comfortable to participate. Hence, the study was voluntary and they had the right to withdraw at any time. The researcher clearly explained the study to the participants before giving the consent form to the participants to sign.

The consent form contained:

- The name of the researcher and the degree she was doing;
- The name of the institution that granted approval for the study;
- The topic of the study;
- An detailed explanation of the nature and purpose of the research;
- An explanation of the anonymity of names and confidentiality of the origin of the data;

- That the study was voluntary and that they could withdraw at any time should they not feel comfortable;
- The option on whether the participants wanted their interview to be recorded or not and again confidentiality was ensured by explaining to the participants that the recordings were solely for the researcher to be able to get the full information provided during the interview;
- The details of the persons to be contacted by the participant in the case of conflict or any complaints.

Participants were then given the opportunity to sign the declaration of consent (see appendix 6).

#### **4.10.2 Assurance of no harm**

To protect participants from harm, the study was voluntary. It was also ensured that no harm would come to the participants by ensuring their confidentiality and conducting the interviews in an environment where the participants felt safe and comfortable. The right to withdraw was also guaranteed. The researcher also explained to the participants that if they experienced any trauma, a psychologist was available to assist and counsel them. A letter from the psychologist was provided during interviews (see appendix 4).

#### **4.10.3 Confidentiality and anonymity**

According to Babbie and Mouton (2001), even though the researcher has the right to search for information, this should not compromise the participants' right to privacy. The researcher thus made it clear to the participants that what was being discussed during the interview sessions pertaining to the study would remain between the researcher and the respondent unless there was a need to ask for further assistance such as trauma in which case the psychologist's help would be elicited. In order to ensure confidentiality, the researcher also explained their anonymity. The researcher ensured the anonymity of the respondents by the use of pseudonyms when writing the report.

#### **4.10.4 Ethical clearance and gatekeeper's letter**

The researcher applied for the ethical clearance; even though there were challenges experienced by the researcher (as indicated in 1.9.5) the approval to conduct the study was finally granted on 4 April 2018 (see appendix 3)

Gays and lesbians from the UKZN LGBT Forum were approached to participate in the study. An email requesting a gatekeeper's letter was sent to the UKZN Registrar on 21 September 2017 (see appendix 1), and consent was given to conduct the study among university students under strict ethical rules (see appendix 2). This letter was submitted to the Ethics Committee as it needed to be attached together with the research proposal.

#### **4.11 Conclusion**

This chapter reflected in detail on the methods that were employed to achieve the objectives of the study. The qualitative research method that was used, the research design, the sample identification, the sample size and the sampling procedure were explained in detail. The data collection tool, which was one-on-one interviews, was discussed. This chapter also highlighted how the data were analysed. The ethical issues that were considered throughout the study were also discussed.

## CHAPTER FIVE

### DATA ANALYSIS AND INTERPRETATION OF THE RESULTS

#### 5.1 Introduction

This chapter focuses on the data analysis and interpretation of the results. The data that are presented in this chapter collected from gay and lesbian participants. The researcher used in-depth interviews to collect the data from the participants while they responded to questions reflecting on their experiences of abuse and crimes against them and their perceptions of police behaviour when they reported these incidents. Each individual interview took approximately 30 to 45 minutes to complete. The interviews were conducted in English; however, some participants were comfortable sharing their experiences in IsiZulu. Before analysing the data, the narratives were translated into English by the researcher without altering any wording or the meaning.

The study used thematic analysis after recording and then analysing the data. Boyatzis (1998) states that thematic analysis includes deciding on sampling and design issues; developing themes and code as well as validating codes. The author further states that “there are three different ways to develop a thematic code: (a) theory driven, (b) Prior data or prior research driven, and (c) inductive (i.e., from the raw data) or data driven” (Boyatzis, 1998:29). The researcher developed themes from the data that had been collected from the participants.

In reporting the data, P is used for participant and the number of the interview is attached to indicate the range of participants. For instance, the first participant is referred to as P1, the second is P2, and so on. This was done to ensure anonymity and confidentiality.

#### 5.2 Background Information of Participants

In order to paint a clear picture of the study participants, the following table indicates their demographic information. Although ethnicity was not an inclusion criterion, race was recorded as a matter of interest and perhaps to guide future studies to include a more representative sample.

**Table 7: Demographic data of the participants**

Participant	Pseudonym	Age	Race	Gender	Occupation
Participant 1	P1	26	Black	Female (lesbian)	Student
Participant 2	P2	24	Black	Female (lesbian)	Student
Participant 3	P3	22	Black	Male (gay)	Student
Participant 4	P4	20	Black	Female (lesbian)	Student
Participant 5	P5	23	Coloured	Male (gay)	Student
Participant 6	P6	20	Black	Female (lesbian)	Student
Participant 7	P7	22	Black	Female (lesbian)	Student
Participant 8	P8	23	Black	Male (gay)	Student
Participant 9	P9	24	Black	Male (gay)	Student
Participant 10	P10	23	Black	Female (lesbian)	Student
Participant 11	P11	19	Black	Male (gay)	Student
Participant 12	P12	23	Black	Female (lesbian)	Student
Participant 13	P13	24	Black	Female (lesbian)	Student
Participant 14	P14	20	Indian	Male (gay)	Student
Participant 15	P15	21	Black	Male (gay)	Student

Source: Author

There were fifteen (15) participants: twelve (12) were African (black students), one (1) was Coloured, and one (1) was Indian. The participants were between the ages of 19-26 years. Seven gays and eight lesbians participated in the study. All the participants were enrolled as students at UKZN, Howard campus in Durban.

The themes and subthemes that emerged from the data are outlined in the table below.

**Table 8: Themes and subthemes that emerged from the data**

Major themes	Subthemes
Experiences of gays and lesbians	<ul style="list-style-type: none"> <li>➤ Homosexuals in communities</li> <li>➤ Homosexuality at the University</li> <li>➤ Christianity versus homosexuality</li> </ul>

	<ul style="list-style-type: none"> <li>➤ Homosexuality vs heteronormativity</li> </ul>
Crimes experienced by gays and lesbians	<ul style="list-style-type: none"> <li>➤ Hate speech</li> <li>➤ Discrimination</li> <li>➤ ‘Corrective’ rape</li> <li>➤ Assault</li> <li>➤ Sexual harassment</li> <li>➤ Forced marriage</li> </ul>
Reporting vs non-reporting	<ul style="list-style-type: none"> <li>➤ Reasons why homosexuals do not report crimes to the police</li> <li>➤ Experiences of gays and lesbians when reporting crimes to the police</li> </ul>
Perceptions on the effort of the police in dealing with crimes reported by gays and lesbians	
Crime prevention strategies to curb gays’ and lesbians’ victimisation	<ul style="list-style-type: none"> <li>➤ Police training</li> <li>➤ Equality</li> <li>➤ Laws and policies on crimes against homosexuals</li> <li>➤ Education</li> </ul>

Source: Author

The above table depicts the themes and subthemes that emerged from the study. It should be noted that, in reporting the narratives of the respondents, no wording or responses were altered.

The responses are thus presented verbatim. The themes and subthemes that emerged from the data are discussed below.

### **5.3 Major Theme 1: Experiences of Gays and Lesbians**

The participants were asked about their experiences as homosexuals in their communities. The respondents confirmed that being homosexual was still not accepted by society. Most participants indicated that being homosexual was still unacceptable in the Durban area. Some of the reasons included that they still experienced hate speech in the streets or at taxi ranks and they also experienced assault, even when going to clubs. They further mentioned that it was also not tolerated in various places and among their respective community members. They all felt that it was still not easy to be a homosexual. However, the experiences differed according to their background and the communities that they lived in. For this reason, the researcher also created subthemes that emerged from the responses, which are the following.

#### **5.3.1 Sub-theme: Experiences of homosexuals in their communities**

Many participants experienced similar responses to their sexual orientation in their respective communities. Predominantly, homosexuality was still viewed as unacceptable. These participants came from different community backgrounds and their original homes were outside the Durban area; yet all the participants came from communities where homosexuality was rejected and viewed as abnormal. Some participants also indicated that being homosexual in their communities was still viewed as a taboo. The following comments reflect this attitude:

*“The experiences that I have had in my community is that I come from a rural place near Port Shepstone, so this thing of homosexuality is very rare. It’s a shock to see a homosexual person. It’s rare and people are against it.” (P2)*

*“Not that this is a race issue but, uhm, in black communities some things are unacceptable, like at all, like, it’s the same like, uhm, how can I put this, okay, it’s very taboo in our culture or in our black community if someone is uhm lesbian or gay they do not accept that.” (P3)*

*“Like you don't belong in the community because of your choices of how you carry yourself around. Being told you don't fit in and you're portraying what you're not which is being a ‘guy’ or a man. It's really not easy being a lesbian in a community which is close minded about the reality sometimes.” (P7)*

*“From the community of [name of the residence in town], it’s not a good experience. People there uhm treat people who are gay and lesbian differently. How so...it’s like*

*you are sick or you have a disease, or they think they can kill you, especially they are like, "Ah you know the d\*\*k which means they are not doing you well", and yeah..." (P12)*

The researcher censored the above word as it might contain vulgar language. The participants also explained that not only did they have negative experiences in their own communities, but also at the university. It was evident that being homosexual meant that these young people still experienced discrimination as well as hate speech at the university.

### **5.3.2 Sub-theme: Homosexuality at university**

It might be argued that a university campus is the best place for homosexuals to live their lives openly as universities are notoriously focused on human rights advancement; however, the findings revealed that this was not the reality for some of the participants, as they mentioned that they experienced victimisation on campus. Many of the participants revealed that being homosexual was not easy as their peers still viewed it as abnormal. They reported homophobic comments made by their lecturers during lectures, which made gays and lesbians feel uncomfortable. This comment was offered in this regard:

*"I fear for my life because there really isn't a place where you will say you are safe because even at 'varsity there are cases but they are silenced." (P14)*

The participants mentioned that living their lives openly and telling people that they were homosexual, which is often referred to as 'coming out' or 'coming out of the closet', is not easy. One participant mentioned that coming out at university as a gay was also not easy for his friends to accept. He mentioned the following:

*I also came out to my friends here at university whom I think were educated about this, but still it wasn't good. So those are my experiences, both at home and 'varsity, being gay is not accepted and for me I still think it's gonna take years and years for this to be accepted." (P9)*

Some participants had experienced homophobia from lecturers in class who would make remarks about homosexuality. One participant mentioned the following:

*On campus I had one incident where a lecturer made a homophobic joke. I had to walk out because I was like, you know, but I didn't report it or anything but I was just like, ooh!" (P3).*

Another participant echoed the same sentiment:



*“’Cause even in lectures in class, if a lecturer sees that you are gay, they will have speeches in class that would make you even wish to exit the class. For instance, would say, ‘A guy being feminine knowing that he is a man and can have many children, a person opposing God who created him, imagine what God would say one day when you go to heaven because he created you as a man and now you are a lady and you are dating’, and stuff.” (P15).*

The findings confirmed that being gay or lesbian at university was still not accepted and that it was difficult for some homosexuals to live their lives openly. The participants mentioned that they were not accepted in their communities, at university as well as in their churches. Therefore, another subtheme that emerged was Christianity against homosexuality, which is discussed in the following section. It must be noted that Christianity was the only religion that was mentioned by the respondents, although the literature review revealed that Islamic religious dogma also opposes homosexuality.

### **5.3.3 Sub-theme: Christianity versus homosexuality**

Most participants shared the experience of not being accepted by their respective churches and Christianity at large. The participants revealed that there was still discrimination against gays and lesbians by the church because of their sexuality. The participants confirmed that homosexuals were still seen as ‘sinners’ for being homosexual and thus they were not accepted by Christians. One participant mentioned the following:

*“And in church as well, it’s frowned upon and they are gonna tell you that you’re not allowed in church anymore because you are lesbian; yet they always tell you that the Bible says God loves everyone.” (P4).*

Some participants revealed that being gay and a Christian was difficult. One of the participants mentioned that the rejection of his sexuality made it difficult for him to accept his own sexuality. One participant mentioned the following:

*“I was battling with it because, ok, the community thinks you’re gay and you come from the family with a strong Christian background. You yourself decide to be born again, but now you are born again and you’re gay, [and] the church says it’s wrong, it’s a sin but you can’t... I even fasted, staying fasting and asking God to take the disease away from me. I do not want this and then even pastors were spreading rumours that even gays can be delivered once they accept Christ.” (P8).*

The above comment implies two interpretations: (1) It may suggest that some light may be shining in this dark world for homosexuals, as some pastors may accept the fact that homosexuals are children of God and may live under his Grace—that they “may be delivered once they accept Christ”; or (2) Prejudice still exists and the pastor believed that the young man would be “delivered” (thus cured) of his homosexuality once he accepted Christ. One rather suspects that it was the latter interpretation that guided the pastor’s words.

Similar to Christianity, some societies believe that a man is a man and a woman is a woman and that their sexual roles should not be shifted. That means a woman has to marry a man, which is referred to as patriarchy. Some participants explained their experiences in a patriarchal society.

### **5.3.4 Homosexuality versus heteronormativity**

The participants were asked to narrate their experiences in their communities as homosexuals. They stated that they had negative experiences due to their sexual orientation. All the participants mentioned that they were not accepted and that they were labelled in humiliating terms such as *inkonkoni* and *stabani*, which are IsiZulu terms used to insult homosexuals. The participants stated.

*“I think if you are a gay person in any society, be it your own or you are visiting or wherever you are, the main, you always experience discrimination, right? We always, I speak for myself, I’ve always been termed ‘inkonkoni’, or you’d be passing and people are like, ‘Hey, you stabani!’” (P8)*

*“In my community, not really that people are in other people's businesses, but still being gay is unacceptable. You just know that being gay is wrong as you grow up; you know that being gay is unacceptable. So, I won't lie, I am gay here on campus but at home I'm a straight guy because I'm afraid of living my life, afraid of what might happen to me and my family.” (P9).*

*“You know, being gay in our communities is very hard because you know that we are not accepted and I doubt we will ever be accepted.” (P14).*

*I've faced so much rejection. I feel like they want me to conform to the societal norms that I must act the way boys act and if you are less gay the society accepts you better” (P15).*

The comments shows that communities still regard homosexuality as abnormal because homosexuals are still unaccepted, rejected and called names. Based on the experiences that the participants were exposed to in their communities as gays and lesbians, the participants also mentioned the crimes that they had experienced. This theme and its subthemes are discussed below.

#### 5.4 Major Theme 2: Crimes Experienced by Gays and Lesbians

The participants were asked to share their experiences of the type of offences they had experienced.

The crimes the respondents experienced included assault, ‘corrective’ rape, sexual harassment, hate speech, forced marriage and discrimination based on their sexual orientation. Some experienced hate speech in different places such as taxi ranks, in clubs, on university campus, or on the streets, and some experienced discrimination in their communities and churches, and some experienced rape which is often referred to as ‘corrective’ rape. The types of crimes experienced by participants are summarised in the table below.

**Table 9: Crimes experienced by participants and whether they were reported to the police**

Participant	Gender	Crime(s) experienced	Reported/not reported to the police
P1	Lesbian	Drugged and raped by a group of men while at a party.	Not reported
P2	Lesbian	Forced to marry a man by her mother because she was lesbian and her mother did not approve of it.	Not reported
P3	Gay	<ul style="list-style-type: none"> <li>• Hate speech and threats at residence on several occasions;</li> <li>• Threatened by a taxi driver;</li> <li>• Hate speech from a lecturer in a lecture venue.</li> </ul>	All cases not reported
P4	Lesbian	Sexual harassment	Not reported
P5	Gay	Kicked out of the youth group in church because he is gay.	Not reported

P6	Lesbian	Being mocked and grabbed inappropriately	Not reported
P7	Lesbian	Hate speech and threatened when walking in the streets	Not reported
P8	Gay	Hate speech	Not reported
P9	Gay	Assault: beaten at a club	Reported
P10	Lesbian	Raped by a friend who pretended to be gay.	Not reported
P11	Gay	<ul style="list-style-type: none"> <li>• Assault: beaten at school for being gay;</li> <li>• Hate speech at university</li> </ul>	Reported the case of assault
P12	Lesbian	Hate speech, being threatened and touched inappropriately while walking	Not reported
P13	Lesbian	Hate speech	Not reported
P14	Gay	Assaulted at a club	Not reported
P15	Gay	<ul style="list-style-type: none"> <li>• Pepper sprayed by a security guard;</li> <li>• Almost got stabbed/assaulted;</li> <li>• Hate speech on campus and at a club</li> </ul>	None of these cases were reported

The above table depicts the crimes that were experienced by participants in Durban and surroundings and whether they reported the cases or not to the police. Some of these crimes are explained below.

#### 5.4.1 Sub-theme: Hate speech

Eight participants revealed that they had been victims of hate speech. They mentioned that they had experienced hate speech in places like taxi ranks, on the streets when they were walking, at university, and at clubs. The participants reported that, in some instances, the hate speech would lead to threats and sometimes to assault. Some of the responses are presented below:

*“I have experienced lot of verbal offence, being mocked and called names in a taxi rank almost led to physical abuse as some individuals were already grabbing me”*  
(P6).

*“I think the offence I’ve been verbal mostly, where you’re walking down the road minding your business and these men think they can touch you however they please. And also, these remarks that you get once you disclose your sexuality that you haven’t got the ‘right dick’, so why you think you are lesbian” (P7).*

Another example of hate speech that was experienced by one of the participants was a misunderstanding between him and a taxi driver. The altercation was narrated as follows:

*“[The taxi driver shouted,] ‘I’m not a ‘stabane’ you hear me! I’m a man.’ So, I was so quiet and he said, “I’m a man! I’m not gay!’ The mothers apologised for me and said forgive him. But he continued and said, ‘I’m not gay! You are used to the drivers in Durban who are also gay, I’m not gay!’ And then he opened the door and came to me. Like he opened the door on the driver’s side coming out. He walked out and when he came this side I was just like, ‘Ohhh! I’m sorry! I’m sorry, I’m sorry!’. And then he stopped and swore” (P3).*

#### **5.4.2 Sub-theme: Discrimination**

Discrimination was also found to be one of the experiences of homosexuals. The participants mentioned that being gay or lesbian they were sometimes discriminated against in places like churches or in the workplace. One participant mentioned the following:

*“Something that has been recent...uhm, I serve in my local church and uhm yes I’m gay and I feel that they are like very discriminating in the fact that they asked me to get out of the youth group because I’m starting to create tension and it’s bringing the name of the church in the hard line. It’s really affected me because I’ve been there for the past three years” (P5).*

Another participant mentioned her experience when seeking a job. She experienced discrimination because she was lesbian. She stated:

*“You know how in the corporate world sometimes men try to hit on you and I do not hide my sexuality, so I tell you up straight if you are a man that I don’t play for that team, so a guy would be like, ‘Oh, so you’re not gonna get the job!’” You know, because now they discriminate against you basically based on your sexuality. It’s either they touch you or they genuinely treat you unfairly so you don’t get a job that you [are] qualified for because you are lesbian” (P4).*

### 5.4.3 Sub-theme: ‘Corrective’ rape

‘Corrective’ rape was experienced by two of participants: one was raped by a group of men and one was raped by a man who pretended to be her friend. Both participants indicated that they had experienced ‘corrective’ rape because of their sexual orientation. The participants mentioned the following:

*“Well...uhm...when I was in matric...uhm...I had friends that were...uhm...heterosexual—straight girls—and they pretended to accept, that they had accepted the person that I was being the lesbian that I was, and they were okay with everything. Meanwhile they were plotting against me. They were just pretending and uhm...this one time in matric they were having a party and they obviously invited me to come to the party. My friends, very close friends, so they invited me to come over and then (clears throat), when I got at the party obviously the drinks were served and uhm...I swear I was not even drunk, I just had one shot and then the next minute everything was just numb, not blank, not blank but numb. I couldn’t feel myself. I couldn’t...yes, I just lost what you call? I lost energy. So I went outside to get some air and then the next thing I know this group of guys, in the yard, this group of guys uhm...pulled me to the bushes and they raped me repeatedly, all of them. I couldn’t fight back but I could feel everything that was happening. And then after some time a lady came with a car and she rescued me” (P1).*

Another participant shared a similar experience and mentioned that she had been raped by a man who pretended to be gay and her friend. She shared her experience in the following narrative:

*“When I was doing my second year in ‘varsity I had this friend who pretended to be gay and we would visit each other and I was very comfortable around him. He pretended to be the top gay... so the guy, he raped me when I was in his room. He forced himself on me and he told me that this was what I wanted this whole time and he just violated me in every way possible” (P10).*

### 5.4.4 Sub-theme: Assault

Some of the participants did not only experience hate speech, but also assault in places such as clubs. A gay participant mentioned his experiences in the following narrative:

*“I was assaulted at the club in 2016. You won’t believe that I don’t even go out a lot... So unfortunately, when I was kissing this guy, I was seen by these homophobic*

guys, and they yelled at us and they beat both of us. Yho! I was hurt, shame, and I hated clubs even more... When we were kissing these guys started talking like, 'What are you two doing? Why are two dudes kissing? Don't you see there's so many girls here instead of disgusting us?' So, it was all that and the other one pulled us and then things started going [badly]..." (P14).

Another participant shared a similar experience and mentioned the following:

*"Ok, I've experienced victimisation in many ways possible, but the worst one was being assaulted at the club. You know Club 58, right? On that road. It's a gay club but there are straight people, homophobic people too. So, he slapped and punched me many times"* (P9).

Another participant was assaulted by a classmate in school because he was gay. He mentioned the following:

*So, there's this day after school the guy beat me...I was also scared of being uncomfortable in the community because it's not even easy to tell your family because even your family has not accepted you that you could report and say, 'He beat me because I am gay'"* (P11).

#### **5.4.5 Sub-theme: Sexual harassment**

Some lesbians reported that they had experienced sexual harassment from men due to their sexual orientation. Women experience sexual harassment but lesbian women experience sexual harassment due to their sexual orientation. One participant mentioned the following:

*"I remember when I was in high school, boys in my class used to touch my ass on purpose and they would spank me and they would all, they'd say all sort of names, and this continued and I tried telling teachers and they'd just brush it off"* (P13).

Participant four's experience of sexual harassment and hate speech by men because she is lesbian falls under this category as well. She mentioned the following:

*"I have experienced being sworn at when walking in town [and] even at my residence males will say sexual things just to piss me off and some would touch me. And if maybe I'm walking with my partner they swear at us"* (P12).

This shows that lesbian women are still vulnerable not only as women but also as lesbian as they tend to be victims of sexual harassment as well.

#### **5.4.6 Sub-theme: Forced marriage**

Another form of abuse that that one participant experienced due to her sexual orientation was being forced into marriage. She participant mentioned that she had been forced by her mother to marry a man who chose her at her church. The mother had found out that she was lesbian and therefore forced her to marry a man. She emphasised that being caught by her mother with another girl was what made her mother force her to marry the man. The participant narrated her experience as follows:

*“She punished me with that. You know, in my church you get chosen. There was a man who came who had three wives. I was doing my second year at that time and that man chose me. So, my mom said whether I liked it or not, I will marry this person and that I’m the only girl at home, they want cows. My job as a woman is to marry a man so that I can bring the cows home. So, I can say that this, for me it really discriminated me, it hurt me because one, my mom knows that, since she caught me with that girl she knew that my child is not into this side of men she’s on the side of girls. But either way, still she forced me to marry this man. So, I married this man by force because she said it’s either that or I get out of the house. Where was I going to go? Who was going to give me education? So, I had no choice but to marry this man, whether I liked it or not” (P2).*

The experiences narrated above show that lesbians are still rejected by society because of their sexuality. Society in general believes there are only two genders, which are male and female, and that their roles assigned as defined by each gender. The participant was forced into an unwanted marriage but did not report the case to the police as it is not a crime in South Arica when parents insist that their children marry a particular person.

#### **5.5 Major Theme 3: Reporting versus Non-reporting**

Of the fifteen (15) participants, thirteen (13) did not report the crimes committed against them to the police. Only two reported the crimes to the police. The participants had different reasons for not reporting the crimes, and those who did report the crimes had negative experiences with the police. Reasons for not reporting the crimes are explained by the following comments:



### 5.5.1 Sub-theme: Reasons why homosexuals do not report crimes to the police

When they were asked why they had not reported the case, the participants offered various reasons, which included the following: (a) a lack of trust in the police; (b) fear that their cases would not be taken seriously by the police; (c) shame and blaming themselves for the crimes; and (d) fear that their families would find out that they were homosexual. Mostly, the participants indicated a lack of trust that their cases would be handled efficiently by the police.

The following comment were offered in this regard:

*“I didn’t report because I felt that the police don’t really take such cases seriously. They would rather make fun of you” (P6).*

*“I feel it’s still unsafe for gays to report rape, simply because in most cases they are not taken seriously, and rather taken as laughing stocks. And on the other hand, with the lesbians, imagine what it would take for you to report rape and only to find the culprit/offender walking freely after that and sometimes hunting you down for revenge” (P7).*

*“Well, I thought these cases are not taken seriously by the police. You go there and report that you were assaulted and they ask you why and then you tell them because you were kissing another man. They wouldn’t have taken that case seriously. So, I thought to be safe I just need to go back to my place and never again go to clubs” (P14).*

P2 indicated a lack of trust in the police, believing that reporting the case would not have helped her. She mentioned the following:

*“I have two sides on this thing. Why I’m saying that is because I wish I had reported the case to the police. Maybe they were going to help me. But the rate at which things are done when it comes to the police, I don’t think if I had reported it I would have actually gotten help. I was going to lose my family and not even gotten help” (P2).*

Another participant echoed the same sentiment by mentioning the following:

*“I felt if I were to go to the police it would be completely brushed off, there would be no investigation and if uhm, it was reported and there was investigation the police in this day and age, if this organization just says let’s just keep this under the raps by putting something in their hands, it could be lost...dockets could be lost and uhm who then is affected? Me, the victim, because justice is not done” (P5).*

Some participants, like P13, mentioned that their families were still not aware of their sexuality and reporting crimes to the police would mean that the families would also get to know about the fact that they were homosexual. For this reason, they did not report crimes. The following was stated in this regard:

*“The thing is at home they didn’t know then that I was lesbian. So now if I were to go to the police station they were going to ask what am I going to do that. ‘Cause like mostly black parents do not accept like that my child is homosexual. So, I couldn’t go to the police and besides, I am not a person that likes to talk” (P13).*

Another participant shared the same sentiment by stating the following:

*“I was also scared of being uncomfortable in the community because it’s not even easy to tell your family because even your family has not accepted you that you could report and say, ‘He beat me because I am gay.’ Because they themselves would ask you, ‘So, you are gay?’” (P11).*

Another reason why participants did not report the crimes to the police was that they felt ashamed and blamed themselves for the crimes that occurred to them. Participant ten (P10) mentioned the following:

*“Well, uhm, I didn’t really report the, my case uhm...I was ashamed. I was scared ‘cause I mean the guy made me feel like I was the one giving him the signals that I was interested in him. He made me think that it wasn’t really gonna make sense ‘cause I’ve been coming over to his place I’ve been sleeping with him in the same bed, so he made me feel as if I was throwing himself, myself I mean at him. So, I did not report the case” (P10).*

On the other hand, some participants saw the need to report the cases to the police and their experiences are discussed in the following section.

### **5.5.2 Sub-theme: Experiences of gays and lesbians when reporting crimes to the police**

The participants mentioned negative responses from police officials when reporting their cases. In this study only two participants reported their cases to the police and they alluded that their cases were not handled in a positive way at all. In attempting to find the responses of the police, the researcher asked the question: **“What kind of treatment did you receive from police officials?”** The participants responded in the following way:

*“The police, you know, there was this young police kept asking me, “Why don’t you fight back because you are a man? See, you are a man, there’s nothing that is going to change that, we see a man in you. Why don’t you fight back? You’re supposed to fight back, you’re tall enough to beat the guy!” So, in other words I’m trying to say that in a society if people are working as service providers it does not really mean that they actually want to provide services in a community. Because the attitude that the police gave me, against all odds I reported the case but I knew that they were not gonna take any action towards the guy” (P11).*

The second participant shared the same sentiment as the above and stated the following:

*“Ok, so I went to the police to report the case but they did not take me seriously. Firstly, they said if this happened yesterday, why did I come today. I told them honestly that I was drunk and does it matter when I reported the case? It did happen, it doesn't matter when I reported it. So, this lady said, ‘If you are serious about this you were going to come there to report the case.’ I wanted the guy to be arrested but the problem was I don't know him. So, I was wasting my time anyway because I don't know him and the police weren't even interested in my case. It was like I was wasting my time. This is what really made me cry even more when I came back to my mom because what if it happens again?” (P9).*

A number of participants chose not to report the crimes and mentioned the reasons which included a lack of trust in the police and the belief that their cases would not be taken seriously. The participants that reported the crimes to the police also confirmed that their cases were not taken seriously by the police when they reported them.

The researcher is of the view that the reasons why the participants did not report the incidents was that they had negative perceptions of the police. Therefore, the researcher asked all the participants, both those who had reported and those who had not reported to share their perceptions regarding the way the police tended to handle cases of crimes against homosexuals as well as the support they give homosexual victims. The purpose of these questions was to dig further into what cause gays and lesbians not to report abuse to the police. The responses are discussed under the following major theme.

## **5.6 Major Theme 4: Perceptions on the Efforts of the Police in Dealing with Crimes Reported by Gays and Lesbians**

Even though only two participants had reported the cases of abuse to the police, those that had not done so also shared their perceptions of the police. For instance, the researcher asked the participants the following question: **“What are your thoughts on the way the police are handling the cases reported by gay and lesbian victims?”**

The participants believed that the LGBTI community was not taken seriously by the police; the case might not be investigated, and they believed that most of the crimes committed against them were minor. The responses of the participants showed that they had little to no trust in the police as they made comments that confirmed this distrust. Some participants mentioned that they did not feel that they were protected by the police and that they did not trust the police with their lives. The participants stated the following:

*“Yho, those ones are trash, oh my God! They are trash. I do not trust them. ‘Cause if they see a gay person they look at you somehow. You never feel protected around a policeman as a gay guy, as we’re supposed to feel protected especially in South Africa. Gays are accepted in this country by the law, but it doesn’t accept us, the police they don’t, they really don’t. They don’t want us, it’s a few. I’ve never met those that are accepting” (P15).*

The following participant shared the same sentiment with the one above and mentioned the following:

*“So, with the police shame I won’t lie I wouldn’t trust my life with them. I mean they ignore rape and murder cases of homosexuals. Who am I with my case of assault because I was kissing another guy! No way. Shame. No way!” (P14).*

Another participant expressed a similar view in the following narrative:

*“I feel it’s still unsafe for gays mostly to report rape, simply because in most cases they are not taken seriously, and rather taken as laughing stocks. And on the other hand with the lesbians, imagine what it would take for you to report rape and only to find the culprit/offender walking freely after that and sometimes hunting you down for revenge. Lesbians are assaulted daily and sometimes they never report because of such. So I would say the police does not yet play its role in protecting our community, especially the gays and lesbians” (P7).*

The participants who had reported crimes also responded with similar vehemence. They mentioned that there was no support from the police when reporting crimes. Another similar probing question by the researcher was: **“How much support do you think homosexual victims and their families get from the police?”**

Based on the participants’ responses, there was a strong perception that there was no support for homosexual victims and their families from the police. The participants mentioned that they did not feel protected by the police even after reporting the cases because of the way the officers dealt with their cases. The two participants who had reported their cases confirmed that there was no support from the police. They mentioned that their cases were not taken seriously; instead, they were asked questions that were humiliating rather than helpful.

The participants mentioned the following:

*“I won't lie. I felt homophobia for the second time after that incident happened. The police were homophobic and they were not paying attention to whatever I was telling them because I explained the entire story because I wanted them to hear it and help me. So I felt like they didn't help me and they were very homophobic. I'm the example of the fact that there's no support. We have laws that say we should be protected but where's the implementation of that? Because they only focus on the race issue and gender issue between men and women. What about us?” (P9).*

Another participant shared the same sentiment by mentioning the following:

*“Okay, it's not much, because like I said as they are being put there by the government to protect the society but we do not get that in such an extent that you even fear going to the police station because you know the report that you will get there. Because like I said as much as I reported the case but I knew they were not gonna help me anyway. Because of the attitude they gave me. Like they failed to pretend to support me” (P11).*

Participants who had not reported the crimes to the police also shared their opinions on the support of the police in order to provide thick data on reasons for not reporting crimes. The participants shared the opinion that there was no support from the police. One participant stated:

*“You see, if there was support from the police I wouldn't be here, I would have been motivated in the beginning that there are police that know their job, they support homosexuals. I was also going to go get help. But from what I see, from then until*

*now I don't think they get help, that they give us support because even them, they are homophobic most of them. So, they won't help you, they would say, 'Yeah, it serves you right'. So, they are homophobic themselves" (P2).*

*"You know, the biggest problem, guys, the biggest problem that I see is that SAPS, the criminal justice system, they can't give us support because they're not even sensitised about the society that they are supposed to protect, you know" (P3).*

*"Not much, since most homosexuals often resort to suicidal attempts or suicide for not getting the help they actually need" (P6).*

*I think mainly well, we can say the policies right that are passed by our justice system they claim to protect individuals, every individual under if you are a citizen of South Africa a policy that is passed is meant at protecting, be it you are a child or a woman or you are gay, but it's just there to protect your right. I should say that as a human being. But however, I don't think that is really happening. I feel like more gay, the LGBT community is failed by the police mainly" (P8).*

## **5.7 Major Theme 5: Crime Prevention Strategies to Curb Victimisation of Gays and Lesbians**

When asked what ideas they had on how crimes against homosexuals could be reduced, the participants touched mainly on the issue of education of the community and the police about homosexual people. The participants also emphasised better implementation of laws in South Africa to ensure equality and non-discrimination when it comes to dealing with the crimes experienced by gays and lesbians. Therefore, the subthemes that emerged were police training; equality in terms of how the cases are dealt with by the police; laws and policies on crimes against homosexuals; and education. These themes are outlined the following subsections.

### **5.7.1 Sub-theme: Police training**

Some participants believed that the training of police would greatly help in the manner in which they deal with the cases reported by gays and lesbians. Their suggestions in terms of police training were as follows:

*"These people need training, they need to know that okay you may not approve this thing of homosexuality but it's there. It's your job as the law to protect the people in the society. People can never be the same in a society. You will like some, some you won't like but your job is to protect them, all of them" (P2).*

*“The biggest problem that I see is that SAPS, the criminal justice system, they can’t give us support because they’re not even sensitised about the society that they are supposed to protect, you know” (P3).*

*I think measures still need to be put in place for the police. Imagine having to report your case to someone who is already homophobic as well? What justice would I get?” (P7)*

*“Teach the police, train them to take their own personal beliefs away from their services” (P14).*

### **5.7.2 Sub-theme: Equality**

Most participants mentioned that the manner in which police officials were dealing with their cases as homosexuals was prejudiced. They might deal with similar cases reported by heterosexual victims but their cases were not taken as seriously as those of a heterosexual victim. The participants argued that their cases should be treated equally. Therefore, they suggested a lack of bias and prejudice on the side of the police when dealing with cases, irrespective of the complainant’s sexual orientation. Their responses were as follows:

*“That’s where the gap is because like I said that the cases are reported, but we only hear that someone was stabbed or raped but we’ve never heard them saying that ‘Okay, as this homosexual person was raped, this is what happened’. What were the measures and laws that were taken to deal with the perpetrator There’s this story of Karabo, it went viral that she was killed, right? We all saw on TV that there’s the guy getting his sentence. Same thing must happen for homosexuals. The police have to do follow-up because I think if they could have training, some cases of homosexual victims are ignored” (P2).*

Another participant echoed the same sentiment and mentioned the following:

*“We had a situation where this famous case where a girl named Karabo was beaten up by her boyfriend and burnt to death and it was all over TV, and there was a lesbian girl in Johannesburg that was raped by seven men and burnt to death, did you hear about that? No? Why? ‘Cause she’s lesbian, right? ‘Cause she’s not straight” (P4).*

One participant cited an example of how other cases were dealt with and compared these to how those of homosexuals were treated. This participant stated:

*“The one who called police ‘kaffirs’, they gave her two years’ sentence or something. They gave her a sentence I think it’s two years but it’s an actual sentence given to someone you know. I’m not belittling [the word] ‘kaffir’ but I’m going to say they gave her that sentence to be in jail for just calling people [the k-word], so she was an example. The same goes for this. If I go to the police station and report they should be willing enough to make a person who did this an example so that others will see that...ahhh...like that will deter people more than anything cause that’s all we need” (P3).*

Another participant mentioned the importance of equality in the implementation of the laws. The participant mentioned the following:

*“The government should ensure that the laws and policies of equality and non-discrimination are implemented” (P14).*

### **5.7.3 Sub-theme: Laws and policies on crimes against homosexuals**

The participants also mentioned the importance of having laws that specifically focus on crimes against gays and lesbians. They mentioned that the Constitution is there but does not really protect homosexuals, thus having these laws and legislations that deal specifically with homosexuals will help reduce crimes against them. They responded as follows in terms of this subtheme:

*“I actually think like racism should have its own legislation as well as Acts that are inflicted against LGBTI+ conforming people. They should have their own body of law. Do you understand? So that it’s like this is an offence against the LGBTI community, you know?” (P3).*

*“I feel like there should be a unit that specifically deals with gays and lesbians or whatever, our community (clears throat) community’s cases alone because just like how there is department that deals with domestic abuse, it should be the same because sometimes you find that a cop is homophobic and then you try and report, do you think the cop is gonna take you seriously? No” (P4).*

*Being gay itself is a problem in our country even though we may have the Constitution that supports us; but trust me, it’s still a problem and it’ll take many years for it to be not a problem. So, there is no support, shame, except what’s written down which is unfortunately not implemented” (P9).*



#### **5.7.4 Sub-theme: Education**

Most participants were of the view that education was one of the key solutions to reducing crimes against gays and lesbians in Durban. They said this based on their views that the lack of education was what caused people not to understand homosexuality. The participants shared the view regarding education about homosexuality. Some suggested the following:

*“I think more people need to be taught about homosexuality. People need to be taught what homosexuality is, different types of people within the gay community. They need to be taught that they are people too, just because they are different it doesn't mean that they do not matter. Nothing will beat people being educated”* (P4).

*“I don't know how, I don't know when, but people should change their mindset in the way that homosexuality is viewed as taboo in our society”* (P6).

*“People should be educated, guys. They should know that being gay is being human, a human that loves who they love. I remember when there was this movie that came out earlier this year, called ‘Inxeba’ (The Wound), people were shouting and posting homophobic comments based on this movie and that is when I realised how far behind South Africa is”* (P9).

In terms of reducing crimes against gays and lesbians, the participants emphasised the education of people about homosexuality and the training of police officials to enhance their ability to deal with cases reported by gays and lesbians. The participants believed that education programmes could focus on homosexuality, people will be aware that homosexuality exists and is part of diversity. Furthermore, they strongly emphasised the importance of implementing the laws that protect homosexuals.

#### **5.8 Conclusion**

This chapter presented the analysis and interpretation of the data that had been collected among gay and lesbian participants at the University of KwaZulu-Natal Howard campus. When analysing the data, a thematic analysis process was used. Five major themes were developed from which subthemes also emerged. These themes provided a lens through which the experiences of the participants as homosexuals and their experiences with the police were explored.

The following chapter provides further in-depth discussions of the findings.

## CHAPTER SIX

### DISCUSSION OF THE FINDINGS

#### 6.1 Introduction

The previous chapter presented the analyses of the data and interpretations of the results as they emerged from five major themes. This chapter dwells on the findings that emanated from the data analysis. The aim of the study was to explore the perceptions of homosexuals on the role played by the police in terms of crimes committed against homosexuals in Durban. The study had three objectives which were achieved by using the qualitative research method which prompted the participants to divulge their perceptions of the phenomenon under study in an explicit manner. Rich data were obtained by means of in-depth interviews to achieve the research objectives. The interviews were conducted in English and, in some cases, participants used IsiZulu which was the language they were more comfortable with. The researcher transcribed the narratives and translated the comments in IsiZulu into English.

The discussion of the findings is based on the objectives of the study. The discussion will integrate the findings with the literature and the theories that framed the study. This chapter is thus guided by the following three research objectives, which were to:

- Explore the nature of the crimes committed against gays and lesbians;
- Determine the reasons why homosexuals refrain from reporting attacks on them to the SAPS in Durban;
- Explore the perceptions of homosexuals on the manner in which SAPS officials deal with crimes reported to them by gays and lesbians in Durban.

#### 6.2 Objective 1: To explore the nature and extent of the crimes committed against gays and lesbians in Durban

It was found that various types of crimes were committed against gays and lesbians in Durban due to their sexual orientation. Some participants experienced more than one form of abuse whereas the severity of the crimes ranged from abuse to ‘corrective’ rape and assault. The following crimes and/or incidents were found to be prevalent amongst the experiences of the homosexual participants: hate speech, assault, ‘corrective’ rape, discrimination, and forced marriage.

The findings based on these crimes are discussed below.

### **6.2.1 Hate speech**

It was found that hate speech was one of the most prevalent forms of abuse that the gay and lesbian participants experienced because of their sexual orientation. Hate speech directed at them occurred in different places such as in their communities, in town, at taxi ranks, at university and even in night clubs. In some instances, hate speech was accompanied by assault. The participants mentioned that they had been called offensive names such as *stabani*, *nkonkoni*, and *faggot*, which are all names used to insult and discriminate against gays or lesbians.

The findings correspond with those of Nel and Judge (2008), who report that, openly LGBT persons have experienced forms of victimisation such as verbal abuse, threats, being chased or followed, or being spat on. Breen and Nel (2011) also state that hate speech often includes harassment, slurring, name-calling and other forms of verbal abuse. Being open about their homosexuality, gays and lesbians are at risk of hate speech in different places. The respondents held the view that hate speech was a result of the community's view that they were 'not normal'.

This view correlates with an assertion by Hepburn (2003), who theorises that social constructionism incorporates historical and cultural variables in terms of understanding how society functions. Burr (1995) asserts that the opposition between heterosexuals and homosexuals is covered in societies so that heterosexuality is signified as normal and natural, whereas homosexuality is usually seen as unnatural and perverted. This means that gays experience hate speech because they are seen as abnormal; thus using words and language as a form of hate speech and rejection is normal in a society where homosexuality seems unnatural and deviant.

Another crime that was experienced by the gay and lesbian participants was 'corrective' rape, which is discussed below.

### **6.2.2 'Corrective' rape**

As was mentioned earlier, in referring to 'corrective' rape the word 'corrective' is placed in inverted commas, because there is nothing 'corrective' about being raped. However, 'straight', abusive men believe that they should correct lesbianism and convert these women to heterosexualism. Two participants narrated their experiences of 'corrective' rape, but they admitted that they had not reported these crimes to the police. This demonstrates that even though cases of 'corrective' rape are not reported, it does not mean that they are not happening.

It is also argued that these crimes continue because cases of ‘corrective’ rape are not dealt with appropriately by the police, resulting in victims’ reluctance to enlist the support of the police to bring the perpetrators to book. This view correlates with Hlongwane’s (2016:9) assertion that the problem of highlighting acts of ‘corrective’ rape is that it is not dealt with in isolation but is looked at as the broader category of rape as a crime. Van der Schyff (2015: 16) suggests that ‘corrective’ rape cases are escalating.

The current study found that a lesbian participant had been drugged and gang raped at a party by boys who were friends with the victim’s friends. She believed this happened because she was lesbian. Another participant reported that she had been raped by a friend who had pretended to be gay. He raped her because he asserted that that was what she wanted. These responses were in line with the definition of ‘corrective’ rape by Nel and Judge (2008:24), which is that black lesbians, particularly in townships are increasingly targeted of ‘corrective’ rape as they are believed to be challenging the gender norms. Phiri (2011) asserts that ‘corrective’ rape is a real and present danger to the lesbian women of the country. The finding thus suggests that lesbians are raped predominantly because of the belief that they (the perpetrators) can change lesbians into heterosexual women. This view correlates with Moffett’s (2007) view that is cited in van der Schyff (2015). Moffett (2007) asserts that survivors of ‘corrective’ rape felt that the perpetrator aim was to humiliate and punish them for how they chose to express their sexual identity, and that these men tried by coercion to change them into becoming ‘straight’ heterosexual women. Their motive is to, by coercion, turn them into ‘straight’, heterosexual women. However, this does not happen; instead, such rape (as all other acts of rape) has a negative impact on the victim such as the fact that she may start blaming herself and feeling afraid to live her life in the way that she desires. Victims may therefore also not report ‘corrective’ rape because they blame themselves. One participant mentioned that she had been raped by a friend who said that she had been asking for it. This response concurs with Thomas’s (2013:7) view, as he states that it is “clear ow homophobia intensifies the trauma of rape: through widely held ideas about lesbians ‘asking for it’ through their openly transgressive behaviour; by the negligence and sometimes outright disdain of the police and criminal justice system; and through the ongoing forms of discrimination endured in the aftermath of the assault”. Davis and Snyman (2005) also assert that an individual in a targeted group may be left feeling isolated, vulnerable, unprotected and intimidated.

The social constructionism theory argues that most people have a strong personal sense of what it means to be a man or a woman; a sense that affects how they think, feel, and act (Johnson, 1997). Holstein and Gubrium (2008:531) assert that, as people, “we are gendered from birth

by naming, clothing, and interaction with family, teachers, and peers. Our identities as boys or girls, and then as men or women, are felt as, and usually explained as, a natural outcome of the appearance of our genitalia, the signs of our biological sex". Therefore, some lesbians are subjected to 'corrective' rape because men may feel threatened by lesbians, or they may feel that lesbians threaten and compromise the social norms and traditions of society, and thus by raping lesbians they can cure them. However, the researcher argues that there is nothing corrective about rape and that 'corrective' rape has a major negative impact on victims' lives, just like any other reason for rape.

### **6.2.3 Assault**

The findings suggest that gay and lesbian people are likely to become victims of assault. Participants mentioned that they experienced assault in clubs, schools, at university and on the streets. One participant mentioned that he had been assaulted at a club for kissing another man. The assault was accompanied by hate speech coined in sentences such as: "*Why are the two dudes kissing? Don't you see there's so many girls here instead of disgusting us?*" Another participant, who had been beaten by a one of his schoolmates, said he had been beaten because he was gay.

The above experiences narrated by the participants correlate with the social constructionism theory which argues that there is a strong belief that societies comprise of two distinct genders—male and female—and that a man should not act inappropriately with another man. This participant was thus assaulted because he behaved and acted against their perceptions of how society had constructed his role as a man. According to Lumen Learning (2017), the strong belief that men and women are dissimilar tends to make men and women behave in a way that seems to be different, and crossing this line is perceived by many in society as unnatural and unacceptable.

The report that a participant was assaulted for kissing another man was similar to a case that was reported by Iguar (2015) of a gay man who had been assaulted outside the Society/Tokio club, in full view of bouncers, simply because of his sexual orientation. During the attack the victim was also verbally abused with the words, "*You stabani! You gay faggot! We will teach you a lesson.*" It is evident that homosexuals experience all kinds of crimes due to their sexual orientation, and that both verbal and physical assault are perpetrated. Not only do gays and lesbians experience assault, but they are also subjected to discrimination as a result of their sexuality.

#### **6.2.4 Discrimination**

The study exposed another common form of abuse that LGBTI people are exposed to, namely discrimination. The researcher defines discrimination as experiences of humiliation and rejection that gays and lesbians experience as a result of their sexuality. It is also argued that this is a crime against the Constitution and various other Acts as it violates the basic human rights of all people to be treated with respect and dignity. According to Section 9(4) of the Constitution of the Republic of South Africa No. 108 of 1996 (Constitution of the Republic of South Africa, 1996: 6), “no person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3), National legislation must be enacted to prevent or prohibit unfair discrimination.” Subsection (3) of the Constitution states that “the state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth” (Constitution of the Republic of South Africa, 1996:6). Contrary to these provisions in the highest law of the country, the participants experienced discrimination especially in places such as the church, at university and in the workplace.

One participant alluded to the fact that she had been harassed in the workplace and was discriminated against due to her sexual orientation. The finding concurs with the social constructionism theory which looks at heteronormativity as a regulator not only of sexual relationships, but also of the roles and behaviours, appearances, sexualities, and relationships between men and women. Therefore, when people discriminate against anybody who does not conform to the rules of each role-player and according to what society expects, they behave according to the social constructionism theory. Anyone who does not conform to societal expectations is labelled, and subsequently experiences discrimination.

Moreover, the broken windows theory also explains why discrimination will forever continue as long as it is not reported and no one is doing anything about it. If it is not dealt with, the ‘window’ of discrimination will remain broken and behaviours that cause society ‘to break’ it will be perpetuated.

The argument correlates with an example given by United Kingdom: Home Office (2017) and the US State Department report on human rights of 2016, both of which cite reports of official mistreatment and/or discrimination based on the sexual orientation or gender identity of people, regardless of clear government guidelines that prohibit discrimination.

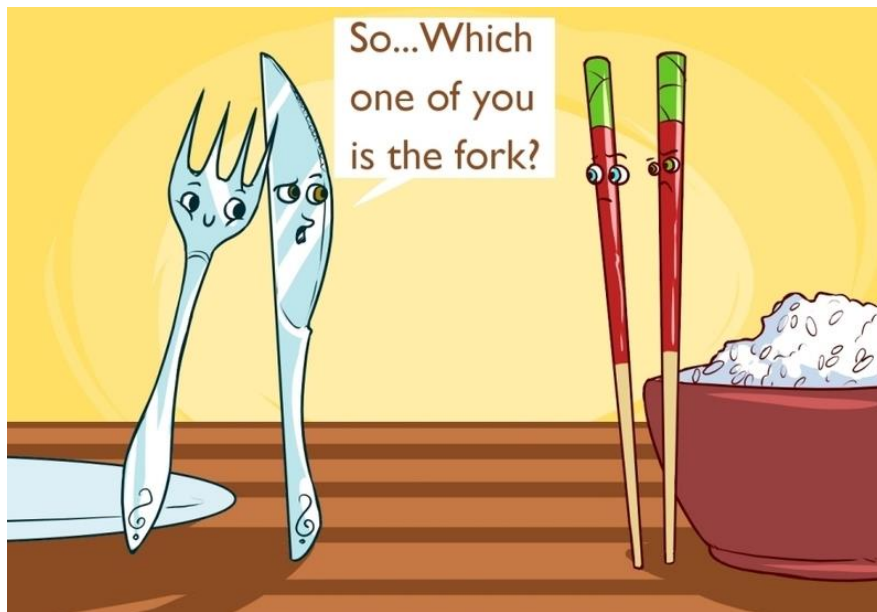
The findings thus confirm that gays and lesbians are persistently subjected to discrimination, even at a university that should be at the forefront of enlightenment and the acknowledgement of human rights. Some homosexuals feel that they should be welcome on a university campus as a tertiary institution is supposed to be a place that accepts gays and lesbians because of the high level of the education level of the people working and studying there. However, this is apparently not the case as some of the participants indicated that they persistently experienced discrimination and victimisation, even in lecture rooms, but that their voices were silenced in fear of repercussions and more victimisation. This finding is consistent with a finding by Jagessar and Msibi (2015) who report that, in 2008, gay students were escorted out of their residences by a group of heterosexual males at the University of Zululand (cited in Jagessar & Msibi, 2015). Similarly, Ngubane (2017) reports that a gay student was kicked out of class because of demonstrating his sexuality by braiding his hair in a feminine style. Nduna and Mavhandu-Mudzusi (2018) also state that in universities such as Stellenbosch University, the University of the Western Cape and the University of KwaZulu-Natal students have to 'act straight' (try to be heterosexuals) in order to be accepted.

These findings demonstrate undeniably that societies believe in heteronormativity which views relationships between men and women as normal and that of the same gender as deviant. The findings based on heteronormativity are discussed in the following section.

### **6.2.5 Heteronormativity**

Heteronormativity is the belief that only two genders exist, namely male and female, and that sexual attraction should only occur between two people of opposite genders. However, the study found that one of the motives of crimes against gays and lesbians is heteronormativity. The crimes that were committed against the participants indicated that there was a strong belief among the communities where they lived and studied, and even among the police, that a man should behave like 'a man' and that a woman should behave like 'a woman'. For example, a man should have sexual relations with a woman and vice versa, that a man who has been assaulted by men should not complain if he is 'a man', and that a man should not be attracted to another man. Moreover, a woman who is sexually attracted to another woman should be assisted by means of rape to correct this behaviour so that she will enjoy the exclusive attention of men. It is stated that the concept of heteronormativity defines gender as a binary category and it only normalises sexual attraction based on the oppositional gender (Hofstatter & Wollmann, 2011). Therefore, as societies have norms and beliefs that are socially constructed,

heteronormativity views heterosexuality as normal and homosexuality as abnormal and unnatural.



**Figure 8: Cartoon depicting a metaphor of heterosexuality versus homosexuality**

Source: BallerAllert (2014)

The above figure depicts is a metaphor that illustrates how society views what is normal and what is not normal. In this metaphor a knife and fork and two chop sticks are effective and useful eating utensils, yet the knife and fork are puzzled and disgusted by the lack of difference between the two sticks. The irony is that both sets tools help a person to eat food, regardless of their appearance.

This metaphor supports the finding that revealed that being heterosexual (i.e., looking like a knife and looking like a fork) was viewed as normal, whereas looking (or behaving) completely similarly (i.e., there is no outward differences between the two sticks) confused society and made them question the ‘usefulness’ or role of the two sticks (i.e., homosexuals). This view concurs with the social constructionism theory by Burr (1995), who assert that the dichotomy of hetero- and homosexuality is overlaid in societies so that heterosexuality is represented as normal, natural and right, whereas homosexuality is usually represented as perverted, unnatural and wrong. Cornelissen and Grundlingh (2013:137) state that heteronormative discourses normalise a particular relationship between sex, gender and sexuality and posits that woman/feminine/heterosexual (and man/masculine/heterosexual) is a natural order and that variance or deviance from this order is considered punishable. The findings of the present study demonstrated this adequately, for example when one of the participants mentioned that he had



been assaulted because he had been seen kissing another man at a club. The findings also correlated with those of Igual (2016a) of a gay man who had been attacked in a bar as he was wearing clothing resembling what women are supposed to wear. According to Cornelissen and Grundlingh (2013), heteronormativity regulates not only sexual relationships, but also asserts the roles and behaviours, appearances and sexualities, and the relationships between men and women. Furthermore, it was found that lesbians were targeted by men (strangers or men that they knew) who attacked them with the purpose of ‘corrective’ rape. Two participants were victims of ‘corrective’ rape: one was gang raped while at a party and the other was raped by a male friend. Both participants believed that they had been raped because they were lesbian. The lesbian who had been raped by a friend mentioned that the perpetrator said that it was what she wanted. Such acts demonstrate that patriarchy, which is a traditionalist norm, and heteronormativity play a role in ‘corrective’ rape.

According to Terre Blanche, Durrheim and Painter (2006:278), the social constructionism view treats people as though their thoughts, feelings and experiences are the products of systems of meaning that exist at a social rather than an individual level. Hepburn (2003) offers a similar assertion, stating that social constructionism incorporates historical and cultural variables in terms of understanding how society functions. The current researcher is of the opinion that the belief that men are dominant over women is what puts not only lesbians at risk of victimisation, but also gay men because if a man is gay, he is believed not to be ‘man enough’ to protect himself against assault. This perceived vulnerability causes the bullies in society to see gay men as easy targets and to assault them in the attempt to force them to become so-called ‘real men’.

The following section details the reasons why homosexuals tend not to report crimes committed against them to the police.

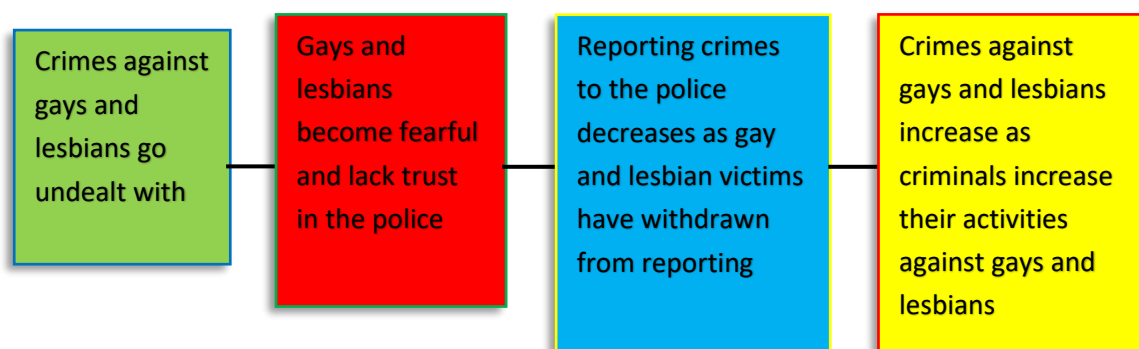
### **6.3 Objective 2: To determine the reasons why homosexuals refrain from reporting attacks on them to the SAPS in Durban**

The study found that even though major crimes had been committed against some of the participants, they chose not to report these crimes to the police. The crimes ranged from assault to corrective rape and forced marriage (the latter is not a crime per se, but the abuse of human rights). Only two participants reported crimes to the police, but to no avail. The participants mentioned different reasons for not reporting the incidences, which were a lack of trust in the police, the fear of being laughed at and/or made fun of by the police, being ashamed, fear that their cases would not be taken seriously, and fear that their families would find out that they

were homosexual. Some also stated that offenders were soon released, which put their lives in danger. In addition, the participants believed that, by reporting the incidents to the police, they could lose their families without getting help from the police. It is argued based on these findings that if crimes are not reported to the police, and if they are reported but the police do not take action, then there is a real danger that such crimes against homosexuals will escalate.

The finding referred to above correlates with the assertion by Wertheimer (1990, cited in Theron & Bezuidenhout, 1995), who states that, despite the seriousness of the crimes against homosexuals, they do not report these crimes due to the fact that they fear stigmatisation and secondary victimisation should their sexuality and sexual orientations become known to the police. The study conducted by Out LGBT Well-being (2016) on LGBT persons in South Africa also reported that it was disconcerting that 88% of the sample had not reported any of the incidents perpetrated against them to the police. Stop Hate Crime Booklet (2013) argues that many people who are attacked due to their sexual orientation do not report crimes because they expect their reports not to be taken seriously by the police. Nell and Shapiro (2011) echo the same sentiment by reporting that black lesbians and gays have little faith in the police and the criminal justice system, due to the fact that in some cases that were reported to the police the victims were mocked and in many cases they (the police) did not bother to open dockets. Mahapa (2012) also mentions that of the 13 informants in her study who reported gender-based crimes, 83% had experienced homophobia at the hands of police officers while a mere 23% had received appropriate treatment when reporting homophobic victimisation.

The reluctance to report crimes against homosexuals to the police are related to the broken windows theory in the following diagrammatical representation:



**Figure 9: Association between the broken windows theory and the findings of the study**

Source: Author

The above figure illustrates the argument that is posited by the broken windows theory that, if crimes are not dealt with, the community withdraws from associating with the police. This opens the opportunity for perpetrators to commit more acts of crime. If crimes reported by gays and lesbians to the police are not dealt with, these victims live in fear and lack trust in the police. For this reason, they refrain from reporting crimes, which causes cases against perpetrators to decline. The researcher is of the opinion that escalating rates of no trust among gays and lesbians in the police will mean that there is a great risk of the continuation of underreporting; thus opportunities to solve crimes against gays and lesbians and bring the criminals to justice are diminished. Also, a lack of trust in the police shows that the police are inefficient in dealing with cases reported by gay and lesbian victims. This therefore opens an opportunity for the perpetrators of crimes against homosexual people to linger.

#### **6.4 Objective 3: To explore the perceptions of homosexuals on the efforts of the SAPS in dealing with crimes reported by gays and lesbians in Durban**

Of the 15 participants, only two reported the crimes committed against them to the police, but to no avail. For this reason, the participants were disillusioned and lost faith and trust in the police because they had made no effort of whatsoever to tackle the crimes committed against them as gays and lesbians.

The participants mentioned that their cases of assault had not been taken seriously by the police. Instead, abusive and humiliating questions were asked that implied that the victims were at fault and actually deserved the assault. This corresponds with the finding by Fihlani (2011, cited in Pushparagavan, 2017), who also reported that a lesbian had been mocked and humiliated by the police. Judge (2008) argues that the police officers sometimes use oppressive and humiliating language when dealing with the cases reported by homosexuals often ask homophobic and insensitive questions thus making the victim feel uncomfortable and this may lead to underreporting. Moreover, the participant mentioned that when he reported the case to the police, he was not surprised that he did not get help, possibly because anecdotal evidence and narratives among the homosexual community in Durban had reported similar incidents and had alerted him to the potential result should he report the case. Another participant felt he was wasting his time by reporting the case to the police as their demeanour was mocking and demeaning.

Human Rights Watch (2011:48) concurs with these findings by asserting that the way in which the police respond to lesbians and gays sometimes indicates inefficiency, corruption, inaction, and even involvement with perpetrators. The demonstrated reluctance of the respondents to

report crimes to the police supports the argument that the police do not deal with such cases professionally and efficiently, and that this lack of interest is a message that is shared among the homosexual community, resulting in an escalating reluctance to report crimes. This means that opportunities for bullies to initiate attacks on homosexuals grow exponentially. This opinion correlates with the assertion by Wing Hong Chui and Wing Lo (2016) and is underpinned by the broken windows theory, which posits that if there is one 'unrepaired window', this shows that no one cares and crime and social disorder will increase. It therefore follows that, if the police do not care about the crimes against gay and lesbian victims, these crimes will increase.

The fact that the police exerted no effort to deal with the crimes against gays and lesbians and that they took such crimes for granted demonstrated their apathy to assist homosexuals. This is linked to the social constructionism theory, which states that gender is the result of a socially constructed concept or set of values that blinds people to different social values and circumstances. Mpuka (2017) also states that the social construction of gender roles is taught and imbibed through socialisation and enculturation. Therefore, the fact that police officers exert little or no effort in dealing with cases reported by gays and lesbians is because they believe that homosexuality should not exist in the first place, or that it is not real, or a sin.

Even though some of the participants did not report their experiences of crime to the police, they mentioned their negative perceptions about the police in general. This suggests that there is a strong relationship between not reporting crimes and the perceptions that gays and lesbians have of the police, because the homosexual community will share their experiences of police inaction on platforms such as the forum on the UKZN campus where the sample was located, clubs, bars, residences, and taxi ranks. For example, it is inevitable that the two participants who reported the crimes in vain would have commented on this during meetings at the LGBTI Forum and other venues, and thus the message would have spread among the gay and lesbian community that the police were unresponsive and inactive and not to be trusted to help them. This inevitably led to a lack of trust in the police and a growing cycle of non-reporting among the homosexual community on campus, probably spiralling to similar communities in Durban.

This view corresponds with Mahapa's (2012) finding that one of the reasons that LGBT victims refrain from reporting crimes is that they have given up hope on the criminal justice system. Nell and Shapiro (2011) report that a number of young lesbians that they interviewed recounted cases of gang rape, but seldom reported these because of fear of how the police would respond, which mirrors a comment made by a respondent in the current study.

On an even more serious note, the participants in the current study mentioned that some gay and lesbian victims might resort to suicide attempts because they were devastated as they had received no support from the police. According to the participants, even though there were laws in South Africa to support gays and lesbians, these laws were not implemented by the police, and thus there was no support for them; instead, secondary victimisation occurred with impunity. It is in this context that Mahapa (2012:19) argues that limited effort has been exerted by role-players to improve lesbians' and gays' experiences with police officers. Moreover, the lack of trust in the police is exacerbated by the little attention they pay to homosexuals as humans and as victims who have rights under the law.

In summary, crimes that were committed against gays and lesbians due to their sexuality included assault, 'corrective' rape, sexual harassment, discrimination, and forced marriage. Most participants chose not to report these crimes for reasons such as lack of trust in the police and the fear that their crimes might not be taken seriously. Those who approached the police were not treated well by the presiding police officers. The participants believed that the police were not doing much to protect gays and lesbians and that they exerted little effort and professionalism when cases of severe assault and abuse were reported to them.

## **6.5 Conclusion**

This chapter presented a discussion of the main findings pertaining to the three objectives of the study. The findings suggest that the plight of the LGBTI community in Durban may be severe, and that a lot needs to be done to deal with and curb the crimes committed against gays and lesbians. Although the study sample was small, the participants represented the voices of many people in the homosexual community on campus and in Durban, and the warning of the existence of unprofessional, disinterested and insulting members of the police service should be heeded. This conclusion was supported by an integration of the findings with those of other related studies as well as the two theories that framed the study.

The following chapter provides the overarching conclusions of the study as well as some recommendations.

## CHAPTER SEVEN

### CONCLUSION AND RECOMMENDATIONS

#### 7.1 Conclusion

This study was conducted with the aim of exploring the perceptions of homosexuals on the role of the police when gays and lesbians reported crimes to them in Durban.

The study was conducted based on the problem statement which was outlined in Chapter One. Therefore, the study attempted to obtain the perceptions of homosexuals on the role played by the police when crimes were reported to them. In order to achieve this aim, three objectives were formulated that underpinned the data collection efforts: (a) to explore the nature of the crimes committed against gays and lesbians in Durban; (b) to determine the reasons why homosexuals refrained from reporting crimes committed against them to the SAPS in Durban; and (c) to explore the perceptions of homosexuals on the efforts of the SAPS when crimes were reported to them by gays and lesbians in Durban. In brief, challenges were experienced when homosexuals attempted to report crimes committed against them to the police, and it was demonstrated that their complaints were not dealt with professionally or adequately.

In order to achieve the objectives of the study, a qualitative research method was utilised based on the fact that little attention had been paid to the experiences of gays and lesbians and their perceptions of the police in previous investigations. Studies that could be traced focused largely on the number of experiences of people in the LGBTI community (i.e., quantitative analyses had been conducted) rather on listening to their voices and qualifying their experiences and perceptions of crime and police response. Therefore, the study used in-depth interviews to gather the data. These interviews provided a platform for the participants to share their experiences and their perceptions of the police. The participants of the study were selected from among gay and lesbian students at the University of KwaZulu-Natal, Howard campus. The data were collected by means of one-on-one interviews that were conducted in English, but the participants were also allowed to use IsiZulu. The researcher transcribed and translated the interviews into English.

A relatively small sample comprised fifteen (15) participants; seven (7) gays and eight (8) lesbians. The findings demonstrated unequivocally that crimes against gays and lesbians due to their sexual orientation persist and may even escalate if not curbed. It is also suggested that a lack of a relationship of trust and mutual respect between the police and homosexuals may accelerate the rates of crimes against homosexuals, because the majority of these victims

refrain from reporting incidents of abuse or crime against them to the police, and those who do pluck up courage to do so, are treated with disdain and mockery by some police officials. Some participants experienced major crimes such as assault and ‘corrective’ rape, but chose not to report these cases because they felt that they would not get help and would be exposed to secondary victimisation. The fact that crimes against homosexual victims go unreported may then open the door for perpetrators to continue committing these crimes without fear, because they do so with impunity.

## **7.2 Research Questions**

In order to achieve the objectives of this study, the following research questions were addressed:

### **7.2.1 What are the types of crimes that are committed against gays and lesbians in Durban?**

It was found that the types of crimes that were experienced by gays and lesbians in Durban included hate speech, ‘corrective’ rape, discrimination, sexual harassment, assault, and even abuse in the form of forced marriage. Hate speech was observed to be the most common type of crime that gays and lesbians were subjected to. This type of crime occurred in places such as taxi ranks, clubs, on the university campus and even on the streets when they are walking alone or with their partners. Assault was also another type of crime that was common among the participants and this type of crime occurred mostly in clubs and on the streets. This was mostly experienced by gays. On the other hand, lesbian participants were victims of ‘corrective’ rape. One participant was raped by a person she knew, whereas the other one was gang raped by a group of men at a party. Some participants experienced more than one form of abuse or crime due to their sexuality.

### **7.2.2 What are the reasons why homosexual people do not report attacks on them to the SAPS in Durban?**

The findings showed that it was not the type of crimes that gays and lesbians experienced that influenced their choice not to report the crime, but it was the level of trust they had in the police that determined whether they reported a crime or not. Some participants experienced major crimes but did not report them to the police. Of the fifteen (15) participants, only two reported the crimes committed against them (i.e., assault) to the police. On the other hand, the other thirteen participants did not report the crimes committed against them to the police. Even

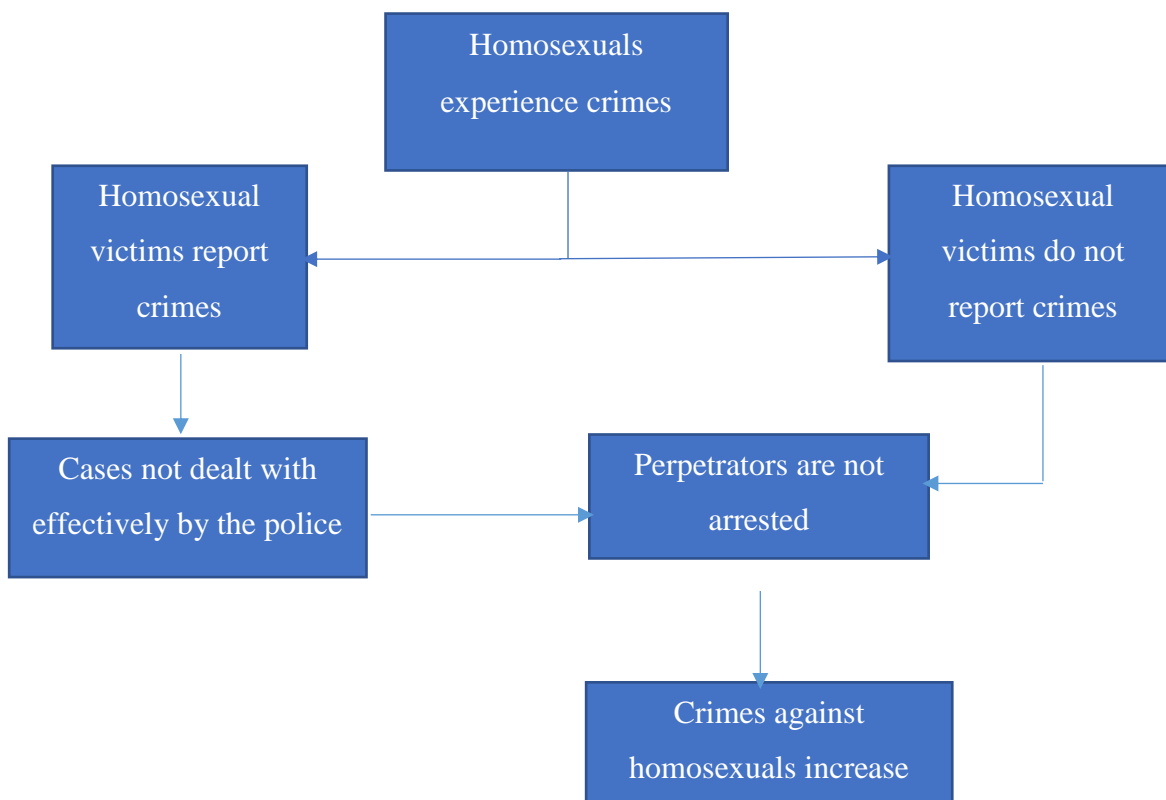
though some of the crimes they experienced could be categorised as ‘major’ or severe, they did not report them because of the following four reasons:

- A lack of trust in the police;
- The fear that their cases would not be taken seriously by the police;
- Shame and blaming themselves for the crimes; and
- They feared that their families would find out that they were homosexual.

A predominant finding was that the participants emphasised a lack of trust in the police as they believed that their cases would not be taken seriously or that they might not get the help that they needed from the police.

### 7.2.3 What are the perceptions of homosexuals on the efforts that the SAPS exert when crimes are reported to them by gay and lesbian victims in Durban?

The two participants who reported their experiences to the police emphasised the lack of effort on the side of the police and that their cases were not taken seriously. The police who took their statements exuded a distinct attitude of homophobia and mockery. No follow-up occurred as a result. The findings revealed a link between the way in which the police dealt with the cases of homosexual victims and the level of reporting. This link is explained diagrammatically in the figure below, which also elucidates the reason for the escalation of crimes against homosexual people:





## **Figure 10: Reasons why crime against homosexuals may escalate**

Source: Author

The above figure indicates the interconnectedness of reporting and under-reporting of crimes, the effect of the disinterested manner in which the police deal with the cases reported by gay and lesbian victims, and the fact that this lethargy contributes to an increase in crimes against gays and lesbians.

### **7.2.4 The role of the police**

The study further questioned the general perceptions of the participants on the role played by the police in dealing with the crimes experienced by gays and lesbians in Durban. The findings addressed the question as follows:

Only two participants reported their cases to the police, but their efforts were in vain. In general, the participants indicated that there was no support from the police when cases were reported by gay and lesbian victims. The participants who had reported their cases to the police shared the perception that they did not feel protected by the police even after reporting the cases because of the mocking and disinterested manner in which their complaints had been dealt with, as well as the fact that no feed-back had been forthcoming from the police.

### **7.3 Final conclusions: Contribution of this study to the existing body of knowledge**

Even though this study did not elicit new knowledge to this field of study per se, the findings and conclusions will contribute by augmenting the existing body of knowledge in this field. This findings of the study serve to confirm many findings in the existing literature and undeniably contribute enhanced insights into and affirm the following aspects of homosexual people's plight in society:

- It provides and confirms reasons for their lack of trust in the police;
- It confirms that lesbian and gay people tend to refrain from reporting incidences of abuse and violence in fear that their cases will be ridiculed and not be taken seriously by the police;
- It exposes the fact that even gays and lesbians who are open about their sexual orientation experience shame and guilt and want to hide their sexual status from their families and traditional communities;

- It highlights the need for the CJS to act appropriately and/or train their officials as some homosexuals are plagued by feelings of shame and blame regardless of an extensive legal framework that protects their rights and organisations that work towards enhancing their rights in society;
- It confirms entrenched societal and traditional prejudice against homosexual people, as the majority of the respondents reacted passively to crimes committed against them in fear that their families would find out that they were homosexual, secondary victimisation, and/or retaliation by perpetrators. Their fear of rejection and retaliation was an overriding factor that impacted their choice to bear the brunt of societal and police prejudice and to live in fear of the next act of abuse against them.

Therefore, this report concludes that even though there may be reports that crimes against gays and lesbians are declining, these figures could be a fallacy because of the strong suggestion that homosexuals are refraining from reporting incidences of crime against them due to their fear of retaliation and mistrust in the police.

The findings of this study, when disseminated by means of publications in academic journals and the delivery of papers at workshops, may serve as a departure point for the education of communities and other rope-players about homosexuality, the improvement of laws that deal specifically with motivated crimes against homosexual people, and the training of the police who deal with cases reported by victims, irrespective of their gender and sexual orientation.

The validity and trustworthiness of the study findings are supported by the choice of the two theories that framed the study. The phenomena of persisting and even escalating incidences of crime against gays and lesbians were adequately illuminated by the broken windows theory which argues that if a broken window is left untended, it is a sign that nobody cares; this invites more people to break windows which escalates the destruction of a previously sound building or vehicle (Wilson & Kelling, 1982). This metaphor thus explains why crimes against gays and lesbians still linger, which is essentially due to lack of reporting by gay and lesbian victims and the lethargic manner in which the police deal with reported cases. This attitude exacerbates the situation of homosexual people, as bullies and intolerant community members see them as easy targets and escalate their attacks on them.

The social constructionism theory argues that the heteronormativity that exists in societies, which is the belief that men and women should only be attracted to the opposite sex, also contributes to the victimisation of gays and lesbians. The mocking and insincere manner in which the police reportedly deal with cases reported by gay and lesbian victims shows that

homosexuality is still viewed as abnormal even by the police, and thus these reported cases are not taken seriously.

#### **7.4 General Recommendations**

The following recommendations are offered in order to improve the manner in which SAPS officials handle crimes against gays and lesbians and to find different strategies to reduce crime against homosexuals.

- **Police training:** Police should be sensitised to the plight of homosexuals and be trained in a manner that will encourage them to deal more sensitively and professionally with cases reported by gays and lesbians. Equality and a lack of discrimination should be major objectives. Even if police officers are personally, culturally or religiously against homosexuality, they should learn to deal with these cases fairly and without judgement or discrimination of homosexual victims, as that may lead to secondary victimisation of homosexuals which could impact negatively on the victim and may cause them to lack trust and not report any cases in the future.
- **Equality:** According to Section 9(1) of the Constitution of the Republic of South Africa Act No. 108 of 1996 (Constitution of the Republic of South Africa, 1996), “everyone is equal before the law and has the right to equal protection and benefit of the law”. This includes all citizens of South Africa irrespective of sexual orientation, race, gender, religion and so on. Therefore, the cases of homosexuals and heterosexual people that are reported to the police should be treated equally. For instance, a heterosexual woman and a lesbian woman who reported their cases of rape should be treated fairly and equally.
- **Laws addressing motivated crimes:** There should be laws that deal specifically with crimes that are motivated by hate or dislike of a person based on their sexuality or sexual orientation in order to thoroughly and adequately address these crimes. For instance, types of or motivations for rape should not be lodged under an umbrella term, but ‘corrective’ rape cases should be addressed specifically. Cases such as assault of a gay man because he was kissing another man or a gay man who was wearing clothes that are socially constructed as female clothes should also be dealt with under specific provisions and sanctions, and cases of discrimination against homosexuals at universities, schools, hospitals or even by the police should also be addressed under a specific law.

- **Education:** Communities should be educated about homosexuality so that they do not see it as abnormal, but as part of diversity. This can be done through the media that should portray more homosexual relationships in a way that does not portray homophobia but educate people about homosexuality in a way that normalises it.
- **Improved relationships:** The study found that a majority of victims of crimes do not report these crimes to the police, no matter how serious they are. The researcher is of the opinion that this could be caused by a poor relationship between homosexuals and the police which also causes homosexual victims to lack trust in the police. Therefore, the researcher recommends that the relationship between homosexuals, the community and the police should be strengthened because this is what seems to be a barrier to sound community/police relationships. If these relationships are built on mutual respect and trust, reporting crimes may improve and, if perpetrators are brought to justice, the reporting of cases will escalate. This can be achieved by training the police to deal professionally, transparently and effectively with cases involving gays and lesbians. Furthermore, homosexuals and the community should work closely with the police by reporting all the crimes committed against them.
- **Role of the media:** There should also be a relationship between the police and the media. If a case of a homophobic crime has been reported to the police, the results of the case should also be shared through the media in order to make other homosexuals in communities gain trust in the police and have hope that even though the crimes against them may continue, there is justice and that these crimes will be dealt with.
- **Workshops:** Homosexuals should also be exposed to workshops where they discuss issues and how to accept their lives as homosexuals. They should share their burdens and discuss how the types of crimes that they were victims of may be curbed by their own attitude and behaviour. They should be encouraged to work together with the police, LGBT organisations and their communities in order to report crimes and deal with them collaboratively.
- **Role of the community:** Support for LGBT people should not only come from the SAPS, but also from organisations in the communities where these people live and work.

- **Further research:** Other research projects may fill the gaps in this study by for example focusing on the perceptions of SAPS members in order to listen to their perceptions about dealing with the crimes reported by gays and lesbians.

### **7.5 Recommendations for Further Studies**

- The perceptions of *all* police officers who deal with crimes reported by homosexuals should be explored and, should some express prejudice, they should be re-trained in order to reflect and adopt the laws of this country in all their consequences, particularly in terms of human rights.
- Further studies should be conducted to explore and better understand communities' perceptions of homosexuals, and to determine the reasons why some community members persist in rejecting gays and lesbians regardless of the laws that protect these people's rights.
- The processes in the criminal justice system that cause barriers to dealing appropriately and efficiently with the various forms of abuse of and crimes committed against homosexuals should be explored, exposed and rectified as a matter of urgency.

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## Appendix 1: Letter of asking permission to conduct the study



Name of the researcher: Simangele Mkhize

Cell: 082 794 8669; email address: [mayekaboss@gmail.com](mailto:mayekaboss@gmail.com)

Name of the supervisor: Ephraim Kevin Sibanyoni

Tell: (040) 602 2121/ Cell: (072) 6742 403; email address: [eksibanyoni@gmail.com](mailto:eksibanyoni@gmail.com)

**Department: Criminology and forensic studies**

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TO WHOM IT MAY CONCERN

**Asking permission for conducting research at the University of KwaZulu-Natal (Howard)**

I am a Masters candidate enrolled with the University of Kwa-Zulu Natal. I am conducting a study on the perceptions of homosexuals on the roles played by the Criminal Justice System on crimes experienced by gays and lesbians in University of KwaZulu-Natal. I am asking permission for the institution to allow the gays and lesbians at Howard College, to take part in this study because this study will aid to enhance and improve the quality of their victimization prevention and improve the way the criminal justice system works in terms of dealing with crimes experienced by homosexuals.

This study aimed to explore the perceptions of homosexuals on the roles of the criminal justice system in reducing crimes against gays and lesbians in Durban; to determine the type of crimes experienced by gays and lesbians in Durban; the extent of victimization of homosexuals at the university of KwaZulu-Natal; to identify the crimes homosexuals opt to report to the police in Durban; and to identify the roles played by the criminal justice system to reduce crimes against gays and lesbians in Durban.

The information that will be provided by the participants will be treated with confidentiality, anonymity and protected. The participant's data will not be associated with his/her name or any other identifier i.e. the centre name, address, centre workers or support staff. The data will be treated with confidentiality in a way that it will not be traced back to the respondent or the centre.

Your centre is very important to this research because it represent hundreds of others which are not in the sample. The data that will be provided is valuable both homosexuals and the criminal justice system to improve the ways in which the crimes against homosexuals are handled and for scientific research.

Kind Regards

Researcher: Miss Simangele Mkhize (Masters Candidate)

A handwritten signature in black ink, appearing to read "Simangele Mkhize".

Supervisor: Mr Ephraim Kevin Sibanyoni

A handwritten signature in black ink, appearing to read "Ephraim Kevin Sibanyoni".

## Appendix 2: Gatekeeper's Letter



26 March 2018

Ms Simangele Mkhize (211541523)  
School of Applied Human Sciences – Criminology  
Howard College Campus

Dear Ms Mkhize,

Protocol reference number: HSS/1492/017M

Project title: Exploring perceptions of homosexuals on the roles played by the Criminal Justice System on crimes experienced by gays and lesbians in Durban

### Approval Notification – Full Committee Reviewed Protocol

With regards to your response received on 15 November 2017 and 15 February 2018 to our letter of 09 October 2017, the Humanities & Social Sciences Research Ethics Committee has considered the abovementioned application and the protocol has been granted **FULL APPROVAL**.

Any alteration/s to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form, Title of the Project, Location of the Study, Research Approach and Methods must be reviewed and approved through the amendment /modification prior to its implementation. In case you have further queries, please quote the above reference number.

**PLEASE NOTE:** Research data should be securely stored in the discipline/department for a period of 5 years.

The ethical clearance certificate is only valid for a period of 3 years from the date of issue. Thereafter Recertification must be applied for on an annual basis.

I take this opportunity of wishing you everything of the best with your study.

Yours faithfully

.....  
Professor Shenuka Singh (Chair)

/ms

Cc Supervisors: Mr Ephraim Kevin Sibanyoni  
Cc Academic Leader Research: Dr Jean Steyn  
Cc School Administrator: Ms Ayanda Ntuli

---

Humanities & Social Sciences Research Ethics Committee

Dr Shenuka Singh (Chair)

Westville Campus, Govan Mbeki Building

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Website: [www.ukzn.ac.za](http://www.ukzn.ac.za)



Flagship Campuses: Edgewood Howard College Medical School Pietermaritzburg Westville

## Appendix 3: Ethical Clearance Letter



26 March 2018

Ms Simangele Mkhize (211541523)  
School of Applied Human Sciences – Criminology  
Howard College Campus

Dear Ms Mkhize,

Protocol reference number: HSS/1492/017M

Project title: Exploring perceptions of homosexuals on the roles played by the Criminal Justice System on crimes experienced by gays and lesbians in Durban

### Approval Notification – Full Committee Reviewed Protocol

With regards to your response received on 15 November 2017 and 15 February 2018 to our letter of 09 October 2017, the Humanities & Social Sciences Research Ethics Committee has considered the abovementioned application and the protocol has been granted **FULL APPROVAL**.

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**PLEASE NOTE:** Research data should be securely stored in the discipline/department for a period of 5 years.

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I take this opportunity of wishing you everything of the best with your study.

Yours faithfully

Professor Shenuka Singh (Chair)

/ms

Cc Supervisors: Mr Ephraim Kevin Sibanyoni  
Cc Academic Leader Research: Dr Jean Steyn  
Cc School Administrator: Ms Ayanda Ntuli

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Website: [www.ukzn.ac.za](http://www.ukzn.ac.za)



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## Appendix 4: Letter of a Psychologist



Psychology Discipline

School of Psychology, University of KwaZulu-Natal, Durban 4013, South Africa. Tel: +27 (0)31 260 3612/7425 Fax: +27 (0)31 260 3611 or 2618 E-mail: Psychology@ukzn.ac.za

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TO WHOM IT MAY CONCERN

Gatekeeper letter - Simangele Mkhize (211541523 )

We herewith confirm that Simangele Mkhize is a Masters student in Criminology at the University of KwaZulu-Natal, Howard College Campus. As part of her studies, she will be required to conduct research.

Her topic is: "Exploring perceptions of homosexuals on the roles of the Criminal Justice System on crimes experienced by gays and lesbians in Durban"

There might be potential traumatising of participants due to disclosing about stressful events that they may have experienced.

We herewith give permission from the Psychology Clinic to allow participants to access clinic services should it be necessary.

Yours Sincerely,

Prof D Cartwright  
Director: Masters' Clinical \ Counselling Programme  
School of Psychology  
University of KwaZulu-Natal  
Howard College Campus  
P. Bag X54001  
Durban 4000  
031- 260 7425 (Administrator)

13 November 2017

SCHOOL OF APPLIED HUMAN SCIENCES  
Discipline: Psychology & Professional Studies  
College of Humanities  
University of KwaZulu-Natal

## Appendix 5: Informed Consent

# INFORMED CONSENT

Dear Participant

My name is **Simangele Mkhize**. Student no: **211541523**. I am a Criminology and Forensic Studies Masters candidate studying at the University of KwaZulu-Natal, Howard College campus, South Africa.

I am doing a study entitled:

**“Exploring the perceptions of homosexuals on the role played by the South African Police Services on crimes experienced by gays and lesbians in Durban”**

I am interested in investigating your experiences and perception of gays and lesbians. Your participation in this study entails consenting to participating in the interview. Before participating in this study please note the following:

- Your confidentiality is guaranteed as your inputs will not be attributed to you in person, but reported only as a population member opinion.
- The interview may last for about 30 up to 45 minutes depending on your preference.
- Participating in this study is voluntary and you are allowed to withdraw in the middle of the interview if you feel uncomfortable or do not want to continue.
- Any information given by you cannot be used against you, and the collected data will be used for purposes of this research only.
- When the researcher writes the report, your real name will not be used.
- Your participation is purely for academic purposes only and there are no financial benefits involved.
- The researcher requests to use an audio recorder for the purpose of ensuring trustworthiness of the study.
- If you are willing to be interviewed, please indicate (by ticking as applicable) whether or not you are willing to allow the interview to be recorded by the following equipment:

	Willing	Not willing
Audio equipment		

For any further information please feel free to contact me or my research supervisor Mr Ephraim Sibanyoni. If you have any queries with regards to the rights of the research participants, please contact the Ethics Administration Office.



## **Contact Details**

Simangele Mkhize

Email: [211541523@stu.ukzn.ac.za](mailto:211541523@stu.ukzn.ac.za)

Cell: 060 881 8771

Mr Ephraim K Sibanyoni

Email: [SibanyoniE@ukzn.ac.za](mailto:SibanyoniE@ukzn.ac.za)

Tel: 063 227 6887

## **Ethics Administration**

Research Office

Westville Campus

Govan Mbeki Building

Private Bag X 54001

Durban

4000

Telephone: 031 260 4557

Fax: 031 260 4609

Email: [HSSREC@ukzn.ac.za](mailto:HSSREC@ukzn.ac.za)

## Appendix 6: Declaration of Consent

### DECLARATION OF CONSENT

I ..... (Full names of participant) have been informed about the study entitled “**Exploring the perceptions of homosexuals on the role played by the South African Police Services on crimes experienced by gays and lesbians in Durban.**” by Simangele Mkhize.

- I understand the purpose and procedures of the study.
- I have been given an opportunity to ask questions about the study and the answers were to my satisfaction.
- I declare that my participation in this study is entirely voluntary and that I may withdraw at any time without affecting any treatment or care that I would usually be entitled to.
- If I have any further questions about the study, I understand that I can contact the researcher and the university.

**Signature of participant:**

\_\_\_\_\_

**Date:**

\_\_\_\_\_

## Appendix 7: Interview Schedule



***Simangele Mkhize***

**211541523**

**Topic:** Exploring the perceptions of homosexuals on the role played by the South African Police Services on crimes experienced by gays and lesbians in Durban

### **Interview schedule**

**The following questions pertain to the crimes committed against gays and lesbians in Durban.**

What are some of the experiences you have had as a lesbian/gay in the community that you live in?

What kind of offence did you experience?

How often have you experienced victimisation based on your sexuality in campus/ residence or in your community?

Do you think the reason you experience that type of crime is because of your sexuality? Please explain why

**The following questions pertain to the reasons why homosexual people do not report attacks on them to the SAPS in Durban.**

When you reported the case to the police what did you expect?

**If you did not report it what was the reason for not reporting the case?**

What did you find upon the responses of the police in terms of dealing with your case?

**The following questions pertain to the perceptions of homosexuals on the efforts that the SAPS exert when crimes are reported to them by gay and lesbian victims in Durban.**

What kind of treatment did you get from the police officials?

How did you feel about the way the police treated you?

What were the results of the case?

The following questions pertain to the perceptions

How much support do you think homosexual victims and their families get from the police?

What are your thoughts on the way the police are handling the cases reported by gay and lesbian victims?

What is your idea on how crimes against homosexuals can be reduced?

Would you like to share anything else?

**Thank you for your time**