



Political Parties and the Protection of Democratic Rights of Sexual Minorities

By

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Plagiarism Declaration

I declare that this mini thesis has been developed solely by myself and that it has not been submitted, in whole or in part, in any previous application for a degree. Except where expressly stated otherwise by reference or acknowledgement, the work presented is entirely my own.

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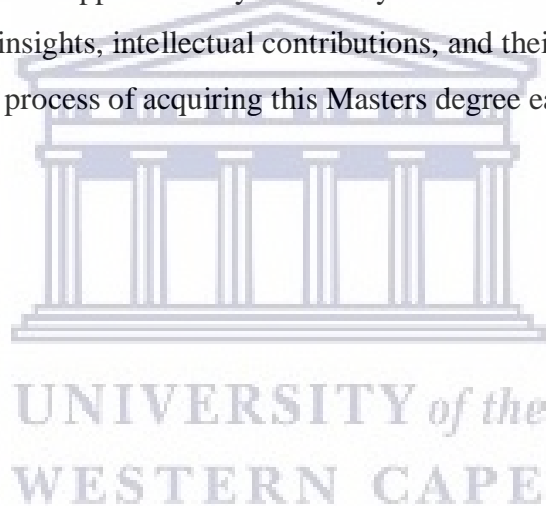
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This research project would not have been possible without the support structure that I have in my life, and here is where I would like to acknowledge them.

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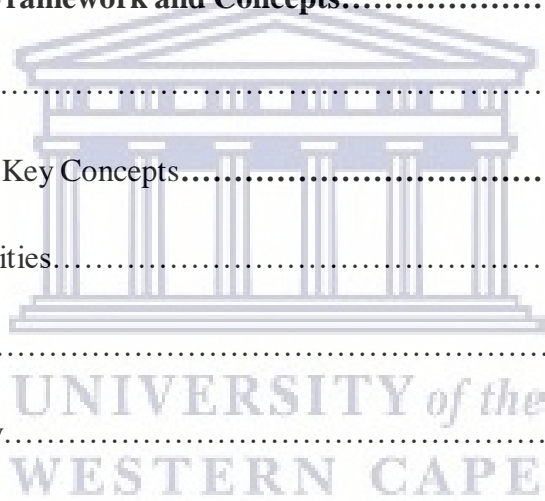


Abbreviations

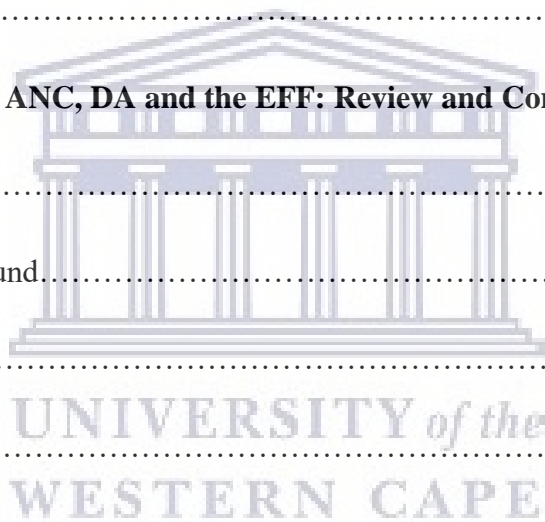
ACDP	African Christian Democratic Party
ANC	African National Congress
ANCYL	African National Congress Youth League
CBO	Community Based Organisation
CDA	Critical Discourse Analysis
CONTRALESA	Congress of Traditional Leaders of South Africa
DA	Democratic Alliance
EFF	Economic Freedom Fighters
GLAAD	Gay & Lesbian Alliance Against Defamation
IP	Independent Party
LGBTQIA+	Lesbian, Gay, Bisexual, Transgender/Transsexual, Questioning/Queer, Intersex, Asexual/Allied, + (what words cannot yet describe for gender and sexuality)
NCRR	National Conference Report and Resolutions
NDM	National Democratic Movement
NDP	National Development Plan
NEC	National Executive Committee
NGO	Non-Governmental Organisation
NP	National Party
NPA	National Prosecutions Authority
PFP	Progressive Federal Party

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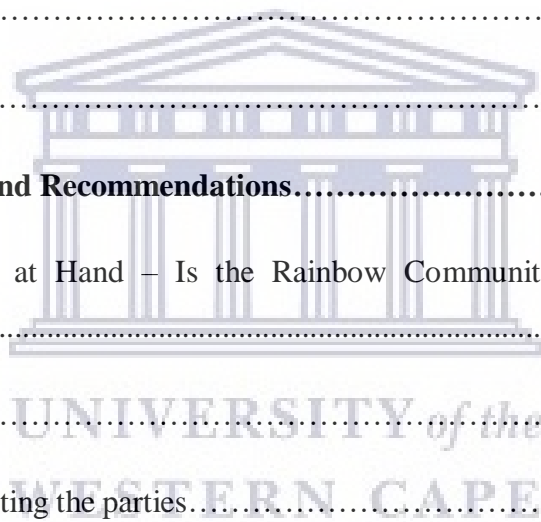
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Title: ‘Political Parties and the Protection of Democratic Rights of Sexual Minorities’.

Abstract

The protection of sexual minorities’ civil rights and freedoms is paramount in a democratic state considering that these rights are infringed upon on a daily basis through violent crimes such as corrective rape, murder and physical assault. This study intends to establish whether sexual minorities’ democratic rights are being protected and whether political parties are facilitating this process, and if not, why not? In addition, this study will address the question: what is the role of political parties’ in a democratic state, and how do these roles enable the protection of civil rights, inclusivity, and equality? To answer these questions, I will engage in critical discourse analysis of key documents and speeches from the three largest political parties in South Africa: the African National Congress (ANC), the Democratic Alliance (DA), and the Economic Freedom Fighters (EFF). I will analyse the political parties’ policies, manifestos, and public speeches in order to discern their approaches to protecting sexual minorities. I will further assess whether their support is only theoretical, or if they put the objectives of their policies, manifestos and public speeches into practice. The research concludes in detail how and why the parties’ formal documents, public statements and speeches and do not protect the rights of sexual minorities.

Key Words: *Sexual Minorities; Democracy; Rights; Protection; Equality; Freedom; Policies; Manifestos; Political Parties.*

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Chapter 1 – Introduction and Background

1.1. Background and Outline of the Research Problem

Sexual orientation in its diverse forms has been shrouded in controversy from time immemorial and continues to be a controversial topic of engagement in contemporary South Africa (Tebele, 2013: 28). Social institutions and organisations such as religious organisations have had and continue to play an influential role in society that has largely focused on teaching the content of the Bible in relation to everyday life and sexuality (Asuelime, 2016: 46). This influence contributes to the social construction of gender and sexuality and how they are deemed to be performed, i.e. the roles that men and women must assume within the status quo, referring to a society that encompasses heteronormativity with the inevitability of procreation, as opposed to homosexuality that may imply lack of procreation (Amendt, 2002: 4). This implication about sexual minorities is coupled with misunderstandings and misinterpretations about the lifestyles of sexual minorities within society, which influence the manner in which sexual minorities are treated. In this research sexual minorities are identified as LGBTQI+¹ persons whose democratic rights may not be wholly recognised and protected because their identities have been classified as the ‘other’ or different from the majority’s [heterosexuals] sexual identity, orientation or practices within society (Namwase et al, 2017: 4). The + is “a denotation of everything on the gender and sexuality spectrum that letter and words can’t yet describe” (Gold, 2018).

An example of how sexual minorities are treated is seen when a member of the National Executive Committee (NEC) of the ANC, now late, Ruth Mompati, said that “gays have no problems”, “I don’t see them suffering”; and “no one is prosecuting them” (Cock, 2003: 36). In addition to these statements, Ms Mompati felt that during the liberation struggle, the gay movement was trying to defer attention away from the anti-apartheid movement to their own cause (Cock, 2003: 36). It is evident that albeit having permitted the ‘equality clause’ for the LGBTQI community, some, if not most, ANC members still have negative perceptions of and

¹ According to Gamache & Lazear (2009: 3) LGBTQI, stands for Lesbian – a woman who is physically, emotionally, and mentally attracted to other women; Gay – a man or woman who is physically, emotionally, and mentally attracted to the same gender (this term is used to identify either men or all sexual minorities); Bisexual – a man or woman who is physically, emotionally, and mentally attracted to both genders. In addition, Transgender – a person whose self-identity as male or female differs from their anatomical sex determination at birth; Questioning – a person, often an adolescent, who questions his or her sexual orientation or gender identity and does not necessarily identify as definitively gay. Moreover, Intersex – a person born with an indeterminate sexual anatomy or developmental hormone pattern that is neither male or female; and Transitioning – often defined as the process of ceasing to live in one gender and role and starting to live in another, undertaken by transgender and transsexual people (Gamache & Lazear, 2009: 3).

attitudes towards the community (Amendt, 2002: 5) thus perpetuating subjective implications about sexual minorities².

Sexual minorities in the contemporary era are still struggling with attaining equal rights and freedoms despite being granted the “gay rights clause”, also known as the Equality Clause that is entrenched in Section 9 of the Constitution of the Republic of South Africa, that sought to forbid discrimination on the premise of sexual orientation (Cock, 2003: 35). Sexual minorities are confronted with the everyday contradiction between the theory of their entrenched rights and freedoms in the Constitution of the Republic of South Africa, and the difficulty in realising these rights. For instance, Chapter 2 of the Bill of Rights, section 7 sub-section 1, states, “this Bill of Rights is a cornerstone of democracy in South Africa. It aims at enshrining the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom’ (Constitution of the Republic of South Africa, 1996: 5). Sub-section 2 states that, “the state must respect, protect, promote and fulfil the rights in the Bill of Rights” (Constitution of the Republic of South Africa, 1996: 5). However, problems such as discrimination, verbal harassment, sexual harassment, physical assault, corrective rape, and murder still continue (Lane et al, 2008: 430). These acts of violence are experienced on a daily basis, whether in a social setting such as a nightclub or religious organisation, at the workplace, in the healthcare system, in secondary and tertiary schools, and/or from the police force.

Sexual minorities are susceptible to the aforementioned acts of violence due to the social constructs of sexuality and gender. For instance, in a *Report on School-Based Violence* produced by The South African human Rights Commission, a victim of corrective rape stated, “I have been raped six times, five times just because I am gay. I was raped by men I know, who wanted to show me what it means to be a woman. They thought that it would change me, that it would keep me from being gay. The smell of hate never goes away... it has made me think and feel I am mad and sometimes it hits me like I am worth nothing” (South African Human Rights Commission, 2008: 9 in Vollenhoven & Els, 2013: 277). This results in feelings of isolation that lead to depression, which may result in suicide (Tamale, 2014: 152).

Furthermore, there are certain religious organisations, such as the African Christian Democratic Party (ACDP), that believe that the lifestyles of sexual minorities can be “fixed” through therapy (Van Vollenhoven & Els, 2013: 264), while others condemn sexual minorities’

² The term sexual minorities will be used as the overall description of the LGBTQI community in the thesis. It is important to note that the three key political parties in the thesis have different variations of the LGBTQI acronym and will also be mentioned as they are used in quotes.

lifestyles through speeches in church sermons or religious gatherings - at a conference held in Pretoria that discussed the rejection of same-sex marriage in the Anglican church, Bishop Alan Kannemeyer commented, “we will deal with this uncomfortable subject until we are at peace with it” (Smillie & Seal, 2017). Other religious organisations have also received attention for questionable acts inflicted on members of the congregants. During a retreat organised by the Shembe Nazareth (eBuhleni) church at Ekhenana Mountain in Thongathi, Dumisani Ngcobo, was verbally assaulted and threatened, then physically assaulted with a large stick by the preacher of the church (Ngubane, 2018). The acts of assault stemmed from a false accusation that was made against Dumisani – that he inappropriately touched another congregant, whereas he was merely searching for his lost cellular phone (Ngubane, 2018). The preacher physically assaulted Dumisani from head to toe until he was numb while bleeding, while Dumisani was half naked on a straw mat, only to be expelled from the church afterwards (Ngubane, 2018).

When sexual minorities report crimes that have been inflicted upon them to law enforcement agencies, they are often ridiculed and humiliated by officers (Collison, 2018). For instance, when a 25-year old gay man living in the East part of Philippi in the Western Cape was beaten, choked, and raped for merely being gay, he went to report the hate crime to the police station. Despite being the victim, the officers questioned, “How can you be raped when you are a man? How can another man rape you?” (Collison, 2018). If police officers do not ridicule sexual minorities when reporting a crime, they make a point of showing disinterest in assisting victims by turning them away, or they do not make further attempts to apprehend the perpetrators of the crimes (Collison, 2018 & Cock, 2003: 41). For example, three ladies by the names of Sibongile*³, Zukiswa Gaca⁴, and Millecent Gaika⁵ who identify as lesbian and are from different townships in South Africa, were raped on three different occasions by three different men. The similarities in their stories are that they were raped by men whom they thought they could trust, the same men who during and after the ordeal, claimed to hate lesbians. In addition, their cases were not taken seriously by law enforcement, in that they were not thoroughly investigated, which allowed for the perpetrators to walk away without the victims receiving justice (Thomas, 2013: 9 & 15; Mwambene & Wheal, 2015: 63-64).

A study by ActionAid explained that 66% of lesbian women who had been sexually assaulted choose not to report their attack because they said that they would not be taken seriously – “when a lesbian woman is raped, her family and people in the street say she deserved it, and

³ Sibongile is not her real name.

⁴ Her real name – it was used in the research that Mwambene & Wheal used in their study.

⁵ See 5.

her rapist showed her how to be a woman” (ActionAid, 2009: 13). In addition, women who do seek justice get let down – only one in five reported rapes end up in court (ActionAid, 2009: 13).

Many acts of hate and violence based on homophobia are premised on the influence of religion, be it on a large or small scale. The majority of South African citizens are religious and justify their actions with religious prescripts, i.e. corrective rape – “God made Adam and Eve, not Adam and Steve” (Ashcraft, 2018). They do this with the view to turn sexual minorities into heterosexuals (Vollenhoven & Els, 2013: 277). Another example would be hate-speech such as, “Homosexuality is unnatural, we are human beings, not animals” (Singh, 2017). These justifications are based on shallow interpretations from chosen Biblical verses, and not from in-depth research to attain objective understandings (Pellet, 2017: 52).

1.2. Research Question

What role do political parties play in protecting the democratic rights of sexual minorities in South Africa?

1.3. Research Rationale

The rationale for this research project is motivated by the aforementioned background information that shows that sexual minorities are still experiencing high levels of discrimination and victimisation within a socio-political context. Given these high levels of discrimination and violence I am interested in understanding whether political parties, who are mandated to represent voter's interests, rally in the protection of the rights of sexual minorities. Do they provide an environment for inclusivity and equality? If not, why, and what are the gaps between the practical protection of rights and the theoretical promises to do so? These are broad questions, and this study cannot answer them to the fullest extent, however it will gather formal documents, public speeches, interviews and statements, and information from an interview that has been conducted with the leader of an LGBTQI+ organisation to contribute to further understanding these issues.

A number of sub-questions are also relevant, including: what are political parties; what is the relationship between political parties and democracy; why is it important to protect the rights of sexual minorities; and what is the relationship between the protection of [sexual minority] rights and democracy?

To achieve these research goals, I will draw from literature previously published documents in relation to this research topic to provide the context within which the present study should be understood. This research study is a desktop-based project that encompasses Critical Discourse Analysis (CDA) as a method of analysis used to analyse three political parties, namely the African National Congress (ANC), the Democratic Alliance (DA), and the Economic Freedom Fighters (EFF) and their formal documents, i.e. their manifestos, policies and constitutions, to learn whether their roles include protecting the rights of sexual minorities. I have supplemented this process with a qualitative research methodology to gather in-depth data through an interview that was conducted with a representative from SameLoveToti, an LGBTQI NGO that has experience with the socio-political culture of South Africa and sexual minorities.

Therefore, this thesis mainly looks at political parties' textual material, i.e. their formal documents, and focusses less on what they do in practice. Specifically, I will be looking at the text that has been outlined in the parties' programs, i.e. manifesto's, policies, and constitutions. Therefore, my critical discourse analysis will be of the parties' formal documents. Followed by the analysis of the parties' textual material, I will incorporate their practices to see whether they correlate with their textual documents, i.e. are the parties practising what they preaching? This is to add depth to the conversation about political parties' role in protecting the rights of sexual minorities in South Africa, and how this affects its democracy and democratic norms.

To further rationalise the research problem, I will first briefly discuss political parties and their role in the protection of democratic rights and sexual minorities. Following this, I will briefly discuss sexual minorities - who they are and why it is imperative that their rights are protected.

1.3.1. Political parties

Political parties can be identified as institutions that play an imperative role in sustaining democratic systems as they act as facilitators of political participation (Caramani, 2014: 200). They vary in the manner in which their organizations are structured, and in the implementation, or lack thereof, of their objectives. Because of this, different schools of thought argue whether some political parties should be considered as standing political parties, Non-Government Organisations (NGOs), or community-based organisations (CBOs). Huckshorn (1984: 10) defines a political party as “an autonomous group of citizens having the purpose of making nominations and contesting elections in the hope of gaining control over governmental power through the capture of public offices and the organisation of the government.” This research sees political parties as important non-state actors that can fulfil the role often played by civil

society organisations, such as protecting the rights of vulnerable groups, such as sexual minorities.

1.3.2. Sexual minorities

The scope of previous literature that speaks to the relationship between sexual minorities and politics and/or political parties exist in South Africa, but are very minimal when compared to the West and Europe (Stychin, 1996: 455). I will discuss three journal articles that pertain to the relationship between sexual minorities and politics and/or political parties.

Carl Stychin discusses the grapple of sexual orientation in South Africa's Bill of Rights in that there is no defined and substantial inclusion of sexual minorities in the Bill of Rights except for the word 'sexual orientation' (Stychin, 1996: 455-456). In addition, Stychin speaks of the impact that racial tensions, socio-economic issues, and how the majority of heterosexuals play a role in the accessibility or ease of exercising one's democratic rights. In other words, who, between the majority of heterosexuals and sexual minorities, can easily exercise their rights, and who has more social support because of the social and anatomical status quo, i.e. reproduction (Stychin, 1996: 466).

Moreover, Stychin discusses the practical use of the rights entrenched in the Constitution and the Bill of Rights by legislature, the executive, political parties, and citizens. In addition, what the said rights symbolise for South Africa's democracy and its citizens, more so sexual minorities (Stychin, 1996: 455). Furthermore, he presents the influence that religion and politics have on the perception of sexual minorities and the moral standing of society and how they affect democratic norms; which in return affect sexual minorities' sense of belonging with society (Stychin, 1996: 477).

Sheila Croucher on the other hand discusses the extent to which sexual minorities were and are affected by the processes that lead to the legal inclusion of sexual orientation in the Constitution and the Bill of Rights. However, social divide remains an issue because of South Africa's profound history of segregation, and the stigma attached to homosexuality (Croucher, 2002: 315). Moreover, she adds to Stychin's viewpoint that race has had and still has an influence on the division within the LGBTQIA+ community in that white sexual minorities are more privileged than black sexual minorities. This is to say that black sexual minorities are not able to exercise their democratic rights as easily as white sexual minorities are. This is owed to South Africa's divided racial history, and the significant socio-economic imbalance between black and white citizens (Croucher, 2002: 315-317). In addition, Croucher speaks of how

homosexuality is still being associated with being a foreign notion, or a “Western colonial import”, and how literature on the relationship between sexual minorities and political movement, i.e. sexual minority liberation movements; is minimal in South Africa when compared to the West’s and European pool of literature that pertains to the relationship between sexual minorities and politics and or political parties (Croucher, 2002: 316-317). Furthermore, Croucher speaks to how having sexual orientation in the Constitution of South Africa and the Bill of Rights has enhanced South Africa’s democracy, strengthened civil society, and created a balance of power among the three branches of government (Croucher, 2002: 318-319).

According to Eric Christiansen, South Africa having made the liberal decision to include sexual orientation in its Constitution made for a “dramatic” progression (Christiansen, 2000: 998). In addition, providing reformation for previously disadvantaged citizens, which gives rise to reparations for those that were oppressed. Moreover, he questions the decision to why ‘violent oppression against sexual minorities was rejected and they were provided with legal protection in South Africa’s initial democratic Constitution (Christiansen: 2000: 999).

Sexual minorities, as previously noted, are identified as LGBTQIA+ persons whose democratic rights may not be wholly recognised and protected because their identities have been classified as the “other” or different from the majority’s [heterosexual] sexual identity, orientation, or practices within society (Namwase et al, 2017: 4). Additionally, sexual minorities have been part of a profound socio-political discourse where their stance in society has been severely questioned (Arndt & de Bruin, 2006: 16). This is to say; negative perceptions of sexual minorities have made them susceptible to socio-political marginalisation. For this reason, sexual minorities have had to persistently rally towards attaining democratic rights that are equal to their heterosexual counterparts (Arndt & de Bruin, 2006: 16). Lick et al (2013: 521) states that the discourse “has resulted in notable improvements for LGB individuals around the world, including the extension of partner benefits to same-sex couples and legal protections for LGB individuals who face hate crimes.”

However, despite the fact that laws have been put in place for sexual minorities to ensure inclusivity via equal rights, sexual minorities are recorded to have some of the highest rates of mental health struggles, suicide rates among youth, and even face the death penalty in some countries such as in Uganda (Ward, 2013: 410). In addition, sexual minorities are recorded as being more inclined to being bullied, experience judgement and discrimination, and internal homophobia when one has been brought up in a religious community (Gibbs, 2015: 2). Internalised homophobia is marked by negative attitudes, negative beliefs, negative feelings

and stereotypes about sexual minorities that are directed inwards by an individual that has “same-sex attraction or feelings of discontent with one’s biological gender” (Gibbs, 2015: 2).

With regards to the protection of democratic rights, it is vital that citizens, specifically sexual minorities have their democratic rights protected as it fortifies the objectives or intention of a democracy (Oxfam, 2009: 5&16).

Thus, the establishment of various civil society organisations i.e. Non-Government Organisations (NGOs) play a critical role to ensure the protection of sexual minorities rights. Their role is important because they act as emotional buffers for if, or when, sexual minorities experience trauma, and need support which their family members, religious communities or friends may not be able to (Gibbs, 2015: 1). This is done, while venturing towards the fortification of democracy and the “attainment of full equal rights, and the removal of all forms of discrimination” (Engender, 2009: 14).

Essentially, the attainment of equal rights and freedoms is vital due to the fact that if a certain group of minorities’ livelihoods are threatened, this creates potentially damages democratic norms and raises the question of whether democratic systems are aimed at serving all its citizens or whether they are selective. Indeed, you could ask, why be governed by a democratic system, if with the system does not wholly fulfilling its objectives of equality and socio-political inclusion?

1.4. Structure the thesis

The structure of the thesis begins with Chapter One that encompassed the background of the research project and provided context to the research problem. Additionally, this chapter entails the research question and the research rationale.

Chapter Two encompasses the theoretical framework and the key concepts of the study that emerge from the research topic. Key concepts are defined and explained, particularly democratic theory and the ‘quality’ of democracy or democratic norms, including Diamond & Morlino’s eight dimensions of obtaining and maintaining a ‘quality’ democracy. The chapter also discusses research themes and why or how the themes are relevant to the research study.

Chapter Three outlines the methodologies that were used to collect data that help answer the research question. In addition, limitations and ethical considerations are also discussed.

Chapter Four focuses on the three political parties, looking first at their history's and background's, and then examining the contents of their formal documents and content related to sexual minorities.

Chapter Five is the critical analysis of the three parties' formal documents, public speeches, and statement, including data from the interview conducted with SameLoveToti.

Chapter Six concludes the research, providing an answer to the research question and offering recommendations.



Chapter Two: Theoretical Framework and Concepts

2.1.Introduction

Democratic systems are seen to be the preferred systems of governance as opposed to autocratic, totalitarian and hybrid regimes (Harrison & Boyd, 2018: 81) simply because democratic systems theoretically operate to protect the interests of its citizens. This is to say that democratic systems implement constitutional laws that are intended to benefit its citizens without infringing on citizen's rights. In theory, democratic systems provide citizens with freedom and equality that are supported by political and civil rights but in practice, citizens that form part of a minority, such as sexual minorities, may be marginalised when wanting to exercise their political and civil rights. Who, then, does democracy really serve and protect?

To address the research question, key concepts need to be established and unpacked, providing context to this thesis at large. As such, this chapter will be divided into two sections. The first section one will unpack two main concepts: *a)* sexual minorities and queer theory in relation to sexual minorities; and *b)* political parties, how they are defined, and what their functions are. The second section will then discuss democratic theory, looking at the relationships between democracy, political parties, and the protection of sexual minorities' rights. This review aims at explaining and understanding the literature on South Africa's contemporary democratic and political position on social inequality, particularly towards sexual minorities. This review will provide theory to develop a research framework that can then be applied to political parties to understand their approach to the protection of the rights of sexual minorities.

2.2. Section 1: Defining key concepts

This section unpacks the key concepts that emerge from the research topic namely. First, sexual minorities will be discussed, including queer theory that speaks to the linguistic connotations and social structures of sexual minorities. Second, political parties will be discussed, including the functions, characteristics and importance of political parties to better understand the role they play in a democratic society.

2.2.1. Sexual Minorities

Sexual minorities are identified as LGBTQI persons whose democratic rights may not be wholly recognised and protected because their identities have been classified as the “other” or different from the majority’s (heterosexual) sexual identity, orientation or practices within society (Namwase et al, 2017: 4). Sexual minorities have been part of a profound socio-political discourse where their stance in society has been severely questioned to the point where legality had to be incorporated (Arndt & de Bruin, 2006: 16). Sexual minorities have been criminalised and detained, harassed, abused, and attacked because of their sexual orientation. To better protect sexual minorities and acknowledge them as equal citizens, laws such as the Equality Clause and criminalisation of discrimination based on one’s sexual orientation were entrenched in the Bill of Rights (Chapter 2, Section 9). In addition, exploratory questions are asked to understand the rationale for sexual minorities rights being marginalized, such as: “are gay rights human rights,” “what does it mean to be human,” and “who decides who is human worthy of rights and who is not?” (Namwase et al, 2017: 4). As such, when sexual minorities’ rights are discussed in this section, it should be recognised that they too are human, and are not seeking separate rights, simply right that are equal. The section that follows entails categories of gender identity that fall under the umbrella of sexual minority.

2.2.2. Gender Fluid

Deyi (2016: 128) states that in as much as sexual minorities, lesbian women, gay men, and bisexual persons are marginalised and abused in society, transgender persons are ridiculed to a higher extent in that they are treated as “untouchables,” owed to “the fact that the moral failure lies in society’s unwillingness to contain or embrace different gender identities and expressions” (Deyi, 2016: 128). In addition, transgender persons are not or have not been granted the right to express their gender and names in their identity documents, which “inhibits the carriers right to vote, access healthcare, education, and other socio-economic rights,” further impeding on their ability to attain employment or be homeowners, and importantly, it alienates sexual minorities (transgender/transsexual and other gender non-conforming persons) in their own countries from being citizens; all of which are central to one’s dignity (Deyi, 2017: 130). Section 7(2) of the Identification Act of South Africa states:

An identity number shall be compiled in the prescribed manner out of figures and shall, in addition to a serial index and control number, consist of a reproduction, in figure codes, of the following particulars, and no other particulars whatsoever, of the person whom it has been assigned, namely –

- a) His or her date of birth and gender; and*
- b) Whether or not he or she is a South African citizen ((Deyi, 2017: 130).*

The Act thus distinguishes gender solely within a binary without the inclusion of gender-neutral identifying options such as ‘they’ or ‘them’, which implies that the Act has an “essentialist understanding of gender” (Deyi, 2017: 130). Gender essentialism, as explained by Rubin (1984: 278), is “the idea that gender is biological and a natural manifestation of a person’s birth-sex”. Thus, “this conception of gender produces gender hierarchism, a system

privileging and legitimising certain, often cisnormative⁶ forms of gender expression over others” (Rubin, 1984: 278). This is to say that gender can only be understood in existence of a man or a woman that emerge from male or female biological traits, with the exclusion of existing alternative gender variations (Deyi, 2017: 130). This may be why political parties grapple to explicate their proclamations for equality for all citizens, and why the South African Constitution and Bill of Rights is not meticulous⁷ with regards to the rights, freedoms and equality laws that are aimed towards protecting sexual minorities. Due to the fluidity of gender, proclamations made by political parties and the laws enshrined in the Bill of Rights have to be labelled under one umbrella, i.e. sex, sexual orientation or gender. Could this mean that South Africa’s laws perpetuate the marginalization of sexual minorities’ rights? When South African law incessantly marginalizes the rights of sexual minorities, this may have repercussions of essentially erasing transgender persons’ identities, which denies them access to their basic human rights (Deyi, 2017: 130).

2.2.3. Queer Theory

The word queer is largely associated with femininity as opposed to masculinity i.e. a feminine homosexual man or a masculine homosexual woman (Jolly, 2000: 1), which produces identifying word such as “fairy” and “flamboyant,” or "butch" and "dyke" respectively. This provides an indication that there are pre-existing convictions around homosexuality and queer, which indicates the primary apprehension of differentiation between gender, sex, and sexuality (Jolly, 2000: 1). In other words, it is understood that, within the construct of gender, a man can take on the role of a woman and a woman can take on the role of man – either gender is performed (Jolly, 2000: 1).

⁶ Cisnormative is a term which refers ‘to the assumption that it is more “natural” or “normal” to keep the body intact than to transition or transform your sex or gender’.

⁷ Meticulous with regards to identifying each and every sexual identity and gender identity, and lack thereof.

According to Giesking (2008: 737), the word queer was and is used as a generalised term of estrangement towards individuals that identify as being part of the LGBTQI community. Words such as “fairy” were used in conjunction with queer to describe the homosexual man, albeit them being more masculine or equally masculine as their heterosexual counterparts (Jolly, 2000: 2). The two words would get used interchangeably, despite them having different meanings (Brontsema, 2004: 5). There was no distinction between the usages of the two words - they were merely used to describe any and every man that had sexual relations with another man, regardless of the extent of their masculinity or how and what they may identify themselves as (Brontsema, 2004: 3). Moreover, very much like how the word gay has been constructed to be used as a negative term, the term queer has been too and is seen as a demeaning description that seeks to marginalise sexualities that are not considered to be a part of the norm (Jolly, 2000: 2).

On the other hand, queer has been sought out to be reformed by the very people that it aimed to degrade – LGBTQI community (Jolly, 2000: 2). It was reintroduced as a socio-political statement that aimed to connect the binary of normality/normativity (Milani, 2013: 617) and hetero-homo (Jolly, 2000: 2). Therefore, queer theory accepts the differentiation of gender, sex and sexuality categories, and positioned them as interlinking, socially and historically (Milani, 2013: 617). In other words, the historical linguistic construction of gender, sex and sexuality by political anti-homosexuals aimed at classifying each variation as what they believed they stood for and how they were to represent. For example, gender was meant to represent masculinity and femininity, sex represented the male and female biology on the premise of their sexual and reproductive organs (Milani, 2013: 617), and sexuality represented the ‘normative’ heterosexual orientation of a man or a woman (Jagose, 1996: 99). The aforementioned variations were thus constructed to discern that they were not interlinked, and to further pursue a viewpoint that was determined to indoctrinate heteronormativity (Milani,

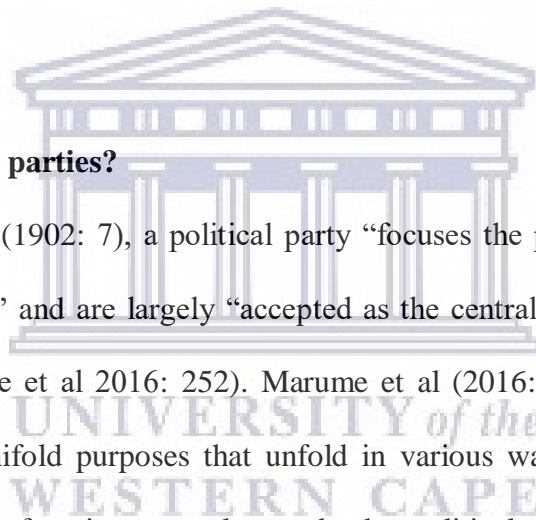
2013: 617). Thus, queer theory, along with socio-linguistics, necessitates the construction of words and meaning that are meant to describe a particular object or being - it attempts to dispose of the heteronormative binary that prescribes identities of gender, sex, and promote the narrative of sexuality being versatile and unpredictable (Giesecking, 2008: 738).

Queer theory is relevant to the research project because it discusses the social construction of sexual minorities and the linguistic connotations that are associated with sexual minorities. Therefore, understanding queer theory is to understand who sexual minorities are and how sexual minorities are identified by society, but more importantly, who they say they are and want to be acknowledged as.

2.2.4. Political Parties

2.2.4.1. What are political parties?

According to Ostrogorski (1902: 7), a political party “focuses the political feelings and the active wills of its citizens” and are largely “accepted as the central representative device of liberal democracy” (Hague et al 2016: 252). Marume et al (2016: 141) posit the idea that political parties have manifold purposes that unfold in various ways such as their nature, typologies, characteristics, functions or roles, and why political parties are invaluable in democratic countries. Therefore, since their inception, political parties’ roles included providing functions that involved: being the foundation of a government; combining, and categorising public interest; prompting citizens to vote; recruiting candidates for office; and guiding citizens on how to and who to vote for through the use of policies that pertain to the various political parties and their objectives (Okiror, 2011: 10). These are the five roles of political parties (Hague et al, 2016: 252). In addition, Marume et al (2016: 141) identify political parties as being “an organised presumably durable association, either of individuals or of distinguishable groups of individuals, which endeavours to place its members in



governmental offices for the purpose of bringing about the adoption to favoured political policies or programmes,” and having control over and exercising governmental powers, which they achieve by placing members in public offices as mentioned above.

Organisation and durability are two more characteristics that are common to political parties in that when a political party is organised, they are able to meet their short-term and long-term objectives. Without organisation, parties leave a gap for failure of being in control of government position(s), and the ability to give direction for activities in the manner in which they desire (Marume et al, 2016: 141).

2.2.4.2.Functions of Political Parties

Marume et al (2016: 143) state that along with recruiting candidates for office, rallying citizens to vote, and categorizing public interest, political parties have the responsibility of assisting government officials with solving problems. Moreover, political parties’ responsibilities fold over into making citizens aware of public affairs, potential political candidates, and providing them with the necessary information that pertain to elections – local, provincial or national (Marume, 2016: 143). The distribution of information and awareness campaigns should be carried out to ensure citizens have easy access to public speeches that may be transmitted through radio airwaves or television, or print media, such as newspapers, magazines or pamphlets, or the classical method of going door-to-door (Marume, 2016: 143). This allows citizens to have vast knowledge about various political parties (Marume, 2016: 143). Furthermore, competition plays a significant role in the interest of governing affairs among political parties and with competition, political parties aim to provide their potential voters with as much information as possible. This information may be about either their own or opposing parties, and can be used to de-emphasise the opposing party’s good qualities while emphasising

their own good qualities. Positive or negative bias is a determining factor of the type of information that political parties distribute (Marume, 2016: 143).

Furthermore, the role that political parties play for citizens involves them being liaisons between the government and citizens, “they keep the government informed as to what the people in general desire” (Marume et al, 2016: 143). “What the people in general desire” could, for example, involve recognition of sexual minorities’ desire to have their democratic rights to be [equally] protected. Another example of “what the people in general desire” may be the call to reform the derogatory manner in which print media identifies sexual minorities. As noted by the Human Rights Commission (SABCNewsOnline, 2019), media often perpetuates the victimization of sexual minorities and by doing so, make it acceptable to use hate-speech where sexual minorities are concerned, potentially minimizing support, and making it more unlikely for sexual minorities to attain protection of their rights and change social perceptions.

2.2.4.3.Importance of Parties in a Democracy

Political parties perform an important role in a democracy because of their effective popular influence in politically organised communities. This influence is considered effective in the sense that it has proven to work in their favour and, to an extent, for citizens. Therefore, without the existence of citizens acting collectively and practically like-minded, it would be unlikely for political parties to be aware of the desires of the people. When a citizen acts as an individual entity, they are less likely to influence the implementation of government policies. However, if an individual were to associate themselves with other people that are like-minded, they have the ability to “press systematically for the adoption of favoured policies” (Marume, 2016: 151). In other words, political parties can act as channels of representation for citizens, which can strengthen citizen influence over a government because it allows for collective organisation and representation, thus, giving citizens stronger voices.

In essence, political parties are expected to ensure that citizens are made aware of public issues that may affect them. In the context of this research, this would mean they need to argue for rights, and the protection of democratic rights of citizens at large (which may include sexual minorities who they do not have to support but cannot persecute people for it either), and distribute relevant information pertaining to electoral campaigns, which can be used to lobby for their interests when they believe leaders are not fulfilling their roles. Political parties are expected to ensure that citizens' concerns are heard by officials and that they are responded to. This research will investigate whether the main political parties in South Africa perform this role, particularly in relation to sexual minorities.

2.3. Section 2 – Exploring the Theory

2.3.1. Democratic Theory

Democracy takes shape in various forms and there are different models of governing systems used around the world such as classical democracy, protective/social democracy, majoritative democracy, developmental democracy, liberal democracy, and pluralist democracy. While appreciating there are various models of democracy, this thesis will focus largely on variants of liberal democracy considering that South Africa, through the Constitution, is enshrined in the legal framework of a liberal democracy⁸.

2.3.2. Liberal Democracy

Liberalism as a democratic concept associated with democracy presents a norm that democratic systems are to provide citizens with necessary spaces to practice their rights and freedoms, which in turn validates the quality of the democratic system. Therefore, an expectation exists in a liberal democracy that government institutions are expected to uphold citizen's rights without dictatorial limitations and conditions. Plattner (2002: 59), states that “the word

⁸ There are elements of social democratic system that draw on social democracy, such as our social grant system.

“liberal” in the phrase liberal democracy refers not to the matter of who rules but to the matter of how that rule is exercised.” By way of illustration, if an individual who identifies as part of the LGBTQIA+ community were to report a case of discrimination in the workplace to civil servants, it would be their right to receive prompt assistance without conditions based on their sexual orientation. In addition, it would be the government institution’s responsibility to ensure the individual did not get discriminated against in the first place - liberal democracy explicitly offers rights for minorities, be it gender, race, or ethnicity (Rhoden, 2015: 565). In this regard, it is just a matter of how the prescribed rights and freedoms are interpreted to benefit those they are meant to benefit.

South Africa’s Constitution was founded on principles of liberalism because liberties of ‘government and the rule of law, the importance of property, religious toleration, individualism, freedom of speech and the media, and rights of gender, race, and ethnicity; and even socioeconomic concerns like rights of labour or health’ are included in the Constitution (Constitution of the Republic of South Africa). South Africa's democratic system operates on proportional representation, which involves citizens voting for whom they would want to be represented by (Mattes & Southall, 2003: 52-53). As such, it serves the purpose of serving its citizens by ensuring that their rights and freedoms are represented, accounted for, and safeguarded if the citizen is met with obstacles that may infringe on those rights. If democracies are to be effective, they thus need to move beyond constitutional promises and have a strong ‘quality’ of democracy in practice. To assess the ‘quality’ of a democracy, Diamond & Morlino (2004) have developed an assessment of what a democracy should be and how it should be administered.

2.3.3. 'Quality' Democracy or Democratic Norms

Democracy directly translated into English from the Greek words 'demos' and 'kratos', means 'rule by the people', exercised by citizens that are eligible to vote as they have power and civic responsibility to do so (Okiror, 2011: 2). Okiror (2011: 3) mentions a number of core democratic characteristics that speak to the values, attitudes, and practices of a democratic system, and I will highlight three characteristics as they relate to the research study. The first characteristic is: "democracy rests upon the principle of majority rule, which means that decisions are made by majority, and have to be accepted by all, but minority viewpoints are respected and protected" (Okiror, 2011: 3). To explain, South Africa's democratic system is not majoritative, but liberal, however as mentioned earlier, the political party with the majority votes are essentially elected into power, not knowing whether the minority⁹ will be equally and justly represented despite their viewpoints having to be respected and protected (Okiror, 2011: 3). For example, a minority group of people such as sexual minorities may not resonate with a certain political party, or associate themselves politically as part of a 'minority group' or as part of the LGBTQIA+ community, because they believe that the said political party has not visibly or actively provided them with equality or ensured that sexual minorities are granted equal justice and safe social environments.

The second characteristic is "democracies understand that one of their prime functions is to protect such basic human rights as freedom of speech, and religion; the right to equal protection under the law, and the opportunity to organise and participate fully in the political, economic, and cultural life of society" (Okiror, 2011: 3). The third characteristic states that "citizens in a democracy have not only rights, but also the responsibility to participate in political systems

⁹ Defining minority groups in any democracy can be complex because they "may be composed of distinct ethnic, racial, and religious groups. These various sorts of people differ from each other according to symbolic characteristics" (Schuerkens, n.d.: 53) It is important to note that South Africa has protections in the Constitution for minority rights, particularly sanctioned in the Bill of Rights.

that, in turn, protect their rights and freedoms” (Okiror, 2011: 3), such as citizens wanting to elect political representatives they have identified as impartial, just leaders that will protect their rights, and freedoms. For instance, if sexual minorities are dissatisfied with the manner in which the ANC has represented them, they are entitled to vote for a different political party that they believe will better represent them and ensure their rights and freedoms are protected.

Representation within a democracy involves citizens electing a political appointee to make political decisions on their behalf, which includes formulating laws and administering programmes beneficial for the public. In addition, a representative democracy “establishes a reliable and effective link between the government and the governed” (Okiror, 2011: 4). The link between government and the governed is the relationship that determines the outcome(s) of a democracy’s plight, such as a liberal democracy.

According to Diamond & Morlino (2004: 22) in order for a democratic country to be regarded as having a quality democracy they would need to:

Satisfy citizen expectations regarding governance (quality results); it will allow citizens, associations, and communities to enjoy extensive liberty and political equality (quality of content), and it will provide a context in which the whole citizenry can judge the government’s performance through mechanisms such as elections, while government institutions and officials hold one another legally and Constitutionally accountable as well. (Diamond & Morlino, 2004: 22)

Thus, Dahl (1971) posits that when one describes a democracy as being “good” or “better”, then they are inferring that they have the profound knowledge of what a democracy is, which involves:

- i) Universal adult suffrage,
- ii) Recurring, free, competitive and fair elections,
- iii) More than one serious political party, and
- iv) Alternative sources of information.

Therefore, if one speaks of having a ‘good’ democracy, then the four mentioned concepts should be constantly adhered to with minimal gaps that do not hinder citizens from having “civil and political freedom beyond the electoral arena so that citizens can articulate and argue around their political beliefs and interests” (Dahl, 1971:3). In other words, citizens are not to be dictated to about who they may or may not vote for, nor can they be dictated to about voicing their dissatisfactions, be it on public platforms or in the privacy of their own homes. Beetham (2004:65) thus states:

Once a country meets these basic standards, further empirical analysis can ask how well it achieves the three main goals of an ideal democracy – political and civil freedom, popular sovereignty (control over public policies and the official who make them), and political equality (in these rights and powers) – as well as broader standards of good governance (such as transparency, legality, and responsible rule).

Diamond & Morlino (2004) have identified eight dimensions on which they measure the ‘quality’ of a democracy, including the rule of law, participation, competition, responsiveness, vertical accountability and horizontal accountability, freedom, and equality (Diamond & Morlino, 2004: 22). Each of these eight dimensions will be unpacked because they have an impact on the measurement of a quality democracy in that they play a role in how a democratic system is upheld by government officials that have been elected to do so, and what the outcomes thereof are for citizens, more so sexual minorities.

Freedom

Freedom includes “personal liberty, security, and privacy; freedom of thought, expression, information, freedom of religion, freedom of association, freedom of movement and residence; and the right to legal defence and due process” (Diamond & Morlino 2004: 26), all of which are stipulated in South Africa’s Constitution. Personal liberty involves having the freedom to live one’s life as they please without infringing upon another’s rights and freedoms. Security entails the responsibility of the self to ensure that one protects themselves by locking one’s house doors and locks, keeping ones’ distance when met by strangers, and notifying the police if one suspects signs of suspicious activity, etc. Privacy involves the right to not have one’s privacy violated by anyone, including government officials, i.e. to not have private information such one’s personal endeavours exposed to the public (Treder, 2009). Freedom of thought involves having the ability to have independent ideas, opinions or viewpoints that are separate to others (Treder, 2009). Freedom of religion entails having the freedom to believe in and practice any religion that one may relate to, and one has the freedom to not believe in a religion, as long as they do not impede on another’s belief system (Treder, 2009). Freedom of association involves having the freedom to associate with any organisation, political party, business or person albeit that some associations may have negative intensions that would want to infringe upon one’s rights such as using hate-speech (or name-calling, such as ‘fairy’) or committing hate-crimes (corrective rape) towards sexual minorities. This includes the right to legal defence and due process, noting all citizens having the right to be granted justice when they have had their rights infringed upon, and the right to a just trial if accused of any wrongdoing (Treder, 2009). Freedom of movement and residence involves one’s ability to shop, eat, walk, go to school, and the ability to live and buy property where one pleases (Okiror, 2011: 6). These are classified as human rights that democratic systems and their respective

governments should aim to protect (Okiror 2011: 6). Specifically, in this research, political parties should aim towards protecting the democratic human rights of sexual minorities.

Equality

Equality on the other hand states that “a good democracy ensures that every citizen and group have the same rights and legal protections, and meaningful, reasonably prompt access to justice. Active prohibitions against unfairness must check all efforts to not discriminate individuals on the basis of gender, race, ethnicity, religion, political orientation, etc.” (Diamond & Morlino, 2004: 27). In other words, citizens’ rights and freedoms are expected to be upheld and respected by both citizens and government institutions. For instance, if a constitution states that one has the rights and/or freedoms to reasonably prompt access to justice, then if a sexual minority person or persons were to be assaulted, it would be well within their rights to receive equal and prompt justice without discrimination from the respective officials, such as police officers. Citizens are also given equal opportunities with regards to employment, equal economic freedom, and equal social status, i.e. to be respected and not humiliated or marginalised by others, and are to be granted equal opportunities to get an education, and treated with respect in their institutions by students and teachers (Okiror, 2011: 5). In addition, when citizens go for treatment at healthcare facilities, they have the right to equal treatment, and to not be marginalised by nurses and doctors because of an illness that they have or because they are sexual minorities (Okiror, 2011: 6).

Chapter 2 of the Bill of Rights, as stipulated in South Africa’s Constitution, describes democratic rights as being “a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom” (Constitution of the Republic of South Africa, 1996: 6). Therefore, the “state must respect, protect, promote and fulfil the rights in the Bill of Rights” (Constitution of the Republic

of South Africa, 1996: 6), but are subject to limitations depending on laws and/or conditions that are uncontrollable such as natural disasters, war, famine, etc. As stated in Section 8, subsection 1, this applies to all law and binds the executive, the judiciary, and all organs of state, essentially meaning that no one person is above the law. Rights and freedoms are applicable to all citizens and no single person's rights are more important than the next person.

Rule of Law

O'Donnell (2004) in Diamond (2016: 36) states, "under a rule of law all citizens are equal before the law" which is acted on by an independent judiciary. O'Donnell then argues that rule of law is democratic because "the legal system defends the political rights and procedures of democracy, upholds everyone's civil rights, and reinforces the authority of other agencies of horizontal accountability that ensure the legality and propriety of official actions" (O'Donnell in Diamond 2004: 36). This may be true in theory, but is it being practiced? Diamond & Morlino (2004: 23) state "a weak rule of law will likely mean that participation by the poor and marginalised is suppressed, individual freedoms are insecure, many civic groups are unable to organise and advocate, voters have a hard time holding rulers to account and overall democratic responsiveness is gravely enfeebled." This hinders voters from holding political leaders to account, which further limits overall democratic urgency/responsiveness and thus weakening a democratic system. Therefore, it would be plausible to, with caution, say that South Africa's democracy is somewhat fractured because of the lack of recognition of sexual minorities' citizenship, in addition to the socio-political marginalization that sexual minorities experience on a daily basis (Jivan, 2007: 19).

Participation

Similar to the concepts of rule of law, participation speaks to ensuring that all citizens are provided with the right to influence decision-making processes through political participation

such as voting, assembling, protesting, or lobbying for their interests – at times for their rights to be recognised (Diamond & Morlino, 2004: 24 & Marume et al, 2016: 143). Participation can be identified through political parties (their level of competition and strength), discussions of public issues, monitoring official conduct, and in having direct engagement with public issues at local level. The higher the levels of participation, the better the quality of a democracy, and the higher the chances of attaining political equality (Diamond & Morlino, 2004: 24). This is why it is important to understand political culture, “which should value participation and the equal worth and dignity of all citizens” (Diamond & Morlino, 2004: 24). This is to say that although political culture involves social and political difference among groups and individuals, *all* citizens have equal rights under law (Diamond & Morlino, 2004: 24).

Competition

Diamond & Morlino (2004: 24) rate a democracy by its level of competition in that, if a democratic system does not have political competition, it cannot be regarded as a democratic system (Diamond & Morlino, 2004: 24). With that, they acknowledge that democracies vary with their level of competitiveness, i.e. “in the openness of access to the electoral arena by new political forces, and in the equality of access for competing political parties.” Because South Africa is based on proportional representation, we are said to score well on the element of competitiveness (Diamond & Morlino, 2004: 24), indicating the importance of having regular, free and fair electoral competition between different political parties, including the ANC, the DA, and the EFF.

Vertical Accountability

Vertical accountability is regarded as the obligation to respond to political decisions made by political leaders when they are not adhered to, which may be identified by the citizens that voted them into power. For example, when citizens become aware of the lack of service

delivery that political leaders have claimed to sustain, citizens have the right to get answers as to why service is not being delivered. Schedler (1999: 14) posits that vertical accountability takes shape in three different ways – information, justification, and punishment. When political leaders provide citizens with information that affect them, those leaders must provide rationale for the information. Only then are citizens able to make decisions through voting, as to whether they would continue to be led by the political leaders or punish them by electing an/other leader(s) (Diamond & Morlino, 2004: 25). Accountability is thus vertical – it runs upwards from the citizens to leaders, highlighting the important role that political representatives (i.e. political parties) play in ensuring that accountability between citizens and rulers are adhered to (Schmitter, 2004: 54).

Horizontal Accountability

Horizontal accountability runs from side to side, a line of symmetry in that political leaders are to abide by the law and answer to other “officials, internally and externally, state institutions that possess the expertise and legal authority needed for such a monitory role, and not only to citizens” (Diamond & Morlino, 2004: 25). Here is where the legislature, state ombudsman, and electoral commission regulate a “command-and-obedience” (Diamond & Morlino, 2004: 25) relationship to ensure that political leaders are within the boundaries of the of South Africa’s constitution (Annexure B, C (3) in Constitution of the Republic of South Africa, 1996: 186 & 193). The result thereof is to maintain the processes of a democracy and maintaining the rule of law (Constitution of the Republic of South Africa, 1996: 5).

Responsiveness

Responsiveness is similar to participation, vertical accountability and competition, and it influences the extent to which citizens are satisfied with democracy and whether they view it as being a legitimate form of governance (Diamond & Morlino, 2004: 27). This asks whether

citizens consent to the manner in which political leaders are upholding the processes of a democracy which is, in part, done by implementing policies that citizens want. Powell (1984) proposes that there are three core links in the succession of democratic responsiveness which may also be the driving force of the functions of political parties:

- i) *Choices are structured in a way that distils citizens' diverse, multidimensional policy preferences into more coherent national policy choices offered by competing political parties.*
- ii) *Citizen's' electoral preferences are aggregated (by varying means from one country to another) into government of policy makers, and*
- iii) *Elected officials (and their appointments) then translate policy stances and commitments into actual outcomes (Diamond & Morlino, 2004: 28).*

Essentially, what the authors have stated is that democracy as a system of governance is meant to or expected to provide and guarantee the rights of freedom and equality of *all* citizens through the rule of law, vertical accountability, horizontal accountability, and ensuring that citizens are able to politically participate when political parties endeavour in competition, which may result in positive responsiveness from citizens and those that they have elected.

Although the aforementioned dimensions are often used as an assessment tool to discern the quality of a democracy, they do not guarantee that respective democracies practice them. In addition, in the context of this research study, the functions that political parties play in ensuring sexual minorities' rights will be examined, then used to assess South Africa's democratic system.

2.4. Research Themes

The following research themes have been used as a framework for analysing the relationships between democratic rights, political parties, sexual minorities, and the process of protection of rights:

- Do political parties abide by the rule of law by supporting equality and freedom of sexual minorities?
- Do political parties foster competition to allow the representation of sexual minorities, and how does that affect responsiveness?
- Do political parties provide access to information about sexual minorities, and in turn deepen participation of sexual minorities in the democratic system?
- Do political parties strengthen vertical accountability and horizontal accountability in relation to sexual minorities' rights?

This research study aims at understanding the roles each concept plays in protecting sexual minorities' rights, whether they are protected, if not, why not and what the consequences are as a result.

2.5. Relevance to Research Study

The research themes that have been discussed above, were chosen to unpack their relevance, their roles, and importance, in this research study to allow for more contextualisation when conducting research in the field, and a framework for analysing the data that is to be captured in the field.

To understand the relationship between democratic rights and sexual minorities, it is first important to understand what democratic rights are and their purpose, who they serve and whether they are being sufficiently administered. It is important to recognise that in as much

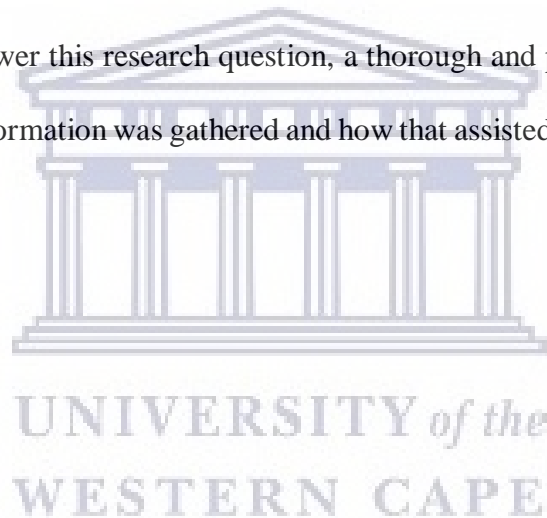
as democratic rights are to equally apply to all citizens, they are not specifically said to apply to those too often seen as the ‘other’ in society – sexual minorities. This is not to say that sexual minorities need separate or ‘special’ rights and freedoms, rather rights and freedoms that explicate that they too are to be considered as part of South Africa’s citizenry, which in turn can influence the manner in which society perceives and treats sexual minorities. This relates to the objective to deconstruct the socio-linguistic and socio-political constructs that perpetuate the marginalization of sexual minorities. This objective will in turn help to procure their democratic rights, and basic human rights, which are further imperative in ensuring an ideal and successful democratic state.

The theory will also assist in understanding the experiences that sexual minorities have or have had with political and/or government officials in contemporary South Africa, before, during, and after political elections. This will also help to determine whether sexual minorities perceive that they can place trust in political parties or in government officials, and their standpoint on whether their rights and freedoms have been affected or have improved, what this may entail, and how this would affect South Africa’s democratic system.

Furthermore, with regards to democratic theory, democracy is a governing system and the ‘quality’ of a democracy is benchmarked by citizens in that a democracy is a government *of* the people, *by* the people, and *for* the people (Epstein, 2011: 819 & Heywood, 2017: 40); and as one will notice, ‘people’ is the operative word in the definition. In this way, a government operating in a democratic system designs a constitution that aims to provide citizens with the intention of providing equal rights and freedoms. The roles and functions that political parties have in a democracy and the influence that they have on citizens are determining factors that have the possibility of the either creating an ideal democratic system or one that has

discrepancies that may perpetuate the exclusion of sexual minorities and their right to have rights, which questions the relationship between democratic rights and political parties.

Therefore, it is important to understand the influence the three main political parties – the ANC, the DA, and the EFF – have, along with their political manifestos on the state of public affairs, and whether political parties truly know the interests of the public, i.e. that sexual minorities need equal recognition and citizenship, and to have their rights and freedoms protected. Each political party claims of striving towards attaining equality for *all*, and sustaining rights and freedoms for *all* citizens, but who do democratic systems serve, and what is the relationship between political parties and sexual minorities when it comes to protecting sexual minorities' democratic rights? To answer this research question, a thorough and practical methodology is necessary to show how information was gathered and how that assisted in answering the overall research question.



Chapter 3 – Research Design & Methodology

3.1. Introduction

This section outlines the design of the research study at hand by breaking down the strategies I used in attaining my research data. The strategies included: i) qualitative research method; ii) case study research; iii) data collection; iv) triangulation; v) purposive sampling; vi) Interviews; and v) critical discourse analysis.

Nicholas Walliman (2011) states that research methodology or research methods are techniques one uses to conduct research. He refers to these as being “tools of the trade” that provide the researcher with various ways to collect data, and categorise and analyse information that will allow the researcher to draw various conclusions for their research project (Walliman, 2011: 7). In addition, if the correct methods are used then the researcher will be able to provide their reader(s) with validity on their conclusions and that the newly found knowledge is soundly based (Walliman, 2011: 7).

3.2. Qualitative Research Method/Methodology

According to Kaplan (1964) in Jackson et al (2007: 22), research method and methodology differ in that, method is “*how* data is collected” and methodology entails “the identification and utilization of the best approach for addressing a theoretical or practical problem.” In other words, the research method involves the manner in which the research is conducted and collected, where research methodology involves the rationale for collecting data a certain way. Jackson et al (2016: 22) state that both method and methodology are important to research design because when a study is being designed, researchers are expected to draft a set of questions that will assist them in unpacking and understanding the social problem that they are studying, which can then help the researcher with practical ways of collecting their research data. These questions may entail points such as:

- How will I gain access to and recruit participants?
- How will participants respond to my questions?
- What will their responses help me to understand about the selected phenomenon under investigation?
- Do my research questions reflect what I am seeking to conceptually understand?

Moreover, Lincoln & Guba (2000) in Jackson et al (2007: 22) posit that if a researcher identifies themselves as a qualitative researcher, then they are primarily concerned with “the human as instrument” approach. This is to say that the researcher is focused on understanding human beings’ profound experiences and their reflections of the said experiences (Jackson et al, 2016: 22). In addition, by using human participants in a research study, “the qualitative researcher relies on the participants to offer in-depth responses to questions about how they have constructed or understood their experiences” (Jackson et al, 2016: 23).

With the context of my research study, I used qualitative research methods as they seek to acquire in-depth data that is related to the research topic at hand (Hancock et al, 2009: 6). Qualitative research places emphasis on the manner in which research data is to be attained, i.e. the type of questions that a researcher would ask their participants, which may allow for profound answers that can produce authentic insights of the views and opinions on political parties and their influence in protecting the democratic rights of sexual minorities.

3.3. Case Study

This research will be look at three case studies of political parties, which are considered as bounded and multiple-case studies. I have chosen to use case study research as it aims to conduct an empirical inquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident (Yin, 2003: 13). In other words, case study research aims at using contemporary experiences within the context of reality. In addition, case study research seeks to attain qualitative data with in-depth insight, through the use of an interview (Yin, 2003: 13).

The three political parties that are used as case studies in this research project are the African National Congress (ANC), the Democratic Alliance (DA), and the Economic Freedom Fighters (EFF). I chose to focus on these three political parties as they are the dominant parties in South Africa. Moreover, an analysis of the three mentioned political parties’ manifestos, policies, and public speeches will be conducted, accompanied by traditional print media, such as newspapers, and online media, such as online news sites, blogs, etc., as part of case studies to collect the necessary research data. All of these sources are from 2014 to 2019.

3.4. Data Collection

The strategy of data collection is used as a planning tool that helps outline the methods a researcher intends on using to attain their research data to the best of their ability (Langkos, 2014: 6). This is to say that in as much as a researcher may strategize their research methods to try to ensure they attain necessary data, the researcher cannot guarantee they will attain the type of data to answer their overall research question (Langkos, 2014: 6). My research study thus primarily consists of documents that apply to three political parties, namely the ANC, DA, and the EFF, such as election policies from 2019, manifestos, and election speeches, with use of traditional media and online media, as mentioned below for the purpose of critical discourse analysis. In addition to these documents, my research study also includes one interview that was conducted with a facilitator and expert from SameLoveToti, a sexual minority NGO.

3.5. Triangulation

The use of triangulation is premised on wanting to identify, through comparison, the outcomes from the research that other researchers conducted on similar topics (Denzin 1970). Denzin (1970) state that “triangulation is the combination of two or more data sources, investigators, methodologic approaches, theoretical perspectives, or analytic methods within the same study”. Triangulation is used in this research, where all the qualitative research data, including social media, policies, manifestos, public speech, and traditional media such as print media that date from 2014 to 2019 were compared.

3.6 Purposive Sampling

Purposive sampling is used when there is a particular objective in the research that usually involves factors such as “who, where, and how one does one’s research” (Palys & Atchison, 2008 in Given, 2008: 697). This form of sampling coincides with qualitative research, and in the context of my research project, an analysis of a particular case study. Therefore, I have used purposive sampling because the three chosen political parties are the three largest competitive parties in South Africa, and are different in their aims and objectives while having a common principle – a better South Africa for all. Purposive sampling was used because I wanted to discern whether the three largest political parties are inclusive of sexual minorities in their formal documents and how when their aims and objectives differ.

3.7 Interviews

To gather my research data, I interviewed the head facilitator from the Same LoveToti NGO. I chose this specific NGO as its objectives solely speak to the protection, support and healing of sexual minorities that have experienced trauma, that may need support from those that have experience with being a sexual minority or in the profession of psychology, and those that may need to be educated around the lifestyles of sexual minorities, and the health of sexual minorities, specifically gay men. The education is extended to rallying for equal democratic rights and freedoms through parades such as the PRIDE parade and social movements for if or when their rights and freedoms are infringed upon.

The process of conducting an interview need not involve a large number of persons to attain the necessary data. If one is seeking specific in-depth information from a certain individual, an interview is a useful method to attain the necessary research data. Easwaramoorthy & Zarinpoush (2006) state that “interviews are an appropriate method when there is a need to collect in-depth information on people’s opinions, thoughts, experiences, and feelings. Interviews are useful when the topic of inquiry relates to issues that require complex questioning and considerable probing.”

It is important to note that there were limitations of not having been able to gain access to more participants. However, the individual expert from SameLoveToti provided substantial information with regards to her experiences as a sexual minority and her NGOs’ experience with political parties and their role in protecting the democratic rights or sexual minorities. Therefore, with the above information about qualitative research, one should not diminish the inputs of SameLoveToti due to them being one participant in this research study.

3.8 Critical Discourse Analysis

Critical discourse analysis (CDA) is a research analysis method that essentially seeks to explain and understand the abuse of social power, dominance, and how and why inequality is enacted, reproduced and opposed via legitimising power through the use of traditional authority and charismatic authority, that is carried through text and speech in the social and political context (Van Dijk, 2003: 352; Heywood, 2013: 81). Furthermore, structured or systematic discourse analysis as stated by Van Dijk (2006: 115) “offers powerful methods to study the structures and functions of underlying ideologies.” Ideologies can be polarised between ingroups and outgroups and in the context of my research study, the ingroups would be members belonging to one political party and the outgroups belonging to the opposing political party.

This research will focus on using CDA as a research method as I intend on analysing three political parties' through a desktop study with the use of traditional media and online media to discern what their aims and objectives from their formal documents, speeches and statements are for citizens, specifically whether these political parties rally towards protecting the democratic rights or sexual minorities.

In essence, by using CDA and triangulation, I intend on analysing the desktop information with the interview information to discern whether the ideas expressed are corroborated, determining whether political parties protect the democratic rights or sexual minorities or not. This will be further explained in the analysis section, thus answering the research question at large about the role political parties play in protecting the democratic rights of sexual minorities in South Africa.

3.8.1. Conducting Critical Discourse Analysis

CDA is described by as being “typically interdisciplinary or multidisciplinary and especially focuses on the relations between discourse and society (including social cognition, politics and culture)” (Van Dijk, 1995: 17). In addition, “CDA does not characterise a school, a field or a subdiscipline of a discourse analysis, but rather an explicitly critical approach, position, or stance of studying text and talk” (Van Dijk, 1995: 17).

Therefore, when using CDA to critically analyse texts and/or speech and get a substantial understanding of the text and speech, Van Dijk (2006: 125-126) posits that the ‘SOAP’ method is used. This method entails:

S – subjective examination (analysis of the context, situation, author, audience).

O – objective examination (analysis of the context, situation, and audience from perspective of author).

A – analysis of the ‘sample’ (in-depth reading and analysis of the text; identifying discourse structures).

P – plan (interpretation of ideological content and function).

The ‘subjective examination’ involves reading the text or listening to speech, identifying the event or context of the text or speech, identifying the authors, and who the authors are trying to speak to, i.e., their target audience. Essentially this examination is for the researcher to gather

the necessary tools before conducting the analysis. The ‘objective examination’ entails taking the tools that have been gathered in the first step to understand why and how the text or speech emerged. The ‘analysis of sample’ involves reading the text and listening to the speech to break it down and identify the type of language that is used. The ‘plan’ entails presenting one’s understanding of the text after identifying the language used, the target market and identifying the event or context of the text or speech.

In addition, Van Dijk (2006: 125-127) provides an ideological table that can be used to analyse why and how certain words are used, which are both negative and positive. This table entails the “us” and “them”, and “ingroup” vs. “outgroup” concepts. Van Dijk (2006: 125-127) posits that the ingroup “us” involves ensuring that there is emphasis on the group’s good things while de-emphasising the groups bad things. This table can be seen in *fig.1* below.

The Ideological Square	
“US”	“THEM”
Emphasise Our Good Things	Emphasis Their Bad Things
De-Emphasise Our Bad Things	De-Emphasise Their Good Things

fig.1.

An example of “us” would be when a political party says they will ensure that all citizens will be provided with equal and sufficient healthcare services, housing, education, and assistance for law enforcement, as opposed to the same party saying they are working towards reforming their past mistakes. The party is emphasising their good things and de-emphasising their bad things – ‘working towards reforming their past mistakes.’ The outgroup “them” entails placing emphasis on a group’s bad things, and de-emphasising their good things. For instance, a political party pointing out that an opposition party is not fulfilling their duties as civil servants and are mismanaging tax payer’s money, as opposed to the same political party saying the opposition party is only committed to providing basic services during the election period. This table enables the researcher to identify the deeper meaning of what is being said, lifting the veil that tries to cover the true meaning of texts and speech. In addition, it points to the use of language an ideological tool (Van Dijk, 2006: 125-127).

3.9 Limitations and Ethical Considerations

By virtue of conducting research, be it desktop or entailing fieldwork, one is going to be met with various limitations. The primary limitation I faced was that participants were not willing to participate because the question at hand is a sensitive and controversial matter. Potential participants may have assumed their personal information would be disclosed, or that they may be judged or become victims of humiliation. Therefore, they did not provide any feedback, which extended the time frame of my research study and further extended my submission deadline. In addition, this setback minimized the qualitative data I could have obtained to get more insight on the experiences that sexual minorities have with socio-political and socio-economic matters, political parties' proclamations and the fulfilment or lack thereof.

Moreover, when conducting research and gathering information, I found that the political parties' documents, speeches, statements and interviews had little to no information about sexual minorities, outside of their proclamations to sexual minorities. In addition, the information I was able to access was not recent, dating back to 2002, 2013, 2014, with only minimal information from 2019. This limitation may have restricted the amount of information that could have been useful, but it was also an eye opener to see how little information is being produced and or made available by media houses and political parties about sexual minorities. Furthermore, I found that the information published about sexual minorities is predominantly negative in that the information speaks to the hate-crimes that sexual minorities experience, i.e. murder, 'corrective' rape, and verbal abuse. While the information is good in the sense of making the public aware of the ill-treatment of sexual minorities, positive and or enlightening content should also be made available, such as information that breaks down stigmas around sexual minorities.

The ethical aspect of a research study plays an imperative role in that when a researcher embarks on conducting their research, the onus of research ethics is on the researcher (Wassenaar in Terre Blanche, Durrheim & Painter, 2006: 72). This is to say that the researcher is responsible for providing their participants with informed consent that entails "clear, detailed, and factual information about the study", and "its methods, its risks and benefits, along with assurances of the voluntary nature of participation and the freedom to refuse or withdraw without penalties" (Wassenaar in Terre Blanche, Durrheim & Painter, 2006: 72). Furthermore, it is imperative for a researcher to pay close attention to and ensure that tentative precautions are taken when obtaining informed consent from "vulnerable populations, including but not limited to psychiatric patients, prisoners, members of disadvantaged groups,

illiterate persons, persons in impoverished rural settings and persons in crisis situations such as natural disasters, warfare, or refugee situations” (Wassenaar in Terre Blanche, Durrheim & Painter, 2006: 73).

Moreover, Davis & Henderson (2004) posit that when a researcher is conducting their research with participants, they are required to consistently treat their participants with respect, that they maintain the confidentiality of the participants’ individual information, and where applicable, “communities are not identified with research that may attract harms through foreseeable stigma and discrimination” (American Academy of Paediatrics, 2004).

Taking into consideration that my research project is sensitive and controversial, I was obliged to provide participants with information sheets and consent forms. The information sheet denotes the purpose of the study, the description of the study and the participants’ involvement, confidentiality, voluntary participation and withdrawal from the study, benefits, and costs (whether present or not), informed consent, and details of the interviewer if the participants have questions.

The consent form entails an anonymity clause that requires participants to agree that no participant may disclose the details of what was discussed in the interview. In addition, the consent form provided the participant with information that allowed them to understand that their identity would not be disclosed and that they were free to withdraw from the study at any given time. Furthermore, if a participant were to be triggered by conversations in the interview, I put the interview on hold to discuss with them privately what they would like to have happen next. Ethical clearance was granted from the University of the Western Cape before fieldwork was conducted.

3.10 Conclusion

In conclusion, this chapter has discussed the methods and methodologies that were used to obtain the necessary data that will be discussed in chapter 4. The chapter has outlined the research design for the research project that speaks to how the research was conducted – qualitative research method, case study research, data collection, triangulation, purposive sampling, and interviews. In addition, this chapter has discussed critical discourse analysis that speaks to how the data collected for chapter 4 will be critically analysed in chapter 5. Moreover, the chapter has discussed ethical considerations and limitations that the researcher was met with. Furthermore, the chapter discussed and explained the methodologies that allowed for the substantial exploration of the research problem.

Chapter 4 - Framing the ANC, DA, and EFF: Review and Conceptualisation

4.1. Introduction

This chapter provides the reader first with the historical backgrounds of the ANC, DA, and EFF, specifically identifying when the parties were started, why they were started, their beliefs, aims and objectives, and their constitutions. Secondly, this chapter will provide detailed information on the three parties manifestos, public speeches, policies, constitutions, and public statements and interviews dating from 1994 to 2019.

This overview will be done to establish whether the three mentioned parties are abiding by the rules and laws outlined and entrenched in their constitution. It will also help to determine whether the three parties are administering the prescripts of a democratic system, i.e. practically ensuring the protection of sexual minorities' rights within the prescript of South Africa's Constitution. Furthermore, the detailed information that will be provided in this chapter will be triangulated with the interview from SameLoveToti. This chapter thus harmonises the primary and secondary sources mentioned previously. The harmonisation thus makes it easier for a detailed analysis to be conducted for the research analysis chapter, as will be demonstrated in Chapter 5.

It is important to note that the historical information between the three political parties is not consistent. This is because the ANC is not only a political party but are currently in government, and are identified as a liberation movement. Therefore, there is a level of comparison between their liberation struggle and that of sexual minorities. The DA, on the other hand, did not have enough information relevant to the research study – the majority of their information relates to race and identity politics. The EFF's information is minimal because they are a young party and they do not have much history to which they can account.

4.2. Histories and Background

4.2.1. ANC

Introduction

This section will discuss the history and the background of the ANC, DA, and EFF, detailing when, how, and why the parties were established, while also including detail on each parties' principles, aims and objectives.

I have chosen to conceptualise these three parties because this helps to better understand the roles that the parties play in protecting the rights of sexual minorities, and discern whether the rationales of the parties' establishments are in alignment with democratic norms.

The ANC, formally known as the South African Native National Congress (SANNC), was legally established in 1912 during the apartheid era as a resistance movement. The party included members that were representatives of community organisations, traditionalists, and people that were a part of religious organizations, and other “prominent individuals” who came together for one aim, “to bring all Africans together as one people to defend their rights” (anc1912. In 1923 the party changed its name to the African National Congress (Augustyn, Bauer & Duignan et al. 2019).

In 1952, under the ANC leadership and presidency of Albert Luthuli, the party started “sponsoring nonviolent protests, strikes, boycotts, and marches against the apartheid policies that had been introduced by the National Party (NP)” (Augustyn, Bauer & Duignan et al., 2019). However, while on the pursuit of attaining liberation, members of the ANC were targeted and harassed by the police, and in 1956 a significant amount of the party's leaders were arrested and charged with treason, which led to the Treason Trial that occurred from 1956 to 1959 (Augustyn, Bauer & Duignan et al., 2019).

However, because the Treason Trial is said to have caused disruptions, the ANC's legal existence was cut short in 1960 and as it was banned by the NP (Suttner, 2007: 2). ANC members were denied legal aid for their liberation journey. Umkhonto we Sizwe, a militant organisation formed to “carry out acts of sabotage” (Augustyn, Bauer & Duignan et al., 2019) as part of the ANC campaign against apartheid, was formed in 1961 by Anton Lembede, Nelson Mandela, O.R. Tambo, and Walter Sisulu, to name a few. Due to this, Nelson Mandela and his fellow comrades were sentenced to life imprisonment in 1964, following the Rivonia Trial.

Towards the end of the 1970s the ANC began to revive, following the Soweto Uprising in 1976 where students of colour protested against the apartheid government and against the use of the Afrikaans language in schools as a medium of teaching (Augustyn, Bauer & Duignan et al., 2019). During the protest, police officers killed over 600 people, most of which were children – school children.

In 1990, former President F.W. de Klerk lifted the ban on the ANC and released the party's leaders from prison and allowed those in exile to return to South Africa, so that peaceful

political activities could be conducted (Augustyn, Bauer & Duignan et al., 2019). It was then that Nelson Mandela led the negotiations with the NP government officials for a transition to a “government elected by universal suffrage” (the concept of adult citizens having the right to vote (Collins Dictionary, 2019) (Augustyn, Bauer & Duignan et al., 2019). The ANC won the national elections in 1994 under universal suffrage (Augustyn, Bauer & Duignan et al., 2019) and the NP withdrew themselves from government in 1996 - the same year the Constitution of Republic of South Africa was adopted. The adoption of the Constitution, according the ANC, “has taken a great step forward by liberating the South African people from the evil system of apartheid and introducing a democratic and constitutional order” (Butler, 2012: 92).

Since the party’s inception and through to post-apartheid, the ANC has believed and strived towards the liberation of black people and attaining social, political and economic freedom and equality for citizens of colour (Suttner, 2007: 8). The attainment of democracy has thus provided the party with a platform to ensure that their objectives are met, despite receiving countless critiques from opposition parties and citizens.

The Freedom Charter

The Freedom Charter was formed in 1955 by a number of key role players that took part in the political struggle of liberation and integration (Freedom Charter, 1955). The Charter was created as a means of providing oppressed citizens with a new hope of inevitable freedom and democracy outside of an oppressive hegemonic system. The policies that have been outlined in the Charter called “for a multi-racial, democratically elected government, equal opportunities, etc.” (Boddy-Evans, 2019). In addition, the Charter speaks of citizens being robbed of liberty and peace by a government that was “founded on injustice and inequality” and that the “country [South Africa] will never be prosperous or free until all our people live in brotherhood, enjoying equal rights and opportunities; that only a democratic state, based on the will of all the people, can secure to all their birth right without distinction of colour, race, sex or belief” (Freedom Charter, 1955).

Suttner & Cronin (1986: 17) state, “the Freedom Charter will be the Charter of the demands of all the South African people for the things that they want to make their lives happy and free. It will be a document to guide all our future work, but it will be written by the ordinary people themselves, through the demands that they themselves send in.” In order for the Freedom Charter to be a successful instrument of freedom, citizens that were oppressed and disadvantaged were to come together to formulate guidelines that they would want to live

under, and the expectations that they would have of their leaders for creating a society that is free and just. Furthermore, in the ANC's 2019 manifesto, they state, "the Freedom Charter remains our inspiration and our strategic guide to realising a better life and a South Africa that truly belongs to all who live in it" (ANC Manifesto, 2019: 6). This is an indicator that the Charter remains to be a document of reference for democracy.

The Freedom Charter has been included because the ANC consistently refer back to this in their formal documents because it was the official document legally published during the apartheid regime that included the voices of the oppressed and their demands and intentions for a liberal and just society. Moreover, the Charter has been considered to be the rulebook for the ANC and a pillar for freedom and equality for the citizens of South Africa. The party's constitution will be discussed below, in relation to their history and the beliefs and objectives.

Constitution

The introduction of the ANC's constitution proudly speaks of the party being "a successful liberation movement, that strives to represent the aspirations of the oppressed" and that "the movement is judged not only by the performance and personality of individual members but also as a collective" (ANC Constitution, 1997: 1).

In the party's preamble, they state that "the ANC has emerged to lead the struggle of all democratic and patriotic forces to destroy the apartheid state and replace it with a united, non-racial, non-sexist and democratic South Africa in which the people as a whole shall govern and all shall enjoy equal rights." In addition, "the fundamental goal of the ANC remains to construct a non-racial, non-sexist, democratic society in South Africa" (ANC Constitution, 1997: 2).

The ANC's aims and objectives are aimed to: "unite all the people of South Africa, Africans in particular, for the complete liberation of the country from all forms of discrimination and national oppression"; "end apartheid in all its forms and transform South Africa as rapidly as possible into a united, non-racial, non-sexist and democratic country based on the principles of the Freedom Charter and in pursuit of the national democratic revolution"; and to "fight for social justice and to eliminate the vast inequalities created by apartheid and the system of national oppression" (ANC Constitution, 1997: 2). I chose these specific aims and objectives because they are in accordance with this research study.

4.2.2. DA

The Democratic Alliance, previously known as the Democratic Party, was formed in 1989 when the Progressive Federal Party (PFP), Independent Party (IP), and the National Democratic Movement (NDM) merged at a time when South Africa was pioneering towards attaining liberation from the apartheid government (Mottiar, 2015: 108). In 1959, under Helen Suzman's leadership and during the time the party was finding its feet, the DA believed in "constitutional reform" which influenced the entrenchment of the Bill of Rights in the Constitution of the Republic of South Africa (SAHistory, 2019). The DA believed that the Bill of Rights "would provide for an independent judiciary, and a federal Constitution in which the powers of the provinces would be constitutionally protected" (SAHistory, 2019). This is to say that there would be a separation of powers within the three branches of government (executive, judiciary and legislature) that would allow for accountability and equality.

On the one hand, under Tony Leon's leadership in 1999 he established "a foundation for vocal opposition politics", whereas under Helen Zille's leadership in 2009 repositioning of the DA was established whereby the party would not solely be an opposition party, but rather a "party of the government" (Mottiar, 2015: 108). This means they would strive towards being the ruling party. This could be a possible explanation as to why the party, without fail, habitually highlight the negative incidences that the current ruling party have allegedly been involved in and/or experienced during election season. This may explain Tony Leon's 'Fight Back' campaign in 1999, which was aimed at being in the interest of minorities and their concerns, which would encourage them to participate in politics (Mottiar, 2015: 108). The campaign thus caught the attention of the middle-class white minorities because of its aims and objectives, which were to "fight back" against crime and against policies affecting minorities, such as affirmative action" (Mottiar, 2015: 108). On the other hand, though, under Helen Zille's leadership, the DA aimed at reforming its image so that it appeals to all citizens despite their race and ethnicity (Mottiar, 2015: 109). They would do so by using images of different racial groups, the South African flag, and by engaging with citizens through the use of all the eleven official languages during their political campaigns.

Jolobe (2009: 138) states, "the specific goal was to wrestle with the party's negative image as a white minority party, to recreate a new DA that would be more diverse, more reflective of South African's racial, linguistic and cultural heritage". Therefore, "Zille consistently stressed the party's guiding philosophy and vision of an 'open opportunity society for all', and declared

that the core values of the DA's liberal tradition would remain as embodied in the party's and the country's constitution" (Jolobe, 2009: 138).

In 2015, with Helen Zille's backing Mmusi Maimane was elected as the new leader of the DA, when the party had intentions of becoming the government. Maimane's leadership skills came under fire and ultimately, he did not retain leadership of the DA. Some argued that he gave former president Jacob Zuma's shortcomings too much attention, instead of focussing on grass roots matters that affected those whom the party wanted to attract (Staff Reporter, 2019). Additionally, some felt Maimane made race his focal point of reference when engaging in political debates. He did this because his ideology or vision for the party was to diversify the party and "make it "go black", which was going to break away from the DA's liberal tradition – colour-blindness" (Staff Reporter, 2019). Conservative members of the party were concerned his visions and ideologies were going to be an attack on 'whiteness'. One view is that this resulted in the party being split into two – one black, that encompassed social democrats, and the other white, that encompassed liberals (Staff Reporter, 2019). According to Mandisi Majavu (2019) from *The Conversation*, "the spectrum of white liberalism ranges from white political organisations like the Democratic Alliance". This provides context as to why the party had been split into two and Mmusi Maimane saying that the DA's brand of politics is white liberalism (Majavu, 2019). This contradicts the DA's tradition of colour-blindness and "not using racial terminology may be one way in which they attempt to reconcile liberalism's focus on the individual with policies that focus on group identity" (Anciano, 2016: 20-21). Thus, the rising tensions between him and Helen Zille, which resulted in him resigning in 2019 and was succeeded by the interim national leader, John Steenhuisen, a self-proclaimed liberal and supporter of non-racialism (Zintle, 2019; Steenhuisen, 2020).

Recently, in an article published on the Eye Witness News (EWN) website, Helen Zille stated that she wanted to become a candidate for the position as Federal Council chairperson of the DA because she wants to "get unity going again, get stability going in the party again and all the critical things that needs to make progress" (Ndenze, 2019). The article was based on views from the former Deputy Chief Whip of the DA, Mike Waters, who posited that the party "needs to go back to their values of classic liberalism" (Ndenze, 2019). The party's constitution will be discussed below by way of determining whether their beliefs and values shown in their history correlates with their contemporary beliefs and values.

Constitution

Chapter one of the DA's constitution provides a framework of their values, principles, programme of action, and legal personality and powers. Similar to their 2019 manifesto, the DA's values in their constitution are freedom, fairness, opportunity, and diversity (DA Constitution, 2018: 4).

Their principles proclaim to be grounded on the protection and advocacy of “the fundamental rights and freedoms of every person, which include the right to freedom of conscience, speech, association, and movement” (DA Constitution: 2018 7). Moreover, “the rejection of unfair discrimination on any grounds and the redress of past discrimination, without recourse to rigid formulae and quotas” (DA Federal Constitution 2018: 7). The part that further considers “the language, cultural and religious rights of individuals and the communities they create through free association”, and that all citizens are “equal before the law” (DA Federal Constitution 2018: 7).

4.2.3. EFF

The EFF is a fairly young political party established by Julius Malema and Floyd Shivambu in 2013, after the expulsion of Julius Malema in 2012 from the ANC (SAHistory, 2017). Malema also holds the title of being the former leader of the ANC Youth League (ANCYL). The EFF's aims and objectives as a party were to “challenge the ANC in the 2014 National elections” and after the results thereof, Julius Malema was declared the party's official leader (McKenna, 2019).

When the EFF made their presence in the political realm, they introduced themselves as a “radical, leftist, anti-capitalist and anti-imperialist movement” (McKenna, 2019). With this introduction and slogan, the party believes in and strives towards “the nationalization of the mines and banks in South Africa, and the expropriation of land for redistribution” which is aimed at obtaining economic emancipation (McKenna, 2019). In addition, the EFF has and continues to arrange initiatives that are aimed at increasing the access to quality education for citizens that are disadvantaged, improved health services and welfare services and the denouncement and condemnation of corruption. The party's vigour has thus allowed them obtain support from young adults, the poor, and unemployed citizens (McKenna, 2019).

Constitution

The preamble of the EFF's Constitution opens with an introduction of who they are, described as a "radical and militant Economic Emancipation Movement which brings together revolutionary, fearless, radical and militant activists, workers' movements, non-governmental organisations, community-based organisations, lobby-groups under the need to pursue the struggle for economic emancipation". Moreover, the party states that they are operating on the notion that, "political power, without economic emancipation is meaningless" (EFF Constitution, 2017: 3). The party state that they aim towards opposing patriarchy, sexism, and homophobia and any discriminatory practices that promotes the oppression of anyone, women in particular (EFF Constitution, 2017).

Essentially, the EFF's Constitution speaks of the party itself, its processes, proceedings, rules and regulations, membership proceedings and or terms and conditions as opposed to their manifestos that are more inclusive of citizens. In addition, one will discern that all the parties' constitutions are similar to the opening statements of their policies and manifestos. All of which speak to meeting the rights and freedoms of citizens.

4.3. Manifestos

This section will discuss each party's manifestos from the years 2014 and 2019. I have chosen these two years because not only are they the most recent with regards to the development of South Africa's democratic state, but the EFF was only formed in 2013. In addition, 2014 marks two decades of South Africa's democracy and 2019 marks a quarter of a century. Therefore, this time frame enables us to see whether there has been a progressive shift or stagnation, and how this has affected democratic norms with regards to the protection of sexual minorities. The analysis of these documents will be conducted in Chapter 5.

4.3.1. ANC

In the party's 2014 manifesto, the ANC state that they have led citizens for more than a century in their aspiration for a united, non-racial, non-sexist, democratic and prosperous society, as the strategic goal of the National Democratic Revolution. Being 20 years into democracy (the first phase of democracy), they state that South Africa has been made a better place to live albeit there are challenges still facing the country (ANC Manifesto, 2014: 4). Therefore, in the second phase of democracy (after 2014 and beyond) the manifesto states that "bold steps [are] to eliminate poverty, unemployment, and inequality" and the sentiment of wanting and needing

to reduce these three elements in society are reiterated in the first few pages of the manifesto, along with the use of the NDP to do so by year 2030 (ANC Manifesto, 2014: 5). A plan that is said to be “people-driven, to which everyone is able to contribute” (ANC Manifesto, 2014: 5).

In the ANC’s 2019 manifesto, the foreword discusses how the rights and freedoms of citizens are enjoyed today because of the struggles and sacrifices that were made by those that were part of the liberation struggle, and that “over the past 25 years, the lives of the people of South Africa have changed for the better” (ANC Manifesto 2019: 5). The manifesto goes on to discuss the party’s vision and plan, which involves the Freedom Charter being “the living soul of our country’s progressive constitution and is the foundation of Vision 2030 of the National Development Plan (NDP). Over the past 25 years, the dignity of our people has been restored. The lives of South Africans have improved” (ANC Manifesto 2019: 6). Moreover, the party stipulates that their manifesto is about, “advancing nation-building and social cohesion, stepping up the fight against racism, sexism, homophobia, and other intolerance” (ANC Manifesto, 2019: 8). Furthermore, the party states, “our manifesto focuses on keeping our communities safe by ensuring there is security in our streets, our homes, our schools, and our borders”. This focus, as described by the party are because the party want to ‘advance social transformation’, and “work towards a comprehensive social security system to protect the well-being of the people and society” (ANC Manifesto, 2019: 8).

The majority of the manifesto discusses the aims and objective that have been achieved over the past 25 years, which include gender equality, housing provision, increased access to electricity and water, education, and comprehensive social security and health services. In addition, the party states that they have invested in ensuring that citizens have employment and employment opportunities (ANC Manifesto, 2019: 10-16).

4.3.2. DA

In the DA’s 2014 manifesto, they begin to discuss their values as a party stating they want to deliver an “Open Opportunity Society for All” (DA Manifesto, 2014: 1), meaning citizens are given access to freedom that is protected by the South African Constitution, which allows citizens to be “free to do as they please as long as they do not infringe the rights of others” (DA Manifesto, 2014: 3). By providing an ‘opportunity’ society, the DA states individuals will be enabled with the power to live lives that are dignified, as their aim is to create opportunities for employment that will alleviate poverty (DA Manifesto, 2014). Moreover, the DA value a society where all citizens are able to enjoy the rights and freedoms that have been designated

for them in the Constitution, irrespective of their “race, ethnicity or gender” (DA Manifesto, 2014: 3).

Their manifesto goes on to discuss their priorities, which include:

- Cutting corruption,
- Speeding up service delivery,
- Making Members of Parliament (MP) more accountable,
- Making communities safer,
- Fighting gangsterism and drugs,
- Providing quality, affordable health,
- Ensuring that social grants lift people out of poverty, and
- Speeding up land reform.

In addition, their manifesto speaks of the positive impact they would have if they became the governing party of South Africa, including making communities safe by improving the training process of the police officers, and reinstating specialised units that are specifically aimed at redressing the inclination of drugs, gang violence, sexual offences and rural safety. Moreover, the party states they would “establish a judicial commission of inquiry to determine the causes of police brutality and to identify solutions to the problem” (DA Manifesto, 2014: 13). It additionally talks about the wellbeing of all citizens with the aims of providing “for health, shelter and a social safety net for vulnerable citizens” (DA Manifesto, 2014: 15).

The manifesto has a section that discusses the “wellbeing” of citizens, under which the party has placed “focus on promoting access to education and job opportunities, and ensure that they have the assistive devices that they need” (DA Manifesto, 2014: 15). Outside of this specification, the manifesto alludes to inclusivity by speaking of what they would do for all citizens, including children.

The DA’s 2014 manifesto was short and did not discuss many of the topics that were discussed in the 2019 manifesto, which I discuss below.

In their 2019 manifesto, the DA’s opening statement begins with their values being freedom, fairness, opportunity, and diversity (DA Manifesto, 2019). Under freedom, the DA states “Everyone has the right to express their freedom, mindful that their choices come with responsibilities towards others” (DA Manifesto, 2019: 5). They continue that, in order to attain maximum freedom, citizens should be enabled with the tools to “participate in a growing

economy and live a dignified life” (DA Manifesto, 2019: 5). Under fairness, the manifesto speaks of fairness requiring equal and profound opportunities that further require abilities “to make the most of them” (DA Manifesto, 2019: 5). In as much as they intend on providing all citizens with equal opportunities such as employment and safe communities, to have the ability to make the most of employment, one would need to have had an education, which itself requires financial stability. The same can be said for safe communities - training of police officers would need to be implemented which also requires funding. It appears that the intention of being fair is marred by the additional aspects thereof, which is difficult to attain and supply in a single instance or as a single package. However, fairness cannot exist or is hard to sustain when a society is overburdened with inequality. Under opportunity, the DA states that the government is to provide citizens who are met with circumstances that are beyond their control, i.e. unemployment, or social assistance (DA Manifesto, 2019: 5).

The majority of these points are aimed at providing job opportunities for citizens and growing the economy, stating what government is meant to do for its citizens, and how they would conduct their operations if they were put in power as the governing party. For instance, “government must provide access to electricity, water and sanitation, and reliable transport”, “government must free people from the chains of poverty and the oppression of crime, giving meaning to the Bill of Rights” (DA Manifesto, 2019: 5).

With regards to the point of diversity, the DA proclaims to accept and/or acknowledge the diverse society that South Africa has, which includes a variety of beliefs, religious, cultural or traditional, and views these as an asset, celebrated because individuals are recognised to be who they want to be “free from domination by others” (DA Manifesto, 2019: 5).

Moreover, in their 2019 manifesto, the DA discusses gender-based inequalities and are inclusive of sexual minorities, which was not included in their previous national election manifesto. They state that “gender-based violence prevention is failing, and abuse and violence towards women, children and LGBTI+ individuals continue unabated in our country” and “these crimes often manifest as result of the unequal social statuses that are held in the country” (DA Manifesto, 2019: 58). Furthermore, they state that is essential that focus be placed on the primary prevention of abuse, violence, and murder due to their high levels. In addition, “it is essential that our police and courts are effective, efficient and adequately resourced to discourage violence and femicide” (DA Manifesto, 2019: 59). Therefore, they declare that if they were elected as the governing party, they would ensure that police stations are equipped

with sufficient training, and comply with the rules and regulations stipulated in the Constitution that speak to the protection of rights, fairness and equality, empathetic care for reporters of domestic abuse, assault, and rape (DA Manifesto, 2019: 59).

The party has designated a paragraph that discusses how they intend to “combat discrimination against the LGBTQI+ community and promote the community rights by:

- Creating safe and non-discriminative environments and ensuring government makes opportunities of dialogues on identities and sexuality,
- Providing LGBTQI+ sensitisation training in government services, schools and communities,
- Enforcing a more strident stance on corrective rape and LGBTQI+ related hate crimes by viewing these as aggravating circumstances when considering sentencing,
- Promoting the human rights of LGBTQI+ people in Africa and around the world,
- Implementing specific education programmes to tackle bullying and harassment in schools as LGBTQI+ youth are not adequately protected by anti-bullying initiatives,
- Ending the discriminatory treatment of LGBTQI+ families adoptions and protect LGBTQI+ elders against discrimination, and
- Implementing life orientation classes at school which deal with issues surrounding gender-based violence and sexuality (DA Manifesto, 2019: 60).

Outside of the proclamations that have been listed afore, the majority of the manifesto discusses issues such as economic growth and jobs, reformation of law enforcement, safety and security, immigration, creating a capable state through fighting corruption, promoting constitutionalism, rural safety, and climate change, basic education, expanding the quality of basic education, and transportation.

4.3.3. EFF

The EFF’s 2014 manifesto state they are an economic emancipation movement that strives towards converting their support into votes in order to win political power (EFF Manifesto, 2014: 1). They intended on doing this by not merely making promises but by “offering commitments that will be implemented” (EFF Manifesto, 2014: 1).

In the EFF’s opening statement, the party makes a point to discuss the number of years the country has been a democratic state, which is pivotal because of the country’s rich history that involved years of “subjugation of the black majority” (EFF Manifesto, 2014: 1). The manifesto

further reads that in as much as the country has been a democratic state, citizens are still faced with profound challenges, and that they continue to get worse (EFF Manifesto, 2014: 1). With this, the party listed that South Africans are still living in poverty, they are unemployed, do not have access to education, sanitation, and healthcare. In addition, citizens still experience police brutality, have minimum wages, and government workers such as teachers, police officers, and nurses have low incomes, which results in a lack of dignity (EFF Manifesto, 2014: 1-2). They continued to discuss the “major” problems that are faced by South Africa and how the current ruling party and government “has failed in virtually all its commitments and has chosen to shift the goal from 2014 to 2030” (EFF Manifesto, 2014: 6).

The EFF express that they will attain economic freedom for citizens through the expropriation of land, nationalism, free basic rights (quality education, healthcare, housing and sanitation), through creating jobs, and creating an open, accountable and corrupt free government (EFF Manifesto, 2014: 5). The party has thus implemented seven cardinal pillars that speak to: 1) the expropriation of land without compensation; 2) the nationalisation of mines and banks; 3) the hope of the abolishment of tenders; 4) the attainment of free healthcare, education, housing and sanitation; 5) the protection of industrial development to create sustainable jobs; 6) the development of the African economy and the advocacy for a move from reconciliation to justice on the entire continent; and 7) an open, accountable and corrupt-free government and society (EFF Manifesto, 2014: 5).

In the EFF’s 2019 manifesto, their opening statement simply demands “land and jobs now!”. They additionally provide readers, supporters and voters with a disclaimer that reads: “While focusing on clear, implementable and decisive programmes for all spheres of governance, the EFF’s emphasis for the 2019 general elections will be on LAND and JOBS (EFF Manifesto, 2019: 5). Thus, their manifesto consists primarily of economic empowerment and land redistribution and/or compensation.

The EFF proclaims to make commitments and a plan of action on gender, women and LGBTQIA+ and as such, they have a designated section for women, gender and LGBTQI. This is similar to their 2014 manifesto where they discussed the inequalities of women in the social, political and economic sphere, along with gender inequalities, but in their 2019 manifesto they actually list their intentions for the progression of sexual minorities, whereas previously these were omitted. The intentions are as follows:

- The EFF government will aggressively engage in public awareness and communication strategies and training interventions all aimed at or directed towards positively changing social norms which declare LGBTQI sexual preferences as abnormal.
- The EFF government will amend the Criminal Law Amendment Act and existing legislation to include harsher minimum sentences for ‘corrective’ rape specifically, or crimes committed with hatred as motivation in general.
- The EFF government will also amend the Sex Description Act and related legislation to ensure the Home Affairs Department expedites ID alteration applications for transgender applicants.
- The EFF government will invest in a public health care system that ensures easy access to gender-affirming treatment.
- The EFF government will decisively enforce the Equality Act and related legislation to end unfair discrimination by government and private organisations in relation to the employment of women and the LGBTQI community.
- The EFF government will amend the Facilities Regulations Act and related regulations to enable the implementation of gender-neutral toilet facilities in schools, public facilities and workplaces to benefit transgender populations and people outside of the gender binary.
- The EFF government will amend the Child Care Act and related legislation to impose penalties for unfair discrimination against LGBTQI individuals in relation to adoption processes (EFF Manifesto, 2019: 45).

Furthermore, the party has included the issue of crime, the challenges faced by people living with disabilities, the inclusivity of traditional leaders, etc. They have also expanded on prior points in their 2014 manifesto to better show their intentions of commitment to South African citizens.

4.4.Policies

This section will discuss each party’s policies. It should be noted that each party’s policy can be identified from their manifestos, albeit they are worded differently. This will be seen below.

4.4.1. ANC

The ANC has a multitude of policies due to the fact that they make up the ruling government. Many of the origins of their policies can be found in the Freedom Charter, as well as in the South African Constitution, which have both contributed to the manner in which the party has constructed their manifestos, i.e. what has been included or excluded. Their original policies have evolved through their manifestos. For instance, the policies in the Charter demanded “for a multi-racial, democratically elected government, equal opportunities, and heavy industries, and a redistribution of land” (Boddy-Evans, 2019). This is to say that the policy demanded equal opportunities with regards to employment, land, and a democratic electoral system that the oppressed could participate in. In the ANC’s 2014 manifesto, the party states “more than ever before, we must work together to promote nation building, unity and social solidarity as we free the economy from the shackles of the past. We cannot rest until the economy is in the hand of the people who were historically excluded from the participation” (ANC Manifesto, 2014: 3). In the party’s 2019 manifesto, the party states, “over the past 25 years, the dignity of our people has been restored. The lives of South Africans have improved. We promoted nation-building, social cohesion and celebrated our diversity as a nation” (ANC Manifesto 2019: 6).

The ANC reaffirmed their policies in their 54th National Conference Report and Resolutions (ANC 54th NCRR, 2017: 12) where they recognised their mistakes and made promises to resolve those mistakes. With regards to the issue of gender equality and of sexual minorities having a space in the political arena, the party stated, “conference directs ANC branches to lead communities in furthering local development and service delivery and in building non-racialism and non-sexism” (ANC 54th NCRR, 2017: 12). Therefore, they say that members of the ANC are expected to ensure that programmes aimed at eradicating social injustices that involve gender-based violence, alcoholism and drug abuse are to be developed to build social cohesion. Within all the ANC’s documents, they have remained consistent in proclaiming that no person shall be discriminated against because of the colour of their skin, sex, gender, religious practices, etc. (ANC 54th NCRR, 2017).

4.4.2. DA

The DA’s policies involve them providing an “honest, professional police”, and “fair access to jobs”. The party’s policies also involve them providing citizens with safety and security because they want to “secure our borders” and ensure they “speed up basic service delivery,”, and “fight corruption” (DA Manifesto, 2019: 3).

Their Social Protection Policy aims at ensuring that all citizens are provided with opportunities of employment, and economic stability and security.

Therefore, the party posits that social protection “must be primarily aimed at those who are not or cannot be employed to earn their own livelihoods. This includes the most vulnerable groups in society, namely children, the aged, people with disabilities, and those who find themselves without jobs for long periods of time” (DA Social Protection Policy, 2013: 3). In addition, this specific policy refers to the Constitution of the Republic of South Africa with regards to the Social Protection Floor, namely section 27 which states that “every South African has the right to have access to health care services, sufficient food and water, and social assistance if they are unable to support themselves,” and section 28 outlines “the basic rights of children (including the right to care, nutrition, shelter, basic health care and social services)” (DA Social Protection Policy, 2013: 3).

In the DA’s policy for Safety, Justice, and Correctional Service, they state that “individuals cannot reach their potential and take advantage of opportunities if they live in fear. If we can constrain individuals in pursuing their life goals, we are constraining the well-being of communities. Personal safety is a prerequisite for creating an environment in which South Africans can thrive” (DA Policy for Safety, Justice, and Correctional Service).

The party has an additional plan for an Open Opportunity Society for All, where children are safe from harm and citizens are able to walk in their cities and townships without fear. Criminals should be caught promptly and prosecuted speedily, and victims of crime should receive appropriate support, and are treated with compassion (DA Manifesto, 2014: 3).

Their Education Innovation Policy states that “to be a winning nation, South Africa must also be a place where new ideas are generated. This should include ideas to improve the way we deliver services, ideas to connect people to each other and with the information they need to make informed decisions about their lives. It should include ideas to improve the efficiency of processes in both the public and private sector and ideas to solve our key societal challenges. For example, in education, health, housing, social protection, and job creation” (DA Education Innovation, 2013: 3).

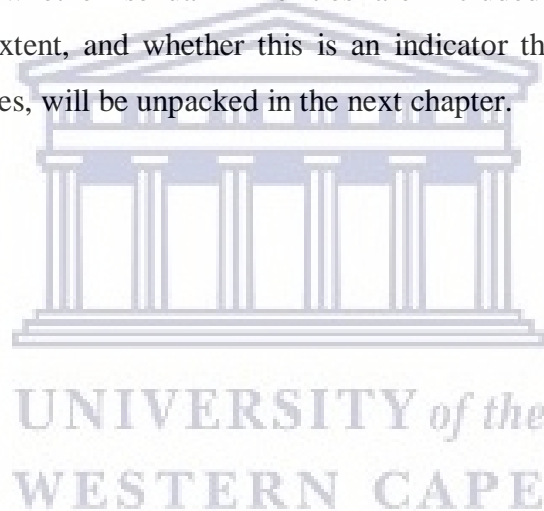
4.4.3. EFF

The EFF’s policies are founded on their non-negotiable seven pillars, mentioned above.

They party has provided readers with policy innovations that speak to: land redistribution; providing access to land for citizens; the promotion of inward (local) industrialisation for economic representation and job creativity; increasing social grants; the redirection of resources to impact service delivery; and amending the South African Constitution to make the National Prosecutions Authority (NPA) a Chapter 9, institution accountable to Parliament to stop selective prosecution and fight corruption (EFF, Manifesto, 2019: 11-12).

4.5 Conclusion

In closing, Chapter 4 has presented data that was collected through the use of the methodological tools discussed in Chapter 3. The data collected comprised of information that was sourced from the ANC, DA, and EFF's manifestoes, policies and constitutions. The information outlined specifically pertains to sexual minorities and the protection of their rights. The critical analysis of whether sexual minorities are included in the aforementioned documents and to what extent, and whether this is an indicator that their rights are being protected by political parties, will be unpacked in the next chapter.



Chapter 5 – Understanding the Theory and Data Through CDA

5.1. Introduction

This chapter aims to provide a detailed analysis, with the use of CDA, of the data that has been collected from the primary and secondary sources, including manifestos, policies, constitutions, public speeches, statements and interviews, along with the data collected from the interview conducted with SameLoveToti. The analysis will include a juxtaposition of this data with the democratic theory outlined in Chapter 2.

The main objective of this chapter is to investigate the role that political parties play in protecting the rights of sexual minorities, probing the specific language that the political parties used and why. This analysis will explore where the parties may stand and what their stance may be with regards to the rights of sexual minorities. Furthermore, it will investigate whether their documents influence or push towards the solidification of a just democratic system as mentioned in Chapters 2 and 4, or whether their documents counter the concept of democracy, and what that implies about the democratic rights of sexual minorities and the roles of the three political parties.

This chapter will include an explanation of how CDA is used to gain deeper knowledge of how to analyse text, followed by a critical analysis of the primary and secondary sources (as discussed in Chapter 4), with the use of themes and sub-themes that emanate from Chapter 2. It is important to note that I will not be using the ‘plan’ aspect of the SOAP method because this thesis is not focused on the ideological orientation of the parties. In this chapter, I am examining whether they are protecting the rights of sexual minorities, rather than the ideological frame underpinning their choice. I will however use the ‘plan’ aspect in my conclusion as a way of interpreting the parties’ stances, thus answering the research question that seeks to understand what role political parties play in protecting the rights of sexual minorities in South Africa.

It is important to note that the terms ‘LGBT’, ‘LGBTQIA’, ‘LGBTIQ+’ and ‘sexual minorities’ will be used interchangeably in this chapter. This is because, the articles and sources that have been used in this chapter and in Chapter 4, have often made references to LGBT+, although this research specifically uses the term ‘sexual minorities’ as an overall identifier.

5.2. Democratic Tasks

This section will look at whether or not parties are ensuring that sexual minorities' rights are being protected through the assessment tools of Diamond & Morlino's (2004) eight dimensions of quality democracy, which also make up parts of the themes that emerge from Chapter 2. It is important to note that some themes have been combined as they naturally overlap each other, therefore, I will only have four themes, described below, which I will apply to the ANC, DA and EFF respectively.

I will use Van Dijk's 'SOA' model (without the 'P') as a means of analysis to critically reflect on each party's manifestos, policies, constitutions, and public statements and interviews. In this way, I will provide information about the political party and then proceed to analyse it, thus structurally starting with the 'subjective examination,' followed through to the 'objective examination' then 'analysis of the data ('sample')' (Van Dijk, 2006: 125-127). Reference will also be made back to the respective themes to show how each analysis relates to each theme.

I will further analyse whether political parties make proclamations for equality because of their legal obligation or whether their actions demonstrate an approach to protecting the rights of sexual minorities that they actually implement in practice. The different representations of sexual minorities used by political leaders will be assessed by analysing both their proclamations and the actions they took in practice.

This section will use four overarching themes derived from Diamond & Morlino's (2004) eight dimensions. The four themes for this research are stated as:

- Do political parties abide by the rule of law by supporting equality and freedom of sexual minorities?
- Do political parties' foster competition to allow the representation of sexual minorities and how does that affect responsiveness?
- Do political parties provide access to information about sexual minorities and in turn deepen participation of sexual minorities in the democratic system?
- Do political parties strengthen vertical accountability and horizontal accountability in relation to sexual minorities?

A brief description and recollection of each theme is discussed below.

5.3. The Inquiry of the ANC, DA, EFF

In this section of the chapter, I am going to analyse and critically discuss whether all three parties are abiding by the rule of law and upholding democratic norms that aim towards ensuring that sexual minorities' rights are being protected. I will start with the ANC. In the process of doing so, it will determine if they are protecting sexual minorities by: a) supporting equality and freedom; b) ensuring sexual minorities are represented by fostering competition and how that affects responsiveness; c) providing citizens with information that speak of who sexual minorities are; and d) strengthening vertical accountability and horizontal accountability.

As discussed in Chapter 2, Diamond & Morlino (2004: 27) propose that equality entails that “every citizen and group have the same rights and legal protections and meaningful, reasonably prompt access to justice. Active prohibitions against unfairness must check all efforts to not discriminate individuals on the basis of gender, race, ethnicity, religion, political orientation, etc.”

They also posit that competition is aimed at allowing political parties to provide citizens with as much information as possible that may or does affect them economically, socially or politically. This involves having free and fair elections that allows all political parties to campaign their parties to get supporters through votes. Those said votes are an indicator of which party is wanted as representatives, which is an indicator of positive or negative responsiveness (Diamond & Morlino, 2004: 24 & 27).

Furthermore, to deepen participation, Diamond & Morlino (2004: 24) and Marume et al (2016: 143) propose that political parties are to engage with citizens with regards to public issues that will enable them to influence the decision-making process through voting, assembling, protesting, or lobbying for their interests and rights to be recognised. The higher the levels of participation, the better the quality of a democracy, and the higher the chances of attaining political equality.

Diamond & Morlino (2004: 25) state that vertical accountability entails citizens holding political leaders accountable when they do not fulfil their promises, or deliver a service, or meet citizens' needs, or if citizens feel as though their rights are being infringed upon. Furthermore, horizontal accountability entails ensuring that political parties abide by the rule

of law by answering to their counterparts, including politicians, officials and state institutions (Diamond & Morlino, 2004: 25).

It is important to note that the information to be analysed has been discussed in Chapter 4, therefore, to provide clarity as to which text I will be referring to, I will provide excerpts of the larger texts. This is to minimize repetition. Thus, the use of words such as, ‘the text reads’, ‘the text implies’, ‘the text shows’, etc, will be indicators that I am referring to the texts that have been excerpted.

5.3.1. ANC

The ANC is identified as a prominent liberation movement that has strived towards providing oppressed, and disadvantaged people of colour with democratic rights and freedoms. In addition, because they are not only the ruling party but the government as well, they are inevitably responsible for all citizens in South Africa, which is why they consistently speak to *all* citizens and do not categorise individuals or groups by way of segregation or marginalisation in their manifestos, policy documents and constitution. This is to say that the language that the party uses is inclusive language and portrays unification.

Freedom and Equality

Having objectively examined the party’s documents that speak to the rights and freedoms that citizens are enjoying today because of the struggles and sacrifices that were made by those that were part of the liberation struggle to make citizens lives better, I can say that their documents have the intention of wanting to ensure that sexual minorities rights are protected (ANC Manifesto 2019: 5). However, the party’s documents do not specifically provide processes of how they would ensure that sexual minorities are treated equally and how they will, in practice, protect equal rights and equal freedoms of sexual minorities.

The party states that they are advancing nation-building and social cohesion by stepping up the fight against sexism, homophobia and other intolerances (ANC, 2019: 8). The text shows that the party is trying to create unification of all citizens to have a national identity and foster equality that aims to provide all citizens with equal rights freedoms via social cohesion. Therefore, when they proclaim to fight against sexism, homophobia, and other intolerances, they are conveying a message of wanting to break down negative aspects that have the potential of propelling the infringement of citizen’s rights and freedoms.

In addition to analysing their texts, it is important to discern whether their proclamations have been put into practice. Evidence shows there is a lack of practical implementations to “advance nation-building and social cohesion” by “fighting racism, sexism, homophobia and other intolerances” (ANC Manifesto, 2019: 8). This is evident in the socio-political challenges and socio-economic challenges that sexual minorities continue to live with, which present limitations in terms of them being able to live dignified lives. For instance, ‘corrective’ rape, murder, isolation/alienation and familial rejection (when one is rejected or outcasted by their parents and/or family (Carastathis et al, 2016: 289-290). These challenges have been experienced over the past 25 years that the party claims to have changed the lives of citizens for the better (ANC Manifesto, 2019: 5).

In addition, some sexual minorities are grappling with financial limitations because they are unable to get employment that will allow them to live dignified lives because of their sexual orientations (Benjamin, Twala & Reygan, n.d.: 5), yet the ANC stated, they “will work to unite all South Africans to overcome the divisions of the past and build a country in which all belong and in which all feel at home” (ANC Manifesto, 2019: 60). The text shows that the party wants to ensure that *all* citizens are united, which implies the prospect of equality. However, sexual minorities are still facing challenges in the workplace, and placing the onus on the ANC to rectify this wrong can be a complicated matter. This is because the party is enmeshed in being both a political party and governing the state. Roger Southall (2014: 48) posits that the entanglement of the party and the state is because they have “assumed the characteristics of a “dominant party” assured of successive election victories.” He further states that the entanglement has the potential of threatening the rule of law (Southall, 2014: 48). Furthermore, because the party and the state are intertwined, it becomes somewhat of a difficult task to separate the party from the government with regards to ensuring that the rights and freedoms of sexual minorities are protected equally upheld (Brooks, 2004: 2).

Below is an example from a study conducted to determine whether the workplace is safe for sexual minorities:

Let me tell you something. A friend of mine was hired as a nurse and disclosed after a few months of employment that she is lesbian. She has worked at more than ten clinics in the district because she is a butch lesbian. They treat her badly. They don't even select her to attend trainings and workshops. As a result, she does not qualify for a promotion (Benjamin, Twala & Reygan, n.d.: 23-25).

In practice, the party has not wholly implemented practical steps that speak directly to how they are fighting against sexism, homophobia, and other intolerances in state or government departments. Rather, they make statements such as, “we will implement radical socio-economic transformation to meaningfully address poverty, unemployment and inequality” (ANC Manifesto, 2014: 3). Moreover, the party uses the ‘we will’ countless times in their manifestos to show intention of commitment that could be fulfilled in 5 years, 10 years or later, because no timeframe has been given. In addition, the party does not use words such as ‘we are’ to show practicality or action on the promises that they made in their 2014 manifesto. Instead, the party has included more of what they ‘will do’ in their 2019 manifesto without having indicated what they have practically done. This shows that their intentions are often more theoretical than practical.

In addition, the party has only mentioned the word ‘homophobia’ once in all of their documents, specifically in their 2019 manifesto where they state their party is about “advancing nation-building and social cohesion, stepping up the fight against racism, sexism, homophobia, and other intolerance” (ANC Manifesto, 2019: 8). Having objectively examined the text, it implies that they are using the term as a means of including or acknowledging sexual minorities. In addition, the mention alludes to the party wanting to ensure that sexual minorities are identified as equal citizens, and that there will be a fight towards the reduction of acts that aim at marginalising sexual minorities. The call for the disengagement could be to ensure that sexual minorities rights and freedoms are protected by way of minimising acts such as discrimination, “corrective” rape, stereotyping, and or alienating sexual minorities. On the other hand, they use ‘gender’ and ‘sex’ more often in their manifestos, which indicates that they could be using the two as an umbrella identification for all genders and sexes, and sexual minorities that are gender non-conforming because of how minimally they mention ‘homosexuality’ in their documents.

The party goes on to say that they are “keeping communities safe by ensuring there are securities in our streets, homes, schools, and borders” (ANC Manifesto, 2019: 8). The text shows that they want to provide protection to the aforementioned because of potential criminal activity that may bring harm to citizens and infringe on citizens’ rights to access equality and freedom. For instance, cases that involve abuse, assault, harassment, marginalization, xenophobia, etc., are a lived reality in all the spheres mentioned above. The party is not specific in this statement therefore it can only be assumed, through observation, that the text provides

a rationale as to why the communities need to be protected, because they also mentioned that they will fight against homophobia.

Furthermore, the party's statement that they achieved gender equality over the 25 years of democracy is an indicator that they use gender as an umbrella for all genders and sexes. This automatically marginalizes sexual minorities that are gender non-conforming. This is to say, because of the social constructs of gender, the party's statement of 'achieving gender equality' can be interpreted as providing women with equality to men – outside of sexual minorities that identify as being female or women. Therefore, the party's text is ambiguous. To clarify, the social construction of gender roles assume that gender and sex can be identified in 'naturally' born men and women and not in transgender or transsexual men and women. Therefore, the text insinuates that transgender/transsexual women are not who equality is aimed at.

The Freedom Charter states that those that were oppressed under the apartheid regime are to participate in contemporary South Africa's equal society. But 'those that were oppressed' is not exclusive to anyone, and the allusion is to people of colour and not sexual minorities. In addition, participation in this context alludes to the mere fact that one is a South African living in a democratic system that is able to have access to recourses that they would not have had under the apartheid regime.

However, there are sexual minorities (transgender/transsexual persons and gender non-conforming) that are still being marginalised with regards to them not being able to change their identification on their ID's at Home Affairs and the restrictions of section 7(2) of the Identification Act. It is difficult for them to participate in South Africa's 'equal' society as their right to freedom of association is infringed upon. This is to say that, transgender/transsexual persons and gender non-conforming persons are met with the challenge of being able to choose which party to belong to or to choose which party they would like to be represented by because without identification that represents who they are, they are to an extent not considered citizens, and feel as though they are unable to vote. Moreover, the inability for transgender/transsexual persons to change their identifications present more limitations that involve everyday activity such as opening a bank account, applying a driver's license, applying for a loan, applying to be a homeowner, or applying for a tax number, etc.

Chief Patekile Holomisa, the former president of Contralesa (the ANC alliance party), and current Deputy Minister of Justice's stated, "the 'great majority' of South Africans do not want to promote or protect the rights of gays and lesbians" (Segar, 2012). The text alludes to Chief

Holomisa being the mouthpiece of Contralesa and the ANC on matters that speak to traditional beliefs, and that they have some sort of understanding of what the ‘majority’ of South Africans are looking for or can relate to in political leaders and political parties. Through subjective and objective observation of the statement, it can be deduced that the ANC would receive negative responses, and lose support, from ‘the great majority’ if they were to actively support sexual minorities and ensure their rights and freedoms are being protected. Furthermore, I am of the opinion that Holomisa would not have said this with the intention to merely stir up controversy, and that he had to have knowledge of why ‘the great majority’ did not want to promote or protect the rights of gays and lesbians.

Therefore, in as much as the party is obligated by law to ensure that sexual minorities rights are protected, the party does not ensure that all sexual minorities are included in their documents to guarantee that they are provided with equality and freedom. With some sexual minorities being excluded, the ‘greater majority’ of the public will not learn and comprehend that sexual minorities are human too and deserve to be treated with the same amount of dignity and respect as they would want.

Competition

With regards to whether the ANC fosters competition to allow the representation of sexual minorities, there is a text from their website under the brief history of the party that states that the party was made up of representatives, traditionalists, and people that were part of religious organisations and “other prominent individuals” (ANC1912). This text implies that some people within the ANC possibly hold beliefs that counter the lifestyles of sexual minorities. I say this because of the outstanding statement made by Chief Patekile Holomisa discussed above. On the other hand, the text indicates that the party wanted or wants to show that it is a diverse party - being a representative of a ‘diverse South Africa’ and an ‘inclusive South Africa’ is more attractive than a party with one face, where all members either believe in one thing, practise the same culture or traditions, or have one way of thinking (possibly homophobic). All of these notions would be counter progressive to the objective of being appealing to voters and to perpetuate competition and participation.

Moreover, the text from the party’s website includes a statement that the diversity of the party allows them to come together “to bring all Africans together as one people to defend their rights” (ANC1912). The text indicates that if or when *all* Africans are brought together then they are better able to choose who will represent them and who would better protect their rights

and freedoms. Citizens are given the right to vote for who they want as leaders and from which party. The text therefore implies that if sexual minorities were to vote for the ANC, they would be doing so because of the diversity that the party claims to have and that they are inclusive. On the other hand, the text alludes to the party placing the responsibility of ensuring that citizens' rights and freedoms are protected on the citizens themselves - bringing "all Africans together as one to defend their rights and freedoms". In other words, the party is implying that citizens should be responsible for protecting their own rights and freedoms. This is inclusive of having the responsibility to vote.

The party additionally states, "for more than a century, the ANC has led our people in their aspiration for a united, non-racial, non-sexist, democratic and prosperous society, as the strategic goal of the National Democratic Revolution" (ANC Manifesto, 2014: 4). The text may read as true, but the focus of the text is the word 'aspiration'. This is to say that the party, as a governing party are yet to fulfil this union as it is still a hope of theirs and not an idea that can be matched with practical steps of achieving it.

Referring back to the text, the party's Constitution speaks of uniting "all the people of South Africa, Africans¹⁰ in particular for the complete liberation of the country from all forms of discrimination and national oppression" (ANC Constitution, 1997: 2). The text implies that there is somewhat of a segregated line between black people in South Africa and the racial groups that are not considered black. However, this can be considered to be a good consequential statement because there are racial issues that exist within the LGBTQIA+ community. The issues entail black sexual minorities feeling as though they are more susceptible to hate-crimes, unemployment due to discrimination, lack of social acceptance, lack of access to adequate health care, etc., because of the social outlook of black sexual minorities being "un-African" (Morris, 2017; Mwachiro, 2019). However, with Chief Patekile Holomisa making statements implying homosexuality is "a result from ignoring traditional African rituals" (Stewart, 2012) or "a condition that occurred when certain rituals have not been performed" (Stewart, 2012), the sense of inclusion or the willingness to represent sexual minorities can be seen as hypothetical. Therefore, how are Africans going to be united when a percentage of those Africans are rejected by their own people?

The ANC additionally state that they want to "fight for social justice and eliminate the vast inequalities" (ANC Constitution, 1997: 2). However, the text does not discuss how they intend

¹⁰ African is used to described black people in South Africa and in Africa at large.

to do so. Rather, the text shows that the party saw it fit to include this text as keeping up with the theme of portraying an image to citizens so that they can gain supporters through votes, thus, perpetuating competition.

Information and participation

As mentioned earlier when discussing whether the ANC abides by the rule of law by providing equality and freedom to sexual minorities, I stated that the language the party used is inclusive and shows unity. However, when it comes to the party providing access to information about sexual minorities to deepen participation, I would have to disagree because the party's documents, statements, or public speeches do not provide such information. There are no mentions of who sexual minorities are, the challenges they face, their socio-political history with stereotypes and stigmas, how or why their rights need to be protected, nor why they ever needed equal rights to begin with. The Founder and Director of SameLoveToti posited that, "politically on paper, the ANC has made law of protecting LGBTI, but they failed to ensure a multifaceted approach to raising awareness in educating the public" (Interview with SameLoveToti).

Given this observation, I would say it is unfortunate that the party does not provide such information to the public, especially considering they are not only a political party but the government. If they did, it is highly probable that sexual minorities would not be faced with the profound discrimination and hate they receive, or at least it could be downsized. I say this because 'the great majority' of South Africans identify with the ANC, and if the party could use their influence to alleviate the backlash sexual minorities receive, much like the initiatives they put in place to alleviate the stigma of HIV/AIDS, then social cohesion could make a turn in the right direction. The challenge is that legally the government is obligated to ensure that citizens are made aware of information that affects them or involves them. However, as a stand-alone party, the ANC does not have the legal obligation to do so, and can therefore choose what they include in their documents and what they do not. The question is, do they want to include sexual minorities in their documents to show that they want to provide information about sexual minorities to not only deepen participation but to show other citizens that sexual minorities are to be treated as equal citizens?

It is important to note that the omission of information around sexual minorities by the ANC is an indicator of the party's stance towards sexual minorities. Chief Patekile Holomisa's

statement is a clear indication thereof – “the ‘great majority’ of South Africans do not want to promote or protect the rights of gays and lesbians” (Segar, 2012).

Accountability

In reference to the party strengthening vertical accountability and horizontal accountability, in their 54th National Conference Report and Resolutions document, they show that they firstly, acknowledge they have made mistakes, and secondly, state that they need to resolve the said mistakes. However, in their acknowledgement, the party does not state what it is exactly they did wrong or why. Rather, they state the problems or what needs to be reformed.

In addition, the party’s documents, public speeches and statements imply that the party does not show interest in reforming the lack of service delivery to sexual minorities. In other words, the party as one institution, and the party as a government institution, do not state that they intend to, or even what they intend to proactively do, to ensure that their promises of protecting sexual minorities rights are fulfilled.

Moreover, Deputy President David Mabuza’s profound decision to stay silent against the abuse of human rights (sexual minority’s rights) imposed by Uganda, Mauritania, and Somalia shows that he is not willing or is disinterested in holding other political leaders horizontally accountable for their actions. Mabuza further justifies his stance by saying South Africans should not impose their beliefs on other countries - “we must mind what we say” and “you can’t put your belief to be the belief of the rest of the world. The way we believe in things as South Africans, we must not impose our belief to everyone” (Makinana, 2019). This implies that the need to protect citizens from negative decisions that governments make are made based on beliefs, and not the humanitarian obligation to protect their rights. The question is, what would have happened had other countries not protested against the oppressive apartheid regime?

Furthermore, the party’s claim of “stepping up the fight against homophobia” (ANC Manifesto, 2019: 8) does not provide any detail as to how it has or will be done. Nor is there substantial proof to indicate that homophobia has been or is being fought against by them. In reality, and as evidence shows (see Chapter 2), sexual minorities are grappling with getting socio-political and socio-economic equality because of their sexual orientations. There is more evidence of the challenges that sexual minorities face every day than there is evidence showing the ANC’s role in taking accountability for not actively protecting the rights of sexual minorities. If there is evidence showing that the ANC is taking accountability for not actively protecting the rights of

sexual minorities, then I will cautiously say that they acknowledge the challenges but do not act upon reforming them, which can be seen in the type of “justice” that ‘corrective’ rape victims receive (under theme a).

5.3.1.1 Conclusion

In conclusion, we can see that in as much as the ANC aims to be inclusive of sexual minorities, they grapple with how they can be inclusive of them without losing the ‘great majority’ of their voter support. Thus, the visible minimal information that is provided by the party that speak to sexual minorities, and the use of the words ‘gender’ and ‘sex’ as umbrella terms for sexual minorities. Therefore, we can see that I have used Van Dijk’s (2006: 125-127) SOA method of analysis to critically analyse the ANC’s documents, speeches and interviews. A more detailed conclusion will be made in Chapter 6.

5.3.2. DA

In this section, I will critically discuss whether the DA are abiding by the rule of law and upholding democratic norms that aim towards ensuring that sexual minorities’ rights are being protected. This will be determined by considering if they protecting sexual minorities by: a) supporting equality and freedom; b) ensuring that sexual minorities are represented by fostering competition and how that affects responsiveness; c) providing citizens with information that speak of who sexual minorities are; and d) strengthening vertical accountability and horizontal accountability.

Freedom and Equality

The DA states that they want to provide an “Open Opportunity Society for All” that entails giving citizens access to freedom protected by the South African Constitution. This would allow citizens to be “free to do as they please as long as they do not infringe the rights of others” (DA Manifesto, 2014: 3). The text shows that the DA’s intention is to be inclusive of all citizens and provide citizens with the reassurance of being able to enjoy their rights. However, the enjoyment of those rights should not lead to the infringement of other citizens’ rights. This indicates that the party is trying to ensure that *all* citizens’ rights and freedoms are protected and that they are *all* treated equally. Moreover, the ability to express one’s rights and freedoms wholly without infringing on other’s rights is extended into the DA’s 2019 manifesto, where it has been included. In addition, the party ensures that citizens know that they too have a

responsibility to ensure that citizens' rights are protected. This implies that the onus is not only on political leaders, political parties as a whole, nor on the judiciary.

Included in their 2019 manifesto, the DA states that *all* citizens should be able to enjoy the rights and freedoms outlined in the South African Constitution despite their race, ethnicity or gender. This text is an extension of the previous text of 'Open Opportunity Society for All'. This is to say that citizens of South Africa are to enjoy their rights and freedoms irrespective of what makes up parts of their identity or identities. This is because the said rights and freedoms are legally theirs to enjoy, as stated in the constitution.

In the DA's aims for providing "for health, shelter and a social safety net for vulnerable citizens" (DA Manifesto, 2014: 15), they intend on ensuring the wellbeing of *all* citizens. This text is ambiguous because the party does not stipulate who the vulnerable citizens are. Therefore, one can interpret that they have somewhat categorised citizens that are disadvantaged or marginalized because of their sexual orientation, age, race, religious belief, etc., under one umbrella as 'vulnerable'. Aside from this, based on the lived reality of sexual minorities, it is uncertain that the provision of health, shelter, and a social safety net will allow *all* citizens, including sexual minorities, to live dignified lives in order for them to experience equal rights and freedoms like their 'invulnerable' counterparts.

Moreover, the DA talks about having a fair society by having 'equal and profound opportunities that further require abilities "to make the most of them"' (DA Manifesto, 2019: 5). This is an extension of ensuring the wellbeing of citizens as discussed above. However, in this statement the party does not say how they will provide the 'equal and profound opportunities' nor do they specify who exactly may need these provisions, nor do they state what these provisions even are. Yet, the text indicates that they acknowledge there are certain abilities that are needed 'to make the most of them'. The text does not indicate what the needed capabilities are, nor does it indicate how or where sexual minorities can or will be positively affected if they are to get these needed capabilities. In other words, the text does not provide an indication of whether sexual minorities will be socially included without condition, or, for example, whether transgender/transsexual persons will be able to change their gender or sex at Home Affairs. How then does this affect the equality and freedom of sexual minorities when there is very little to no mention of what the needed capabilities are?

In the text where the DA acknowledges South Africa's diversity, they say that those living in South Africa are to be "freed from domination by others" (DA Manifesto, 2019: 5). This

statement propelled their intention to implement “specific education programmes to tackle bullying and harassment in school as LGBTQI+ youth are not adequately protected by anti-bullying initiatives”, and “end the discriminatory treatment of LGBTQI+ family’s [processes of] adoptions and protect LGBTQI+ elders against discrimination” (DA Manifesto, 2019: 60). According to Henderson & Almack (2015: 275), LGBT elders are discriminated against in the health care system and in the legal system, in that they are not adequately taken care of due to their sexual orientation.

These texts are similar to one another because they both speak of alleviating the repression of sexual minorities. The text that speaks to protecting elderly LGBTQI+ persons from discrimination is unique because discrimination against elderly sexual minorities is rarely discussed and the DA is the only party to acknowledge them. This is an indicator that the DA is well aware of the marginalization and specific types of challenges that sexual minorities are faced with on a daily basis. In addition, the text implies that the party identifies that by virtue of sexual minorities’ sexual orientation(s), they are susceptible to being dominated by the majority who are heterosexual and the status quo of heteronormativity. This is a further indication that the party wants to ensure that sexual minorities receive and are able to enjoy equal rights and freedoms, albeit they do not indicate how they intend to end the discriminatory treatment, which perpetuates promises sounding good in theory but not being executed.

The text that pertains to the DA’s Social Protection Policy, which is mentioned in Chapter 4, is not inclusive of sexual minorities, but identifies “children, the aged, people with disabilities, and those who find themselves without jobs for long periods of time” as being vulnerable members of society (DA Social Protection Policy, 2013: 3). It would be befitting to have included sexual minorities as vulnerable members of society because of the socio-political and socio-economic challenges that they face on a daily basis. In addition, the text does not indicate how the Social Protection Policy will protect said citizens.

On the other hand, the text shows that the party is well aware of citizens that are unemployed and that are unemployable, which although unspecified, can be based on various reasons such as their sexual orientation, as illustrated above with the quotations of employment discrimination and marginalization. However, there is no indication of how they intend to reform these issues. This then leads to the inability of living a dignified life, which is counterproductive to obtaining equality and freedom.

Information

In the DA's Education Policy, they discuss providing citizens with substantial information that will assist them in making informed decisions about their lives.

To be a winning nation, South Africa must also be a place where new ideas are generated. This should include ideas to improve the way we deliver services, ideas to connect people to each other and with the information they need to make informed decisions about their lives. It should include ideas to improve the efficiency of processes in both the public and private sector and ideas to solve our key societal challenges. (DA Education Innovation, 2013: 3)

On the one hand, the text does not explain the type of information that will be provided, therefore one cannot determine whether citizens will make informed decisions when the information is not specified unless the decision is imposed on the citizen. On the other hand, it is possible to interpret the text as the party wanting to include information on the lifestyles of sexual minorities as part of the Life Orientation syllabus or having learners know that heterosexuality is not the only type of sexuality there is because "LGBTQI+ youth are not adequately protected by anti-bullying initiatives" and harassment in schools (DA Manifesto, 2019: 60). Alternatively, the text could imply that the party would like to integrate lessons that will teach learners about the various jobs that are available, how to do taxes or how to change a tyre. There is no specific indication of what the party's Education Policy intends to do.

As mentioned in Chapter 4, the party's principles are founded on "the fundamental rights and freedoms of every person, which included the right to freedom of conscience, speech, association, and movement" (DA Federal Constitution 2018: 7). The text shows that the party advocates for equality in that every person should have fundamental rights and freedoms. However, the text also presents limitations of the said fundamental rights as the party only mentions four rights and freedoms when fundamental rights include the rights to healthcare, safety and security, justice, and social security.

Competition

To foster competition and ensure that sexual minorities are represented, the party, in their constitution and other documents, state that they are for the "rejection of unfair discrimination on any grounds and the redress of past discrimination" without judgement (DA Constitution, 2018: 7). The text shows, again, that the party identifies that discrimination exists in all spheres,

such as sexual orientation, race, religious beliefs, age, etc., but the existing discrimination is what has been carried over into contemporary South Africa from the apartheid era. The texts however do not discuss or provide an indication as to how they will reform or redress past discrimination.

The DA further considers “the language, cultural and religious rights of individuals and the communities they create through free association” and that citizens are “equal before the law” (DA Constitution: 2018). The text shows that the party again recognises the diversity of South Africa and that through this diversity, by way of free association, *all* citizens are ‘equal before the law’. However, in the party’s list of diverse factors, they did not mention sexual minorities. On the other hand, the party does advocate for the rights and freedoms of sexual minorities, which is seen in their 2019 where they detail their intentions on protecting the rights and freedoms of sexual minorities. This portrays their stance on protecting the rights of sexual minorities and demonstrates that they want to represent sexual minorities.

Participation

The text provided by the DA in their 2019 manifesto on LGBTQIA+ persons shows that the party is providing readers and potential supporters and voters with some sort of context as to why sexual minorities need to have their rights protected. In addition, why sexual minorities must be treated equally. Therefore, the party states that they intend to “combat discrimination against the LGBTQI+ community and promote the community’s rights” (DA Manifesto, 2019: 60). The text implies that the party is trying to deepen participation by providing this type of information. It additionally shows that they advocate for the rights of sexual minorities, which would be attractive to sexual minorities, thus propelling them to participate through voting. Another way that they deepen participation, like the ANC to some extent, is that other citizens would view the DA as being an inclusive party, an empathetic party, and/or a party that seeks to want justice and equality for all citizens, simply by having included sexual minorities in their 2019 manifesto.

Accountability

With regards to strengthening vertical accountability and horizontal accountability, the DA states that ‘it is essential that there be a focus put on the primary prevention of abuse, violence, and murder due to the high levels thereof’ (DA Manifesto, 2019: 58). The text shows that the party acknowledges and wholly understands that South Africa has a high crime rate that

involves abuse, violence and murder. This acknowledgement is reassuring because it shows their intent to action against it, but they do not state who is to be held accountable for these crimes or how it affects sexual minorities. In reality, sexual minorities are affected twice over because they live in South Africa and because of their sexual orientations. It is possible that the DA could be held accountable for not holding the governing party accountable.

The text shows, however, that the party is trying to make the governing party aware that there needs to be a focus placed on the three mentioned issues of abuse, violence, and murder. As such, the DA is stating that if they were put into power, they would place emphasis on reforming those issues.

The party further states, “it is essential that our police and courts are effective, efficient and adequately resourced to discourage violence and femicide” (Moosa, 2019). This text posits that the party wants to hold the judiciary accountable and law enforcement accountable for not being effective, efficient or adequately resourced to discourage violence and femicide. The party says that they will ensure that police stations are equipped with sufficient training, and that they comply with the rules and regulations stipulated in the Constitution that speak to the protection of rights, fairness equality, and empathetic care for reporters of domestic abuse, assault, and rape. Zakhele Mbhele¹¹ states, “the DA’s liberal philosophy and principles make the party a more conducive space for LGBT people to feel freer to be out” (Igal, 2017). In addition, “open and visible LGBTQ figures can be role models for younger LGBTQ people that they can identify with and look up to, which they often lack in our heteronormative world” (Igal, 2017). This may be why SameLoveToti stated that “the DA’s been more practical in providing safe spaces and dialogues with LGBTI”.

However, in wanting to hold the judiciary and law enforcement accountable, the text does not include sexual minorities, and with them being fearful of victim blaming or being raped again by law enforcement, one would expect to have included them. This is even more the case considering the amount of openly gay leaders in the DA (Igal, 2017).

5.3.2.1 Conclusion

In conclusion, I have shown that the DA have theoretically put in place intentions of ensuring the protection of sexual minority’s rights, however, they have not put in place practical strategies on how to execute them. In addition, I have shown that the party used ideological

¹¹ The first openly gay member of parliament and member of the DA.

framing as demonstrated by applying Van Dijk's (2006) ideological square, in that they de-emphasise the opposition's good things while emphasising their own good things, and emphasise the opposition's bad things while de-emphasising their own bad things. This will be further discussed in Chapter six.

5.3.3. EFF

This section analyses and critically discusses whether the EFF are abiding by the rule of law and upholding democratic norms that aim towards ensuring that sexual minorities' rights are being protected. In the process of doing so it will again look at the themes of equality and freedom, competition, information participation and accountability.

Freedom and Equality

The EFF's 2014 manifesto states that they intend on providing quality social welfare services that make up part of their social transformation, development and welfare service. The party included sexual minorities as part of their social transformation development and welfare service. The text shows that the EFF is trying to be inclusive of sexual minorities, which is why they have them listed. However, the text additionally indicates that the party did not know how to have sexual minorities included as people or individuals and not as objects or services. In other words, they have sexual minorities listed as a service that is to be rendered and not as people that are meant to be receiving a service. This can be seen below:

A South Africa bedevilled by crisis levels of poverty and access to basic services, needs an urgent programme to deliver quality and sustainable services. EFF's approach to delivery of basic services to the people is that it should be labour-absorptive, and should produce quality products, goods and services. The social welfare services which the EFF Government will qualitatively provide are the following:

- 1) *Quality and Extensive Education and Training.*
- 2) *Quality Healthcare.*
- 3) *Research & Development and Science and technology Innovation.*
- 4) *Quality Housing and Sanitation.*
- 5) *Safety and Security.*
- 6) *Transformation of the criminal justice system.*
- 7) *Transformation of the correctional services system.*

- 8) *Youth Development.*
- 9) *Gender equality and women emancipation.*
- 10) *Lesbian, Gay, Bisexual, Transgender and Intersexual (LGBTI).*
- 11) *Sports, Arts, Culture and Recreation.*
- 12) *Quality Roads and Infrastructure.*
- 13) *Social Grants.*
- 14) *Social Cohesion.*
- 15) *Rural Development.* (EFF Manifesto, 2014: 13)

Ultimately, in the EFF's 2019 manifesto, the texts show that they grasped the fact that sexual minorities are human beings and not inanimate objects or products that can be offered as a service. This demonstrates that the party shows they know of the issues that sexual minorities are faced with by listing the legal limitations that they intend on amending in the legislature. The text states that they intended on: "i) amending legislation to implement harsher minimum penalties for 'corrective' rape; ii) expedite ID alteration applications for transgender applicants; iii) end unfair discrimination by government and private organisations, and iv) oppose unfair discrimination against sexual minorities in relation to adoption processes" (EFF Manifesto, 2019: 45). This list is part of their plan of action that aims towards assisting sexual minorities with regards to them obtaining equality and just justice. I say just justice because there are three cases of 'corrective' rape (mentioned in Chapter 1) where the victims did not receive adequate justice.

The text also indicates that, like the DA, the EFF acknowledges the repression and challenges that sexual minorities are faced with as indicated by the specifications provided, i.e. the different legal limitations they identified that affect sexual minorities. This indicates that the party is aware that those limitations are what additionally affect sexual minorities. The question is, are these mere promises made because of election season, used as bait to gain more supporters from voters or members from the LGBTQIA+ community, or is the party practically going to challenge legislation to ensure that sexual minorities' rights are protected?

A similar question can be applied to the party's intention for having posted Mr Landa Mabenge on their Twitter page as their #ManCrushMonday with the caption: "Mr Mabenge, is an author of a brutally honest memoir, "Becoming Him". Where he lays bare his tortured world, growing up trapped in the wrong body, while unflinchingly tracing his transition from Female to Male" (EFF, 2019).

Much like Julius Malema's call to "love gay people, it's their choice" (Staff Reporter, 2013), might that have been a way to get attention or did he actually mean it? However, Malema saying it's their 'choice' shows that he still does not fully understand that one's sexuality is not like choosing an item of clothing or choosing what to eat for dinner. In addition, he once commented "there is no such a thing hermaphrodite in Pedi" (Nicolson, 2014). People are born with their sexuality. Research conducted by Andrea Ganna (2019: 869) revealed that "same-sex sexual behaviour is simply a natural part of our diversity as species". A conclusion that Zeke Stokes, Chief Programs Officer of Gay & Lesbian Alliance Against Defamation (GLAAD), commented that "this new research provides more evidence that being gay or lesbian is a natural part of human life" (Ennis, 2019). The only time choice is involved is when people choose to not conform to an identity or whether they want to transition to a male or female, or when they choose who they want to enter a romantic relationship with.

Information

Moreover, in the party's constitution, they speak of imposing penalties for unfair discrimination against sexual minorities in relation to adoption processes, like the DA. With the party using the word "unfair" (DA Manifesto, 2019, 5), they are showing the extent of the discrimination that sexual minorities receive, thus, shedding light on the marginalization of sexual minorities.

In the party's constitution, they also speak of aiming towards opposing patriarchy, sexism and homophobia. The text, however, does not indicate how they intend to do so, implying this is merely an idea on paper that sounds like it would give sexual minorities equality and freedom if it were to be practically executed.

Competition

The manner in which the EFF proclaim to want to represent sexual minorities can be somewhat misinterpreted because of how they introduce themselves to citizens in their documents. The party introduces themselves as an economic emancipation movement to South African citizens, showing distinctly what their intensions are and that they are aligned with the economic battles the majority of citizens are faced with. The party further states that they 'strive towards converting their support into votes in order to win political power' (EFF Mnaifesto, 2014: 2). The text implies that the party will use their political power, and the fact that many citizens are living in poverty and are unemployed to their advantage by highlighting these issues to show

the said citizens that the party acknowledges their circumstances and want to better their lives. In return, the party's outlook could be that they would have a greater chance of attaining votes that will allow them to get into power. As underhanded as the implications may seem, political parties' main roles are to foster competition in order to gain votes and strive towards being in power.

Moreover, the text shows that the party's intensions are largely for economic emancipation. Their aims, objectives, intentions, etc., are in the party's name – Economic Freedom Fighters. This indicates that whatever else South Africans may be affected by is secondary to them, i.e. ensuring that sexual minorities' rights are protected and they receive just and equal representation is not a core concern.

In the party's 2019 manifesto, they again greet their readers with an exclamation of "Our Land and Jobs Now!" (EFF Manifesto, 2019: 1). In addition, the party acknowledges that being in power or being the ruling party involves focusing on other areas that affect citizens, but their main focus for 2019 and possibly until the next national elections, will be on land and jobs. The text shows that the party's main focus is on economic empowerment, and because the majority of South Africans are grappling with obtaining economic emancipation, the party's aims and objectives are attractive to those citizens.

Participation

The EFF's aims and objectives may be appealing to sexual minorities too because they are also faced with the challenges of not being employable because of their sexual orientation, but the text does not specify that that may be the case. The objective examination of the text indicates that if sexual minorities were to vote for the EFF solely based on the party's aims and objectives mentioned above, their sexuality would come second because they too need employment to achieve economic emancipation. Thus, the EFF is the best choice for them with regards to representation because it can be assumed that sexual minorities can identify that, at times it is not their sexuality that hinders them from being employed, but rather the minimal reform since the apartheid era.

There are, however, sexual minorities who are unemployed directly because of their sexual orientations. Therefore, they would say, 'I am unemployed because I am queer'. Thus, the party stating that "the EFF government will decisively enforce the Equality Act and related legislation to end unfair discrimination by government and private organisations in relation to the

employment of women and the LGBTQI community” (EFF Manifesto, 2019: 45) is an attractive promise that tackles two issues at once.

Accountability

By way of strengthening vertical accountability and horizontal accountability, the EFF, in their 2014 manifesto, point out that the governing party “has failed in virtually all its commitments and has chosen to shift the goal from 2014 to 2030” (EFF Manifesto, 2014: 6). This indicates that the party wants to hold the government accountable and to place blame on them. The rest of the text does not include sexual minorities, demonstrating that the party is adamant on emphasising the ANC’s bad things and de-emphasising their good things, while emphasising the EFF’s own good things and de-emphasise their bad things. This creates a situation of ‘us’ vs ‘them’. This in no way has any relation to the protection of sexual minorities’ rights but is aimed at trying to get the upper hand in the game of politics so that citizens will vote for the EFF. In addition, SameLoveToti posits that “the EFF is largely intolerant in general” (interview with SameLoveToti, 2019).

5.3.3.1 Conclusion

In conclusion, it is clear that the EFF, for as much as they are an economic empowerment party, they do align themselves with sexual minorities and appreciate that sexual minorities are faced with socio-economic and socio-political challenges. Thus, their intentions are to ensure that sexual minorities’ rights are protected. This analysis has been done by using Van Dijk’s (2006: 125-127) SOA method of analysis. The analysis raised the meanings behind the written texts from the formal documents to assess why certain words, phrases, texts, and sayings were used and/or omitted. The findings from this analysis chapter allow for the formulation of the answer to the overall research question, as discussed in Chapter 6.

Chapter 6 - Conclusion and Recommendations

6.1. Addressing the Topic at Hand – Is the Rainbow Community Part of the Rainbow Nation?

This section aims at tying the research study together to answer the overall question of whether political parties protect the rights of sexual minorities in South Africa. Furthermore, along with the concluding remarks, I have discussed some recommendations that pertain to the outcomes of the research question. I have successfully done so by referring to the introduction and background, the theoretical framework, the research methodology that has been applied, the conceptualization of the ANC, DA, and EFF, and the understanding of the theory and data through CDA.

This section will therefore start with a brief summary of each chapter then a brief summary of whether each political party has protected the rights of sexual minorities in South Africa, drawing on the research from the previous chapters. This will be followed by a comparison of each party, in addition to an analysis of why sexual minorities are faced with the challenges with which they are faced. In the end, helping to answer the overall research question: what role do political parties play in protecting the democratic rights of sexual minorities in South Africa?

Chapter 1 introduced the topic of the research study, rationalised by the context provided in the background section of the chapter. The context was an indicator of the research problem, which additionally provided a socio-political history of sexual minorities. Chapter 2 outlined theoretical information about the key concepts that emerged from the research topic, along with the theory of democracy and democratic norms that are, according to Diamond & Morlino (2004), presets of a “quality” democracy. Additionally, this chapter lay the foundation to assess whether political parties are upholding democratic norms through their actions via their proclamations. Having used Diamond & Morlino’s (2004) method of assessing democracy, and using Van Dijk’s (2006: 125-127) SOA discourse analysis method, I was able to critically analyse the formal documents of the ANC, DA, and EFF. Chapter 3 focused on the methodology and how I conducted the research, detailing both the process and limitations. Despite certain limitations, I was able to obtain a substantial amount of data that included the three party’s history and background, constitutions, manifestos, and policies. This data was outlined in Chapter 4. The critical analysis of these documents was provided in Chapter Five, along with the interview findings with SameLoveToti.

It is important to note why I mention that practical strategies need to be discussed and implemented when the parties indicate their intentions for protecting sexual minorities. This is because sexual minorities, as mentioned in Chapter 1, have and are still being faced with social challenges that more often than not limits them. The lived realities are that sexual minorities grapple with the fear of being outcasted by those close to them. They are susceptible to harassment, verbal and physical attacks, assault, rape and/or murder, which are inflicted by fellow citizens and community members who project their insecurities on sexual minorities and claim to not be in alignment with who sexual minorities are.

6.2. Reflection of analysis

After analysing the three political party's formal documents and observing their public statements, speeches and interviews, it is evident that the ANC has left a gap between protecting the rights of citizens and protecting the rights of sexual minorities. This is to say, they do not provide information that raises awareness on sexual minorities that would positively change the manner in which sexual minorities are treated in society.

According to the DA's formal documents, the party has intensions of protecting the rights of sexual minorities, yet there is a lack of evidence to illustrate how they intend on practically implementing their intensions. This shows that in theory, the party ensures the protection of sexual minorities but in practice, they do not. In as much as Tony Leon would engage sexual minorities in public dialogues to reassure them of their place in society (as equal citizens), there is a lack of recent evidence that the DA has continued to do so.

The EFF, taking into consideration how young the party is, has made strides in being inclusive of sexual minorities in their documents, albeit they initially considered sexual minorities as objects or services and not as individuals (EFF Manifesto, 2014: 13). Their inclusivity additionally outlines their intensions for protecting the rights of sexual minorities. However, their documents too lack practical strategies of ensuring that sexual minorities' rights are protected. Additionally, there is very little public information that speaks to the EFF dialogues with sexual minorities or of them providing the public with information about sexual minorities.

6.3. Comparing and contrasting the parties

Theoretically, the ANC abides by the rule of law by supporting equality and freedom of sexual minorities in both of their capacities as a party and as government, but in practice they do not. This is because there are no practical steps that have been taken to ensure that sexual minorities are protected, or that the social milieu will not be filled with fear and doubt for sexual minorities. Moreover, there is no recent evidence that shows that the party has used their platform to positively change the negative narrative that is attached to sexual minorities. Chief Holomisa reaffirmed this with his statement on sexual minorities, commenting that “the ‘great majority’ of South Africans do not want to promote or protect the rights of gays and lesbians” (Segar, 2012). Therefore, I would say that the ANC do not allow for the representation of sexual minorities because there is a lack of information on their approach to sexual minorities and their approach to protect sexual minorities’ rights that is provided about sexual minorities and lack of support.

In the same breath, it is difficult to say, without evidence, that with the ANC not providing the said information on their approach to sexual minorities and their approach to protect sexual minorities’ rights does not deepen participation of sexual minorities. I say this because citizens vote for different parties for different reasons. Thus, one sexual minority may choose to not vote for the ANC because of lack of information, where another would vote for the ANC because of the legislation that they implemented for sexual minorities. The same is to be said about the DA and the EFF, but with regards to the beliefs and principles that they may share with the parties.

Evidently, the ANC, by way of representation of Deputy President David Mabuza, has shown little to no interest in supporting freedom and equality in relation to sexual minorities, as seen with David Mabuza’s decision to not counter his colleagues in Uganda, Mauritania, and Somalia on their laws that infringe on human (sexual minority) rights. The EFF on the other hand condemned these laws (Modisane, 2013). The DA pleaded with Deputy President Mabuza, but he further justified his decision. In this regard, the DA showed that they support freedom and equality in relation to sexual minorities. However, in the instance of when their own member, Ghaleb Cachilla tried to humiliate Eusebius McKaiser, a public personality and publicly gay man, by calling him “a woman scorned”, the party did not reprimand him (McKaiser, 2019).

On the other hand, however, the DA has strengthened horizontal accountability in their documents that speak to changing legislature for the benefit of sexual minorities. The same is to be said for the EFF and their documents.

There are some public speeches, statements and interviews that have been mentioned above that are questionable with regards to their intentions. This is to say that some of these statements can be indicators of what the parties or members of the parties ‘truly’ believe, and they can be indicators of them creating noise for publicity to get voters. The same is to be said about the proclamations in their documents. Moreover, the inconsistencies and gaps that are presented when assessing the ‘quality’ of South Africa’s democracy and how the parties uphold the rule of law of the Constitution, are signifiers of a democracy with gaps. This is to say; democratic norms are not being wholly maintained nor are citizens' rights and basic needs being put first when they are the ones that put the leaders in power. As indicated in the parties’ formal documents, inequality continues to be perpetuated and when it is addressed, it is merely an acknowledgment thereof without the practical intentions to alleviate it. Sexual minorities are unfortunately going to remain minorities and treated unequally, especially seeing that political parties do not practically and consistently show their support for sexual minorities’ rights, which would influence citizen’s perceptions for the better, and possibly alleviate hate-speech and hate-crimes.

As mentioned in Chapter 1 with regards to the challenges that sexual minorities face, and why they face these challenges, I will recapture why sexual minorities experience these challenges and provide analysis thereof.

Evidently, sexual minorities face challenges of “corrective” rape, marginalisation, discrimination, alienation, and socio-political and socio-economic insecurity; chiefly because of ignorance that is tied to who sexual minorities are, based off of cultural and social norms, i.e. gender roles and reproduction. This was seen in the examples provided in Chapter 5 where a lesbian lady was raped six times because of her sexuality, and by men she knows. In addition, a lesbian woman who was marginalised by her superiors at her place of work because she disclosed her sexual orientation. She was moved in between clinics in the same district, which led to her not being selected to attend trainings and workshops. Thus, affecting her chances of getting promoted. Moreover, the constant proposals that the ANC make with regards to socio-political and socio-economic reformation, the restrictions of Section 7(2) of the Identification Act, the claims that Chief Patekile Holomisa made with regards to “the great majority of South

Africans not wanting to promote or protect the rights of gays and lesbians”. Furthermore, the decision that Deputy President David Mabuza made in terms of not wanting to interfere in the laws that Uganda, Mauritania, and Somalia have implemented towards the criminalisation of homosexuality. Added to this, are the gaps between the entrenchment of the Bill of Rights and the enactment of the Bill of Rights. This is to say that the laws to protect the rights and freedoms of sexual minorities exist and are rule of law, but are not acted on. Moreover, political agendas of political parties versus political parties focusing on maintaining democracy, i.e. EFF pointing fingers towards the ANC for not fulfilling their commitments – the governing party “has failed in virtually all its commitments and has chosen to shift the goal from 2014 to 2030”.

By way of analysing the texts, there are three commonalities that have emerged, which are indications of why sexual minorities face the challenges that they do. These commonalities are inconsistency from political parties, lack of awareness, and ignorance. This is to say that political parties provide little to no substantial information on sexual minorities, which ripples into the lack of awareness of who sexual minorities are and what they stand for. This then results in ignorance, and perpetuates the challenges that sexual minorities face.

6.4. Answering the Question

To answer the research question, the role that political parties play in protecting the rights of sexual minorities entails them being channels of representation for *all* citizens, which can strengthen citizen influence over a government and perpetuate democratic norms because citizens will have stronger ‘voices’. Whether the three political parties are successfully doing so is debatable. I say it is debatable because there are some gaps that still exist, even where they say they have fulfilled their role.

As such, I cannot absolutely say that the political parties have not played a role in protecting the rights of sexual minorities. However, based on the evidence displayed in this research, I can say that they are not practically playing a strong role in protecting the rights of sexual minorities because lip service appears to be easier to produce than practically doing the groundwork thereof. If this is to continue then not only are political parties going to continue to perpetuate the negative narrative that is attached to and aimed at sexual minorities, they are implicitly saying that sexual minorities are not seen as equals and will remain third-class minority citizens, even though living in a ‘democratic’ society. SameLoveToti added to this and stated:

Basically, the future looks bleak for sexual minorities in South Africa because no funding is being allocated to raising awareness around LGBT issues. South Africa did a multifaceted campaign for AIDS, where they targeted all ages, all races, all languages, the rich and the poor across the whole of South Africa, and that was quite successful, so we need to do the same for human rights in general and also to raise awareness of sexual and gender minorities. But all of that will take money and if the government continues to refuse to allocate funds to addressing this issue, then there are gonna be dire consequences for gender and sexual minorities in South Africa (Interview with SameLovetoti, 2019)

The outcome of the analysis chapter presented more questions than answers in that if the three political parties' consistently refer to the South African Constitution and promoting democracy and social cohesion, why then do they not actively ensure that citizens' rights are not infringed upon? Why are crimes against sexual minorities not given the same attention as racial crimes? Furthermore, if the life of an individual is said to be sacred and that no-one has the right to take that life away, why are criminals that murder sexual minorities not even investigated, let alone kept behind bars?

The body of literature that I covered looks at the relationship between sexual minorities, politics and South Africa's democracy. As mentioned in Chapter One, this type of literature is minimal in South Africa when compared to Western countries and European countries. However, I have managed to expand on these relationships in relation to South Africa and the overall aims and objectives of this thesis. Therefore, this thesis will be adding to that body of literature by deepening our understanding of the relationship between sexual minorities, democracy, and political parties.

In addition, having conducted research on this body of literature, it is evident that there is a gap in this body of literature that specifically looks at the relationship between sexual minorities, political parties, and democracy, and this thesis has filled that gap. More so the relationship between sexual minorities and political parties.

However, if the said political parties continue to be inconsistent and create gaps between their proclamations of protecting sexual minorities rights and the enactment thereof then the protection of sexual minorities' rights still hangs in the balance. The laws that have been implemented and that are entrenched in the South African Constitution to protect them have proven to not be successful. This is because sexual minorities are still being victimized and

marginalized as though the laws do not apply, or sexual minorities' efforts of raising awareness, fighting and rallying towards obtaining equality and justice have gone in vein. The consequence of little to no distribution of information about sexual minorities from political parties results in the minimal protection of sexual minorities rights, and continues to perpetuate the negative narrative of sexual minorities in society. However, the fight has not yet ended and hope is not lost because the next generation may be the beneficiaries of the struggle for the protection of sexual minorities. Hopefully, the next generation will not have to continue the fight against the negative social constructions that surround or make up part of the lives of sexual minorities. It is now a matter of living through it while continuing to speak up, to be seen, and to be heard.



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