

HUMAN SCIENCES RESEARCH COUNCIL



Report on Gender, Culture and Rights: New Approaches to Making Women's Rights a Reality

Project of the Child, Youth and Family Development, and Democracy and Governance Programmes of the HSRC for the Foundation for Human Rights

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Dr Heather Brookes**

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PART 1: DEVELOPMENT OF THE PROJECT

1. INTRODUCTION

In 2004, the Foundation for Human Rights commissioned the HSRC to convene a national stakeholder workshop on gender, culture and human rights. This project was based on two earlier projects, funded by the HSRC in 2002-03, on multiculturalism, gender and conflicts of rights, and masculinity. The Foundation for Human Rights commissioned the HSRC to convene a workshop to:

1. Share new research and thinking on gender, culture and rights and masculinity with other academics, policy makers and intervention programmes;
2. Discuss and develop implications of new research and theory for policy and intervention; and
3. Identify priority areas for research, consider new approaches to intervention and foster collaboration among academics, policy makers and practitioners.

The workshop aimed to target a wide range of representatives from key sectors including academics, researchers, practitioners, NGO's, government departments and civil society institutions. A reference group oversaw the project advising on content, speakers and participants. This report serves as a summary of the workshop preparations, including the convening of a reference group, the workshop itself, and the follow up and outcomes of the workshop. The first part of the report contains a narrative account, while Part 2 outlines and explains the finances. Related documents are contained in the Appendix.

2. PREPARATORY PERIOD

This section of the report covers the period from July 2004 to January 2005, during which the HSRC prepared for the national stakeholder workshop on Gender, Culture and Rights held from 1 to 3 February 2005. The FHR asked the HSRC to put together a reference group of key stakeholders to oversee the conceptualization and organization of the workshop. During this period, it emerged that several key stakeholders were planning a similar workshop/conference. To avoid duplication, and with the FHR's agreement, the HSRC entered into partnerships with the Population Council and Engenderhealth to help organise and contribute to a single workshop.

2.1 Reference group

The FHR undertook to fund the reference group costs. The reference group had to be representative of race, gender and organisational type. There needed to be a balance of academic, government, chapter nine and non-governmental representatives. Table 1 provides the names and affiliations of the reference group.

Table 1: Reference group participants

NAME	AFFILIATION	AFF TYPE	RACE	GENDER
Prof Robert Morrell	University of KwaZulu – Natal	Academic	White	Male
Prof Cheryl Potgieter	University of Pretoria/HSRC	Academic	Black	Female
Keith Ruiters	University of Western Cape	Academic	Black	Male
Dr Tina Sideris	University of the Witwatersrand	Academic	White	Female
Dean Peacock	Engender Health	NGO	White	Male
Jane Chege	Population Council	NGO	Black	Female
Desmond Lesejane	Moral Regeneration Movement	NGO	Black	Male
Geoff Mamputa	GETNET	NGO	Black	Male
Dr Mongezi Guma	CRC	Chpt 9	Black	Male

Rashida Manjoo	CGE	Chpt 9	Black	Female
Prince Mashele	ISS	NGO	Black	Male
Ayanda Nabe	SALGA	Chpt 9	Black	
Susan Nkomo	OSW	Gov	Black	Female
Dr Shaidah Asmall	DST	Gov	Black	Female
Dr Kristina Bentley	HSRC	Convenor		
Dr Heather Brookes	HSRC	Convenor		
Nathan Sassman	FHR	Funder		
Seema Naran	FHR	Funder		

The reference group's terms of reference were to:

1. Shape the focus and direction of the workshop;
2. Ensure that relevant stakeholders were included;
3. Provide oversight on the outcomes and products of the project.

Three reference group meetings were held.

Meeting 1: The first reference group meeting was held on the 6 September 2004 by video link from the HSRC offices in Pretoria, Cape Town and Durban. The meeting discussed how to achieve the aims of the project, the conference title and the major themes that should be addressed. (See Appendix for minutes).

Meeting 2: The second reference group meeting was held on the 4 November 2004 by telephone link from the HSRC offices in Pretoria, Cape Town and Durban. The meeting finalized the themes for the conference, planned the order of sessions, suggested speakers and discussed other aspects to be dealt with in the conference (See Appendix for minutes).

Meeting 3: The third reference group meeting was held on the 2 December 2004 at the HSRC offices in Pretoria. The meeting gave an update on responses of invited speakers, compiled a list of participants to be invited, updated sponsorship from partners, decided on how to finance participants, if numbers exceeded 40 participants, and decided on publicity strategies for the workshop (See Appendix for participant list).

2.2 Partnerships

Partnerships were formed with EngenderHealth and the Population Council who had planned to hold a similar workshop and gender, culture and rights with a specific focus on men and health. It was agreed that EngenderHealth and the Population Council would each contribute R30 000 to the workshop. Since a third day was to be added, the CGE undertook to fund the third day and to become a partner in the project. Two meetings were held with the partners on the 11th and 24th October to plan and organize the workshop. The HSRC undertook to book the venue, invite speakers and participants, organise all travel arrangements and compile the workshop programme, publicity and all other logistical aspects relating to the workshop.

2.3 Publicity

The workshop publicity was undertaken by corporate communications at the HSRC. As the workshop on gender, culture and human rights was to include a wide audience, such as NGOs, faith-based organisation, traditional leaders, human rights foundations and commissions, the HSRC invited an equally wide range of media. During the workshop, HSRC corporate communications representatives would be on hand to direct questions and set up interviews, and if needed, compile media releases.

An invitation to attend included the following media and was sent out on Wednesday, 26 January:

Magazines

Al Qalam, Cosmopolitan, Drum, Elle, Fairlady, Femina, FHM, Finesse, Huisgenoot/You, Insig, Jewish Affairs, Maksiman, Marie Claire, Men's Health, O – The Oprah Magazine, Rooi Rose, Sarie, True Love, Truth Magazine, Y Magazine

Journals

De Rebus, Government Gazette

Daily and weekly newspapers

Beeld, Bua News (GCIS), Business Day, Citizen, City Press, Isolezwe, IFP/AP (newswires), Leadership, Mail & Guardian, Pretoria News, Rapport, SAPA (newswire), Sowetan, Sunday Independent, Sunday Times, Sunday Tribune, The Star,

Radio & TV

BBC (local representative), Radio 702 & Cape Talk, News flash agency (news bulletins for 24 regional radio stations, including Highveld, Jacaranda, Bush Radio, Freestate FM), Radio Sonder Grense, TV 1,2 & 3, SABC news research, E-TV, KFM, Safm, YFM, East Coast Radio, Ukhozi, Zibonele, Channel Africa, Radio Lotus, Muslim Radio, Radio Islam, Ikwewezi, Quq-Qua, P4 Radio, Lesedi, KFM, KayaFM, Jacaranda

Internet

I-Net Bridge, Websites connected to newspapers

2.4 Special Edition of *Agenda*

Agenda Journal was approached on the recommendation of the reference group to assist in disseminating the workshop findings. *Agenda* agreed to dedicate a Special Edition to the workshop papers and presentations, and two editors would attend the workshop and convene an editorial board meeting immediately after to decide on content. EngenderHealth as one of the partners in the project would assist in covering the cost of this special edition, as this cost exceeded the amount included in the budget agreed between the HSRC and the FHR.

3. WORKSHOP 1-3 FEBRUARY 2005

3.1 Overview

The workshop was held from 1-3 February 2005 at Birchwood Hotel and Conference Centre in Johannesburg. The participants and delegates constituted a dynamic mix of practitioners, activists, academics and researchers, which made for a diverse and rich engagement over themes identified by the reference group.

The programme opened with a plenary paper presented by Dr Marjorie Jobson entitled "5.25 Million Minutes: Gender and Culture after Ten Years of Democracy." This was followed by 5 panel discussions: 1) Gender, Rights, Culture and Law 2) Gender, Rights, Culture and Religion 3) Gender, Rights and Masculinity 4) Gender Based Violence, Culture and Rights and 5) Gender and Health. The workshop concluded with a Round Table Discussion between the Chairpersons of the Commission on Gender Equality (CGE), the South African Human Rights Commission (SAHRC), the Commission for the Promotion and Protection of the Rights of Cultural Religious and Linguistic Communities (CRL), and Mr Rabi Gobind representing South African Men in Partnership against HIV/AIDS. A copy of the programme is included in the Appendix.

In all, 19 papers and presentations were given. On each panel, there was a mix of academic inputs with voices from the activist and civil society community of practitioners

profiling their work and interventions. A summary of the presentations is included in the Situation Analysis Report in the Appendix.

3.2 Outputs

Agenda Special Edition

On 4 February 2005, there was a meeting of the editorial board for the *Agenda* Special Edition on the workshop (Kristina Bentley, Heather Brookes and Jane Chege with the *Agenda* Editors). The meeting decided that all the inputs would be included in some form, and full length papers would be sent out for external review in order to meet the required academic standard. This process would mean publication at the end of May 2005. Kristina Bentley and Heather Brookes are to write an editorial and Marjorie Jobson's plenary address and Jane Bennett's paper will form the introductory section. There will be 8 full length, peer reviewed papers, and 11 shorter pieces consisting of briefings and profiles. Rashida Manjoo and Dean Peacock are to write summary analyses of the two broad themes under which papers have been grouped. The two main themes are: 1) Gender, Rights, Culture, Law and Religion and 2) Gender, Rights, Men, Violence and Health. The full-length papers are currently being peer reviewed and the editors are working with other contributors on shaping their inputs.

Situation Analysis Report

Heather Brookes and Kristina Bentley have developed an analytical report on the workshop contributions that is to be disseminated as widely as possible via briefings and posted on the HSRC website for comment (See Appendix).

Media outputs

The HSRC's Corporate Communications co-ordinated publicity for the workshop and facilitated media access. Outputs include the following:

Radio and Television Interviews:

- 1) SABC Bloemfontein interviewed Ms Likhapha Mbatha for their Sotho broadcast on the workshop and in particular the panel dealing with Gender, Rights and Law.
- 2) SABC Africa interviewed Dr Jane Chege and Dr Marjorie Jobson for a general overview of the workshop and a more specific comment on Dr Jobson's plenary address
- 3) Dr Kristina Bentley appeared on "Straight Talk with Ncumisa Fandesi" on P4 and explained the purpose of the workshop and some of the debates that were being covered.

Print and Newspaper Items

- 1) "All have right to be protected" by Jameson Maluleke. In *The Citizen*, 4 February 2005
- 2) "Gender equality 'lost in Zim'" by Jameson Maluleke. In *The Citizen*, 4 February 2005
- 3) "I Divorce You Once, I Divorce You Twice, I Divorce You Three Times – A Piece of Muslim Marriage Law which is in for the Chop under a new Bill" by Juggie Naran. In *Sunday Herald Tribune*, 13 February 2005

3.3 Details of the Participants

Total Number of Participants (over the 3 day period): 85

A complete list of all the participants is included in the Appendix.

Organisational representatives:

Partners:

Foundation for Human Rights (1), Human Sciences Research Council (6), EngenderHealth (7), Population Council (2), Commission on Gender Equality (4)

Government Departments:

Dept of Arts and Culture (1), Dept of Communications (1), Dept of Correctional Services (3), Dept of Health (1), Dept of Home Affairs (1), Dept of Social Development (11), Dept of Science and Technology (1)

Universities / Academic Research:

African Gender Institute, UCT (1), University of KwaZulu-Natal (3), University of Cape Town, Law Department (1), University of Ibadan, Nigeria (1), University of the Witwatersrand (1), WISER, Wits Law School (1), CALS, University of the Witwatersrand (1)

NGO's / Civil Society / Chapter 9's:

AIDS Consortium (1), All African Women for Peace (1), Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (2), CONTRALESA (2), Hope World Wide (2), Icamagu Institute (1), Lesbian and Gay Equality Project (1), Men as Partners (4), Moral Regeneration Movement (1), National House of Traditional Leaders (2), Padare Men's Forum on Gender, Zimbabwe (1), POWA (1), RADAR (1), SA Men's Forum (1), South African Sports Commission (1), South African Human Rights Commission (1), Social Services (1), Social Surveys (2), Women's Centre (1), Women's Legal Centre (1), Womensnet (1)

Other:

Agenda Journal (2), Channel Africa (1), USAID (1)

3.4 Interns

As part of the academic and research development, Ms Asnath Kgohe and Ms Mmapaseka Mogale from Child, Youth and Family Development Programme and Ms Joan Makalela from the Democracy and Governance Programme assisted as interns on the project and were involved in planning the logistics of the workshop, as well as contributing to content.

4. POST-WORKSHOP PERIOD:

4.1 Agenda Special Edition

Full-length papers have been externally reviewed and resubmitted. This special edition goes to print on 3 May 2005.

4.2 Briefings and Outreach Activities

The following briefings have been conducted. Because of time constraints due to the postponement of the workshop from December 2004 to February 2005 only a selected number of briefings were conducted. A copy of the situation analysis will be presented and discussed at these briefings.

- 1) Susan Nkomo (National OSW) (date to be determined)
- 2) Patricia September (Western Cape OSW) (date to be determined)
- 3) Helen Wells, OUT Gay, Lesbian, Bi- and Trans-Sexual Rights Group (16 March 2005)
- 4) Barbara Watson, CIDA (12 April 2005)

5) Gender co-ordinator – Zonke Cele, DoE, UKZN (12 April 2005)

An outreach workshop is being explored at the suggestion of Chief Patekile Holomisa, Leader of the House of Traditional Leaders, to promote involvement of his community and other traditional leaders. Mr Holomisa has been contacted in this regard.

5. SUMMARY OF ACTIVITIES

As specified in the contract the following activities have been completed:

1. National Stakeholder Workshop
2. Situation Analysis (HSRC website)
3. Outreach Activities (three television and radio interviews; three newspaper articles, distribution of Situation Analysis on websites and at briefings)
4. Briefings (5 Briefings)
5. Edited Volume of Workshop Papers (AGENDA Journal)

PART 2: FINANCES



	Hours	Rate	Total
HB	302	680	205,360
KB	345	590	203,550
Actual Hours worked			408,910
Hours per budget			160,000
Shortage			248,910
Funds available			184,647

Budget Explanatory Notes

1. Activity 6 – Edited Journal of conference proceedings – We budgeted R20 000 for journal costs (6b and 6d). However, on recommendation of the reference group, AGENDA Feminist was chosen as the journal and their costs are R93 400, the extra work required is covered by the balance of budget items 2a, 2b, 3b, 3e, 3f, 3g, 4a, 4b,5f, 6b and 6d.
2. Conference flights item 2g. was budgeted for R197 800 but only used R58 000 as reference group recommended local speakers rather than international ones.
3. Item 2h, airport to hotel transport, 80% was covered by the courtesy hotel shuttle leaving a balance of R16,341.20.
4. Item 2e – soft drinks was covered by the conference package 2d.
5. Item 2f – use of conference facilities per person was covered by the conference package 2d.
6. The balance of activity 5 items 5a-5g will be used before the end of March for briefings.

Original labour hours budgeted was R160 000, actual hours worked is R408,910.00 leaving a deficit of R248 910. Some of this shortfall could be covered by the balances of 2d, 2e, 2f, 2g, 2h.

APPENDIX – RELATED DOCUMENTS

- 1. Minutes of Reference Group Meetings and Proposed Participant List**
- 2. Workshop Programme**
- 3. Workshop Participant List**
- 4. Situation Analysis Document**

1. Minutes of Reference Group Meetings and Proposed Participant List

HSRC / FHR Workshop on Gender, Culture, Rights and Masculinity Reference Group Meeting, 6 September 2004, 11h30-14h30

PRESENT

Manila Soni Amin (Cultural Rights Commission), Kristina Bentley (HSRC, D&G), Heather Brookes (HSRC, CYFD), Mongezi Guma (Cultural Rights Commission), Glaudina Loots (DST), Ashraf Mahomed (HRC), Joan Makalela (HSRC, D&G), Rashida Manjoo (CGE), Mapaseka Mogale (HSRC, CYFD), Dean Peacock (EngenderHealth), Cheryl Potgieter (HSRC, Gender Unit), Suraya Williams (CGE)

APOLOGIES

Shaida Asmall (DST), Prince Mashele (ISS), Colleen Lowe Morna (Gender Links), Rob Morrel (UKZN), Ayanda Nabe (SALGA), Seema Naran (FHR), Nathan Sassman (FHR)

DOCUMENTS¹

- 1) Agenda for the meeting
- 2) Terms of Reference for the Group
- 3) Discussion Document outlining the project

INTRODUCTION

Drs Kristina Bentley and Heather Brookes welcomed all present and thanked them for making the time to attend.

Kristina Bentley opened the meeting by outlining the background to the project: in the 2002-2003 financial year, the Democracy and Governance (D&G) Programme of the HSRC and the Child Youth and Family Development (CYFD) Programme of the HSRC ran complementary baseline² projects. Kristina lead a project on Gender, Culture and Human Rights, exploring the problem of conflicts of rights and the particular problems this generates for women's equality. Heather Brookes lead a project on masculinity and violence looking at the socialization of young men in South African townships. Summaries of these projects were distributed (document 3 in the appendix). Both projects focused on issues of gender, culture and rights and proposed new methods to understanding these conflicts. Kristina Bentley and Heather Brookes decided to develop the research collaboratively and approached the Foundation for Human Rights (FHR) in 2003 with a view to convening a workshop of national and international stakeholders working on these issues to highlight new approaches to gender, culture and rights, explore networks and stimulate dialogue. Kristina referred to the discussion document (3 in the appendix) for a list of possible presenters at this workshop. The FHR have approved this workshop for the 2004-5 financial year, and requested that a reference group be convened to oversee its content, format, and direction, as well as to ensure as broad participation as possible.

¹ Attached

² These are projects that are funded from the HSRC's limited pool of funding from the Parliamentary grant. Projects are selected for funding in order to develop capacity and expertise in an area that will then be developed into a larger project.

Heather briefed the meeting on the proposed outcomes for the workshop – a situation analysis and a publication. At this stage, a dedicated edition of an academic journal is being planned, and the Journal of Contemporary African Studies (JCAS) has expressed interest, but have stipulated that 40% of the inputs must have an African continental focus, rather than purely South African, or a broader international focus. The proposed outcomes were flagged as an area for discussion by the reference group.

Kristina Bentley outlined the planned workshop, which was to take place from 9-10 December 2004, for one and half days, for a maximum of 40 participants.

Heather addressed the following:

AIMS OF THE WORKSHOP

- To bring together some of the latest thinking around masculinity, gender and rights.
- To foster collaborations between academics and practitioners so that gaps can be identified where research is needed.
- To bring the two groups together and creatively think about new approaches to human rights and issues of gender and culture.
- To identify gaps so as to put proposals together or foster collaborations that would be of mutual benefit to different people. This would be a forum to foster this kind of work in terms of the HSRC's stated aim which is a "social science that makes the difference."

The meeting was then opened for comment and discussion by the reference group participants.

Rashida Manjoo observed that one and a half days for the workshop is very limited and this may be too little time to fully explore and do justice to all the issues on the agenda. This point was supported by the other group participants. Kristina and Heather agreed, but pointed out that owing to the constraints on the budget allocated to the project by the FHR, the workshop will have to be for a maximum of 2 days. Rashida indicated that perhaps it would be necessary to source additional funding in order to extend the workshop to a 3-day event.

FORMAT, OUTPUTS AND FOCUS OF THE WORKSHOP

Rashida also proposed that the format to be followed for each panel or topic should be a presentation by an academic, a practitioner, and a discussant, followed by small group discussions (with report backs with recommendations).

Cheryl Pogieter followed up on this by pointing out that small group discussions are also advantageous to facilitate greater sharing of ideas and to encourage participation by all. Cheryl also suggested that a Southern African development research agenda should be prioritized, pointing to the connection between gender mainstreaming and development. However rather than a purely academic journal edition as an outcome, such as JCAS, perhaps a more accessible publication, such as "Agenda" could be approached to publish a special edition looking at the workshop and its outcomes.

It was also suggested that the participants include members of Women in Law in Southern Africa (WILSA) who engage in action research. Julie Stuart from Zimbabwe was mentioned as a possible participant.

Heather reported that when she met with the FHR, they indicated that rather than a purely academic output what is needed is something which people can access and respond to. The proposal includes a situation analysis document that would be accessible and that

would go to people on the ground and to policy makers, outlining some of the main thoughts and ideas of that workshop so that people can pick the document up, read it, think about it and also be able to contact the people who were part of the workshop. The reference group is needed on how they think this should happen, the format and whether it would be the most effective thing to do.

Referring to the situation analysis document, Dean Peacock suggested that a researcher and practitioner could be paired in producing the outcome for each of the specific areas the workshop would focus on. Ashraf Mahomed proposed a “triangulation” model, which would include comment from a researcher, a litigator / practitioner, and an education / training dimension, so the output could be published in the format of a manual.

Cheryl commented that in terms of the focus of the workshop, this was a revival of a debate that had been lively in the mid-1990’s when a lot of workshops and conferences were held on issues like culture, rights and gender, but, in the last few years, there has been near silence. Furthermore, as Rashida pointed out, court actions on these issues have not delivered on the promise of gender equality and rights. In particular, as noted by Cheryl, issues of lesbian and gay rights, which were on the agenda in the 1990’s have been silenced by conservative judgments in litigation. Reference was made to the work of Thandabantu Nhlapo in a work edited by Mahmood Mamdani as an example of the kind of key inputs that could be sought.³

It was emphasised that there is a need for a focused workshop on where we are, what is the way of thinking and maybe with a common theme including religion, culture and gender and sexuality, with an introduction where we do an overall situation analysis of where we are in South Africa, Southern Africa and Africa in general looking at the last ten years.

What should also be looked at is what has driven us in the last ten years and how that has changed, what have practitioners and people on the ground level been doing, how that has changed over the past decade, whether theory is driving practice or is it the other way around and finally what the collaboration is between these issues.

Glaudina commented that from the DST’s perspective, it would be important to identify what research is needed. This point was picked up by Cheryl who remarked that the focus should be on the what gaps exist in research on gender and culture, in particular from the perspective of the need for mainstreaming.

Rashida proposed that the situation analysis should focus on developments that have taken place since the mid-1990’s, with masculinity forming the theme or “thread” running through all the themes. It is also important to take debates about multiculturalism outside the purely academic forum, and include practitioners. She also raised the inclusion of religion as an important aspect of the debate.

TITLE AND PARTICIPANTS AT THE WORKSHOP

The discussion then moved on to focus on 1) What the conference should be called (relating to its focus), 2) Who should be invited to participate as stakeholders

³ Nhlapo, Thandabantu. 1991. “Women’s Rights and the Family in Traditional and Customary Law” in Susan Bazilli, ed. *Putting Women on the Agenda*. Johannesburg: Ravan Press

Rahsida suggested that perhaps there could be some discussion about including some proposals for post-workshop work for the chapter 9 institutions on gender, culture and rights.

Dean suggested a focus on HIV and Health: Tradition / Culture and Masculinity. This was then expanded on the suggestion of others in the group to Gender, Culture, Religion and Human Rights. Mongezi reiterated Rashida's point about a specific focus on religion. This then raised the question about representing religions, and not just focusing on Islam, or any other one religion, but rather to try to expand the discussion to consider religions more generally.

Cheryl proposed the title: "Living, Researching and Organising around issues of Culture, Religion, Masculinity and Rights in Africa"

The participants suggested that this could be streamlined into various other forms e.g. "Multicultural Rights, Religion and Masculinity: Living, Researching and Organising in Africa."

However, it was remarked that it is important to emphasise that these are contested rights, and so another title of "Contested Equal Rights of Gender, Culture" was suggested, but this omitted the masculinities aspect. Heather commented that the title should encapsulate the aim of trying to understand what is happening for the operationalising of fairness and well-being in the context of conflicts between gender, culture and rights.

Other titles that were mentioned:

- Multiculturalism and masculinity
- Culture and gender rights in Africa
- African culture and gender rights
- Living research and organising around issues of culture, gender & masculinity in Africa
- Contested rights, culture, gender & religion in South Africa
- Addressing diversity, gender and culture.
- Contested rights, gender, culture & masculinity in Africa

Rashida proposed a title of "Contested Rights" with themed discussions focusing on equality, culture, religion, masculinities, gender and poverty, HIV/AIDS, and Lesbian and Gay Rights.

Ultimately 6 main themes or topics were selected for focus (see the table below) as it was agreed that too many topics would be impossible to cover given the limited duration of the workshop.

WORKSHOP PARTICIPANTS

There was some discussion about the possible inclusion or representation of traditional leaders at the workshop. Patekile Holomisa and Robert Thornton were mentioned as possible people to give their inputs. Mongezi stressed the importance of the participation of the Chapter 9 institutions, and Dean raised a question about the inclusion of government representatives. Cheryl suggested that Minister Pallo Jordan be invited to attend and give the keynote speech.

It was suggested that the discussion focus specifically on who should be invited to present an input under each of the selected themes from each of the categories of an academic, a practitioner and a discussant. The table below shows the names of those who were suggested in each category by the participants.

THEME	SUGGESTED PRESENTERS		
	Academic	Practitioner	Discussant
Masculinity, HIV and Health	Prof Rob Morrel (UKZN)	Dean Peacock	Bongani Khumalo
Culture	Prof Rob Thornton	Likhapha Mbatha (CALs)	Patekile Holomisa
Religion	Cynthia Kros (Wits) OR Najima Moosa OR Faried Esack OR Ali Mazrui	Mongezi Guma (CRC)	Wesahl Agerdien (Wits)
Gender	Sylvia Tamale (Makarere U.) OR Christina Murray (UCT)	Nomfundo Walaza (Trauma Centre, Cape Town)	Rashida Manjoo (CGE)
Equality and Rights	For this panel / theme a rountable discussion between representatives of the Ch 9 institutions was suggested to be chaired by Cathi Albertyn		
Lesbian and Gay Rights	Cheryl Potgieter (HSRC / Pretoria U.)	Funeka Soldaat (Triangle Project)	Vasu Reddy (UKZN)

OTHER SUGGESTED INVITEES

- Chapter 9 institutions (The Commission for cultural, linguistic & religious rights)
- Government officials
- Churches
- Academics
- Reference group members

It was suggested that the date for the workshop be delayed, as 9-10 December may be too soon. Cheryl pointed out that a convenient time for many academics and researchers is late January. It was agreed that 26 & 27 January 2005 will be the provisional dates for the workshop.

Rashida posed the possibility of a third day for the workshop, and asked that the implications in terms of cost for this be explored, as the Chapter 9 institutions may wish to follow this up and facilitate a slightly longer event.

The next meeting of the reference group will be held on the 3rd of November 2004.

In closing, Dean mentioned that Men as Partners may be able to contribute a theatre event to the proceedings, and suggested that Willam Mokedi be contacted in this regard.

Heather and Kristina thanked the participants for their time and contributions.

13 September 2004

DOCUMENTS CIRCULATED AT THE MEETING

Agenda for the meeting

REFERENCE GROUP MEETING

6 SEPTEMBER 2004

11.30AM – 3.30PM

HSRC OFFICES – PRETORIA, CAPE TOWN, DURBAN

AGENDA

COFFEE/TEA

1. INTRODUCTION OF PARTICIPANTS
2. PURPOSE OF PROJECT, CONFERENCE AND OUTCOMES
3. PURPOSE OF THE REFERENCE GROUP

LUNCH

4. DISCUSSION OF PURPOSE, FOCUS AND OUTCOMES
5. DISCUSSION OF PARTICIPANTS (WHO SHOULD BE INCLUDED)
6. OTHER ISSUES
7. CLOSURE – DATE OF NEXT MEETING

Terms of Reference for the Group

Terms of reference

The Foundation for Human Rights and the Human Sciences Research Council are hosting a national stakeholder workshop from 9-10 December 2004 on **Gender, Culture and Rights: New approaches to making women's rights a reality**. The workshop has two major themes:

1. Gender rights within the framework of traditional or group cultural norms and rights; and
2. Masculine identities and their relationship to women's status and well-being in South Africa.

The aims of the workshop are to:

4. Invite leading national and international scholars and practitioners in the fields of (1) gender, culture and rights; and (2) masculinity, to share new thinking and findings in these fields with other academics, policy makers and programmes;
5. Discuss and develop implications of new research and theory for policy and intervention; and
6. Identify priority areas for research, develop new approaches to intervention and foster collaboration among academics, policy makers and interventions.

The purpose of the workshop is to provide a forum for:

1. Practitioners in the field to reflect on current theoretical frameworks and practices in the light of recent theoretical developments;
2. Provide opportunities for academics, practitioners and policy makers to forge partnerships and collaboration;
3. Provide a forum for the development of new projects and initiatives;
4. Address areas of concern and identify and address gaps in intervention and research.

The reference group's task is to:

4. Shape the focus and direction of the workshop;
5. Ensure that all relevant stakeholders are included;
6. Provide oversight on the outcomes and products of the project.

Discussion Document outlining the project

DISCUSSION DOCUMENT

Suggested Presenters

Major researchers in the fields of gender (both masculinity and women's issues), culture and human rights nationally and internationally. The following list are some of the scholars that could be invited to give key inputs:

Gender, Culture and Human Rights

National:

- 1) Ms Likhapha Mbatha: Deputy Head of the Gender Research Project at the Centre for Applied Legal Studies, University of the Witwatersrand, expert on gender, culture and customary law and practice (confirmed available)
- 2) Dr Cynthia Kros (University of Witwatersrand – works on issue of Muslim women wearing hijab and how this relates to democratic education with special reference to the rights of girls) (confirmed available)
- 3) Sibongile Ndashe – advocate at the Women's Legal Centre and is involved in Constitutional Court challenge to the Communal Land Rights Act
- 4) Wesahl Agerdien – Wits Law School, doing research on the proposed legislation to regulate muslim marriages and gender implications of this.

African Continent:

- 1) Dr Sylvia Tamale (Faculty of Law, Makerere University, Uganda: "Women's Sexuality as a site of control and Resistance: Views on the African context") (confirmed available)
- 2) Fatima Adamu – Usamanu Dan Fodiyo University, Nigeria, focuses on oppression of Muslim women in Northern Nigeria
- 3) Theresa Mugadza – woman lawyer and political activist from Zimbabwe. Focuses on the gender aspects of political oppression and mobilisation

International:

- 1) Dr Monique Deveaux: Department of Political Science, Williams College, United States, expert on culture and conflicts of rights
- 2) Dr Andrea Baumeister: Department of Politics, University of Stirling, United Kingdom, expert on multiculturalism and democracy

Masculinity and Violence

National:

- 1) Dr Rachel Jewkes: Head of Gender Violence and Health research at the Medical Research Council, South Africa.
- 2) Professor Robert Morrel: Leading South African academic at the University of KwaZulu-Natal on South African masculinities both past and present.
- 3) Dr Clive Glaser: Leading South African academic at the University of the Witwatersrand on male youth subcultures.

International:

- 1) Professor Bob Connell: Leading Australian academic at University of Macquarie, Sydney on masculinity and violence
- 2) Professor Matias Waldemar: University of Chicago, expert on cultural conceptions of masculinity.

**REFERENCE GROUP MEETING
3 NOVEMBER 2004
12-3PM**

DATES FOR THE CONFERENCE – 1, 2 AND 3 FEBRUARY 2004

PARTNERS

HSRC – FUNDED BY FOUNDATION FOR HUMAN RIGHTS
ENGENDER HEALTH

CGE? – to make a decision

Bafana Khumalo reports that they are keen but what does the partnership mean. Will come back to KB Next week

DRAFT PROGRAMME FOR DISCUSSION AND FINALISATION

IT MAYBE HELPFUL TO KEEP THESE IN MIND AS YOU REVIEW THE PROGRAMME

AIMS OF THE CONFERENCE

- To bring together some of the latest thinking around masculinity, gender, culture and rights.
- To foster collaborations between academics and practitioners so that gaps can be identified where research is needed and to create opportunities for researchers and practitioners to learn from each others experiences.
- To bring the two groups together and creatively think about new approaches to human rights and issues of gender and culture.
- To identify gaps so as to put proposals together or foster collaborations that would be of mutual benefit to different people. This would be a forum to foster this kind of work in terms of the HSRC's stated aim which is a "social science that makes the difference."
- To influence policy and practice in South Africa and beyond. Promotion of a climate of gender rights.

Conference Title **DECISION TO BE TAKEN BY REF GROUP**

- Contested Rights: Gender, Culture and Masculinities (in Africa, Southern Africa, South Africa)
- Contested Rights: Gender, Culture, Masculinities, Religion, Violence and Health (in Africa, Southern Africa, South Africa)

DECISION: Gender, Culture and Rights (Working Title): Subtitle

Format to be followed for each panel or topic should be a presentation by an academic, a practitioner, and a discussant, followed by small group discussions (with report backs with recommendations). Up to 4 speakers in a 2 hour session. **WE MIGHT MAKE THIS LONGER AND HAVE A DIFFERENT THEME FOR EACH MORNING AND AFTERNOON SESSION.**

GAY/LESBIAN IDENTITIES AND RIGHTS ARE TO BE MAINSTREAMED IN EACH SESSION AND SPEAKERS WILL BE BRIEFED TO ADDRESS THE RIGHTS OF MULTIPLE GENDER IDENTITIES

Gender rights relating to disability

Day 1

Morning Sessions

Plenary (one hour at the most)

Setting the scene

- 1) Giving the background and purpose of the conference
Speaker – representative from HSRC or Pop Council or Engender Health
- 2) Raising the issues
Speaker – Athalia Molokomme (Botswana) Someone who can give a broad and insightful overview of the issue. Brief this person. Susan and Fortunate to be contacted to get her contact details.
Angelo Melo (Mozambique) HRC rights of women in Africa.
Essop Pahad (Susan Nkomo)

SESSION 1 – Gender, rights, culture and law (2 hours)

Current state of affairs in terms of academic thinking and policy and practice. Law and culture and its effect on men's and women's rights.

Academic speaker: Likhapha Mbatha (lawyer and academic, applied legal studies, customary law and legal rights) (invited and accepted)

Practitioners: Sibongile Ndashe (women's legal centre) (constitutional challenge to communal rights) (invited and accepted)

Mr Gobe (House of traditional leaders –dispelling myths on culture etc). **DP AND MK HAS HE AC ?**

Elise Delpont (Women's protocol) International perspective Tukkies (Human Rights centre)

Chair: Susan Nkomo

Discussant: Kristina Bentley

Afternoon Sessions

SESSION 2 – Gender, rights and religion (2 hours)

Current thinking on the role of religion in gender rights including gay/lesbian rights. We need to make sure this represents all religions or that it speaks in broad terms about religion not focusing exclusively on any particular religion or religious issue.

REF GROUP TO PLEASE HELP SUGGEST THE BEST SPEAKERS HERE

Academic speakers: Cynthia Kros (UKZN) religion in a secular state and its impact on education) (Has been invited and accepted)

Wesahl Agerdien (editor of SA Journal of Human rights. Reform of Islamic law and its effect on women) Has been invited and accepted.

Nokozola Mdende – African traditional religion

Practitioners: **SUGGESTIONS FROM REF GROUP** Bishop Ndungane

Father Mbathjwa (SACC: gauteng regional chair)

Desmond Lesejane (Moral Regeneration Movement)

Pastor Kathide **ACTION HB AND MT**

Mongezi Guma, Priscilla Everson (MGM) to advise KB

Chair:

Discussant: **SUGGESTIONS FROM REF GROUP**

Manisha – to think of people in West Africa and other parts of the world on the role of religion in rights etc and to suggest people. **DP PLEASE FOLLOW UP**

Day 2

Morning sessions

SESSION 3 – Gender, Rights and Masculinities

Overview of research and theoretical approaches to understanding masculinities and what has been done in South Africa

Academic Speaker: Rob Morrell (UKZN)

Kopana Ratele (UWC)

Practitioner: Bafana Khumalo (Men as Partners) Current approaches to interventions with men

Dean Peacock (Engender Health) Expanding our discussion to include an examination of the impact of corporate and neo-liberal masculinities on health, rights and gender equality.

Academic/Practitioner: Tina Sideris Bridging the gap – Research as intervention and implications for research and interventions

Nomboniso Gasa – KB to follow up

Speaker needed to represent gay issues here.

Chair: Heather Brookes

Discussant: Linda Richter

Fatherhood work needs to come in here. Asking Linda Richter for her suggestions and input

Afternoon Sessions

SESSION 4 – Gender based violence, culture and rights

Current theories and approaches; rethinking gender violence within gender relations

Academic speaker: Teboho Maitse (KB), Thoko Majokwene

Wendy Isaac. (intimate femicide among gay women) Someone else to look at more broadly, poverty, emasculation, power. HB and KB

Practitioners: Lungiswa Mamaila (WC network on violence against women) (invited and accepted)

Cheryl Gilwald (Deputy Minister – Correctional Services)

Delphine Serumaga (POWA)

Christopher Harper (Masimanyane)

Mbuyiselo Botha (SA Men's Forum) highly recommended

Discussant: Susan Nkomo

Chair:

Day 3

Morning Session

SESSION 5 – Gender and Health: Interventions with men

Academic speaker: Rachel Jewkes (MRC)

Academic/Practitioner Jane Chege (Pop Council) Linking gender relations and violence with reproductive health/HIV; Rationale, Effectiveness of interventions and gaps.

Practitioners: Dean Peacock (Engender Health) and Mokgethi Tshabalala (MAP work in service delivery)

Saiqa Mullick Men and Maternity Interventions in South Africa and India

Soul City

Chair: Dean Peacock
Discussant: Olive Shisana

Afternoon session

SESSION 6 – Government civil society response in engaging men to promote gender equality, Speakers: Chapter 9 responses to promoting gender equality: where are we now?

Rashida Manjoo (CGE)

Mongezi Guma (Chair of the Commission on cultural, religious and linguistic rights)

Jody Kollapen (HRC) or other commissioner

Susan Nkomo (OSW)

Thami Skenjana-DOH-Men in Partnership Against AIDS (MIPAA) initiative

Chair: Cheryl Potgieter. Gender Unit

IT MIGHT BE BETTER TO HAVE THESE AS PART OF EACH SESSION BECAUSE OF CONFERENCE FATIGUE ON THE LAST DAY. COULD BE PART OF THE TASK OF EACH SESSION.

Small group discussions on above conference themes

- 1) Research and evaluation; where are the gaps, what new approaches could we take, what new collaborations would be productive
- 2) What do we need to do in programmes and policy: where are the gaps, what new approaches could we take, what new collaborations would be productive

WHAT ABOUT COMMUNITY GROUPS BEING PROFILED, POSTERS AND DRAMA IN THE EVENINGS, PLEASE MAKE SUGGESTIONS

Theatre performed by:

Youth Channel Group from Tembisa

UWC DramAID peer education group

Poster Presentations invited from MAP Network partner organizations (as well as other organizations working with men)

Invite donors

William Okedi-Ford

Nana Kgosidintsi-Canadian International Development Agency

Melinda Wilson-USAID

Anne Ljung-Swedish International Development Agency

Denise Parmentier-NOVIB (the Dutch Oxfam)

Oxfam Joint HIV/AIDS in Africa Programme

Follow up meeting of reference group

2nd December 12-3pm video conference facility

Suggested participants to be invited.

SUGGESTED LIST OF INVITED PARTICIPANTS (over and above the speakers)			
<u>Name</u>	<u>Designation</u>	<u>Phone</u>	<u>Email</u>
Colleen Lowe Morna, Ms.	Genderlinks		clmorna@mweb.co.za
Shireen Hassim, Dr.	Department of Politics, University of the Witwatersrand	011- 717 4364	hassims@social.wits.ac.za
Christina Murray, Prof.	Department of Public Law, University of Cape Town	021 - 650 3072	MURRAY@LAW.UCT.AC.ZA
Amina Mamma, Prof.	Africa Gender Institute, University of Cape Town		amama@humanities.uct.ac.za
Lindsay Clowes, Prof. Send to the whole unit	UWC Women's and Gender Studies Programme	021 - 959 2234	lclowes@uwc.ac.za
Meaka Biggs, Ms	NADEL Human Rights Project	021 - 447 0990	meaka@nadel.co.za
Charmaine Fortuin	Gender and Education Training Network (GetNet)	021 - 697 5355	charmaine@getnet.org.za
Glenise Levendal	Gender Advocacy Programme (GAP)	021 - 465 0197	
Gina van Schalkwyk (Gender and conflict) or Noria Mashumba (Human Rights, Law)	Institute for Security Studies (ISS)	012-346 9500/2	gina@iss.org.za or noria@iss.org.za
Saiqa Mullick, Dr.	Population Council FRONTIERS	Tel 011 325 0518 Fax 011 325 0647	smullick@pcjoburg.org.za
Lewis Ndhlovu, Dr.	Population Council HORIZONS	011 325 0518	lndhlovu@pcjoburg.org.za
Ademola Jonhson, Dr.			ajajuwon@yahoo.com
Pulani Tlebere, Dr.	Department of Health MCWH and youth Cluster (She was in- charge of the team	012 312 0406	TlebeP@health.gov.za

	that put together the National Clinical Guidelines for Sexual Assault)		
Julia Kim, Dr.	RADAR	013 795 5076, fax 013 795 5082	jkim@soft.co.za
William Okedi or/and Alice Brown	Deputy Director Ford Foundation	011 2761200, Fax 011 2761248	w.okedi@fordfound.org
Penina Ochola	Plan International Regional Health Adviser	011 666-8400	penina.ochola@plan-international.org
Dalane Van Der Westhuizer in charge of gender affairs or her boss Melissa Williams, Director, Office of Program & Project Development	USAID	012 452 2270; Fax 012 452 2399	mvanderwesthuizer@usaid.gov; mewilliams@usaid.gov
Melinda Wilson, Dr. -- Senior HIV/AIDS advisor	USAID	012 452 2000	mwilson@usaid.gov
Sibeso Luswata, Dr.	Programme Officer, Education, Young People, HIV/AIDS, Gender-based Violence - UNICEF	012 354 8234; fax 012 354 8293/4/5	sluswata@unicef.org
Ria Schoeman	HIV/AIDS Advisor, Embassy of Sweden	012 426 6456, Fax 012 426 6464	ria.schoeman@sida.se
Mary Hlalele, Dr.	IMICI and Reproductive Health Advisor, MSH	012 344 6117	maryh@msh.co.za
Eddie Mhlanga, Prof.	University of Natal, Community Health	031 260 4250; Fax 031 260 4427	mhlanga@ukzn.ac.za
Dan Mullins	Regional HIV/AIDS Co-ordinator, CARE	011 234 1221; Fax 011 234 4268	mullins@caresa.co.za
Nobanzi Dana	Human Capacity Development	012 344 6117	nobanzid@msh.co.za

	Primary Health Care, MSH		
HSRC general invite			
Nthabiseng Motseme	Wits Depts of either sociology or political science		
Victim empowerment Thoyandou			
GRIP			
GETNET			
POWA			
CSVR – Gender Unit			
Gender at Work (DP to follow up on who)			
Woman’s net – Natasha Price			
Wilhelmina Trout			
Debbie Budlender	UCT		
IDASA			
PPSA			
Hope Worldwide – Skildie Seketo			
Dr Jean Benjamin	Social development		
DST – Shaida Asmal			
Dept of Education – Mbatha Ramokgoshe - Gender			
DOH – Esther Maluleke			
Dept of Justice			
SALGA - Ayanda			
Kubie Naidoo civicus.org			
Women on farms – Deena Bosch			
HIV coordinators from MAP			

2. Workshop Programme

3. Workshop Participant List

LASTNAME	FIRSTNAME	ORGANISATION
Ademola	Ajuwon	University of Ibadan
Agerdien	Wesahl	Wits Law School
Badroodien	Azeem	HSRC
Bennett	Jane	African Gender Institute
Bentley	Kristina	HSRC
Botha	Mbuyiselo	SA Men's Forum
Brookes	Heather	HSRC
Chenge	Jane	Population Council
Cherry	Janet	HSRC
Clark	Susie	AIDS Consotium
Ditlopo	Prudence	Social Surveys
Dlamini	Nhlanhla	Dept of Correctional Services
Dlepu	Lizeka	Dept of Communications
Dockraf	Ashraf	CRL Commission
Elizabeth	Araujo	Women's net
Everson	Pricilla	
Gobind	Rabi	
Guma	Mongezi	CRL Commission
Harper	Gil	Agenda
Himonga	Chuma	UCT
Hlatshaneni	Dululu	Dept of Health
Holomisa	Patekile	CONTRALESA
Isaack	Wendy	Lesbian and Gay Equality Project
Jane	Makgotho	Social Services
Jobson	Majorie	All Africa Women for Peace
Johnson	Henry	Dept of Home Affairs
Kageruka	Bonaventure	Engender health
Kgosana	Ephraim	Dept of Social Development
Khanyile	N J	Men as Partners
Khumalo	Bafana	CGE
Khwene	Kenosi	Channel Africa
Kim	Julia	RADAR
Kollapen	Jody	SAHRC
Kros	Cynthia	Wits
Kutama	Fhumulani	NHTL
Lesejane	Desmond	Moral Regeneration
Maake	Edward	Men as Partners
Mabizela	Nhlanhla	Engender health
Mabizela	Nhlanhla	Engender health
Mahapa	Kgomotso	Dept of Arts and Culture
Mahlangu	Petrus	Dept of Correctional Services
Maitse	Tebogo	CGE
Makiwane	Monde	HSRC
Maloma	Matshepo	Dept of Social Development
Maloma	M	Dept of Social Development
Manjoo	Rashida	CGE
Matlaila-Ramphuthi	Suzan	Dept of Correctional Services
Mbatha	Likhapha	Wits, Centre for applied legal studies

Memela	Lungiswa	Womens Centre
Mhlanga	Eddie	Nelson R Mandela UKZN
Mkhize	Nhlanhla	UKZN
Mkiva	Z	CONTRALESA
Mndende	Nokuzola	Icamagu Institute
Mngomezulu	Siphiwe	DST
Modiba	Matome	Dept of Social Development
Moodely	Asha	Agenda
Mopeli	Morena	NHTL
Morell	Robert	UKZN
Mosadi	Pogiso	Dept of Social Development
Mtutu	Reg	Padare/Men forum on Gender
Mullick	Saiqa	Population Council
Ndashe	Sibongile	Women's legal Centre
Ndiki	Nonkonkozelo	SA Sports Commission
Ndlangamandla	Gugu	Dept of Social Development
Ngema	M	Dept of Social Development
Nkambule	Modiegi	Dept of Social Development
Nkambule	Mpolokeng	Dept of Social Development
Nkosi	Maureen	Dept of Social Development
Nkosi	Thami	Men as Partners
Peacock	Dean	Engender health
Piliso-Seroke	Joyce	CGE
Potgieter	Cheryl	HSRC (Gender Unit)
Rabbuh	Raletsemo	Engender health
Rebombo	Dumisane	Engender health
Russell	Bev	Social Surveys
Sassman	Nathan	FHR
Serumaga	Delphine	POWA
Sibanda	Mimi	Dept of Social Development
Sibeko	Sgidi	Hope WW
Sideris	Tina	Wits institute for social and economic research
Swart	Raoul Ridwaan	MAP-CPUT
Tshabalala	Mokgethi	Hope WW
Tshuma	Jabulane	Engender health
Van der Westhuizer	Dalene	USAID

Situation Analysis Report: Gender, Culture and Rights in South Africa

1. Introduction

2. Background: Gender, Culture and Rights

2.1 Human Rights, Multiculturalism and Globalisation

2.2 Gender, Culture and Equality

2.3 Communal Rights and Cultural Self-Determination

2.4 Constitutional Protection of Human Rights to Culture and Equality in South

Africa

3. National Stakeholder Workshop

3.1 Plenary Session

3.2 Gender, Rights, Culture and Law

3.3 Gender, Rights, Culture and Religion

3.4 Gender, Rights and Masculinity

3.5 Gender Based Violence, Culture and Rights

3.6 Gender and Health

3.7 Round Table Discussion

4. Themes Emerging

5. Gaps, Silences and Opportunities

1. Introduction

This report is based on a workshop on Gender, Culture and Human Rights that was the focus of a project commissioned by the Foundation for Human Rights from the Human Sciences Research Council in 2004. This project was based on two earlier projects, funded by the HSRC, one looking at multiculturalism, gender and conflicts of rights, and one looking at masculinity. These projects were conducted by the Democracy and Governance; and Child, Youth and Family Development Programmes of the HSRC in 2002-3. The Foundation for Human Rights commissioned the HSRC to convene a workshop to take the research forward and to have as wide a range of representatives of people in key sectors – academics, researchers, practitioners, NGO's, government departments and traditional leaders – participate as possible.

EngenderHealth, the Commission on Gender Equality, and the Frontiers Programme of the Population Council were also partners in the project and were instrumental in convening the workshop and in ensuring that it went ahead with wide participation.

The project was overseen by a reference group who largely advised on the content of the workshop and which participants to invite. This report serves as one of the outputs of that workshop. Other outputs include a refereed special edition of *Agenda* journal, as well as a series of briefings, Op-Ed publications, and outreach activities.

Although South Africa subscribes to a comprehensive declared set of rights relating to gender equity and an increasing social policy programme aiming to promote equity and the protection of women, there is increasing concern that these rights and policies do not translate into effective action at grassroots level. Realising universal human rights within different cultural frameworks and impoverished contexts is an important challenge to overcome in the implementation of women's rights. Furthermore, a focus largely on women has largely ignored the role of men and the importance of addressing masculinity and specific social policy programmes for men in achieving gender equity and the protection of women from violence and HIV/AIDS. This project seeks to put these challenges on the national agenda by bringing together national stakeholders from all sectors of society: academics, government and civil society, to consider how these aspects of gender, culture and rights can be more clearly integrated into policy and programming. Currently the field of gender studies, gender equity and rights are characterised by:

1. Comprehensive and progressive constitutional rights with a declared set of rights and standards of treatment but difficulty in translating these into effective policy and action on the ground in vulnerable circumstances and in different cultural contexts.
2. A dispersed academic field focusing on a variety of gender issues from different disciplinary backgrounds, but with little cross-fertilization across disciplinary boundaries or input into the applied field of policy and programming.
3. Interventions that largely focus on women and children despite the fact that men play a key role often as perpetrators in social problems such as violence, domestic abuse and the rights of women and children.

A focus on policies, guidelines and programs to assist women and children while the social policy and programmatic environment with respect to men remains weak.

The aims of the workshop were to:

- Present reviews of the current state of research both nationally and internationally and analyses of current paradigms within which gender, culture and rights are currently conceived as well as identify gaps and new approaches to applied research in this area.

- To examine current interventions and policies in the field and identify and develop new approaches and directions for law and policy as well as the delivery of interventions on the ground.
- Facilitate academic networking and cross-disciplinary applied research initiatives to new focus areas and thus build research capacity.
- Provide funding and development agencies with new perspectives and directions to channel their support.
- Facilitate stakeholder networking among researchers, government and civil society as well as within these three sectors that will result in policy recommendations and changes.

2. Background: Gender, Culture and Rights

2.1 Human Rights, Multiculturalism and Globalisation

The UNDP 2004 World Human Development Report, *Cultural Liberty in a Diverse World*, identifies the intersection of cultural diversity and human rights in the context of economic globalisation and the imperatives of development. This poses a series of challenging questions, such as how human rights are to be honoured in diverse societies, how we are to make sense of the potentially negative impacts of globalisation on equality and human rights, and whether or not standards of human rights and well-being can be universalised in a way that respects all cultures equally.

This problem is of pressing relevance throughout the world, not least in South Africa where multiculturalism runs deep, and economic inequalities are large and growing. With the disappearance of the bipolar Cold War world, states find themselves in a fluid environment where they must react to the global economic and security regime in new ways, and where assertions of cultural and religious identity in contradistinction to international calls for human rights and democracy arise. These contradictions constitute a paradigm instance of a broader global phenomenon – that of the tension between globalisation as an economic force, and the increasing “retreat into the inner citadel”⁴ of cultural specificity that this seems to provoke. Multiculturalism itself is then a form of globalisation, in the sense that the debate is global but also in the sense that almost every country in the world today is diverse, multicultural, and “ethnically mixed.”⁵

2.2 Gender, Culture and Equality

So why is this a matter of concern from a *gender* perspective? Why should we be particularly concerned about the *human rights of women in multicultural societies*? Susan Moller Okin has identified two reasons why multiculturalism may be particularly discriminatory towards women. Firstly, religious and cultural communities are often most concerned about aspects of private law pertaining to marriage, divorce, custody of children, control of property and resources such as land, and the rules of inheritance. Given that women are generally more involved in the personal, familial and reproductive aspects of life – the realm of the “private” – the defence of entrenched cultural practices is therefore likely to impact upon them much more than on men and boys. So,

[while] culture is not only about domestic arrangements, [these] do provide a major focus of most contemporary cultures. Home is, after all, where much of culture is practised, preserved, and transmitted to the young. On the other hand, the distribution of responsibilities and power at home has a

⁴ Barry, B. 2001. *Culture and Equality: An Egalitarian Critique of Multiculturalism*. Cambridge: Polity Press

⁵ See Barry, *ibid*: 78

major impact on who can participate in and influence the more public parts of the cultural life, where rules and regulations about both public and private life are made. The more a culture requires or expects of women in the domestic sphere, the less opportunity they have of achieving equality with men in either sphere.⁶

Secondly, and more controversially, Okin argues, there is a connection between gender and culture in that most cultures are patriarchal to some extent and therefore “have as one of their principal aims the control of women by men.”⁷ This is important to note because [where] there are fairly clear disparities in power between the sexes, [then] the more powerful, male members are those who are generally in a position to determine and articulate the group’s beliefs, practices and interests. Under such conditions, group rights are potentially, and in many cases actually, antifeminist. They substantially limit the capacities of women and girls of that culture to live with human dignity equal to that of men and boys, and to live as freely chose lives as they can.⁸

2.3 Communal Rights and Cultural Self-Determination

The rights of peoples or communities in respect of the exercise of their culture, religion and language are sometimes seen to constitute a lesser category of human rights “they are treated as the ‘poor relatives’ of other human rights.”⁹ Indeed, while cultural rights are enumerated with Economic and Social Rights in the 1966 *Covenant on Economic, Social and Cultural Rights*, they are quite frequently referred to either only cursorily, or not at all when the rights in that covenant, and other related instruments, are under scrutiny.

It is worth noting however, that the cultural, linguistic and religious rights of peoples or communities are quite distinct from social and economic rights, both in their genesis and their content. These rights fall into a separate category sometimes referred to as “Third Generation Rights”¹⁰ (as distinct from “First Generation” Civil and Political Rights, and “Second Generation” Economic and Social Rights) owing to their collective nature, as well as their association with the “Third (Non-Aligned) World.”¹¹

However, the notion of the collective rights of cultural, religious and linguistic communities is a frequently contested one, because of the varying resonance that it has in different parts of the world. But it is not a category of human rights that is only applicable to a limited number of countries in the developing world, with minority or indigenous communities, as is sometimes supposed. Indeed, as Bryan Barry notes, with the possible

⁶ Okin, S. 1999. “Is Multiculturalism Bad for Women?” in J. Cohen, M. Howard and M. Nussbaum (eds). *Is Multiculturalism Bad for Women? Susan Moller Okin with Respondents*. Princeton, New Jersey: Princeton University Press 13

⁷ Okin, *ibid*: 13

⁸ Okin, *ibid*: 13

⁹ Symonides, J. 2000. “Cultural Rights” in Janusz Symonides (ed). *Human Rights: Concept and Standards*. Aldershot: UNESCO/Ashgate: 175

¹⁰ H. J. Steiner and P. Alston (eds), 2000. *International Human Rights in Context*. Oxford: Oxford University Press: 355

¹¹ Third Generation Rights are therefore consonant with ideas articulated by the Non-Aligned Movement (NAM) that asserted a “Third World” of countries in addition to those which comprised the rival “First” (NATO) and “Second” (Communist) World blocs of countries during the Cold War. The term “Third World” was coined by French economist Alfred Sauvy in an article in the French magazine *The Observer* of 14 August 1952. The idea of Third, Non-Aligned World was articulated at the Bandung Conference in Indonesia in 1955, and was followed by the first meeting of the NAM in Belgrade in 1961. See <http://en.wikipedia.org> and <http://newsvote.bbc.co.uk>

exception of Iceland “all countries are ethnically mixed”¹² to some extent. So this category of human rights is as universally relevant as any other.

South Africa is a paradigm case of diversity, and therefore the relevance of the rights of distinct cultural, linguistic and religious communities here is especially pressing. It is axiomatic that the assertion of distinct claims of culture, and the possible conflicts of value that these entail, has the potential to be divisive. However, it is increasingly being recognised, that, depending on *how* diversity is dealt with in any given state, difference need not translate into division. As Janusz Symonides remarks, “culture and respect for cultural rights have also been recognised as an essential element in the resolution of conflicts.”¹³

This underscores the importance of according adequate recognition not only to the rights themselves, but also to those who are instrumental in articulating these rights in a way that promotes tolerance, understanding and national unity; rather than fomenting hatred, violence and distrust. This point was emphasised by (then) Deputy President Thabo Mbeki in 1998, on opening the debate in parliament on the establishment of the Constitutionally mandated Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities: “The fault will express itself in conflict because we would have failed to find the intelligent ways and means by which we would organize ourselves to unite as a people, around common national aspirations and a common identity, while we honour and respect our diversity.”¹⁴

2.4 Constitutional Protection of Human Rights to Culture and Equality in South Africa

The *Constitution of the Republic of South Africa*, 1996 is frequently hailed as one of the most progressive and comprehensive in the world, especially in respect of the human rights that it enshrines in the Bill of Rights in Chapter 2.

Section 9 of the Constitution contains the equality clause, which guarantees the right to be treated equally before the law, and prohibits discrimination on the grounds of, *inter alia*, “ethnic or social origin ... religion, conscience, belief, culture, [or] language” but also “gender, sex, pregnancy, marital status ... [or] sexual orientation.” Section 15 guarantees the (individual) right to freedom of religion, belief and opinion, while section 30 does the same for the use of the language of one’s choice and participation in the cultural life of one’s choice, in so far as these are consistent with the other provisions of the Bill of Rights.

The rights of “Cultural, Linguistic and Religious Communities” (collectively) are enshrined in section 31. There are two distinct rights recognised by this section: The first is the right of communities to actively enjoy, practice, and use their culture, religion, or language – this is what is termed a negative right, as it consists in the duty of non-interference on the part of others, both the state and other people. The second right is that to “form, join and maintain cultural, religious and linguistic associations and other organs of civil society” and again this is a negative right, as it requires the duty of non-interference on the part of others. Section 31(2) stipulates that both of these rights are subject to the other provisions of the Bill of Rights, which precludes communities from collectively exercising their right in such a way that interferes with the rights of others, either individuals or collectives. The problem of conflicts of rights is referred to in section 3.2 below. However it is important to

¹² Barry, *op cit*: 78

¹³ Symonides, *op cit*: 176

¹⁴ *Speech of Deputy President Thabo Mbeki Opening the Debate on the Establishment of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities*. National Assembly. 4 August 1998. <http://www.anc.org.za/ancdocs/history/mbeki/1998/tm0804.htm>

note that this limitation on communal rights of cultural, linguistic and religious communities implies that the rights of individuals will often “trump”¹⁵ those of communities when they come into conflict.

There are also related rights – those that may impact on the free exercise of the rights in section 31 in certain circumstances – in sections 14, 21, 22, 24 and 29. Section 14 enshrines the right to privacy, section 21 the freedom of movement and residence, and section 22 the freedom of trade, occupation and profession. Section 24, the right to a healthy and protected environment, has enormous resonance for some cultural communities, and may therefore be critical for the exercise of their communal rights. Similarly, section 29, which enshrines the right to education, and in particular the right to establish one’s own institutions to this end, is deemed to be of importance to the practices of some cultural, linguistic and religious communities.

Chapter 9 of the Constitution establishes the “State Institutions Supporting Constitutional Democracy” including, *inter alia*, the South African Human Rights Commission (SAHRC) the Commission on Gender Equality (CGE) and the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRLC). The functions of the Commissions are to promote respect for rights, and to play a monitoring and evaluation role in respect of human rights in South Africa. The Commissions also play an educative role in South Africa with respect to human rights.

Section 235 of the Constitution refers to self-determination, both in its national sense, but also makes provision for the recognition of the right of self-determination of linguistic and cultural communities within South Africa. This right is of course subject to limitations, for example such communities would not have the right to secede, nor to violate the laws of the country.

The *National Action Plan for the Promotion and Protection of Human Rights* (NAP), of 1998 is South Africa’s response to the Vienna Declaration and Programme of Action adopted at the 1993 World Conference on Human Rights. The Vienna Declaration recommends that states draw up a national action plan to identify the steps that need to be taken to promote and protect human rights. This is necessary because, as (then) President Nelson Mandela says in the Foreword to the NAP,

The experience of South Africans and of all peoples everywhere has taught that in order for the rights and freedoms embodied in constitutions to be realised, they must become part of the everyday reality of citizens lives, and the institutions protecting them must be deeply entrenched.

These institutions include of course the Chapter 9 institutions outlined above, as laid down by the Constitution.

The NAP makes specific reference to the freedom of culture, religion and language. Two of the challenges identified by the NAP that are relevant to this paper are:

- Affirming diversity while at the same time building a common nation
- Promoting tolerance and respect

It is interesting that while the NAP reinforces the constitutional grounds for equality and non-discrimination in the section on Civil and Political Rights, it does not focus specifically on either gender or the rights of women. Furthermore, while the historical factors it identifies as contributing to South Africa’s past poor human rights record are colonial domination, racial discrimination, political oppression and economic exploitation; gender

¹⁵ This term is that of Ronald Dworkin, drawing an analogy with a deck of cards, where some suits have greater weight than others, which makes them “trumps.” See Dworkin, R. 1984. “Rights as Trumps” in Jeremy Waldron, ed. *Theories of Rights*. Oxford: Oxford University Press

oppression does not make it onto the list. Furthermore, racial and socio-economic inequalities are cited (following the 1995 World Bank report) as the main causes for concern and action in terms of section 9 of the Constitution, but gender-based inequalities are again taken to be implicit.

In looking at the section on Economic, Social and Culture Rights in the NAP, again it is interesting to note that the Freedom of Culture Religion and Language merits special attention (including a reiteration of the powers of Traditional Leaders), and the rights of children and young people are also singled out as requiring further attention. However the social and economic rights of women specifically are not identified, which again flies in the face of their patent inequality, less so law, but largely in practice.

It is not possible here to outline in any detail specific legislation aimed at protecting women's human rights and at recognising the rights of cultural communities - that has come into effect since 1994. However it is clear from the above that the commitment to human rights in South Africa – in particular those of both women and cultural communities – is firm. However, levels of endemic violence against women, the feminisation of poverty, and the uneven impact of HIV and AIDS on women in South Africa indicate that there is a huge disjuncture between law and policy and reality, and it was precisely this gap that the workshop was intended to probe, unpack and begin to understand from the perspective of those whose work is precisely with communities affected in these ways, as well as from the perspective of masculinity as the important (and often forgotten) “other side of the coin” of gender equality.

3. National Stakeholder Workshop

The workshop was held from 1-3 February 2005 at Birchwood Hotel in Johannesburg. There were 85 participants representing a diverse mix of researchers, practitioners, NGO's, government departments, traditional leaders and academics from South Africa and the rest of Africa.

In all 19 papers and presentations were given. On each panel, there was a mix of academic inputs with voices from the activist and civil society community of practitioners profiling their work and interventions. Dr Marjorie Jobson gave the plenary address, entitled “5.25 Million Minutes: Gender and Culture after Ten Years of Democracy.” This was followed by 5 panel discussions: 1) Gender, Rights, Culture and Law 2) Gender, Rights, Culture and Religion 3) Gender, Rights and Masculinity 4) Gender Based Violence, Culture and Rights and 5) Gender and Health. The workshop concluded with a Round Table Discussion between the Chairpersons of the Commission on Gender Equality (CGE), the South African Human Rights Commission (SAHRC), the Commission for the Promotion and Protection of the Rights of Cultural Religious and Linguistic Communities (CRL), and Mr Rabi Gobind representing South African Men in Partnership against HIV/AIDS (MIPA).

The speakers were intended to represent the widest possible mix of academics, theorists, practitioners and community leaders possible, in order to bridge the gap between theory and practice that so often emerges in this area. Inevitably there were gaps in that representation and silences in terms of the issues that were raised, but it is considered that the speakers – while they may have been addressing specific instances and issues in of the intersection of gender and culture from a rights perspective – were presenting paradigm examples and that these illustrate some of the broader, universal, problems that are encountered.

3.1 Plenary Session

Dr Marjorie Jobson, speaking in her capacity as a representative of All Africa Women for Peace, gave the plenary address. Dr Jobson is a medical doctor and a Commissioner with the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities. Her paper, entitled *"5.25 million minutes: Gender and Culture after Ten Years of Democracy"*, pointed out that while South Africa has come through a year of assessment of the success of democracy after 10 years, very few of the voices of ordinary women have been heard on how the past decade has affected their lives. She offered powerful anecdotal accounts of the frequent gaps between law and policy on gender equality in South Africa, and persistent unequal practices; as well as pointing out that high levels of female political representation do not automatically translate into equality for women. The central theme of her paper was to argue that women have to take the future into their own hands and that in the course of doing this; consciousness about rights must be raised. She used Zimbabwe as a comparative illustration of how a struggle for national liberation can be derailed as far as women's rights and equality are concerned. She concluded by pointing out that what is currently regarded as acceptable in terms of gender norms needs to be questioned vigorously in order for it to be challenged and ultimately overcome.

Dr Jobson's address set the tone for the workshop by neatly identifying the intersection of gender and culture, and rights and law, as being a problem rooted in both identity and marginalization. Identities are not fixed or nor are they one-dimensional. It is often the ascription of a "cultural" identity to already marginalized groups – such as rural women – that leaves them vulnerable to the abuse of their legal rights. While culture is an integral aspect of identity, laws dealing with aspects of cultural life must be developed in line with the egalitarian spirit of the Constitution.

3.2 Gender, Rights, Culture and Law

There were four speakers on the panel presenting contrasting views on the effects of legislation on the equal rights of women in terms of African Customary Law on the one hand, and gay people on the other. Adv Rashida Manjoo of the CGE provided insightful commentary and summary of the session as the discussant.

Ms Likhapha Mbatha of the Centre for Applied Legal Studies, University of the Witwatersrand made a presentation on *"Problems in realizing Rights - Monitoring the enforcement of the Recognition of the Customary Marriages Act."* She focused on the debate preceding the enactment of the RCMA, and noted that there are 2 schools of thought on the Constitutional interpretation of Customary Law. On the one hand there is the view that there is a conflict between cultural rights and inequality, and that Customary Law should be limited accordingly. On the other there is the view that the conflict is within culture itself, and is about the preservation of power. The challenge is the extent to which cultural rights can be interpreted to make Customary Law compatible with human rights and gender equality. She then went on to assess how successful the RCMA has been in achieving this. She gave a detailed account of some of the unforeseen consequences of the Act, especially for the property rights of women and children, and concluded that as a reformatory measure of Customary Law the Act had encountered a number of problems.

Related to Ms Mbatha's paper, Ms Sibongile Ndashe (Women's Legal Centre) presented a paper entitled *"Human Rights, Culture & Gender: Deliberate confusion?"* which argued strongly that the alleged lack of clarity in interpreting the sections of the Constitution that assert gender equality (section 9) and those that establish communal rights to cultural recognition (sections 30 and 31) was actually rooted in resistance to women's equal treatment. She referred to both the Constitutional settlement that had been arrived at in

1994, and recent judgments of the Constitutional Court in asserting the view that there is no confusion about the precedence of gender equality over cultural practices and that prevarication on the matter is political, rather than legally justified.

A contrasting view was however presented by Nkosi Patekile Holomisa, the Chairperson of CONTRALESA who offered a "*Traditional leadership in perspective on Gender, Culture, Rights and Law.*" Mr Holomisa emphasised the importance of cultural life and the preservation of traditions and traditional roles, arguing that these in fact are designed to protect vulnerable women and children. He asserted that the corruption of cultural values in an urban setting should not be confused with the inherent good of those values. He concluded by pointing out that research must be informed by people's lived experience.

The Lesbian and Gay Equality Project's Ms Wendy Isaack then presented a further contrasting view looking at "*LGBTI Mainstreaming: inculcating a Culture of Human Rights in South Africa.*" She argued that while South Africa is the most progressive country in the world in terms of its constitutional assertion of the equal rights of gay people, discrimination against gay people continues alongside the racist myth that Blacks are more homophobic than Whites. She went on to outline how the legal rights of gay people in South Africa had had limited impact in practice, and argued that in South Africa today we ought to be striving for a human rights culture. Recognising this allows us to appreciate the dynamic potential of culture, which can adapt to be progressive, bringing South African society in line with the courts in recognising the equal rights of gay and lesbian people. She also pointed out that we should not only be concerned about the rights of gay and lesbian people, but we should consider and campaign equally for the rights of people of other sexualities, such as transsexual people.

Adv Manjoo raised two important points that were to become recurring themes at the workshop. Firstly, picking up on Mr Holomisa's presentation, she observed that a major challenge to research and dissemination in this area was precisely which voices get heard, because there is always a difference between the lived reality, and how this is perceived by researchers, who often perceive in a distorted way through a Eurocentric lens. This relates to Ms Mbatha's argument about the unforeseen consequences of legislation aimed at regulating cultural practices as those who are not steeped in those practices may institute this.

However, Adv Manjoo's second point was that one must also be cautious not to "romanticise" culture and tradition, but rather to accept as the subject for analysis what does exist (rather than some ideal). And accepting this reality then imposes certain duties on those in power to honour the rights of those who may be marginalized. It also relates the Ms Ndashe's argument that many whose interests lie in jealously preserving discriminatory practices create "deliberate confusion" by falling back on the explanation of culture.

Adv Manjoo then linked this to the point that arose in both Ms Ndashe's and Ms Isaack's papers, that the hard-won rights to equal treatment in the Constitution are unequivocal and are not to be compromised for the sake of the prejudices of others, even if these masquerade as culture. Adv Manjoo's suggestion was that the way forward is to consider these debates in light of the multiple identities that people have, and when rights are seen in this context, the reasons for discriminating on the basis of culture may be dissipated.

3.3 Gender, Rights, Culture and Religion

This session also had four papers, and a discussant, Dr Azeem Badroodien of the HSRC. The papers dealt with fairly specific examples of the impact of religion on gender and rights, and did not focus on all the major religions in South Africa. However the issues that

were raised in each are relevant to all faiths that adhere to principles of patriarchy, and so the themes are fairly adaptable in that sense.

The session was opened by Dr Cynthia Kros (Departments of History and Education, University of the Witwatersrand) who presented a paper called *“Imprisoned by their origins? A consideration of Gender, Rights and Religion in France and South Africa.”* The paper presented an instructive contrast between the interpretation of secularity in France (which tends towards uniformity) and that in South Africa (celebrating diversity) and speculated on the implications this may have for girls in particular with regard to their right to education and equal access to other resources. Dr Kros’s argument is that the state’s duty towards all children in state schools is to treat them as equals, and therefore secularity should be defended to guard against the political mobilisation of identity which may undermine national unity.

Ms Wesahl Agherdien Domingo(Wits Law School) presented a paper that both contrasted and fitted well with Dr Kros’s paper, speaking on *“Opportunities and Challenges facing Muslim Women in South Africa with regard to Muslim Personal Law.”* Her paper centred on the Draft Muslim Marriages Act (referred to as “the Bill”). This paper also focused on the distinction between the public (secular) and private (religious) realms and demonstrated how the Bill had created various contradictions and difficulties by seeking to use the former to regulate the latter. Ms Agherdien Domingo argued strongly that while there is a need for the recognition of Muslim personal law, gender equality should prevail when there is a conflict.

Mr Desmond Lesejane (Moral Regeneration Movement) then presented *“Through Men, By Men, For Men: Some thoughts on why the Christian faith continues to sustain gender inequalities.”* He argued that Christianity has traditionally been interpreted by men in favour of men, which created an ironic situation in South Africa where women comprise the majority of members of the Christian church, and yet they largely remain outside of the decision-making structures and high offices. He identified 3 key interventions that are necessary in addressing gender inequality in the contemporary Christian church 1) There is a need to engage in debate about gender equality in the church 2) The urgency of including women in the debate needs to be recognised and 3) The church needs to be engaged more robustly on questions of human rights and gender equality as tenets of belief.

Dr Nokuzola Mndende of the Icamagu Institute the spoke about *“The Problem of definition and analysis within the study of Gender Rights in Religion and Culture: The dilemma of an African Religion Womanist Theologian.”* The central tenet of Dr Mndende’s paper was that defining religion and culture in South Africa is problematic because of the assumption of colonial powers that African people had no spirituality and that Christianity would fill this gap. This has led to a stifling of African religion and culture, and she made a call for the frames of reference for religion and culture to be redefined to remove stereotypes about these traditions.

Dr Badroodien, in discussing the papers, noted the recurring theme of secularity versus religious belief in a democratic context, and how this aligns to the recognition of the public and private realms identified and challenged in feminist political thought. Dr Badroodien also raised the important question of agency, by questioning women’s choice to participate in the religious institutions that are perceived to be oppressive. This relates back to the earlier points about the ascription of identities.

3.4 Gender, Rights and Masculinity

Professor Robert Morrell from the University of KwaZulu-Natal, Dr Tina Sideris from the Wits Institute for Social and Economic Research, Mr Bafana Khumalo from the Commission on Gender Equality and Professor Nhlanhla Mkhize were the speakers addressing gender, rights and masculinity.

Professor Morrell gave an overview of research on the study of masculinities and the role of men in bringing about gender equity. Research on masculinity is currently at the forefront of gender research and there is some political concern that it threatens work on women's issues. However, the driving force underlying men's studies is to support mainstream attempts to bring about gender equity. Masculinity research is important for the transformation of South Africa particularly in reducing violence both against women and men. Masculinity is of course fluid and changing. Social pressures and personal circumstances have impacted on men's roles and behaviours and men have experienced both the benefits and disadvantages of patriarchy. How to categorize change in men and what might a good man or an appropriate form of masculinity look like are important questions. In considering appropriate masculinities and roles, there is always the danger of cultural chauvinism. Although, international campaigns against violence now focus on the roles and responsibilities of men, it is not always easy to specify how men can contribute to gender equality. An area of recent focus has been fatherhood and its contribution to gender relations and improving society more generally. Exercising one's role as a male parent not only benefits children, but also benefits fathers and can contribute to more equitable parenting roles. South Africa could benefit from promoting parental roles for men, and one of the best avenues for fostering positive caring roles for men and boys is through schools.

Changing roles for men and women and their impact on gender relations is an important focus of social enquiry in South Africa. Dr Tina Sideris work on interventions among rural men investigates how men cope with social change. Theories about increased gender violence because of a crisis in masculinity due to social change are too simplistic. Men, women and families have been challenged many times before. Migrant work exerted extreme pressures on families and brought about changes in gender roles that did not necessarily exacerbate violence. However, change does produce anxiety and insecurity. These responses, along with other factors, may create conditions for violence. In attempting to understand violence within intimate relationships, the issue of recognition is a key factor. Deep psychological issues of social dependency and control intersect with social expectations and changes in roles in personal relationships. Assertions of independence challenge inclinations to dominate and control within relationships. Women's assertions of rights pressure men to recognise women and confront their own vulnerabilities limited by rigid social categorizations of gender roles. Issues of control and recognition are therefore key to dealing with gender relationships and violence.

Much needs to be done to engage men in achieving gender equity. Bafana Khumalo emphasized acceptance of women as the locus of leadership in this struggle. However, men must be on board, and South Africans can ensure engagement with men through multiple means. Social policies need to be evaluated to ensure that both men and women benefit. The CGE continues to assist government departments in addressing gender transformation. There also needs to be men's forums within government to ensure mainstreaming of gender issues. Within everyday life, support systems must capacitate not only women, but also men. For example, a similar movement to the Girl's Education Movement should be introduced for boys along with youth camps and other interventions on gender rights.

In reflecting on the input of the three speakers, Nhlanhla Mkhize emphasized the social history of apartheid and its impact on social structures and relationships. Imposition of dominant cultures on African cultures has also damaged social values and led to the

idealization of the power of the oppressor where the strong exercise power over those who are weaker. The challenge is to infuse values through the education system to create humanness. Schools need to do more on promoting values of parenthood and gender equity as well as understanding different cultures. Research needs to study all race groups and we need to be careful of directly applying research findings from other social contexts to our own. Research needs to be directed towards solving problems to create a better society and helping people to be reflective. Research also needs to focus on positive aspects of men and to acknowledge the lonely road for many men in a hostile environment.

3.5 Gender-Based Violence, Culture and Rights

Dr Jane Bennett of the African Gender Institute, Ms Lungiswa Memela of the Western Cape Network on Violence against Women, Ms Delphine Serumaga of POWA and Dr Janet Cherry of the HSRC addressed the theme of gender based violence, culture and rights.

Dr Jane Bennett challenges consideration of gender violence with the assumption that South African social life is normal. Gender-based violence is a pattern of action permeating all levels of society. Work on gender-based violence encompasses numerous kinds of violence and many different approaches, but does not often focus on underlying issues such as poverty. Rather writings on such issues as poverty treat gender-based violence as anecdotal and peripheral. There is very little work on gender-based violence that considers culture and rights. While populist discourses about culture and women's roles abound, more useful research considers gender violence within practices of power and gender identity formation. Careful examination of research on domestic violence, sexual harassment and prison rapes demonstrates how norms, values and practices in everyday life create vulnerability for women and girls despite the claims that no 'good' culture sanctions gender violence. Writings discuss and rationalize gender violence within what is seen as the 'normal.' Rather we are in a state of war and should respond accordingly.

Lungiswa Memela describes everyday practices that lead towards women's vulnerability. Socialization is a key factor in perpetrating inequality. Socialization transfers norms and values that benefit certain groups. Rules, toys, goals and labels differ for boys and girls. All of these symbols control behaviour and make discriminatory practices seem normal. These practices must be challenged to address equity and violence against women and girls

Reflecting on the role of the NGO sector in addressing gender-based violence, Delphine Serumaga identified key challenges to their impact. Moving from confrontation to negotiation and collaboration with institutional systems such as health, judiciary and the police services is vital in combating gender-based violence. Old ways of campaigning and aggression must give way to new strategies of engagement. Lack of resources, access to new technologies, duplication and competition among NGOs can be addressed by working together. Much of the work in this sector is reactive involving crisis management rather than proactive where organisations work to meet local needs. Few NGO's have research capacity and little work gets recorded and disseminated. The sector is dependent on international funding. Funding agencies dictate agendas and partnerships between north and south extract data and information and do little to develop local capacity. Successful implementation relies on a few dedicated individuals in key positions. Beliefs about violence being characteristic of lower economic groups or particular race groups, over-researching of black women and assumptions about perpetrators also need to be addressed. Use of knowledge, for whose benefit, interpretation and collaboration are all key challenges for NGOs working on gender-based violence.

Discussing the speakers' input, Dr Jane Cherry highlighted the need to examine more carefully the relationship between gender-based violence, culture and rights and to critically reflect on the 'normal.' Why are women's rights not linked to other rights? She also raised the issues of why gender-based violence is so pervasive when it is taboo. It is necessary to investigate socialization that systematically disempowers women and leads to gender violence. Local research and activism is key and relationships between researchers and activists need development. We need to look carefully at what kind of research is needed. Social mobilization is key and while there is a strong civil rights element in South African society, this movement needs to mobilize more against gender-based violence. Questions remain as to the role government can and should play and there are neglected areas that need challenging such as the role of the media, the rights of commercial sex workers and how we understand notions of culture and the rights of women.

3.6 Gender and Health

An important and growing initiative in improving women and men's well being is promoting the role of men in health issues. Dr Jane Chege and Dr Saiqa Mullick from the Population Council reported on research into male involvement in reproductive health, while Mr Mokgethi Tshabalala from Hope World Wide and Men as Partners and Mr Reg Mtutu from Padare reported on interventions with men in communities in South African and Zimbabwe respectively. Dean Peacock of EngenderHealth was the discussant.

Dr Jane Chege pointed out that gender inequality has negative implications for reproductive health. Gender inequality, along with other factors such as poverty and economic underdevelopment, contribute to the spread of HIV among both men and women. Masculine ideologies not only put women at risk, but also compromise men's health. Manliness is often associated with sexual behaviour and unmanliness with health seeking behaviour. This ideology often prevents young men from seeking information that would help them reduce their risk. Women who have little power are also more likely to practice risky behaviours and contract HIV. Violence against women and risky sexual behaviours are also associated with negative gender attitudes, and women who experience violence are more likely to be HIV positive. Lack of male involvement in health issues hinders effective interventions, but can we change gender norms? Can challenging dominant notions of masculinity bring about change in practices? What are most effective strategies to bring about change, and how do these differ in different social contexts? Although there is consensus that men need to be more involved, in poor contexts, there are concerns that male involvement may take away resources from women who bear the primary burden in reproductive health. In South Africa there have been several interventions. The Men as Partners programme conducts workshops at community level, the Stepping Stones strategy has been adapted and introduced and there has been the Men and maternity care intervention as well as DramAid (Drama in AIDS Education) at schools. Soul City has also been an intervention of note. Is there evidence to show that these interventions can change gender norms and practices? While attitudes appear to change in response to these interventions, actual behaviour change remains problematic. Contextual factors including resistance by women to their partners' attempts to change as well as community resistance prevent men from carrying out different behaviours. It is prevailing community norms and not just personal attitudes that need changing. Strategies to mobilise communities is key in order to bring about personal and social change. In order to make these changes, interventions in health must move beyond focusing only on health to working with other people in community development more generally.

Dr Saiqa Mullick illustrated many of these points in her report on male involvement in antenatal and postnatal care in a study of an intervention in six clinics in KwaZulu-Natal. Couple counselling during maternity in order to promote male involvement had positive

outcomes on men and women who participated. However, deeply held beliefs among health workers and clients about women's and men's roles, the need to educate and sensitise health providers and community members and to create an infrastructure and system that facilitates male involvement in reproductive health emerged as important factors in helping such interventions with men to succeed.

Mr Mokgethi Tshabalala and Mr Reg Mtutu then described interventions with men and the challenges faced. The Men as Partners programme consists of a network of 25 organisations and began three years ago in order to involve men in HIV/AIDS issues. Workshops are held in communities, workplaces and with community organisations such as churches. Men are encouraged to promote gender equity in both their personal and public lives and to form community action teams to create gender equity more broadly. Padare in Zimbabwe was started in 1996 and consists of 17 Chapters around the country mainly in urban areas where men initiate programmes to address specific social problems relating to gender equity in their local areas. Padare's aim is to systematically promote reflection on masculine identities and thereby bring about the possibility of change. Current evaluations of these programmes are underway to determine efficacy and these evaluations are important in understanding the role such interventions can play. Programmes run by both MAP and Padare have positive effects on men but existing social structures hinder change. Interventions also need to address other factors that impact on gender equity including employment and social change at a wider level.

Dean Peacock's reflections on the four presentations identified key themes. Male involvement is urgently needed particularly because of the HIV crisis. Male involvement has serious implications for health and quality of life. There is room for optimism as current interventions show that both men and women are willing to change. Men are often uncomfortable with gender discrimination, but afraid to speak out thinking they are alone in their views. There are effective programmes both nationally and internationally showing that changes in gender norms result in significant improvements in reproductive health. It is clear that men have a real stake in changing and that change does not mean loss. In terms of interventions, a cautionary note should be sounded, male involvement is not a panacea for the complex problem of gender inequality, care should be taken not to take away resources from interventions and support for women, more work needs to be done on determining the efficacy of interventions and changing gender norms does not mean gender equality. Larger structural policies and the need to consider their impact on gender equality should also be addressed in achieving better quality of life and equality. More dialogue needs to take place between organisations working with men and those working with women and there is still little work in the white community on gender and HIV.

3.7 Round Table Discussion: Government and Chapter 9 Institutions – Interventions with Men

The round table provided a rare opportunity for the chairpersons of the three Chapter 9 Institutions that deal directly with issues of gender, culture and human rights to engage with one another and the workshop participants.

Ms Joyce Piliso-Seroke represented Commission on Gender Equality in her capacity as Chairperson and outlined how their policies have developed since 1997 from focusing on women's rights as their initial area of activism, by expanding to include interventions with men. She outlined some of the current research the Commission is doing, as well as the strategy of reaching out to men who defy patriarchal stereotypes. She also announced that the CGE is planning a National Men's Summit in 2005, based on the provincial inputs of 2004. She threw out a challenge to Patekile Holomisa in his capacity as a traditional leader regarding the KwaZulu-Natal Summit, which has requested that only male Commissioners participate.

Mr Jody Kollapen (Chairperson of the South African Human Rights Commission) explained the origin and purpose of the Chapter 9 Institutions and the critical role that they play in relation to government. He commented on the deep fault lines in South African society that persist after 10 years of democracy and linked this to the limitation of the law in addressing social problems. He also spoke about the important distinction between cultural freedom and cultural conservation and used some case examples from the Commission's work to illustrate this.

Dr Mongezi Guma, Chair of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, completed the discussion by commenting on how the framers of the Constitution understood culture and cultural identity as creating rights that are asserted alongside other rights, rather than as a subordinate category of rights. However he cautioned against these rights being asserted in a way that is detrimental to the equal rights of others, arguing that assertions of cultural identity should not be used as "traditional weapons with which you beat other people."

A final presentation was made by Councillor Rabi Gobind (South African Men in Partnership Against HIV / AIDS) who outlined the work of MIPA, which aims to promote gender equality by engaging men. The ethos on which this is based is "taking the Freedom Charter to the people" as this seminal document had as one of its core tenets gender equality, and so this must be linked to transformation in South Africa. He also commented that men in leadership positions have a duty to lead the way by setting an example of "practising what you preach" in how they behave in their own private lives.

4. Themes Emerging

A theme that ran through many of the papers was the frequent disjuncture between law and policy on gender equality in South Africa, and its implementation, both on the part of the state in the form of the courts and police, but also by society at large. The problem that was identified was that while there is an official commitment to women's rights and equality, this has not permeated society at large. Rashida Manjoo observed in her discussant's role on session 1 that there is a danger of "romanticising" culture such that it becomes a justification for inequality, thereby setting up culture and rights in a false binary opposition to one another.

Another theme that recurred in all of the panels was to question who does research and how they report on their findings. The point was frequently made that the representation of communities (and the value judgments that this implies) may be at odds with their lived experience, and effort therefore needs to be made to extend the practice of research to people who come from the groups that are "studied" as well as to devise research methodologies that are more inclusive and longer term. This was described as the problem of "who speaks for whom" in terms of both initiating research and in presenting research findings.

The participants also made frequent reference to the ascription of values supposed to be universal by "Western" researchers and practitioners. The inaccuracy of this term notwithstanding, there appears to have been a prevailing idea of "African" as standing in counterpoint to imposed "Western" values which needs to be explored further and unpacked, as it relates to arguments about conservation of culture and practices.

The urgency of including men as participants in all aspects of health and childcare was also strongly emphasised. This links with the parallel theme of understanding the state of

contemporary masculinities and how these perceptions either mitigate or inhibit this involvement.

The identification of the tension between secular and either religious or cultural values and practices was also a recurring theme, and it links critically to questions about agency, identity and freedom of choice. It also relates to the argument against ascribing values and identities.

A further theme that emerged strongly was the connection between ongoing gender inequality, violence against women and HIV. This was made by participants in many of the panels in addition to the ones on violence and health, and it was frequently made in the context of ascribed gender roles and stereotypes that permitted of the treatment of women as human beings of lesser value.

A final theme was the importance of research and the need for evidence based interventions and policy decisions. One of the main aims of the workshop was to demonstrate the importance of evidence-based activism and to foster collaboration between practitioners and theorists.

5. Gaps, Silences and Opportunities

A limitation of the workshop was the capacity to include all relevant voices. For example, the panel on religion did not include representatives from the Jewish or Hindu faiths (as well as other religious communities), although the film screened covered these faiths and the discussion dealt with issues pertinent to all faiths. However the omissions were in some ways unavoidable given the brevity of the workshop, and furthermore the themes discussed were fairly general permitting of broader discussion about issues with reference to specific examples.

It was also observed that the interventions with men were largely focused on “big issues” such as HIV, gender based violence, and childbirth, rather than being directed at a more sustained commitment to gender equality in everyday life. It was felt that a more nuanced approach that takes into account the multiple levels of gender discrimination, including and perhaps especially that arising out of the violation of women’s social and economic rights, would do greater service to the success of these interventions. An opportunity was identified here for the CGE to take this more holistic approach forward at their National Men’s Summit to move the methodology away from “damage control” to a more generalised, day-to-day practice. It has also been suggested that what is necessary is the embedding of a culture of respectfulness between men and women. An example of how this can work in practice that has been offered is the Sewagodimo Movement, based in Kgomo-Kgomo north of Tshwane who have managed to translate this gender-respectfulness into their everyday practices.

Another related gap was the need to investigate the socialization of women and resulting oppression of women by women. This has particular relevance to women in the workplace, and it was suggested that “circles of dialogue” could be initiated amongst women in various institutions and government departments regarding their experiences of each in different capacities.

The connection with the debate on gender, culture and rights in South Africa and the global debate on equality, globalisation and multiculturalism needed more attention. As this forms the subject of the 2004 Human Development Report, it is critical that South Africans

begin to engage with the debate as a global issue and to develop lessons and strategies from our own experience that can inform the debate at an international level.

The debate on culture seemed somewhat “stuck” in a pattern of sterile assertions about culture being dynamic (sometimes ironically followed by claims defending static practices) and an unreflective binary between “Western” (White) culture and “African” (Black) culture. While there was some superficial discussion about the heterogeneity of both of these perceived groups, the discussion didn’t really move beyond these as being in opposition to one another and the former as being suppressive of the latter. This creates the opportunity to recast the debate in the mould of a debate about multiple identities (as per the suggestion of Adv Manjoo) and to link this to a discussion about multiculturalism in the context of globalisation and global inequality. It has also been suggested that this would be a fruitful area for greater interrogation through the work of round table discussions, and the work of Bishop Buti Tlhagale was suggested as a starting point.

Mainstreaming of gay, lesbian and other sexualities’ rights, and how these interface with issues of gender and culture across all communities in South Africa needed to go further. While the first session included a speaker addressing issues of gay and lesbian equality, there was a distinct “shying away” from the topic by many of the participants, and the discussion became dominated by those who insisted that homosexuality is “new”, “Western” and “un-African.” An opportunity therefore exists to open this forum to wider debate and challenge, as well as to encourage more research into the sociological aspects of this conflict. While there has been some progress recently – such as the radio debate on Religion and Homosexuality on SAFM on Sunday 20 March 2005 – there is still a long road to travel.