Terms of Reference

Best practice guide to include LGBTI issues into the political parties.

September 30st, 2016.

1. *Background*

Triangle Project (Triangle) and the Gay & Lesbian Victory Institute (Victory) are commissioning this report as part of their work to increase political participation of LGBTI (lesbian, gay, bisexual, trans, and intersex) people in South Africa.

The overall purpose of the research paper is to have an overview of the current situation of the political participation of LGBTI people in South Africa and identify entry points for this work with political parties and State institutions, to help inform our work.

Triangle and Victory are partnering to increase the participation of LGBTI people in democratic processes in South Africa towards achieving equality for LGBTI people. As a part of the partnership, Victory and Triangle will be training LGBTI activists and advocates who are interested in democratic process to get more involved, and strategize to push for equal rights. We will also be organizing Civil Society Forums to create a platform for exchange of knowledge, ideas and best practices around political participation of LGBTI people.

2. About the organizations commissioning the research

Triangle Project

Triangle Project has its roots in organisations like GASA 6010 (The Gay Association of South Africa's branch in Cape Town) which later become the AIDS Support and Education Trust (ASET). Triangle Project emerged in 1996 following an extensive consultation process to reshape and repurpose the organization to better serve a broader and more inclusive constituency. The organization has been working in the Western Cape for 35 years and for the last 20 years has been expanding our footprint and reach into the Western Cape's rural and per-urban areas. As an LGBTI human rights organization Triangle Project is committed to ensuring equality for LGBTI people in the Western Cape and in the rest of South Africa, beyond just legal equality but working towards true substantive equality for LGBTI people. Triangle Project has been involved in major legislative reforms in South Africa either as an organization but more typically as part of a collective of LGBTI and other human rights organisations. This includes some of the first submissions relating to police harassment of LGBTI people (at the time of the submission a less inclusive term was used), work for legal recognition of same-sex marriage and work to the develop hate crimes legislation.

Our work is concentrated around LGBTI community development and leadership building; the sexual and reproductive health and rights of LGBTI persons; addressing gender-based violence against LGBTI persons; and LGBTI citizenship, which includes the right to access services and participate fully in the political, economic and social arenas within broader South African society. We achieve this work through three intersecting programmes: the Community Engagement and Empowerment Programme (CEEP); the Health and Support Services Programme (HSSP); and the Research, Advocacy and Policy Programme (RAPP).

The Gay & Lesbian Victory Institute

The Gay & Lesbian Victory Institute (Victory) is a U.S. non-profit organization that was founded in 1993 with the mission of increasing the number of openly lesbian, gay, bisexual, trans, and intersex (LGBTI) people in public office and to provide programming, service, and other support to help ensure their success. Victory works to achieve full equality for LGBTI people by building, supporting, and advancing a diverse network of LGBTI public leaders.

Globally, Victory partners with local organization to train international LGBTI leaders, collaborates with political parties for greater inclusion of LGBTI people, raises public awareness around democratic governance, and conducts research on LGBTI political participation in countries outside of the United States. These are the pillars of our international work:

- Training leaders: Train LGBTI leaders that want to contribute to building a more inclusive democracy.
- Opening Spaces: Collaborate with political parties and state institutions to increase the participation of the LGBTI population within their structures.
- Visibility: Raise public awareness and influence public opinion on LGBTI representation within democratic institutions.
- Research: Conduct research to demonstrate the positive effect of LGBTI inclusivity in democratic institutions.

Other Potential collaborators:

- Human Sciences Research Council (HSRC)
- The Other Foundation
- Local universities

3. Overall objective of the research and research questions

The overall purpose of the research paper is to identify the opportunities to increase the political participation of LGBTI people in South Africa.

- Main research question: What are the opportunities to increase the political participation of LGBTI people in South Africa?

The specific objectives of the research are:

1. Identify whether having openly LGBTI elected officials in South Africa has positively impacted the advancement of equality for LGBTI people.

    o Question: Has the existence of openly LGBTI elected officials in South Africa positively impacted the advancement of equality of LGBTI people in South Africa?

2. Identify trends in the progress, challenges, and best practices of political participation of the LGBTI population in South Africa.

    o Question: What has been the political participation of openly LGBTI people in South Africa, what challenges have they faced, and what are the lessons we can learn and incorporate into our work in the region?

3. Identify some best practices to encourage political participation from black LGBTI persons?

    o Question: What can we learn about the greater number of black leaders, running for office in South Africa, that could be incorporated into our work, both in South Africa and elsewhere?

4. Identify the voting behavior of LGBTI people in South Africa.

    o Question: What has been the voting behavior of LGBTI people in South Africa during the last two national electoral cycles?

5. Identify opportunities to increase the number of LGBTI people that are part of the political parties' structures.

    o Question: What are the best practices, opportunities, and challenges to increase the number of LGBTI people within the political parties' structures?

6. Identify whether a political party or a candidate's support for LGBTI equality negatively affect their support from voters.

    o Question: Would a politician or a political party be able to support equality for LGBTI people without losing votes?

*Specifically, objective number 5 is the most important, and consultants will be required to investigate greater depth.

4. Methodology

The majority of the research will rely on qualitative research methods, including semi-structured interviews. The consultant will also implement a media analysis of instances when political participation

of LGBTI citizens is mentioned in the media in South Africa. The gathered information will help the consultant, as well, to draw some quantitative conclusions and trends.

The informants for the interviews will be gained through snowball sampling. In this method, the consultant solicits potential informants through the informants already gained. Case studies and personal testimonies will be pulled from these informants as well.

For specific objective 3, consultants will rely on quantitative methods.

The methodology for the research will include the following:

- Desk research.

- Literature review.

- Interviews with relevant LGBTI leaders in the country

- Interviews with key political parties' leaders.

- Case studies along with the research, to highlight best practices.

- Survey to LGBTI people to understand their voting behavior.

The consultant will review the following documents:

- South Africa LGBTI: Landscape Analysis of Political, Economic & Social Conditions. Astraea Lesbian Foundation for Justice.

- Levels of Empowerment Among LGBT people in the Western Cape, South Africa. Triangle Project

- A view to the political participation of LGBTI people in movements and political parties in Colombia – 2014 (this research will be provided by Victory).

- Currier, Ashley. [2010b]. "Decolonizing the Law: LGBT Organising in Namibia and South Africa." In Austin Sarat [Ed.], Special Issue: Social Movement / Legal Possibilities [pp.17-44], Bingley, UK: Emerald Group Publishing.

- The Other Foundation (2016). "Progressive Prudes: A Survey of South African Attitudes to Homosexuality and Gender Non-Conformity"

- Louw, Ronald. [2005]. "Advancing Human Rights Through Constitutional Protection for Gays and Lesbians in South Africa." In Helmut Graupner and Phillip Tahmindjis, Sexuality and Human Rights: A Global Overview [pp.141 - 162], Binghamton, NY: Harrington Park Press.

- Breen, D. and Nel, J. (2011). "South Africa – A home for all? The need for hate crimes legislation" SA Crime Quarterly, No. 38, 33-43

- Cameron, E. (1995). "Unapprehend felons: gays and lesbians and the law in South Africa." In Gevisser and Cameron (Eds.) Defiant Desire. Johannesburg: Ravan Press.

- Craven, E. (2010). Racial identity and racism in the gay and lesbian community in post-apartheid South Africa.

- De Waal, S. and Manion, A. (2006). Pride: Protest and Celebration. Johannesburg, Jacana.

- Lee, P., Lynch, I and Clayton, M. (2013). Your hate won't change us! Resisting homophobic and transphobic violence as forms of patriarchal social control. Cape Town: Triangle Project.

- Meyer, D. (2008). "Interpreting and experiencing Anti-queer violence: Race, class and gender difference among LGBT hate crime victims." Race, gender and class, Vol. 15, No. 3/4, 262-282.

<u>Other notes regarding literature review:</u>

It will also be important to just look at historic patterns of voting in South Africa. LGBTI realities are not disconnected to broad-based patterns of political participation. Baseline documentation that speaks to only LGBTI political participation as a singular issue may be difficult; however, it would be important to link how LGBTI organizations, activists, movements have engaged with specifically the ANC pre-1996 constitution for legal reform.

A good resource for this would be something like Defiant Desire (Gevisser and Cameron, 1995). This gives details about apartheid organizing of white gay communities and especially and how narrow understandings of gay and lesbian interests led to voting for problematic candidates for example. It also gives some detail into the law reform process that occurred in the 1990s leading up to the interim constitution.

It may also be beneficial to look at how the "AIDS crisis" has been used to include the sexual health rights of LGBTI persons into broader state responses to the socio-economic rights of LGBTI persons. Though some claim it to be an "effective catalyst" it is also perceived as narrowing what legitimate claims could be for LGBTI persons in Post-Apartheid South Africa.

5. Audience and use of findings

The products will be used by Triangle and Victory for the following purposes:

- Understand what the opportunities are to increase political participation of LGBTI people in South Africa, to inform our work.
- Communicate those opportunities to relevant stakeholders, to justify fundraising around the need for this work in South Africa.

- Approach political parties to start a conversation around political participation of LGBTI people.

The language of the reports should be easily understandable to an educated lay reader. Consultants will avoid the use of unnecessary long sentences and technical jargon or excessive acronyms.

6. Research products

The consultant will deliver the following products:

- Final report about Political Participation of LGBTI People in South Africa – Length: No less than 12,000 words (25 pages approx.), no more than 22,000 (50 pages approx.).
- Executive summary of the report – Length: five-eight pages.
- Relevant case studies, of at least, 2 openly LGBTI elected or appointed officials from South Africa – Length: one-three pages each case study. Case studies, or sections of them, will be incorporated into the main research, but they will be also delivered as separated documents.
- Guide of recommendations and good practices to increase the number of LGBTI people within political parties' structures – Length: 15 pages approx.
- List of identified LGBTI elected officials, past candidates, and LGBTI leaders involved with political parties from the region, at the local, regional, and national level.

7. Timetable

a) A draft work plan outlining timeline, refined methodology, clarification of conceptual framework, list of definitions to be used, list of key resources, and refinement of research questions (week 2).
b) An inception report, outlining preliminary findings of desk review of available data and analysis related to political participation of LGBTI people in South Africa, with full bibliography (week 3).
c) A draft structure for the paper, as well as list of key informants (week 4).
d) Updated list of key informants (week 7).
e) Survey to understand the voting behavior of LGBTI people (week 7).
f) Questionnaires to be used to gather the necessary information during the interviews (week 7).
g) Update about the number of filled surveys and the number of key informants interviewed (week 10).
h) A draft paper providing answers to the four specific objectives of the research, as well as presenting five to ten concrete recommended actions that can be taken forward by Victory to strengthen the political participation of LGBTI people in South Africa (week 13).
i) A draft guide of recommendations and good practices to increase the number of LGBTI people within political parties' structures (week 14).
j) A final paper incorporating feedback (week 16).

k) An executive summary paper as well as a final power point presentation of the findings (week 17).

8. Intellectual Property

Triangle and Victory will retain copyrights to the final products. The consultant shall be granted fully paid-up, non-exclusive, worldwide license to use the information compiled as part of the products stated on this Terms of Reference.

All information pertaining to this project (documentary, audio, digital, cyber, project documents, etc.) belonging to the clients, which the Consultant may come into contact with in the performance of his/her, duties under this consultancy, shall remain the property of the clients (Triangle and Victory) who shall have exclusive rights over their use. Except for purposes of this assignment, the information shall not be disclosed to the public nor used in whatever without written permission of the clients in line with the national and International copyright laws applicable.
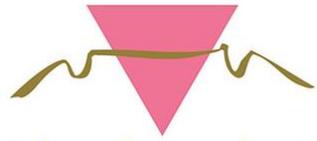
Each party shall continue to own any of its pre-existing intellectual property. To the extent any of the parties' pre-existing intellectual property is included in any of the deliverables provided as part of this Agreement, the parties shall be deemed to have granted each other a fully paid up, non-exclusive, worldwide license to use such pre-existing intellectual property in any lawful manner.

9. Compensation

The Consultant's payment shall be based on the financial proposal developed for this consultancy.

10. Application Procedure

•   Brief letter of Interest (1 page), stating why you consider yourself or your firm suitable for the assignment.

•   Methodology on the approach and implementation of the assignment.

•   Personal CVs of personnel proposed for this project highlighting qualifications and experience in similar projects.

•   3 work references - contact details (e-mail addresses) of referees (firms for whom you've produced similar assignments)

•   Financial proposal indicating consultancy fee and a breakdown of expenses (unit price together with any other expenses) related to the assignment.

•   Applicants can apply online using this link:
https://victoryinstitute.wufoo.com/forms/q16xd4lw13ik024/