



Gay Association of Inland Natal

P. O. Box 10373, Scottsville 3209

GAIN

February 29, 1992

**The Chairman
CODESA Working Group 2
P.O. Box 307
1600 ISANDO**

Dear Sir,

This letter is being written in response to the invitation to interest groups to make submissions to CODESA, on the assumption that all such submissions will be seriously considered.

The Gay Association of Inland Natal (GAIN) has the following aims, amongst others:

- * To offer an identity and to foster confidence and self-respect amongst gay people;
- * To provide an avenue for gay people with similar interests to meet and exchange ideas;
- * To provide an effective voice in countering distorted media reporting on gay matters;
- * To provide support services for gay people and their families;
- * To provide social functions, discussion groups, entertainments and activities of gay interest;
- * To encourage social and legal reform by setting a positive example to non-gay society;
- * To provide a non-militant, non-party political answer to gay needs.

Membership is open to anyone who supports these aims, regardless of gender, race, creed or language. It is made clear to potential members that GAIN is not an 'escort agency' and cannot condone activities such as sexual acts in public or with minors.

GAIN was established in December 1983 to meet the needs of gay people living in the Natal interior, and has been of assistance to well over 400 local gay people. (Although this may not seem a large number, it must be realized that, because of societal stigmatization, gay people are very hesitant to contact any organization where records might be kept, and this number is thus a minute fraction of the potential membership.) GAIN has previously been involved in efforts to promote law reform (through support for the National Law Reform Fund). GAIN also supported the Organization of Lesbian and Gay Activists (OLGA) in their successful submissions to the ANC on gay rights, and the Gay and Lesbian Organization of the Witwatersrand (GLOW) in their protests to the ANC on homophobia expressed during the trial of Winnie Mandela and others. GAIN also attempts to provide accurate information and advice on AIDS. The members and committee of GAIN are thus convinced that we legitimately represent the concerns of most gay people in our region, and the general gay community of South Africa.

Although there are no accurate statistics available for South Africa, there is no reason to believe that the proportion of gay people in our population is any different from that elsewhere, where estimates have been made. Indications are that 5% to 10% of the population is exclusively gay (being attracted to persons of the same gender in terms of their affections and sexual needs) for all or most of their lives. Another approximately 10% are predominantly gay for a significant period, and a further 20% have incidental sexual experiences involving partners of the same gender. (In view of the short period of notice available to us for submissions to be received by CODESA, we have been unable to do the research necessary to substantiate these figures, but they are based to a considerable extent on those

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obtained by Kinsey in the U.S.A. in the 1940's; subsequent studies have generally agreed fairly well with his results.) This means that something like 20% of the population is very significantly affected by societal stigmatization and legal proscription of activities and affections which are embedded in their very nature. (Recent studies have shown that genetic, ontogenetic and/or physiological factors during foetal development and very early childhood are probably responsible for determining the sexual orientation of an individual; such orientation is thus entirely beyond anyone's willful control.)

The anti-gay attitudes of society (including legal sanctions which create a category of victimless crimes) are based on irrational fears of the unknown and are thus not logically defensible. Gay people are no more likely to be involved in criminal activities than the rest of society; indeed, there are indications to the contrary. Proportionally more rapes and molestations of children are committed by heterosexuals than by gay people (when taking the relative numbers of heterosexuals and gays in the general population into account). There is also no evidence that contact with or knowledge about gay people might have any influence on the sexual orientation of a child; such orientation appears to be irreversibly determined before the age of five, if not at birth. Prosecutions for homosexual sexual activities in public result from societal stigmatization which prevents gay people from finding potential partners in more congenial settings. Such prosecutions are, furthermore, often due to entrapment by police (who themselves solicit such activities in the secure belief that a prejudiced society will condone their patently illegal activities).

The leaders of our country need to set the example for the rest of the population in unequivocally demonstrating that irrational prejudice, of whatever nature, has no place in the new society which we are attempting to build. On behalf of our gay constituency, the Gay Association of Inland Natal thus respectfully requests that Working Group 2 of CODESA recommend the inclusion in a new Constitution and/or Bill of Rights of provisions which prohibit discrimination against any South African citizen on the basis of any inherent characteristic which poses no threat to anyone else. Such characteristics include sexual orientation, in addition to race, colour, gender, physical handicap, home language, religious preference, etc. We realise that the mere inclusion of such a provision will not guarantee an immediate end to the persecution of gay people, but it will be a very important step in the move to a just and free society.

Thank you for your consideration.

Yours faithfully,
Gay Association of Inland Natal



Denis J. Brothers, Professor
(Chairperson)