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OUT

***Lesbian/Gay/Bisexual/Transgender
(LGBT) Well Being***

Annual Report 2006/7

Marriage, full legal equality



Gay marriage legal from today

by CHRISTELLE DU TOIT

IT's official: gay marriages are now legal in South Africa.

Deputy President Phumzile Mlambo-Ngcuka signed into law the controversial Civil Union Bill yesterday, in her capacity as acting President.

South Africa is the first country in Africa to allow homosexual couples to get married legally.

The new law followed an order from the Constitutional Court that marriage legislation had to be changed to recognise the rights of homosexuals.

It creates legal mechanisms for gay people to enter into legal, civil unions and enjoy the same rights and privileges as heterosexuals.

Gay-rights bodies are ecstatic. The lesbian, gay, bisexual and transgender organisation OUT's Fikile Vilakazi said they welcomed the legislation for the equality and protection it afforded.

But Vilakazi said there was a lot more work to be done.

"We are concerned that it is still a separate piece of legislation and would like to have seen its scope being broadened."

OUT was now meeting rainmakers, as many gays wanted to get married in December, and religious implications had to be ironed out.

Gender Dynamix's Liesel Theron said the legislation was "a great stride forward. Trans-generated people are still left behind to some degree, but at least here we have the first step to equality for all."

The ANC's Sauts Ngunyama thanked all those who participated in the debate.

The ANC said it was important for the development of democracy

"that space is created for a broad range of views to be heard."

DA spokesman for Home Affairs Sandy Kalpan welcomed the legislation, but raised concerns over its practicality.

"The Minister has yet to tell us how registration is going to happen, and whether computer programmes have been upgraded to allow same-sex marriage registrations."

Businesses are already offering "Pink Wedding" packages for gay couples who want to tie the knot, with either two brides or two

grooms on the wedding cake.

Not everyone welcomed the move. The African Christian Democratic Party's Kenneth Mshesha was outspoken.

He called the Bill "one of the most undemocratic pieces of legislation ever passed in South Africa," and said up to 80% of the population was opposed to it.

The IFP also denounced the Bill, saying they have always advocated family values. Inka Mars, party spokesman on Home Affairs, said the IFP "rejected any notion of same-sex unions or marriages".

No place for sexual apartheid in new dispensation

PATRIKLE Holomisa. We need to talk straight about same-sex marriage (September 1) is rather unimpressed at our founding fathers for not clarifying that homophobia was intended to be an exception to the anti-discrimination clauses. George Bush is not alone! They both wish to tamper with national constitutions to outlaw same-sex marriage.

Holomisa selectively rides on the crest of another constitutional clause, that protecting freedom of expression, to flaunt irrational and offensive views with gay shunning. Though much of his column's hatred speaks for itself, let's consider the precise respects in which his analysis is mistaken.

First, he claims the Constitutional Assembly "never contemplated that the provision prohibiting unfair discrimination" against homosexuals would ever be construed as endorsing same-sex marriage. Hence the court's judgment in favour of same-sex marriage is "undesirable and unintended". This is patently wrong in three ways.

First, at the various constitutional talks, the African National Congress dele-

gates were particularly vociferous in their support of gay people. This is what enabled ANC leaders such as Simon Nkomo to live openly as a gay person. This is a liberal tradition predating the new constitution. Only smaller parties, such as the African Christian Democratic Party, have consistently been against gay rights.

So the intention of the Constitutional Assembly was most certainly to empower the Constitutional Court to help dismantle formal and institutional forms of discrimination against gays, most obviously those still on the statute books, such as the Marriage Act. It is discriminatory not to effect these legislative changes, which Holomisa fails to recognise.

Second, the Constitutional Assembly itself agreed that the standard for evaluating the constitutionality of laws would be the founding values of the constitution, the explicit clauses within the body of the constitution and the "spirit" of the constitution. The court's judgment did not just emanate from the equality clause as Holomisa wrongly assumes. Its decision gives effect to all of the founding values of



EUSEBIUS MCKAISER

the constitution — dignity, equality and freedom — as well as the general norms of an open and democratic society. The Marriage Act offends against the heart and soul of the constitution, not just sections alone which deals with equality.

Third, the Constitutional Assembly had the authority to add clauses to sections of the constitution that might result in "undesirable" and "unintended" consequences. It was obvious that gay rights to adoption and marriage would be cases that would be brought

before the new Constitutional Court. If the Constitutional Assembly wished to sign an "undesirable" consequence in the end, it could have precluded gay persons from being able to get married. It chose not to. This is evidence of a remarkably progressive attitude during tense moments of negotiation. It was no doubt in anticipation of remaining prejudices, like Holomisa's homophobia, coming out of the closet once new political battles are sought by the likes of him and other madmen comrades.

But his analysis gets more shocking. He states, "I do not even want to begin to outline the basis on which I assert that it is wrong to legislate same-sex marriages. There are things in life which do not merit justification for them to be valid." And, "Contradictory as it may sound, I pronounce no judgment on homosexuality because I do not understand it. At the same time, it is not something that must be promoted or encouraged." He concludes, "I am not homophobic."

Well viewed, no doubt, would have taken notice in Holomisa's logic to prop up his own preferred brand of dis-

crimination, racism. We can imagine Holomisa, shouting with utter confidence, "I do not even want to begin to outline the basis on which I assert that it is wrong to educate black people. There are things in life which do not merit justification for them to be valid. Contradictory as it may sound, I pronounce no judgment on black people because I do not understand them. At the same time, black people should not be promoted or encouraged. For the record, I am not a racist."

Now, Holomisa, ask yourself why you do not react with the same venom towards your own, internalised homophobia as you would towards such racist racism. There is no difference.

Finally, and predictably, Holomisa labels homosexuality as "sodomy" and a "problem" that offends against "nature, culture, religion and common sense, let alone decency". And, of course, there is the libelous argument. The right of two Xhosa men's families embracing their union, even by way of mutual libelous offerings, is the final straw. He suggests by way of ending, that "the 'defiant' couple" should be given a "remedy". What would such a remedy be — galle-

ries and beatings while taking a cold shower, or good old aversion therapy from the heyday of the South African Defence Force? It is also curious to claim that homosexuality makes no "common sense". It is a sexual orientation that millions of South Africans self-identify with. Whether homosexuality is biologically innate or not is irrelevant — it is, and should be, acceptable, regardless. It is no less "natural" than Holomisa's heterosexual preferences.

Sadly, because of discrimination like that proposed by Holomisa, witnessed by the consequences of making culture immune from criticism, many black gay people are forced to live inauthentic lives as "straight" people to avoid being shunned. It is time we stopped condemning gay Africans to such miserable, secretive lives.

The legislature should build on existing gay rights by endorsing same-sex marriage with open enthusiasm.

There is no place for sexual apartheid in our new dispensation.

■ Mckaiser is a PhD philosophy candidate and Rhodes Scholar at Oxford University.

BALANCING ACT

ANC's support of Civil Union Bill affirms equality for everyone



Makhosini Gqoke
In supporting the Civil Union Bill, the ANC's national executive committee (NEC) reaffirmed the organisation as the guardian and champion of human and individual rights. Nothing else guided it other than its historical legacy as articulated in the African Charter document and, subsequently, the Freedom Charter.

The NEC did not decide to support this bill merely because the constitutional court ruled that it should be passed. It considered all political factors and took a sober decision informed by what was in the best interests of the country and to people.

Does this mean that NEC members do not have personal beliefs on the matter of same-sex relations? Of course they do. But should personal beliefs really be the only factor that informs decisions and debates on human rights? Of course not. This is how the NEC dealt with this matter.

From the outset, the following points must be made:

- Same-sex partners already exist in our country, with full human and individual rights as enjoyed by other citizens. The fact that someone does not like them does not affect their rights.

- Therefore, the bill does not create same-sex partners or homosexuality, it simply grants them the rights already enjoyed by other South Africans, to which they are entitled under the equality clause of the constitution and by birthright.

- In supporting this bill, the NEC was cognisant of the fact that South Africa is a secular state and therefore the rights of reli-



OUR CHOICE: Lesbian couple Nontobeko Shemane and Les Mithelwa with Richard Nkomo during the Civil Union Bill hearings in Soweto recently.

gious communities and people of other faiths do not provide those of our religious communities.

- Furthermore, in supporting the bill, the NEC was not interfering religious scripture and other religious teachings and beliefs, but was interpreting the constitution and the constitutional court ruling.

- It is up to religious communities to interpret their faiths, beliefs and teachings and decide whether in terms of those, homosexuality is real or not.

diverse and new, many same-sex people.

The Civil Union Bill has been carefully crafted in a manner sensitive to the views of religious, faith-based and cultural groups, but also recognises that the constitution grants equal rights to people of different sexual orientation.

To seek to amend the Marriage Act would have evoked intense debate and vehement opposition.

Guided by the constitutional court decision, which was carefully crafted and argued, the aim was to ensure that the same act is achieved without seriously dividing our society.

The challenge for gay and lesbian people is to appreciate this compromise, which would immediately confer on them an important right not enjoyed by many sections all over the world and accept that a long-drawn-out and divisive process is not in the interests of either the government or themselves as individuals and as peoples.

One of the options suggested by the opponents of this bill is that the constitution be amended to remove the clause on the basis of which the constitutional court ruled that same-sex partners must not be discriminated against.

Of course, everybody knows that this would create an impasse between the constitutional court and parliament.

This would be detrimental not only to both institutions, but to gay and lesbian people and the country. I counsel those the constitutional court accepting this amendment.

You cannot peel away the rights given cannot be taken away. Accordingly, the constitution must be amended to take rights away.

While the constitution can be amended whenever necessary, this can only be allowed under stringent conditions.

You cannot peel away the constitution whenever you are uncomfortable with some sections of it.

The question is, when and where will it stop?

The danger is that the majority, whenever majority, will become arrogant and detrimental to democracy and minority rights would be in jeopardy. Necessity to amend the constitution must exclude the necessity occasioned by the desire to avoid others of their rights.

Majorities cannot impose their value systems on minorities. To amend the constitution would lay a huge question.

The challenge is to ensure that the public debate on this matter takes place in an environment conducive to public education, and cordial and rational discussion.

The ANC's NEC decision must be read in this light and not as a dissent of the opinion of those who differ with this bill.

The debate must go on, robustly and respectfully and all sides will understand each other's points of view.

This debate is more than just about same-sex marriages. It is about human rights and whether they can be granted others and denied others.

■ Makhosini Gqoke is a member of the ANC NEC and deputy minister of home affairs.



Lesbian • Gay • Bisexual • Transgender
(LGBT) WELL-BEING

Message from the Chairperson of the Board

It gives me great pleasure to write this message for the year under review. My association with OUT spans several years, initially serving as a Board Member, and subsequently a year as the elected Chairperson. I am proud to be associated with OUT, and privileged to be the Chairperson of an active, enthusiastic and dedicated service provider for lesbian and gay people. It is gratifying to note how a relatively small lesbian and gay organisation (based in Tshwane) has grown over a period of a decade, from small beginnings as a group of unpaid volunteers, to an organisation doing important work with national impact, as it now demonstrates with its programmatic and political work.

The year 2006 will go down as a watershed year in the history of gay and lesbian activism in the country, and I am proud to state that we at OUT played a leading role in the successes of the Same-Sex Marriage Campaign. The organisation, through its active leadership and participation in the Joint Working Group (a loose grouping of over 15 lesbian and gay organisations) has, through its visible campaigns and public education, played a significant role in ensuring policy change and policy impact for the rights of same-sex couples to legalise their unions. While this victory is available for all to access, the organisation is deeply aware of the challenges that lie ahead regarding growing discrimination experienced by lesbian and gay people; in particular violence against lesbian women. It is for these reasons that OUT continues, through its active involvement in human rights campaigns and human rights work, to respond proactively to addressing deep-seated prejudice in our diverse communities, and to play an even more active role in eradicating gender-based violence.

The organisation should be equally proud of its groundbreaking service delivery work related to mental and sexual health. Our programmes are of the highest calibre, efficiency and relevance, targeting many lesbian and gay people in poor communities. And we anticipate such programmes will continue with vigour and dedication in coming years. Another aspect is OUT's outstanding and innovative work in evidence-based research, geared towards programmes that will have a direct impact on the people we serve.

Researchers and activists (both locally and internationally) are increasingly turning to OUT's superb research data (and publications), focussed on lesbian and gay people. And the organisation is intensifying its partnerships with universities outside South Africa, as well as institutions such as the Human Sciences Research Council (where I work), for important future studies related to HIV prevalence among men who have sex with men (MSM).



**The Chairperson of the OUT Board
Vasu Reddy, Ph.D**

The staff, the volunteers and Members of the Board are to be congratulated for these successes at OUT.

The expansion of the organisation, its accomplishments and achievements - as well as its sustainability - bears testimony to our dedicated team. In addition to the staff and volunteers, it is important to single out Director, Dawie Nel, and Programmes Manager, Melanie Judge for their sterling direction, drive and leadership.

While we sing our praises as an organisation, we understand that much work still lies ahead. I am fully confident that OUT will continue to respond to these challenges with renewed commitment, dedication and an understanding of the changing context of our society.

Mission of OUT

OUT promotes lesbian, gay, bisexual, transgender peoples' physical and mental health and related rights.

Vision of OUT

OUT wants to build healthy empowered lesbian, gay, bisexual and transgender communities in Tshwane, Gauteng and South Africa. OUT wants to reduce heterosexism and homophobia in society.

The past year was remarkably successful for South Africa's Lesbian, Gay, Bisexual and Transgender (LGBT) community, when our country became only the fifth in the world to recognise same-sex marriages. This achievement has effected many positive spinoffs for OUT, and, more generally, for the entire South African LGBT sector. Most notably, the recognition of same-sex marriages has been paralleled with the placement of LGBT rights within the context of broader human rights discourses. For OUT, the Same-sex Marriage Programme succeeded in raising the organisation's national and international profile.

While we celebrate this as a victory, we are also aware that these achievements have signalled a need to evaluate, develop and strengthen the LGBT sector. Particularly, we need to assess the capacities and abilities of the sector, so that it can respond strategically, pragmatically and collaboratively to the many issues within a hetero-normative and homo-prejudiced society.

Futhermore, one has to realise the limitations of work taking place on macro levels. This work is very important and it shapes the nature of our society. However, there still needs to be significant work done with the individual and on the micro level. As has been said so many times, legal and constitutional freedoms do not automatically and totally translate into individual health, respect for oneself and for others. It is especially true in South Africa, with its very long history of macro identities and realities. The country has been through over 40 years of apartheid, a system that had no respect for the individual and treated people according to their societal group membership. Present day South Africa is still marked by, inter alia, the murder of black lesbian women. This indicates, once again, the treatment of individuals based purely on their group membership. Should human rights not be seated in broadening discourses in order to focus on common humanities and not to over emphasise macro differences?

In the context of the achievements and changes within the sector, OUT's macro and micro work remains constructive and necessary. The organisation continues to **advocate** and **lobby** for the protection of human rights through legislation. Concurrently, it provides much needed **health and mental health services** to LGBT people. OUT has also continued its work in contributing to the field and building expertise through **quality research**. The **OUT Mainstreaming Programme**, which aims at influencing public opinion and stamping out prejudice, continues successfully to equip mainstream service providers to properly service their LGBT clients.

During the 2006/7 year, OUT's base of external donors has seen considerable expansion. New donors include: the Department of Social Development (DSD); the Open Society Foundation and the Ford Foundation. It is especially encouraging that, for the first time, OUT has also received money from LGBT-owned businesses.

The past year was as exciting as it was difficult. The Same-sex Marriage Programme, which was hugely inspiring and

Message from the OUT Director



The Director of OUT: Dawie Nel

successful, was also unexpected and unplanned. The timeframes of the project - dependent on lawyers, courts and judges, and the Government - were unpredictable, and so planning and coordination was really difficult. Nonetheless, we are so proud of the project's success and of the victory that was secured for all. I'm very appreciative of the team of staff members who, despite the huge and unexpected workload, maintained such great spirit.

I'd also like to thank the Board for their care and direction, the donors for their trust and support and all of our supporters and clients. I would also especially like to thank Micheal Yarborough (Yale University) who did an internship with OUT and provided invaluable inputs to the Same-Sex Marriage Campaign.

I hope that the coming years are marked by rigorous integration of LGBT rights within broader human rights struggles. At the same time, my hope is that human rights discussions focus more on common human experiences, while addressing differences. I look forward to working with a range of people who share our vision and will contribute energetically.

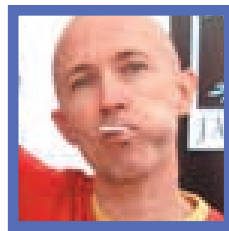
The State may not unfairly discriminate directly or indirectly against anyone on one or more grounds including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth – Section 9 (3) of the South African Constitution, 1996

OUT Board Members



Dr. Vaz is a development specialist in the Public Finance and Economic Growth (PFEG) group with RTI International's International Development Group (IDG). He is an international finance specialist with experience in both municipal finance and local government transformation. He has a Ph.D. in International Economic Development from the Massachusetts Institute of Technology, Cambridge, MA, USA. He is currently serving as Chief of Party on the Local Governance Support Program (LGSP) under a bilateral agreement between the Department of Provincial and Local Government (the dplg) and the United States Agency for International Development (USAID) in South Africa. In this capacity, he is working with 23 municipalities on capacity building and strengthening systems for performance improvement and revenue enhancement. He is working with another 23 municipalities on the Presidents' Emergency Plan for AIDS Relief (PEPFAR) Local

Government HIV/AIDS initiative. He is also assisting the Sexual Offences and Community Affairs (SOCA) unit at the National Prosecuting Authority (NPA) with bringing its 10 Thuthuzela Care Centres (TCCs) in line with Department of Health Guidelines for the Management of Survivors of Sexual Assault and with establishing 7 new TCCs. He is working with a group of 55 municipalities on the Local Government Anti-Corruption Initiative. Prior to this, he was a resident advisor to the dplg in South Africa, working on strengthening policy and legislation in the context of local government transformation. Dr. Vaz has also worked as a Research Analyst for South Africa's Financial and Fiscal Commission (FFC) as part of the FFC's local government finance research team. He has also served as a consultant on an Intergovernmental Grant (IGG) project for the Ministry of Constitutional Development and Provincial Affairs (DCD) in South Africa, providing technical assistance in helping that office evaluate the IGG system and making recommendations for its redesign. Dr. Vaz has also worked as a consultant at the World Bank, researching issues on local resource mobilization and poverty alleviation strategies in West African countries, and on the gender impact of structural adjustment.



Pierre Brouard has a Master's Degree in Clinical Psychology from the University of the Witwatersrand. He has worked in the field of HIV/AIDS for the past 18 years, with a brief journey into the world of business where he was the Clinical Services Manager for an Employee Assistance Programme provider. He is currently employed by the Centre for the Study of AIDS at the University of Pretoria as the Deputy Director/Manager of the programme. His responsibilities include overseeing the work of the Centre, shaping and implementing its vision, training and consulting, as well as counselling and supervision.



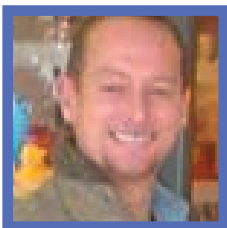
Vasu Reddy is Acting Director of the Gender and Development Cross-Cutting Research Unit of the Human Sciences Research Council (HSRC). Before joining the HSRC he was Head of Gender Studies at the University of KwaZulu-Natal where he pioneered the establishment of graduate courses in sexuality and gender. He is also an Honorary Associate Professor of Gender Studies in the School of Anthropology, Gender & Historical Studies (University of KwaZulu-Natal) where he continues to supervise Masters and PhD students. He has undergraduate and postgraduate degrees in South African and Comparative Literatures (from the Universities of Natal and Witwatersrand), and a PhD in Gender Studies (University of KwaZulu-Natal) on The Construction of Queer Identities in Southern Africa.

In the early to mid-1990s he was part of the National Executive Committee of the National Coalition for Gay & Lesbian & Equality (NCGLE) (the organization that successfully lobbied for the inclusion of sexual orientation clause in the SA Constitution). After the NCGLE folded into the Lesbian & Gay Equality Project, he served two terms as Board member.

In Durban, together with Nonhlanhla Mkhize and the late Ronald Louw, he co-founded the Durban Lesbian & Gay Community & Health Centre (<http://www.gaycentre.org.za>) in 2000 where he still serves as mentor to the current director (Ms Mkhize) and as a Board member. He was instrumental in fundraising and formulating the strategies, policies and programmatic work within this service provider organization that targets under-resourced black lesbians and gays. Here he developed, together with a professional team of counselors, the counseling and sexual health program which adopts a mainstreaming approach for targeted intervention on mental and sexual health issues (with the emphasis on HIV/Aids) impacting on black under-resourced lesbians and gays. Such work included overseeing and initiating community-based research and materials development in mental and sexual health. Vasu Reddy works in the area of sexualities, public health and service delivery.



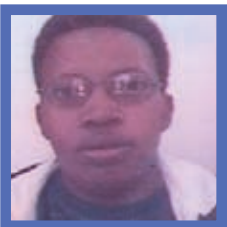
Monique Salomon is a researcher and consultant in community-based natural resources management at the University of KwaZulu-Natal. Previously she was director of the Farmer Support Group, a campus-based NGO in Pietermaritzburg. She has worked as a lecturer in agricultural extension at the University of Zululand, and Wageningen University in the Netherlands, was a training consultant in various parts of Africa, Asia and Western Europe, and was a social worker for war victims from the former Dutch East-Indies. Her areas of expertise are stakeholder analysis, participatory rural development, and managing organizational change.



Juan Nel is employed at the University of South Africa (Unisa) as a senior lecturer in the Department of Psychology and Director: Centre for Applied Psychology. He is a registered clinical and research psychologist and completed his doctoral studies in 2007, the title of his thesis being: "Towards the 'Good Society': Healthcare provision for victims of hate crime from periphery to centre stage". Juan can be reached at +27 (0)83 282 0791 or nelja@unisa.ac.za



Robert Cameron-Ellis was Chairman of OUT for the five years ended March 2007 and is now the Treasurer. Robert is a Chartered Accountant and Certified Fraud Examiner. He is an executive of the law firm Edward Nathan Sonnenbergs Inc and is regarded as one of the country's top forensic accountants. Robert lives in Pretoria with his partner of twelve years, David and their three dogs. Robert enjoys the opera, ballet and classical music.



Mandisa Kakaza is a Specialist Neurologist in Pretoria and has joined the OUT board in 2006.

Parliament (must) be sensitive to the need to avoid a remedy that on the face of it would provide equal protection, but would do so in a manner that in its context and application would be calculated to reproduce new forms of marginalisation. Historically the concept of 'separate but equal' served as a threadbare cloak for covering distaste for or repudiation by those in power of the group subjected to segregation. The very notion that integration would lead to miscegenation, mongrelisation or contamination, was offense in concept and practice. yet, just as is frequently the case when proposal are made for recognising same sex unions in desiccated and marginalised forms, proponents would vehemently deny any intention to cause insult. On the contrary, they would justify the apartness as being a reflection of a natural and ordained state of affairs....the above approach is unthinkable in our constitutional democracy today....because our society is completely different- Justice Albie Sachs (JWG Parliamentary Submission).

OUT Staff Members



Dawie Nel has been the Director of OUT since 2002. He is 40 years old, gay and holds a Masters degree in Education from the University of the Witwatersrand. His interests are researching factors influencing gay men's health and activism.



Melanie Judge is a human rights and gender activist. She holds a Masters degree in Development Studies and has qualifications in psychology and management studies. Melanie has been with OUT since 2005.



Jacques Livingston completed his Masters in Social Science (Cum Laude) in 2004 at the University of KwaZulu-Natal. Jacques interned the following year as a Counseling Psychologist at the Nelson R. Mandela School of Medicine where he continued to work in the Student Counselling and Careers

Centre for an additional year. He joined OUT in February 2007 as the Sexual Health Manager.



Mmapaseka "Steve" Letsike joined OUT LGBT Well-Being in September 2005 as a Sexual Health Fieldworker. She is currently studying towards her BCom degree in Human Resource Management at UNISA. She is a women's rights activist and a feminist.



Lizette is the office manager of OUT and has studied Fine Art and photography. She has worked with OUT since June 2006.



Lesego Fortune Magwai is a Sexual Health Facilitator. She is in OUT's Learnership Programme and is currently studying a course in HIV/Aids Counseling and Management.



Jay Matlou joined OUT LGBT well-being through the volunteer system three years ago and landed a Learnership that lead to his current position as a Sexual Health Fieldworker. He is also studying toward his BA degree in Psychology at UNISA.



Delene van Dyk started her career as a psychiatric nurse in the military. During that time she completed a degree in nursing education and is currently working towards her MCur degree. She's an activist, nurse therapist and an artist.



Iggy Mnisi joined OUT LGBT well-being after attending one of the sexual health workshops. He is in OUT's Learnership Programme and works as a sexual health facilitator with the organization and is looking forward to studying Public Relations Management.



Fikile Vilakazi has an Honors Degree in Development Studies which she acquired at the University of the Western Cape in South Africa. She has been involved with development work since 1993 when she was a student at University of the Western Cape (UWC). Since

then, she has been actively involved in student politics, gender, feminism and women's rights activism; lesbian, gay, bisexual, transgender and intersex activism in South Africa, Africa and Europe.

OUT would like to thank the following staff members and Interns for their hard work over the year: Helen Wells (Researcher), Mathabo Malapo (Social Worker), Toni Kruger (Sexual Health Manager), Sebastian Matroos (Sexual Health Manager), Fikile Vilakazi (Advocacy Manager), William Erasmus (Administrator), Michael Yarborough (legal intern, Yale University), Jonathan Swanepoel (legal intern, Centre for Human Rights, University of Pretoria) and Prof Kate Grieve (UNISA Department of Psychology) for placement of Masters student at OUT. We would also like to thank Dr David Bilchitz, Kate Hofmeyr and Beth Goldblatt for their expert assistance in the same sex marriage programme.

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Thanks to:

All staff members.

Thank you to all staff members who continued to believe in the organisation and its work. Thank you for your willingness to go way beyond the call of duty to further equality.

The Board

Thank you for your strategic direction, care and principled guidance. Thank you to Natalie Louw, Davida Ngodzwana and Farhana Zuberi- who have left the Board- for all that you have done. Congratulations to Vasu Reddy and his election of new Board Chair and thank you to Robert Cameron Ellis, the outgoing Chair. Welcome to Dr Peter Vaz and Dr Mandisa Kakaza, new OUT Board Members.

The volunteers

Thank you to all our volunteers in Mamelodi and Atterdigeville that has been active participants in OUT programmes over many years. A special thanks to Chris Letsoala, Vusi Skhosanana, Brian Thabane and Bonantjie Maleka.

The funders

Thank you for your important support: the Atlantic Philanthropies (4 years), HIVOS (8 years), the Gauteng Department of Health (11 years), the Gauteng Department of Social Development (new funder), the Open Society Foundation (new funder), the Ford Foundation (new funder), the Heinric Boll Foundation (2 years).

OUT has also for the first time received monies from LGBT owned businesses. Thank you to MenXPosed and Pride Plus.

National Overview

Despite achieving progressive legislation, dominant South African beliefs still tend to be highly conservative, patriarchal and hetero-normative. Socioeconomic conditions such as poverty and violence interact variously with these belief systems to engender a complex and multi-layered context.

Against this backdrop, securing equal, same-sex marriages must be considered a historic victory that marks the dedication and principled commitment of the South African Government to human rights for all. However, macro freedoms do not automatically translate into micro empowerment. LGBT South Africans face many daily inequalities. When one looks at the high rates of suicide attempts and ideation (OUT, 2003), it could be argued that not many LGBT people have enough of a sense of control to negotiate discrimination successfully. At OUT, there is an increasing awareness of the extreme violence directed against LGBT people. An important contributing factor could be hetero-normative power and poverty. It is especially unemployed black men who might have the need to 'prove their masculinity' through acts of violence against LGBT people.

On a macro level, OUT has formed important alliances with other human rights forces. These working alliances are of the utmost importance and the LGBT sector needs to build on them to further a human rights ethos. Important alliances and partnerships that emerged from the Same-sex Marriage Campaign include the South African Council of Churches - especially important given the dominance of oppressive Christian discourse - as well as the Human Rights Commission, a national role player.

The Same-sex Marriage Campaign was implemented under the auspices of the Joint Working Group (JWG) - an alliance of LGBT focussed structures and was led by OUT. The latter did much of the programme coordination and implementation. Strategically it was important to secure same-sex marriage as a sector. However, the LGBT community would need to address its ability to react and work strategically, as well as to strengthen its implementation capacity.

For OUT, there is certainly a need to balance 'macro societal work' against the provision of basic services and the aim of individual empowerment. The work of the organisation therefore needs to be twofold. It must continue to focus on meeting individual healthcare needs - through direct service delivery, and it must also work towards protecting progressive legislation. In addition, OUT must seek to address the socioeconomic realities of gender-based violence and widespread poverty.

The LGBT Context

The current JWG is in its second cycle of collaborative

work. The focus is on the development of the sector and emerging organisations, as well as on advocacy. The first cycle (2002-2005) was sharply focussed on outputs and products, successfully producing quality research, conferences and marketing tools. The aim of the second cycle was to broaden the original group, to further the development of newer, emerging organisations and to work towards the longer term sustainability of the sector. The Same-sex Marriage Programme - a joint effort between the JWG and OUT - was tasked with leading this initiative. As the lead organisation working on the programme, OUT was responsible for the conceptualisation, management and implementation of the project. OUT's leadership of the programme was a good opportunity to establish itself within LGBT community structures, as well as to raise the national and international profile of the organisation. A critique of the collaborative effort was that the JWG was not operating optimally and only a few individuals/organisations were in actual fact responsible for implementation.

The current composition of the JWG tends towards emerging organisations with limited capacity for programme implementation. Of importance is distinguishing between those organisations with the capacity to coordinate sector work and those wanting to benefit their individual work through participation in the JWG. In the last year, the JWG established trust between a larger group of structures. It should now look at ways to work collaboratively and effectively, as well as becoming more proactive and strategic.

Other successes achieved during the last year include contact with many US-based donors and institutions. They were impressed with the ability of the JWG to prioritise joint above individual agendas and its ability to address a diversity of needs.

In late 2006, funding was secured for a large scale, four year HIV programme within Southern Africa which also involves three partner organisations, all based in South Africa. The development is especially meaningful, not only because it expands the scope of HIV work, but also because it demonstrates the possibility of forming working relationships among only a few partners of the JWG structure. This type of networking and organisational piggy-backing is one of the strengths of the JWG which we hope will develop.

OUT Programmes

During 2006/7, OUT aimed at professionalising all direct services. We believe this was the catalyst that triggered an overall increase in service usage. One exception to the general trend is the telephonic counselling and information line.

This is, we believe, one of our quality services that is still under utilised. Despite its under utilisation, there's been a considerable shift in call-type, away from information

calls and towards counselling calls. This, together with the fact that the three staff members handling calls are registered professionals of the South African Health Professionals Council, confirms our objective of professionalising OUT services.

The year saw the introduction of a new and successful OUT service entailing face to face counselling sessions which can be booked up to two months in advance. We hope this promising and quality initiative will develop during the coming year.

The OUT sexual health workshops underwent extensive evaluation during 2007, which saw them being reduced from five day, to two day workshops and saw a shift in workshop content. The new workshop content is intended to address deeper issues which we think might motivate certain risk behaviours (such as addressing the general issue of inability to handle and manage frustration). Whether or not the new workshop content is more effective is something which will be closely monitored during the coming year.

Another new service launched in 2007 was our online HIV intervention initiative, Men2Men, which targets young gay men who use the internet as a source for making sexual contacts. This service will similarly receive our close attention throughout the next year.

Reflecting on the effects of both the sexual and mental health programmes, there is a very clear need for LGBT people to have access to 'safe spaces' - spaces separate from environments marked by norms of substance use and casual sexual encounters. During the years ahead, we will prioritise the need to create and develop safe spaces.

During 2006/7 OUT completed a study on issues facing lesbian women. Aside from this, our research output has been low, largely because there is no dedicated research staff position in the OUT office. In the new financial year, we will be employing a full time researcher, as well as several research interns and we are confident this will boost our research output.

The OUT mainstreaming programmes were managed particularly professionally over the past year. The programme partnered with the Gauteng Department of Education (GDE) and with LifeLine during 2006/7. At the GDE, OUT facilitated sensitisation training with GDE support service staff and, together with the Department, produced a brochure targeting LGBT learners. The OUT mainstreaming programme at LifeLine succeeded in training all staff members working for the national toll free counselling service. The programme also saw the development of a very effective book setting out guidelines for service providers who work with LGBT clients.

The Same-Sex Marriage Programme was an unforeseen 2006/7 project. It was also one of OUT's greatest and

most exciting programme successes of the year. The programme involved the preparation of submissions, mobilising the LGBT constituency, forming and strengthening alliances with human rights partners, producing information packages, raising general public awareness, coordinating public hearing attendance, producing opinion pieces and communicating generally with the press and national media.

Management and Governance

The Board continues to give strategic direction to the affairs of OUT. Although they are largely uninvolved in day to day programme implementation and decision making, we value their guidance and advice about critical issues. We also appreciate their objectivity and supervision on issues of staff performance, remuneration and external networking.

The OUT initiative of offering learnerships is aimed at developing black gay and lesbian people from township areas. During the past year, two people have undergone learnerships at OUT. Both have shown tremendous progress, instilling our confidence in the potential of this initiative. We hope to offer them both full time employment at OUT in the new financial year.

There were a few resignations from staff members during 2006/7, primarily as a result of our staff seeking opportunities in new areas or different sectors. All staff members at OUT met their targets during the past year and have achieved excellent outputs. The OUT Board identified all staff members as deserving of salary increases.

All OUT policies were reviewed during the last year and have been grouped into three main sets: human resources policy; governance and financial policy and volunteers policy. An HIV and AIDS policy grouping was introduced and is under development.

During 2006/2007 OUT tightened financial procedures although some internal procedures were weakened. Relating to internal procedures, the regularity and effectiveness of OUT staff meetings suffered over the past year as a consequence of the demands of the Same-Sex Marriage Campaign. This negatively affected the impact and implementation of some of the other programmes.

As an overall assessment, the governance of OUT is solid and its policies and procedures offer a well structured and well distributed framework for our work.

Programme Overview and Statistics

Mental health

For the first time in OUT's history a full time mental health manager was employed. It was motivated by the need

to develop this portfolio and the importance of mental health work within OUT's activities. Delene van Dyk did an excellent job and provided gravitas to much of the activities. She also played a significant role in monitoring the mental health of staff members, including arranging a mental health day for all OUT staff!

Marketing of the mental (and sexual) health services was ongoing. The bulk of clients heard about our services through 1023, Exit newspaper, the OUT website and partner organisations. In addition, services were marketed through Gauteng based shelters and places of safety, selected private clinics, Gauteng based public hospitals and doctors.

Telephonic counselling and information line

A total of 231 calls and 86 online support sessions were handled. There has been a significant shift from information requests to counselling cases. Two other significant shifts were staffing and operating hours. Until June 2006, the line was staffed by lay counsellors who performed their duties on a volunteer basis. Currently the line is staffed by three full time OUT staff members, a psychologist, a social worker and a clinical nurse. This means that there is increased trained professionalism available and that more serious calls can successfully be dealt with. The operating times have shifted from those of an after hours service to include office hours. This follows continuous monitoring of caller times and indications that the majority of calls were coming in during the day. The line is now open from 09:00 until 22:00, seven days a week.

It is clear that no single marketing initiative increases the use of the line. Rather it is seated within OUT getting better known on a range of levels, marketing in various publications over sustained periods, quality, as well as word of mouth referrals.

Face to face counselling

A total of 84 face to face counselling sessions were handled. This service is available on Thursdays and since its inception in August 2006 has proved to be in great demand, with appointments booked two months in advance.

Psychotherapeutic support group

This long standing service covered 20 sessions for the year, with 6 permanent participants. OUT is thankful to Kevin Joubert and Juan Nel for their conscientious dedication and expertise in facilitation.

This group offers significant insights into more sophisticated issues faced by resourced South African gay men.

HIV positive support group

The HIV positive support group attracted mainly gay men from Mamelodi township. It was skillfully facilitated by Patricia Maite, a clinical psychologist, and had one cycle of 10 sessions. A new cycle was not started because of difficulties in recruiting new members, not wanting to create dependency among present members and an apparent preference for individual counselling. As with other support groups, it seems that South African gay and lesbian people might be reluctant to use the group for fear of being 'outed' around a certain issue and/or an unwillingness to deal with difficult issues in a group context.

Study group for therapists

This group professionalised and attendance increased. It continued to offer space for mental health professionals to engage with LGBT therapeutic issues; much needed given the total absence of such opportunities.

During the financial year, the following sessions were held:

- 24 April 2006 - Conclusions from Tommy Boys, Lesbian Men and Ancestral Wives: Female Same Sex Practices in Africa - Ruth Morgan (14 people attended).
- 29 May 2006 - Long-term therapy with gay and lesbian clients - Judith Ancer (10 people attended).
- 26 June 2006 - Sexual orientation and the problems of ageing: a therapeutic approach - Chris Kotze (5 people attended).
- 28 July 2006 - Commitment in gay and lesbian relationships - Christa Coetzee (Quarterly discussion - 12 people attended).
- 31 July 2006 - Gay couples as parents - Lael Bethlehem (6 people attended).
- 30 September 2006 - Spirituality - Sharon Haasbroek (9 people attended).
- 30 October 2006 - Transsexual issues - Dr Franco Colin (15 people attended).
- 27 November 2006 - Polyamorous relationships and the psychological value of monogamy - Dr Elna McIntosh (14 people attended).
- 12 December 2006 - Sex drugs and rock 'n roll - Johan Meyer (Quarterly discussion - 16 people attended).
- 26 February 2007 - Coming OUT younger - experiences of gay and lesbian learners - Dawie Nel (6 people attended).
- 27 March 2007 - Sexual orientation and gender: making identities - Graeme Reid - (11 people attended).

A total of 121 people attended study groups. Continual Professional Development (CPD) accreditation was obtained, adding to the incentive for professionals to further discuss LGBT therapeutic issues.

The Study Group is developing expertise in South African LGBT issues which could be useful within the Psychological Association of South Africa and their stance and prioritisation of LGBT issues.

Community development

The OUT Board requested an evaluation of programmes within Mamelodi and Atteridgeville to guide a possible exit from these communities. The concern was about over servicing a small group of people and creating dependency. It was decided to exit these communities based on the:

- Number of previously unemployed volunteers now in full time employment,
- Planned centralisation of social spaces into the OUT Arcadia office, and
- Success of the learnership programme to develop skills and to further employment.

Up until August 2006 weekly social spaces continued in Mamelodi and Atteridgeville with around 15 people attending each session. From October the weekly spaces were changed to monthly events focussing more on creative elements. Three events took place. They were a fashion day (September), a Yoga day (October), and a cooking day (November). The social days were the only constant programme. As they were attracting largely the same group of people and as it was difficult for new people to enter this core group, plus the dependency of the core group on OUT, it was decided to discontinue the social spaces in early 2007. The decision was also based on plans that were already underway for new social spaces at the OUT office in Arcadia.

The learnership programme worked well. Jay Matlou and Steve Letsike have shown great development in a range of areas and were both offered full time employment at OUT for 2007/8. Iggy Mnisi and Lesego Magwai joined OUT as new learners. The programme seems successful in its development of black gay and lesbian people from township areas on an ongoing and long term basis. At the same time it is a focussed development initiative to develop skills needed by OUT.

It was decided that relationships with service providers in Mamelodi and Atteridgeville should continue and this will be taken forward programmatically within the new financial year.

Sexual Health

The sexual health portfolio was managed by Toni Kruger up until June 2006 at which point she resigned. Delene van Dyk managed the portfolio from July to August 2006 at which point Sebastian Matroos was appointed as the Sexual Health Manager. He left after two months and Jacques Livingston was then appointed in February 2007. These staff shifts have affected the programme.

Prevention workshops

Up until July 2007, a total of 3 HIV schools, 6 lesbian sexual health workshops and 3 positive living workshops were held. From September 2006, a thorough evaluation process was started to relook specifically the HIV schools. Concerns were around the possible impact of the programme, its costs and curriculum. The Sexual Health Manager was tasked with compiling an evaluation report which included all kept participant feedback, selected focus group discussions as well as expert evaluations. From this evaluation it became clear, inter alia, that the times of the schools were problematic as attendance was limited to people with free time during the week and the curriculum was too long and too information orientated. Reworking started in February 2007 and the reworked format will be launched in the new financial year. The lesbian sexual health workshops, as well as the positive living workshops, were not evaluated and reworked, as participant feedback indicates that these services are of value.

Barrier methods

The following distribution took place:

Items	Venues
51 100 condoms distributed on a two weekly basis	Strong Base, Sam Sam, Jimmy's, Black Ball, Stellos Hair Salon, Fatty's Jazz, Tshidi, Triangle Pub, Voda Phones, Adult World, Rocksion Tavern, Jam Alley, Camp David
Lubrication	5000 sachets of water based lubrication and messaging distributed at offices in Mamelodi and Atteridgeville, Camp David, and Pride

Men2Men website: www.men2men.co.za

This exciting new product was ready for launch towards the end of 2006. It followed extensive research on its target group ie young gay men who use the internet to meet. The website consists of various information sections all addressing common experiences of the target group.

Research

OUT has in the past gained much momentum around its research work. Leading and executing *The levels of empowerment studies in Gauteng and Kwa Zulu Natal* produced, for the first time, quantitative and representative data on a range of experiences of LGBT people. The OUT research work was affected by not having a full time staff member and sufficient capacity. In spite of this, progress was made on investigating the behaviours and practices of lesbian women with regard to mental health and HIV/Sexually Transmitted Infections (STIs). Fieldwork was completed between April and October 2006 and the final sample size was 155 women in Gauteng. Respondent ages ranged from 17-62, with the average age being 30. The unemployment rate was 19.4% and the majority of respondents (91.6%) have completed high school. Areas that were explored included the manner in which lesbian women in the Gauteng province identify and accept themselves sexually; the way they are being accepted and/or rejected by various social institutions and how this impacts on sexual and social behaviours; types of sexual relations and how alcohol and substances impact on these; and casual factors on HIV/STI transmissions.

Once this research report has been completed, it will be used for programme planning as well as advocacy. In the next financial year, full time staff capacity and HIV issues will be prioritised within OUT's research work.

Mainstreaming

Melanie Judge managed the mainstreaming programmes and did an excellent job. Two programmes were implemented, within the Gauteng Department of Education and within LifeLine. The programmes achieved their aims of policy integration within selected agents, sensitising staff members and developing product for LGBT clients within the mainstream service agent.

Gauteng Department of Education (GDE)

The programme started in 2005 when OUT and the Gay and Lesbian Archives (GALA) approached the Director General (DG) of the National Department of Education. Subsequent discussions and presentations to key DOE structures, at the national level, resulted in the DG's endorsement of a programme that addresses the needs and experiences of LGBT learners. It was agreed that the initial focus should be on integration within the life orientation curriculum. In addition, the DOE endorsed *Balancing Act*, a resource book for educators produced by GALA. Given current funding and capacity, it was decided that an intervention be initiated within the Gauteng Province with a view to roll out in additional provinces at a later stage.

At the beginning of 2006 discussions began with GDE Education Support Services Department towards the development of a programme. Working with the Life Orientation and Psychological Services support services the programme was developed to include:

- Sensitisation workshops,
- Distribution of *Balancing Act* through workshops, and
- Further development of materials for gay and lesbian learners.

The programme managed to achieve the following:

On a policy level, the OUT recommendations on sexual orientation were incorporated into the Ministerial Report on Gender in Education. OUT was also invited and attended a conference called by the Minister of Education. The conference was on Gender in Education. Furthermore, a submission was made to the South African Human Rights Commission on school based violence and a oral presentation was made in Cape Town.

Regarding the sensitisation workshops, the following was achieved:

Workshop	Outcome
Gauteng Department of Education	1. Training workshop presented to Gauteng Department of Education Curriculum Implementation Forum.
	2. Training needs analysis of teachers. Develop training module.
	3. Present training to all District Based Support Teams, across all nine provincial districts within Life Orientation and Psychological Services programme. A total of 101 staff members trained.
	4. Evaluation by participants of training. Overall evaluation report on training.
University of the Witwatersrand	Seven sessions with 2 nd year students following a course in Life Studies in Education Diversity: Sexual Orientation.

In addition, a brochure for LGBT learners was developed *Do you have the courage?* This product was developed with LGBT learners and addresses pertinent experiences. A total of 12 000 copies was printed and distribution will take place in the new financial year.

The programme was well managed with high quality workshops, policy interventions and product development. The participants of the workshops gave it a very positive evaluation. There could be questions asked on the length and breadth of the programme. Within a two day sensitisation training, there is only a certain amount of behaviour change that can be achieved. Ideally one would like to see ongoing interventions to maintain changes.

The programme did run into some difficulties. The rationale is to take forward recommendations made by various participants within the sensitisation workshops, through negotiations with decision makers. The scheduled workshop with decision makers did not take place due to key staff members leaving, internal reshuffling within the GDE, possibly negative and untimely press coverage on the programme, and final year exams. Within the new financial year, this workshop is important and it will also determine the next stage of the programme.

LifeLine and the Victim Empowerment Sector

On a policy level, OUT participated within the Department of Social Development's (DSD) Victim Empowerment Forums (VEP) and contributed to a finalisation of a terms of reference for this forum. A formal submission was made on the DSD's draft national family policy and plan.

Regarding sensitisation workshops, it took place on a programmatic level with LifeLine. Workshops that took place with the DSD and other agents were on request and more ad hoc. The following took place:

Workshop	Description
LifeLine	<ol style="list-style-type: none"> 1. Needs analysis and development of training manual. 2. Five workshops held with a total of 70 participants. 3. Further workshop with new recruits on gender-based violence service.
Department of Social Development	<ol style="list-style-type: none"> 1. One day sensitisation workshop with participants of VEP Forum, 18 attendees. 2. Three hour workshop with 9 participants from Ekopoleni, based on a request from the VEP Forum.

National Association of People Living with HIV and AIDS	1.17 people trained on LGBT issues with a focus on sexual health and rights. Dissemination of materials to NAPWA's LGBT clients.
Men and Partners and Engender Health	1. 13 people trained on LGBT issues in the context of gender-based violence.

An evaluation was completed on the overall programme within LifeLine, this was presented to them and there was agreement on a way forward. The workshops with LifeLine concentrated on their staff within the tollfree HIV and Stop Domestic Violence services. It is assumed that further workshops will be presented to staff members within LifeLine regional offices.

Regarding materials development, electronic materials were developed for counsellors and for managers of LifeLine. A booklet, the first of its kind, *Understanding the Challenges facing Lesbian and Gay South Africans: Some guidelines for service providers* was developed and it was officially endorsed by DSD. The booklet was launched on 30 January 2007 at the offices of Atlantic Philanthropies.

The project resulted in a comprehensive, coordinated intervention within the largest crisis line service provider in South Africa. Through the project, OUT consolidated a model for running sensitisation training within mainstream service providers; including approach, methodologies and materials.

Advocacy

The advocacy portfolio was skillfully handled by Fikile Vilakazi. With the Same-sex Marriage Programme other staff members assisted with advocacy related activities. Melanie Judge played an important and critical role within the programme.

The Same-sex Marriage Programme was possibly the highlight of OUT's activities. The organisation played a leading role in conceptualising and implementing this programme. It did go beyond OUT's traditional scope of work through its focus on law reform.

It was a successful programme that contributed greatly to securing full and equal marriage for same-sex couples. It placed LGBT issues within human rights discourses, thereby strengthening such discourses in South Africa. It also raised the profile of OUT significantly, both nationally and internationally.

Following is a description of the programme components and related achievements.

Background

The Same-sex Marriage Campaign aimed to influence the South African Parliament to enact legislation that would meet the Constitutional Court judgment of 1 December 2005. In this judgment the Court confirmed that the common law definition of marriage and the marriage formula in section 30(1) of the Marriage Act of 1961 were unconstitutional. The Court gave Parliament one year to draft new legislation that would accord equal status and benefits, both tangible and intangible, to same-sex marriage.

The Same-sex Marriage Campaign was seated within the JWG and led by OUT.

Lobbying Parliament and the Executive

It included lobbying supportive MPs such as Sheila Camerer (DA), Andries Nel (ANC Deputy Chief Whip), the African Peer Review Mechanism, Ms Sbongile Nkomo (Gauteng Legislature), Rev Motlalepula Chabaku (IFP). It also included building relations and maximising communication with the Minister of Home Affairs, Chairperson of the Portfolio Committee of Home Affairs and some members of that Portfolio Committee.

The meetings with individual members of parliament were helpful for OUT to plan its engagement with the parliamentary process. This gave us a sense of what the position of individual political parties were and also the role of individual political representatives as members of parliament. Lobbying of key decision makers included:

- One on one engagement during parliamentary deliberations and public hearings on key legal arguments,
- Dissemination of info sheets and FAQs to serve as supporting documentation during the parliamentary deliberation process,
- Engagement and debate with opposition parties through the media and opinion pieces,
- Closed door meeting with the Minister of Home Affairs to present key arguments,
- A formal letter of complaint to the Speaker, the Chair of the Committees and the Deputy Minister of Home Affairs on the homophobic hate speech during the public hearing process,
- Copies of the JWG submission and abridged version were sent to all Cabinet Ministers and MPs, and
- Engagement with the National Council of Provinces on proposed amendments to the Bill.

It is not clear what exactly led to the shift from recognising civil partnerships to that of recognising marriage. OUT expects that the LGBT sector's constant interaction and advocacy with individual Members of Parliament, the Minister of Home Affairs, our presence at public hearings, and the strength of our sector submission might have played a key role in facilitating this political and legislative shift.

Mobilising the LGBT constituency

Individual JWG members agreed to mobilise their constituencies. The objective was to promote the legal right to marry for same-sex people, and counter homophobic perspectives.

The following activities took place:

Activity	Outcome
Letter writing campaign	LGBT people were mobilised to write letters to different print media including LGBT and general media. The content of the letters were to be located within the broader JWG position on marriage and aimed to highlight real life stories of discrimination.
Opinion pieces	Involved mobilising individuals and organisations to write opinion pieces for print media, OUT newsletters and LGBT websites. The aim was to broaden the debate through challenging discourses on sexuality and culture. Opinion pieces featured in Business Day, Beeld, Cape Times, Pretoria News, Independent Online, OUT newsletters, Exit, Mambaonline, Genderlinks and Wrapped.
Petition	The aim was to mobilise signatories in support of same-sex marriage and to present this to Parliament as part of the submission process. Over 1500 signatures were collected.
Marching and picketing	Jewish Outlook in partnership with OUT and Up and OUT (University of Pretoria) organised a march to the Union Buildings on the day that Parliament heard the JWG submission. A memorandum was submitted to a representative of Home Affairs. Triangle Project in Cape Town also organised marches and picketing in Cape Town during the parliamentary hearings.
Written submission of LGBT people	OUT coordinated the development of a submission by six diverse same-sex couples, which was presented to Parliament.

LGBT visibility	Efforts were made to ensure that LGBT people were visible in all the provincial public hearings; during all parliamentary debates and all other platforms of activism and lobbying. OUT produced t-shirts for this purpose.
Pride 2006	OUT coordinated the same-sex marriage messaging during the parade.

Development of strategic partnerships

The principle underpinning the marriage strategy was to work within the human rights framework and to link the Same-sex Marriage Campaign to broader issues of social and legal justice. A key element of the strategy was to target other human rights organisations and to lobby for their involvement in the campaign. Actions included:

- One on one meetings to share our legal arguments and legislative options,
- A formal call for support for the campaign,
- Enlisting partner organisations on the JWG submission to Parliament,
- Lobbying organisations to make their own submissions to Parliament, and
- Mobilising human rights activists to attend public hearings.

Work took place with the Centre for Applied Legal Studies, The Human Rights Commission and Commission for Gender Equality, The South African Council of Churches, the Women's Legal Centre, and The Gender Equity Unit, University of the Western Cape.

Provincial public hearings and public stakeholder meetings in parliament

OUT mobilised LGBT friendly people to attend public hearings in all nine provinces. These had to be done on short notice but in main, LGBT friendly voices were heard at all of these hearings. It became clear that the 'general public' were extremely homophobic and in opposition to same-sex marriage.

OUT drafted a letter of concern to the Speaker in Parliament, the Chair of the Committees and the Deputy Minister of Home Affairs to raise concerns about the public participation in the process. It raised issues such as having no parameters to the hearings, not creating a climate of tolerance and last minute rescheduling within the programme.

Parliamentary submission on behalf of the JWG

OUT agreed to develop a submission which included detailed legal analysis on the proposed legislation. Legal expertise had to be outsourced and OUT is very thankful to Dr David Bilchitz, Kate Hofmeyer, Michael Yarborough, Jonathan Swanepoel, Melanie Judge and Fikile Vilakazi for their invaluable inputs.

OUT engaged and lobbied the JWG and a sector submission was tabled.

Based on the submission, an oral presentation to parliament was granted. A specific document was developed for this purpose.

After fundamental changes were made to the initial version of the Bill, and the final version was passed by the National Assembly, the Bill was referred to the National Council of Provinces. Another submission was drafted for this purpose.

Working with the media

A vast number of talk shows were held on the same-sex marriage debate and OUT participated in a number of these. These included SAFM, 702, Channel Africa, Kaya FM, Metro FM, e.tv, SABC 2&3, Swedish television, Paris television, BBC News, BBC World, Ikhwezi FM, Umhlobo Wenene, Motsweding FM, Metro FM, Radio 2000, RSG, BBC Radio, East Coast Radio, YFM and Bush Radio.

Print media that featured comments and articles from OUT included Sowetan, Cape Times, the Star, Beeld, Mail and Guardian, Pretoria News, Daily Sun, Sunday Times, Sunday World, Citizen and a range of foreign publications including the New York Times.

Management

The OUT Board

The Board met twice, in December 2006 and in March 2007. At these meetings the Board gave direction on issues such as the community development programmes, the HIV schools, job structure for 2007/8, as well as salaries. Vasu Reddy was appointed Board Chairperson at the December meeting. OUT is very thankful to Robert Cameron Ellis who performed these duties over the last three years. Two new Board members joined, Dr Peter Vaz is a local government development expert and Dr Mandisa Kakaza is a neurologist. There were three resignations i.e. Farhana Zuberi, Natalie Louw and Davida Ngodzwana and OUT remains thankful to all for their valuable contributions. The OUT Board continues to provide valuable strategic direction and is increasingly playing a more active role within the activities and programmes of the organisation.

Management of staff and volunteers

In terms of staffing, a full time Mental Health Manager was appointed for the first time. It was done to develop this focus area of work which is already taking place in view of the increased professional levels of service. Within sexual health there have been a few staff shifts as a result of two staff members resigning. This had an effect on programme outputs. Fikile Vilakazi resigned in order to take up directorship of the Coalition for African Lesbians. As already mentioned, the research position was not filled based on budgetary constraints. Helen Wells (the OUT Researcher) left the organisation in July 2006 in order to gain experience in the marketing research field. OUT continued to work with four volunteers in its community development programmes. We are thankful to Vusi Skhosanana, Chris Letsoala, Bonantjie Maleka and Brain Thabane for all their volunteer contributions.

OUT needs to address its recruitment and induction procedures. The organisation works on high levels, at a fast pace and are procedurally weak with successful inductions.

All staff members underwent quarterly performance evaluations and achieved their targets. Based on this, salary increases were approved by the OUT Board for all staff members. Policies were consolidated into three main sets i.e. human resources, board and governance, and volunteer policies. Work started on developing an HIV and sexual harassment policy. In the new year, OUT will revise its remuneration policy. Financial procedures were tightened, requiring more signatures to authorise financial transactions and launching monthly monitoring of actual expenses.

Financial management and fundraising

The base of funders has expanded and new funders are the Department of Social Development, the Open Society Foundation, and the Ford Foundation. It is encouraging and these relationships should be strengthened. The income of OUT has not increased significantly and this due mainly to Atlantic Philanthropies' sliding scale in funding. The 2006/7 financial year was the last year, in a three year cycle, of Atlantic funding for OUT. Atlantic decreases amounts of funding within cycles.

Expenses were in line with OUT's authorised and approved budget. The organisation still needs to focus on its longer term financial sustainability, especially for funding beyond 2010. Much of OUT's current funding relations will continue till 2010 and focus should be on income beyond this point. Government and South African funding must be prioritised.

The institution of marriage is unique: it is a distinct mode of association and commitment with long traditions of historical, social and personal meaning. It means something slightly different to each couple, no doubt. For some it is primarily a union that sanctifies sex, for others a social status, for still others a confirmation of the most profound possible commitment. But each of these associations depends on associations that have been attached to the institution by centuries of experience. We can no more now create an alternate mode of commitment carrying a parallel intensity of meaning that we can now create a substitute for poetry or for love. The status of marriage is therefore a social resource of irreplaceable value to those to whom it is offered: it enables two people together to create value in their lives that they could not create if that institution has never existed....if we allow a heterosexual couple access to that wonderful resource but deny it to a homosexual couple, we make it possible for one pair but not the other to realize what they both believe to be an important value in their lives- Ronald Dworkin (JWG Parliamentary Submission).

Sources:

The Constitution of the Republic of South Africa, 1996.

The Joint Working Group, Parliamentary Submission: Civil Union Bill, 29 September 2006.

Audited Financial Statements



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**REPORT OF THE INDEPENDENT AUDITOR TO THE SHAREHOLDERS OF
OUT - LESBIAN/GAY/BISEXUAL/TRANSGENDER (LGBT) WELL-BEING**

I have audited the annual financial statements of OUT - Lesbian/Gay/Bisexual/Transgender (LGBT) Well-being set out on pages 4 to 7 for the year ended 31 March 2007. These financial statements are the responsibility of the organization's board. My responsibility is to express an opinion on these financial statements based on my audit.

Scope


I conducted my audit in accordance with statements of International Auditing Standards. Those standards require that I plan and perform the audit to obtain reasonable assurance that the financial statements are free of material misstatement. An audit includes:

- examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements,
- assessing the accounting principles used and significant estimates made by management, and
- evaluating the overall financial statement presentation.

I believe that my audit provides a reasonable basis for my opinion.

Audit opinion

In my opinion, the financial statements fairly present, in all material respects, the financial position of the organization at 31 March 2007 and the results of its operations for the year then ended in accordance with South African Statements of Generally Accepted Accounting Practice appropriate to the business.


CP Labuschagne
Chartered Accountant (S.A.)
Registered Accountant and Auditor

Pretoria
30 November 2007

**OUT - LESBIAN/GAY/BISEXUAL/TRANSGENDER (LGBT) WELL-BEING
ANNUAL FINANCIAL STATEMENTS
for the year ended 31 March 2007**

CP Labuschagne
Chartered Accountant (S.A.)
Registered Accountant and Auditor
Issued 30 November 2007

**OUT - LESBIAN/GAY/BISEXUAL/TRANSGENDER (LGBT) WELL-BEING
ANNUAL FINANCIAL STATEMENTS
for the year ended 31 March 2007**

Nature of business	Counselling and Support
Registered office	745 Park Street Clydesdale Arcadia Pretoria 0002
Auditor	CP Labuschagne Chartered Accountant (S.A.) Registered Accountant and Auditor
Board Members	Robert Cameron Ellis - 2003 Juan Nel - 2003 Pierre Brouard - 2003 Peter Vaz - 2007 Mandisa Kakaza - 2007 Vasu Reddy - 2005

**OUT - LESBIAN/GAY/BISEXUAL/TRANSGENDER (LGBT) WELL-BEING
ANNUAL FINANCIAL STATEMENTS
for the year ended 31 March 2007**

The reports and statements set out below comprise the annual financial statements presented to Board:

Index	Page
Report of the independent auditor	3
Balance sheet	4
Income statement	5 - 6
Notes to the financial statements	7

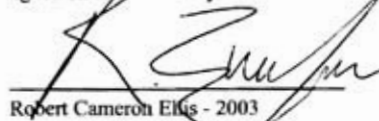
Approval and statement of responsibility

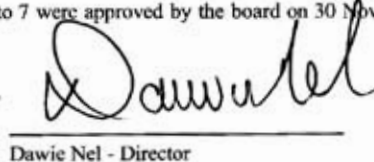
The Board is responsible for the maintenance of adequate accounting records and the preparation and integrity of the financial statements and related information. The external auditor is responsible for independently auditing and reporting on the fair presentation of financial statements in conformity with South African Auditing Standards. The financial statements have been prepared in accordance with Statements of Generally Accepted Accounting Practice.

The Board is also responsible for the organization's system of internal financial control. These are designed to provide reasonable, but not absolute, assurance as to the reliability of the financial statements, and to adequately safeguard, verify and maintain accountability of assets, and to prevent and detect misstatement and loss. Nothing has come to the attention of the board to indicate that any material breakdown in the functioning of these controls, procedures and systems has occurred during the year under review.

The financial statements have been prepared on the going concern basis, since the board have every reason to believe that the organization has adequate resources in place to continue in operation for the foreseeable future.

The financial statements which appear on pages 4 to 7 were approved by the board on 30 November 2007 and signed on their behalf by:


Robert Cameron Ellis - 2003


Dawie Nel - Director

Pretoria
30 November 2007

**REPORT OF THE INDEPENDENT AUDITOR TO THE SHAREHOLDERS OF
OUT - LESBIAN/GAY/BISEXUAL/TRANSGENDER (LGBT) WELL-BEING**

I have audited the annual financial statements of OUT - Lesbian/Gay/Bisexual/Transgender (LGBT) Well-being set out on pages 4 to 7 for the year ended 31 March 2007. These financial statements are the responsibility of the organization's board. My responsibility is to express an opinion on these financial statements based on my audit.

Scope

I conducted my audit in accordance with statements of International Auditing Standards. Those standards require that I plan and perform the audit to obtain reasonable assurance that the financial statements are free of material misstatement. An audit includes:

- examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements,
- assessing the accounting principles used and significant estimates made by management, and
- evaluating the overall financial statement presentation.

I believe that my audit provides a reasonable basis for my opinion.

Audit opinion

In my opinion, the financial statements fairly present, in all material respects, the financial position of the organization at 31 March 2007 and the results of its operations for the year then ended in accordance with South African Statements of Generally Accepted Accounting Practice appropriate to the business .

**CP Labuschagne
Chartered Accountant (S.A.)
Registered Accountant and Auditor**

**Pretoria
30 November 2007**

**OUT - LESBIAN/GAY/BISEXUAL/TRANSGENDER (LGBT) WELL-BEING
BALANCE SHEET
at 31 March 2007**

	Note	2007 R	2006 R
Assets			
Non-current assets			
Fixed assets	2	1	1
		92,255	48,709
Current assets			
Deposits and Receivables		1,550	7,947
Bank balances		90,705	40,762
Total assets		<u>92,256</u>	<u>48,710</u>
Equity and liabilities			
Capital and reserves			
Distributable reserve		83,023	5,422
Current liabilities			
Trade and other payables		9,233	43,288
Total equity and liabilities		<u>92,256</u>	<u>48,710</u>

**OUT - LESBIAN/GAY/BISEXUAL/TRANSGENDER (LGBT) WELL-BEING
INCOME STATEMENT
for the year ended 31 March 2007**

	Note	2007 R	2006 R
Other income		2,914,473	2,917,119
Atlantic Philanthropies		1,023,500	1,721,500
CEBRAP		206,953	-
Department of Health		17,105	323,635
Donations by Debit Order		-	8,640
Ford Foundation		370,400	-
Forum for the Empowerment of Women		-	20,000
HIVOS		181,300	468,360
Heinrich Boll Stiftung		260,580	14,998
Interest received		16,770	32,012
Joint Working Group		-	26,572
Miscellaneous Income		-	1,045
National Lottery		25,000	25,000
Open Society Foundation		600,750	68,750
Other Donors		52,284	3,650
Schorer Twinning Agreement		-	63,637
Social Development		159,831	-
World Aids Day		-	139,320
Total income		2,914,473	2,917,119
Expenditure (Refer to page 6)		2,836,872	2,957,185
Profit/(loss)		77,601	(40,066)
Retained profit at beginning of year		5,422	45,488
Retained profit at end of year		83,023	5,422

**OUT - LESBIAN/GAY/BISEXUAL/TRANSGENDER (LGBT) WELL-BEING
INCOME STATEMENT
for the year ended 31 March 2007**

	2007 R	2006 R
Expenditure		
Bank charges	13,336	15,281
Cleaning	-	42,314
Computer expenses	72,551	65,270
Depreciation	83,966	96,986
Electricity and water	17,564	15,227
Refreshment Expenses	27,438	21,039
Furniture, Computers and Software	-	77,672
Department of Education	18,134	-
HIV School	22,831	-
Equipment	-	10,265
Insurance	12,133	-
Lease rentals	100,480	110,326
Advocacy Cost	60,179	-
Loss on Petty Cash	34,801	-
CEBRAP Research	78,100	-
Counselling Line	6,807	-
Other costs	-	16,840
Marketing & Promotions	182,284	178,815
Support Group	3,408	-
Mainstreaming Project Cost	162,961	176,931
Community Development Project	17,793	43,351
Mamelodi Project Costs	18,447	-
Sexual Health Project Cost	73,862	232,912
Lesbian Health Workshop	32,072	-
Positive Living	7,032	-
Safer Sex Costs	5,055	-
Mental Health Project Cost	2,994	171,346
Learnership Costs	47,603	-
Organisational Development and HR Cost	20,361	48,597
Staff Development	88,844	27,333
Printing and stationery	37,823	69,405
Research Project Cost	64,816	68,717
Repairs and maintenance	28,240	16,919
Salaries	1,244,472	1,219,216
Security	7,972	21,996
Board Expenses	3,295	10,556
JWG	4,376	-
Telephone and Postage	143,679	118,978
Transport for Volunteers	14,012	51,813
Staff Travel	57,099	29,080
Volunteer Allowance	14,192	-
Workshops	5,860	-
Total expenditure	2,836,872	2,957,185

OUT - LESBIAN/GAY/BISEXUAL/TRANSGENDER (LGBT) WELL-BEING NOTES TO THE FINANCIAL STATEMENTS for the year ended 31 March 2007

1 Basis of preparation

The financial statements are prepared in accordance with South African Statements of Generally Accepted Accounting Practice. The financial statements are prepared under the historical cost convention as modified by the revaluation of certain property, plant and equipment, marketable securities and investment properties where appropriate.

1.1 Revenue recognition

Donations are recorded in the financial Statements at the date the donations are received.

1.2 Fixed assets

All fixed assets are initially recorded at cost and are fully depreciated when purchased.

2. Fixed assets

	2007			2006		
	Cost / valuation	Accumulated depreciation	Carrying value	Cost / valuation	Accumulated depreciation	Carrying value
<i>Owned assets</i>						
Furniture and fittings	28,171	28,171	-	21,134	21,133	1
Security	9,837	9,837	-	-	-	-
Computer equipment	103,402	103,401	1	36,308	36,308	-
	<u>141,410</u>	<u>141,409</u>	<u>1</u>	<u>57,442</u>	<u>57,441</u>	<u>1</u>

Galleries

JWG meeting held at the Out Offices in Pretoria.



Gay and Lesbian Fete and Discussion Forum



Evening Out @ Playground



Outside Launch

