

“THE BODY IS THE PLACE WHERE ALL STRUGGLES ARE LOCATED”

Sibongile Ndashe

- *For the South African lawyer, the issue of sexuality carries with it the multiple facets of systems of oppression*

By Luiza Bodenmüller

Where does the struggle for women’s rights begin? Some say that it is necessary to take to the streets or wage a more active battle against social norms. For South African activist Sibongile Ndashe, these alternatives are not mutually exclusive, but the struggle begins with the appropriation of one’s own body. Sexual rights are central on the path to other rights. Both oppression and the freedoms won by struggle are manifested in the body. Gender identity, sexual orientation, civil rights: everything has to do with the body. But by the time Sibongile came to this conclusion, a lot had already happened.

Even though she has been a feminist for as long as she can remember, Sibongile identified a high school activity as a turning point in her life. A debate on “The changing role of women in society today” led her to start asking herself about the role of women, with school itself serving as the point of departure of this inquiry. “That was when I began to question what was accepted as normal in society, at school, in the family and everywhere by asking simple questions such as: Why is it that only girls learn to embroider? Why are boys always building things?”, she recalls.

This discovery allowed the young woman to develop a keener eye, which she began to focus more on the positions that women held in society. It was in the late 1980s when Sibongile realised that some women could take on leadership roles at a time when this still caused a certain amount of surprise. The examples of Margaret Thatcher – even though she disagreed with her policies – and Ntombi (queen regent of Swaziland who

assumed power after her husband’s death) showed Sibongile that women could be “as brutal, as efficient and as combative as any man” while in positions of power. “That was when it hit me that there was something wrong with the way our society was configured and with the way gender roles were enhanced”, she explains.

At the age of 16, Sibongile entered law school, where she became immersed in the universe of knowledge production on the fight for women’s rights. At the beginning of the course, she got involved in groups linked to the defence of human rights. It did not take her long to dedicate herself more intensely to women’s issues. “I knew I was a feminist, but I didn’t think that my life would be defined by my work with feminism”, she affirmed. Sibongile began to work for organisations that engaged in constitutional litigation to guarantee the rights of women.

The experience that Sibongile accumulated over the years enabled her to identify flaws in the way that women’s human rights are litigated, which ended up being the focus of her work. It was in this context that in 2014 she founded ISLA – Initiative for Strategic Litigation in Africa, a Pan-African network that seeks to train lawyers and activists to develop jurisprudence on sexual rights and the rights of women. “ISLA arose from the recognition that there was a lack of skills and there were no institutions that engaged in strategic litigation specifically on women’s rights. I noticed this when I was analysing jurisprudence and noted that the rights of women were not characterised as such [in legislation]”, she explained.

Since then, ISLA has begun to work in several African countries with the goal of identifying legal loopholes that limit women’s access to rights and attempting to remedy them through strategic litigation. Sibongile tells us that currently, for example, the organisation has led a process, working with other women’s rights organisations from across the continent to ask the African Court on Human and People’s Rights to clarify state obligation in the process of registration of marriages. In some countries, there is a requirement that for a marriage to be recognised, it must be registered. As a result, many women who go through a divorce or lose their partner through death are unable to guarantee their rights, such as keeping their home, because they do not have a marriage licence. “The law is not always right. Our work is to guarantee that the law is just, that it delivers justice”, the lawyer argues.

The experience of working on the African continent helped Sibongile understand that the feminist movement is not homogenous and that there are different issues and different ways of fighting for rights. She noted significant growth in women’s engagement in the movement, especially among young women. “Now that we have people in power and in the government saying such horrible things about women, about the rights of women, it is important to have a new narrative that talks about defying, being disruptive and transforming what has been put there and take back what belongs to us as women, as citizens”, she affirms. Sibongile also voices self-criticism of the feminist movement of her time, in her country

of birth, South Africa. According to her, 20 years ago, activists believed that after the post-apartheid parliament and a number of progressive laws, the system would work in favour of the feminist cause and that the government would be willing to implement the laws for which they had fought so hard, which is not what happened.

Sibongile argues that the fight for women's rights should be viewed from a broader perspective, which necessarily involves the defence of sexual rights. "The body is the place where all struggles are located", she summarises. For her, the issue of sexuality is key, as it bears the multiple facets of the systems of oppression that complement one another. The body is where the force of social norms and conventions, racism and the pressure on women to assume and perform certain roles are expressed. The lawyer argues that women who challenge such norms and roles are treated as wrongdoers, but, in truth, they are only seeking coherence when they defend rights and occupy spaces that are in tune with their own purpose in life.

Oddly, a considerable part of her inspiration and support at the beginning of her career came from a patriarchal figure: her own father, who passed away in 2012. "My father was not conventional. He was a rebel and he made me question and challenge things", she explains. "My father thought my feminism should be supported. So, when I would give an interview on the radio, he would call people and say, 'you should listen to what she has to say'", she adds. Even so, she affirms that he was "comfortable in his own gender role, as the patriarch of the home."

For Sibongile, the struggles on the feminist agenda are intersectoral and should not



be limited to fighting patriarchy. In her opinion, phenomena such as militarisation, racism and systems such as capitalism act in an oppressive way and perpetuate inequality. The perpetuation of these models contributes directly to the invisibility or marginalisation of women. Even so, Sibongile is optimistic and believes in using law as a tool for social change. Ever since she first recognised herself as a feminist, all of her work has been geared towards promoting the rights of women and fighting for a society in which their space is guaranteed. If the women's revolution begins with the understanding that the body is the beginning of all struggles, Sibongile gives herself as an offering and takes upon herself part of the responsibility of confronting and transforming the systems that oppress the women of the African continent.

"THE BODY IS THE PLACE WHERE ALL STRUGGLES ARE LOCATED"



"This journal is published under the Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License"