



WOMEN'S LEGAL CENTRE



Presentation to the Portfolio Committee on Justice and Correctional Services:

The Prevention and Combating of Hate Crimes and Hate Speech Bill [B9-2018]

Presented By: Thozama Njobe - Triangle Project
17 May 2022

TP - Triangle Project is a non-profit human rights organisation offering professional services to ensure the full realisation of constitutional and human rights for lesbian, gay, bisexual, transgender, queer, intersex, plus (LGBTQI+) persons, their partners, and families. The organisation is one of the oldest organisations of its kind in South Africa, dating back to 1981, offering a wide range of services to diverse and growing communities, including court support to survivors of hate crimes.

WLC - The Women's Legal Centre is an African feminist legal centre that advances women's rights and equality through strategic litigation, advocacy, education and training. The Centre has a vision of women in South Africa who enjoy equal and substantive access to their rights.

Overview of Oral Submission

- Preamble
- Definitions and language
- Section 3 (1) : The offence of Hate Crimes
- Section 4 (1) : The offence of Hate Speech
- Section 5 (1) and (2): Victim Impact Statements
- Section 6 : Penalties and Orders
- Section 7 : Directives
- Section 6 : Prevention
- Financial Implications

This oral submission is based on our Oct 2021 written submission to the Portfolio Committee, available here: <https://tinyurl.com/ms4epsnx>

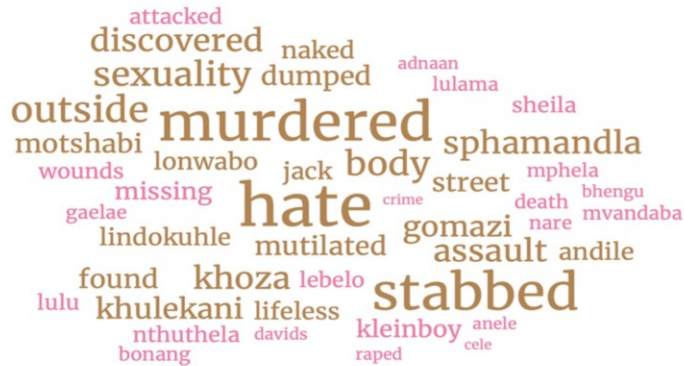


Our submission to you will include contributions to these sections of the Bill.

It is based on our written submission to the Portfolio Committee in October last year:

Triangle Project & Women's Legal Centre. (2021, 1 October). *Submission to the Portfolio Committee on Justice and Correctional Services on the Prevention and Combating of Hate Crimes and Hate Speech Bill [B9-2018]*. Available here: <https://tinyurl.com/ms4epsnx>

Hate Crime Crisis



While this legislation is in progress, an alarming and shocking number of new reports about hate crimes and hate speech against women and LGBTQI+ people reach us via the media at an alarming rate.

Discrimination, violence, human rights violations and criminalisation targeting LGBTQI+ people in South Africa continue to have a severe and shameful impact. These reports that reach us are but the tip of the iceberg and do not reflect the true prevalence and impact of hate crimes and hate speech against LGBTQI+ communities in South Africa, who are facing a crisis of fear despite the promise of our progressive Constitution and supporting legislation.

Preamble (refer to page 9 of the submission)

Currently includes:

- The Declaration adopted at the United Nations World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban (the Durban Declaration), and
- the International Convention on the Elimination of All Forms of Racial Discrimination (CERD).

Proposed Changes:

- African Charter on Human and People's Rights including the Protocol on Women's Rights
- African Charter on the Rights and Welfare of the Child
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and its Optional Protocol
- Convention on the Rights of the Child
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- Resolution 275 of the African Commission on Human and People's Rights, on Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity
- Universal Declaration of Human Rights
- Yogyakarta Principles Plus 10
- The Convention on the Elimination of All forms of Discrimination Against Women



We note that the preamble to the Bill refers to only two of South Africa's international human rights commitments:

- the Declaration adopted at the United Nations World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban (**the Durban Declaration**), and
- the International Convention on the Elimination of All Forms of Racial Discrimination (**CERD**).

While we welcome state action to make good on these historical commitments, we submit that there are many other international instruments that are applicable in the context of the State's obligation to advance and ensure equality and the elimination of discrimination.

We therefore submit that the preamble of the Bill needs to include and set the foundational framework of the legislation contained within to include a reflection on

the **intersectional nature** of the discrimination and prejudice that fuel hate crime and hate speech against women and LGBTQI+ people.

We strongly believe that the preamble should list all instruments that have a bearing on prejudice and discrimination.

We suggest the inclusion of these instruments and would like to stress the inclusion of the:

- Yogyakarta Principles Plus 10 which is international best practice on the human rights of LGBTQI+ people.

Definitions and Language (refer to page 10 & 11 of the submission)

- **“His/Her” → “they/them”**
- **“Intersex”** - remove from Definitions section OR ALL the listed characteristics and grounds in sections 3 and 4 should be properly defined
- **If all characteristics are defined**, then we particularly highlight LGBTQI+-inclusive definitions of the following:
 - **“Gender Identity”** and **“Gender Expression”**
 - **“Sex”** and **“Sex Characteristics”**
 - **“Sexual Orientation”**



Triangle Project and the WLC wishes to point out that the language used in the Bill is binary, and therefore not inclusive and representative of the people of South Africa. The use of only the binary pronouns of “his or her” throughout the Bill is exclusionary. The Bill must recognise the diverse identities of South Africans. We recommend using the inclusive, gender-neutral pronouns “they/them/their” to replace “his or her” wherever this appears.

Intersex: We note the inclusion of a definition for **“intersex”** in the Bill.

However, we also note that there are **no definitions of any of the other listed characteristics** and grounds in section 3(1) and 4(1).

In these circumstances, we submit that the definition of “intersex” should be removed from the Definitions section of the Bill. The scientific, academic, and societal understanding of diverse sex characteristics is constantly evolving, and we are concerned that including a definition of intersex in the Bill, to the exclusion of

other listed characteristics and grounds, will shackle the legal interpretation of this term to an understanding that may not adequately protect the rights of intersex people over time.

If the Committee elects to retain a definition of “intersex”, we submit that **all** the listed characteristics and grounds in sections 3 and 4 should be properly defined. In this case, the most up-to-date definition of “intersex” as preferred by the intersex community of South Africa itself must be used instead.

The existing definition must then be replaced, for example by a definition of "**Intersex**" as: “An umbrella term used to describe a wide range of natural bodily variations in sex characteristics from birth. Intersex people are born with sex characteristics (including genitals, gonads and chromosome patterns) that are more diverse than binary notions of male or female bodies – such variations may involve diversity in genitalia, hormonal differences, or combinations of chromosomal genotype and sexual phenotype other than XY and XX. Some intersex traits are visible at birth while others are not apparent until puberty. Some chromosomal intersex variations may not be physically apparent at all.”

Should the Committee choose to define all the listed characteristics, we would then propose LGBTQI+-inclusive definitions of the SOGIESC terms:

“gender identity” is referred to in the Bill. We propose that it be defined as “refers to each person’s self-identified, deeply felt, internal and individual experience of gender as female, male, nonbinary, another gender or a combination of genders, which may or may not correspond with the gender assigned at birth.”

“gender expression” is NOT referred to in the Bill, but it should be. We propose that it be defined as "a person's presentation of gender through their external appearance (including dress, hairstyles, accessories, cosmetics), mannerisms, speech, behavioural patterns, names and pronouns. Gender expression may or may not reflect a person’s gender identity.”

“sex” is referred to in the Bill. We propose that it be defined as "female, male, intersex and all other forms of sex characteristics, as well as the alteration of sex characteristics, whether this results from gender-affirming surgery or other surgeries,

medical treatment (e.g. hormonal), or through injury or disease.”

“**sex characteristics**” are NOT referred to in the Bill, but it should be as an important category in the rights of many intersex and transgender people. We propose that it be defined as "biological or physical characteristics that relate to the sexual and reproductive system, including chromosomes, genitals, gonads, hormone levels and other characteristics. It includes both primary sex characteristics at birth and secondary sex characteristics emerging from puberty."

“**sexual orientation**” is referred to in the Bill. We propose that it be defined as “a person’s capacity for profound emotional, affectional, and sexual attraction to, and intimate and sexual relations with individuals of the same gender, a different gender or more than one gender.”

Definitions and Language, continued

(refer to page 10 & 11 of the submission)

- **“Harm”** - lack of clarity, uncertainty therefore discretion of judicial officer
- **“Hate Crime”** and **“Hate Speech”** - undefined, should include definition
- **“Associates”** - inclusion of definition and include all persons associated with victim.



Triangle Project has grave concern about the lack of clarity in the Bill about the true meaning of **“harm”**. The definition is ambiguous and potentially problematic in light of the judgment handed down by the Constitutional Court in the case of Qwelane where in respect of speech in particular the Court found that S10(1) of the Equality Act is inconsistent with S1(c) and S16 of the Constitution and thus unconstitutional and invalid to the extent that it includes the word **“hurtful”** in the prohibition against speech.

Similarly, it may be argued that **“... any emotional, psychological, physical, social or economic harm”** as currently contained in the Bill is too broad. As pointed out by the Constitutional Court in Qwelane, the test for hate speech is an objective one to determine whether the intentions were to be harmful, or to incite harm and to promote or propagate hatred.

We are also concerned that the definition relies on the discretion of a judicial officer in interpreting whether **“harm”** in effect took place without any guidance in respect

of the definition and meaning of “emotional, psychological, physical, social or economic harm”

“**hate crime**” and “**hate speech**”- remain inadequately defined in the Definitions section. We submit that it is important to include their definitions so as to guide ordinary South Africans on the concepts and meanings of the term. It is most unhelpful for an individual to respond to a question of what is a hate crime for example by saying that it has the meaning ascribed to it in S3 (1) of the Act. This renders the offence in the ordinary understanding and discourse to be meaningless. We therefore cannot stress enough how important it is to define both of these terms (and effective offences) in the definitions section.

We propose the inclusion of a definition for the term “**associates**” in this section of the Bill. The term “associates” or variations of it appears several times in the Bill, alongside “family members.” We submit that the term “associates” should instead be used throughout the Bill and be defined inclusively to include not only family members, but all persons who may have a close connection with a victim.

Section 3(1) : The offence of Hate Crimes

(refer to page 12 & 13 of the submission)

The proposed changes to Section 3(1) of the Bill:

- to add 3(1) “or the associates”
- to add to sections:
 - (h) or “gender expression”
 - (i) “or any other medical diagnosis”
 - (k) “asylum seeker”
 - (p) “sex and sex characteristics, which include intersex; or”
- Recommended addition:
 - (r) “marginalised socio-economic status”
 - (s) “vulnerable and criminalised professions such as sex work”
 - (t) “personal appearance”
 - (u) “current or past incarceration or detention in either a correctional facility or psychiatric facility”
 - (v) “any other ground either perceived or real”
- Concerns regarding hate crimes against unhousted 'homeless' people, people who use drugs, and those with health statuses that do not relate to HIV (TB, Covid-19)

We recommend the addition of “**or their associates**” in section **3. (1)**

And we recommend the addition of the following sections:

3 (1) (h) we RECOMMEND the addition of **or “gender expression”**

3 (1) (i) on HIV status, we RECOMMEND the addition of **“or any other medical diagnosis”**

3 (1) (k) we RECOMMEND the addition of **“asylum seeker”**

3 (1) (p) we RECOMMEND **“sex and sex characteristics, which include intersex; or”**

We also recommend the addition of the following sections:

3 (1) (r) **“marginalised socio- economic status,”**

3 (1) (s) **“vulnerable and criminalised professions such as sex work;”**

3 (1) (t) **“personal appearance;”**

3 (1) (u) **“current or past incarceration or detention in either a correctional facility**

or psychiatric facility”

3 (1) (v) “any other ground either perceived or real”

Further, it is necessary to add “gender expression”, “asylum seeker” and “sex characteristics” to the listed characteristics and grounds throughout the Bill, to properly complete the lists according to the objects of the Bill.

In this regard, we are concerned about hate crimes against **unhoused (‘homeless’) people, people who use drugs, and those with health statuses that do not relate to HIV (e.g. TB and now also COVID 19):**

- It is trite that these far too often marginalised persons are exceptionally vulnerable to prejudice, deprivation, and abuse – including by state actors. Many of the clients that we assist through our various programmes inform the position that more is required in respect of recognising the rights of persons who too often are rendered invisible in our society and who suffer stigma and prejudice as a result.
- Discrimination against people who are unhoused, and those who use drugs, is well-documented internationally. In fact, “homelessness” has been included under the protection of hate crime legislation in several jurisdictions in the United States. While there is a lack of clear reliable data available on hate crimes against homeless people in South Africa, research has argued that South Africa would benefit from following this example in the development of its own legislation.

Section 4 (1): The offence of Hate Speech

(refer to page 14-16 of the submission)

The proposed changes to Section 4(1) of the Bill:

- 4 (1) (i) “be harmful or to incite harm; **and**”
- 4 (1) (hh) “gender, gender identity or **gender expression**”
- 4 (1) (kk) “nationality, migrant, **asylum-seeker**, or refugee status;”
- 4 (1) (nn) “sex and **sex characteristics, which include intersex; or**”

Recommended addition:

- 4 (1) (ll) “**occupation or trade**”
- 4 (1) (mm) “**political affiliation or conviction**”



4 (1) (i) we RECOMMEND “be harmful or to incite harm; **and**” instead of “**or**”

4 (1) (hh) we RECOMMEND the addition of “**gender expression**”

4 (1) (kk) we RECOMMEND the addition of “**asylum-seeker**”

4 (1) (qq) we RECOMMEND the inclusion of “**sex and sex characteristics, which include intersex**” as explained in the previous slide

We also recommend that the committee should include the following characteristics which do not currently appear under hate speech in the bill:

- section 4 (1) (ll) “**occupation or trade**”
- Section 4 (1) (mm) “**political affiliation or conviction**”

Section 5 (1) and (2): Victim Impact Statements

(refer to page 16 & 17 of the submission)

The proposed changes to Section 5(1) and (2) of the Bill:

- 5(1) For purposes of this section, a victim impact statement means a sworn statement or affirmation by **one or more of the following persons:**
 - (i) the victim;
 - (ii) someone authorised by the victim to make a such statement on behalf of the victim
 - (iii) in the event of the victim's death, the victim's associate(s);
 - (iv) an organisation or institution with expert knowledge or experience of the group to which the victim belongs, or is perceived to belong; which contains the physical, psychological, social, economic or any other consequences of the offence for the victim and their associate(s).
- (2) The prosecutor must, when adducing evidence or addressing the court on sentence in respect of an offence under this Act, consider the interests of a victim of the offence and the impact of the offence on the victim, **and** furnish the court with a victim impact statement provided for in subsection (1).

Recommended Addition:

- (2A) Where is not possible to obtain a victim impact statement provided for in subsection (1), the prosecutor must provide the court with written reasons for the absence of such a statement by either the victim, their associate(s), or an organisation or institution with expert knowledge or experience of the group to which the victim belongs or is perceived to belong

In our experience, victim impact statements (VIS) are critical in criminal court proceedings.

It is a way for the victim's voice to be heard in proceedings for the court to fully understand and appreciate the destruction and long-term consequences that hate crime or hate speech wreak on a victim's life.

read slide 'proposed changes 5 (1) and (2)' then back here to notes

We strongly submit that prosecutors in hate crime and hate speech cases should have a legal obligation to look beyond the victim and their associates alone, and deliberately seek out expert input, evidence, and opinions that can assist the court to understand the full impact of hate crime and hate speech on the broader LGBTQI+ communities, as outlined by Prof Nel in the Qwelane matter. Triangle Project has acted in this capacity in hate crime matters, but not at the invitation of the state and only after. In the criminal trial against the men who murdered 19-year-old lesbian

woman, Zoliswa Nkonyana we consistently put pressure on the judicial system and took to the stand to provide evidence for sentencing.

In addition, 5(2) appears to prevaricate on the mandatory nature of the VIS, by stating that prosecutors “must” consider the impact on victims but may only provide VISs where it is “**practicable**”. This is unacceptable, due to the importance of the VIS in sentencing.

We believe it is non-negotiable that a VIS must be obtained on all hate crime and hate speech cases.

We suggest that this be remedied by adding a new sub-section that directs prosecutors, in cases where it was truly impossible to obtain such a statement, to provide the court with written reasons to explain why it was impossible to obtain a VIS and outlining all their efforts to do so.

read ‘recommended action’

Section 6: Penalties and Orders

(refer to page 17 & 18 of the submission)

Restorative Justice Centre 2018 submission on the Bill:

- The heightened severity of punishment, and additional criminalisation of hate-motivated perpetrators, do not on their own **repair** the harms caused hate crime and hate speech;
- Elevating the penalties for hate crime and hate speech will not challenge the **underlying causes** of prejudice.

Recommended addition:

- Restorative Justice - during pre-trial and presentence stage, informed consent , no minimum sentence applicable



South Africa is lauded across the world for its efforts in reconciliation and transformation post the TRC. We therefore support the views expressed by the Restorative Justice Centre in its 2018 submission on the Bill, that:

- The heightened severity of punishment, and additional criminalisation of hate-motivated perpetrators, do not on their own **repair** the harms caused by hate crime and hate speech;
- Elevating the penalties for hate crime and hate speech will not challenge the **underlying causes** of prejudice.

Diversion is already part of the South African law relating to accused persons who are children, as outlined in the Child Justice Act of 2008 and the Probation Services Act of 1991.

We share the view of the Restorative Justice Centre that the system is well-enough developed, and capable of delivering a range of therapeutic and didactic

programmes, and victim offender mediation at both a pre-trial and pre-sentence level. We submit that the same mechanisms should be available in hate crimes and hate speech matters, **strictly with the free and informed consent of victims or their associates, and only in cases where no minimum sentence is applicable.**

Section 7: Directives

(refer to page 18 - 20 of the submission)

- South African Police Service (**SAPS**) - **National Instruction(s)** and **Standing Orders**, and **training**, no express mention of the SAPS under the general implementation provisions in section 8.
- **The proposed changes to Section 7 of the Bill:**
 - to add 7(1) “**within 90 days of the commencement of this Act**”
- **Recommended addition:**
 - (2) The National Commissioner of the South African Police Service must, after consultation with the National Director of Public Prosecutions and the Director-General: Justice and Constitutional Development, issue National Instructions and Standing Orders within 90 days of the commencement of this Act regarding all matters which are reasonably necessary or expedient to be provided for, and which must be complied with by all members of the South African Police Service who are tasked with the opening of dockets and investigation of cases relating to hate crimes and hate speech, in order to achieve the objects of this Act, including the following:
 - (a) **The manner in which cases relating to hate crimes and hate speech are to be dealt with, including—**
 - (i) **the circumstances in which a charge in respect of such an offence may be withdrawn or a docket closed; and**
 - (ii) **the collection of relevant evidence indicating the presence of prejudice or intolerance towards the victim, in order to secure a conviction contemplated in section 3(2); and (b) the collection and analysis of information contemplated in section 8.**

We submit that this section should include the same obligations on the South African Police Service (**SAPS**), in the form of National Instruction(s) and Standing Orders, and training, especially because there is no express mention of the SAPS under the general implementation provisions in section 8.

The proposed changes to Section 7 of the Bill:

7. (1) The directives should be issued “within 90 days of the commencement of this Act”

The role SAPS will play in the implementation of this Bill is of paramount importance. They will be first responders and there is ample evidence to show that SAPS officers do not always treat LGBTIQ+ persons with respect and due regard for their rights to equality and dignity.

Many victims have reposted secondary victimisation by SAPS. Triangle has embarked

on training SAPS so that they are able to identify the markers of hate crimes and to be sensitive to victims by not further discriminating against them or asking intrusive or offensive questions because of their identities.

When engaging communities, it was conclusive that there is a need for mandatory private rooms for reporting hate crimes in all police stations.

Therefore we recommend the addition of section 7 (2)

- **(2) The National Commissioner of the South African Police Service must, after consultation with the National Director of Public Prosecutions and the Director-General: Justice and Constitutional Development, issue National Instructions and Standing Orders within 90 days of the commencement of this Act regarding all matters which are reasonably necessary or expedient to be provided for, and which must be complied with by all members of the South African Police Service who are tasked with the opening of dockets and investigation of cases relating to hate crimes and hate speech, in order to achieve the objects of this Act, including the following:**

(a) The manner in which cases relating to hate crimes and hate speech are to be dealt with, including—

- **(i) the circumstances in which a charge in respect of such an offence may be withdrawn or a docket closed; and**
- **(ii) the collection of relevant evidence indicating the presence of prejudice or intolerance towards the victim, in order to secure a conviction contemplated in section 3(2); and (b) the collection and analysis of information contemplated in section 8.**

Section 9: Prevention (refer to page 20 & 21 of the submission)

- 9(1) General duty on the “**the State**” and only **two Chapter 9 institutions** - public awareness of the prohibition
- 9(2) places a duty on the President to designate certain executive departments, for the development of certain programmes at some unspecified future time - state departments should be expressly listed in the principal legislation, create justiciable obligations in relation to executive departments, specific mandates.
 - Chapter 9 institutions
 - the Department of Basic Education
 - the Department of Cooperative Governance and Traditional Affairs or the Department of Government and Communication System
 - the Department of Higher Education and Training
 - the Department of Social Development
 - the Department of Sport, Arts, and Culture
 - the Department of Women, Youth and Persons with Disabilities
 - the National House of Traditional Leaders



This section of the Bill requires far greater detail and must expressly commit strategically selected state departments and institutions to specific roles and responsibilities in preventing and combating hate crimes and hate speech.

First, section 9(1) appears to place a general duty on the “**the State**” and only **two Chapter 9 institutions** to make the public aware of the prohibition against hate crimes and hate speech.

- This general duty on unspecified state institutions is vague and does not create enough accountability for specific state institutions.
- It is not clear why two Chapter 9 institutions have been listed in this section, to the exclusion of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, which we submit will equally have a role to play.
- Merely creating awareness of the Bill and what it criminalises **will not prevent hate crime**. Prevention is complex work, which requires real political

commitment and resources to achieve.

Secondly, section 9(2) places a duty on the President to designate certain executive departments, for the development of certain programmes at some unspecified future time.

- We reiterate that while we do not object to the President choosing the responsible departments, we strongly submit that this should be done now, and that specific state departments should be expressly listed in the principal legislation to create improved legal certainty and accountability for implementation.
- We submit that this Bill should create justiciable obligations in relation to executive departments that are expressly listed, together with specific responsibilities that speak to each of their departmental/institutional mandates. At the minimum, these departments and institutions must include Chapter 9 institutions and these government departments.

Financial Implications (refer to page 21)

- Reject - “(e)xisting budgets will be used... No additional funding is being sought to implement the Bill.”
 - Austerity
 - Cost the Bill for the public and legislature - **accurately calculate and acknowledge the real and full financial, human, and other resource implications when creating new laws and policies.**



We find ourselves compelled to reject the assertion in the explanatory memorandum to the Bill that “(e)xisting budgets will be used where no additional funding is being sought to implement the Bill.”

When a victim and other witnesses have to provide the VIS, the prosecutor needs to ensure that these people travel from their home to court and back for example, how will this happen without allocated funds?

In a climate of austerity, and departmental budget cuts, we fail to see how this law can be properly implemented within existing executive budgets. We also fail to see how this assertion can be made so glibly when the Bill is not accompanied by a costing, for the public and the legislature to see if it can indeed be accommodated by existing budgets.

South Africa is notorious for failing to implement what appears to be progressive laws and policies. We believe that is in part due to a failure to **accurately calculate**

and acknowledge the real and full financial, human, and other resource implications when creating new laws and policies.

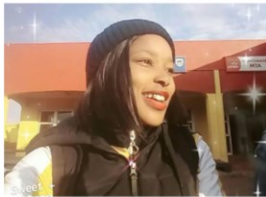
Reported cases in 2021



Andile Ntuthela Lulu - a 41 year old queer person, is found **dead** after being **mutilated** and **burned** in KwaNobuhle, Kariega



Anele Bhengu Masixole - 28 year old, whose **stabbed** and **mutilated body** was discovered in KwaMakhutha, KZN, on 13 June



Bonang Gaela - a 29 year old lesbian woman is **stabbed** in the neck, causing her **death**



Sam Mbatha - a gay man who's **body** was **discovered** in his **burnt-out car** in Klipgat in the North West.



These are a few faces of known public cases since the lapse of the bill since 2019. We no longer have time to wait to enact this bill.



Aubrey Boshoga - 48 year old gay man, is found **stabbed to death** outside his house in Johannesburg



Lonwabo Jack - a 22 year old queer person is found **stabbed to death** on a pavement in Nyanga, Cape Town



Limakatso Puling - a 29 year old lesbian woman, is **shot and killed** in Avoca Hills, Durban



Phelokazi Mqathana - a 24 year old lesbian woman, is **stabbed to death** after rejecting a man's sexual advances



In memory of those who were killed in 2021, simply because of who they love and how they identify



Zimasile Zubair Shabangu - a 35 year old gay man, is **stabbed to death**



Thapelo Sehata - a 23 year old queer woman, **dies** in hospital following an **assault** in the town of Senwabarwana in Limpopo



Sphamandla Khoza - a 34 year old gay man, is found **beaten and stabbed**, and had his **throat slit** on 29 March in Kwamashu, Durban.



Nathaniel Spokgoane Mbele - a gay man, is **stabbed in the chest** in Tshirela, Vanderbijlpark.



These are only 12 out of the 47 cases that have been reported to LGBTQ organisations that work with hate crimes in South Africa within a period of only 9 months.

We must remember that **while hate crimes are message crimes to a whole community that certain people will not be tolerated, this Bill is a message to perpetrators that hate crimes and hate speech will not be tolerated and this clear message is long overdue.**

Questions?



triangle project



@TriangleOrg



Triangle Project



info@triangle.org.za



<https://triangle.org.za>



WOMEN'S LEGAL CENTRE



@WLCCapeTown



Women's Legal
Centre



info@wlce.co.za



<https://wlce.co.za>



I would like to thank the Portfolio committee for the opportunity to provide this oral submission on behalf of Triangle Project and Women's Legal Center. I will now hand over to my colleagues on this call to answer any questions arising from this presentation or written submission. My colleagues are Charlene May, Attorney from WLC, Sharon Cox, Hate Crimes Manager, from Triangle Project, and Estian Smit, Research, Advocacy and Policy Manager, Triangle Project.