

Submission for Public Comment to the
Portfolio Committee on Justice and Correctional Services
for the

**PREVENTION AND COMBATING OF
HATE CRIMES AND HATE SPEECH BILL
[B9-2018]**

30th September 2021

ATTENTION:

MR. V. RAMAANO

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SUBMITTED BY:

SAME LOVE TOTI 181-621 NPO

Contact:

Kim Lithgow

Director of Same Love Toti





**THIS LETTER SERVES AS A SUBMISSION FOR PUBLIC COMMENT
ON THE PREVENTION AND COMBATTING OF HATE CRIMES BILL & HATE SPEECH BILL.**

Good day to all,

Same Love Toti is a human-rights based LGBTI organisation, that serves sexually and gender diverse populations in KwaZulu-Natal and nationally across South Africa.

Endorsement:

*As a steering committee member of the Hate Crimes Working Group,
Same Love Toti supports and endorses the submission made by the
Hate Crimes Working Group on this Bill.*

About us:

Our members and other lesbian, gay, transgender, intersex and gender non-conforming individuals are faced with the daily threat of homophobic, transphobic and biphobic hate crimes and hate speech. These crimes range from benign rejection, to harmful hate speech and emotional abuse, and often escalate to physical abuse, rape, assault, violence and murder. Secondary victimisation at police stations and from other first responders, and in shelters, is another problem that makes reporting such cases difficult. This means that most LGBTI won't report such crimes.

Lack of legislation:

As citizens of South Africa, there are legal provisions to protect them from discrimination, but there is no legislation to protect them specifically from a hate crime, nor is there any legislation for victims of hate crimes to access justice. Most hate crimes are not acknowledged as such, only the base crime is recorded with little mention of the motive and bias behind the crime. As a result there are no statistics on hate crimes, which means that effective prevention policies cannot be put in place.

Preamble of the Bill:

In the preamble, there is only mention of two international bodies where South Africa has committed to protecting the citizens from discrimination. We need to include these too:

- Universal Declaration of Human Rights
- African Charter on Human and People's Rights, especially Resolution 275
- African Charter on Children's Rights
- Yogyakarta Principles Plus 10
- Convention on the Rights of the Child
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights

Implementation and Funding:

The implementation of this Bill will require training SAPS and various other bodies, in how to prevent secondary victimisation and how to achieve the goals and aims of this Bill. Awareness campaigns, teaching in schools, sensitisation of government departments and bodies, will require time and resources. There has to be funding for this to be effective in actually accomplishing the prevention and combatting of hate crimes and hate speech.



Hate Speech :

We also need the Hate Speech Bill. Leaders of conservative churches preach that God hates gays, and their followers go on to discriminate and hurt LGBTI people That's why we need this hate speech protection too; to stop religious extremists from hurting other lesbian, gay and transgender families and individuals.

We continually experience hate speech from many different sources. Men, conservative leaders, traditional leaders, policemen, teachers, doctors, communities, business men and sportsmen, should not be allowed to demean and humiliate and cause harm to LGBTI families and individuals. This hate speech affects a child's grades at school, their success on the sports field, their careers, their reputations, their emotional well-being and their mental health. This is why we need hate speech protection.

Hate Crimes :

People are being murdered. 18 lesbian, gay, transgender and intersex people have been murdered this year alone. Now on Saturday 25th September 2021, another lesbian woman was murdered for being a lesbian. These are message crimes which impact on the entire LGBTI community, and so they need to be answered with an equally strong message, ie. that there is legislation that says that you cannot commit hate crimes. We desperately need this hate crime bill!

I support the Prevention and Combating of Hate Crimes & Hate Speech Bill in its entirety. There are minor adjustments that could be made but, this bill must be fast-tracked to ensure the lives of LGBTI people are protected.

- We need the statistics on hate crimes and hate speech that will be gathered when this bill is implemented.
- We need the prevention strategies to be extensive and embedded in all facets of our diverse society.
- We need government to take a strong stand against hate crimes, intolerance and discrimination.
- Minority Rights are human rights. LGBTI rights are human rights.

In conclusion:

This matter needs your careful consideration, and we implore you to grant us the protections that we as the LGBTI community so desperately need. Hate crimes are a crime against humanity. They have to stop! There has to be justice for the victims and their loved ones, there has to be legislation as a form of protection for sexual and gender diverse minorities. In your deliberations, keep in mind those victims of hate crimes and their families and communities. It is these people that deserve the Hate Crimes Bill to be passed, if not for prevention, then ultimately for justice. Pass this Bill as soon as possible!

ORAL SUBMISSION:

I would be honoured to give an oral presentation in regards to hate crimes and hate speech. It is important for all of us to have our voices heard, and for us to also speak up for those who cannot speak for themselves.

Sincerely yours,

**Kim Lithgow,
Director of Same Love Toti**





Sincerely,

A handwritten signature in blue ink, appearing to read 'K Lithgow'.

Kim Lithgow
Founder and Director of Same Love Toti
Founder and Director of PFLAG South Africa
Steering Committee member of the Hate Crimes working Group

