**Annexure A**

1. We start from the premise that the grounds referred to in section 16(2)(c) of the Constitution (race, ethnicity, gender and religion) need not be justified any further than the recognition given to these grounds in the Constitution, International Conventions and other pieces of legislation, some of which are listed below:

Article 2: Universal Declaration of Human Rights

“Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as **race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status**. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.” (emphasis supplied)

Article 1: ICERD defines racial discrimination as:

“…any distinction, exclusion, restriction or preference based on **race, colour, descent, or national or ethnic origin,** which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life”. (emphasis supplied)

Article 4 of ICERD provides that-

“States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one **colour** or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in Article 5 of this Convention, inter alia:

(a) shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against **any race or group of persons of another colour or ethnic origin,** and also the provision of any assistance to racist activities, including the financing thereof; (our emphasis)

*SECTION 9 OF THE CONSTITUTION*

9(3) 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.

9(4) No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3). National legislation must be enacted to prevent or prohibit unfair discrimination.

*PEPUDA*

Definition

“prohibited grounds” are—

(a) race, gender, sex, pregnancy, marital status, ethnic or social origin, **colour,** sexual orientation, age, disability, religion, conscience, belief, culture, language, birth and HIV/AIDS status; or

(b) any other ground where discrimination based on that other ground—

(i) causes or perpetuates systemic disadvantage;

(ii) undermines human dignity; or

(iii) adversely affects the equal enjoyment of a person’s rights and freedoms in a serious manner that is comparable to discrimination on a ground in paragraph (a);

*EMPLOYMENT EQUITY ACT*

6. Prohibition of unfair discrimination

(1) No person may unfairly discriminate, directly or indirectly, against an employee, in any employment policy or practice, on one or more grounds, including race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, **colour,** sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion, culture, language, birth or on any other arbitrary ground.

2. COLOUR

In the above excerpts, “colour” has been specifically highlighted to indicate its prominence in international covenants and our legislation.

“The non-discrimination principle lies at the very heart of international human rights law because the core notion of human dignity it reflects underlies the very concept of human rights, and because non-discrimination is essential to realizing other human rights. The non-discrimination principle reflects the fact that often, people are subjected to human rights violations because of prejudice against them due to some characteristic that identifies them, such as, race, color, religion or sex. Discrimination is an attack on the very notion of human rights—a denial that everyone is equal in dignity and worth.”[[1]](#footnote-1)

While there were debates about colour and whether race included colour, Farrior notes that the inclusion of colour in the Universal Declaration’s prohibited bases of discrimination appear in both the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) draws awareness of colourism with the treaty body members and draws attention to violations of human rights based on colourism. Footnote 138 of the Farrior article refers to colourism as follows-

“Colorism is the practice of discrimination based on skin tone and is prevalent throughout the world. Organized by the Whitney R. Harris World Law Institute, this conference addressed the global reach—in economic, social, and psychological terms—of colorism. Speakers explored, in a variety of constructs, how one’s skin color can be a source of scorn, shame, admiration and envy.”[[2]](#footnote-2)

These excerpts establish that colour is a form of discrimination and a violation of human rights.

3. NATIONALITY, MIGRANT OR REFUGEE STATUS OR ASYLUM SEEKERS AND SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION OR SEX CHARACTERISTICS[[3]](#footnote-3)

Violence against foreign nationals was noted as a major social challenge in South Africa as far back as 1998. Some recent trends of violence against foreign nationals are:

• Indiscriminate mob violence against all foreign nationals in a particular area

• Attacks, intimidation or specific looting campaigns targeting foreign-owned businesses

• Individual attacks on foreign nationals.

4. SEXUAL ORIENTATION AND GENDER-BASED VIOLENCE GENDER IDENTITY, GENDER EXPRESSION AND SEX CHARACTERISTICS

Another type of hate crime is that which specifically targets lesbian, gay, bisexual, transgender and intersex (LGBTI) people. Like many South Africans, LGBTI people are targets of general violence and crime. However, because they are stigmatised for their perceived sexual and/or gender ‘deviance’, LGBTI people are also frequently discriminated against, through criminal acts, because of their sexual orientation, gender identity and/or biological variance. Often, hate speech (such as harassment, slurring, name-calling and other forms of verbal abuse) creates the breeding ground for hate-based attacks.

Nel and Judge report that, internationally, the vast majority of openly LGB persons have experienced some form of victimisation, such as verbal abuse, threats, being chased or followed, or being spat on. In comparison, research findings suggest that South Africans were less likely to experience verbal abuse and threats of violence than their American counterparts, but they were more prone to be physically assaulted and substantially more often sexually assaulted. The authors also suggest that homophobic hate crime increases as lesbian and gay communities become more visible. The phenomenon of ‘corrective rape’ has received considerable media attention. It will seem that black lesbians, particularly in townships, where they are seen to challenge patriarchal gender norms, are increasingly targeted for rape and/or murder. Although not a separate and distinct phenomenon from the high incidence of gender-based violence in the country, it has also been reported that highly visibly gay, lesbian or transgender people are more often the targets of homophobic violence.

5. ALBINISM[[4]](#footnote-4)

On 25 September 2015, two 19 year-old men pleaded guilty in the Vryheid Regional Court to the murder of Thandazile Mpunzi, a 20 year-old woman with albinism, and each was sentenced to 20 years' imprisonment. Mpunzi's mutilated and skinned remains were found in a shallow grave after the suspects had confessed and led the police to the site. The National Prosecuting Authority recorded that the 17 year-old boyfriend of the deceased had her murdered so that he and his friends could use her body parts for muti.

Thandazile Mpunzi was a victim of violent attacks and killing of persons with albinism for ritual purposes.

At the same time, persons with albinism have been ostracised and even murdered for exactly the converse reason, namely, because they are considered a curse and to bring bad luck on a community. Underlying all these perceptions is the failure to see albinism for what it is: a medical condition, one of an incredibly rare group of diseases, presenting as pigmentation variance in the skin, hair and/or eyes, owing to hereditarily-blocked melanin synthesis.

In recent times, a number of attacks against persons with albinism have been reported in Africa. A July 2015 report compiled by Under the Same Sun (UTSS) Canada and Tanzania documented 148 killings of and 232 attacks on people with albinism across 25 African countries. The statistic for attacks includes survivors of mutilation; persons with albinism seeking asylum; incidents of violence against persons with albinism; and the desecration of graves. Of the 25 countries listed in the report, Tanzania is responsible for the majority of killings and attacks.

The mysterious abduction and killing of persons with albinism evoke feelings of uneasiness and insecurity in their communities and make them reluctant to walk, travel or stay alone because of the possible dangers. As a vulnerable minority group, persons with albinism are in need of social and legal protection in order to enjoy the full spectrum of fundamental rights, including the right to life and freedom of movement.

6. AGE AND SEX [[5]](#footnote-5)

In Thabong in the Free State, a 37-year-old grandson will appear before the Court for allegedly raping his grandmother, aged 79 years.

In December 2020, Detectives at the Woodstock Police Station opened a case of assault against an 18-year-old man after a video surfaced on social media of him assaulting an elderly man and spitting in his face.

In February, the body of an 80-year-old granny was found with multiple stab wounds in the Karool Retirement Village in Polokwane.

Violence, abuse and the killing of older persons is alarming and a reality in our society today. Incidents such as the above are often reported in the media but the full extent of the problem is not known. This is mainly due to:

Under reporting: whilst residential care facilities for the elderly provide for a more controlled environment in so far as the reporting of abuse is concerned, the prevalence of abuse in communities and family units is far more prevalent and is largely under reported. More older persons live in communities than in retirement villages or care facilities, and perpetrators of abuse are frequently family members.

In South Africa, research on elder abuse is very limited. National elder abuse statistics do not fully reflect the extent of the abuse. If reported, the abuse might be classified under a different heading e.g. physical abuse classified as domestic violence, financial abuse as theft or fraud; no acknowledgement, as far as I am aware, is made to the crime being against an older person.

Older persons are afraid to speak out, to report incidents of elder abuse for a number of reasons. Fear of recrimination, further abuse by the perpetrator and often the unwillingness of the Police to take the charge are some of the reasons for this.

The Older Persons Act, 2006 (Act 13 of 2006), states clearly that any person who abuses an older person is guilty of an offence. Although this Act aims to provide protection for older persons against various types abuse, the fact is incidents of abuse are often not reported and perpetrators not prosecuted. Instances of abuse reported in the media are but a fraction of the actual extent of the problem and seldom lead to investigation and, if substantiated, prosecution.

According to a SAOPF Presentation - Older Persons in South Africa: The Forgotten Victims, the following is reported-

* The safety and security of older persons does not seem to be a targeted priority for SAPS;
* The abuse and exploitation of older persons is largely under-reported and is escalating at an alarming rate;
* Despite the fact that abuse and exploitation of older persons is common and widespread, no concrete plans / programmes are in place to curb these offences;
* Claims of witchcraft are used against primarily older women; the prevalence of human rights abuses under the under the pretext of culture has escalated alarmingly;
* Many of the attacks against older persons are horrific, brutal and downright evil but attacks on older people, however, seems to be motivated by more than just criminals seemingly thinking that older persons’ makes for “soft targets”- racism, hate, drug abuse, distorted cultural believes and political motives also seems to come into play;
* As a vulnerable group, older persons should be protected by police.
* Older persons from all socioeconomic, ethnic, and religious backgrounds and who have varying functional abilities are all vulnerable to personal attacks;[[6]](#footnote-6)

7. TRADE AND OCCUPATION AND SEX AND GENDER[[7]](#footnote-7)

The decomposed bodies of six women, four of whom were identified as sex workers, were recently discovered at a panel beating factory in Johannesburg. A 20-year-old man has been charged with one count of murder. The case highlights, again, the risks of sex work for women in South Africa.

This makes it particularly difficult for sex workers who operate on the streets to be safe. They fear being arrested by police, often forcing them into unsafe spaces where clients are free to abuse them. They are also vulnerable to police abuse.

There is a strong view that decriminalisation would, among other things, mitigate some of the risks that sex workers face because of their work being deemed a crime in the country. They are exposed to physical violence, the risk of contracting sexually transmitted diseases, unintended pregnancies, police abuse, mental anguish and even death.

Violence Against Sex Workers[[8]](#footnote-8)

Violence and other criminality directed at female sex workers appears to be a major problem in South Africa. By criminalizing sex work, the country’s authorities are contributing to, rather than working to address, this form of violence against women.

Roughly one-third of the sex workers interviewed for this report said they had been raped, mostly while at work, and several more than once. Others had experienced brutal physical violence, again, usually when they were working. Interviewees showed scars on their bellies and faces where they had been cut and broken teeth from punches or bottles slammed against their mouths during terrifying abductions.

They expressed fears about continuing to do the work and risking exposure to sadists, rapists, and thieves. Sex workers and those that work with them complained to Human Rights Watch about a widely held perception that sex workers are linked, perhaps even inherently connected, with crime, criminality and criminals, drugs, theft, and other dark happenings in dark corners. This seems a perverted understanding of a more mundane truth. The 46 sex workers who were part of the report were victims of violent crime, not accomplices or perpetrators. Almost every woman interviewed had been robbed while she was working, often at knife or gunpoint, by men who would demand “their” cash back after sex, and often proceeds from other work as well.

8. BIRTH

9. CULTURE

It was reported on 26 May 2022 in the City Press[[9]](#footnote-9), among others, that —

“Creating a more diverse and tolerant South Africa is high on the agenda as Afrophobic explosions continue to break out across the country. This year’s Africa Day celebrations had a bitter taste as the day comes in the wake of a series of attacks on Africans in the country.

Ours is possibly the most racially and culturally diverse country on the continent. Given its anti-apartheid struggle history, South Africa was, to a large extent, shaped by the countries that supported its freedom efforts and which harboured thousands of South Africans who fled from the vicious apartheid regime.

Given these factors, you would think contemporary South Africa would be alive to these historical realities and therefore sensitive to the question of cultural intolerance, which was, ironically, at the very heart of apartheid.”. (Emphasis supplied).

10. DISABILITY

Holness indicated that available evidence indicate that persons with disabilities in the country experience higher levels of crime and violence, such as rape, theft, assault, murder, and fraud.[[10]](#footnote-10) According to Holness, social perceptions “… of women with intellectual disabilities may increase their risk of violence (including psychological violence, financial abuse, neglect, and deprivation). The author indicates that factors, such as police attitudes towards disability and the perceptions of victims regarding the effectiveness of the criminal justice system contributes toward underreporting.

Inaccessibility to criminal justice system for persons with disabilities is also highlighted as another concern. Persons with disabilities are therefore “… disproportionately affected because of the stigma they face, communication and understanding difficulties and the fact that their legal capacity and credibility is questioned.

The following is also pointed out:

“Crimes against persons with disabilities are pernicious, but are often invisible. This stems from two factors. First, people think that the crime results from the 'vulnerability' of persons with disabilities rather than motivation of 'hatred' toward a person with such characteristics. This stems from widely held beliefs that disability resides in an individual rather than the societal response to difference. Second, law enforcement fails to identify that disability may be an element in the offence due to the invisibility of some disabilities and because of prejudice or ignorance of the potential for disability to be a motivating factor in these cases. Under-reporting is therefore a symptom of the failure by society and the law to recognise disability hate crime.”

11. ETHNIC OR SOCIAL ORIGIN

In drawing a comparison between the USA and South Africa, Naidoo, among others, makes express reference to ethnicity and the rationale for protecting ethnicity.[[11]](#footnote-11) Naidoo highlights the fact that according to the American writer, Lawrence—

“… hate crimes violate the right to equality which protects one of the most highly-cherished ideals in American society. Equality is therefore the main prudential reason for the enactment of hate crime legislation in the United States of America. According to Delgado, if the law does not take cognisance of racist crimes and racist violence a message is conveyed to minority groups that equality is not a fundamental principle and it demoralises those citizens who prefer to live in an equal society.”. (Footnotes omitted)

Naidoo opines that the above argument “… could be extended to the perpetration of crimes, particularly violent crimes that are motivated by the sexual orientation or the ethnicity of the victims.”. (Emphasis supplied)

With respect to South Africa, Naidoo expresses the view that it—

“… would be trite to add that the right to equality protects one of the most cherished ideals within the South African context in the light of an oppressive past based on racial, ethnic and gender inequality. It could be argued that the failure of the state to specifically criminalise conduct motivated by race, ethnicity and sexual orientation could demoralise certain victim groups and that these victim groups would be unable to achieve their full potential in society. This would undoubtedly impact on their self-worth, their self-esteem and ultimately on their dignity. Since dignity is a founding value of the South African constitution and a value that has consistently informed the equality jurisprudence of the South African constitutional court, the enactment of a hate-crime law in South Africa could be regarded as a constitutional imperative in terms of the value of dignity and the right to equality.”. (Emphasis supplied and footnotes omitted)

12. HIV OR AIDS STATUS

Visser et al consider HIV/AIDS stigma in a South African community. They find, among others, that “although there are anecdotal reports, there is currently insufficient empirical data on the nature and the degree of AIDS-related stigma in African communities. The majority of the research undertaken in the South African context has focused mainly on narrative and other qualitative analyses”.[[12]](#footnote-12)“Stigmatising ideas about HIV have a powerful hold on society because they are often based on pre-existing stereotypes and prejudices, resulting in AIDS often being framed within a moral concept of blame, responsibility and deservedness. In this respect, people living with HIV/AIDS are often judged to have brought the disease upon themselves by engaging in already culturally prohibited behaviours.”

An excerpt at para 2.16 from the SALRC Report on Sexual Offences (adult prostitution) 2017 speaks to the Code of Good Practice on Key Aspects of HIV and Employment: “A health and safety issue of particular importance in current-day South Africa is HIV and AIDS. The Code of Good Practice on Key Aspects of HIV and Employment was issued in terms of the Employment Equity Act. The goals of the Code include eliminating unfair discrimination in the workplace based on HIV status; promoting a non-discriminatory workplace in which people living with HIV or AIDS can be open about their HIV status without fear of stigma or rejection; and promoting appropriate and effective ways of managing HIV in the workplace. The Code includes measures to create a safe working environment for all employees, as well as measures to restrict the spread of HIV.”

Skinner and Mfecane note that “HIV-related stigma has its own unique qualities, and is ‘heightened as it is layered upon other stigmas associated with race, gender, homosexuality, drug use, promiscuity etc.’ Discrimination is perpetrated against communities which are perceived to be more affected by HIV, be these physical criteria, such as skin colour; gender; sexual orientation; type of work, such as prostitution; or geography, and even an entire continent, such as Africa. So stigma not only affects the individual who is carrying the virus, but also increases the exclusion of already stigmatised groups associated with HIV, such as gay men and black people.”[[13]](#footnote-13)

UNAIDS[[14]](#footnote-14) notes that “AIDS-related discrimination may occur at various levels. There is discrimination occurring in *family and community settings*… Examples of this kind of discrimination against people living with HIV include: ostracization, such as the practice of forcing women to return to their kin upon being diagnosed HIV-positive, following the first signs of illness, or after their partners have died of AIDS; shunning and avoiding everyday contact; verbal harassment; physical violence; verbal discrediting and blaming; gossip; and denial of traditional funeral rites.” Then there is discrimination occurring in institutional settings…. This includes “health-care services: reduced standard of care, denial of access to care and treatment, HIV testing without consent, breaches of confidentiality including identifying someone as HIV-positive to relatives and outside agencies, negative attitudes and degrading practices by health-care workers. • Workplace: denial of employment based on HIV-positive status, compulsory HIV testing, exclusion of HIV-positive individuals from pension schemes or medical benefits. • Schools: denial of entry to HIV-affected children, or dismissal of teachers. • Prisons: mandatory segregation of HIV-positive individuals, exclusion from collective activities.”

13. LANGUAGE

Moseneke DCJ, in the well-known Ermelo High School language policy case, recognised the role of language (in that context, the indigenous African languages) as "vehicles for expressing cultural identity".[[15]](#footnote-15) This link between language and identity pertinently raises issues of dignity, which is so central to South Africa's unfair discrimination law. The Supreme Court of Appeal (the SCA),[[16]](#footnote-16) in recognising that identity forms part of an individual's "protectable variety of personal rights" under the common law (which also include privacy and dignity), relied on an exposition of the role of dignity as entrenched in section 10 of the Bill of Rights to include the individual's sense of self-worth but also the public's estimation of the worth of such an individual. And in the context of international human rights law it has been observed that "[s]ince language is central to identity, one's freedom to use one's language is seen as 'inherent' in the 'dignity of the human person', and thus falls within the ambit of human rights law."[[17]](#footnote-17)

The Constitutional Court discussed the language policy of the University of Stellenbosch in *Gelyke Kanse and Others v Chairperson of the Senate of the University of Stellenbosch and Others*.[[18]](#footnote-18) At para 28, the Court noted that:

“The uneasy truth is thus that the primacy of Afrikaans under the 2014 Language Policy created an exclusionary hurdle for specifically black students studying at Stellenbosch. The racial colouring of the barrier is unavoidably freighted with implication. The evidence the University presented showed that elements of the 2014 Language Policy, when applied, left a sting. Separate classes in English and Afrikaans, or single classes conducted in Afrikaans, with interpreting from Afrikaans into English, made black students not conversant in Afrikaans feel marginalised, excluded and stigmatised. They were not proficient in Afrikaans, could not understand the lectures presented in Afrikaans or, where the balanced use of Afrikaans and English was offered, they felt stigmatised by real-time interpretation (which was almost solely used for translating lectures they could not understand). Also, less directly pertinent to the “right to receive education”, they felt excluded from other aspects of campus life, including residence meetings and official University events held in Afrikaans, without interpretation.”

The Constitutional Court also discussed language policy in *AfriForum and Another v University of the Free State*.[[19]](#footnote-19) At paras 3 to 7, the Court touched on the struggle by black learners in the 1970s and 1980s against the imposition of Afrikaans as the sole medium of instruction, as it was being used “as an instrument of control, exploitation and systematic humiliation”. “Multitudes of virtually unarmed students were detained, maimed and killed by the State law enforcement machinery. Then, it was a government led by predominantly Afrikaans-speaking people who sought to thrust their mother tongue upon others in the furtherance of sectional and self-serving white supremacist policies.”

The Court also notes that “extremely difficult, sensitive and potentially divisive as the language issue in general, and Afrikaans in particular, was and is bound to be for many years to come, the historical role of Afrikaans inescapably has to be confronted whenever possibilities of its use or disuse as a language of instruction are explored…’That is part of the challenge of healing, reconciliation, and reparation that our society will continue to face for a considerable time to come’. It is a difficult transformational issue that requires a meticulous and detached handling by all true defenders and ambassadors of our constitutional vision.”

14. POLITICAL AFFILIATION OR CONVICTION

Bruce observes that “there is no established system for collecting data on political killings in South Africa and any attempt to detail the number of political killings in the post-apartheid period must of necessity rely on a number of different information sources.”[[20]](#footnote-20) In discussing ‘policial killings’, Bruce defines them as “motivated by or connected to contestation or rivalry, either regarding access to political power, or conflict over the way in which the individual targeted (or a group aligned with that individual), is exercising his or her political power.”

Bruce noted that “overall this then suggests that there have been possibly 450, and perhaps more, political killings in KwaZulu-Natal since April 1994. Close to 75% of this number appear to have died in the period culminating in 2000. Killings have not been occurring at a consistent rate. There are, for instance, periods such as the years 2001-2002 where there seem to have been few, if any, killings. Focused on the period from 2003 onwards, the available information suggests that in the region of 120 political killings have taken place nationally. Close to 90% of these have been in KwaZulu-Natal, with more than 50% of the KwaZulu-Natal killings having taken place since the beginning of 2011. This number includes: At least 22 persons who were killed while serving as councillors, as well as one deputy mayor killed in Mpumalanga in 2007 and one mayor killed in KwaZulu-Natal in 2005.

Bruce concludes that “it is important that mechanisms for systematic monitoring of the phenomenon are established… [political killings] contribute to establishing a climate of fear within political life that extends its reach to many parts, particularly within poorer constituencies. As long as political killings can take place in one province, without any substantial risk of consequences for those behind the killings, they represent a threat to those involved in political life throughout South Africa.

Masuabi, writing for Daily Maverick, notes that there is a “worrying trend” of political assassinations, and voters in two wards – in Soweto and Greytown, KwaZulu-Natal – had to elect new representatives following the murder of two councillors.[[21]](#footnote-21) “Mpho Mofokeng, who was the Ward 53 councillor in the City of Joburg, was killed in an alleged assassination at his home in March. His family believe the killing was made to look like a suicide, with the weapon left on his left side, while Mofekeng was right-handed. Thembinkosi Lombo was gunned down in February 2022 in the Greytown CBD. At the time of his death he was the ANC councillor for Ward 13 in the uMvoti Municipality.”

1. “’Color’ In The Non-Discrimination Provisions Of The Universal Declaration Of Human Rights And The Two Covenants” by Stephanie Farrior (2015) Washington University Global Studies Law Review. [↑](#footnote-ref-1)
2. Id at 19. [↑](#footnote-ref-2)
3. “South Africa – A Home for All? The need for hate crime legislation” by Duncan Breen and Juan A. Nel in SA Crime Quarterly no 38 (December 2011). [↑](#footnote-ref-3)
4. “Violent attacks against persons with albinism in South Africa: A human rights perspective” by Maureen Mswela in Afr. hum. rights law j. vol.17 n.1 (Pretoria 2017). [↑](#footnote-ref-4)
5. South African Older Persons Forum - Press Statement: Ongoing Abuse and Violence Towards Older Persons (16 April 2021). [↑](#footnote-ref-5)
6. SAOPF Presentation - Older Persons in South Africa: The Forgotten Victims (PMG website) (undated). [↑](#footnote-ref-6)
7. “Murder of Johannesburg sex workers shows why South Africa must urgently decriminalise the trade” by Amanda Gouws (Professor of Political Science and Chair of the South African Research Initiative in Gender Politics, Stellenbosch University) in The Conversation (19 October 2022). [↑](#footnote-ref-7)
8. “Why Sex Work Should be Decriminalised in South Africa” by Human Rights Watch (2019). [↑](#footnote-ref-8)
9. Afrophobia in SA a result of unresolved self-hate | Citypress - News24. [↑](#footnote-ref-9)
10. SA Crime Quarterly “Hate crime based on disability in South Africa. Lessons for law reform”: Wilene Holness (SA crime q. n.70 Pretoria 2021). [↑](#footnote-ref-10)
11. “Factors which influenced the enactment of hate-crime legislation in the United States of America: *quo vadis* South Africa?” by K Naidoo 2016(4) TSAR 697 to 708. [↑](#footnote-ref-11)
12. “HIV/AIDS Stigma in a South African Community” by Maretha J. Visser, Jennifer D. Makin, Alain Vandormael, Kathleen J. Sikkema, and Brian W. C. Forsyth in *AIDS Care*. 2009 February 21(2): 197–206. [↑](#footnote-ref-12)
13. “Stigma, discrimination and the implications for people living with HIV/AIDS in South Africa” by D Skinner and S Mfecane in Journal of Social Aspects of HIV/AIDS (Vol. 1 No. 3 Nov 2004) at 157-164. [↑](#footnote-ref-13)
14. “HIV - Related Stigma, Discrimination and Human Rights Violations: Case studies of successful programmes” by Joint United Nations Programme on HIV/AIDS (UNAIDS) 2005. [↑](#footnote-ref-14)
15. *Head of Department: Mpumalanga Department of Education v Hoërskool Ermelo* 2010 (2) SA 415 (CC) para 48. [↑](#footnote-ref-15)
16. In *Grütter v Lombard* 2007 4 SA 89 (SCA). [↑](#footnote-ref-16)
17. Louw AM "Language Discrimination in the Context of South African Workplace Discrimination Law" PER / PELJ 2022(25). [↑](#footnote-ref-17)
18. [2019] ZACC 38. [↑](#footnote-ref-18)
19. [2017] ZACC 48. [↑](#footnote-ref-19)
20. “A Provincial Concern: Political Killings in South Africa” by David Bruce in SA Crime Quarterly no 45 (September 2013). [↑](#footnote-ref-20)
21. “‘Horrific’ new trend of ANC political killings triggers by-elections in Joburg and KZN” by Q Masuabi in Daily Maverick (1 June 2022). [↑](#footnote-ref-21)