

**To:** The Select Committee on Security and Justice

For attention: Mr Gurshwyn Dixon

Per email: [HateCrimesBill9B-2018@parliament.gov.za](mailto:HateCrimesBill9B-2018@parliament.gov.za)

**Re:** Comments on the Prevention and Combating of Hate Crimes and Hate Speech Bill [B9B – 2018]

**From:** Organisation:

NICKY VAN DER WESTHUIZEN REVIVAL MINISTRIES  
NPC (2004/028354/08)

Name / Surname:

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**Date:** 17/05/2023

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1. **Nicky van der Westhuizen Revival Ministries NPC** t/a New Beginnings Christian Family Church (NBCFC) is a caring spiritual home where people of all races, ethnic groups, cultural position, or religious backgrounds can come together to worship God and find acceptance and grace in the precious and finished work of the Cross. NBCFC has approximately 2,000 members in its membership database, with many churches throughout South Africa associated with us. Our main church and head office is situated at 4 Elim Road, Freeway Park, Boksburg, 1459.
2. As a faith-based institution, we oppose the [Prevention and Combating of Hate Crimes and Hate Speech Bill \[B9B – 2018\]](#), for the following reasons:
3. **We are concerned that the Bill violates our constitutional rights as religious persons to express our religious beliefs without fear of punishment or persecution** (section 15, read with section 16).
4. Additionally, we believe the Bill will undermine South Africa's **social cohesion**, because it will make religious organisations' job of mediating conflicting views in society impossible as **people's closely held opinions will be stifled due to the danger of them being prosecuted**. Religious organisations, like us, would thus be unable to

perform our **reconciliatory** function as people will not engage for fear of facing unwarranted charges and the possibility of being prosecuted should they air their views / beliefs / opinions.

5. We specifically oppose the Bill's:
  - 5.1. wide definition of "harm" (in Clause 1);
  - 5.2. failure to define "hatred" (in Clause 1); and
  - 5.3. definition of, and creation of, the crime of "hate speech" (in Clause 4).
6. We are concerned that the creation of the crime of "hate speech" for saying / distributing something which could possibly be construed as "harmful", will have certain **unintended consequences, namely the criminalisation of good / well-meaning people** who will be prosecuted for saying what they sincerely believe (according to their holy texts) and sent to jail.
7. There are already sufficient existing laws dealing with "hate speech".
8. For all of the above reasons, we strongly oppose this Bill which we believe to be unconstitutional and unnecessary, and we ask:

- 8.1. For the scrapping of the "hate speech" sections from the Bill altogether;

*Alternatively, should the "hate speech" provisions remain part of the Bill, we ask:*

- 8.2. That "harm" be defined as: "*gross emotional and psychological detriment that objectively and severely undermines the human dignity of the targeted group*"; and

- 8.3. That "hatred" be defined as: "*strong and deeply-felt emotions of enmity, ill-will, detestation, malevolence and vilification against members of an identifiable group, that implies that members of that group are to be despised, scorned, denied respect and subjected to ill-treatment based on their group affiliation*".

- 8.4. That Clause 4(2)(d) (the "religious exemption clause") be strengthened as follows:

*"expression of any religious conviction, tenet, belief, teaching, doctrine or writings, by a religious organisation or an individual, in public or in private, to the extent that such expression does not actively support, instigate, exhort, or call for extreme detestation, vilification, enmity, ill-will and malevolence that constitutes incitement to cause gross emotional and psychological harm that severely undermines the dignity of the targeted group, based on race, ethnicity, gender, religion or sexual orientation".*

Yours sincerely,



Dr. Nicky van der Westhuizen [Doctorate of Divinity, D.Min, BTheol, B.Min]  
**Chief Executive Officer**