



For immediate release

Joint Media Statement

**by Mr John Jeffery, MP (Deputy Minister of Justice and Constitutional Development) and Ms Steve Mmapaseka Letsike (Director Access Chapter 2)
as Co-Chairpersons of the National Task Team on the protection of the rights of people of different sexual orientation, gender identity, gender expression or sex characteristics to equality,
1 July 2021**

South Africa is seen around the world as a leader in the area of legislative protection of the rights of people of different sexual orientation, gender identity, gender expression or sex characteristics (SOGIESC) to equality.

Only nine countries' constitutions explicitly mention sexual orientation as a protected ground against discrimination – and South Africa is one of them and was, in fact, the first to do so. This also forms the foundation of our progressive legislative framework.

Despite these constitutional and legislative protections of equality, our country has recently seen an upsurge in the number of attacks against particularly lesbian, gay and transgender people. Whilst Pride Month celebrations were underway in many parts of the world, South Africa was seeing a spate of attacks against LGBTIQ+ persons in our country.

These attacks are extremely concerning and put the dignity, well-being and safety of all people of different sexual orientation, gender identity, gender expression or sex characteristics in South Africa at heightened risk.

Individuals in these vulnerable communities continue to be subjected to hate crimes and gender based violence. At the same time we are also seeing allegations of homophobia and bullying of LGBTIQ+ learners at schools in our country.

Unfortunately this is not the first time in our democracy that this has happened. The National Task Team (NTT) on the Rights of LGBTI Persons was established in 2011 by the Minister of Justice and Constitutional Development with the aim of strengthening government's ability to respond to the needs of LGBTIQ+ persons and to strengthen the capacity of civil society organisations to deliver related services.

The NTT comprises of various government departments, Chapter 9 institutions and civil society organisations. The NTT's Rapid Response Team (RRT) tracks pending cases in the criminal justice system that have been committed against LGBTI persons and includes these cases in a tracking template.



The NTT met yesterday and took note of the details of the crimes perpetrated against LGBTIQ+ persons. The NTT was informed that as at 29 June 2021, there are 42 pending hate crime cases on the template:

- Western Cape: 9 murder and 3 rape cases (total of 12)
- Gauteng: 5 murder and 6 rape cases (total of 11)
- North West: 3 murder and 1 rape cases (total of 4)
- Free State: 1 murder case
- KwaZulu-Natal: 5 attempted murder and murder and 1 rape case (total of 6)
- Mpumalanga: 1 murder and 1 rape case (total of 2)
- Limpopo: 3 murder cases (total of 3)
- Eastern Cape: 3 murder cases (total of 3).

Of the 42 pending cases, 30 cases are for murder and 12 are for rape.

Out of the 42 pending hate crime cases, approximately 29 hate crime cases were reported from 2020 to date. Of these 29 hate crime cases, 16 are on the court roll with remand dates with the remaining 13 cases still under investigation. Eight cases that have been finalized, some with significant sentences such as, e.g. life imprisonment for rape (Daveyton), 25 years imprisonment for rape (Ikageng), 25 years imprisonment for murder (Umlazi) and 14 years imprisonment for rape (Greytown). Some 14 cases have been closed as undetected due to a lack of evidence, but may be referred to the National Prosecuting Authority to review the dockets.

It must be highlighted that the cases on the template are being actively monitored, with government departments actively working with the SAPS, the National Prosecuting Authority and civil society to ensure that these matters are thoroughly investigated, that arrests are made and prosecutions follow. At the same time, it is vital that survivors of such crimes receive the necessary support services.

The crimes that are being perpetrated against LGBTIQ+ persons can only be addressed if the information is known to law enforcement agencies. Therefore NTT members have been urged to provide any information that they may have on these hate crime cases to the NTT. It was also agreed that RRT meetings will be held on a monthly basis, given the high incidence of hate crimes taking place across the country.

Plans are also underway to have further strategic discussions on enhanced collaboration and interventions to promote and protect the rights of LGBTIQ+ persons. The NTT also considered the first draft of the revised National Intervention Strategy (NIS). The NIS provides the framework that



informs the functioning of the NTT to counter violence and discrimination that is grounded on sexual orientation, gender identity, gender expression and sex characteristics in South Africa.

The NIS emphasizes the need to create awareness of the rights of LGBTIQ+ persons to equality and to create a society which recognises the needs and challenges experienced by LGBTIQ+ people, and works together to resolve them. The NIS is written with input from government and civil society and is periodically reviewed and updated since it was adopted in 2014 as well as 2019.

The LGBTIQ+ community, through the NTT, requested a workshop in December 2020 to review the NIS to ensure that the activities in the NIS continue to meet the needs of LGBTIQ+ people within communities.

While the NTT was initially created to respond to hate crimes against LGBTIQ+ people, the adoption of the Gender-Based Violence and Femicide National Strategic Plan (NSP-GBVF), requires that the NTT reconsiders its NIS in order to also integrate its responses to GBVF related crimes against LGBTIQ+ people. As a result, the reviewed NIS (2021 – 2025) is an opportunity to use the NTT to also respond to GBVF in ways that expand access to broader human, socio-economic, civil and political rights to LGBTIQ+ people in South Africa amongst others.

“Our real challenges are in implementation and in changing societal attitudes in our communities. Changing societal attitudes is the only way to ensure that persons are not victims of violence or discrimination in their daily lives on the grounds of their sexual orientation, gender identity, gender expression or sex characteristics,” said Deputy Minister Jeffery.

Ms Letsike said: *“Revitalisation of NTT at this difficult time for the LGBTI community in South Africa will need to focus on implementation that helps the country to prioritise rights protection, promotion and fulfilment as enshrined in the Constitution. The urgency of turning the tide on human rights violations is needed now more than ever. Stakeholders must discharge of their responsibilities, coherent strategies must be implemented, and lives must be saved. We have that responsibility.”*

Collaboration between government and civil society goes to the heart of the success of the NTT. *“Partnership between government and civil society is crucial if we want to successfully investigate and prosecute these crimes. Let us hold each other to account,”* said Deputy Minister Jeffery.

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