

A faint, stylized image of a pair of scales of justice is visible in the background, rendered in a light pinkish-orange color. The scales are positioned on the right side of the slide, with the pans hanging from a central beam.

**PROGRESS MADE REGARDING THE LESBIAN, GAY,  
BISEXUAL, TRANSGENDER & INTERSEX (LGBTI)  
PROGRAMME**

**NATIONAL TASK TEAM MEETING**

**16 OCTOBER 2014**



**the doj&cd**

Department:  
Justice and Constitutional Development  
REPUBLIC OF SOUTH AFRICA

# PROGRESS MADE BY THE NATIONAL TASK TEAM

## 1. Implementation Plan of the National Intervention Strategy (NIS) on Gender and Sexual Orientation Based Violence

- The draft Implementation Plan has been finalised and inputs received from the WG members were incorporated into the Plan.
- The key outputs of the NIS are as follows:
  - Output 1: Development of prevention programs to address violence on the grounds of sexual orientation and gender identity
  - Output 2: An improved CJS response to LGBTI-related crimes
  - Output 3: Strengthened institutional systems with respect to LGBTI-related violence and discrimination

# PROGRESS MADE BY THE NATIONAL TASK TEAM

## 3. Strategic Workplan (2013/2014) : Strengthening of CSO's participation in the NTT – Regional Consultation

The Department in collaboration with the Foundation for Human Rights conducted a series of provincial workshops, between December and February 2014, in KwaZulu-Natal(LIMP, EC & MP) Western Cape (NC & FS) and Gauteng (NW) to meet the following objectives:

- i. To increase representivity on the LGBTI National Task Team.
- ii. To build solidarity and networking with other sectors to address violence against LGBTI persons.
- iii. Understanding the local dynamics of violence against LGBTI persons.
- iv. Provide progress report on the work of the rapid response task team and an update of the cases relating to violence against LGBTI persons in the Criminal Justice System.

# PROGRESS MADE BY THE NATIONAL TASK TEAM

## 3. Strategic Workplan (2013/2014) : Strengthening of CSO's participation in the NTT – Regional Consultation

Some of the Recommendations:

- The NTT should have two representatives from each province
- The NIS should also include non-South African nationals
- The language of the documents and the presentations is technical and inaccessible
- Religious leaders, faith-based organizations and traditional leaders should be sensitized
- Regional offices of the Department of Social Development should play a role in promoting and protecting the rights of LGBTI persons
- The NTT should be responsible for training SAPS, DOH and COGTA in all provinces and regions

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## 3. Strategic Workplan (2013/2014) : Strengthening of CSO's participation in the NTT – Regional Consultation

Recommendations (cont):

- The NTT should also be responsible for sharing information to CSOs in all provinces
- Government “hides” services, such as victim empowerment services
- Prosecutors and magistrates need to be sensitized as well
- Social class and race are important factors to consider when speaking of LGBTI issues
- Lack of education, employment and support are factors that make LGBTI persons vulnerable

# PROGRESS MADE BY THE NATIONAL TASK TEAM

## 3. Strategic Workplan (2013/2014) : Strengthening of CSO's participation in the NTT – Regional Consultation

Provincial Task Teams :

- Working Committee of Working Group met to develop Terms of Reference for PTT
- Draft ToRs circulated among WG members for inputs and inputs have been incorporated for NTT members inputs and endorsement.
- Provincial Task Team have already been established in the Northern Cape, Limpopo and Mpumalanga.
- Preparations are underway to establish PTTs in the Western Cape, Gauteng, kwaZulu-Natal and North-West.



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## 3. Strategic Workplan (2013/2014) : Strengthening of CSO's participation in the NTT – Regional Consultation

### Provincial Task Teams (cont):

- These provincial structures are established with the support and involvement of the Department's Regional Offices.
- DoJ&CD, FHR and two representatives from the CSOs will coordinate, together with Regional Offices in those provinces, this process in the Eastern Cape and Free State through the mobilisation of CSOs, government departments and Chapter 9 Institutions.
- Directors: Legal at the DoJ&CD's Regional Offices have been briefed about this process and formal letters were sent to the Regional Heads in this regard

# PROGRESS MADE BY THE NATIONAL TASK TEAM

## 3. Strategic Workplan (2013/2014) : Strengthening of CSO's participation in the NTT – Regional Consultation

Provincial Task Teams (cont)

Role of the DoJ&CD's Regional Offices and FHR in coordinating the PTT process:

- The Regional Offices will provide Secretariat services to the provincial structures.
- Regional Offices and FHR to participate at workshops to establish Provincial Task Teams
- Two (2) people will be nominated from provincial workshops to serve on the NTT



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## 3. Strategic Workplan (2013/2014) : Strengthening of CSO's participation in the NTT – Regional Consultation

Role of the DoJ&CD's Regional Offices and FHR in coordinating the PTT process (cont):

- A meeting will be held with the FHR to come up with a strategy to mobilise existing community structures in the provinces
- The National Office will transfer funds to the Regional Offices to coordinate this process
- FHR will coordinate the traveling and accommodation needs of the two CSOs representatives.
- Ms Virginia Setshedi, has been appointed as Program Manager for LGBTI Rights at FHR with effect from 15 October 2014 - replaces Ms Dipika Nath who has since resigned in July 2014.



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## 3. Strategic Workplan (2013/2014) : Communication Plan

- In collaboration with the GCIS and the NTT, the Department developed an intersectoral communication plan on the promotion and protection of the rights of LGBTI persons which was endorsed by the NTT.

### Objectives:

- To popularise inter-sectorial interventions aimed at addressing the violence committed against LGBTI persons.
- To profile this government as caring and responsive on gender-based violence, especially violence against LGBTI persons.
- To mobilise communities to join hands with government and civil society in the fight against gender based violence especially on LGBTI persons.

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## 3. Strategic Workplan (2013/2014) : Communication Plan

### Objectives (cont):

- To promote partnerships amongst government, civil society, business and the media in the fight against gender based violence.
- To encourage communities to report this crimes.

### Key Activity of the Comm Plan :

LGBTI TV advert - wherein the former Minister conveys a national message to South Africans to promote equality, dignity and freedom protected under the Constitution of the Republic of South Africa, 1996

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## 3. Strategic Workplan (2013/2014) : Communication Plan

Effect/Impact of the TV advert:

Audience reached through the TV advert and Radio as follows:

- SABC – 13million people reached
- ETV – 10 million people reached
- LGBTI Drama on Community Radio - 6, 118 000 people reached

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## 4. National Intervention Strategy (2014/2016): Development of prevention programs to address violence on the grounds of sexual orientation and gender identity

Phase 1: Conducting a scan of LGBTI Initiatives and Review of LGBTI Training and Awareness Materials and Programmes

Phase 2: Development of LGBTI Training Materials and Programmes.

Phase 3: Piloting and Finalisation of developed material and Programmes

### **Progress:**

- Call for Proposal was issued with the following terms of reference:
  - Identify national and provincial initiatives relevant to the work of the NTT and the protection of LGBTI rights in general. These may include current initiatives as well as those conducted since 2011.

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## 4. National Intervention Strategy (2014/2016): Development of prevention programs to address violence on the grounds of sexual orientation and gender identity

### Progress (cont):

- The initiatives may be implemented by government, NGO/CSO, institutional (schools, churches, hospitals), or private sector initiatives, or they may be collaborative;
- Develop a database of initiatives, providing details of projects undertaken / accomplished, stakeholders involved and results achieved;
- Identify LGBTI networks and coordinating activities at national and provincial levels. Develop a database of networks and activities;
- Identify current social context and LGBTI rights training and awareness-raising materials at provincial, national, regional and national levels;

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## 4. National Intervention Strategy (2014/2016): Development of prevention programs to address violence on the grounds of sexual orientation and gender identity

### Progress (cont):

- Provide a literature review of the training materials, including a description of their application and, in the case of materials from other countries, their relevance and degree of suitability for training state service providers in South Africa.
- The literature review must assess the training materials and programmes separately for sensitisation and competence / skills-building components and also review and assess different training methodologies;

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## 4. National Intervention Strategy (2014/2016): Development of prevention programs to address violence on the grounds of sexual orientation and gender identity

### Progress (cont):

- Identify current social context and LGBTI rights awareness-raising materials and programmes produced by government departments and civil society organisations at provincial and national levels; and
- List any state service providers or staff that have been trained on LGBTI issues. Also list and briefly describe the training materials used, the entity that produced the training materials and conducted the training, the specific issues and topics, relating to both sensitisation and competence / skills-building, addressed in and through the training



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## 4. National Intervention Strategy (2014/2016): Development of prevention programs to address violence on the grounds of sexual orientation and gender identity

### Progress (cont):

- 11 applications were received
- Assessment process is underway – briefing of Assessors was conducted on 15 October 2014
- Service provider will be appointed by mid November 2014

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## 4. Rapid Response Team pertaining to the Pending Cases in the Criminal Justice System :

### Statistics on pending cases in the Criminal Justice System

- Out of the 45 cases received from the Civil Society Organisations (CSOs) and captured on the template, the following progress can be provided:
  - 21 cases have been finalised as follows:
    - 8 cases with imprisonment sentences of 22 years; 10 years; 6 years, 15 years; 19 years; 15 years, 20 years and 3 years -for possession of firearm by one suspect and police are still looking for the main suspect.
    - 11 cases withdrawn for various reasons including, amongst others, reluctant witnesses and tracing of perpetrators and victims.
    - 2 cases with an acquittal.

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## 4. Rapid Response Team pertaining to the Pending Cases in the Criminal Justice System

### Statistics on pending cases in the Criminal Justice System

24 cases are pending as follows:

- 7 cases being undetected.
- 4 cases being remanded – including Duduzile Zozo's case remanded to 23 Oct 2014.
- 8 still under investigation including Noxolo Nogwaza's case wherein DNA taken from the arrested suspect did not match.
- 2 cases where warrants of arrest issued when accused persons failed to appear in court.
- 1 case where inquest is to be held.
- 1 case where accused will be served with subpoena to appear in court as he has been given excuses every time he had to appear in court.
- 1 case where update is awaited from SAPS .



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## 4. Rapid Response Team pertaining to the Pending Cases in the Criminal Justice System

- A template has been created to include cases received from the CSOs during this financial year and the following progress can be provided on the seven (7) cases received:
  - 2 cases withdrawn by the Senior Public Prosecutor– one of the cases is to be referred to the equality court as it is a hate speech matter
  - 4 cases remanded – includes recently reported hate crimes cases from Ceres-Western Cape, Ventersdorp, Northern Cape and Benoni. 1 case where update is awaited from SAPS.
  - 1 case where update is awaited from SAPS regarding status of the investigation.
- A separate template was created to incorporate all the withdrawn and undetected cases for SAPS to recall and analyse same to ascertain reasons for withdrawal and if all the necessary steps were taken to ensure prosecution regarding the undetected cases. SAPS is in the process of recalling these cases for analysis purposes.

# WAY FORWARD

## 5. Inputs and Endorsement of Draft Documents

The NTT is hereby requested to provide inputs and endorse the following draft documents:

- Terms of Reference of the Provincial Task Team.
- Draft Brochure on LGBTI rights for service providers.
- Draft Implementation Plan.
- Proposed template for pending cases.



**THANK YOU!**



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