



# THE HATE & BIAS CRIMES MONITORING FORM PROJECT

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# TABLE OF CONTENTS

<b>PREAMBLE</b>	<b>1</b>
<b>ACKNOWLEDGEMENTS</b>	<b>2</b>
<b>EXECUTIVE SUMMARY</b>	<b>5</b>
<b>INTRODUCTION</b>	<b>6</b>
<b>RESEARCH METHOD</b>	<b>7</b>
<i>Data Gathering</i>	7
<i>Success and challenges in the data gathering process</i>	7
<i>Data capturing and analysis</i>	9
Quantitative data analysis	9
Qualitative data	9
<b>RESULTS</b>	<b>10</b>
<i>Frequency distributions</i>	10
General case information	10
Victim details and background	10
Incident details	12
Offender characteristics	16
Police	16
Court proceedings	17
Healthcare	17
Previous incidents	18
<i>Cross-tabulations</i>	18
Impact of hate crimes on surviving victims	18
Support offered to victims of hate crimes	22
<b>DISCUSSION</b>	<b>23</b>
<i>Community rhetoric and hate crime</i>	24
<i>Impact of hate crime and victim support</i>	24
<i>Policing, healthcare, and criminal justice in response to hate crime</i>	24
<b>RECOMMENDATIONS</b>	<b>25</b>
<i>Monitoring and recording hate crimes</i>	25
<i>Development of guidelines for responding to hate crimes</i>	25
<b>A LAST WORD:</b>	
<i>Guidance and leadership towards speaking a language of acceptance and collaboration</i>	25

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# PREAMBLE

The Hate Crimes Working Group (HCWG), a multi-sectoral network of civil society organisations that cover a cross-section of vulnerable sectors and people at risk of becoming victims of prejudice-motivated attacks, collaboratively developed the Hate and Bias Crime Monitoring Form following a four-year period of extensive consultation beginning in 2009. The Monitoring Form was subsequently used in a five-year (2013 – 2017) longitudinal research study in five provinces of South Africa to gauge the types, nature and impact of hate crimes perpetrated against individuals and communities in those provinces, namely the Eastern Cape, Gauteng, KwaZulu-Natal, Limpopo, and Western Cape.

The research project was conducted under the auspices of ethical clearance from the University of South Africa (UNISA). Administrative assistance was provided by the Independent Projects Trust (IPT) and subsequently by the Psychological Society of South Africa (PsySSA).

The HCWG is grateful for generous funding support from the Open Society Foundation for South Africa (OSF-SA), as well as historical funding support from the Humanist Institute for Cooperation with Developing Countries (HIVOS), and the University of South Africa.

*With thanks to the Chairpersons and Steering Committees of the Hate Crimes Working Group who supported this project from 2013 to 2017.*

## STEERING COMMITTEE 2017:

- Lawyers for Human Rights (Chair: Ms Sanja Bornman)
- Amnesty International
- Consortium for Refugees and Migrants in South Africa
- Gender Dynamix
- OUT LGBT Well-being
- Psychological Society of South Africa
- SONKE Gender Justice
- South African Jewish Board of Deputies
- South African Muslim Network
- Triangle Project

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# ACKNOWLEDGEMENTS

The success of the Hate and Bias Crimes Monitoring Form Project is in no small part attributable to the efforts of the organisations and individuals that contributed cases for documenting in the research; assisted in data capturing; and provided administrative assistance to the research team.

**We gratefully acknowledge all of your efforts.**

## PARTICIPATING ORGANISATIONS THAT CONTRIBUTED CASES

Eastern Cape	Gauteng	KwaZulu-Natal	Limpopo	Western Cape
Commission for Gender Equality (East London) Nelson Mandela University Refugee Rights Centre NMU Psychology Clinic (UCLIN) Rape Crisis Centre Sisonke Social Health and Empowerment South African Human Rights Commission (East London)	Commission for Conciliation, Mediation and Arbitration (Johannesburg) Commission for Gender Equality (Johannesburg) Department of Social Development (Sedibeng District) Ekupholeni Mental Health and Trauma Centre Jesuit Refugee Services LGBTI Sedibeng LifeLine (Johannesburg) OUT LGBT Wellbeing Potters House Rainbow Community Church South African Human Rights Commission (Johannesburg) South African Jewish Board of Deputies (Johannesburg) Wits Law Clinic Women's Legal Centre (Johannesburg)	Africa Awake Commission for Gender Equality (Durban) Durban Gay and Lesbian Centre Eritrean Movement for Democracy and Human Rights Ethiopian Community Assistance Gay & Lesbian Network Hope Farm Interconnect Interpreters KZN Gender Machinery Refugee Network KZN Refugee Council Lawyers for Human Rights (Durban) Nigerian Union of South Africa (Durban) Refugee Social Services Same Love Toti Somali Association of South Africa South African Human Rights Commission (Durban) South African Jewish Board of Deputies (Durban)	Commission for Gender Equality (Polokwane) Future Families Thohoyandou Limpopo Pride LGBTI Polokwane Observer South African Human Rights Commission (Polokwane) Thohoyandou Victim Empowerment Programme Vhembe District Victim Empowerment Network	Congolese Civil Society in South Africa Commission for Gender Equality (Cape Town) Inclusive and Affirming Ministries People Against Suffering Oppression and Poverty (Cape Town) Scalabrini Centre of Cape Town Sex Workers Education & Advocacy Taskforce South African Human Rights Commission (Cape Town) South African Jewish Board of Deputies (Cape Town) The Trauma Centre for Survivors of Violence and Torture Triangle Project Women's Legal Centre (Cape Town)



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LIMPOPO FIELDWORK TEAM JUNE 2017 DEPARTING FROM PRETORIA.



LIMPOPO-BASED ORGANISATION THAT PARTICIPATED IN DATA COLLECTION IN JUNE 2017, TOGETHER WITH MEMBERS OF THE FIELDWORK TEAM.



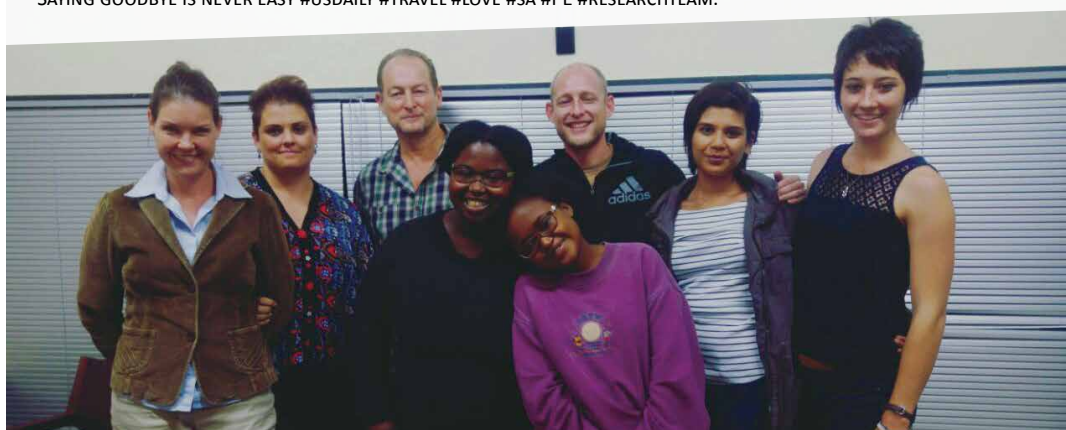
WESTERN CAPE FIELDWORK TEAM (MARCH 2017).



STUDENTS, VANESSA STRATFORD, GALI TAUNYANE AND ZINDI STEENKAMP (IN THE FRONT) WHO ASSISTED PROF JUAN NEL WITH DATA GATHERING IN GAUTENG IN MAY 2017.



SAYING GOODBYE IS NEVER EASY #USDAILY #TRAVEL #LOVE #SA #PE #RESEARCHTEAM.



YOLANDA MITCHELL TRAINING PSYSSA STUDENT DIVISION IN JANUARY 2017 AS ASSISTANTS IN THE DATA GATHERING.



## PARTICIPATING INDIVIDUALS THAT CONTRIBUTED CASES AND/OR ASSISTED WITH DATA CAPTURING

Individuals participating in private capacity	Psychological Society of South Africa (Students Division) volunteers
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(Iole Matthews)



Psychological Society of South Africa  
(Fatima Seedat, Aysha Lambat)



# EXECUTIVE SUMMARY

At the inception of this project in 2013, the research team set out to document 900 (for methodological reasons) cases of hate crime, hate speech, and intentional unfair discrimination covering a wide range of vulnerable marginalised, or historically marginalised, sectors of society. The geographic scope of the project included five provinces in South Africa, namely the Eastern Cape, Gauteng, KwaZulu-Natal, Limpopo, and Western Cape. By September 2017, 1061 cases had been documented, 945 of which were retained for analysis. In this research report, we reflect on factors that enabled or hampered data gathering using the Hate Crimes Monitoring Form; we report the key findings from the longitudinal study; and we make recommendations based on these findings.

Between January 2013 and February 2017, more than 150 individual volunteers or members of staff representing at least 85 organisations were trained in the use of the Monitoring Form for the purpose of gathering data about the types of hate crimes that are being perpetrated in South Africa and the impact thereof on our society. This training drive resulted in the successful uptake of the Monitoring Form in a few organisations which are now able to monitor and record hate crimes within their constituencies. However the majority of service providers were unable to integrate the use of the Form into their operations, resulting in recording far fewer cases than expected and the skewing of the data towards only a few vulnerable sectors. Challenges in the data gathering process were categorised broadly as institutional (relating to case intake procedures and organisational capacity restrictions); individual (relating to the willingness of participants to disclose information); and instrumental (relating to difficulties experienced in the use of the Form itself).

Nonetheless useful information emerged from the analysis of the available data and we were able to highlight a number of pertinent findings. Key among these findings is that prejudice is rife in our communities across all socio-economic levels and that it facilitates discrimination and ultimately the dehumanisation that preludes and accompanies hate crime.

## OTHER IMPORTANT FINDINGS WERE:

### THE NEED FOR ORGANISATIONAL RESEARCH SKILL AND CAPACITY DEVELOPMENT

To improve our understanding of the nature and impact of hate crime in South Africa, and to enable us to identify and define relevant courses of action, we require quality data from a broader range of contributors. It is therefore essential to improve the capacity of all organisations that provide services and support to (potential) victims of hate crime to monitor and report on such crimes.

### COMMUNITY RHETORIC PLAYS A ROLE IN THE SOCIAL LICENSING OF HATE CRIME

There is a concerning ever-present sense of blatant intolerance in communities, and it paves the way for treating those who are perceived as not conforming to community expectations with prejudice, which eventually breeds hatred and provides social licensing to hate crime. Urgent steps must be taken as preventive measures against hate crime to interrupt this rhetoric of bigotry.

### THE IMPACT OF HATE CRIME AND THE RELEVANT SUPPORT PROVIDED TO VICTIMS

The true impact of hate crime exceeds what we think we know and understand. What is clear however is that hate crimes are often devastating to surviving victims. It is also evident that victims do not always receive the support and services that they require, because the organisations concerned with providing services (such as psychosocial services) to these victims are limited in their response capacity by constraints in their expertise and access to resources. A more comprehensive response to hate crime in South Africa is increasingly going to depend on inter-organisational integration of skill and resources.

### DISCRIMINATION BY SCHOOLS, POLICE AND HEALTHCARE STRUCTURES, AND CRIMINAL JUSTICE RESPONSE TO HATE CRIME

It is most disconcerting that there are still some school teachers (and principals), police officers and healthcare providers who discriminate against certain persons who seek their services. Equally disheartening is the



finding that the hate crime element is almost entirely disregarded in court proceedings – a finding that once again underscores the need for legislation on hate crime for the purpose of holding authority figures accountable, and to enable fair retribution for these crimes.

Though limited in scope, these findings confirm that hatred and hate crime is prevalent in South Africa. Moreover, it is associated with unimaginable disdain for human life. The member organisations of the HCWG must be commended for the incredible work that they

do in their efforts to prevent hate crime and their support of victims of these crimes. But civil society alone cannot meet the growing demand for prevention, care, and prosecution. Now more than ever, our country's leaders must realise how crucial their voices are in taking a firm stance against all forms of intolerance, bigotry, and discrimination if hate crime is to be stemmed.

# INTRODUCTION

The HCWG comprises numerous civil society organisations whose focus is the physical, emotional, and socio-economic well-being of their constituents. As such creating awareness about hate crimes and developing community capacity towards the prevention of and response to hate crimes is an integral part of their collective work. For this reason the HCWG research team engaged communities in several organisational training workshops to enable member organisations to use the Monitoring Form as well as to train their staff in the use thereof. Additionally a number of interactive information sharing workshops were conducted with constituents of member organisations with the aim of increasing community awareness of hate crimes and their concomitant risk thereto. In this way, more than 150 individual volunteers or members of staff representing at least 85 organisations were trained in the use of the Monitoring Form from January 2013 to February 2017. In addition, constituent community members of those organisations were provided with information about hate crimes, their rights under the Constitution of South Africa, and their recourse should they or someone they know fall victim to such crimes. Moreover several of the larger, well funded member organisations of the HCWG ran related awareness and advocacy campaigns of their own during this time period, some of which have since incorporated the Monitoring Form into their own monitoring efforts.

In spite of all of these efforts, uptake of the Monitoring Form as an instrument for the centralised recording of hate crimes and hate incidents was unfortunately very limited. We had hoped that the combination of developing awareness and training in the use of the Monitoring Form would facilitate increased data gathering by the HCWG member organisation, and we set a target of gathering 900 cases across vulnerabilities over the five-year (2013 – 2017) research period. By September 2015 however, we had only received 240 documented cases from HCWG member organisations of which a mere 183 were suitable for data analysis. For this reason the research team decided to revert to a data gathering model used during the pilot testing phase of the development of the Monitoring Form. That is, the researchers undertook field work visits to each of the five provinces included in the study. Thus the researchers gathered a further 762 cases suitable for data analysis, for a total of 945 cases analysed by September 2017.

In this research report, we reflect on factors that enabled or hampered data gathering using the Monitoring Form; we report the key findings from the longitudinal study; and we make recommendations based on these findings.

# RESEARCH METHOD

Hate crimes case information was gathered using the Hate and Bias Crime Monitoring Form and supported by a User Guide<sup>1</sup> (available at [hcwg.org.za](http://hcwg.org.za)) developed and tested over a period of four years, informed by an international body of research, and in consultation with various stakeholders including civil society organisations, universities, governmental structures and individuals working in private capacity. The instrument was developed as a means of collating information on hate crimes perpetrated across sectors of vulnerabilities – as opposed to focussing on sector-specific incidents – for the purpose of presenting a broader and more inclusive picture of the types and effect of hate crimes in South Africa.

## DATA GATHERING

As mentioned previously, organisations and individuals were extensively trained in the use of the Form. Following training, we asked for hate crimes cases from organisational case files to be recorded using the Form, first retrospectively starting from the beginning of 2013 and then on an ongoing basis as cases emerged. Forms could be sent to a central collection point at the HCWG via postal service, via e-mail by scanning completed forms onto a computer or by capturing the Forms in an electronic format using Microsoft Word or Microsoft Excel, or (since 2014) by using the online version of the Form. Follow-up conversations via e-mail and telephone, as well as in person where possible, were conducted with key stakeholder organisations and attendees of training workshops in an attempt to provide assistance with form completion if needed.

Another avenue of enquiry that yielded a fair amount of case data is trawling media sources for hate crimes reported in the public domain. To this end, the research team appointed a fieldworker tasked with recording media cases.

Lastly, as described in the previous section, the research team conducted field visits to gather further data. Regional member organisations were contacted ahead of the field visits and were asked to prepare all case files of victims of hate crimes for data capturing. Many organisations had no cases on file, but were able to arrange with constituents who had been victimised to be present for face-to-face interviews during the visits. Service providers were also able to provide case detail

on behalf of victims, with informed consent provided by the victims.

## SUCCESS AND CHALLENGES IN THE DATA GATHERING PROCESS

A few organisations – not all of which were members of the HCWG – incorporated the Monitoring Form into their case intake processes very successfully and have been able to complete sufficiently detailed forms on an ongoing basis. These are typically relatively large, well funded and well structured civil society organisations and centres within academic institutions that are able to address the needs of their constituents on multiple levels – often including counselling and socio-economic and/or legal assistance or advice. The monitoring of hate crimes requires a level of active engagement, mentoring, and management within each individual organisation. As expected therefore, one commonality among these contributors is the fact that in each of them there is at least one permanent member of staff – usually in a more senior position – that takes responsibility for the recording of hate crimes and who ensures that others in the organisation are also trained to do so.

By contrast, most of the smaller participating organisations were unable to contribute any case information for the data gathering drive. We have identified three categories of factors that hampered the efforts of these organisations to collaborate towards data collection:

### 1. Factors related to the organisations (institutional challenges)

- The case intake procedures of these organisations are either insufficient or lack appropriate detail to enable completion of the Monitoring Form retrospectively from case files. Information pertaining to the nature of the crime often lacks detail that would enable staff to recognise it as a hate crime. For instance: a woman may have requested assistance for being raped, but the organisational intake process did not allow for obtaining information about the motivation for the attack and thus failed to establish that the attack was related to her sexual orientation / occupation / nationality or any other trait that could be a basis for prejudice.

<sup>1</sup> Nel, J.A., van Wyk, H. & Mbatha, K. 2013. User guide: Hate & Bias Crime Monitoring Form. Johannesburg: Hate Crimes Working Group. DOI: 10.13140/2.1.4548.2563.

- Even when members of staff suspect that a person may have been victimised on the basis of prejudice, it is often impossible to re-establish contact with that person to obtain further clarifying case information to verify that it was a hate crime. Constituents will sometimes report a case and ask for support from a civil society organisation only to decide against any proposed action, often for fear of retribution or further victimisation, breaking contact with the organisations.
- Many civil society organisations have a limited understanding of the importance of rigorous research and of building an evidence base for the purpose of advocacy and the development of interventions.
- A few organisations expressed concern about who derives benefit from research, generally, and from this study specifically. Many have become sceptical of researchers because they, or their constituents, have been exploited in the past in research unrelated to this study.
- Some organisations were very concerned that allowing the researchers to interview their constituents would contravene client confidentiality, or that it would create expectations of access to justice or other services among their constituents.
- Civil society organisations typically experience a high level of staff turnover, with the effect that individuals previously trained in the use of the Monitoring Form are no longer employed there. Moreover there is usually no mechanism in place for knowledge transfer pertaining to the monitoring of hate crimes, thus staff leave organisations without having trained anyone else to continue this work.
- Related to staff turnover is the tendency to rely on volunteers for some of their operations. These volunteers are usually young people, typically students or unemployed community members who engage in volunteer work as a stepping stone to accessing gainful employment opportunities. Due to lack of human resources, permanent staff members are characteristically overwhelmed by their existing workload and hence these organisations often send their volunteer workers for training such as ours. Unfortunately, this strategy seldom results in retention of knowledge within the organisation.
- As the monitoring of hate crimes is an adjunct to the key activities of smaller civil society organisations the aforementioned human resource shortages results in de-prioritising the capturing of hate crime case information. These

organisations simply do not have the capacity to dedicate the necessary time to this task.

## 2. Factors related to the victims (individual challenges)

- The fundamental concepts such as marginalisation, discrimination, prejudice and victimisation that underlie hate crimes are – perhaps surprisingly - difficult to convey at grass-roots level, which makes awareness raising a time consuming and resource intensive exercise. Furthermore, in spite of considerable efforts at raising these issues with communities at risk of victimisation, few community members grasp the importance of reporting prejudice-based incidents to service providers.
- Community members are sceptical of telling service providers that they have been victims (or witnesses) of hate-based crimes, often due to fear of further victimisation – either at the hands of the original perpetrators or by service providers – or because they erroneously believe that nothing can be done for them. In addition, these individuals are by and large suspicious of any process that requires them to disclose information for research purposes, despite every effort made at assuring them that their identity is protected; that the information is treated with strict confidentiality; and that the information will not be used against them in any way.

## 3. Factors related to the Monitoring Form (instrumental challenges)

- We have found that the language used in the Monitoring Form is greatly problematic for many of the workers at participating organisations. The problem extends beyond the language (that is English) in which the Form is written to the wording of the questions and the concepts covered in the instruments. While every effort was made during the drafting and piloting phases of the Form to ensure conceptual clarity and user-friendliness, many still struggle to complete the Form correctly and in sufficient detail, resulting in the omission of critical case information.
- Due to the depth of information necessary for this research the Monitoring Form is a very comprehensive instrument, the completion of which requires approximately 30-50 minutes. This is a deterrent for organisations that are already severely pressed for time and resource capacity, and affects not only the quantity of case data forwarded to the HCWG but importantly also the quality of data: in many cases, large parts of the Form are simply left incomplete or contains too little information to be useful.

## DATA CAPTURING AND ANALYSIS

Forms that reached the HCWG via post, in scanned format via e-mail, or in Microsoft Word format via e-mail were captured verbatim into a data spreadsheet (Master data file) using Microsoft Excel. Forms sent via e-mail in Microsoft Excel format were transferred into the Master data file. Forms captured using the online version of the Monitoring Form were downloaded directly into a Microsoft Excel data spreadsheet. This spreadsheet was then carefully matched with the Master data file to make sure that the columns of data – that is, the variables – were identical in both, following which the data from the online Form were transferred into the Master data file.

A total of 1061 cases were collected by the end of September 2017. However, during the data cleaning process, 116 of these had to be excluded from the analysis for a number of reasons, namely: (1) the incident date was missing or incoherent; (2) the incident date fell outside of the research period (the incident preceded 2013); (3) the incident took place outside of the five provinces included in this study; (4) the case contained too little information or lacked critical information, such as what type of crime was committed, to be identified as a hate crime; (5) duplicate cases.

Data representing a total of 945 cases were coded and prepared for analysis.

### QUANTITATIVE DATA ANALYSIS

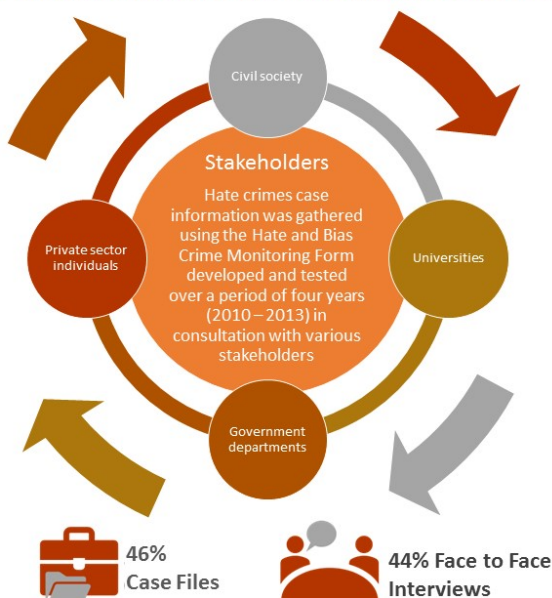
Due to the type of the data gathered (nominal or ordinal data collected using Likert scale type questions), the data were analysed using descriptive statistical

methods. The frequency distributions of all of the variables were viewed and summarised first. Following this, cross-tabulations were performed on some of the variables to examine the results more closely. We must caution that we make no claim as to the statistical generalisability of the results to the population of South Africa, because this is not a prevalence study: the data is representative of neither the whole country nor all of the vulnerable sectors of South African society. Moreover, the data is severely skewed in terms of nationality, religion, race and other demographic factors because only cases accessible via media coverage or through the cooperation of participating organisations could be captured. Additionally, some participating organisations already had their own systems in place for tracking prejudice-based incidents against their own constituents and were therefore able to contribute larger proportions of cases to be documented in this research project. Thus, cases against victims that represent large minority groups such as non-nationals and LGBTIQ+ persons (particularly from disadvantaged backgrounds) were more frequently documented than cases from less accessible vulnerable groups such as persons with disabilities.

### QUALITATIVE DATA

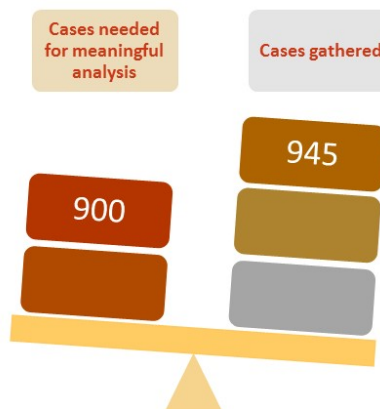
The written descriptions of the cases were not analysed in-depth for this report, due to concerns about protecting the identity of participants. The descriptions were primarily utilised to verify that the incidents could be classified as hate crimes, as well as to augment missing information where possible.

#### THE HATE AND BIAS CRIMES MONITORING FORM PROJECT FINAL REPORT (JANUARY 2013 - SEPTEMBER 2017)



 **>150 individuals from 85 organisations were trained in the use of the form**

#### January 2013 – September 2017



Suggested referencing: Mitchell, Y., & Nel, J. A. (2017). *The Hate and Bias Crimes Monitoring Form Project: January 2013 to September 2017*. Johannesburg: The Hate Crimes Working Group.

# RESULTS

## FREQUENCY DISTRIBUTIONS

The design of the Form allows for the reporting of cases perpetrated against individuals, organisations, or a sector of society in general in accordance with internationally accepted definitions<sup>2</sup> of hate crime. For this reason, it is not possible to present accurate demographic data for each case. For instance, when a mosque is defiled with the blood of a pig, or when a spate of racist slurs erupt on social media platforms, it is not an individual that is targeted but rather whole sectors of South African society. In such cases personal information such as the age or gender of the victim is irrelevant, because the crime was not committed against one specific individual. Likewise some sections of the Form such as information pertaining to healthcare provided to the victim are immaterial in such cases. Therefore, the frequency distributions of the data appear much skewed and should be read bearing in mind the aforementioned facts, namely that (1) large amounts of information is missing from the Forms as the data was irrelevant and thus completely omitted; (2) even on the most complete Forms the options “unknown” or “not applicable” were

often selected depending on the type of case and on available information about the case. For these reasons, where applicable, the number of cases analysed for each variable were noted and percentages calculated accordingly. For instance, the percentages of persons in each age category were calculated based on age detail available in 659 cases. For ease of reading however, the number of cases will not be cited for each variable in this report. Also, where appropriate, numbers of cases (as opposed to percentages) will be shown if percentages are too small or if they do not assist in making sense of a particular variable.

Moreover, the reader will note that where percentages are presented, the sum of the percentages do not always total to 100% as one would expect. The reason for this again pertains to the design of the Form: for some questions we allowed respondents to choose multiple answers for the question, as illustrated in the item extracted from the Form and included below. For these variables, percentages therefore refer to the number of times each option was selected individually, rather than in comparison with other available options.

7.1 According to the victim / service provider, was / were the incident(s) related to the victim's (tick as many boxes as apply)			
1. Age <input type="checkbox"/>	2. Disability <input type="checkbox"/>	3. Nationality <input type="checkbox"/>	4. Gender Identity / Expression <input type="checkbox"/>
5. Gender <input type="checkbox"/>	6. Sex <input type="checkbox"/>	7. Sexual Orientation <input type="checkbox"/>	8. Race <input type="checkbox"/>
9. Religion <input type="checkbox"/>	10. Ethnicity <input type="checkbox"/>	11. Health Status <input type="checkbox"/>	12. Occupation <input type="checkbox"/>
13. Other (Please Specify)			

## GENERAL CASE INFORMATION

The sources of information from which the data were collected and captured consisted of case files (46%); face-to-face interviews with the victims (44%); third party recollections (19%); media reports (14%); and witness accounts (2%).

About two thirds (65%) of the cases were perpetrated against individual victims; 35% were cases of hate

incidents (hate speech, intentional unfair discrimination, or hate crimes) involving sectors of society; and 1% of cases involved physical or verbal attacks on organisations.

## VICTIM DETAILS AND BACKGROUND

### Age

The ages of the victims ranged from 0 years to 81 years old. A small number (10%) of victims were under the

<sup>2</sup> Nel, J.A. & Breen, D. 2013. Victims of Hate crime. In Peacock, R. (Ed.) Victimology in South Africa. Second edition. Pretoria: J.L. van Schaik.



age of 21 years, 22 of whom were infants, children or adolescents under the age of 18 years. A further 2% of victims were older than 51 years. The majority of victims fell within the age ranges of 21 – 30 years (41%) and 31 – 40 years (35%), with 12% being aged 41-50 years.

### Race

More than half of the victims (59%) were black/African. A further 15% were of Ethiopian (8%), Somali (6%), and Eritrean (0.8%) origins – deemed to be race groups distinct from persons from other African nations. Ten percent of victims were white; Asians (non-nationals from Asian countries) represent 7% of victims, and 4% of victims were coloured. Only 1% of victims were South Africans of Indian descent.

### Sex (biological)

Most (68%) of the victims were male; 32% were female, and 2 victims were intersex.

### Gender identity or expression

Most (64%) of the victims self-identified as being men, while 28% self-identified as being women and a further 8% of victims self-identified as being trans-women (male to female transgendered). Two victims self-identified as being trans-men (female to male transgendered).

### Sexual orientation

Nearly two thirds (64%) of the reported crimes were committed against heterosexual victims, while 35% of cases involved crimes perpetrated against lesbian or gay victims and a further 1% against bisexual victims.

### Level of education

About one third (35%) of the victims had a Grade 12 certificate or the equivalent thereof, and another 26%

of the victims had some form of tertiary education. However, slightly more than one in three (36%) victims did not complete high school, 20% of whom had only a primary school level of education. A further 4% had no formal education at all.

### Employment status

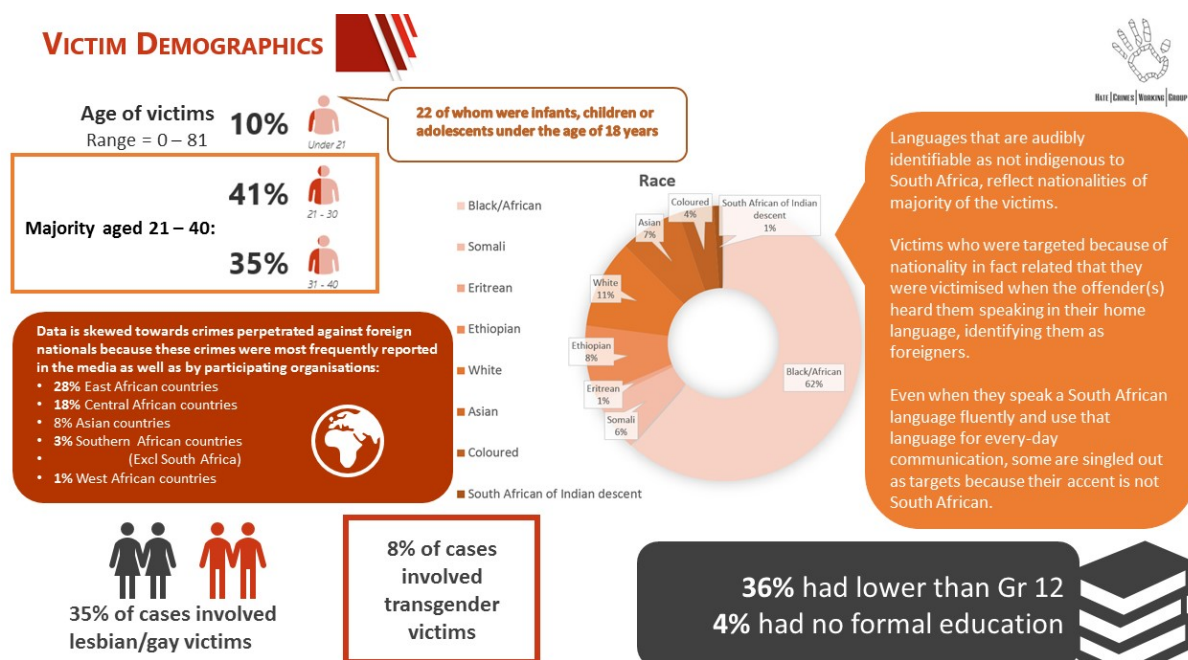
Only 37% of the victims were paid employees at the time of the incident. A little over one quarter (28%) of the victims identified as being self employed, and 13% as business owners. A small number (14%) of the victims were unemployed. These percentages should be interpreted in light of the levels of education as seen in the preceding sub-section: the appearance that many of the victims were gainfully employed may be misleading, as many of the paid employees were merely shop assistants in foreign-owned tuck shops, barber shops, or hair salons; business owners primarily refer to owners of small tuck shops or informal traders; and victims who identify as self-employed include sex workers.

### Nationality

Less than half (42%) of victims were born in South Africa. Twenty eight percent originated from an East African country, and 18% originated from a Central African country. Three percent of cases involved victims from Southern African (excluding South Africa) countries and about 1% involved victims from West African countries. Asian non-nationals were targeted in 8% of the cases.

### Religion

More than half (55%) of the victims were followers of Christianity; 20% were followers of Islam; and 11% were followers of Judaism. A further 8% and 4% of victims were followers of Hinduism or Buddhism respectively. The distribution of victims' religious affiliation is reflected in their nationality as described in the preceding sub-section.



## Language

South Africa's 12 official languages (including sign language) accounted for 36% of victims' home languages. Among South Africans, isiXhosa (24%), English (22%), and isiZulu (16%) were the most frequently reported home languages spoken by victims.

Other African languages accounted for a further 55% of home languages spoken by victims. Of these, the home languages with the highest frequency distributions were those spoken by persons from Eastern Africa, such as Somali (28%), Amharic (22%) and Kiswahili (20%).

Non-national Asians' languages accounted for the rest (9%) of the home language distribution, with Bengali (64%) and Urdu (34%) the most frequently reported home languages of victims from Asian countries.

The African (excluding South African) and Asian home languages sound very distinct from South African languages. Many victims who were targeted because of their nationality in fact related that they were victimised when the offender(s) heard them speaking in their home language on the phone or with one another, thus identifying them as non-nationals. Even when they speak a South African language fluently and use that language for every-day communication, some are still singled out as targets because their accent is not South African.

## Disability

Twenty five victims were persons living with disabilities: fifteen were living with a physical disability (such as visual or hearing impairment, limb amputation, and birth defects); seven were living with a mental disability (such as debilitating mental illness, mental retardation, cerebral palsy, and epilepsy); and three victims were living with developmental disabilities (Dyslexia and Asperger syndrome).

## Living context

More than half (55%) of the victims lived in a mixed community culture, and a further 22% described the culture of their residential community as very different to their own. Victims were primarily cohabiting with either family members (54%), or friends (30%). A small number (4%) were cohabiting with a colleague, which usually meant that they were living inside their tuck / barber / hair salon shops. Most of the victims lived either in formal (42%) or informal (48%) urban areas, with a small number (10%) living in rural areas. One third (33%) of victims lived in either a house or townhouse, while 46% resided in an informal type of dwelling. A further 20% resided in inner city flats or apartments. Note however that the description of house / townhouse was somewhat ambiguous, as participants tended to describe 'backyard dwellings' – informal structures erected on the premises of another house – as houses.

Thus the term should not automatically be assumed to refer to a formal brick-and-mortar type of structure on owned or hired land.

## INCIDENT DETAILS

### Incident date

One phenomenon of interest – and concern – regarding hate crime is that there seems to be a contagion effect associated with it: under certain circumstances extreme prejudice can spread between people within communities and between different geographic communities much like disease does. This phenomenon is easily observable when violence breaks out against non-nationals, as well as when bigotry spreads across social media platforms. For instance, the time periods June to August 2013, March to May 2015, October 2015, and February 2017 saw spates of violent attacks against non-nationals that rapidly spread through communities in proximity to one another. Similarly, between September and December 2013 a flurry of defamatory and degrading comments aimed at South Africans of Jewish descent erupted across social media and was perpetuated via electronic mail threatening individual members of the Jewish community. December 2015 to February 2016 likewise saw the outbreak of racist remarks on social media, followed by acts of vandalism and displays of racism on university campuses.

### Time of incident

46% of incidents occurred in the afternoon, between noon and 6PM, and another 25% took place at night between 6PM and midnight. The morning hours between 6AM and noon saw 18% of cases occurring, while a small number (11%) of cases took place between midnight and 6AM. Two points to note in terms of the time of day during which an incident takes place is that many attacks against non-nationals took place in the late afternoon or early evening, which reflects the clustering around the incident dates as mentioned in the preceding sub-section. The peak around early evening is also noteworthy, as this is the time of day during which many victims made use of public transport in the form of minibus taxis or busses, or when they were walking home. At this time of day victims who were easily labelled as 'foreign' or gender non-conforming, were often targeted because perpetrators believed that they would be carrying cash; were physically attacked on or bodily removed from public transport; or were taunted or ridiculed by other commuters.

### Province

About one quarter of the reports of cases were received from the Eastern Cape (27%) and Western Cape (26%) respectively, while Gauteng reported 20% of the cases. KwaZulu-Natal saw 14% of the reported incidents and a further 7% of case reports were received from Limpopo province.

Social media, electronic communications, and broadcast media

Approximately 6% of cases were incidents of hate speech, defamation, or harassment committed on social media and via e-mail, and 4 cases involved broadcast media such as radio broadcasts.

### Number of victims

Although 65% of attacks (against individuals) were committed against only one victim, some cases involved more than one victim: 125 cases involved two victims; 72 cases involved three to five victims; and 35 cases involved more than six victims. Thus even though only 669 cases that involved persons (as opposed to organisations or whole sectors of society) were recorded, at least 1113 individual victims were directly affected.

### Relationship to primary victim

Victims other than the primary reporting victims were most often (49% of cases) colleagues or co-workers (mostly in cases perpetrated against non-nationals as tuck / barber / hair salon shops were often targeted); family members (represented by 28% of cases; with children being present in 27 of these cases); or friends (23% of cases) of the primary victim.

### Types of crimes

The Monitoring Form allows for an indication of all of the types of crime that were committed in one case. For example, when a sex worker is attacked due to hatred of her profession she may be assaulted, threatened with a weapon, and her possessions stolen. Thus in this case, three types of crime would have been indicated in the Monitoring Form.

In this way, the frequencies at which hate crimes were recorded were as follows:

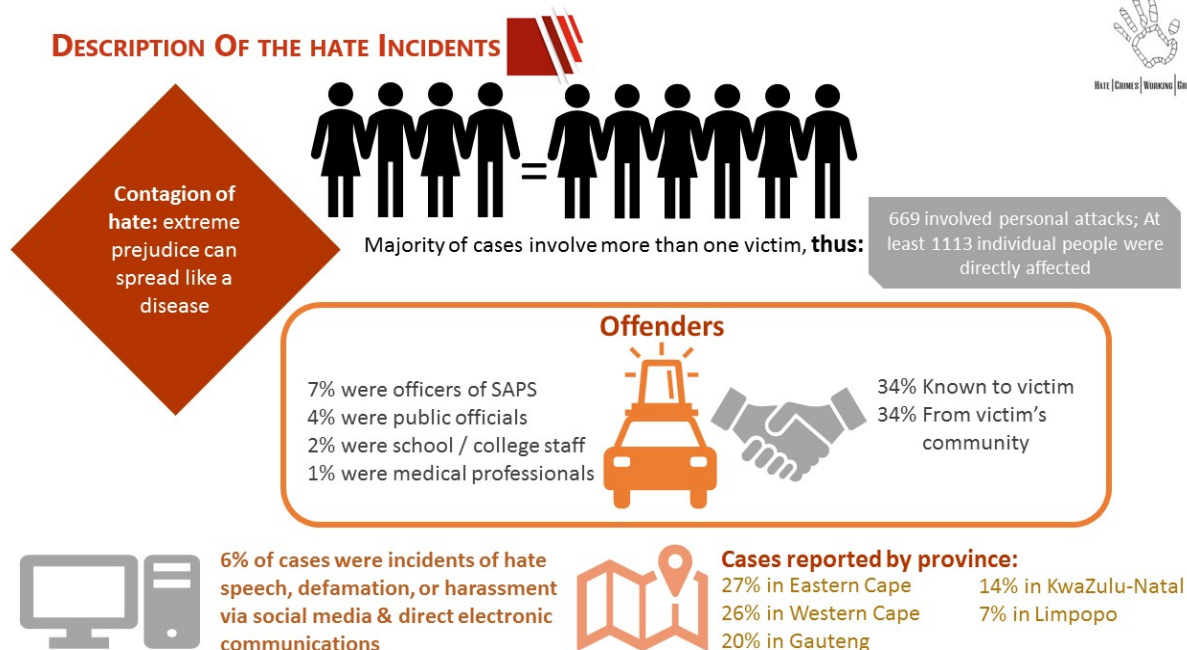
Type of Crime	Frequency (%)
Robbery / theft	30
Damage to property	27
Illegal eviction	17
Assault	14
Threatened with weapon	12
Assault with intent to do grievous bodily harm	11
Murder	4
Rape	4
Attempted murder	4
Sexual assault	2
Extortion / blackmail	1
Police brutality	1
Arson	0.8

The frequency at which intentional unfair discrimination was recorded was 19%; and the frequencies at which hate speech related incidents were recorded were as follows:

Type of Crime	Frequency (%)
Intimidation	34
Hate speech	24
Harassment	22
Defamation of character / harm to dignity	11

### Prejudice basis

The frequencies at which the respective underlying motivations for prejudice were recorded were as follows:



Prejudice based on:	Frequency (%)
Nationality	45
Sexual orientation	17
Religion	14
Gender identity or expression	11
Race	9
Occupation	6
Ethnicity	2
Disability	1
Witchcraft	1
Gender	1
Other (Sex, Inter-racial marriage, Past disclosed criminal record, Albinism)	0.5

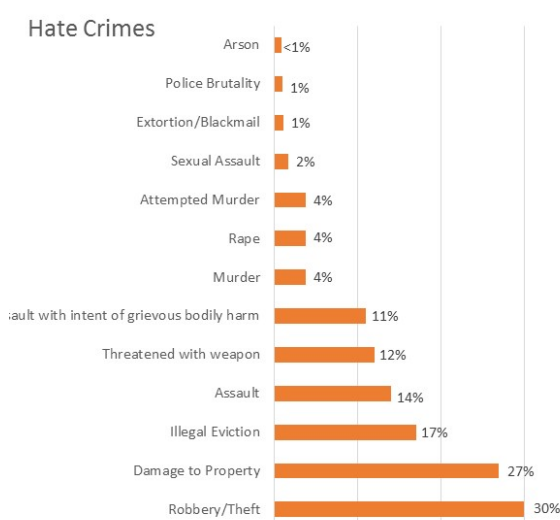
### Reasons for perceiving prejudice motive

Although it is difficult to prove that a crime was motivated by hatred of a characteristic associated with an individual or with the group / sector of society with which the individual is affiliated, few victims of hate crimes doubt that their assailants were prompted by hatred. In most (68%) cases, the words used by the perpetrators during the attack are unmistakable indicators of the reasons for the attack, leaving no uncertainty in the minds of victims or witnesses about the underlying prejudice that motivated the incident. For instance, many perpetrators will utter defamatory labels such as “makwerekwere”, “moffie”, “instabane”, “whore”, or “kaffer”. More broadly, the ‘language’ (that is, the disdainful way in which the perpetrators treat the victims, encompassed by the denigration in their tone of voice and their generally scornful demeanour towards the victims) used during hate crimes is derogatory and insulting toward to victim(s) and is used in such a way as to dehumanise or vilify the victim(s) and / or their lifestyle, thereby ‘justifying’ the actions of the perpetrators. In some cases, victims were subjected to defamatory remarks for some time – even a few months - before the attack took place.

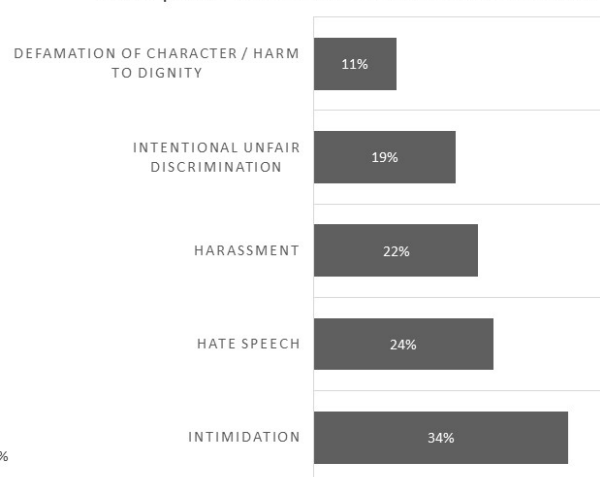
The place - such as the township / area / venue – where the incident took place can also serve to indicate the motives of the attackers. In 36% of cases the place where the incident took place indicated that the attack was motivated by prejudice, as previous bias-based incidents have taken place there or because they are perceived to be ‘hot spots’ of prejudice. This is often seen in spates of attacks on foreign-owned shops clustered together geographically; attacks on groups of people of similar nationality or ethnic origin who reside in close proximity to each other; and attacks on persons of a specific religious affiliation in public and residential areas known to be populated by persons of said affiliation. In some of the crimes against victims based on their sexual orientation or gender identity / expression, the place where the crime was perpetrated is relevant because the areas (such as certain townships) or places (certain taverns or parks, for instance) have previously been the site of similar attacks. The ‘place’ also played a role where persons were attacked because they were suspected of being sex workers, because the areas are known to be frequented by sex workers. It must be reiterated however that the place where the incident occurred – alone – does not always indicate that the crime was a hate crime, but that the language used during the attack in conjunction with the location of the crime does provide cause for believing that the crime was motivated by prejudice.

Further, in 15% of cases the victims had been threatened by the perpetrators on occasions prior to the reported case. Such threats were reported commonly among persons targeted based on their nationality, ethnicity, and religion. Previous threats were also prominent among the persons who were targeted because they were suspected of being sex workers or of practising witchcraft.

## DESCRIPTION OF THE HATE INCIDENTS (2)



### Hate Speech & Intentional Unfair Discrimination





### Presence of witnesses

57% of victims reported that there were witnesses present at the time of the incident. In 73% of the incidents where witnesses were present, the victim(s) believed that witnesses could have been able to assist the victim, but actual assistance was only offered to the victims in 36% of these cases. This disparity is largely due to witnesses being afraid to help because of crowd violence. In a few disconcerting cases however, police officers witnessed the incident but offered no assistance.

### Victim support

Almost half (43%) of the victims sought assistance from a CSO/NGO/CBO, while one quarter (26%) of victims sought support from the South African Police Services (SAPS). In many cases victims could only look to friends (22%) or community members (18%) for support. Only 12% of victims sought support from Chapter 9 institutions (such as the Commission for Gender Equality or the South African Human Rights Commission) or other statutory bodies such as the Commission for Conciliation, Mediation and Arbitration.

About one in ten (11%) victims needed to seek support from healthcare professionals. A small minority of the victims only sought help from religious institutions (2%).

Most (87%) of the victims received support within one week of the incident, but 6% of victims received support within one month of the incident and another 6% of victims only received support more than a month after the incident. The delay in support received relates to when the victims approached relevant CSO/NGO/CBOs for assistance: with the exception of cases in which victims required immediate police or healthcare assistance, they may only have approached other service providers for assistance at a later time for reasons that were not specified.

### Changes observed after the incident

The victims, witnesses, or service providers that served as data sources for this study were asked to indicate intense or lasting changes (explained in more detail in the sub-section Cross tabulations in this report) observed in the lives of victims following hate incidents. In half (50%) of the cases, emotional changes were noted,

## THE LIST BELOW NAMES THE OBSERVED CHANGES AS DESCRIBED BY PARTICIPANTS:

Emotions	Emotions (continued)	Mental effects	Physical effects	Relationships	Living conditions
Helpless Isolated / Alone / Exposed Like a freak Offended Humiliated Dehumanised Ashamed Angry Surprised Fear: - SAPS - Community - Health care - Men Feels like nobody / nothing Intimidated Traumatised Distracted Victimised Unwelcome Powerless Vulnerable Unaccepted / rejected Paranoid Distrust Stress Belittlement Hopeless Shocked Shaken Question people Lost dignity Harassed Unsupported Heartbroken Disrespected Threatened	Less than a criminal No rights Regret Undermined Terrified Upset Judged Uncertain Hurt Bullied Cheated Sad Abused Had enough Emotional Betrayed Pain Weak Stigmatised Useless Unsafe Unsatisfied Tormented Like an outsider Shunned Disappointed	Anxiety Depression Withdrawn PTSD Risky behaviour Self-destructive Substance abuse Violent Rude Hostile Irresponsible Drop in self esteem Nightmares Hyper-vigilant Suicidal Agoraphobia Sleeping disorders Eating disorders Mental breakdown Denial Disillusioned Mood swings Emotionally fragile / sensitive Stopped doing community work Insecurity Worry Doubting spirituality Lost confidence Self-blame Disturbed Antisocial Unstable Detached Unable to take care of self Unable to work Despondent Empty Grief "Lost his mind"	Burn wounds Headaches Heart condition Hypertension Permanent scars Permanent disfigurement Disability Gynaecological damage	Broken families Estranged from: - Family - Community - Friends - Colleagues - Partner - Religious peers	Lost everything Wish to leave SA Wish to leave community Relocated due to fear No refuge Unhappy in SA Reminder of war in their home country Fled the area



and in another 7% emotional changes with mental effects were reported. In 35% of cases the victims' economic well-being changed for the worse, and 27% of the victims experienced negative change in their living conditions. Physical injuries (not including fatal injuries) were reported in 15% of the cases and 10% of victims reported changes in their interpersonal relationships.

## OFFENDER CHARACTERISTICS

The majority of offenders were either persons known to the victim (34%) or persons from the victim's community (34%). In 32% of cases the offender was unknown to the victim. In 7% of cases the offenders were officers of the SAPS; in 4% they were public officials and / or staff at Government departments; in 2% of cases the offender was a school / college staff member; and in 1% of cases the offender was a medical professional.

The Monitoring Form makes provision for the reporting of demographic characteristics of the offenders, but it transpired that these were difficult to establish with any measure of accuracy for a number of reasons. First, civil society organisations seldom note offender characteristics except in cases that are seen through court / arbitration proceedings; second, official statistics are virtually absent because even when cases are officially reported, they are seldom recorded as 'hate crimes'; third, the attackers were often mobs of people and; fourth, victims (or witnesses / service providers) are often unsure of characteristics such as the offender's language and age and tended to guess at these. As a result, this section of the data is very sparse and unreliable and was therefore omitted in the final analysis.

## POLICE

Approximately 66% of the incidents were not reported to the police. Reasons for not reporting cases included:

- Incidents that were not classified as criminal cases, such as incidents of intentional unfair discrimination (approximately 10% of cases not reported);
- Fear of retribution or of further victimisation;
- Fear of being arrested (undocumented non-nationals and sex workers);
- Lack of trust in the SAPS due to previous negative experiences;
- Perpetrators were or included SAPS officers;
- Being told that SAPS only serve South African citizens, or that a case cannot be reported if the perpetrator is unknown or that the reporting ought to be done in the jurisdiction where the crime was perpetrated;
- Not being allowed to report an individual incident of a shop looting after a mass looting incident because the administrative burden of recording individual cases would, ostensibly, be too great.

One third of the cases (34%) were reported to the police. Most (70%) of these were reported at a police station, while 14% were reported at the scene of the crime. Most (68%) cases were reported on the day of the incident, while another 27% were reported within one week of the incident. A few (5%) cases were reported more than a week after the incident. Reasons given for the delay in reporting include: hospitalisation of the victim; intimidation by the perpetrator; victims being too traumatised to retell the story at a police station; and the offender being a police officer.

## DESCRIPTION OF THE HATE INCIDENTS (3)



In 68% of cases derogatory or dehumanising language was audibly used by the attackers



Words used by the perpetrators during the attack are unmistakable indicators of the reasons for the attack

## Victims often experience hate incidents multiple times

**50%**



Of victims reported previous prejudice-based incidents of whom:

- 61% were non-nationals;
- 17% were South Africans of Jewish descent;
- 14% were victims targeted because of gender identity/expression;
- 14% were victims targeted because of sexual orientation

**'Language' of hate is disdainful, derogatory, and denigrating to victims**

**In some cases, victims were subjected to defamatory remarks for some time – even a few months – before the attack took place**



### 15% of all victims were threatened on prior occasions

Victims had been harassed or threatened on previous occasions prior to the reported case. Threats were reported among persons targeted based on their nationality, ethnicity, and religion. Previous threats were prominent among persons targeted because they were suspected of being sex workers or of practising witchcraft.

In 66 cases the police were reported as being accomplices to the crime. Additionally, in 20% of all the cases the police witnessed the crime (such as mass lootings of shops); in 22 of these cases they did not provide any assistance.

### Police reaction towards victims when cases were reported

While 36% of the victims that reported hate crimes felt that the police were helpful and supportive, 18% perceived the SAPS as being dismissive or disinterested in their case. 8% of the victims thought that the police were hostile, insulting or prejudiced, and in 10% of cases the police refused to assist the victim.

### Police procedures

Not all of the victims (or witnesses / service providers) reported on whether or not police officers followed correct procedures when cases were reported to them. We therefore caution that the reader views the following information with discretion. From the available data, it was discerned that just over half (52%) of the complainants indicated that a case number was provided by the police when the case was reported by them. An investigating officer was appointed in only 32% of the reported cases. In 15% of the reported cases the police provided the complainant with case updates, and 8% were informed of their rights when the case was reported. Only one in ten (10%) of the complainants were of the opinion that their case was properly investigated. About one in three (32%) said that they would seek assistance from the police in future, while 20% said that they would not.

## COURT PROCEEDINGS

Very little information pertaining to the court proceedings of these cases was available at the time of reporting. As with the data concerning police procedures in the preceding sub-section, we therefore caution that the reader views the following information with discretion. The offender(s) had been identified and apprehended in 25% of cases, but in many of these (related to the mass looting of foreign owned shops) the offenders were considered juveniles and were released into the custody of their parents. Eighty nine cases were presented in court, of which 84% saw the offenders appearing in court. The court had reached a verdict in 62 cases, but only 16 convictions included the element of hate crime in the conviction or sentencing.

## HEALTHCARE

Victims presented for treatment at a medical or mental healthcare facility in 20% of the cases, mostly from doctors at public hospitals, clinics or facilities. Only a few (15%) victims received healthcare assistance from doctors in private hospitals, clinics or facilities.

In the majority (59%) of cases that required healthcare, the victim received assistance on the day of the incident. A further 22% of victims received assistance within one week and 10% sought assistance more than one week after the incident.

### Reaction of healthcare providers

Most (59%) victims who required healthcare felt that the healthcare workers were helpful and

## POLICE AND CRIMINAL JUSTICE RESPONSES



2 in 3 of cases were NOT reported to police

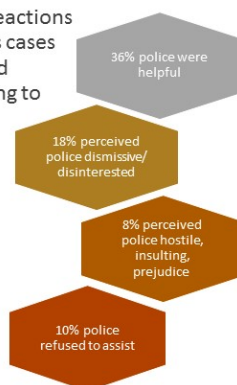


- 66 cases: police were reported to be accomplices
- In 20% of all crimes reported, police witnessed the reported crimes; in 22 of these cases they did not provide any assistance

### Reasons for not reporting cases

- Incidents that were not classified as criminal cases, such as incidents of intentional unfair discrimination;
- Fear of retribution or of further victimisation;
- Fear of being arrested (undocumented foreign nationals and sex workers);
- Lack of trust in the SAPS due to previous negative experiences;
- Perpetrators were or included SAPS officers;
- Being told that SAPS only serve South African citizens, or that a case cannot be reported if the perpetrator is unknown;
- Not being allowed to report an individual incident of a shop looting after a mass looting incident because the administrative burden of recording individual cases would be too great

### Police reactions towards cases reported according to victims



### Complaint feedback

- 1:10= 10% of complainants believed that their case was properly investigated
- 20% would NOT seek help from police in future

### Court Proceedings

The court had reached a verdict in 62 of 89 cases that were presented in court, but only 16 convictions included the element of hate crime in the conviction or sentencing

supportive. However, nine victims experienced the healthcare workers as being hostile or insulting, and in two cases the healthcare professional refused to assist the victim, one of whom was an infant. Four further victims perceived the providers to be dismissive or disinterested in their care. Two cases of criminal neglect (one historical; not within the research time frame but listed under 'previous incidents') that resulted in the death of newborn infants were also reported.

## PREVIOUS INCIDENTS

Previous experiences of prejudice-based incidents were reported in 50% of cases; often, victims had been subjected to hate incidents multiple times. Prejudice based on nationality was reported most frequently (61%). Previous incidents of religion-based prejudice were reported in 17% of cases. Victims are also often repeatedly targeted because of their sexual orientation (14% of cases) or gender identity or expression (11% of cases). Victims had also experienced previous hate incidents based on their occupation (14 cases); ethnicity (7 cases); race (6 cases); suspicion of practicing witchcraft (3 cases); albinism (2 cases); gender (2 cases); disability (1 case); and sex (1 case).

## CROSS-TABULATIONS

### IMPACT OF HATE CRIMES ON SURVIVING VICTIMS

Hate crimes often affect surviving victims on multiple levels, impinging on their ability to function normally and contribute meaningfully to society. Some crimes result in lasting physical

changes related to injuries sustained in the attack. Physical changes can also refer to short term physiological symptoms that may indicate that the person is in a state of shock, which requires immediate emergency healthcare. Mental changes refer to the impact of the event on the cognitive ability of the victim, and include issues such as difficulty concentrating or becoming confused easily. Examples of emotional changes are increased fearfulness, anxiety, depression, and anger. Changes in economic / living conditions involve issues such as loss of income due to damage to property and theft of stock, feeling unwelcome in the community, and homelessness as many spaza (tuck) /barber / hair salon shops – which are damaged or destroyed in attacks – also serve as residence for the owners. Relationship changes refer to the impact of the event on the ability of the victim to form or maintain meaningful, lasting interpersonal relationships.

In general, hate crimes are cruel and dehumanising in nature. It is therefore not surprising that the majority of surviving victims cite emotional changes resulting from these crimes. This impact is particularly pronounced in crimes that cause a loss of income and changes in the living conditions of victims, which is also associated with the greatest effect on mental acuity.

Overall we observed that the crimes in which victims perceived the biggest threat to their life and their livelihood impacted most heavily on the victims, although emotional and mental changes are strongly associated with all of the attacks that involved physical harm or physical threat to the victim.

Changes in living conditions and / or the economic well-being of victims were common in cases of prejudice against persons

## HEALTHCARE RESPONSES



59% of victims who required healthcare felt that healthcare workers were helpful & supportive

9 Victims experienced the healthcare workers as being hostile/insulting



2 Victims were refused assistance by a healthcare professional



4 Victims perceived the providers to be dismissive/disinterested in their care



2 cases of criminal neglect opened due to death of an infant

based on their nationality, as well as persons targeted on suspicion of being a sex worker. These changes were also recorded in the few cases in which victims were physically attacked because of their race.

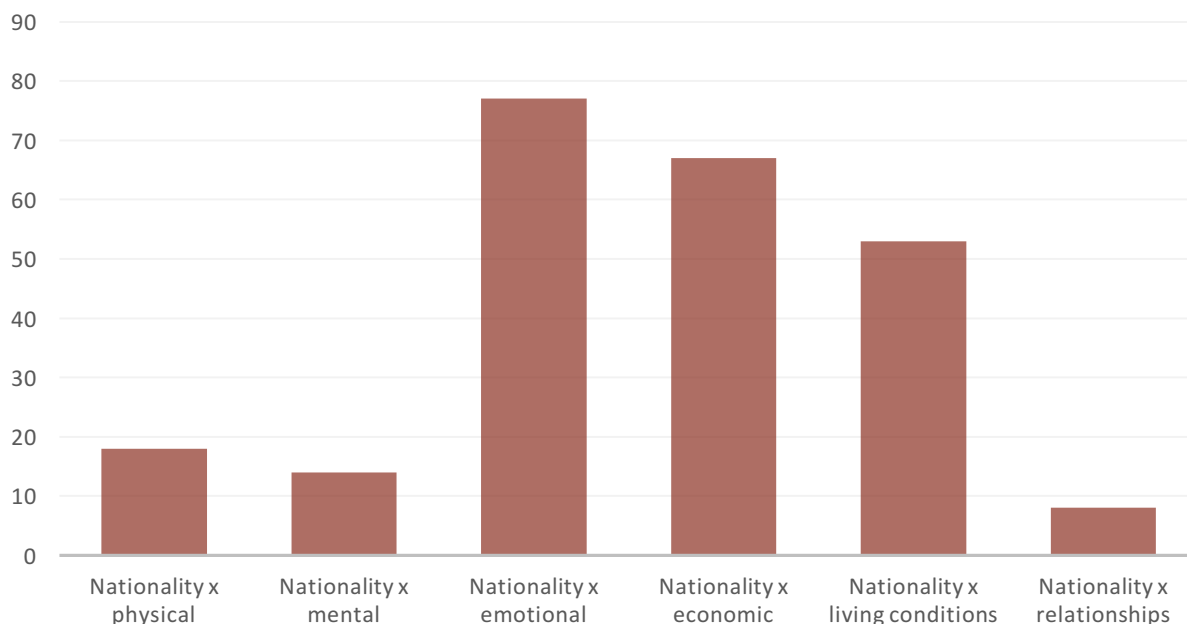
Relationship changes were recorded mostly by victims who were targeted because of their sexual orientation or gender identity / expression, as well as persons targeted on suspicion of being a sex worker and in the few cases in which victims were physically attacked because of their race.

Intense, lasting changes were seldom reported in cases that involved only hate speech (or related incidents) or intentional unfair discrimination, which rarely involved physical threat to the victim even if the victim was threatened verbally. However, emotional changes were recorded in about one third of cases in which victims were targeted because of race (although the majority of race-based incidents were not of a physical nature) and in about 7% of cases in which victims were targeted because of their religious affiliations. Note that the relatively low frequency of changes noted in these cases do not imply that they are any less serious than physical crimes; we must reiterate here that our data

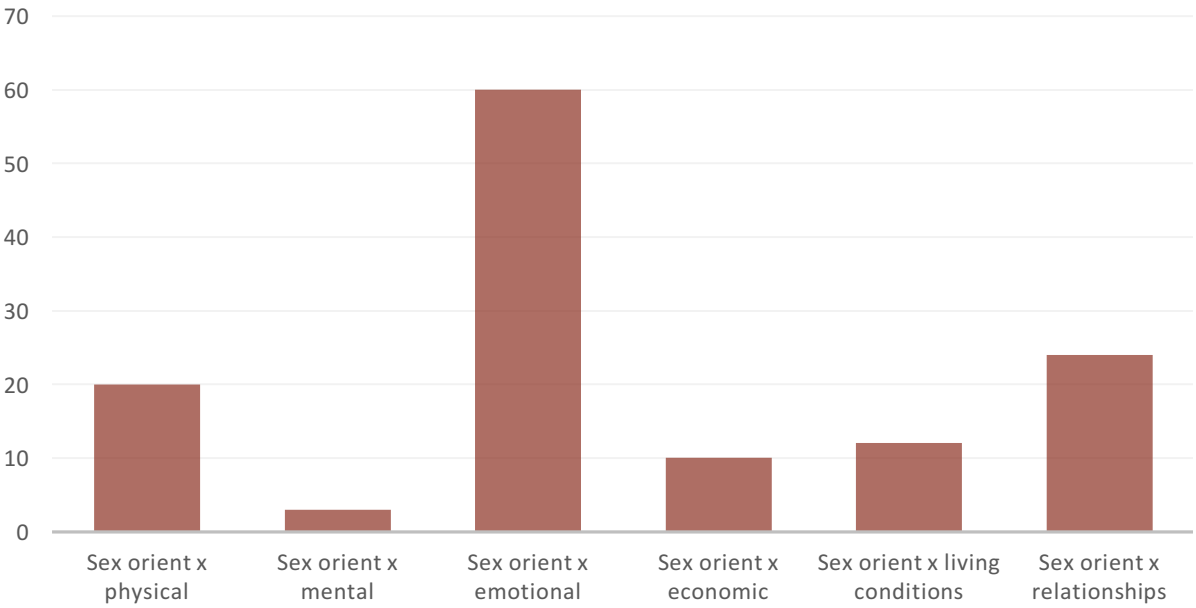
sources include media reports, case files, and third party accounts which usually did not include any mention of notable changes. Thus, it is possible (even likely) that the impact of these incidents is under-reported in this study.

The types of impact is illustrated in the charts below, calculated for this report using only the characteristics that victims were most frequently (more than 50 cases each) targeted for. The vertical axis represents the frequency with which each change was recorded, calculated as a percentage of the number of cases within each prejudice. Note that for religion-based cases, the vertical axis is represented in multiples of one percentage point, as opposed to the other prejudice bases which are represented in multiples of ten percentage points. This is because lasting changes were seldom reported in the religion-based cases that were shared with the researchers. Likewise, the information received for race-based cases seldom included mention of lasting changes, but, again, this does not imply that such changes were not experienced by the victims.

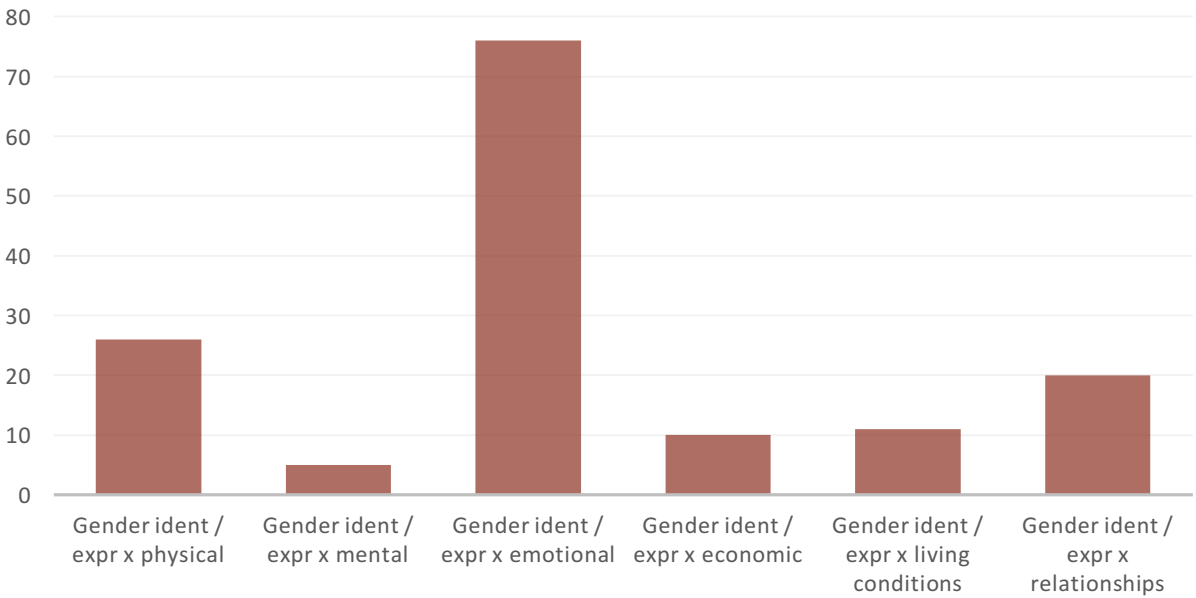
### RELATIVE FREQUENCIES (%) OF CHANGES NOTED IN NATIONALITY-BASED CASES (N=422)



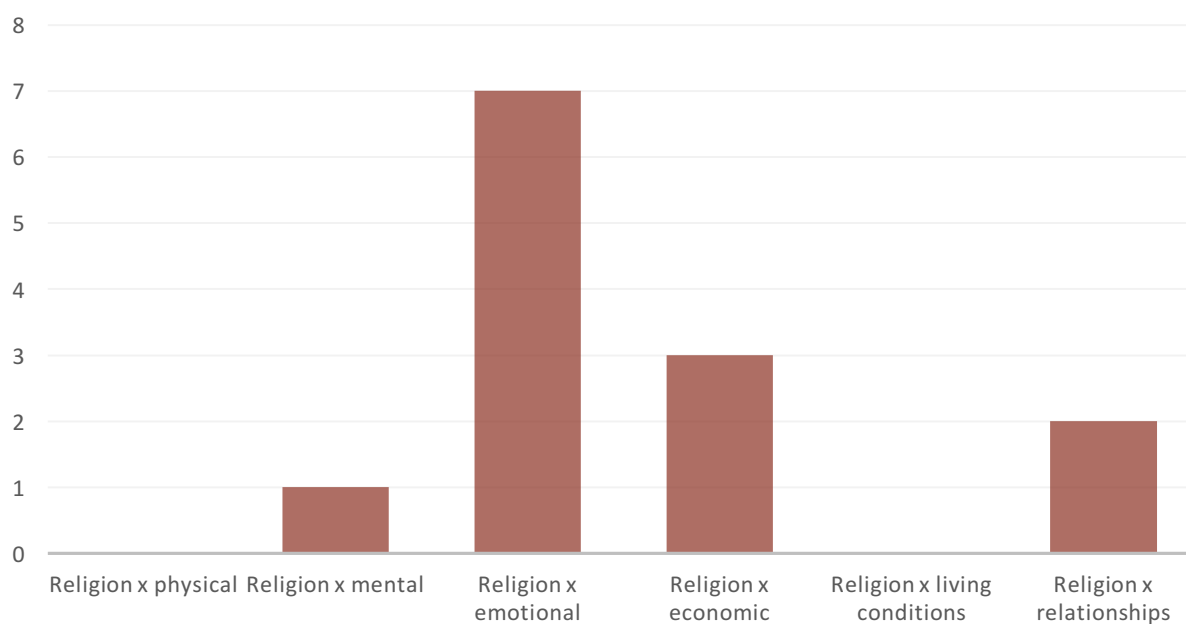
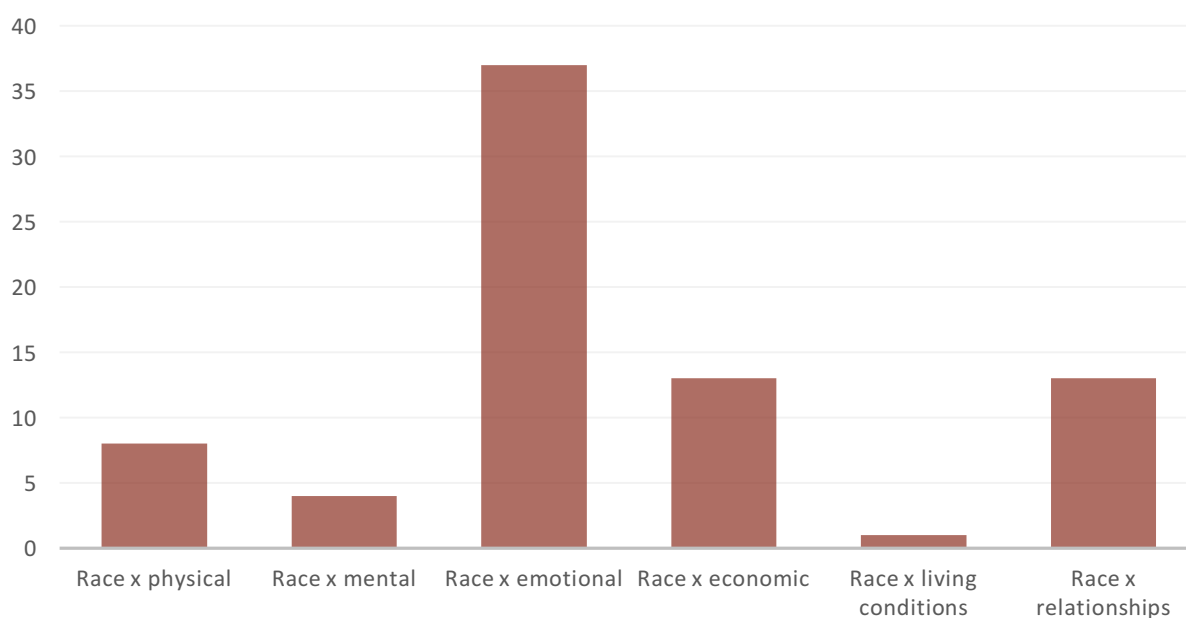
**RELATIVE FREQUENCIES (%) OF CHANGES NOTED IN SEXUAL ORIENTATION-BASED CASES (N=164)**



**RELATIVE FREQUENCIES (%) OF CHANGES NOTED IN GENDER IDENTITY / EXPRESSION-BASED CASES (N=107)**





**RELATIVE FREQUENCIES (%) OF CHANGES NOTED IN RELIGION-BASED CASES (N=133)****RELATIVE FREQUENCIES (%) OF CHANGES NOTED IN RACE-BASED CASES (N=84)**

## RELATIVE FREQUENCIES (%) OF CHANGES NOTED IN OCCUPATION-BASED CASES (N=53)



## SUPPORT OFFERED TO VICTIMS OF HATE CRIMES

In 72% of the reported cases the support that victims received from various entities were described. The type of support relates to the type of incident and the needs of the victims. These entities included persons such as family, friends, or community members; organisations such as local NGOs or religious organisations; and official structures such as the SAPS or healthcare facilities. The type of support provided thus depended on whom the victim approached for help, and included:

- Social support in the form of emotional support; shelter and food
- Professional support in the form of legal advice and / or support; police services and healthcare support; relocation and / or protection services
- Psychological support in the form of trauma counselling; lay counselling or support groups

South Africa boasts a sturdy civil society network, comprising a legion of non-governmental and non-profit organisations as well as functional Chapter 9 institutions

## IMPACT AND SUPPORT



- Hate crimes are cruel and dehumanising in nature
- Hate crimes often affect surviving victims on multiple levels, impinging on their ability to function normally and contribute meaningfully to society



Support offered to victims of hate crime depended on whom the victim approached for help

### Greatest impact observed after incidents



50% of the cases, emotional changes were noted, and in another 7% emotional changes with mental effects were reported



35% of cases, economic well-being changes were noted for the worse

27% of victims experienced negative change in living conditions



HATE | CRIMES | WORKING | GROUP

### Victims sought support from:



CSO/NGO/CBO: 43%



SAPS: 26%



Chapter 9 institutions: 12%



Healthcare professionals: 11%

and statutory bodies based on solid, constitutional human rights foundations. But civil society's strength is also the source of its greatest challenge: the more effective and responsive an organisation or institution is the more it is inundated with requests for support, to the point that resource constraints threaten its sustainability. As a result, some services are left by the wayside. One of

these is psychological support for victims of hate crime: it is striking that in the face of the evidence of severe emotional and mental trauma suffered by victims of hate crime, almost no descriptions of support mention psychological services and those that do, are restricted to trauma counselling or lay counselling services.

# DISCUSSION

Twenty three years have passed since South Africa became a truly democratic country, complete with a Constitution that enshrines dignity and equal rights and freedoms for all who live within her borders. Unfortunately however, degradation and discrimination is still an almost daily reality for far too many people who call South Africa home. It is clear from the findings presented above that prejudice undeniably exists among our people despite all of our best efforts to eradicate it, and that it has tragic consequences far exceeding our everyday knowledge and awareness.

Plainly more needs to be done to address hatred and hate crime directly. Though our understanding of the problem is as yet fragmented due to the sporadic information that has been collected to date, a few salient points bear further discussion.

## Highlighting the need for increasing organisational monitoring and reporting capacity

Civil society is making great strides in combating hate incidents in various ways by:

- Dismantling stereotypes and fostering acceptance of 'difference' within communities;
- Providing education to communities and critical societal structures such as schools, police and healthcare services;
- Advocating for human rights and equality;
- Testing hate-based cases in court more frequently;
- Providing legal advice and –aid to victims
- Providing trauma counselling and lay counselling services to victims.

However, although effective, civil society's impact is restricted by working in silos, thus organisational efforts are not always connected to similar efforts in other

vulnerable sectors. Furthermore, organisations working to address similar issues are often competing for limited available funds, and by-and-large they face crippling resource restrictions.

Although not enough organisations are monitoring hate incidents effectively, we are encouraged by the improved uptake of Monitoring Form and requests for training and more information. Yet there is an urgent need for the development of a scalable integrated response aimed at preventing hate crime in addition to responding to needs of victims. The findings presented in this report are skewed because the majority of case information was supplied by organisations concerned with refugee and migrant rights, LGBTIQ+ rights; one organisation representing the South African Jewish community; and media reports. Moreover, it should be remembered that 1061 cases were actually documented but that 116 of those had to be excluded from the data analysis. However, anecdotes suggest that the number of hate crimes that have been perpetrated over the past five years vastly exceed 945 cases and that the true extent and impact thereof eludes our comprehension. It stands to reason that if we do not yet grasp the extent of the problem, then the possibilities for preventive and responsive counter measures escape us as well. This point underlines the need for the development of organisational research skill and capacity development for the purpose of effective monitoring and reporting of hate based incidents.

One way to achieve the required capacity development is to develop organisational 'backbone support' that enables the monitoring and evaluation of hate incidents; identifies the needs of complex communities from the perspectives of vulnerable as well as majority populations; identifies resources not yet accessed or utilised and; facilitates organisational collaboration for collective impact in addressing hate and bias.

## COMMUNITY RHETORIC AND HATE CRIME

One very concerning issue that emerged from this data is the ubiquitous rhetoric of intolerance in our communities as evidenced by the hurtful and demeaning language used by perpetrators (especially on social media and other public platforms that offer the guise of anonymity); the presence of threats preceding current incidents; the high numbers of previous instances of victimisation; and the worrisome level of intentional unfair discrimination which indicates the pervasiveness of prejudice. Compounding this rhetoric is the apparent ease with which communities rally behind perpetrators during public displays of hate crime, such as during the destruction of foreign owned shops; the assault of non-nationals; and the mob murder of persons accused of practicing witchcraft.

Notwithstanding the exemplary advocacy and educational efforts of South Africa's civil society organisations, for instance the Love Not Hate campaign of the LGBTI sector, the attitudes of our communities seem to be intractable. Education alone is not enough to change the behaviour of a nation. Unless the rhetoric of bigotry in our communities is disrupted, prejudice will remain, hatred will fester, and hate crime will follow.

## IMPACT OF HATE CRIME AND VICTIM SUPPORT

Thirty six human beings died as a result of the crimes described in this report. Although that is surely the worst fate an individual (and their remaining loved ones) can suffer, it is the survivors of hate crimes who must live with frequently debilitating emotional, mental, and

economic sequelae that negatively affect their ability to lead a fulfilling life.

Yet the blow dealt to communities by hate crime is ill defined due to the paucity of impact data, and often downplayed for political window dressing. The support to survivors of hate crime is therefore limited to that which the service providers can manage with limited funds and capacity. One glaring disparity in service provision is the difference between the degree of emotional and mental suffering of the victims and the finding that only four victims received psychosocial support. Gaps like these are difficult to address by a civil society movement operating in sector-specific silos, because too much has to be achieved with too few resources.

## POLICING, HEALTHCARE, AND CRIMINAL JUSTICE IN RESPONSE TO HATE CRIME

Another disheartening outcome of this study to date is the finding that many school teachers (and even principals), police officers and even some healthcare providers still deliberately discriminate against persons based – in particular – on their sexual orientation and on their nationality. The disregard of the hate crime element in the processes of judgement and sentencing of perpetrators in court is equally disappointing. These findings once again forefront the need for hate crime legislation, which will not only serve as a basis for expanding the training of service providers in reducing discrimination and dealing with hate crime, but also as the foundation for holding authority figures and skilled professionals accountable for their treatment of all who seek their support.

## CONCLUDING COMMENTS

**Prominent need for increasing organisational monitoring and reporting capacity**



Support to victims of hate crime is limited to that which service providers can manage with inadequate funding and capacity



Education alone will not change the attitudes and behaviour that precede hate crimes; disruption needs to take place within the discourse of communities.

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Findings indicate a need for hate crime legislation. This will provide the basis of capacity building that aims to improve training of service providers and ensure accountability by authority figures and skilled professionals when dealing with hate crime.

The impact of hate crimes on society in South Africa is grossly underestimated on every level, from the individual citizen to the economy of our country.

### Monitoring and recording hate crimes

The monitoring of hate crimes and, by extension, also the relative response thereto will remain ineffective unless it is prioritised in every organisation that provides services to victims of hate crimes.

The role of bigotry in the perpetuation of prejudice and discrimination can no longer be denied, downplayed, or ignored. More than ever, South Africa needs responsible, affirmative guidance from our leaders if hate crime is to be stemmed.

Designed by Cecilia Steenkamp – Psychological Society of South Africa Student Division member

# RECOMMENDATIONS

The impact of hate crimes on society in South Africa is grossly underestimated on every level, from the individual citizen to the economy of our country. Civil society is making strides towards addressing the causes and the repercussions of these crimes, but the burden of prevention, care, and prosecution is overwhelming. Balancing this load will increasingly require consolidation of efforts – intra- and inter organisationally, as well as between vulnerable sectors of society.

## MONITORING AND RECORDING HATE CRIMES

The monitoring of hate crimes and, by extension, also the relative response thereto will remain ineffective unless it is prioritised in every organisation that provides services to victims of hate crimes. Such prioritisation will entail the allocation of at least one dedicated person whose responsibility it will be to: establish whether clients have been victims of hate crimes; ascertain the detail of relevant cases; assess the needs of victims; refer victims for necessary services; develop an inter-organisational communication network for providing services to victims of hate crimes; record incidents in a timely manner, ensure that they are reported to official structures, and forward the information to the research team; and ensure that the organisational monitoring capacity is retained.

## DEVELOPMENT OF GUIDELINES FOR RESPONDING TO HATE CRIMES

Not all vulnerable sectors are adept at dealing with hate crimes. Besides the need for essential services – including psychosocial assistance – to victims, hate crimes necessitate a response at community level. Topics of concern include the identification of hotspots (areas where hate crimes have been perpetrated in the past and are likely to recur, and areas where intolerance is causing sufficiently volatile conflict to increase the likelihood of hate crimes being perpetrated), interrupting the local rhetoric of intolerance, offering non-violent solutions for resolving problems between community members, working with perpetrators of hate crime to prevent them from becoming repeat offenders, and the development of non-punitive forms of retribution for dealing with youth and first time offenders in cases

where no physical harm has been done to the victim.

Integrating the expertise of organisations operating across vulnerable sectors for the purpose of developing guidelines for responding to hate crimes will not only benefit individual organisations, it will improve communication and understanding across sectors. Furthermore, such guidelines may help civil society to advise and assist local government structures (such as municipalities and police services) to effectively manage communities during outbreaks of hate crimes.

## A LAST WORD:

### GUIDANCE AND LEADERSHIP TOWARDS SPEAKING A LANGUAGE OF ACCEPTANCE AND COLLABORATION

Many of the offenders in this study included minors and young adults. Intolerance abounds in our communities and will continue to do so – putting our youth at risk of becoming repeat offenders – in the absence of leadership structures that take a firm stance against all forms of discrimination. These structures should include community mentors who are able to demonstrate acceptance and collaboration at grassroots level, but their efforts must be supported by the local leaders and persons in positions of authority if they are to be successful. And if local leaders must answer for their role in the facilitation or disruption of bigotry, then regional, provincial and national authority figures must similarly realise that they hold the power to turn the tide against discrimination and hatred in South Africa, and must be held accountable for their words as well as their actions.

In our country, where competition for survival fuels tension and turns individual differences into cause for conflict, the role of bigotry in the perpetuation of prejudice and discrimination can no longer be denied, downplayed, or ignored. More than ever, South Africa needs responsible, affirmative guidance from our leaders if hate crime is to be stemmed.



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## DESIGN & LAYOUT

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IN PARTNERSHIP WITH THE HATE CRIMES WORKING GROUP (HCWG)

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# THE HATE & BIAS CRIMES MONITORING FORM PROJECT

JANUARY 2013 - SEPTEMBER 2017

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HCWG RESEARCH SUB-COMMITTEE  
6/10/2017