

THE STATE OF HATE IN SOUTH AFRICA IN 2021

# ADVOCACY BRIEF



HATE | CRIMES | WORKING | GROUP

## THE HATE CRIMES WORKING GROUP IS:



This advocacy brief was prepared for the Hate Crimes Working Group in November 2021, with the generous support of:

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**CAPE TOWN**  
 South Africa | Namibia | Zimbabwe

### Where to find us



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## INTRODUCTION

The HCWG is a multi-sectoral network of civil society organisations and private individuals set up to spearhead advocacy and reform initiatives pertaining to hate crimes in South Africa and the region. Members of the network work in diverse sectors, namely: in LGBTQI+ and sexual orientation, gender identity and expression and sex characteristics (SOGIESC) rights; sex worker rights; migrant, refugee and asylum seeker rights; religious organisations; academic and research entities; gender-based entities; and broader human rights organisations. All our members combined have extensive track records in advocacy work in these and other focus areas. They all share a common concern regarding the impact of hate crimes in South Africa from the perspective of victims or from a legal, service provision, research-based or advocacy perspective.

In February 2018, the HCWG launched its Hate and Bias Crime Monitoring report. The report captured the findings of a longitudinal research study (2013 – 2017) 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.

Later that same year, on 13 April 2018, the first Prevention and Combatting of Hate Crimes and Hate Speech Bill (**the Bill**) was introduced to National Assembly. After lapsing in May 2019, the Bill was revived on 29 October 2019, and has this year been the subject of a call for comments by the Portfolio Committee on Justice and Constitutional Development between 26 August and 1 October 2021.

**This Advocacy Brief aims to give policy and law makers an impression of hate crime, hate speech, and prejudice that our member organisations have encountered in 2021 alone. We want to illustrate the unacceptably high and ongoing cost in human life, equality, and dignity of the long delay in finalising a hate crimes law in our country. We want to promote informed decision and law-making, based on lived experiences, as the long-awaited Bill continues its journey through the law-making process.**

## WHAT IS IN THIS ADVOCACY BRIEF

This brief has been prepared with reference to:

- The research, case files, client stories, and direct field experiences of HCWG member organisations in 2021
- Online and other media reports of hate crime incidents in South Africa in 2021

This brief **is not an exhaustive representation** of the prevalence or the nature and impact of all hate crime that has taken place this last year. Such a brief would be

impossible to develop at this time, as South Africa does not record hate crime as a crime category, and does not provide crime statistics in this regard.

This underscores the importance of the Bill, which will for the first time in South African law mandate the collection and reporting of hate crime statistics, both to Parliament and the public. This data collection and reporting is critical for the effective monitoring of hate crime, and for the design of evidence-based and effective interventions to prevent and combat hate crime.

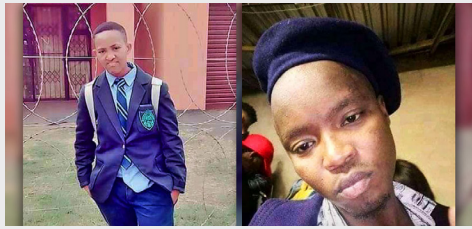




# IN MEMORY OF THOSE WHO WERE KILLED IN 2021, SIMPLY BECAUSE OF WHO THEY LOVE AND HOW THEY IDENTIFY



**Andile Ntuthela Lulu**



**Anele Bhengu Masixole**



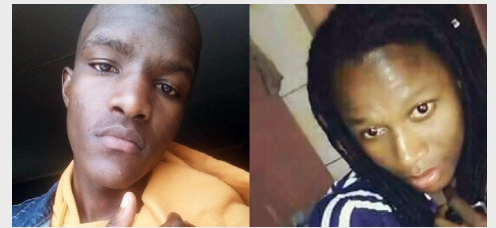
**Aubrey Boshoga**



**Bonang Gaela**



**Limakatso Puling**



**Lindokuhle Mapu and Khulekani Gomazi**



**Lonwabo Jack**



**Lucky Motshabi**



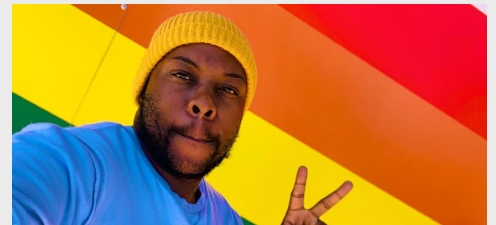
**Motse Moeketsi**



**Nathaniel Spokgoane Mbele**



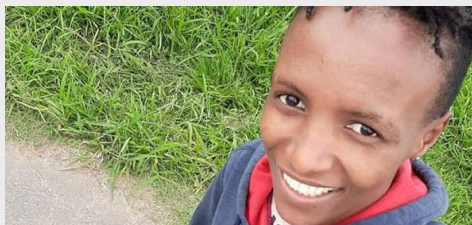
**Phelokazi Mqathana**



**Sam Mbatha**



**Sheila Lebelo**



**Sisanda Gumede**



**Sphamandla Khoza**



**Thapelo Sehata**



**Zimasile Zubair Shabangu**

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The names and identifying details of victims whose cases have not appeared in the press are omitted to protect their privacy and safety.

## HATE CRIME, HATE SPEECH, AND PREJUDICE IN SOUTH AFRICA SINCE JANUARY 2021

January 2021	<ul style="list-style-type: none"> <li>Xenowatch records <b>21 assaults, 2 deaths, 7 looted shops, 6 cases of damage to property</b>, all motivated by xenophobia.<sup>1</sup></li> <li>A <b>Chinese community member</b> is shopping at the Garden Route Mall in George. They touch a neighbouring vehicle with their car door in the parking lot, on opening in. The white female occupant jumps out of her car and screams: “You fucking Chinaman! You must watch how you open your fucking door!”<sup>2</sup></li> </ul>
February 2021	<ul style="list-style-type: none"> <li><b>Bonang Gaelae</b>, a 29 year old lesbian woman is stabbed in the neck, causing her death.</li> <li><b>Chippa</b>, Bonang Gaelae’s partner, is stabbed and beaten with a rock.<sup>3</sup></li> <li>Xenowatch records <b>11 assaults, 7 deaths, 2 looted shops, one damage to property case</b>, all motivated by xenophobia.<sup>4</sup></li> <li>A <b>homeless transgender woman</b> is evacuated from her tent dwelling in Cape Town by Law Enforcement, SAPS and Metro Police. She is strip-searched by officers in public, and ridiculed for wearing gender-affirming underwear and for being transgender woman. Her anti-retroviral medication and her Identity Document are lost in the process, leaving her unable to access health care.<sup>5</sup></li> </ul>
March 2021	<ul style="list-style-type: none"> <li><b>Nonhlanhla Kunene</b>, a 37 year old lesbian woman, is found dead, lying flat on her face and naked from the waist down in Edendale, Pietermaritzburg.<sup>6</sup></li> <li><b>Sphamandla Khoza</b>, a 34 year old gay man, is found beaten and stabbed, and had his throat slit on 29 March in Kwamashu, Durban.<sup>7</sup></li> <li>Xenowatch records <b>4 assaults and 9 damage to property cases</b>, all motivated by xenophobia.<sup>8</sup></li> <li>A <b>Chinese community member</b> is walking with their children in the park, when a car slows next to them. Several people yell from the car, “Hey Covid, go back home!”<sup>9</sup></li> </ul>
April 2021	<ul style="list-style-type: none"> <li><b>Nathaniel “Spokgoane” Mbele</b>, a gay man, is stabbed in the chest in Tshirela, Vanderbijlpark.<sup>10</sup></li> <li><b>Khulekani Gomazi</b>, a 27 year old transgender woman, is beaten to death in Mpophomeni in KwaZulu-Natal.<sup>11</sup></li> <li><b>Andile “Lulu” Nthuthela</b>, a 41 year old queer person, is found dead after being mutilated and burned in KwaNobuhle, Kariega.<sup>12</sup></li> <li><b>Lonwabo Jack</b>, a 22 year old queer person is found stabbed to death on a pavement in Nyanga, Cape Town.<sup>13</sup></li> <li><b>Lucky Kleinboy Motshabi</b>, a 30 year old gay man, is found naked and stabbed to death in a field in the town of Dennilton, Limpopo.<sup>14</sup></li> </ul>

## May 2021

- **Phelokazi Mqathana**, a 24 year old lesbian woman, is stabbed to death after rejecting a man's sexual advances.<sup>15</sup>
- **Lindokuhle Mapu**, 23 year old gay man, is stabbed to death in Mfuleni.<sup>16</sup>
- **Aubrey Boshoga**, 48 year old gay man, is found stabbed to death outside his house in Johannesburg.<sup>17</sup>
- A **Jewish 6th year medical** student at WITS University is threatened with violence after he requested that anti-Israel messages not be posted on the class WhatsApp group.<sup>18</sup>
- A **Jewish father and son** driving in separate vehicles in Johannesburg are accosted by anti-Israel protestors who kick the vehicle displaying an Israeli flag while screaming "Child Killer". The son is later spat on and assaulted.<sup>19</sup>
- A **Jewish community member**, living in Rouxville, is confronted by anti-Israel protestors knocking on his door and shouting to let them, saying they wanted "to take his house and bomb him." The protestors took pictures of his house and one also said, "I am a terrorist and will kill you".<sup>20</sup>
- A **Jewish community member** running with his children in Norwood is sworn at by from an unknown vehicle, whose occupants shout, "Fuck you, Jew" and "Burn in hell".<sup>21</sup>
- Xenowatch records **24 assaults, 13 deaths, 63 looted shops, and 51 damage to property cases**, all motivated by xenophobia.<sup>22</sup>

## June 2021

- **Masixole Level**, a 29 year old gay man, is found dead in a pool of his own blood.<sup>23</sup> He was stabbed to death and disembowelled in Kwazakhele, in the Eastern Cape. Sexual assault is also suspected.<sup>24</sup>
- **Anele Bhengu**, 28 year old, whose stabbed and mutilated body was discovered in KwaMakhutha, KZN, on 13 June.<sup>25</sup>
- **Lulama Mvandaba**, a young lesbian woman, is assaulted by three men in Khayelitsha, and stabbed to death and burned in her home.<sup>26</sup>
- The body believed to be that of gay man **Sam Mbatha** is discovered in his burnt-out car in Klipgat in the North West.<sup>27</sup>
- **Motse Moeketsi**, a 36 year old gay man, is found dead after being stabbed and set alight in a car.<sup>28</sup>
- **Sheila Lebelo**, a 33 year old lesbian woman is found naked and dead in a house in Atteridgeville, outside of Pretoria.<sup>29</sup>
- **MP**, a young gay man, is assaulted at a party in Mbekweni by a man whose shirt he had complimented earlier in the evening. While walking home after the assault, the same assailant follows and stabs MP.<sup>30</sup>
- **SK**, a 22 year old lesbian woman working as a security guard in Knysna, is stabbed several times in the face after asking a tavern patron to put on her mask. The patron says, "I do not have to listen to or do what a lesbian says."<sup>31</sup>
- **BP**, a young lesbian woman, is raped in Langa by a man after she tells him she is lesbian and has a girlfriend.<sup>32</sup>
- Xenowatch records **2 assaults, 1 death, 342 displaced people, 50 looted shops and 12 damage to property cases**, all motivated by xenophobia.<sup>33</sup>
- A **homeless transgender woman** is sleeping in her tent dwelling in Cape Town, when she is suddenly woken and forcibly removed by members of Central City Improvement District (CCID). Her Identity Document, clothing, and other personal belongings are confiscated by the officials. Later she tries to reclaim her personal things at CCID offices, she is verbally abused about her gender identity, and thrown out.<sup>34</sup>



July 2021	<ul style="list-style-type: none"> <li>• Civil unrest and looting break out in areas of Kwa-Zulu Natal. <b>Racial tensions</b> arise between Black and Indian communities in the Phoenix area, and checkpoints are set up by Phoenix community members who start racially profiling people, and blocking their entrance into Phoenix. Violence ensues. Two people are burnt to death, one is stabbed, one is run over by a car, two die from assault injuries, and 30 people were shot dead.<sup>35</sup> In total, thirty-six people are severely injured and/or killed in the process:</li> <li>• <b>Amahle Canz, Anele Thusi, Anthony Lukhuzo, Aphiwe Gama, Bhokinkosi Nkomo, Bongani Khumalo, Bongani Ngema, Busani Mkhize, Daniel Nwamba, Davandre Govender, Delani Khumalo, Delani Ncayiyana, Elvis Zuma, Florence Hlophe, Ganesh Naidoo, Jabulani Mchunu, Kamvelihle Tshewwa, Mluleki Ndlovu, Mondli Majola, Mondli Mfeka, Mzokhona Nzuza, Ntethelelo Mkhize, Pat Mthembu, Percy Chitawa, Robert Jiyane, Saziso Mnukwa, Sergio Pedro Muchave, Shaun Chetty, Simiso Nsele, Simon Melisiwe Gunquza, Siyabonga Hadebe, Siyabonga Sibis, Thalente Msomi, Thulani Ngidi, Yanga Tracy Ncwane, Zivuyolwethu Nomgqa.</b><sup>36</sup></li> <li>• Later 152 firearms were seized from four private security companies and 112 illegal firearms seized during police operations in Phoenix. A team of 31 detectives continue to investigating <b>52 cases of attempted murder</b> and probing <b>nine cases of common assault</b> and <b>16 cases of assault with intent to do grievous bodily harm.</b></li> <li>• Xenowatch records <b>2 assaults</b> motivated by xenophobia.<sup>37</sup></li> <li>• A <b>transgender woman and her boyfriend</b> are stopped by 3 Law Enforcement Officers and 3 Red Ant officers in Cape Town. The 6 officials accuse the couple of cable theft. What starts as a bag search turns into harassment and escalates to brutal assault. In addition to serious physical injuries, the couple are verbally abused with reference to their homelessness, hygiene, sexual-orientation and gender expression.<sup>38</sup></li> <li>• A <b>47 year old transgender woman</b> is raped by SAPS officials in Cape Town. She is accused drug possession, and one of the officials conduct a cavity search in public, inserting his hand inside the rectum of the victim in front of a crowd onlookers.<sup>39</sup></li> <li>• Law Enforcement officials in Observatory in Cape Town break down the shelter of a <b>homeless transgender woman</b>. They confiscate her personal belongs, including clothes and chronic medication, and fine her. They call her a “moffie” tell her that she “is a man” and they will “treat her like one.”<sup>40</sup></li> <li>• In mid-winter, while it is pouring with rain, Law Enforcement officials assisted by Central City Improvement District officials break down the small shack of <b>2 homeless transgender women</b> in the centre of Cape Town. Their clothes and personal belongings are scattered all over the road by officials, and their personal documents are lost.</li> </ul>
August 2021	<ul style="list-style-type: none"> <li>• <b>Thapelo Sehata</b>, a 23 year old queer woman, dies in hospital following an assault in the town of Senwabarwana in Limpopo.<sup>41</sup></li> <li>• Xenowatch records <b>1 assault, 1 looted shop, and 2 damage to property cases</b> motivated by xenophobia.<sup>42</sup></li> </ul>
September 2021	<ul style="list-style-type: none"> <li>• <b>Sisanda Gumede</b>, a 28 year old lesbian woman, is stabbed to death in a suspected homophobic hate crime in KwaZulu-Natal.<sup>43</sup></li> <li>• Xenowatch records <b>2 assaults ad 2 deaths</b> motivated by xenophobia.<sup>44</sup></li> </ul>

October 2021	<ul style="list-style-type: none"> <li>• <b>AQ</b>, a 27 year old transgender woman and homeless sex worker, is physically and sexually assaulted by a group of people at the Cape Town train station, after they accuse her of stealing a phone. While pulling her clothes off and beating her, they call her “moffie”, “magosha.” One assailant grabs so hard between A’s legs, where she is recovering from gender-affirming surgery, that she begins to bleed from her vagina.<sup>45</sup></li> <li>• <b>Zimasile Zubair Shabangu</b>, a 35 year old gay man, is stabbed to death.<sup>46</sup></li> <li>• <b>BP</b>, a lesbian woman, is raped by a man in Langa.<sup>47</sup></li> <li>• <b>Limakatso Puling</b>, a 29 year old lesbian woman, is shot and killed in Avoca Hills, Durban.<sup>48</sup></li> <li>• <b>Mxolisi Shange</b>, a 27 year old queer person, is found dead in his room by his family members, in the village of Mthwalume.<sup>49</sup></li> <li>• <b>Andile Blessing Zondi</b>, a young queer man, and his friends are attacked and severely beaten in Chesterville, Durban.<sup>50</sup></li> <li>• <b>IM</b>, a 17 year old gay man, is abducted and raped by an older man.<sup>51</sup></li> <li>• <b>NS</b>, a young lesbian attorney in Belhar, receives a voice-note from an ex-boyfriend stating, “Where I come from, we kill lesbians.”<sup>52</sup></li> <li>• Xenowatch records <b>2 looted shops and 2 damage to property cases</b> motivated by xenophobia.<sup>53</sup></li> <li>• A <b>transgender woman</b> is raped and sexually assaulted in Parow. After a night out, and while waiting for her lift home, she is dragged into the dark by an unknown man. She manages to break free and run to Parow Police station. The perpetrator follows her into the police station. The attending <b>SAPS officers refuse to take her statement</b>, claiming she is “intoxicated”. Instead, the SAPS officials question her sexuality and make jokes about her body as she identifies as a woman but still has her male genitalia. The perpetrator subsequently left the police station. Officers refuse to escort the transgender to a health facility. She walks 2.8km from the police station to the nearest health care facility. She returns to the police station two days later with a Gender Dynamix staff member. They make her wait for more than 3 hours, while ignoring her and the Gender Dynamix staff member, before taking her statement.<sup>54</sup></li> </ul>
November 2021	<ul style="list-style-type: none"> <li>• <b>Ntethelelo Mkhize</b> testifies in hearings of the South African Human Rights Commission about civil unrest and racially motivated violence in Phoenix on 12 July 2021. He tells of how he fell into a three-week coma after a group of heavily armed Phoenix residents severely assaulted and shot at him and 8 friends, killing three of them. He testifies that he was is shot by two different assailants, robbed of personal effects, and left for dead. He testifies that he heard the assailants saying, “poes, monkey, Zuma’s guys, what are you fucking doing here in Phoenix? We are going to kill you all, we don’t want you here.”<sup>55</sup> <b>Thobani Nguse</b> testifies that he was shot, that numerous homes were burnt while racial slurs were hurled at the community.<sup>56</sup> <b>Zama Nguse</b> testifies about the death of her nephew.<sup>57</sup></li> <li>• Xenowatch records <b>1 assault</b> motivated by xenophobia.<sup>58</sup></li> </ul>
December 2021	<ul style="list-style-type: none"> <li>• The <b>Chinese Association of South Africa</b> will appear in a Gauteng Equality Court on 9 December in connection with several online hate speech incidents in 2019.<sup>59</sup> Some of the hateful utterances include: <ul style="list-style-type: none"> <li>• “I think we should kill their children for cure of the common babalaas”</li> <li>• “They are the most despicable things on the planet. I hate the Chings”</li> <li>• “Personally I say wipe them out. I will be the first one there...”</li> <li>• “There are no more disgusting humans than Chinese people. I wish they all just die. Every single one. I hate them and I will never change my mind”.</li> <li>• “They are the most disgusting things on this earth!!!! I wish they would start wiping themselves out, this earth will be better off without them!”</li> <li>• “...Can we not stop these slant eyed freaks from coming into the country?!”</li> </ul> </li> </ul>





## ENDNOTES

- 1 Incidents of Xenophobic Violence in South Africa: January – 22 November 2021
- 2 Client of the Chinese Association of South Africa
- 3 <https://www.mambaonline.com/2021/02/25/justice-for-bonang-alleged-killer-appears-in-court/>
- 4 Incidents of Xenophobic Violence in South Africa: January – 22 November 2021
- 5 Client of Gender Dynamix
- 6 <https://www.mambaonline.com/2021/03/12/report-lesbian-woman-murdered-in-pietermaritzburg/>
- 7 <https://www.mambaonline.com/2021/04/06/sphamandla-khoza-laid-to-rest-as-queer-hate-festers-online/>
- 8 Incidents of Xenophobic Violence in South Africa: January – 22 November 2021
- 9 Client of the Chinese Association of South Africa
- 10 <https://www.mambaonline.com/2021/04/14/queer-hate-rocks-sa-gay-gauteng-man-stabbed-to-death/>
- 11 <https://www.mambaonline.com/2021/05/12/lindokuhle-and-khulekani-two-more-lgbtq-lives-lost/>
- 12 <https://www.mambaonline.com/2021/04/13/queer-individual-andile-ntuthela-butchered-and-burned-in-uitenhage/>
- 13 <https://www.mambaonline.com/2021/04/19/sas-queer-massacre-gay-man-lonwabo-jack-murdered-on-his-birthday/>
- 14 <https://www.mambaonline.com/2021/04/30/hate-crime-crisis-lucky-motshabi-is-7th-lgbtq-person-murdered/>
- 15 <https://www.mambaonline.com/2021/05/04/hate-crime-crisis-phelokazi-mqathana-is-8th-lgbtq-person-murdered/>
- 16 <https://www.mambaonline.com/2021/05/12/lindokuhle-and-khulekani-two-more-lgbtq-lives-lost/>
- 17 <https://www.mambaonline.com/2021/05/31/gay-artist-aubrey-boshoga-stabbed-to-death-in-joburg/>
- 18 SAJBD 2021 report
- 19 SAJBD 2021 report
- 20 SAJBD 2021 report
- 21 SAJBD 2021 report
- 22 Incidents of Xenophobic Violence in South Africa: January – 22 November 2021
- 23 <https://www.mambaonline.com/2021/06/14/the-horror-continues-two-more-lgbtq-murders-reported/>
- 24 <https://www.mambaonline.com/2021/06/14/the-horror-continues-two-more-lgbtq-murders-reported/>
- 25 <https://www.mambaonline.com/2021/06/14/the-horror-continues-two-more-lgbtq-murders-reported/>
- 26 <https://www.them.us/story/three-lgbtq-people-killed-south-africa-during-pride-month>
- 27 <https://www.mambaonline.com/2021/06/24/sam-mbatha-remains-missing-as-two-arrested-over-burned-car-murder/>
- 28 <https://www.mambaonline.com/2021/06/28/murdered-gay-man-motse-moeketsi-laid-to-rest/>
- 29 <https://www.mambaonline.com/2021/07/07/lgbtq-murders-lesbian-woman-sheila-lebelo-slain-in-tshwane/>
- 30 Client of Triangle Project
- 31 Client of Triangle Project, <https://www.mambaonline.com/2021/06/02/lesbian-woman-stabbed-in-the-face-in-kynsna/>
- 32 Client at Triangle Project

- 33** Incidents of Xenophobic Violence in South Africa: January – 22 November 2021
- 34** Client of Gender Dynamix
- 35** <https://www.dailymaverick.co.za/article/2021-08-03-unrest-july-2021-grim-details-emerge-of-deaths-in-phoenix/>
- 36** <https://www.timeslive.co.za/news/south-africa/2021-11-17-phoenix-residents-tell-sahrc-hearing-of-racial-tension-abuse-during-july-unrest/>
- 37** Incidents of Xenophobic Violence in South Africa: January – 22 November 2021
- 38** Client of Gender Dynamix
- 39** Client of Gender Dynamix
- 40** Client of Gender Dynamix
- 41** <https://www.mambaonline.com/2021/08/02/lgbtiq-woman-thapelo-sehata-murdered-in-limpopo/>
- 42** Incidents of Xenophobic Violence in South Africa: January – 22 November 2021
- 43** <https://www.mambaonline.com/2021/09/29/lgbtiq-activist-killed-to-remove-curse-in-alleged-kzn-hate-crime/>
- 44** Incidents of Xenophobic Violence in South Africa: January – 22 November 2021
- 45** Client of SWEAT
- 46** <https://www.mambaonline.com/2021/10/15/a-sisters-grief-gay-man-stabbed-to-death-in-joburg-in-suspected-hate-crime/>
- 47** Client at Triangle Project
- 48** <https://www.mambaonline.com/2021/10/30/end-of-pride-month-marred-by-two-queer-murders-in-kzn/>
- 49** <https://www.mambaonline.com/2021/10/30/end-of-pride-month-marred-by-two-queer-murders-in-kzn/>
- 50** <https://za.opera.news/za/en/society/f793a9fc97b6879f3318d90074ab2d3c>
- 51** Client at Triangle Project
- 52** Client at Triangle Project
- 53** Incidents of Xenophobic Violence in South Africa: January – 22 November 2021
- 54** Client of Gender Dynamix
- 55** <https://www.dailymaverick.co.za/article/2021-11-17-it-was-like-a-game-to-them-survivor-of-phoenix-violence-relives-the-day-he-was-shot-multiple-times/>
- 56** <https://www.news24.com/witness/news/pietermaritzburg/shocking-details-of-pietermaritzburg-violence-heard-at-hearing-into-july-unrest-20211115>
- 57** <https://www.iol.co.za/news/politics/pietermaritzburg-woman-details-how-her-nephew-was-shot-and-killed-during-july-unrest-6748d427-0578-4c22-aed3-d55c3ccac440>
- 58** Incidents of Xenophobic Violence in South Africa: January – 22 November 2021
- 59** Matter with Chinese Association of South Africa

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