

Terms of Reference for Hate Crimes Working Group

Adopted at Annual General Meeting

16th November 2011

HCWG Interim Steering Committee

November 2011

Hate Crimes Working Group (HCWG) Terms of Reference (TOR)

Background

In late 2009, a multidisciplinary group of organisations and individuals began to meet at the invitation of the Consortium for Refugees and Migrants South Africa (CoRMSA) to address the paucity of data on the prevalence, nature and psychological impact of hate crimes on individuals, community and society. The group comprised of civil society organisations and other interested parties¹ who began to discuss the development of joint strategies to engage government structures relating to interventions which could effectively deal with prejudice-motivated crime. The initial focus was around monitoring hate crimes and this led to the development of a hate crimes monitoring form in partnership with the UNISA Centre for Applied Psychology, one of the founding members.

The primary strength of this working group was that the participants were drawn from a broad range of organisations working in sectors which focused on diverse categories, including race, religion, sexual orientation, gender expression, migrants / displaced groups, disability, health status, nationality and ethnicity, and hate crimes related to those categories. This range of experience and input means the group is able to “join the dots” across a wide range of policy and legislation.

Over the course of several meetings in late 2009 and early 2010 this informal network was more formally established as the Hate Crimes Working Group (HCWG).

The Hate Crimes Working Group

The purpose of the HCWG is to provide members with a cooperative forum to develop joint strategies to engage government structures, for example justice and policing, in order to explore how best to make interventions in order to address prejudice-related crime. Part of this process of engaging government also involves the development of mechanisms to record and monitor levels of suspected hate crime within their respective sectors so as to be able to demonstrate the extent and nature of hate crimes in South Africa. In addition this information can be used by CSOs and/or government agencies for, for instance, the development of effective and targeted prevention strategies; or to reduce threatened levels of violence in particular circumstances; or to strengthen the policing and criminal justice response through the accurate identification of trends, specific vulnerable communities or areas.

Therefore our primary goals are to:

- Achieve broader recognition of the nature of hate crimes and the need for hate crimes policy and legislation
- Inform and develop advocacy efforts that contribute to ensuring government enacts and implements hate crimes policy and legislation

¹ Initial members included the Consortium for Refugees and Migrants in South Africa (CoRMSA), Centre for the Study of Violence and Reconciliation (CSVR), UNISA Centre for Applied Psychology (UCAP), Jewish Board of Deputies, OUT LGBT Well-being, Amnesty International, The Scalabrini Centre, Lawyers for Human Rights, South African Human Rights Commission (SAHRC), Gay and Lesbian Memory in Action (GALA), Office of the High Commissioner of Human Rights (OHCHR) and Tshwaranang Legal Advocacy Centre (TLAC).

- Facilitate the collection of data and research regarding hate crimes to contribute to improved prevention and effectiveness of a criminal justice response

Activities of the HCWG include:

- The production of agreed upon public statements relating to general hate crime issues or specific issues which affect a constituency of the HCWG, as appropriate, following consultation with HCWG members.
- To facilitate opportunities for members to explore possibilities for multi-lateral and bi-lateral collaboration and co-operation by sharing information etc
- The dissemination of a relevant advocacy letter and statement to be signed/endorsed by HCWG members² following each quarterly meeting
- Identification of new and emerging issues around Hate Crimes which require the development of a national policy response
- Co-operating with other relevant forums and groups to further the HCWG agenda.

Structure and Membership

The Hate Crimes Working Group (HCWG) is an open and broad-based network of organisations and individuals at a national level. Membership is open to civil society organisations (NGOs, CBOs) and/or individuals concerned with the impact of hate crimes in South Africa from the perspective of the victims or from a legal, service provision, research-based or advocacy perspective.

It is structured as follows

Structure	Composition	Meetings
Steering Committee	Minimum of 7 and maximum of 11 full members who represent organisations elected at an Annual General Meeting by the full members and includes the Chair(s) of any sub-committee(s) established. Members who are individuals may be co opted to sit on the committee but have no voting powers	Bimonthly – every second month which means six meetings a year one of which is the AGM
Full Members	Individuals and organisations active and working in matters relating to Hate Crimes who agree to HCWG values and for whom there are no objections from existing membership. Full voting rights.	Three times a year – one meeting in each of the first three quarters - plus the AGM in the last quarter

² Signed only on behalf of those members who positively affirm their acceptance of such letters and statements (using the statement: “Signed by the following members of the HCWG”).

Associate Members	Individuals and organisations whose work is not primarily around Hate Crime matters and who do not wish to attend all meetings and participate fully but who are interested in Hate Crime issues . No voting rights	Annual General Meeting
Research Sub-Committee	Individuals and organisations participating in research projects endorsed / co-ordinated by HCWG	As necessary, with a minimum of three meetings a year
Other Sub-Committees	Established on an ad hoc basis as necessary	As necessary

The HCWG is co-ordinated by a steering committee (SC) elected by full members at an AGM and should be comprised of those able to play an active role in the organisation of the Working Group. All full members are welcome to put themselves forward to serve on the SC. Standard election procedures will be followed at the AGM.

SC decisions are made by consensus whenever possible. When consensus cannot be reached, a vote will be called and a simple majority rule will apply. A quorum of 50% plus 1 of the total committee members is required for decisions to be valid. Any Committee member has the right to insert a dissenting voice or opinion into the minutes of the meeting at which the decision is made, or at the first meeting thereafter. For changes to the TOR, a two-thirds majority vote will be required.

If a member of the SC misses more than two consecutive meetings the Secretariat will contact the organisation they represent to seek a resolution satisfactory to the SC.

Where it is required that public statements be made on behalf of the HCWG, the SC will determine the most appropriate spokesperson to make those statements on behalf of the group. CoRMSA, as Secretariat, will act as a liaison point for media queries. Representation of the HCWG on other committees should be agreed via consultation with the SC.

Members of the Steering Committee

Chair: The SC must designate one of its members as Chair. The Chair shall preside at meetings of the Committee, approve the provisional agenda prepared by the Secretariat, represent the Committee as required within the limits of the Committee’s mandate, receive invitations to attend meetings on behalf of the HCWG, delegate attendance to those meetings and carry out other functions that may be entrusted to him/her by the Committee.

Deputy Chair: The Committee must designate one of its members as Deputy Chairperson. The Deputy Chairperson shall preside at meetings of the Committee in the absence of the Chairperson and shall assist the Chair in his/her functions.

In the absence of both the Chair and Deputy Chair, the members present at a meeting must elect a person from among those attending to preside at that specific meeting.

Secretariat: CoRMSA provides the Secretariat for all HCWG meetings. The Secretariat will be responsible for:

- (a) Preparing a draft agenda to be circulated seven (7) days before the meeting;
- (b) Receipt of any reports required for meetings;
- (c) Distribution of reports / documents to be read in preparation for the meetings;
- (d) Preparation of minutes which are to be circulated seven (7) working days after meetings; (circulated to attendees for input / corrections within 3 working days and then approved minutes to be circulated fully);
- (e) Maintaining the attendance list to be circulated at each meeting;
- (f) Meeting logistics

Minutes should record the issue raised and note, in brief, the discussion which occurred as well as reflect the decision(s) taken in respect of that issue. Approved minutes shall be made available to all members of the HCWG.

Membership and application process

Applications for full or associate membership will be accepted on an ongoing basis and must be sent in writing to the Secretariat, accompanied by their constitution, where one is available. The SC will send the prospective member a copy of the key HCWG documentation³ and request that they indicate that they are in accordance with these.

The SC will then circulate the request for membership to all HCWG members and, if no substantiated objections are raised within a four week period, the request shall be accepted and the organisation or individual will be added to the membership list.

Membership criteria

Organisations shall qualify for membership of the HCWG if it is determined by the SC that the organisation's aims, policies and programmes are consistent with the ethos of the HCWG background document and they sign the TOR.

The SC will then review the application, comments received from members and any other relevant information before deciding to:

- admit the applicant as a member (full or associate⁴); or
- decline the application, and notify the organisation and/or individual in writing, or

³ These are: HCWG Recommendations on Hate and Bias Crime Legislation, September 2010; Hate Crimes in South Africa: A background paper for the HCWG; HCWG TOR when finalised.

⁴ Full members have the right to vote, can provide members to serve on the SC and can suggest changes to the governing instruments. Associate members cannot vote or sit on the steering committee but have full rights of attendance and participation at HCWG meetings

- defer the application for a stated period which may include requesting additional information, and notify the organisation and/or individual in writing.

Benefits of Full Membership

As a HCWG member, you will:

1. Have access to up-to-date sector information
2. Be invited to attend all HCWG meetings including the AGM
3. Be invited to attend and have your views represented at consultation meetings arranged with/ by policy makers, funders and regional networks
4. Have the right to nominate and vote for SC members and the right to guide the implementation of the works of the HCWG.
5. Have access to networking opportunities which could result in the development of joint projects /or consortia led by individual groupings of HCWG members which support the primary aims of the HCWG

This ToR was adopted by the HCWG membership at the HCWG AGM on 16th November 2011 and will be revisited annually or changed at any full members' meeting with a majority vote.

Chair of HCWG Steering Committee

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Date: 16th November 2011