



Hate Crime Working Group

Minutes of the Fourth Annual General Meeting of HCWG held at Scalabrini Centre, Cape Town, Wednesday 11th February 2014

The AGM commenced at 10.30 am on Wednesday 11th February 2015. The meeting was chaired by Ingrid Lynch, Chair of the Steering Committee. Thirty eight people attended with seven of the ten steering committee members present. Apologies for members unable to attend were recorded.

Attendance:

Ingrid Lynch (Chair), Iole Matthews (IPT), Prof Juan Nel (Unisa) Wendy Kahn (SAJBD), Marlise Richter (Sonke Gender Justice), Yolanda Mitchell (Ubona Research Solutions), Mpilo ShangeButhane (CORMSA), Anthony Waldhausen (GLN), Janine Shamos (SAJBD), Marilize Ackermann (Scalabrini), Corey R Johnson (Scalabrini), Ella Kotze (Counselling psychologist), Lotte Manicom (Scalabrini), Ngaleka Sinazo (Triangle) Wendy Mpahlwa (Triangle) Akhona Yeko (Triangle) Onesimo Mankayi (Triangle) Nadine Badenhorst (FORJA) Matthew Clayton (Triangle) Lesego Tlhwale (SWEAT) Xhamla Hobo (TP) Nandisa Zonke (Triangle) Lelethu Kiti (Triangle) Thembi Mqkela (Triangle) Hlomela Msesele (Triangle) Natalie Jayne (OSF SA) Bulelwa Panda (IAM) Retha Benade (IAM) Siyanda Mxala (Triangle) Karen Kraan (Independent) Sanja Bornman (WLCE)

Apologies:

Johan Meyer(OUT), Tracy Doig (Amnesty International), Angelica Pino (Sonke)

1. Key Note Address¹

Deputy Minister of Justice and Constitutional Development John Jeffries delivered the key note address in which he gave an update on the work the DOJ&CD have done around hate crimes and he noted that there was a need for more platforms of engagement. The keynote speech is attached. There is a draft policy framework in place and he noted that most crimes classified as hate crimes are already crimes and already some of our courts are beginning to proactively consider hate motivation in aggravated sentencing. Deputy Minister Jeffries quoted Judge Tshifiwa Maumela who acknowledged the problem of hate-crimes in South Africa and in handing out a harsh sentence for such a crime noted that he wanted to make a difference to all vulnerable groups of society "in (his) own small way."

¹ The key note speech was moved to the first item on the agenda due to a late start because of SONA preparations in the city.

The meeting was informed that the DOJ&CD remains committed to Hate Crimes legislation and that the next step is to open the related draft policy framework for public debate. The Deputy Minister acknowledged that the DOJ&CD were behind schedule with this process and partially attributed this to concerns around the probability of a highly contentious debate ensuing. There were some questions from the floor and it was also noted that the HCWG continues to offer to support and facilitate this debate.

The meeting was also informed that the National Plan of Action was being revised by UNFHR to be in line with International legislation and would also be require public input and debate.

The Deputy Minister concluded his speech by commending the HCWG and acknowledging that the Hate and Bias Crime Monitoring Form would provide valuable information and assist government in responding appropriately by making appropriate and accurate data available to Government.

There followed questions from the floor. Juan Nel reiterated the HCWG's position that the symbolic value of having Hate Crime Legislation is undeniable in terms of sending a message and that there was a need for DOJ&CD to not focus on specific vulnerability at the expense of others. It was agreed that the use of appropriate language was important in order to avoid a hierarchy of hate.

Deputy Minister agreed that there was symbolic value in Hate Crime legislation but noted that the key would be around implementation and that government needed an active civil society to monitor this, making reference to the important role civil society and the media have played in ensuring adherence to the sexual offences act in 2007.

In responding to a question regarding the intention of government regarding training of SAPS to support any hate crimes legislation Deputy Minister Jeffries responded that Cabinet were aware of the importance of training and would ensure this occurred but reiterated that implementation would be immensely supported by active monitoring by civil society.

There were further questions and comments from the floor around the failure of government to appropriately address the ongoing violence against foreign nationals and the very slow progress being made with both the National Action Plan, where the process started in 2001 with conference on racism, and the Hate Crime Policy Framework. The Deputy Minister acknowledged that progress had been unacceptably slow and noted that this was a priority and he offered to facilitate access to the research subcommittee to the JCPS cluster and other departments. He noted that society can shift legislation and encouraged the HCWG members to continue to engage in debate.

2. Previous Minutes and Agenda

Copies of minutes were made available. The Chair invited questions regarding the minutes, however no questions were raised.

Resolution 1: Approval of the previous minutes and agenda

The previous minutes and agenda were approved unanimously.

3. Annual Report:

The Chair reported on the activities of the HCWG for 2014 – PowerPoint attached. The Chair thanked Steering Committee members for their support and interest over the past year. Thanks were also given to the Research Sub Committee for their efforts during the year.

The AGM was also used as an opportunity to present the HCWG policy brief booklet, **“Why does South Africa need Hate Crimes Legislation”** which was distributed to the attendees. Ingrid noted that it was vital that we stayed informed around policy development processes in order to move from a reactive space to a more proactive one. Any member of the public can write a submission and contribute to the process and public participation should be encouraged as it’s not as daunting as one thinks. This booklet is also available to download from the website.

It was agreed that it is important to share information more effectively across sectors and lend solidarity to each other and it is hoped that the HCWG continues to provide a space for this.

4. Report from Research Sub Committee:

Yolanda Mitchell presented an update on the Hate Crime Monitoring form as per attached power point. A key concern raised was that the number of forms submitted from member organisations were lower than anticipated. There was discussion around how HCWG could build research capacity within member organisations and it was agreed that one possible solution would be to combine ongoing training with data collection processes. The conversation closed with agreement that the new steering committee would continue to discuss this issue.

The User Guide is available for downloading on the HCWG website at www.hcwg.org.za

5. Election of Steering Committee for 2015

After lunch the 2015 Steering Committee were elected according to the HCWG terms of reference which state a minimum of 7 and maximum of 11 Steering Committee members could be 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 Steering Committee.

The steering committee members who offered themselves for either election or re-election were:

Tracy Doig – Amnesty International
Wendy Kahn – SAJBD
Ingrid Lynch – HSRC
Mpilo ShangeButhane – CORMSA
Corey R Johnson – Scalabrini
Anthony Waldhausen –GLN
Angelica Pino – Sonke Gender Justice
Juan Nel – UNISA
Matthew Clayton – Triangle
Lesego Tlhwale – SWEAT
Sanja Bornman – Women’s Legal Centre

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Since the total number of those seeking election was 11 and there were no other nominations nor any objections it was proposed that the election and re-election of members be dealt with as one resolution. No objection was raised and resolution was put to the meeting.

Resolution 2: Election of Steering Committee

The steering committee was elected unanimously with an understanding that the Chair and Deputy Chair will be elected at the first meeting of the Steering Committee.

Resolution 3: Continuation of Research Sub Committee

Juan Nel, Khonzi Mbatha and Yolanda Mitchell will continue to serve on the research subcommittee. In addition, Ingrid Lynch, Leticia Kotze, Ella Kotze and Janine Shamos will join them. .

Resolution 4: Co-ordination of HCWG activities

It was agreed that a co-ordinator is vital to ensure the smooth running of the HCWG. It was furthermore agreed that while IPT was able to access funding for the purpose Iole Matthews would continue to provide co-ordination support to the HCWG.

There being nothing further the meeting closed at 14h30 and the first Steering Committee meeting of 2015 will be held on 9th April 2015 in Gauteng.