

21 September 2020

PRESS RELEASE: QWELANE HATE SPEECH CASE TO BE HEARD TOMORROW (22 SEPTEMBER 2020) IN THE CONSTITUTIONAL COURT

Tomorrow, 22 September 2020, at 10am the Constitutional Court will hear the matter of *Qwelane versus SAHRC & Another / 7 Amicus Curiae* (Case Number 13/20). The Hate Crimes Working Group (HCWG) welcomes the hearing, which will assist in setting a precedent not only in the resolution of this particular matter and the precedent it will set, but because of the significance that the ruling will have in terms of determining of other cases relating to hate speech – whether it is hate speech on the basis of one’s sexual orientation or gender identity, religion, race, or any other such ground. Many of these other cases have been on hold as a result of the delays in the finalisation of the *Qwelane* matter.

The HCWG is a multi-sectoral network of civil society organisations 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+ rights; migrant, refugee and asylum seeker rights; gender-based entities and broader human rights organisations. They all share a common concern regarding 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.

The HCWG advocates specifically for the passing of effective legislation in relation to hate crimes. At present, the Prevention and Combatting of Hate Crimes and Hate Speech Bill is under consideration by the National Assembly. While the HCWG has concerns about this legislation, it is also vital that comprehensive hate crimes laws are enacted. Clarifying the separate issue of hate speech, which the judgment in the *Qwelane* matter will assist in, may provide further encouragement for the processing of that legislation through Parliament.

We encourage members of the public to follow the proceedings online. A link to the livestream will be available on <https://www.youtube.com/channel/UCgP3U55RSU3etUXTX9hSyKw/featured>

See here for the papers filed by the various parties as well as amicus curiae in the matter: <https://collections.concourt.org.za/handle/20.500.12144/36639>