



## PRESS STATEMENT

# CENTRE FOR HUMAN RIGHTS CONDEMNS THE RECENT SERIES OF HATE CRIMES AGAINST LGBTIQ+ PERSONS IN SOUTH AFRICA

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The Centre for Human Rights, Faculty of Law, University of Pretoria, condemns the recent series of hate crimes against the LGBTIQ+ community in South Africa, specifically the recent series of murders of LGBTIQ+ individuals. In a [joint statement](#) released by South African civil society organisations, the deaths of the following individuals were confirmed:

- Bonang Gaele, 29, who was killed on 12 February 2021.
- Nonhlanhla Kunene, 37, whose body was found on 5 March 2021 in Edendale, Pietermaritzburg.
- Sphamandla Khoza, 34, who was tortured and killed on 29 March 2021 in Kwamashu, Durban.
- Nathaniel 'Spokgoane' Mbele, who was killed on 2 April 2021 in Tshirela, Vanderbijlpark.
- Andile 'Lulu' Nthuthela, 41, whose body was found on 10 April 2021 in KwaNobuhle, Kariega.
- Lonwabo Jack, 22, whose body was found on 18 April 2021 in Nyanga, Cape Town.

These hate crimes are deeply disturbing. They deny LGBTIQ+ people their human rights as guaranteed in the Constitution of the Republic of South Africa, 1996. Section 9(1) of the Constitution specifically states that everyone in South Africa is equal under the law. Section 9(4) of the Constitution further condemns any unfair discrimination by persons against another on one or more grounds including race, gender, sex, and sexual orientation. Section 10 of the Constitution entitles every individual the right to have their dignity respected and protected.

Forms of violence and other discrimination perpetuated against LGBTIQ+ persons based on their sexual orientation, sex, or gender, constitute unfair discrimination, and violate the principles of the Constitution. These hate crimes deny LGBTIQ+ individuals their right to life as provided in section 11 of the Constitution.

South Africa's obligations under the Constitution are reinforced by its membership of the African Union. As AU member, South Africa has become a party to the foremost set of continental norms, the African Charter on Human and Peoples' Rights. Resolution 275, adopted by the African Commission on Human and Peoples' Rights to spell out certain state obligations, condemns violence and other human rights violations, including murder and rape, of persons based on their imputed or real sexual orientation or gender identity. It urges State Parties to the African Charter to end all acts of violence and abuse, particularly by enacting and effectively applying appropriate laws prohibiting and punishing all forms of violence targeting persons based on their imputed or sexual orientation or gender identities. State Parties are also urged to ensure proper investigation and diligent prosecution of perpetrators, and to establish judicial procedures responsive to the needs of victims.

The Centre for Human Rights has developed [guidelines for civil society organisations and stakeholders](#) in South Africa on realising equality for the LGBTIQ+ community. These guidelines should also be applied by the South African government in the fight to curb violations against LGBTIQ+ persons.

In March 2011, the Minister of Justice and Constitutional Development mandated the establishment of a National Task Team (NTT) to develop a National Intervention Strategy that will address the phenomena of homophobic rape, known as "corrective rape". This led to the establishment of the National Task Team on Gender and Sexual Orientation-based Violence which was tasked with creating and implementing strategies to combat violence against the LGBTIQ+ community and track active cases in the justice system through the establishment of Provincial Task Teams. Unfortunately, the activity of the NTT has been on hold since early 2020. It is urgent that the task of the NTT is resumed.

Against this background, the Centre for Human Rights calls on the Government of South Africa to:

- urgently finalise and enact the Prevention and Combating of Hate Crimes and Hate Speech Bill, which was first drafted in 2016 and was approved by Cabinet in 2018.
- reinstate the National Task Team on Gender and Sexual Orientation-based Violence and recommit efforts to implementation of the National Intervention Strategy.
- adequately fund and restore the functionality of entities such as the National and Provincial Task Teams and the Rapid Response Team that track crimes against the LGBTIQ+ community to address violence against LGBTIQ+ South Africans; and
- embark on a mass LGBTIQ+ sensitisation programme of government institutions, especially the South African Police Service and the Department of Home Affairs.

The Centre for Human Rights also calls on stakeholders, including the South African Police Service and the national human rights bodies, to commit to the implementation of Resolution 275 on ending all forms of targeted violence against LGBTIQ+ persons and ensure that hate crimes against LGBTIQ+ persons are fully investigated, victims compensated, and the perpetrators diligently prosecuted.

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