

STOP HATE CRIME targeting LGBTI people



**Lesbian
Gay
Bisexual
Transgender
Intersex**

STOP HATE CRIME targeting LGBTI people

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DEFINITIONS

used in this booklet

LGBTI

Lesbian, gay, bisexual, transgender, intersex.

Lesbian

The sexual orientation of women whose primary romantic and sexual attraction is towards other women; a woman who self-identifies as homosexual.

Gay

The sexual orientation of men whose primary romantic and sexual attraction is towards other men; a man who self-identifies as homosexual.

Bisexual

The sexual orientation of people who are romantically and sexually attracted to men and women, not necessarily simultaneously or equally.

Transgender

The gender identity of people whose birth sex does not conform to the gender they are most comfortable expressing, or would express if free to do so without fear of prejudice, discrimination, rejection or hate. A transgender person may or may not want to permanently alter their body in order to conform to their preferred gender.

A transgender person's sexual orientation may be heterosexual, bisexual or homosexual.

Transsexual

People who change their body through gender reassignment surgery and/or hormone treatments to match their gender identity.

Intersex

People who are born with full or partial genitalia of both sexes, or with under-developed or ambiguous genitalia, and whose chromosomes and reproductive organs are not exclusively male or female.

MSM (Men who have Sex with Men)

Men who engage in sexual activity with other men, but who don't necessarily self-identify as gay or bisexual.

WSW (Women who have Sex with Women)

Women who engage in sexual activity with other women, but who don't necessarily self-identify as lesbian or bisexual.

LGBTI (lesbian, gay, bisexual, transgender, intersex) is an inclusive term used for groups and identities sometimes also grouped as “sexual minorities”.

Sexual orientation

The way in which people’s romantic and sexual desires are directed and whether they are attracted to people of the same sex, the opposite sex, or to both sexes.

Biological sex

The biological classification of bodies as female, male or intersex based on external genitalia, internal sexual and reproductive organs, hormones and chromosomes.

Gender

The attitudes, feelings and behaviours that society associates with a person’s biological sex. A person’s gender identity is their sense of self as female, male or transgender, regardless of their external genitalia.

Prejudice

Intolerance of a group of people because of their sexual orientation, sex, gender, race, language, culture, religion, age, disability, political or other opinion, national or social origin, property, birth or other status.

Discrimination

Unfair treatment of a person or a group of people on the basis of prejudice.

Even though the right to non-discrimination on the basis of sexual orientation is included in South Africa’s Constitution, LGBTI people in our country continue to face oppression, marginalisation, discrimination and victimisation because of their sexual orientation and/or gender identity.

Homophobia

Fear, contempt, hatred or intolerance of homosexual people.

Hate crimes

Extreme expressions of prejudice through violent criminal acts that are committed against people or their property because of the group to which they belong or identify with. Perpetrators seek to demean and dehumanise their victims because they consider them to be different from themselves.

“People ask me if I’m a man or a woman. I ignore them. If I listen to them, I’ll go mad. All my life I have heard these things.”

INTRODUCTION & acknowledgments

“It is a deep and painful irony that people in South Africa are both victims and perpetrators of hate crimes.” Hate Crimes Working Group

In some communities in South Africa, lesbian, gay, bisexual, transgender and intersex (LGBTI) people often live in fear of violence including harassment, rape and murder.

South Africa’s Constitution prohibits many forms of discrimination including that based on gender, sex and sexual orientation. Despite this, homophobia and hate crime targeting LGBTI people are a sad reality in South Africa’s “rainbow nation”.

In 2010, the Gay & Lesbian Network commissioned a research study to explore hate crime and homophobia in Pietermaritzburg, KwaZulu-Natal. The study was commissioned in response to incidents of hate crime and homophobia, primarily targeting black lesbians. These incidents, which included vicious murders, were highlighted in the national media. GLN itself had been the target of hate crime including the defacing of its posters and banners.

The study revealed that, for a number of reasons, people found it very difficult to report hate crime based on sexual orientation and gender expression, and to ask for help.

This booklet aims to assist LGBTI people to speak out and to get help.

Acknowledgments

We thank everyone whose work helped to inform the content of this booklet, including: Angeline Stephens who conducted the GLN study; Prof Juan Nel, Dept of Psychology, Unisa; Human Rights Watch; SAfAIDS; and the Hate Crimes Working Group.

We gratefully acknowledge the Open Society Foundation for South Africa and ApexHi Charitable Trust for their support and for the funding to develop this booklet.

And finally, we acknowledge the many, many LGBTI people, their loved ones and families, who experience hate crime on a daily basis. You are not alone. Reach out.

What is HATE CRIME?

Hate crimes are crimes motivated in part or whole by prejudice, hostility and hate. Hate crimes are criminal offences that are committed against people (and property, organisations or society) because of the group to which they belong or identify with. Hate crimes include assault, murder, rape, torture, intimidation and malicious damage to property.

While a hate crime may be an isolated incident, such victimisation most often occurs in contexts of sustained harassment including daily, ongoing acts of taunting, constant bullying or conflicts between people known to each other within specific settings, such as a school or a community.

While hate speech (such as harassment, slurring, name-calling and other forms of verbal abuse) is intended to degrade and intimidate, it is not categorised as a hate crime. However, hate speech is unlawful under the Equality Act (PEPUDA) and can be prosecuted in Equality Courts.

Hate crime is different from other kinds of crime because the purpose of the crime is to send a message to an entire group of people who share a certain characteristic that they are unwelcome and unsafe.

Everyone has the right to live their lives without fear or abuse or attack because of who they are. All crime is wrong, but crime motivated by hatred of another person, for simply being who they are, has a severe and traumatic emotional and psychological effect not only on the person being targeted, but on entire communities and on society as a whole.

Unlike many other countries, hate crimes are not yet formally recognised in South African law. This means that there are no statistics to measure and monitor the pattern of violent crime born of hate and prejudice that is committed in our country on a daily basis.

Civil society has formed a Hate Crimes Working Group to record and monitor hate crime and to lobby government. The Hate Crimes Working Group is working to develop strategies to improve the police response to hate crime, to improve the court system response, and to develop ways to monitor and record incidents of hate crime.

Hate crime has no place in any society, but especially not in a democratic South Africa which is built on the principles of equality and human rights for all. Help put an end to hate crime. Speak out – we're listening.

Hate crimes are “identity” crimes

HATE CRIME

targeting LGBTI people

Like many South Africans, lesbian, gay, bisexual, transgender and intersex people are targets of violence and crime. However, LGBTI people also experience violence and discrimination because of their sexual orientation or gender identity.

LGBTI people are frequently discriminated against through criminal acts. These criminal acts are often motivated by prejudice and hate and can therefore be classified as hate crime.

According to a study done by Human Rights Watch, lesbian, gay, bisexual, transgender and other gender non-conforming people experience widespread discrimination, harassment and violence. They are regularly thrown out of home; ridiculed and abused at school; harassed and insulted on the streets, in church and at work; and threatened by neighbours and strangers.

Other research shows that the vast majority of openly lesbian, gay, bisexual and

transgender people have experienced some form of victimisation and that homophobic hate crime increases as lesbian and gay communities become more visible.

Even the perception of homosexuality or transgender identity puts people at risk.

The terrible crime of “corrective rape” has received much media attention. Lesbians and gay men are raped to “make them straight” or to “correct” their sexuality. Black lesbians, particularly in townships, are increasingly being targeted for rape. Some studies show that lesbians face violence twice as often as heterosexual women.

Under reporting of hate crime targeting LGBTI people

Hate crimes targeting LGBTI people are often not reported through fear of further prejudice and discrimination. LGBTI people frequently experience further victimisation when they turn to service providers for assistance after an attack. This is known as

“I was beaten and raped by 5 guys because I dressed in a masculine way. They said they wanted to teach me to behave like a woman.”

“I got home and bathed. I thought I was bleeding, but they had poured petrol on me... I didn’t tell anyone. I thought no one would believe me.”

secondary victimisation and can mean that LGBTI people avoid or delay accessing healthcare or criminal justice services. Many people who are attacked because of their sexual orientation or gender identity do not report the crime because they expect their report not to be taken seriously by the police. Many fear further abuse by the police and other service providers and fear being “outed” as their sexual orientation could become public knowledge.

Under-reporting of hate crimes targeting LGBTI people tends to make the problem of homophobic violence worse. This is because perpetrators might believe that they can usually get away with crimes committed against lesbian, gay, bisexual, transgender and intersex people.

If you are attacked or targeted, please speak out. If you do not want to go directly to the police, call the **Gay & Lesbian Network Helpline 0860 33 33 31** or contact any of the organisations listed on page 14.

These are just some of the attacks and gruesome murders that have been reported:

- Moses Rakoma, kidnapped, raped and tortured. Found alive 3 days later.
- Thapelo Makutle, murdered.
- Phumeza Nkolonzi, shot in front of her family.
- Andritha Morifi, murdered.
- Neil Daniels, shot dead.
- Sanna Supa, shot dead.
- Vuyisa Dayisi, murdered.
- Zoliswa Nkonyana, murdered.
- Madoe Mafubedu, raped and murdered.
- Salome Masoa, raped, tortured and murdered.
- Thokozane Qwabe, stoned and murdered.
- Eudy Simelane, raped and murdered.
- Khanysiwa Hani, stabbed to death.
- Sibongile Mphelo, raped and mutilated.
- Vernon Gibbs and Tony Halls, property attacks.
- Deric Mazibuko, assaulted with the intent to do grievous bodily harm.
- GLN, posters and banners damaged.

“I was unable to sleep for weeks and couldn’t speak properly. It took 4 months to heal. They had axes and tomahawks.”

WHAT TO DO

if you are attacked

PLEASE REPORT HATE CRIME. Why?

Because you will help to prevent future hate crimes, and you will help to prosecute criminals.

Some tips on what to do if you are assaulted or attacked

- Try to attract attention to the incident.
- Find safety.
- Get help! Call a friend to be with you.
- Call the **police** on **10111**. Call **082 911** for **emergency medical help**.
- Programme at least one ICE (In Case of Emergency) number into your phone – a close friend's or relative's contact number – in case someone else needs to make the call for help.
- Report the crime to the police. Try not to change clothes or to wash as this will destroy important evidence.
- The police may or may not be trained to deal with LGBTI matters. Make sure someone is with you who can support you and witness the police's response.
- If you would prefer not to speak directly to the police, call the **Gay & Lesbian Network Helpline** on **0860 33 33 31** for support.
- Don't delay seeking assistance – the earlier accessed, the better the chances of speedy resolve and recovery.

- When approaching service providers, don't give into feelings of self blame, guilt or shame in respect of your identity, regardless of the circumstances surrounding your victimisation.
- Persist with the case after the initial reporting to ensure apprehension, prosecution and adequate sentencing. Too often, victims give up before justice has been served.

Some tips on what to do to help prevent an attack or assault

- Make sure a friend or relative knows your whereabouts.
- Try to travel in a group.
- Avoid walking long distances in dark and deserted areas.
- You are vulnerable when under the influence of alcohol or drugs!
- Try to assess people's moods and reactions to you and your friends, and try to get out of the situation if you feel threatened.
- When dealing with perpetrators, do not put yourself or your life in danger by defending your honour. Once out of harm's way, report the incident providing as much factual information and identifying details as possible.

Severe psychological EFFECTS

The psychological effects of hate crimes based on sexual orientation are severe, they vary from person to person, and can last for years, especially if the person does not receive help.

Psychological distress can range from minor stress to depression and even traumatic stress symptoms.

Some symptoms of minor stress:

- Physical symptoms such as headaches, neck and muscle pain, fatigue.
- Emotional symptoms such as anger, irritability, moodiness, inability to relax.
- Behavioural symptoms such as loss of interest in physical appearance, using more alcohol or drugs, social withdrawal.

Some symptoms of depression:

- Increased levels of anxiety.
- Increased sadness.
- Loss of interest or pleasure in activities.
- Weight loss or gain.
- Loss of appetite.
- Insomnia or sleeping too much.
- Feelings of worthlessness and severe guilt.
- Difficulty concentrating.
- Recurring thoughts of death or suicide.

Some symptoms of traumatic stress:

- Frequently upsetting thoughts or memories, nightmares or flashbacks about the incident.
- Strong feelings of distress.
- Increased heart rate or sweating.
- Making an effort to avoid thoughts and feelings.
- Making an effort to avoid places or people that remind you of the traumatic event.
- Feeling distant from others (alienated).
- Feeling as though your life may be cut short.
- Constantly feeling “on guard” or as if danger is lurking around every corner.
- Being “jumpy” or easily startled.
- Feeling ashamed and vulnerable.

If you have experienced any violence as a result of your sexual orientation or gender identity, and if you think you may be suffering from stress, depression or traumatic stress symptoms, please ask for help!

You can call the **Gay & Lesbian Network Helpline** on **0860 33 33 31** (see page 15) or contact any of the organisations listed on page 14.

Human Rights are LGBTI RIGHTS

Everyone in South Africa, regardless of sexual orientation or gender identity, has the right to personal safety and to protection by the state against violence or bodily harm, whether inflicted by government officials or by any individual or group.

LGBTI people do not claim or want any special rights. Like all human beings, LGBTI people have basic human and universal rights which are set out in the Universal Declaration of Human Rights.

These same rights are enshrined in South Africa's Constitution which prohibits many forms of discrimination including that based on gender, sex and sexual orientation.

In South Africa, **you have the right to freedom from violence and harassment.**

Your rights also include:

- The right to life.
- The right to be free from torture or cruel, inhuman or degrading treatment.
- The right to physical and mental health.

- The right not to be discriminated against.
- The right to freedom of expression and freedom of association.
- The right to privacy.
- The right to free development of one's personality.
- The right to freedom of movement.
- The right to protection from arbitrary arrest and illegal detention.
- The right to a fair trial.
- The right to work.
- The right to social security, assistance and benefits.
- The right to education.
- The right to freedom of practice of religion.
- The right to form a family.
- The right to protection against separation from parents.
- The right to equality in rights before the law.
- The right to defend these rights.

The rights of lesbian, gay, bisexual, transgender and intersex people are frequently violated. For more information about your rights and what to do if your rights are violated, go to www.gaylesbiankzn.org.

**You have the right to SPEAK OUT
if your rights are violated!**

REJECT hate and prejudice

“We get comments: ‘demonic people, satanic people, we’re going to kill you, stab you’. These things happen all the time.”

The Gay & Lesbian Network is working with communities and individuals to help them identify, understand and reject prejudice and hate.

- We’ve set up a Pietermaritzburg Hate Crime Task Team, which works with the national Hate Crimes Working Group.
- We monitor hate crime in KwaZulu-Natal. We work with the National Prosecuting Authority on reported cases and we help to identify and monitor unreported cases.
- We work with Life Orientation educators and run a schools-based programme on bullying, hate crime and homophobia.
- We provide gender and sexuality training to government departments

and communities to create awareness and change perceptions about LGBTI people and the issues they face.

- We participate in local and provincial forums and committees to bring the issue of hate crimes to the public’s and the government’s attention.
- We monitor possible legislation on hate crimes at national level.
- We develop and offer resources and support for victims of hate crimes, including support groups and counselling.

For more information about our work and our programmes, please visit our offices at 187A Burger Street, Pietermaritzburg, call us on 033 342 6165, or go to our website www.gaylesbiankzn.org.

“My clothes were torn. There was blood. I was in pieces. I felt like I’m not a human being. I didn’t leave home for days.”

Some useful contacts: GET HELP

If you or someone you know experiences a hate crime, please do not be afraid to ask for help!

Here are the contact detail of some organisations in Pietermaritzburg and Durban that can help you report an attack and deal with the trauma of hate crime.

Gay and Lesbian Network (GLN)

187A Burger Street, Pietermaritzburg

Tel: 033 342 6165

Email: info@gaylesbiankzn.org

Helpline: 0860 33 33 31

(or SMS: 079 891 3036)

Lifeline

14 Princess Street, Pietermaritzburg

Tel: 033 342 4447

Fax: 033 3453946

Durban Lesbian & Gay Community and Health Centre

Tel: 031 301 2145

Fax: 031 301 2147

Email: info@gaycentre.org.za

Esther House

(shelter for women and children)

4 West Street, Pietermaritzburg

Tel: 033 345 5843

Fax: 033 345 2818

Edendale Thuthuzela Care Centre

Edendale Hospital, Pietermaritzburg

Tel: 033 395 4352

Fax: 033 395 4252

ORAM South Africa (Support for LGBTI refugees and asylum seekers in South Africa)

Tel: 072 8389964

www.oramsouthafrica.org

Hate Crimes Working Group

www.hcwg.ipt.co.za

www.facebook.com/pages/Hate-Crimes-Working-Group-SA/274372329300217

Centre for Community Justice & Development

1 Golf Road, UKZN, Pietermaritzburg

Tel: 033 260 5091

Fax: 033 260 6208

Commission for Gender Equality

40 Dr AB Xuma Road, 12th Floor, Office 1219, Commercial City, Durban

Tel: 031 305 2105

Fax: 031 307 7435

National Prosecuting Authority

Magistrate Court

Otto Street, Pietermaritzburg

Tel: 033 355 5100

Fax: 033 342 6320/1

Gay & Lesbian Network (GLN)

We are here for you

The Gay and Lesbian Network (GLN) is a young and vibrant organisation that works to support the mental, emotional and physical wellbeing of lesbian, gay, bisexual, transgender and intersex (LGBTI) people.

A registered non-profit organisation formed in 2003, we contribute to building a non-discriminatory, supportive and accepting society based on equality, tolerance, respect and acceptance, where everyone feels free to be themselves and where diversity is celebrated.

Based in Pietermaritzburg, KwaZulu-Natal, we respond to the psycho-social needs of LGBTI individuals and the context in which they live. Our programmes work to ensure acceptance and integration of LGBTI people into the community; reduce prejudice and discrimination (covert and overt); and empower LGBTI people.

GLN Programmes

- Community social events; drama and sports; a resource centre and referral systems; discussion groups; an outreach programme.
- Counselling, telephone helpline, support and discussion groups; personal and skills development of volunteers; HIV/Aids support groups and sexual awareness workshops.
- Building awareness of human dignity around sexual orientation to ensure service providers provide sensitised services and support to all members of the community, regardless of their sexual orientation.

For more information about our services and programmes:

**Telephone 033 342 6165 Email info@gaylesbiankzn.org
www.gaylesbiankzn.org**

If you need help, or just need to talk to someone, please call our helpline or visit our offices at **187A Burger Street in central Pietermaritzburg.**

HELPLINE 0860 33 33 31

Monday to Friday: 9am to 4pm

Or SMS "HELP" to **079 891 3036** and a trained counsellor will call you back.



GAY & LESBIAN NETWORK

equality | respect | acceptance
ukulingana | inhlonipho | ukwamukeleka

NPO NO: 026-854 PBO NO: 930006636

Telephone: **033 342 6165**

Email: info@gaylesbiankzn.org

www.gaylesbiankzn.org

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Pietermaritzburg

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