

Have your last say on Hate Crime, Hate Speech bill

Public comments on the Hate Crimes and Hate Speech Bill are expected to be re-advertised, according to the Portfolio Committee on Justice and Correctional Services.



Source: Rabia Elif Aksoy – [123RF.com](https://www.123RF.com)

The committee met on Wednesday to receive a briefing from the Justice and Correctional Services Department following a Constitutional Court ruling on the case regarding an opinion article penned by the late Jon Qwelane.

The Constitutional Court made a ruling on what it called a “delicate balancing exercise between the fundamental rights to freedom of expression [versus] dignity and equality”.

According to a statement released by the committee, Chairperson Bulelani Magwanishe said the committee waited on the court judgement as it relates to offensive language towards members of the Lesbian, Gay, Bisexual, Transgender, Queer and Intersex (LGBTQI+) community.

“The committee had intended to hold public hearings after the closing date, but due to its heavy workload and the looming National Elections at the time, this could unfortunately not happen and the Bill lapsed at the end of the fifth Parliament,” the statement said.

"This is hate speech" - ConCourt rules

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The bill seeks to make hate crime and hate speech an offence and would put measures to prevent and fight against these.

According to the committee's statement, the bill also seeks to "address the increasing number of incidents motivated by prejudices, in the form of hate crimes and hate speech, and to assist persons who are victims thereof".

"The current Bill excludes from hate speech any bona fide interpretation and proselytising or espousing of any religious tenet, belief, teaching, doctrine or writings. Artistic creativity or performance or espousal of religious doctrine will not qualify for exemption from hate speech if it advocates hatred that constitutes incitement to cause harm based on any protected grounds," the statement read.

Magwanishe added that the Constitutional Court judgment directed the committee on how to move forward with the bill.

"Due to the length of time since then and the court judgement, although it specifically only referred to amending the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000, the committee has agreed to re-advertise the Hate Crimes and Hate Speech Bill for public input. The court judgement provides clear parameters on how the committee should approach the Bill," he said.

Details for public engagement will be published in the near future.

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