Piloting the Hate and Bias Crime monitoring form in South Africa - Preliminary findings

Presented by:

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Supported by University of South Africa (UNISA)
THANK YOU...

...to every person that shared their story with us
LGBTI ORGANISATIONS

- Sex Workers Education and Advocacy Taskforce (SWEAT) (Dr Gordon Isaacs/ Salome Miller)
- Pietermaritzburg Gay and Lesbian Network (PMB GLN) (Anthony Waldhausen/ Akona Ntsoluba)
- OUT LGBT Well-Being (OUT) (Dawie Nel/ Delene van Dyk/ Xander Flemming)
- Rhodes University (Larissa Klazinga)
- Kaleidoscope Youth Network (KYN) (Tish White/ Anzio Jacobs)
- Inclusive and Affirming Ministries (IAM) (Bulelwa Panda/ Ecclecia de Lange/ Retha Benadé)
- Gender Dynamix (GDX) (Charlie Takati/ Sibusiso Khezwa)
- Triangle Project (Jayne Arnott)
- South African Conflict Management Training and Advocacy Centre (SACMTAC) (Nthate Molatlhegi)
- Forum for the Empowerment of Women (FEW) (Phindi Malaza)
- LGBTI Tzaneen (Collins Ngobeni)
- Commission for Gender Equality (CGE) (Taryn Powys)
- Women’s Legal Centre (Sanja Bornman)
- Durban Gay & Lesbian Centre (Nonhlanhla Mkhize/ Nomcebo Thungo)
- EC LGBTI (Abongile Matyila)
- Limpopo LGBTI Proudly Out (Cindy Molefe)
- Dr Jacqui Marx
- Zethu Matabeni
- Sexual Health Empowerment (S.H.E.) (Leigh Anne vd Merwe)
- Rainbow Blood (Abongile Matyila)
- Reach for Life Foundation (Lolita Marake)
FOREIGN NATIONAL ORGANISATIONS

- Scalibrini
  - Rebecca Chennels
  - Lena Opferman
  - Intern
- KZN Refugee Council
- TAC (Limpopo)
  - Cedric Nkuri
- NMMU (Eastern Cape)
  - Leticia Kotze
- SACMTAC (Gauteng)
OTHER ORGANISATIONS

- Sex Workers Education and Advocacy Taskforce (SWEAT) - Cape Town
  - A special thank you to Salome Miller
- Sisonke SWEAT (KwaZulu-Natal)
  - Thuli Khoza
- Sisonke SWEAT (Gauteng)
  - Pam Chakuvinga
- Sisonke SWEAT (East London)
- East London High Transmission Area Project
  - Nomzamo Maqungu
- Nkunzi Development Association
  - Vasco
- AIDS Foundation (Polokwane)
  - Sophie
- Jamiatul Ulama (Bilal Vaid)
- Commission for Gender Equality (East London)
  - Kerry Anne Oosthuysen
- Commission for Gender Equality (Polokwane)
  - Bernard Mohloko
- Albinism Society of South Africa
  - Nompumelelo Mazibuko
RESEARCH

Important background information
Need for Monitoring Form

- Collating available data
- Inclusivity - broader and more generic in nature
- Government awareness of types of hate crimes happening
- Improving future policy and strategies for addressing hate crimes
- Monitoring the extent of hate crimes in respective sectors
Research Plan

Phase 1
- Pilot
  - Workshop
  - Collaboration
  - Face Validity

Completed...

Phase 2
- Validation
  - 450 forms
  - 5 Provinces
  - 30 x 5 LGBTI, 30 x 5 Foreign nationals and 30 x 5 Other (disability, religion, etc)

Phase 3
- Longitudinal
  - National rollout
  - Training
  - Online form
Research Aims and Objectives

- Content validation of the draft Hate & Bias Crime Monitoring Form
- Developing improved long term monitoring of cases of hate crimes
- Improving the judicial response to hate crimes
Recorded cases per province (%)
Note: n=394
HATE & BIAS CRIME MONITORING FORM

Important information
Hate & Bias Crime Monitoring Form

Date:  
Organisation:  
Organisation’s internal client/ reference number:  
UCAP No:  
Name of interviewer:  
Name of referring organisation and person:  

Section 1: Victim Details and Background

<table>
<thead>
<tr>
<th>1.1 Current Age of the victim</th>
<th>1.2 Race</th>
<th>1.3 Sex</th>
<th>1.4 Gender</th>
<th>1.5 Sexual Orientation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.6 Marital status</td>
<td>1.7 Nationality (see user guide p. 8-10)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Married</td>
<td>1 Southern African country</td>
<td>1 Woman</td>
<td>1 Heterosexual</td>
<td></td>
</tr>
<tr>
<td>2 Single</td>
<td>2 West African country</td>
<td>2 Male</td>
<td>2 Man</td>
<td></td>
</tr>
<tr>
<td>3 Widowed</td>
<td>3 East African country</td>
<td>3 Intrepid</td>
<td>3 Gay/ Lesbian</td>
<td></td>
</tr>
<tr>
<td>4 Divorced</td>
<td>4 North African country</td>
<td>4 Transgender</td>
<td>4 Bisexual</td>
<td></td>
</tr>
<tr>
<td>5 Cohabiting/Living together</td>
<td>5 Central African country</td>
<td>4 Unknown</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 Other (Please specify)</td>
<td>11 Other (Please specify)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1.8 Ethnic Group</th>
<th>1.9 Religion</th>
<th>1.8 Country of origin (see user guide p. 8-10)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Southern African country</td>
<td>1 Traditional African</td>
<td>1 Other (Please specify)</td>
</tr>
<tr>
<td>2 West African country</td>
<td>2 Christian</td>
<td>2 Other (Please specify)</td>
</tr>
<tr>
<td>3 East African country</td>
<td>3 Muslim</td>
<td>3 Other (Please specify)</td>
</tr>
<tr>
<td>4 North African country</td>
<td>4 Buddhist</td>
<td>4 Other (Please specify)</td>
</tr>
<tr>
<td>5 Central African country</td>
<td>5 Hindu</td>
<td></td>
</tr>
<tr>
<td>6 European country</td>
<td>6 Jewish</td>
<td></td>
</tr>
<tr>
<td>7 Asian country</td>
<td>7 Other (Please specify)</td>
<td></td>
</tr>
<tr>
<td>8 North American country</td>
<td>8 Other (Please specify)</td>
<td></td>
</tr>
<tr>
<td>9 South American country</td>
<td>9 Other (Please specify)</td>
<td></td>
</tr>
<tr>
<td>10 Middle Eastern country</td>
<td>10 Other (Please specify)</td>
<td></td>
</tr>
<tr>
<td>11 Other (Please specify)</td>
<td>11 Other (Please specify)</td>
<td></td>
</tr>
</tbody>
</table>

| 1.10 Home language | |
|-------------------||

<table>
<thead>
<tr>
<th>1.11 Is the victim disabled?</th>
<th>1.11.1 If yes, please specify disability</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>1.12 Living Context (see user guide p. 10) Please specify in detail:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Predominant Community Culture:</td>
</tr>
<tr>
<td>Predominant Community religion:</td>
</tr>
<tr>
<td>Living alone or with others:</td>
</tr>
<tr>
<td>1.12.1. Dwelling (see user guide p. 10)</td>
</tr>
<tr>
<td>1 Informal</td>
</tr>
<tr>
<td>3 Displacement Site</td>
</tr>
<tr>
<td>4 Victim Friendly Centre/ Shelter</td>
</tr>
<tr>
<td>1.12.2 Area (see user guide p. 10) (tick as many boxes as apply)</td>
</tr>
<tr>
<td>1 Inner City</td>
</tr>
<tr>
<td>3 Rural Community</td>
</tr>
<tr>
<td>4 Township</td>
</tr>
<tr>
<td>1.13 Level of Education</td>
</tr>
<tr>
<td>1 Primary</td>
</tr>
<tr>
<td>3 Certificate/Diploma</td>
</tr>
<tr>
<td>4 Degree</td>
</tr>
<tr>
<td>1.14 Victim’s employment status</td>
</tr>
<tr>
<td>1 Unemployed</td>
</tr>
<tr>
<td>5 Student</td>
</tr>
</tbody>
</table>
Structure of the Form

- Section 1: Biographical details of the victim – Who is the victim?

- Section 2: Current incident details – How the victim perceived the current incident and the impact thereof.

- Section 3: The profile of the alleged offender(s) - Who is the alleged offender?

- Section 4: Secondary victimisation? How do the police and criminal justice system treat victims of hate crime?

- Section 5: Secondary victimisation? Access to healthcare and support.

- Section 6: Has the victim experienced other hate crime(s)-related incident(s)? If so, where, when and details.
Conceptual clarity, general comments & findings re the draft Monitoring form

Only reverence can restrain violence — reverence for human life and the environment — Rev. William Sloan Coffin, Jr.
Conceptual Concerns

- Briefing sessions in 5 provinces (10 locations) indicate need for conceptual clarity & awareness raising

- Distinction between hate crime (criminal), hate incidents (civil) and secondary victimisation insufficiently clear

- Criminal justice response Vs psychosocial approach requires greater articulation

- Distinction between intake form and monitoring form

- Need for formal hate crime reporting systems
  - No intake form allowing for case management
  - Case files seldom opened/ updated
  - Limited ongoing monitoring
Summary of General Findings

- Limited hate crime-related documentation in CSOs (especially ‘Other’ and LGBTI)

- High interest in hate crimes in all provinces
  - Some advocacy efforts
  - Real knowledge, expertise & thorough documentation severely lacking across all sectors in all provinces

- Early findings point to feasibility of utilising one form across all sectors

- Secondary gains
  - Awareness raising of hate crimes and intersectoral priorities/ concerns
General comments re Form

- Cover letter required (intended use; user guide; training; data sources)

- Ease of form
  - Provide for ‘Yes’/ ‘No’/ ‘Can’t recall’/ ‘Don’t know’/ ‘NA’ throughout
  - Additional instructions to guide completion
  - Introduce sub-categories/ coding changes
  - One form per incident per victim
  - Translation into other languages

- Adapt for when victim is not a person

- Third party reports (i.e. deceased victim)
Findings: Draft Form

Section 1

Age of victim AT TIME OF INCIDENT

Race

Sex/ gender/ sexual orientation

Ethnic Group

Living context/dwelling/area

Section 2

Type of incident

Rape = sexual assault

Attempted sexual assault

Physical violence using weapon/object = Assault GBH

Illegal eviction

Extortion/ blackmail

Related to ‘class’

Witnesses

Support

Impact...
Findings: Draft Form (cont)

- Section 3
  Offender characteristics
  Add item for ‘mob’

- Section 4
  General restructuring
  VE services – continuum of care

- Section 5
  Healthcare assistance/support

- Section 6
  No major changes
Research Findings

I swore never to be silent whenever human beings endure suffering and humiliation. We must always take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented — Elie Weisel
Source of information

- 16% Case Files
- 53% Face-to-face interviews
- 23% Third party/Service providers
- 7% Media
- 2% Combination
Section 1: Victim demographics

- Age: Average = 31 yrs
- Race: 76% black, 11% coloured, 7% white, 2% Asian
- Sex (biological): 52% female, 47% male & 1% intersex
- Gender: 48% female, 45% male & 7% transgender
- Sexual Orientation: 69% hetero, 29% gay/lesbian & 2% bisexual
- Marital Status: 52% single & 31% married
- Religion: 61% Christian, 23% Muslim & 16% other

NOTE: Differences per sector, Differences per province
Victim demographics (cont)

**Area**
- Inner City: 20%
- Suburb: 26%
- Rural: 9%
- Community: 38%
- Township: 6%
- Informal Settlement: 1%
- Other: 

**Dwelling**
- Informal: 24%
- Formal: 71%
- Displacement Site: 0%
- Victim friendly centre: 2%
- Other: 3%

**NOTE:** Differences per sector
Victim demographics (cont)

**Education**

- Primary: 9%
- Secondary: 58%
- Certificate: 10%
- Degree: 11%
- No formal education: 12%

**Employment Status**

- 35% Unemployed
- 24% Paid employee
- 16% Self employed
- 11% students
- 8% other
- 5% business owner

**NOTE:**

Differences per sector
Section 2: Incident details

Time of incident:

- 49% 18h00-23h59
- 24% 12h00-17h59
- 15% 06h00-11h59
- 11% 24h00-05h59

NOTE: Differences per sector
How many victims involved:

<table>
<thead>
<tr>
<th>Response</th>
<th>2.5 Victims involved:</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.5 Victims involved: Victim only</td>
<td>87%</td>
<td>262</td>
</tr>
<tr>
<td>2.5 Victims involved: Partner</td>
<td></td>
<td>136</td>
</tr>
<tr>
<td>2.5 Victims involved: Family member</td>
<td>52%</td>
<td>135</td>
</tr>
<tr>
<td>2.5 Victims involved: Other</td>
<td></td>
<td>195</td>
</tr>
</tbody>
</table>
## Type of Incident:

### Share Chart

<table>
<thead>
<tr>
<th>Response</th>
<th>2.6 Type of incident:</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.6 Type of incident: Murder</td>
<td></td>
<td>145</td>
</tr>
<tr>
<td>2.6 Type of incident: Attempted murder</td>
<td></td>
<td>122</td>
</tr>
<tr>
<td>2.6 Type of incident: Rape</td>
<td>44%</td>
<td>156</td>
</tr>
<tr>
<td>2.6 Type of incident: Sexual assault</td>
<td></td>
<td>134</td>
</tr>
<tr>
<td>2.6 Type of incident: Wounded using a weapon</td>
<td></td>
<td>178</td>
</tr>
<tr>
<td>2.6 Type of incident: Physical violence</td>
<td>63%</td>
<td>196</td>
</tr>
<tr>
<td>2.6 Type of incident: Threatened with a weapon</td>
<td></td>
<td>149</td>
</tr>
<tr>
<td>2.6 Type of incident: Robbery</td>
<td>44%</td>
<td>178</td>
</tr>
<tr>
<td>2.6 Type of incident: Property damaged</td>
<td></td>
<td>146</td>
</tr>
<tr>
<td>2.6 Type of incident: Verbal abuse</td>
<td>59%</td>
<td>228</td>
</tr>
<tr>
<td>2.6 Type of incident: Chased</td>
<td></td>
<td>133</td>
</tr>
<tr>
<td>2.6 Type of incident: Hate messages</td>
<td></td>
<td>118</td>
</tr>
<tr>
<td>2.6 Type of incident: Threat of violence</td>
<td></td>
<td>162</td>
</tr>
<tr>
<td>2.6 Type of incident: Other</td>
<td></td>
<td>147</td>
</tr>
</tbody>
</table>
Support received:

<table>
<thead>
<tr>
<th>Response</th>
<th>2.12 Support</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.12 Support: Friends</td>
<td>48%</td>
<td>169</td>
</tr>
<tr>
<td>2.12 Support: Family</td>
<td>38%</td>
<td>146</td>
</tr>
<tr>
<td>2.12 Support: Health professional</td>
<td>55%</td>
<td>131</td>
</tr>
<tr>
<td>2.12 Support: NGO/CBO etc</td>
<td></td>
<td>187</td>
</tr>
<tr>
<td>2.12 Support: Religious institution</td>
<td></td>
<td>115</td>
</tr>
<tr>
<td>2.12 Support: Community members</td>
<td></td>
<td>128</td>
</tr>
<tr>
<td>2.12 Support: Other</td>
<td></td>
<td>134</td>
</tr>
<tr>
<td>2.12 Support(8)</td>
<td></td>
<td>112</td>
</tr>
</tbody>
</table>
Witnesses:

Present

61% Yes
35% No
4% Don't know

Assistance from witnesses?

77% Yes
19% No
4% Don't know
Incident: Impact on Victims

- 81% emotional
- 59% physical
- 43% economic
- 38% mental
- 30% living conditions
- 27% relationships

NOTE: Differences per sector
Section 3: Offender characteristics

- 68% not known to the victim
- 56% known to the victim
- 47% law enforcement officials
- 34% from persons community

- Average age:
  - 38.2% = 27-37 yrs
  - 28% = 16-26 yrs
  - 25% = 38-47 yrs

<table>
<thead>
<tr>
<th>Nr</th>
<th>FN</th>
<th>LGBTI</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>3.17</td>
<td>2.29</td>
<td>2.29</td>
</tr>
<tr>
<td>Female</td>
<td>1.94</td>
<td>1.00</td>
<td>3.00</td>
</tr>
</tbody>
</table>

**NOTE:** Differences per sector
Section 4: Police & Justice

Reported to police

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>46%</td>
<td>54%</td>
</tr>
</tbody>
</table>

Reported at police station

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>57%</td>
<td>43%</td>
</tr>
</tbody>
</table>
When reported:

- On the day: 60%
- Within a week: 33%
- Longer than a week: 7%
Reporting to other organisation:

<table>
<thead>
<tr>
<th>Response</th>
<th>4.10 Reported to:</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.10 Reported to: Public prosecutor</td>
<td></td>
<td>115</td>
</tr>
<tr>
<td>4.10 Reported to: Civil Society Organisation (CSO)</td>
<td></td>
<td>136</td>
</tr>
<tr>
<td>4.10 Reported to: Non Governmental Organisation (NGO)</td>
<td></td>
<td>167</td>
</tr>
<tr>
<td>4.10 Reported to: Community - Based Organisation (CBO)</td>
<td></td>
<td>111</td>
</tr>
<tr>
<td>4.10 Reported to: South African Human Rights Commission</td>
<td></td>
<td>114</td>
</tr>
<tr>
<td>4.10 Reported to: Private Lawyer or Firm</td>
<td></td>
<td>113</td>
</tr>
<tr>
<td>4.10 Reported to: Religious Institution</td>
<td></td>
<td>112</td>
</tr>
<tr>
<td>4.10 Reported to: Other</td>
<td></td>
<td>153</td>
</tr>
</tbody>
</table>
Section 5: Medical Assistance

Share Chart

<table>
<thead>
<tr>
<th>Response</th>
<th>5.3 How treated:</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.3 How treated: Helpful/ Supportive</td>
<td></td>
<td>93</td>
</tr>
<tr>
<td>5.3 How treated: Factual/ Neutral</td>
<td></td>
<td>45</td>
</tr>
<tr>
<td>5.3 How treated: Dismissive/ Disinterested</td>
<td></td>
<td>47</td>
</tr>
<tr>
<td>5.3 How treated: Hostile/ Insulting/ Violent</td>
<td></td>
<td>52</td>
</tr>
<tr>
<td>5.3 How treated: Disbelieving</td>
<td></td>
<td>41</td>
</tr>
<tr>
<td>5.3 How treated: Refused to assist</td>
<td></td>
<td>47</td>
</tr>
<tr>
<td>5.3 How treated: Other</td>
<td></td>
<td>43</td>
</tr>
</tbody>
</table>

NOTE: Differences per sector
## Section 6: Previous Hate crime

### Share Chart

<table>
<thead>
<tr>
<th>Response</th>
<th>6.1 Related to</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.1 Related to Age</td>
<td></td>
<td>32</td>
</tr>
<tr>
<td>6.1 Related to Disability</td>
<td></td>
<td>27</td>
</tr>
<tr>
<td>6.1 Related to Nationality</td>
<td></td>
<td>63</td>
</tr>
<tr>
<td>6.1 Related to Gender expression</td>
<td></td>
<td>42</td>
</tr>
<tr>
<td>6.1 Related to Gender/Sex</td>
<td></td>
<td>32</td>
</tr>
<tr>
<td>6.1 Related to Sexual orientation</td>
<td></td>
<td>52</td>
</tr>
<tr>
<td>6.1 Related to Race</td>
<td></td>
<td>40</td>
</tr>
<tr>
<td>6.1 Related to Religion</td>
<td></td>
<td>27</td>
</tr>
<tr>
<td>6.1 Related to Ethnicity</td>
<td></td>
<td>28</td>
</tr>
<tr>
<td>6.1 Related to Health status</td>
<td></td>
<td>27</td>
</tr>
<tr>
<td>6.1 Related to Other</td>
<td></td>
<td>28</td>
</tr>
</tbody>
</table>

Legend:
- Blue: 57%
- Red: 48%
- Orange: 89%
Findings: Other

A world committed to peace, a world in which we are all a family, a world in which we are all heard, cared for and loved

Sex work

Vulnerabilities, risks and challenges

- Sex work illegal – police exploit this
- Offenders operate as a group
- Vulnerable to exploitation by pimps
- Low level of education – “my only option”
- Often have to operate on clients’ premises (e.g. flat, car)
- Working at night – alone on the street

Resilience and strengths

- Sex worker organisations
  - strength in numbers
  - knowledgeable peer educators
  - professional support

- Personal characteristics
  - inherent strength of character
  - lives beyond sex work (children, studies etc.)

Process

- time is money
- openness and honesty
- diverse, interesting stories
- non-affiliated sex workers
- liaise with SWEAT on research
- future collaboration with SWEAT?
Race

Context

- Still commonplace
- Thoroughly ignored
- Possibly the most violent and brutal of hate crimes
- Race, class and power are closely linked – it is not only about obvious hatred but about structural injustices

Process

- Organised groups – strong political agendas (suspicion)
- Legal groups – LHR, eviction-focussed firms
- Media sources
Witchcraft

Victim characteristics

- mostly live alone
- older women - gender and age issues
- those associated with the ‘witch’ (including animals) are also victimised

Perpetrator characteristics

- not stranger violence – known to victim
- family members as perpetrators
- community members as perpetrators
- mob justice – emotional contagion
- cultural issues

Resilience and strengths

Standing together – the witch village
Other

- Disability
  - Embarrassment of being associated with disabled person
  - Ongoing verbal abuse of disabled people

- Religion
  - Overlaps with race
PERSONAL OBSERVATIONS

LGBTI
• Overlap of sexual orientation and gender presentation
• EC and CBOs surprised
• Need to move beyond advocacy...

FOREIGN NATIONALS
• Organisational violence
• Insidious
• Vulnerability of women (medical)
• Children are victims or collateral

OTHER
• Do not assume participating organisations are on par re hate crimes
• Do not intrude on orgs internal processes
• Honesty and respect are key
Future research and funding

- SIDA
- OSF-SA
- ...
Thank you

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